

STANISLAUS REGIONAL TRANSIT AUTHORITY

**BOARD OF DIRECTORS MEETING
1111 I STREET, SUITE 308
STANCOG POLICY BOARD ROOM
THURSDAY, APRIL 28, 2022
1:00 P.M.**

Important Notice Regarding COVID-19

In the interest of maintaining appropriate social distancing measures, 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/meeting/register/tZUldu2prTorHNBRpAGd3ow0FMHDxq6rGOfR>

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 April 27, 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. PRESENTATIONS

A. Recognition of Director Tomas Gomez-Arias

6. CONSENT CALENDAR

A. Motion to Approve the Stanislaus Regional Transit Authority Meeting Minutes of March 24, 2022

B. Motion to Adopt Resolution 2022-057 Updating Authorized Bank Signers

C. Motion to Adopt Resolution 2022-058 Accepting the Triennial Performance Audit for the Fiscal Year ended June 30, 2021

7. DISCUSSION/ACTION ITEMS

- A. Motion to Adopt Resolution 2022-059 Approving the Demand Response No Show Policy
- B. Motion to Adopt Resolution 2022-060 Approving Fiscal Year 2022-2023 Cost of Living Adjustment for Authority Employees
- C. Motion to Adopt Resolution 2022-061 Approving Amendment 1 to the Intergovernmental Agreement for the Provision of Transit Services with the City of Escalon and Authorize the CEO to Execute the Same

8. INFORMATION ITEMS – NONE

9. CEO REPORT

10. DIRECTOR REPORTS

11. ADJOURNMENT

Next Regularly Scheduled Stanislaus Regional Transit Authority Meeting:
Thursday, May 26, 2022 at 1:00 p.m.

STANISLAUS REGIONAL TRANSIT AUTHORITY

PRESENTATION

STANISLAUS REGIONAL TRANSIT AUTHORITY

CONSENT CALENDAR

STANISLAUS REGIONAL TRANSIT AUTHORITY
BOARD OF DIRECTORS MEETING

Minutes of March 24, 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 (arrived during Public Comment) (City of Modesto); Terry Withrow (Stanislaus County); Richard O'Brien (Representing the smaller cities other than Modesto and Turlock); Carla Strong, Tomas Gomez-Arias (Citizen Members)

DIRECTORS ABSENT: Chance Condit (Stanislaus County)

STAFF PRESENT: Adam Barth (CEO), Monica Streeter (General Counsel), Leticia Ortiz, Angela Swanson, Stephanie Fields, Megan Distaso, Sherry Bonora, Darla Moen, Dero In, Ramon Salinas, Roland Fecteau

ALSO PRESENT: Rosa Park, Edith Robles, Josephine Oshana, Philip McGuire, Hector Medina, Jean Foletta, Jennipher Marquez, Nick Jensen,

Debbie Trujillo, Karen Dunger, Edith Robles, Greg Chornak,
Gary Machado, Tom Courts

1. CALL TO ORDER

Chair Jenny Kenoyer opened the meeting at 1:07pm

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 spoke about the system still not running smoothly and stated that he wishes that there had been more of an improvement in the past month since our last meeting. He spoke about Transdev missing trips and failing to perform to the point of him having to adjust his appointment times due to fear of buses running late. He also spoke about being thankful for the efforts that he sees in staff trying to improve service.

Bryan Tyrell, representing Transdev, spoke regarding efforts to improve service by the recent hiring of new drivers and employees. He stated that joining the two transit entities together is a significant undertaking and they are able to handle the demands of this sort of consolidation. He stated that the GoGov portal has been set in place for customer complaints and that they have been dealt with appropriately and reasonably. Chair

Withrow asked if Transdev is fully staffed at this point to which Mr. Tyrell replied yes. Chair Withrow questioned the issue regarding missed trips. Mr. Tyrell stated that operations are going to improve because they implemented standard operating procedures which will aid in communication between staff members, including drivers. Mr. Withrow asked if a report could be made available showing the state of the timeliness and performance of drivers and routes. Mr. Tyrell and Mr. Barth noted that these types of reports will be made available moving forward.

5. CONSENT CALENDAR

- A. Motion to approve the Stanislaus Regional Transit Authority Meeting Minutes of March 24, 2022

- B. Motion to Adopt Resolution 2022-048 Authorizing the Chief Executive Officer to Execute and File the Annual Certifications and Assurances with the Federal Transit Administration

- C. Motion to Adopt Resolution 2022-049 Approving an Agreement with American Guard Services for Security Guard Services for a Not-to-Exceed Amount of \$3,037,053 and Authorizing the Chief Executive Officer to Execute the Same

- D. Motion to Adopt by Resolution 2022-050 Approving the 2022 Public Transportation Agency Safety Plan and Authorize the Chief Executive Officer to Execute All Necessary Documents and Implement the Same

***By Motion, (Director Withrow/Director O'Brien), and a 6-0 vote, the Stanislaus Regional Transit Authority Board approved Items 5A, 5B, 5C and 5D of the Consent Calendar**

6. DISCUSSION/ACTION ITEMS

- A. Motion to Adopt Resolution 2022-051 Approving the Submission of a Grant Application for the Low Carbon Transit Operations Program (LCTOP) for the Free Fares Project and Authorizing the Chief Executive Officer to Execute Any and All Necessary Documents

Adam Barth explained that this grant allows free rides within the system on specific dates throughout the year, such as the month of July, and various other dates established and agreed upon. Mr. Barth stated that this grant is very much appreciated by riders and is intended to increase ridership. Director O'Brien asked when the free months are to which Mr. Barth responded that July, December, GoGreen Week in March, and Dump the Pump. All free ride days are advertised in newspapers, online, digital marketing campaigns and signs on buses.

***By Motion (Director O'Brien/Chair Withrow), and a 6-0 Vote, the Stanislaus Regional Transit Authority Board Approved the Submission of a Grant Application for the Low Carbon Transit Operations Program (LCTOP) for the Free Fares**

- B. Motion to Adopt Resolution 2022-052 Authorizing the Chief Executive Officer to Negotiate and Execute an Amendment to the Agreement with Nelson/Nygaard for Bus Stop Improvement Plan Services for a New Not-to-Exceed Amount of \$490,000

Mr. Barth stated that Nelson/Nygaard is currently working with the Authority on the Comprehensive Operational Analysis. Mr. Barth stated that it would be best for them to also work with StanRTA on the Bus Stop Improvement Plan as well. In doing so, the agreed upon amount for this service would change because this new scope of work is to be included. Mr. Barth stated that he believes that this is the best direction to go. Nick Jensen (a member of the public via ZOOM) would like to know what type of prioritization list Nelson/Nygaard would be using to create a plan for

bus stop improvement. Mr. Barth stated that there are various areas that will be considered such as bus stop safety and accessibility.

***By Motion, (Director Withrow, Director O'Brien), and a 6-0 vote, the Stanislaus Regional Transit Authority Board approved the Amendment to the Agreement with Nelson/Nygaard for Bus Stop Improvement Plan Services for a New Not-to-Exceed Amount of \$490,000**

- C. Motion to Adopt Resolution 2022-053 Approving an Agreement with Concept Autobody, Inc for Exterior Bus Repainting Services for a Not-to-Exceed Amount of \$903,109 and Authorizing the Chief Executive Officer to Execute the Same

Mr. Barth stated that the RFP for bus painting produced only one bid which is from Concept Auto Body. This contract is for repainting eighty one out of one hundred twenty three buses in the Fleet. Director Withrow asked if this was anticipated in the budget. Mr. Barth replied yes, and that the bid came in lower than expected.

***By motion, (Director O'Brien, Director Gomez-Arias), and a 6-0 vote, the Stanislaus Regional Transit Authority Board approved the Agreement with Concept Autobody, Inc. for Exterior Bus Repainting Services for a Not-to-Exceed Amount of \$903,109**

- D. Motion to Adopt Resolution 2022-055 Approving an Agreement with Turbo Images to Provide Exterior Bus Decal Services for a Not-to-Exceed Amount of \$155,888 and Authorizing the Chief Executive Officer to Execute the Same

Mr. Barth explained that this Agreement is specifically for decals to be placed on the exterior of the buses. The decal work will take place after the buses have been painted and will take place overnight at the Bus Maintenance Facility.

***By motion, (Director Withrow, Director Gomez-Arias), and a 6-0 vote, the Stanislaus Regional Transit Authority Approved the Agreement with Turbo Images to Provide Exterior Bus Decal Services for a Not-to-Exceed Amount of \$155,888**

- E. Motion to Adopt Resolution 2022-055 Approving the Final Operating and Capital Budgets for Fiscal Year 2022-2023 and Authorizing the Chief Executive Officer to Implement the Same

Letti Ortiz gave details on the current state of the operating budget and anticipated expenses for the next Fiscal Year. Estimated revenue remains \$37.2 million and represents a balanced budget. Ms. Ortiz stated that approximately 96.9% of the final budget relies on the use of State and Local Funds. Ms. Ortiz gave details regarding the Capital Budget which is increased to accommodate anticipated projects for Fiscal Year 2022-2023. Director O'Brien asked the details regarding the anticipated fuel increase. Mr. Barth stated that it will increase from \$1.5 million to \$3 million. Director Gomez-Arias asked if we anticipate significant changes in budget for the upcoming fiscal year to which Ms. Ortiz replied no.

***By motion, (Director Gomez-Arias, Director O'Brien), and a 6-0 vote, the Stanislaus Regional Transit Authority Approved the Final Operating and Capital Budgets for Fiscal Year (2022-2023)**

- F. Motion to Adopt Resolution 2022-056 Approving the Transportation Development Act Claim for FY 2022-2023 and Authorize the CEO to Execute and Submit the Same

Letti Ortiz stated that the TDA Claim is the formal request by the Authority to StanCOG to release its apportionment for TDA Funds for transit purposes for fiscal year 2022-2023. Funds requested will cover 52% of the Transit Budget and approximately 81.3% of the Capital Budget. These funds will also cover 84% of the regional transit claim.

***By motion, (Director Withrow, Director Gomez-Arias), and a 6-0 vote, the Stanislaus Regional Transit Authority Approved the Transportation Development Act Claim for FY 2022-2023**

7. CEO REPORT:

Adam Barth thanked staff for all of their hard work and expressed appreciation for helping to create the new agency. Mr. Barth spoke about driver appreciation and is thankful to the Transdev Staff for their willingness to learn and make service better. Mr. Barth also stated that there have been a significant number of collisions recently and noted that NTD requires agencies to report collisions if they involve any one of the following three situations: fatality, injury which requires medical transport or over \$25,000 in damage. The Authority has had four which had to be reported with three being non-preventable. Director Gomez-Arias asked if there has been an uptick in non-reportable collisions to which Mr. Barth replied that there has been but there was not enough information available at the time to hypothesize the cause. Mr. Barth then stated that Director Gomez-Arias has submitted his resignation from the Board. Director Gomez-Arias thanked the Authority for the opportunity to serve.

8. DIRECTOR REPORTS:

NONE

9. Adjournment: Meeting adjourned at 1:58PM

**Next Regularly Scheduled Stanislaus Regional Transit Authority Meeting:
Thursday, May 26, 2022 at 1:00 p.m.**

Ride the



STANISLAUS REGIONAL TRANSIT AUTHORITY

DATE: April 28, 2022
TO: Board of Directors
FROM: Letti Ortiz, Director of Finance & Administration
RE: Update to Authorized Bank Signers

Agenda Item: [6B]

Background:

On March 25, 2021, the Board of Directors adopted Resolution 2021-002 authorizing the Authority to open bank accounts with the Oak Valley Community Bank, or any other appropriate financial institution capable of meeting the Authority's banking and financial needs. The Resolution also authorized the CEO and two Directors to issue and sign checks on behalf of the Authority.

