

To: Advisory Committee

Date: 1/03/2023

From: Bill Churchill, General Manager

Reviewed by:

SUBJECT: CCTA Framework for the Development of a Coordinated Entity (CE)

Background:

In October of 2019, Contra Costa Transportation Authority (CCTA) received a Caltrans Sustainable Transportation Planning Grant, to engage in a regional transportation study, specifically focusing on the gaps in services associated with seniors, persons with disabilities and disadvantaged persons. To conduct this study and offer recommendations, CCTA engaged Nelson Nygaard consulting firm. Nelson Nygaard convened two committees, one a Technical Advisory Committee (TAC) that was familiar with the transportation needs of the area as well as a Policy Advisory Committee (PAC). The TAC comprised of: Americans with Disabilities Act (ADA) managers, volunteer service organizers specializing in transportation for seniors, transit riders and various senior advocacy groups. The PAC was mainly comprised of Transportation Agency General Managers, Executives of Social Service Agencies, and City Council members. Although significant progress was made, due to grant constraints the Accessible Transportation Strategic (ATS) Plan was required to be completed by February 28, 2021, ending the study before all solutions could be contemplated.

Following the development of the ATS Plan, a Task Force was established made up of members of non-profit transit organizations, policy makers and transit personnel to explore potential solutions and begin to implement some of the action items identified. Some key action items were, analyzing potential structures for a Coordinated Entity (CE), identifying gaps in service, developing sources of funding, and creating a set of roles and responsibilities.

County Connection staff supports the concept of developing a CE that could provide a single source of information for individuals seeking accessible transportation in Contra Costa, across all existing modes of transportation as well as new programs, as they are developed. Potential customers could call a single number and then be routed to the program that best fits their needs whether it be a public paratransit provider or a non-profit service such as the Lamorinda Spirit or something else not yet conceived of.

On October 13th CCTA provided Contra Costa's three transit operators, County Connection, TriDelta and WestCat with a copy of a proposed framework for a CE (see Attachment 1). CCTA staff invited the operators to a meeting on October 19th to provide feedback and comments regarding the framework before taking it to their Board for approval in December. At the meeting, operators were informed that CCTA has been working on being designated a Consolidated Transportation Services Agency (CTSA) making them eligible for Transportation Development Act (TDA) 4.5, State Transit Assistance (STA) Revenue and Measure J funds. Operators were unanimous in expressing their concern such a designation could have profound negative impacts to existing revenue streams, severely compromising the paratransit services that exist today. Additionally, the lack of clearly defined roles and

responsibilities for the CE creates the potential to take over transportation functions currently provided existing operators. It was suggested that the ATS Guiding Principles (see Attachment 2) would prevent the CE from performing the transportation functions of the existing operators but, in their current form they do not prevent this potential outcome.

While staff supports the concept of a CE and the potential to improve accessible services within Contra Costa County, the framework in its current form, without strong guardrails and a set of clearly defined roles and responsibilities, has the potential to seriously harm existing paratransit programs. Staff looks forward to the continued effort in working with the ATS Plan Task Force and CCTA in developing an effective CE that can improve and grow accessible transportation and protect current programs.

Financial Implications:

A CTSA designation for CCTA may jeopardize the existing TDA 4.5, STA Revenue and Measure J funds used to operate the County Connection LINK service (and other existing Contra Costa County paratransit providers) for the provision of paratransit services. The current budget projects these three revenue sources at \$4,639,748.

Recommendation:

Staff recommends supporting the CE effort with the addition of a set of roles, responsibilities, and guidelines that both protects existing public Transit Operator programs and provides for an enhancement of accessible services to communities in Contra Costa County. Additionally, staff would oppose access to TDA 4.5, STA and Measure J funding by CCTA to preserve these revenue sources currently supporting accessible services provided by existing operators. Any erosion of these funds could imperil the most vulnerable residents of our County.

Action Requested:

The O&S Committee and staff respectfully requests the Board of Directors approve resolution 2023-018 in support of CCTA's development of a CE with a set of clearly defined roles and responsibilities that does not erode or impede the existing public Transit Operators ability to provide their existing accessible transportation programs and to formally oppose CCTA having access to the existing TDA 4.5, STA and Measure J funds for the suite of paratransit and accessible services currently provided by the Contra Costa County public Transit Operators.

Attachments:

Attachment 1: Proposed Framework for the Coordinated Entity

Attachment 2: Guiding Principles

Attachment 3: Resolution NO: 2023-018



CONTRA COSTA
transportation
authority



CONTRA COSTA
COUNTY, CALIFORNIA



Lyons-Newman
CONSULTING

N NELSON
NYGAARD

Coordinating Entity Proposed Framework

Prepared for the CCTA Board
December 21, 2022

Background on Coordinating Entity (CE) Development

- **Accessible Transportation Strategic Plan (ATSP)**

Adopted by CCTA Board and Board of Supervisors, March 2021

- **ATSP Task Force**

Began meeting in October of 2021

- **ATSP Task Force August 2022 Recommendation**

Continue research in pursuing the hybrid Authority/non-profit partnership as the CE structural option

- **ATSP Task Force October 2022 Recommendation**

Approval of staff recommendation for the establishment of a framework for the Countywide CE as a non-profit/Authority partnership to the Authority Board for approval.

Key Excerpts from the ATSP Guiding Principles

- ...“person-centered, user friendly, and seamless accessible transportation system”...
- ... “involve multiple stakeholders”...
- ... “countywide needs and characteristics” ... “goal of providing equitable, consistent, and scalable service” ...
- ... “engage with outside agencies and in state and regional planning processes.”
- ... “prioritize strategies” ... “extensive public engagement”
- ...“review and consultation with all stakeholders, existing and/or new, in a consensus-based process.”
- “The TF and CE will not recommend adding responsibilities to a transportation or human service provider without identifying new revenue sources”...

Measure J Expenditure Plan and Regional Initiatives

Measure J Transportation Sales Tax Expenditure Plan

Transportation for Seniors & People with Disabilities funds shall be available for retention of a mobility manager, and establishment and/or maintenance of a comprehensive paratransit technology implementation plan.