On December 16, 2021, the Board of Directors approved to update the authorized bank signers. Philip McGuire, interim Chief Executive Officer (CEO), was removed and superseded by Adam Barth, newly elected CEO, and the designated Treasurer/Auditor-Controller.

Discussion:

On January 11, 2022, the Stanislaus County Board of Supervisors updated its committee assignments for 2022 at which time Director Chance Condit was appointed in place of Director Chiesa.

Due to the appointment of new Directors, the Authority needs to update the list of individuals authorized to issue and sign checks on behalf of the Authority.

Staff is recommending the CEO, the Treasurer, and two elected members of the Board of Directors be identified as the authorized individuals.

Chief Executive Officer
Director of Finance & Administration/Treasurer
Director/Elected Official
Director Elected Official

Adam Barth
Letti Ortiz
Jenny Kenoyer
Chance Condit

Pursuant to the Authority's adopted Accounting Policies, checks up to \$50,000 are authorized with a single signature of any one of the designated signatories. Checks over \$50,000 require two signatures of the designated signatories. No check issued to one of the signatories may be signed by that signatory.

Fiscal Impact:

There is no fiscal impact associated with this agenda item.

Recommendation:

It is recommended that the Board of Directors adopt Resolution 2022-057 identifying authorized bank signers.

STANISLAUS REGIONAL TRANSIT AUTHORITY
RESOLUTION 2022-057
IDENTIFYING AUTHORIZED BANK SIGNERS

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, the StanRTA Board adopted Resolution 2021-002 establishing a banking relationship with Oak Valley Community Bank and identifying the individuals authorized to issue and sign checks on behalf of the Authority; and

WHEREAS, the StanRTA desires to update the authorized signers.

NOW, THEREFORE BE IT RESOLVED the Board of Directors of the Stanislaus Regional Transit Authority hereby authorize the following individuals to issue and sign checks on behalf of the Authority:

Chief Executive Officer	Adam Barth
Director of Finance & Administration/Treasurer	Leticia Ortiz
Director/Elected Official	Jenny Kenoyer
Director/Elected Official	Chancc Condit

The foregoing Resolution was introduced at a regular meeting of the Stanislaus Regional Transit Authority, on the 28th day of April, 2022. A motion was made and seconded to adopt the foregoing Resolution. Motion carried and the Resolution was adopted.

MEETING DATE: **April 28, 2022**

JENNY KENOYER, CHAIR

ATTEST:

ADAM BARTH, CHIEF EXECUTIVE OFFICER

Ride the



STANISLAUS REGIONAL TRANSIT AUTHORITY

DATE: April 28, 2022
TO: Board of Directors
FROM: Letti Ortiz, Director of Finance & Administration
RE: Transportation Development Act - Triennial Performance Audit

Agenda Item: [6C]

Background:

The Transportation Development Act (TDA) of 1971 is a funding mechanism administered by the California Department of Transportation (Caltrans) through Regional Transportation Planning Agencies¹ (RTPA). In Stanislaus County, the RTPA is the Stanislaus Council of Governments² (StanCOG). As the RTPA, StanCOG programs and administers TDA funds to the local jurisdictions for transit and non-transit projects. TDA funds are allocated in accordance with the adopted Transit Cost Sharing Procedures.

StanCOG is required by the California Public Utilities Code Section (PUC) 99246³ to prepare and submit an audit of its performance on a triennial basis to Caltrans as a condition of receiving TDA funding. The code section states, “The transportation planning agency shall designate entities other than itself, a county transportation commission, a transit development board, or an operator to make a performance audit of its activities and the activities of each operator to whom it allocates funds”. The section further states, “Performance audits shall be conducted triennially pursuant to a schedule established by the transportation planning agency, transit development board, or county transportation commission having jurisdiction over the operator”. In addition to StanCOG, each transit operator in the County, including Stanislaus Regional Transit Authority (Authority), is also subject to these triennial independent audits.

Discussion:

In 2021, the Stanislaus Council of Governments (StanCOG) selected Moore & Associates, Inc. (audit team), to prepare Triennial Performance Audits of itself as the RTPA and the four transit operators to which it allocates TDA funding. The California Public Utilities Code requires all

¹ California Department of Transportation Regional Transportation Planning Agencies-
<http://www.dot.ca.gov/hq/MassTrans/Docs-Pdfs/Jarc-NF/Cycle%206/mpportparevisedlist011312.pdf>

² Stanislaus Council of Governments - <http://www.stancog.org/>

California Public Utilities Code Section (PUC) 99246 - ³ <https://codes.findlaw.com/ca/public-utilities-code/puc-sect-99246.html>

recipients of Transit Development Act (TDA) Article 4 funding to undergo an independent performance audit of the activities of each operator to whom it allocates funds.

The Triennial Performance Audit (TPA) is designed to be an independent and objective evaluation of the Authority as a public transit operator, providing operator management with information on the economy, efficiency, and effectiveness of its programs. In addition to assuring legislative and governing bodies (as well as the public) that resources are being economically and efficiently utilized, the TPA fulfills the requirement of PUC Section 99246(a) that the RTPA designate an entity other than itself to conduct a performance audit of the activities of each operator to whom it allocates TDA funds.

The performance audit was conducted in accordance with generally accepted government auditing standards and in accordance with the processes established by the California Department of Transportation (Caltrans).

The Triennial Performance Audit includes five elements:

- Compliance requirements,
- Prior recommendations,
- Analysis of program data reporting,
- Performance audit, and
- Functional review.

The Authority met the test of compliance with respect to TDA regulations.

Given it was the Authority's first TPA, there were no prior recommendations.

In completing the Triennial Performance Audit, the audit team submitted the following recommendations for the Authority's public transit program. They were divided into two categories: TDA Program compliance recommendations and Functional recommendations. TDA Program compliance recommendations are intended to assist in bringing the operator into compliance with the requirements and standards of the TDA, while Functional recommendations address issues identified during the TPA that are not specific to TDA compliance.

Moore & Associates found the Authority did not have compliance findings only functional recommendations as follows:

Functional Recommendations		Importance	Timeline
1	Ensure the correctly calculated FTE data is included on the State Controller Report.	Medium	FY 2021-2022
2	Ensure performance data is accurately reported to the State Controller	Medium	FY 2021-2022

Both functional findings were clerical errors that will be carefully reviewed in future reports to ensure that the data is correctly reported to the SCO.

Fiscal Impact:

There is no fiscal impact associated with this item.

Recommendation:

It is recommended that the Board of Directors:

By Resolution accept the Triennial Performance Audit for Fiscal Year Ended June 30, 2021, prepared by Moore & Associates, Inc.

Attachments:

1. Resolution 2022-058
2. Final Report - Transportation Development Act Triennial Performance Audit

**STANISLAUS REGIONAL TRANSIT AUTHORITY
RESOLUTION NO. 2022-058**

**RESOLUTION ACCEPTING TRIENNIAL PERFORMANCE AUDIT FOR
FISCAL YEAR ENDED JUNE 30, 2021**

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 provide transit services countywide with the exception of the City of Turlock; and

WHEREAS, the Stanislaus Council of Governments (StanCOG) administers Transportation Development Act funds for the Stanislaus Region; and

WHEREAS, on a triennial basis StanCOG is required to perform an independent audit of each operator that receives TDA funding; and

WHEREAS, StanCOG hired an independent audit firm to perform audits of each of the TDA fund recipients, including StanRTA; and

WHEREAS, the performance audit was conducted in accordance with generally accepted government auditing standards and in accordance with the processes established by the California Department of Transportation (Caltrans); and

WHEREAS, StanRTA met the test of compliance with respect to TDA regulations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Stanislaus Regional Transit Authority that it hereby accepts the Triennial Performance Audit for Fiscal Year Ended June 30, 2021, prepared by Moore & Associates, Inc.

The foregoing resolution was introduced at a regular meeting of the Board of Directors of the Stanislaus Regional Transit Authority held on the 28th day of April,

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



Stanislaus Council of Governments

FY 2019 - FY 2021

TDA Triennial Performance Audit of Stanislaus Regional Transit Authority

FINAL REPORT
FEBRUARY 2022



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Chapter 1 | Executive Summary

In 2021, the Stanislaus Council of Governments (StanCOG) selected Moore & Associates, Inc., to prepare Triennial Performance Audits of itself as the RTPA and the four transit operators to which it allocates TDA funding.

The California Public Utilities Code requires all recipients of Transit Development Act (TDA) Article 4 funding to undergo an independent performance audit on a three-year cycle in order to maintain funding eligibility. Audits of Article 8 recipients are encouraged.

The Triennial Performance Audit is designed to be an independent and objective evaluation of Stanislaus Regional Transit Authority (Stan RTA) as a public transit operator, providing operator management with information on the economy, efficiency, and effectiveness of its programs across the prior three fiscal years. In addition to assuring legislative and governing bodies (as well as the public) that resources are being economically and efficiently utilized, the Triennial Performance Audit fulfills the requirement of PUC Section 99246(a) that the RTPA designate an entity other than itself to conduct a performance audit of the activities of each operator to whom it allocates funds.

This chapter summarizes key findings and recommendations developed during the Triennial Performance Audit (TPA) of Stan RTA's public transit program for the period:

- Fiscal Year 2018/19,
- Fiscal Year 2019/20, and
- Fiscal Year 2020/21.

The Stanislaus Regional Transit Authority (Authority) was formed on January 26, 2021 when the governing bodies of the County of Stanislaus and City of Modesto approved the formation of the agency in an effort to improve transit efficiencies and operations in Stanislaus County. This was the outgrowth of the 2019 Transit Efficiency and Innovations Study, which recommended consolidation as a potential solution to ongoing farebox compliance and funding challenges. Effective July 1, 2021, MAX and StaRT services were consolidated under the Stanislaus Regional Transit Authority, though the services continued to operate as separate systems through December 2021. In August 2021, a consultant was selected to prepare a Comprehensive Operations Analysis and a new operations contractor was selected to operate the consolidated service. A marketing consultant was also selected to develop a brand for the new agency. In January 2022, the service began operating as a single system branded as The S under the new operations contractor (Transdev).

This audit of Stanislaus Regional Transit Authority (Stan RTA) is quite different from a typical Triennial Performance Audit given the organization was not formed until FY 2020/21 and did not operate transit service during that year. The purpose of this audit to assess compliance specific to those compliance elements that could be assessed, incorporate recommendations specific to the two operators that were consolidated into the Authority, and provide a functional review of the operator, which had begun operations by the time this audit was prepared.

This performance audit was conducted in accordance with generally accepted government auditing standards. Those standards require that the audit team plans and performs the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for its findings and conclusions based on the audit objectives. Moore & Associates believes the evidence obtained provides a reasonable basis for our findings and conclusions.

This audit was also conducted in accordance with the processes established by the California Department of Transportation (Caltrans), as outlined in the *Performance Audit Guidebook for Transit Operators and Regional Transportation Planning Entities*.

The Triennial Performance Audit includes five elements:

- Compliance requirements,
- Prior recommendations,
- Analysis of program data reporting,
- Performance Audit, and
- Functional review.

Test of Compliance

Based on discussions with Stan RTA staff, analysis of program performance, and an audit of program compliance and function, the audit team presents no compliance findings.

Status of Prior Recommendations

Given this is the Authority's first Triennial Performance Audit, there are no prior recommendations. Prior recommendations for the City of Modesto and County of Stanislaus are provided in their individual Triennial Performance Audit reports.

Findings and Recommendations

Based on discussions with Stan RTA staff, analysis of program performance, and a review of program compliance and function, the audit team submits no compliance findings for the Authority.

The audit team has identified two functional findings, which are carried forward from the City of Modesto and County of Stanislaus audit reports. While these findings are not compliance findings, the audit team believes they warrant inclusion in this report:

1. The full-time equivalents reported on the State Controller Reports for the County of Stanislaus and City of Modesto are different from the FTE data calculated using the TDA definition.
2. Incorrect performance data was reported on the City of Modesto's State Controller Report in 2020/21.

In completing this Triennial Performance Audit, we submit the following recommendations for the Authority's public transit program. They have been divided into two categories: TDA Program compliance recommendations and functional recommendations. TDA program compliance recommendations are intended to assist in bringing the operator into compliance with the requirements and standards of the TDA, while Functional Recommendations address issues identified during the triennial audit that are not specific to TDA compliance.

Given there were no compliance findings, only functional recommendations are presented below.

Exhibit 1.1 Summary of Audit Recommendations

Functional Recommendations		Importance	Timeline
1	Ensure the correctly calculated FTE data is included on the State Controller Report.	Medium	FY 2021/22
2	Ensure performance data is accurately reported to the State Controller.	Medium	FY 2022/23

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Chapter 2 | Audit Scope and Methodology

The Triennial Performance Audit (TPA) of the Authority’s public transit program covers the three-year period ending June 30, 2021. The California Public Utilities Code requires all recipients of Transit Development Act (TDA) funding to complete an independent review on a three-year cycle in order to maintain funding eligibility.

In 2021, StanCOG selected Moore & Associates, Inc., to prepare Triennial Performance Audits of itself as the RTPA and the four transit operators to which it allocates TDA funding. Moore & Associates is a consulting firm specializing in public transportation, including audits of non-TDA Article 4 recipients. Selection of Moore & Associates followed a competitive procurement process.

The Triennial Performance Audit is designed to be an independent and objective evaluation of the Authority as a public transit operator. Direct benefits of a Triennial Performance Audit include providing operator management with information on the economy, efficiency, and effectiveness of its programs across the prior three years; helpful insight for use in future planning; and assuring legislative and governing bodies (as well as the public) that resources are being economically and efficiently utilized. Finally, the Triennial Performance Audit fulfills the requirement of PUC Section 99246(a) that the RTPA designate an entity other than itself to conduct a performance audit of the activities of each operator to whom it allocates funds.

This performance audit was conducted in accordance with generally accepted government auditing standards. Those standards require that the audit team plans and performs the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for its findings and conclusions based on the audit objectives. The auditors believe the evidence obtained provides a reasonable basis for our findings and conclusions.

The audit was also conducted in accordance with the processes established by the California Department of Transportation (Caltrans), as outlined in the *Performance Audit Guidebook for Transit Operators and Regional Transportation Planning Entities*, as well as *Government Audit Standards* published by the U.S. Comptroller General.

Objectives

A Triennial Performance Audit (TPA) has four primary objectives:

1. Assess compliance with TDA regulations;
2. Review improvements subsequently implemented as well as progress toward adopted goals;
3. Evaluate the efficiency and effectiveness of the transit operator; and
4. Provide sound, constructive recommendations for improving the efficiency and functionality of the transit operator.

Scope

The TPA is a systematic review of performance evaluating the efficiency, economy, and effectiveness of the transit operator. The audit of the Authority included five tasks:

1. A review of compliance with TDA requirements and regulations.
2. A review of the status of recommendations included in the prior Triennial Performance Audit.
3. A verification of the methodology for calculating performance indicators including the following activities:
 - Assessment of internal controls,
 - Test of data collection methods,
 - Calculation of performance indicators, and
 - Evaluation of performance.
4. Comparison of data reporting practices:
 - Internal reports,
 - State Controller Reports, and
 - National Transit Database.
5. Examination of the following functions:
 - General management and organization;
 - Service planning;
 - Scheduling, dispatching, and operations;
 - Personnel management and training;
 - Administration;
 - Marketing and public information; and
 - Fleet maintenance.
6. Conclusions and recommendations to address opportunities for improvement based upon analysis of the information collected and the audit of the transit operator's major functions.

Methodology

The methodology for the Triennial Performance Audit of the Authority included thorough review of documents relevant to the scope of the audit, as well as information contained on the Authority's website. As the formation of the Authority did not occur until January 2021, and transit operations did not commence until after the audit period (July 1, 2021), limited documentation specific to the Authority was available. This audit considered all available documents as well as information used in the Triennial Performance Audits of the City of Modesto and County of Stanislaus.

Given impacts of the ongoing COVID-19 pandemic, the methodology for this audit included a virtual site visit with Stan RTA representatives on August 17, 2021. The audit team met with Phil McGuire (Interim Chief Executive Officer), Clint Miller (Miller Consulting; Finance), Adam Barth (Director of Operations & Planning), Dero In (Grants Administrator), Darla Moen (Human Resources), and Letti Ortiz (Director of Grants and Administration/Treasurer), and reviewed materials germane to the triennial audit.

This report is comprised of eight chapters divided into three sections:

1. Executive Summary: A summary of the key findings and recommendations developed during the Triennial Performance Audit process.
2. TPA Scope and Methodology: Methodology of the review and pertinent background information.
3. TPA Results: In-depth discussion of findings surrounding each of the subsequent elements of the audit:
 - Compliance with statutory and regulatory requirements,
 - Status of prior recommendations,
 - Consistency among reported data,
 - Performance measures and trends,
 - Functional audit, and
 - Findings and recommendations.

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Chapter 3 | Program Compliance

This section examines the Authority's compliance with the Transportation Development Act as well as relevant sections of the California Code of Regulations. An annual certified fiscal audit confirms TDA funds were apportioned in conformance with applicable laws, rules, and regulations. Stan RTA considers full use of funds under California Code of Regulations (CCR) 6754(a) as referring to operating funds but not capital funds. The TPA findings and related comments are delineated in Exhibit 3.1.

Status of compliance items was determined through discussions with Stan RTA staff as well as an inspection of relevant documents. While the Authority received TDA funding during FY 2020/21, it did not operate transit service during the audit period. As such, only a limited number of compliance elements are relevant to this review.

No compliance items were identified for the Authority.

Developments Occurring During the Audit Period

The last half of the audit period is markedly different from the first half. The impacts of the COVID-19 pandemic resulted in significant declines in ridership and revenue. In many instances, transit operators strove to retain operations staff despite adopting a reduced schedule, resulting in significant changes to many cost-related performance metrics. While infusions of funding through the CARES Act mitigated some of the lost revenues for federally funded programs, most transit operators have yet to return to pre-pandemic ridership and fare levels. As a result, the Triennial Performance Audits will provide an assessment not only of how COVID-19 impacted each organization, as well as how it responded to the crisis.

In addition to the COVID-19 pandemic, recent and proposed changes to the TDA may result in audit reports that look somewhat different than in prior years. In the nearly 50 years since introduction of the Transportation Development Act, there have been many changes to public transportation in California. Many operators have faced significant challenges in meeting the farebox recovery ratio requirement, calling into question whether it remains the best measure for TDA compliance. In 2018, the chairs of California's state legislative transportation committees requested the California Transit Association spearhead a policy task force to examine the TDA, which resulted in a draft framework for TDA reform released in early 2020. The draft framework maintains the farebox recovery ratio requirement, but eliminates financial penalties and allows more flexibility with respect to individual operator targets. These changes have yet to be implemented.

Assembly Bill 90, signed into law on June 29, 2020, provided temporary regulatory relief for transit operators required to conform with Transportation Development Act (TDA) farebox recovery ratio thresholds in FY 2019/20 and FY 2020/21. While the ability to maintain state mandates and performance measures is important, AB 90 offered much-needed relief from these requirements for these years impacted by the COVID-19 pandemic while TDA reform continues to be discussed.

AB 90 included the following provisions specific to transit operator funding through the TDA:

1. It prohibited the imposition of the TDA revenue penalty on an operator that did not maintain the required ratio of fare revenues to operating cost during FY 2019/20 or FY 2020/21.

2. It required the Controller to calculate and publish the allocation of transit operator revenue-based funds made pursuant to the State Transit Assistance (STA) Program for FY 2020/21 and FY 2021/22 based on the same individual operator ratios published by the Controller in a specified transmittal memo, and authorized the Controller to revise that transmittal memo, as specified. It required the Controller to use specified data to calculate those individual operator ratios. Upon allocation of the transit operator revenue-based funds to local transportation agencies pursuant to this provision, the Controller would publish the amount of funding allocated to each operator.
3. It exempted an operator from having to meet either of the STA efficiency standards for FY 2020/21 and FY 2021/22 and authorized the operator to use those funds for operating or capital purposes during that period.
4. It required the Controller to allocate State of Good Repair (SOGR) program funding for FY 2020/21 and FY 2021/22 to recipient transit agencies pursuant to the individual operator ratios published in the above-described transmittal memo.
5. It required the Controller to allocate Low Carbon Transit Operations Program (LCTOP) funding for FY 2020/21 and FY 2021/22 to recipient transit agencies pursuant to the individual operator ratios published in the above-described transmittal memo.

Assembly Bill 149, signed into law on July 16, 2021, provided additional regulatory relief with respect to Transportation Development Act (TDA) compliance. It extended the provisions of AB 90 through FY 2022/23 as well as provided additional regulatory relief including:

1. Waiving the annual productivity improvement requirement of Section 99244 through FY 2022/23.
2. Adding a temporary provision exempting operators from farebox recovery ratio requirements provided they expend at least the same amount of local funds as in FY 2018/19.
3. Expanding the definition of “local funds” to enable the use of federal funding, such as the CARES Act or CRRSAA, to supplement fare revenues and allows operators to calculate free and reduced fares at their actual value.
4. Adjusting the definition of operating cost to exclude the cost of ADA paratransit services, demand-response and microtransit services designed to extend access to service, ticketing/payment systems, security, some pension costs, and some planning costs.
5. Allowing operators to use STA funds as needed to keep transit service levels from being reduced or eliminated through FY 2022/23.

AB 149 also called for an examination of the triennial performance audit process, to ensure the practice continues to be effective and beneficial.

Exhibit 3.1 Transit Development Act Compliance Requirements

Compliance Element	Reference	Compliance	Comments
State Controller Reports submitted on time.	PUC 99243	Not applicable	
Fiscal and compliance audits submitted within 180 days following the end of the fiscal year (or with up to 90-day extension).	PUC 99245	In compliance	FY 2020/21: January 14, 2022
Operator’s terminal rated as satisfactory by CHP within the 13 months prior to each TDA claim.	PUC 99251 B	Not applicable	Operations did not begin until July 1, 2021.
Operator’s claim for TDA funds submitted in compliance with rules and regulations adopted by the RTPA.	PUC 99261	In compliance	A claim was filed on January 27, 2021 for TDA funds to be drawn from TDA reserves held by StanCOG.
If operator serves urbanized and non-urbanized areas, it has maintained a ratio of fare revenues to operating costs at least equal to the ratio determined by the rules and regulations adopted by the RTPA.	PUC 99270.1	Not applicable	Operations did not begin until July 1, 2021.
Except as otherwise provided, the allocation for any purpose specified under Article 8 may in no year exceed 50% of the amount required to meet the total planning expenditures for that purpose.	PUC 99405	Not applicable	
An operator receiving allocations under Article 8(c) may be subject to regional, countywide, or subarea performance criteria, local match requirements, or fare recovery ratios adopted by resolution of the RTPA.	PUC 99405	Not applicable	
The operator’s operating budget has not increased by more than 15% over the preceding year, nor is there a substantial increase or decrease in the scope of operations or capital budget provisions for major new fixed facilities unless the operator has reasonably supported and substantiated the change(s).	PUC 99266	Not applicable	The joint powers agency was formed January 26, 2021. Operations did not begin until July 1, 2021.
The operator’s definitions of performance measures are consistent with the Public Utilities Code Section 99247.	PUC 99247	Not applicable	Operations did not begin until July 1, 2021.
If the operator serves an urbanized area, it has maintained a ratio of fare revenues to operating cost at least equal to one-fifth (20 percent).	PUC 99268.2, 99268.4, 99268.1	Not applicable	Operations did not begin until July 1, 2021.
If the operator serves a rural area, it has maintained a ratio of fare revenues to operating cost at least equal to one-tenth (10 percent).	PUC 99268.2, 99268.4, 99268.5	Not applicable	Operations did not begin until July 1, 2021.
For a claimant that provides only services to elderly and handicapped persons, the ratio of fare revenues to operating cost shall be at least 10 percent.	PUC 99268.5, CCR 6633.5	Not applicable	Operations did not begin until July 1, 2021.

Compliance Element	Reference	Compliance	Comments
The current cost of the operator's retirement system is fully funded with respect to the officers and employees of its public transportation system, or the operator is implementing a plan approved by the RTPA, which will fully fund the retirement system for 40 years.	PUC 99271	In compliance	Retirement benefits for Stan RTA employees are provided through the Stanislaus County Employees' Retirement Association (StanCERA). County of Stanislaus employees transferring to Stan RTA maintained their participation in StanCERA. City of Modesto employees transferring to Stan RTA were able to maintain their benefits through CalPERS through June 30, 2021, at which time they transitioned to StanCERA.
If the operator receives State Transit Assistance funds, the operator makes full use of funds available to it under the Urban Mass Transportation Act of 1964 before TDA claims are granted.	CCR 6754 (a) (3)	Not applicable	Operations did not begin until July 1, 2021.
In order to use State Transit Assistance funds for operating assistance, the operator's total operating cost per revenue hour does not exceed the sum of the preceding year's total plus an amount equal to the product of the percentage change in the CPI for the same period multiplied by the preceding year's total operating cost per revenue hour. An operator may qualify based on the preceding year's operating cost per revenue hour or the average of the three prior years. If an operator does not meet these qualifying tests, the operator may only use STA funds for operating purposes according to a sliding scale.	PUC 99314.6	Not applicable	Operations did not begin until July 1, 2021.
A transit claimant is precluded from receiving monies from the Local Transportation Fund and the State Transit Assistance Fund in an amount which exceeds the claimant's capital and operating costs less the actual amount of fares received, the amount of local support required to meet the fare ratio, the amount of federal operating assistance, and the amount received during the year from a city or county to which the operator has provided services beyond its boundaries.	CCR 6634	Not applicable	Operations did not begin until July 1, 2021.

Chapter 4 | Prior Recommendations

This section reviews and evaluates the implementation of prior Triennial Performance Audit recommendations. This objective assessment provides assurance the operator has made quantifiable progress toward improving both the efficiency and effectiveness of its public transit program.

Given the Authority was formed in January 2021 and did not commence the provision of transit operations until July 1, 2021, this is the first Triennial Performance Audit for Stan RTA. Details regarding prior recommendations for the City of Modesto and County of Stanislaus can be found in those entities' individual Triennial Performance Audit reports.

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Chapter 5 | Data Reporting Analysis

An important aspect of the Triennial Performance Audit process is assessing how effectively and consistently the transit operator reports performance statistics to local, state, and federal agencies. Often as a condition of receipt of funding, an operator must collect, manage, and report data to different entities. Ensuring such data are consistent can be challenging given the differing definitions employed by different agencies as well as the varying reporting timeframes. This chapter examines the consistency of performance data reported internally as well as to outside entities during the audit period.

Given the Authority was formed in January 2021 and did not commence the provision of transit operations until July 1, 2021, there is no comparative data reporting to analyze. Individual analyses of data reporting for the City of Modesto and County of Stanislaus during the audit period can be found in those entities' individual Triennial Performance Audit reports.

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Chapter 6 | Performance Analysis

Performance indicators are typically employed to quantify and assess the efficiency of a transit operator’s activities. Such indicators provide insight into current operations as well as trend analysis of operator performance. Through a review of indicators, relative performance as well as possible inter-relationships between major functions is revealed.

Given the Authority did not commence the provision of transit operations until July 1, 2021, no analysis of performance during the audit period could be prepared. Individual analyses of the performance of the City of Modesto and County of Stanislaus transit programs during the audit period can be found in those entities’ individual Triennial Performance Audit reports.

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Chapter 7 | Functional Review

A functional review of the Stanislaus Regional Transit Authority’s public transit program is intended to assess the effectiveness and efficiency of the operator. Following a general summary of the City’s transit services, this chapter addresses seven functional areas. The list, taken from Section III of the *Performance Audit Guidebook* published by Caltrans, reflects those transit services provided by the Authority through its transit program:

- General management and organization;
- Service planning;
- Scheduling, dispatch, and operations;
- Personnel management and training;
- Administration;
- Marketing and public information; and
- Fleet maintenance.

The Stanislaus Regional Transit Authority was formed on January 26, 2021 when the governing bodies of the County of Stanislaus and City of Modesto approved the formation of the agency in an effort to improve transit efficiencies and operations in Stanislaus County. This was the outgrowth of the 2019 Transit Efficiency and Innovations Study, which recommended consolidation as a potential solution to ongoing farebox compliance and funding challenges. Effective July 1, 2021, MAX and StaRT services were consolidated under the Stanislaus Regional Transit Authority, though the services continued to operate as separate systems through December 2021. In August 2021, a consultant was selected to prepare a Comprehensive Operations Analysis and a new operations contractor was selected to operate the consolidated service. A marketing consultant was also selected to develop a brand for the new agency.

The following functional review describes the Authority’s operation and management practices as it moves forward into FY 2021/22, the first year it operated transit service. (Functional information about the City of Modesto and County of Stanislaus during the audit period is provided in the Triennial Performance Audits of those entities.)

Service Overview

The Stanislaus Regional Transit Authority (Stan RTA) operates fixed-route and demand-response transit service within the footprint of Modesto Area Express (MAX), formerly operated by the City of Modesto, and Stanislaus Regional Transit (StaRT), formerly operated by the County of Modesto. On July 1, 2021, the Authority assumed operation of both transit services, though each continued to operate independently under existing transit contracts and branding. Details regarding each of the individual transit programs is provided within the Triennial Performance Audits for the City of Modesto and the County of Stanislaus.

In January 2022, the service began operating as a single system branded as The S under the new operations contractor (Transdev). Recommendations arising from the Comprehensive Operations Analysis currently in development are expected to be implemented in July 2022, further consolidating the two transit operations.

In September 2021, the Authority adopted a simplified fare structure in lieu of the 40 different fare types available on MAX and StaRT. The benefits of this modification included incentivizing ridership (which dropped significantly during the COVID-19 pandemic) through simplified and reduced fares while also enabling the same passes to be used on either MAX or StaRT routes. The new fare structure went into effect on January 1, 2022, and will be in place at least through June 30, 2022.

Exhibit 7.1 Stan RTA Fare Structure (effective January 2022)

Fare Type	General	Senior/ Disabled	Youth (0-18)
Fixed-route fares			
1-Day Pass	\$2.00	\$1.00	Free
7-Day Pass	\$11.00	\$5.50	Free
31-Day Pass	\$48.00	\$24.00	Free
Paratransit, Shuttle, and Dial-A-Ride fares			
Paratransit (ADA) – One-way	\$2.50	N/A	N/A
Paratransit (ADA) – 10-ride pack	\$25.00	N/A	N/A
MediVan – One-way patient	\$10.00	N/A	N/A
MediVan – One-way attendant	\$5.00	N/A	N/A
Dial-A-Ride – One-way	\$2.50	\$1.50	N/A
Shuttle – One-way	\$2.50	\$1.50	N/A
Commuter and Regional Service fares			
BART Commuter – Round-trip	\$15.00	N/A	N/A
BART Commuter – 31-Day Pass	\$165.00	N/A	N/A
ACE Express – One-way	\$3.00	N/A	N/A
ACE Express – 20-ride card	\$42.00	N/A	N/A
Stockton Express – Round-trip	\$5.00	N/A	N/A
Stockton Express – 31-Day Pass	\$82.00	N/A	N/A
Transfers			
Transfer to Turlock Transit	\$0.25	\$0.25	\$0.25

Response to COVID-19 pandemic

Since Stan RTA did not operate a transit service during the period of the COVID-19 pandemic covered by this audit, the impact on the agency was much less than it would have been had they been an active transit operator. However, the impacts on the transit services operated by the City of Modesto and County of Stanislaus were significant. These impacts are detailed in the Triennial Performance Audits for each of those entities.

Formed during the pandemic, the Authority holds virtual Board of Directors meetings via Zoom Webinar. This format will continue until further notice.

General Management and Organization

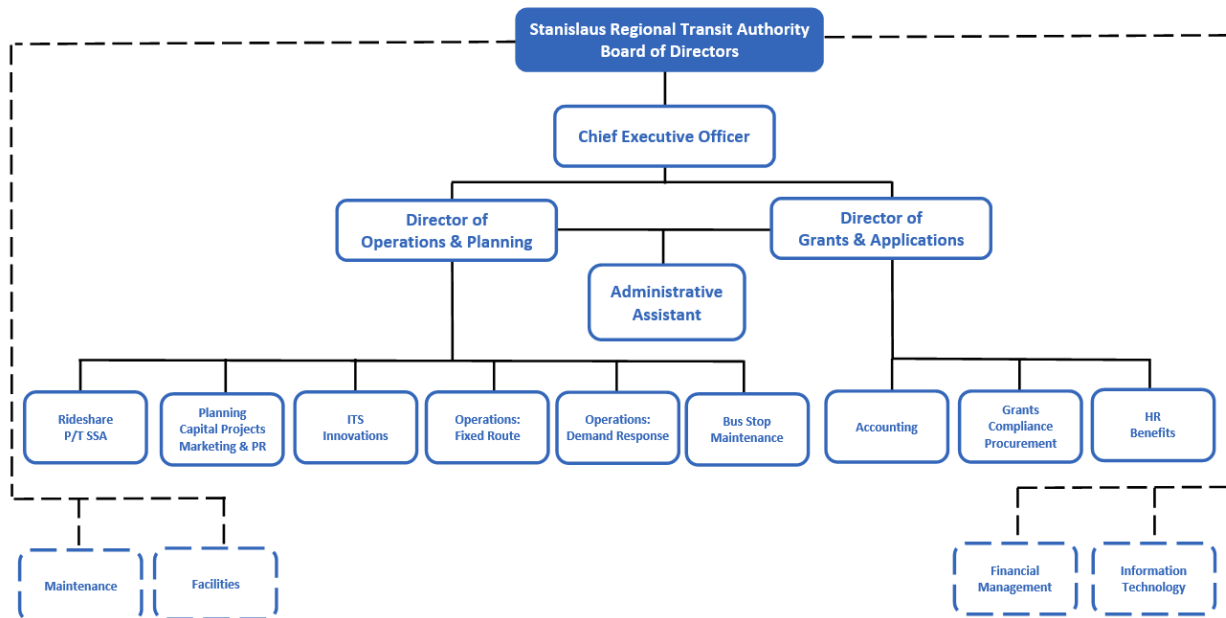
During 2021 (both during and following the audit period), the Authority recruited staff (many of whom held roles in Transit at the City of Modesto and County of Stanislaus), developed processes and procedures, conducted procurements, and prepared to begin operating the two transit services in July 2022. As of July 1, 2021, the Authority had 12 staff members.

Among the most critical decisions facing the Board during its initial operating period was the selection of a permanent CEO to guide the Authority in the future. The CEO serving during the audit period and into FY 2021/22 was an interim engaged to serve during the Authority’s formation. A national recruitment process was initiated by the Board in June 2021. The Authority used a search firm to recruit a new CEO, which was selected in November 2021 and was in place as of January 1, 2022.

The Authority is governed by a Board of Directors made up of two representatives from the City of Modesto; two members of the County of Stanislaus Board of Supervisors; one representative jointly appointed by the City of Modesto and County of Stanislaus to represent cities other than Modesto and Turlock; and two citizen representatives, one of whom must be a current transit rider that is either a senior or a person with a disability, a staff members of a social service agency that works with or represents seniors or persons with disabilities, or a senior official of an institution within Stanislaus County that is a major transit destination and whose employees or consumers make up a significant ridership group. The Board is required to meet at least four times per year but currently meets monthly on the fourth Thursday at 1:00 p.m. Meetings are currently being held via webinar.

The Authority has an excellent relationship with StanCOG. Many of the infrastructure elements of the Authority have been patterned after StanCOG. Further, there has been close collaboration regarding agency finances since much of transit financing is the responsibility of StanCOG. The Authority has also developed relationships with the FTA, in particular in establishing grantee status for the receipt of federal funds. Finally, the Authority intends to collaborate with the City of Turlock to coordinate service connections etc. Turlock is not a member of the Stanislaus RTA JPA.

Exhibit 7.3 Organizational Chart



Service Planning

The first regional planning process is currently underway. The planning process will include development of both Short- and Long-Range Transit Plans and will likely be updated every five years.

Planning for special transportation needs is part of the planning process. The City of Modesto recently purchased new reservation and scheduling software for the Dial-A-Ride system to be implemented with the new operations contractor in January 2022.

At the June 2021 Stan RTA board meeting and City and County meetings, there was a flurry of activity in the form of contracts to transfer agreements to the Authority. Existing operations contracts (NEXT and Storer) were assigned to Stan RTA effective July 1, 2021, which puts the Authority in the business of managing everything. The RFP for the operations contract was released in March 2021 and awarded in August. The Authority awarded a contract for branding services in July and for the Comprehensive Operational Analysis in August. The vendor contract will be a major transition, much of it labor-related.

Between July 2021 and December 2021, both services continued operating routes as they previously existed using the same vehicles. None of the vehicles changed in January 2022. The biggest change in January 2022 had to do with paratransit services as part of the vendor consolidation. On January 1, the new vendor began operating the services by consolidating County and City ADA services. This is a substantial improvement for riders as it eliminates transfers between the systems. The Dial-A-Rides will be managed differently, but will look pretty much the same until the COA is completed. Proposed COA service changes will hopefully be implemented around July 1, 2022.

In FY 2020/21, during the transition period, the Authority filed a TDA claim with StanCOG for \$7 million for capital purchases. This would be used to purchase capital and serve as cash cushion for cash flow purposes until the agency begins to receive revenues through FTA or TDA (LTF). The Authority hopes to use that \$7 million to purchase of additional cutaways for paratransit, possibly by January 1, 2022 through the CalACT bid. The Authority also received filed a claim for \$670,000 in TDA reserve funds and \$135,000 in other planning funds held by StanCOG to fund initial Authority operations in FY 2020/21. Beginning in FY 2021/22, the Authority will receive TDA and FTA funds that previously were claimed by the City and County.

The Authority has not conducted any surveying efforts, but will be doing so as part of the planning process. The Authority will also use information obtained from previous surveys conducted by the City and County to inform its decisions.

Administration

The CEO directs the budgeting process with the assistance of key staff members and the accounting firm contracted by the Authority. Budgeted and actual revenues are reviewed monthly. The Authority currently manages financial information using QuickBooks and will evaluate the need for a more robust accounting system in the coming months. Until a formal schedule for reporting is in place, financial reports will be provided to the board quarterly.

Grant management is overseen by the Director of Grants and Administration and her staff. All StanRTA staff members transferred from the City of Modesto and the County and are experienced in grant management and will continue in their positions.

Contracted Transit Operations and Maintenance

During the audit period, all County services were operated by Storer, while the City of Modesto had contracts with Storer for its Dial-A-Ride services and National Express (NEXT) for its fixed-route system. Each of those contractors continued its operation through December 2021. In January 2022, Transdev began operating both services.

Current transit operations and maintenance (as well as those during the audit period) for both the City of Modesto and the County of Stanislaus are detailed in the individual Triennial Performance Audit reports for those entities.

Stan RTA's transit fleet consists of rolling stock formerly owned by the City of Modesto and County of Stanislaus, as well as several new vehicles ordered during FY 2020/21 and FY 2021/22. This includes 88 buses with an average age of 8.6 years; 34 cutaway buses with an average age of 4.0 years, and one mini-bus that is five years old. During 2021, the Stan RTA Board adopted resolutions purchasing eight new paratransit vans and 12 new Gillig buses.

Marketing and Public Information

In July 2021, the Authority awarded a contract for branding and marketing services to a third-party consultant. The selected consultant had provided similar services for the City of Modesto for a number of years and was well-positioned to continue its services for Stan RTA. A new brand (The S) was selected in November 2021.

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Chapter 8 | Findings and Recommendations

Conclusions

Moore & Associates finds Stanislaus Regional Transit Authority to be in compliance with the requirements of the Transportation Development Act. In addition, the entity generally functions in an efficient, effective, and economical manner.

Findings

Based on discussions with Stan RTA staff, analysis of program performance, and an audit of program compliance and function, the audit team presents no findings or recommendations.

The audit team has identified two functional findings. While these findings are not compliance findings, the audit team believes they warrant inclusion in this report:

1. The full-time equivalents reported on the State Controller Reports for the County of Stanislaus and City of Modesto are different from the FTE data calculated using the TDA definition.
2. Incorrect performance data was reported on the City of Modesto's State Controller Report in 2020/21.

Program Recommendations

In completing this Triennial Performance Audit, the auditors submit the following recommendations for the Authority's public transit program. They are divided into two categories: TDA Program Compliance Recommendations and Functional Recommendations. TDA Program Compliance Recommendations are intended to assist in bringing the operator into compliance with the requirements and standards of the TDA, while Functional Recommendations address issues identified during the audit that are not specific to TDA compliance. Each finding is presented with the elements identified within the 2011 *Government Auditing Standards* as well as one or more recommendations.

Given there were no compliance findings, only functional findings and recommendations are presented below.

Functional Finding 1: The full-time equivalents reported on the State Controller Reports are different from the FTE data calculated using the TDA definition.¹

Criteria: PUC 99247 defines full-time equivalent (FTE) employees as total work hours divided by 2,000.

Condition: During the current audit period, both the City of Modesto and County of Stanislaus demonstrated use of the TDA definition in calculating full-time equivalent employees. However, in some cases this calculation did not match what was reported on the State Controller's Transit Operator Financial Transaction Report.

¹ This finding was included in the current Triennial Performance Audit reports for both the City of Modesto and County of Stanislaus. As it pertained to future reporting, which will now be the responsibility of Stan RTA, it is also included within Stan RTA's audit report.

Cause: When the reported data does not match the calculated data, this is often the result of a disconnect between the individual calculating the FTE data and the individual completing the State Controller Report.

Effect: This results in incorrect data being reported to the State Controller.

Recommendation: Ensure the correctly calculated FTE data is included on future State Controller Reports.

Recommended Action: For future reporting by Stanislaus RTA, the report should reflect the correctly calculated FTE data using the TDA definition of 1.0 FTE equals 2,000 work hours. This data should then be provided as part of the next triennial performance audit.

Timeline: FY 2021/22.

Anticipated Cost: None.

Functional Finding 2: Incorrect performance data was reported on the State Controller Report in 2020/21.

Criteria: Under PUC Section 99243, transit operators are required to submit an annual report of their operation to the State Controller. This report includes performance data for that year segregated by mode. Two of the metrics included in this report are vehicle service (or revenue) hours and vehicle service (or revenue) miles.

Condition: In FY 2020/21, the City of Modesto’s vehicle service hours as reported to the State Controller were extremely low as compared to those reported elsewhere. They were more in line with average daily VSH rather than for the entire year. In addition, demand-response vehicle service miles reported the total vehicle miles instead, which was approximately 17 percent higher than it should have been.

Cause: Incorrect reporting is typically the result of populating the report with the wrong data, rather than an issue with the data itself.

Effect: This results in incorrect data being reported to the State Controller.

Recommendation: Ensure performance data is accurately reported to the State Controller.

Recommended Action: For future reporting by Stanislaus RTA, the State Controller Report should reflect accurate vehicle service hours and miles by mode.

Timeline: FY 2022/23.

Anticipated Cost: None.

Exhibit 8.1 Audit Recommendations

Functional Recommendations		Importance	Timeline
1	Ensure the correctly calculated FTE data is included on the State Controller Report.	Medium	FY 2021/22
2	Ensure performance data is accurately reported to the State Controller.	Medium	FY 2022/23

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STANISLAUS REGIONAL TRANSIT AUTHORITY

DISCUSSION & ACTION ITEMS

Ride the



STANISLAUS REGIONAL TRANSIT AUTHORITY

DATE: April 28, 2022
TO: Board of Directors
FROM: Angela Swanson, Senior Transit Analyst
RE: No Show/Late Cancelations Policy

Agenda Item: [7A]

Background:

The U.S. Department of Transportation/Federal Transit Administration's Americans with Disabilities Act (ADA) regulations address the issue of missed trips in complementary paratransit services. The regulations permit the Stanislaus Regional Transit Authority (StanRTA), operating as The S, to establish an administrative process to suspend, for a reasonable period, the provision of paratransit service to customers who establish a pattern or practice of missing scheduled trips, except where the trips are missed for reasons beyond the customer's control. This Policy implements the federal regulation and applies to all trip reservations and subscription trips.

Discussion:

Complementary paratransit also known as ADA paratransit service, is available to individuals deemed unable to successfully navigate the fixed route system. StanRTA allows seniors aged 65 and over to also use the ADA paratransit system for their healthcare needs and, on a same day only basis, for non-medical trips. Additionally, the agency provides demand response service, consisting of dial-a-ride and shuttles services in areas of the county where it is unfeasible to operate fixed-route service. In those communities, the regional shuttles (Eastside, Turlock, and Waterford Shuttles) connect communities, and dial-a-ride services (Newman, Oakdale, Patterson, and Riverbank Dial-A-Rides) operate within cities. These services are open to the general public including seniors and those with established ADA eligibility.

Customers using demand response services are required to reserve specific pickup and drop-off times between one and seven (1-7) days in advance of their travel date by calling The S reservations. This allows The S schedulers and drivers to plan trips during operating hours that provide services to as many customers as possible. Passengers are provided with reminder calls of their trips the night before their travel and when the bus is nearing arrival on the travel day. Customers are allowed to cancel these trips up to one hour prior to their pick-up window without penalty via a phone call to customer service or when the reminder call is made. When a customer repeatedly gives a short cancellation notice or no notice at all, the strain on The S ADA paratransit,

dial-a-ride, and shuttle services is much greater. To prevent this behavior, The S establishes this administrative process to warn or suspend customers who show a pattern or practice of missing scheduled trips, unless they miss trips for reasons beyond their control.

The proposed policy establishes a progressive system of consequences for the small number of passengers that frequently neglect to timely cancel their scheduled trips. Consequences for excessive no shows begin with a warning letter the first month the pattern is observed. In the second month service eligibility is suspended for seven days. Suspension periods become progressively longer, capping out at 30 consecutive days. Infractions are monitored on a rolling twelve month calendar. No show calculations are reset each month giving passengers a fresh start.

The S Customer Service reviews and verifies each No Show and Late Cancellation to ensure accuracy before entering them into passenger records. At the end of each month, all customers with validated missed trips will receive written notification that they have violated this policy and that they may be subject to a suspension or termination of services. Suspensions are determined based on the customer's excessive missed trips during the prior 12-month period. The S also considers how many rides a passenger has completed that month to ensure that frequent passengers are not unfairly penalized for occasional failures to complete a trip:

This policy incorporates an appeals process identical to what is used for adjudicating fixed route suspensions. Passengers are also given a few weeks before the dates of any suspension to make provisions for alternate transportation during the suspension period.

Upon adoption of this policy, StanRTA staff will send a notice of the new policy out to all passengers that have ridden on ADA paratransit, dial-a-rides and shuttles since January 1, 2022. In May and June, passengers incurring no shows and late cancellations will receive notices advising them of the infractions. This outreach is intended to make passengers aware of their habits, allow them to improve their communication with The S, and also prompt conversations about modifications that may need to be made in scheduling trips to avoid late cancellations and no shows.

Fiscal Impact:

Costs associated with administering this policy are provided for within funds allocated for the FY2022/23 budget.

Recommendation:

It is recommended that the Board of Directors:

By resolution adopt the No Show/Late Cancellations policy with an effective date of July 1, 2022, and authorize the Chief Executive Officer to take all necessary steps to implement the provision of the plan.

Attachments:

No Show/Late Cancellation Policy

**STANISLAUS REGIONAL TRANSIT AUTHORITY
RESOLUTION NO. 2022-059**

**RESOLUTION AUTHORIZING A NO SHOW POLICY FOR THE DEMAND
RESPONSE SERVICE SYSTEM**

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 provide transit services countywide with the exception of the City of Turlock; and

WHEREAS, the Americans with Disabilities Act (“ADA”) requires public transit operators that provide fixed-route service to provide complementary paratransit service to people with disabilities who cannot use the fixed-route service because of a disability; and

WHEREAS, the Stanislaus Regional Transit Authority (“Authority”) operates fixed route transit services and demand response services, including ADA complementary paratransit service, and

WHEREAS, passengers eligible to use demand response service must schedule their trip by making an advance reservation that establishes a window of time within which the Authority vehicle must timely arrive, and

WHEREAS, when a passenger develops a pattern of cancelling trips less than an hour prior to the schedule pick-up or fails to take the scheduled trip, they can have a detrimental effect on operational efficiency, costs, and the quality of the service for other riders, and

WHEREAS, a passenger no show policy is recommended by the Federal Transit Administration (FTA) regulations at 49 C.F.R § 37.125(h) and 49 C.F.R. Part 37, App.

D, § 37.125 to ensure consistent application of passenger disciplinary actions, and to provide disciplined passengers with a specific process by which they can appeal said actions, and

WHEREAS, a passenger no show policy will provide Authority staff and the contracted operations service provider(s) with a tool to address a pattern of passenger behavior detrimental to demand response operations, and,

WHEREAS, the no show policy requires Authority approval to become fully effective.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Stanislaus Regional Transit Authority that it hereby approves the Demand Response No Show Policy attached hereto as Exhibit A.

The foregoing resolution was introduced at a regular meeting of the Board of Directors of the Stanislaus Regional Transit Authority held on the 28th day of April, 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

No Show Policy

Background

The U.S. Department of Transportation/Federal Transit Administration's Americans with Disabilities Act (ADA) regulations address the issue of missed trips in complementary paratransit services. The regulations permit the Stanislaus Regional Transit Authority (StanRTA), operating as The S, to establish an administrative process to suspend, for a reasonable period, the provision of paratransit service to customers who establish a pattern or practice of missing scheduled trips, except where the trips are missed for reasons beyond the customer's control. This Policy implements the federal regulation and applies to reservation and subscription trips.

Complementary paratransit also known as ADA paratransit service, is available to individuals deemed unable to successfully navigate the fixed route system. StanRTA allows seniors aged 65 and over to also use the ADA paratransit system for their healthcare needs and, on a same day only basis, for non-medical trips. Additionally, the agency provides demand response service, consisting of **dial-a-ride** and **shuttles** services, in areas of the county where it is unfeasible to operate fixed-route service. In those communities, the regional shuttles (Eastside, Turlock, and Waterford Shuttles) connect communities, and dial-a-ride services (Newman, Oakdale, Patterson, and Riverbank Dial-A-Rides) operate within cities. These services are open to the general public including seniors and those with established ADA eligibility.

General Requirements

Customers using demand response services are required to reserve specific pickup and drop-off times between one and seven (1-7) days in advance of their travel date by calling The S reservations at (209) 527-4900. This allows The S schedulers and drivers to plan trips during operating hours that provide services to as many customers as possible. Passengers are provided with reminder calls of their trips the night before their travel and when the bus is nearing arrival on the travel day.

Canceling a Scheduled Trip:

On occasion, a customer may not be able to take a scheduled trip. The S understands that when ride reservations are made in advance, passengers may have schedule changes or even sometimes forget a ride. When this occurs, the customer is required to give cancellation notice to StanRTA a minimum of one hour before the scheduled trip. Emergencies may cause the customer to give a short cancellation notice or no notice at all. These late changes place a strain on The S services because a vehicle and driver may make a non-productive trip for a customer who does not ride, making the S late to pick-ups and drop off other passengers. The S recognizes this is a rare event that can occur with any customer.

When a customer repeatedly gives a short cancellation notice or no notice at all, the strain on The S ADA paratransit, dial-a-ride, and shuttle services is much greater. To prevent this behavior, The S establishes this administrative process to warn or suspend customers who show a pattern or practice of missing scheduled trips, unless they miss trips for reasons beyond their control.

- Customers are responsible for canceling any trips they no longer want or need.
- Customers will call (209) 527-4900 at least one hour prior to the scheduled pick-up time window to cancel a trip. It is solely the customer's responsibility to notify The S of all cancellations at least one hour before the scheduled pick-up window.

- When an ADA passenger has a missed trip, subsequent trips on the same day are not canceled. This is a requirement of the ADA. The ADA passenger must cancel these trips or risk incurring additional No Shows. This is a requirement under federal regulation.
- When a trip is missed that is booked on non-ADA demand responsive services, whether by an ADA qualified passenger or a non-ADA passenger, all subsequent trips will be canceled on the same day with no notice to the customer.
- When a non-ADA passenger has a missed trip, their subsequent trips on the same day will be canceled with no notice to the customer.

Suspension of Services Due to Excessive Missed Trips:

The S Customer Service reviews and verifies each No Show and Late Cancellation to ensure accuracy before entering them into passenger records. At the end of each month, all customers with validated missed trips will receive written notification that they have violated this policy and that they may be subject to a suspension or termination of services. Suspensions are determined based on the customer’s excessive missed trips during the prior 12-month period.

The S also considers how many rides a passenger has completed that month to ensure that frequent passengers are not unfairly penalized for occasional failures to complete a trip:

Number of Trips	Number of No Show/ Late Cancellations
0 – 30	3 No Shows/Late Cancels
30+	10% or more of total trips

At the end of each month, The S will send out a letter of suspension to any passenger meeting the suspension thresholds. Suspensions begin at 7 days and increase depending upon how many times a passenger has been previously suspended within the previous 12 months.

Number of Suspensions within 12 months	Number of Days of Suspension
1st time	7 days
2nd time	14 days
3rd time	21 days
4th time	30 days
5th and subsequent times	30 days

Suspensions will begin the following month unless the passenger files an appeal.

Example

In January, passenger Mr. Smith booked a total of 40 trips, taking 34 of those trips and no showing for 6 trips. He has previous suspensions. Based on his total trips booked (40), he is eligible for suspension after missing 4 trips (40 x 10%). Mr. Smith previously received a warning letter about no shows in December. Mr. Smith has no previous suspensions, so his missed trips in January would result in a 7 day

suspension. The letter is issued to Mr. Smith at the end of January which he receives in early February. The letter advises him of the dates of his violations and identifies the days he will be suspended from services in March. Mr. Smith has the month of February to find other methods of transportation and to appeal the suspension if desired. If Mr. Smith continues to no show for his trips on The S in February, he will receive another letter at the end of the month imposing another suspension, this time for 14 days.

Subscription Service Cancellation

The No-Show and Late Cancellation Policy applies to all The S riders, including those who receive subscription service. If a subscription customer receives two (2) service suspensions in a rolling 12-month period, the subscription will be canceled. The customer will still be able to schedule trips on The S when the second suspension is over, but the subscription will not be reinstated.

Passengers are advised of their right to appeal a suspension for No Shows or Late Cancellations and must follow the appeal procedures included with the suspension letter. A No Show/Late Cancellation will not be assessed if:

- The staff made an error in the ride reservation
- The vehicle did not arrive at the location specified in the reservation
- The vehicle arrived outside the pickup window or did not wait per policy
- The ride could not be taken due to an emergency beyond the passenger's control.

Passenger Conduct/Causes for Refusal of Service

In addition to suspensions for no shows or late cancellations, passengers that exhibit dangerous behavior or physical or verbal abuse towards The S staff, drivers, or passengers on the bus by a passenger will not be tolerated. Any person who exhibits inappropriate or seriously disruptive behavior while boarding, disembarking, or riding on The S is subject to penalty including suspension as laid about above. The S reserves the right to initiate a suspension without warning should it be necessary for the health and safety of the operator and/or passengers.

Rights to Appeal

Demand Response and ADA Paratransit passengers have a right to appeal suspension actions. The process for appeal is the same as used for fixed route service suspensions. This policy follows:

Initial Appeal

A passenger has five (5) business days to request an initial review of the suspension order. If the suspension notice is not contested within the five (5) business days after delivery of the notice, the prohibition order will be deemed final. Passengers may file their requests by phone, in electronic or written form, or in person. The StanRTA's appointed administrative review officer will have five (5) business days from the receipt of the contest to complete the review and issue a determination using the delivery methods described previously. Passenger requests for suspension review should be directed to:

Administrative Review Officer
Stanislaus Regional Transit Authority
912 11th Street, Suite 100
Modesto, CA 95354
(209) 477-7011
info@stanrta.org

The administrative review determines whether the no shows, late cancellations, or behavioral incidents leading to the suspension are valid. If following the initial review, the StanRTA determines that the suspension should be upheld in whole or in part, the StanRTA shall issue a written statement to that effect, including any modifications. The passenger contesting the notice shall be notified in writing. Telephonic or electronic notification may also be made upon the agreement and/or request of the contester.

During the initial review, the suspension is automatically stayed. The period of the stay is from the time the passenger files the protest to the day after the delivery of the administrative officer's decision. If the StanRTA upholds or modifies the suspension, the prohibition from all transit assets will resume and continue until the specified termination date.

The administrative review considers whether:

- The suspension action adheres to the requirements in the policy
- The offense or offenses fall within the definitions of inappropriate or seriously disruptive behavior
- The offense or offenses cited in the suspension are proven by a preponderance of the evidence

The administrative review does not accept new testimony from either the passenger or the transit operations team, nor does it conduct additional investigation or reconsideration of the evidence previously collected.

Appeal Hearing

If the passenger is dissatisfied with the results of the initial review, the passenger may request an administrative hearing of the suspension order no later than five (5) business days after receipt of the

initial administrative review. Passengers may file their requests by phone, in writing, or in person. The StanRTA appeals officer or his/her/their designee will have ten (10) business days from the receipt of the contest to complete the review and issue a determination using the delivery methods described previously.

A passenger may request to appeal a suspension only after receiving the decision of an administrative review. Passenger appeals can be submitted in electronic format to info@stanrta.org, by telephone (209) 477-7011, in person, or in written format, directed to:

Attn: Appeals Review Officer
Stanislaus Regional Transit Authority
912 11th Street, Suite 100
Modesto, CA 95354

The appeals hearing request should state which type of hearing is requested (in person or by mail) and whether the appellant wishes to attend and present evidence.

Once a request for an appeal hearing is received by the StanRTA, the passenger's suspension is again automatically stayed. The period of the stay is from the time the passenger files the protest to the day after the delivery of the appeal officer's decision. If the StanRTA rescinds the suspension the contesters may resume ridership immediately upon notification. If the StanRTA upholds or modifies the suspension, the prohibition from all transit assets will resume and continue until the specified termination date.

The appeal hearing shall be conducted by the appeals officer by mail or in person. The appellant is not required to participate in the hearing but may participate by submitting a written or oral rebuttal to the evidence in the prohibition order. Contesters wishing to participate in person at the hearing must submit their request to do so as part of the appeal request. If the passenger requesting the hearing cannot attend, he or she may have another person represent them at the hearing. If the individual or a designated representative is not present at the hearing, the appeals officer's decision will be based on the documentation available at the time.

Appeal proceedings will take place during normal business hours at the StanRTA offices, 912 11th Street, Suite 100, Modesto, CA 95354, or an accessible public facility designated by the governing board. The appeals officer will review the documentation supporting the suspension action. Documentation submitted by the contesters in rebuttal to the charges, if any, will then be examined. Once all documentation has been presented, the appeals officer will have five (5) business days after the appeal hearing to issue a written decision delivered to the contesters in an agreed upon manner as described previously within this policy.

The appeal officer determines whether the suspension order meets the standards for violating the no show, late cancellation policy, and disruptive behavior policies defined by the StanRTA and described herein. If the appeal officer determines that the suspension should be upheld in whole or in part, the StanRTA shall issue a written statement to that effect, including any modifications. The prohibition from all transit assets recommences at the time the contesters receive the formal notification and continues until the specified termination date.

The appeal officer may choose to rescind, uphold, or modify the suspension of service. The appeal officer's decision is final.

Appeal Considerations

For cases of passenger suspension due to repetitive no show or late cancellation offenses, the hearing officer will solely consider the validity of the infractions and whether any emergency circumstances mitigate the

The hearing officer, in issuing a final decision for suspensions related to passenger conduct, will consider foremost the health and safety of others. If the investigation reveals that the passenger's disruptive behavior is caused by a disability and beyond the passenger's control, the appeal officer will evaluate whether accommodations can be made to allow the passenger continued access to transit services.

Transit access may be conditionally reestablished if an attendant accompanies the passenger to help control his or her behavior. If the required attendant is unable to prevent further instances of seriously disruptive behavior, the passenger may be suspended from transit service indefinitely.

Resuming Transit Service

When the suspension period is completed, the passenger is eligible to resume using demand response and ADA paratransit services. Trips may be booked during the suspension period for dates after the suspension is completed.

Personal hardship due to lack of THE S service is not a basis for appeal.

In considering any appeal, ADA requires that the health and safety of others will be the highest priority. The determination of whether an individual poses a direct threat to the health and safety of others will be made on an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence to ascertain the nature, duration, and severity of the risk; the probability that potential injury will occur; and whether reasonable modifications of policies, practices, or procedures will mitigate the risk.

Ride the



STANISLAUS REGIONAL TRANSIT AUTHORITY

DATE: April 28, 2022
TO: Board of Directors
FROM: Letti Ortiz, Director of Finance & Administration
RE: Cost of Living Adjustment (COLA) for Employees

Agenda Item: [7B]

Background:

On January 12, 2022, the Bureau of Labor Statistics released the Consumer Price Indexes (CPI) for Pacific Cities and U.S. City Average for December 2021. The CPI for geographic area West – Size Class B/C was recorded as 7.4% and CPI for March 2022 was recorded at 9.0%.

Discussion:

The Authority is recommending a 3% cost of living adjustment (COLA) increase for all Authority employees for Fiscal Year 2022-2023 based on CPI data from March 2022 demonstrating the rise in consumer goods, food, and transportation. The COLA increases were included in the Proposed Final 2022-2023 Fiscal Year Budget approved on March 24, 2022, by the Board of Directors.

Fiscal Impact:

The 2022-2023 Proposed Final Budget included the 3% COLA increase and accounted for approximately \$38,400 of the increase in Salaries and Benefits. The Budget was approved at the March 24, 2022, Board of Directors' meeting.

Recommendation:

It is recommended that the Board of Directors:

1. Approve a three percent (3%) Cost of Living Adjustment for Fiscal Year 2022-2023.
2. Amend the Salary Range for Positions to reflect the 3% COLA adjustment, effective July 1, 2022, as shown in Exhibit A.

STANISLAUS REGIONAL TRANSIT AUTHORITY

**RESOLUTION 2022-060
RESOLUTION APPROVING FISCAL YEAR 2022-2023 COST OF LIVING
ADJUSTMENT FOR AUTHORITY EMPLOYEES**

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, on March 24, 2022, the Authority Board of Directors approved the Fiscal Year 2022-2023 budget which included cost of living adjustments for employees, subject to future Board approval; and

WHEREAS, on January 12, 2022, the Bureau of Labor Statistics released the Consumer Price Index (CPI) and the CPI for the geographic area West – Size Class B/C was recorded as 7.4% and the CPI for March 22 was recorded at 9.0%; and

WHEREAS, due to the increase in CPI demonstrating the rise in consumer goods, food and transportation, the Authority desires to grant its employees a cost-of-living adjustment for fiscal year 2022-2023.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the Stanislaus Regional Transit Authority hereby approves a three percent (3%) cost of living adjustment for Authority employees for Fiscal Year 2022-2023.

BE IT FURTHER RESOLVED, the Board of Directors adopts the amended Salary Range for Authority Positions to reflect the three percent (3%) cost of living adjustment for Fiscal Year 2022-2023 as shown in Exhibit A, attached hereto.

The foregoing Resolution was introduced at a regular meeting of the Stanislaus Regional Transit Authority, on the 28th day of April 2022. A motion was made and seconded to adopt the foregoing Resolution. Motion carried and the Resolution was adopted.

MEETING DATE: **April 28, 2022**

JENNY KENOYER, CHAIR

ATTEST:

ADAM BARTH, CHIEF EXECUTIVE OFFICER

EXHIBIT "A"

**ANNUAL SALARY RANGE FOR AUTHORITY POSITIONS
FOR FISCAL YEAR 2022/2023**

STANISLAUS REGIONAL TRANSIT AUTHORITY

EXHIBIT A

Annual Salary Range for Authority Positions for Fiscal Year 2022/2023

**If COLA approved by Board of Directors, ranges will become effective July 1, 2022*

POSITION	CURRENT SALARY RANGE	ADJUSTED SALARY RANGE
Chief Executive Officer	\$160,000 - \$230,000	\$164,800 - \$236,900
Director of Operations and Planning	\$65.14 - \$83.45	\$67.09 - \$85.95
Director of Grants and Administration	\$65.14 - \$83.45	\$67.09 - \$85.95
Senior Transit Analyst	\$35.34 - \$52.92	\$36.40 - \$54.51
Transit Analyst	\$35.34 - \$47.35	\$36.40 - \$48.77
Transit Planner	\$35.34 - \$47.35	\$36.40 - \$48.77
Fiscal Analyst	\$35.34 - \$47.35	\$36.40 - \$48.77
HR/PR Coordinator	\$35.34 - \$47.35	\$36.40 - \$48.77
Administrative Office Assistant	\$20.53 - \$27.51	\$21.15 - \$28.34
Staff Services Analyst	\$27.34 - \$36.65	\$28.16 - \$37.75
Bus Stop Maintenance Worker	\$23.00 - \$30.82	\$23.69 - \$31.74

Ride the



STANISLAUS REGIONAL TRANSIT AUTHORITY

DATE: April 28, 2022
TO: Board of Directors
FROM: Adam Barth, Chief Executive Officer
RE: Agreement Amendment with the City of Escalon

Agenda Item: [7C]

Background:

The City of Modesto agreed to operate the small transit system for the City of Escalon in 2020 on a year-to-year basis. The agreement to operate the system was assigned to the Authority in June 2021. The Escalon transit system is named “eTrans”¹. It provides door-to-door dial-a-ride service within the City of Escalon. In addition, it provides deviated fixed route service between the Downtown Escalon Park and Ride Lot and Northwest Modesto, serving Kaiser Permanente, Vintage Faire Mall and destinations on Kiernan Avenue, Dale Road, McHenry Avenue and Standiford Avenue. The services are funded with Transportation Development Act (TDA) from San Joaquin Council of Governments, San Joaquin County Measure K and Federal Transit Administration Section 5311 funds. All transit services provided by eTrans are open and available to the general public.

Discussion:

The current agreement expires on June 30, 2022. The parties are able to extend the agreement, however both Authority staff and representatives from the City of Escalon agree that it is in the best interest of both parties for the Authority to stop operating these services. The system requires substantial staff time to create reports, respond to Escalon requests for service changes and incorporate the system into the Authority’s overall route network.

Escalon requires reports to be generated for their funding which must be separated from the standard reports that the Authority completes. These funds are specific to San Joaquin County and the San Joaquin Council of Governments. These reports would not be allowed to be consolidated due to the different jurisdictional boundaries. The staff time required to generate and populate these additional reports, deal with operational issues, respond to Escalon auditors, and Escalon funders requires staff to divert focus away from Authority operations. There is not an increase in efficiency by providing this service as Escalon continued to operate the brand

¹ http://escalon.hosted.civilive.com/government/departments/transit_service

separately from the Authority. In addition, the service was significantly different from the other services provided in Stanislaus County, including providing a deviated fixed route and a separate fare for that service, a higher demand response fare, a separate customer service function that was operated by the driver and other smaller operational differences. These operational differences make the venture inefficient.

The proposed amendment increases the cost of the agreement to provide for the differences in costs for the operations and maintenance contractors. The Authority started using Transdev to operate transit services which has significantly higher cost per hour. The City of Modesto maintenance department charges more to the Authority for its billable hourly rate than what was in the original agreement with Escalon. These costs changes will be retroactive to January 1, 2022.

Fiscal Impact:

There is not an impact to the financial position of the Authority due to this amendment. Both the revenue and expenses will cease when the Authority stops operating the Escalon system.

Recommendation:

It is recommended that the Board of Directors:

Adopt Resolution 2022-061 to approving Amendment #1 to the Intergovernmental Agreement for the Provision of Transit Services between the City of Escalon and the Authority and authorize the Chief Executive Officer to execute and implement the same.

The foregoing Resolution was introduced at a regular meeting of the Stanislaus Regional Transit Authority, on the 28th day of April 2022. A motion was made and seconded to adopt the foregoing Resolution. Motion carried and the Resolution was adopted.

MEETING DATE: **April 28, 2022**

JENNY KENOYER, CHAIR

ATTEST:

ADAM BARTH, CHIEF EXECUTIVE OFFICER

EXHIBIT "A"

**AMENDMENT #1 TO THE INTERGOVERNMENTAL AGREEMENT
FOR THE PROVISION OF TRANSIT SERVICES BETWEEN
THE AUTHORITY AND THE CITY OF ESCALON**

AMENDMENT #1

TO INTERGOVERNMENTAL AGREEMENT FOR THE PROVISION OF TRANSIT SERVICES BETWEEN THE CITY OF MODESTO AND THE CITY OF ESCALON

This AMENDMENT #1 to the Intergovernmental Agreement for the Provision of Transit Services between the City of Modesto and the City of Escalon dated April 14, 2020, is dated for reference purposes March _____, 2022, by and between the Stanislaus Regional Transit Authority, a joint powers authority established under California Government Code section 6500 *et seq.*, hereinafter referred to as “AUTHORITY”, and the City of Escalon, a municipal corporation, hereinafter referred to as “ESCALON”.

Recitals

- A. ESCALON and the City of Modesto (“MODESTO”) entered into that certain Intergovernmental Agreement for the Provision of Transit Services dated April 14, 2020 (“Agreement”).
- B. On January 26, 2021, MODESTO and the County of Stanislaus created a Joint Powers Agency, the Stanislaus Regional Transit Authority, for the provision of transportation services within the Stanislaus region and the AUTHORITY began providing transit services on July 1, 2021.
- C. On June 22, 2021, with the prior written consent of ESCALON, the MODESTO City Council adopted Resolution 2021-252 assigning the Agreement to the AUTHORITY.
- D. On June 24, 2021, the AUTHORITY Board of Directors accepted the assignment of the Agreement.
- E. ESCALON and AUTHORITY have determined, that it is in the best interest of both parties to terminate the Agreement effective June 30, 2022, however AUTHORITY will continue to provide transit services while ESCALON seeks a new transit operator.
- F. ESCALON and AUTHORITY, as assignee, desire to amend the Agreement.

Agreement

NOW THEREFORE, in consideration of the mutual promises, covenants, terms and conditions contained herein, the parties hereby amend the Agreement and agree as follows:

- 1. All references in the Agreement and any exhibits attached thereto to “MODESTO” are replaced with “AUTHORITY” as assignee from MODESTO pursuant to MODESTO City Council Resolution No. 2021-252.

2. All references in the Agreement and any exhibits attached thereto to “Modesto Area Express (MAX)” are replaced with “AUTHORITY” as the successor transit provider pursuant to the Joint Powers Agreement creating the AUTHORITY.

3. Section 6 is amended to read as follows:

6. TERM

The term of this Agreement (the “Agreement Term”) shall be for a base term of 6 months. The Agreement Term shall start on the Commencement Date, January 1, 2022. The base term shall run from January 1, 2022 through June 30, 2022. AUTHORITY agrees to continue to operate ESCALON transit services until ESCALON transitions services to another operator to prevent an interruption of transit service for up to a 180-day period and no later than December 31, 2022.

4. Section 9 is amended to read as follows:

9. INSURANCE

AUTHORITY shall at all times while this Agreement is in force and effect require the contracted transit operator to carry the insurance specified in Section 26 (“INSURANCE”) of the Agreement for Operations with Transdev Services, Inc., dated August 26, 2021. AUTHORITY shall also require contracted transit operator to name ESCALON and ESCALON’s elected officials, officers and employees as additional insured on all liability insurance as specified in said Section 26 of the operator’s agreement.

5. Section 15 is amended to read as follows:

15. PERFORMANCE STANDARDS

AUTHORITY’s performance standards, as detailed in Sections 10, 20 and 21 of the terms of the Agreement for Operations with Transdev Services, Inc., dated August 26, 2021, shall be available to ESCALON for enforcement of transit services for ESCALON. AUTHORITY shall credit or charge ESCALON for enforcement of these performance standards when it applies to ESCALON’s transit services and reflect such penalties or incentives in the invoice to ESCALON.

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6. Section 20 is amended to read as follows:

20. USE OF THE TERM “AUTHORITY”

Reference to AUTHORITY in this Agreement includes the Chief Executive Officer, or any authorized representative acting on behalf of AUTHORITY.

7. Section 26 is amended in part to identify the following address for AUTHORITY for purposes of notice:

TO AUTHORITY:

Stanislaus Regional Transit Authority
CEO
912 11th Street, Suite 100
Modesto, CA 95354

8. The second introductory paragraph of “EXHIBIT A SCOPE OF WORK” is amended to read as follows:

Except as specifically noted below or where not applicable in the scope of duties as described above, the terms of the Agreement for Operations between AUTHORITY and Transdev Services, Inc., dated August 26, 2021, shall describe, and set forth the standards by which services shall be provided by AUTHORITY for purposes of this Agreement. To the extent of any conflict between the terms of that agreement and the terms of this Agreement, the terms of this Agreement shall control.

9. Section 1 of “EXHIBIT A SCOPE OF WORK” is amended to read as follows:

1. Operations:

AUTHORITY shall provide operations management at a level sufficient to oversee the performance of AUTHORITY’s contracted transit operator. The service shall be branded as “eTrans” operated by the Stanislaus Regional Transit Authority or other moniker or brand identifier adopted by AUTHORITY.

10. Section 4 of “EXHIBIT A SCOPE OF WORK” is amended to read as follows:

4. Dispatch:

AUTHORITY’s contracted transit operator shall provide dispatch services for ESCALON during the same times and days as required by AUTHORITY's Operations Agreement.

ESCALON shall be responsible for providing AUTHORITY with lists or rosters of eligible ADA Paratransit participants and certifying ADA participants.

Reservation guidelines are as follows:

- Participants may call 15 minutes in advance of requested pick-up time. For example, call at 10:00 a.m. for a 10:15 a.m. pick-up.
- ESCALON has arrangements with AUTHORITY and San Joaquin Regional Transit District (RTD) for ESCALON passengers to transfer to their respective services. AUTHORITY's contracted transit operator shall be responsible for coordinating the transfer times for service on AUTHORITY's Riverbank Dial-A-Ride or Eastside Shuttle or RTD for service on VanGo! AUTHORITY's contracted transit operator shall also be responsible for scheduling reservations with input from ESCALON when necessary. Upon termination of this Agreement, Authority will endeavor to continue coordination with Riverbank Dial-A-Ride and Eastside Shuttle at Jacob Myers Park in Riverbank between ESCALON and AUTHORITY passengers provided this service continues to exist as part of AUTHORITY's operations.

ESCALON shall be responsible for providing an appropriate communication device for communication between dispatch and the bus operator as defined by AUTHORITY. This could be a cell phone or a two-way radio.

ESCALON shall provide access to the real time information system currently called Nextbus for dispatchers to track vehicles owned by ESCALON. AUTHORITY, at ESCALON's sole cost and expense, installed its real time information system, Avail, on vehicles owned by ESCALON. AUTHORITY shall be responsible for the operational costs associated with Avail. Should this Agreement terminate, AUTHORITY shall retain ownership of Avail, and remove all Avail provided equipment from Escalon's vehicles. AUTHORITY and Escalon agree AUTHORITY shall reimburse ESCALON Thirty-one thousand three hundred forty-six dollars (\$31,346), which is fifty percent (50%) of the original purchase price, for each Avail unit removed from Escalon's vehicles. AUTHORITY shall provide all available reports generated by Avail as requested by ESCALON, including but not limited to on-time performance, and vehicle location status.

11. Section 5 of "EXHIBIT A SCOPE OF WORK" adds the additional paragraph to read as follows:

AUTHORITY, at ESCALON's sole cost and expense, installed its video surveillance system, Angeltrax, on vehicles owned by ESCALON. AUTHORITY shall complete installation of the video surveillance system on the last ESCALON vehicle (vehicle 21603) within 90 days of ESCALON issuing a purchase order for the work and vendor

availability. AUTHORITY shall be responsible for the operational costs associated with Angeltrax. Should this Agreement terminate, ESCALON shall retain ownership of Angeltrax on-board equipment and AUTHORITY shall provide contact information to allow ESCALON to establish a relationship with Angeltrax to obtain necessary viewing equipment and software. AUTHORITY shall provide all necessary reporting related to Angeltrax as requested by ESCALON, including but not limited to video surveillance footage requested by ESCALON and any supporting items related to video surveillance within three (3) business days upon request from ESCALON. Requests for video surveillance footage over 15 minutes in length will require additional days to retrieve and transmit.

12. Section 6 of “EXHIBIT A SCOPE OF WORK” is amended to:

Additionally, AUTHORITY shall collect, record and report annually other statistical data required under Title 49 U.S.C. 5335(a) of the Federal Transit Act which includes data specific to deviated fixed route and demand response for fare revenue, vehicle revenue miles, vehicle revenue hours, unlinked passenger trips, vehicles operated in maximum service, reportable safety events, fatalities, and injuries. Such data collected, recorded and reported shall meet the definitions established by the National Transit Database in their Policy Manual.

13. Section 6 of “EXHIBIT A SCOPE OF WORK” is amended to add the following paragraphs:

Any reports identified in this Section 6 shall be provided on a template provided by ESCALON unless the AUTHORITY can provide such reports from the AUTHORITY’s reporting system that can ensure ESCALON’s data is separated from the AUTHORITY’s service subject to ESCALON’s approval. Reports requested by ESCALON shall be provided to ESCALON within three (3) business days of AUTHORITY’s receipt of ESCALON’s request. Such data shall be provided in the form attached hereto as Exhibit “F”.

14. Section 7 of “EXHIBIT A SCOPE OF WORK” is amended to add the following paragraphs:

7. Fares:

AUTHORITY shall collect fares based on processes established by AUTHORITY for ESCALON’s transit services. ESCALON agrees to adopt AUTHORITY’s fare structure for the deviated fixed route and dial-a-ride transit services, with the exception of the creation of a route deviation fee for the deviated fixed route service and the sale of newspapers on buses. AUTHORITY shall advise ESCALON at least 90 days in advance of any proposed changes to fares to prepare ESCALON to hold any necessary

16. “EXHIBIT B SCHEDULE OF FEES” is replaced in its entirety with the following:

ESCALON shall compensate AUTHORITY on the following Schedule:

	January 1, 2022 – June 30, 2022	July 1, 2022 – Until Contract Termination, up to 180 days
Fixed Monthly Cost	\$3,730/month	\$3,837/month
Rate per Variable Hour	\$63.29/hour	\$64.99/hour
Maintenance Rate	\$102.07/hour	\$102.07/hour
Fixed Administrative Monthly Cost	\$737/month	\$757/month

17. “EXHIBIT C ETRANS RIDER GUIDE” is replaced in its entirety with the following:

EXHIBIT C
ETTRANS RIDERS GUIDE
Effective July 1, 2020

18. “EXHIBIT E FLEET INVENTORY” is replaced in its entirety with the following:

eTrans Active Bus Fleet - Effective July 1, 2021													
Bus #	Status	Make	Fuel	Year	Length	Capacity	Wheelchair Stations	Miles as of 5/31/2021	License Plate	VIN	Replacement Date	Cost of Vehicle	Notes & Funding Source
21102	Active	Starcraft Allstar	Gasoline	2011	24 ft	18	2	117590	1406293	1FDE4FS98DB26876	FY 18-19	\$ 71,725	Prop 1B - PTMISEA/5316
21603	Active	Dodge Caravan	Gasoline	2016	18 ft	5	1	27529	1474439	2C4RDGCG7FR13506	FY 20-21	\$ 65,732	Prop 1B - PTMISEA
21904	Active	Claval Titan II	Gasoline	2019	26 ft	19	2	23532	1564137	1HA6GUBG3JN009458	FY 25-26	\$ 143,609	Prop 1B - PTMISEA
22108	Active	Arboc Sprit of Mobility	Gasoline	2021	23 ft	16	2	-	TBD	TBD	FY 27-28	\$ 163,368	Prop 1B - PTMISEA

ESCALON has provided the following items to AUTHORITY:

- Transit buses with Genfare Odyssey fareboxes, two-way radios, Nextbus MDT and transponder, brochure racks, Books on Buses racks, cleaning bags/kit (brooms, dustpans, towels, cleaning solutions and trash bags), first aid kit, bio-hazard kit, wheelchair tie-downs, trash cans, lockboxes for key storage and security cameras (Angeltrax on Bus #102, #104 and #108, Safety Vision on Bus #103).
- Spare cash vaults (4)
- Genfare spare kit
- Genfare keys, jumpers, and vault box opener
- Safety Vision equipment for viewing on Bus #103
- REI equipment for viewing on Bus #104
- Spare tires (3)

- Vehicle keys – primary and spare key sets for Bus #102, #103, #104 and #108.
- Wheelchair door keys (Bus #102)
- Vehicle registration
- Associated manuals related to the operation of the buses and the equipment provided on the buses

*Bus #102 shall be returned to ESCALON for disposal upon delivery of Bus #108.

19. Except as modified by this Amendment #1, the Agreement shall remain unchanged and is in full force and effect.

20. The terms and provisions of this Amendment #1 are incorporated by reference into the Agreement as though set forth in full therein.

21. This Amendment #1 may be executed in one or more counterparts, each of which shall be deemed an original and all of which when taken together shall constitute one and the same instrument. Each party agrees that this Amendment #1 and any other documents to be delivered herewith may be electronically signed, and that any electronic signatures appearing on this Amendment #1 or such other documents are the same as handwritten signatures for the purposes of validity, enforceability, and admissibility.

*****Signatures contained on next page*****

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IN WITNESS WHEREOF, this Amendment #1 has been executed by the parties hereto and shall become effective as of the Commencement Date.

**Stanislaus Regional Transit Authority,
a joint powers agency**

**City of Escalon,
a municipal corporation**

Adam Barth
Its Chief Executive Officer

Dominique Romo
Its Acting City Manager

Date

Date

APPROVED AS TO FORM

APPROVED AS TO FORM

Monica Streeter
General Counsel

Mark R. Velasquez
City Attorney

APPROVED AS TO CONTENT

John C. Andoh
Transit Coordinator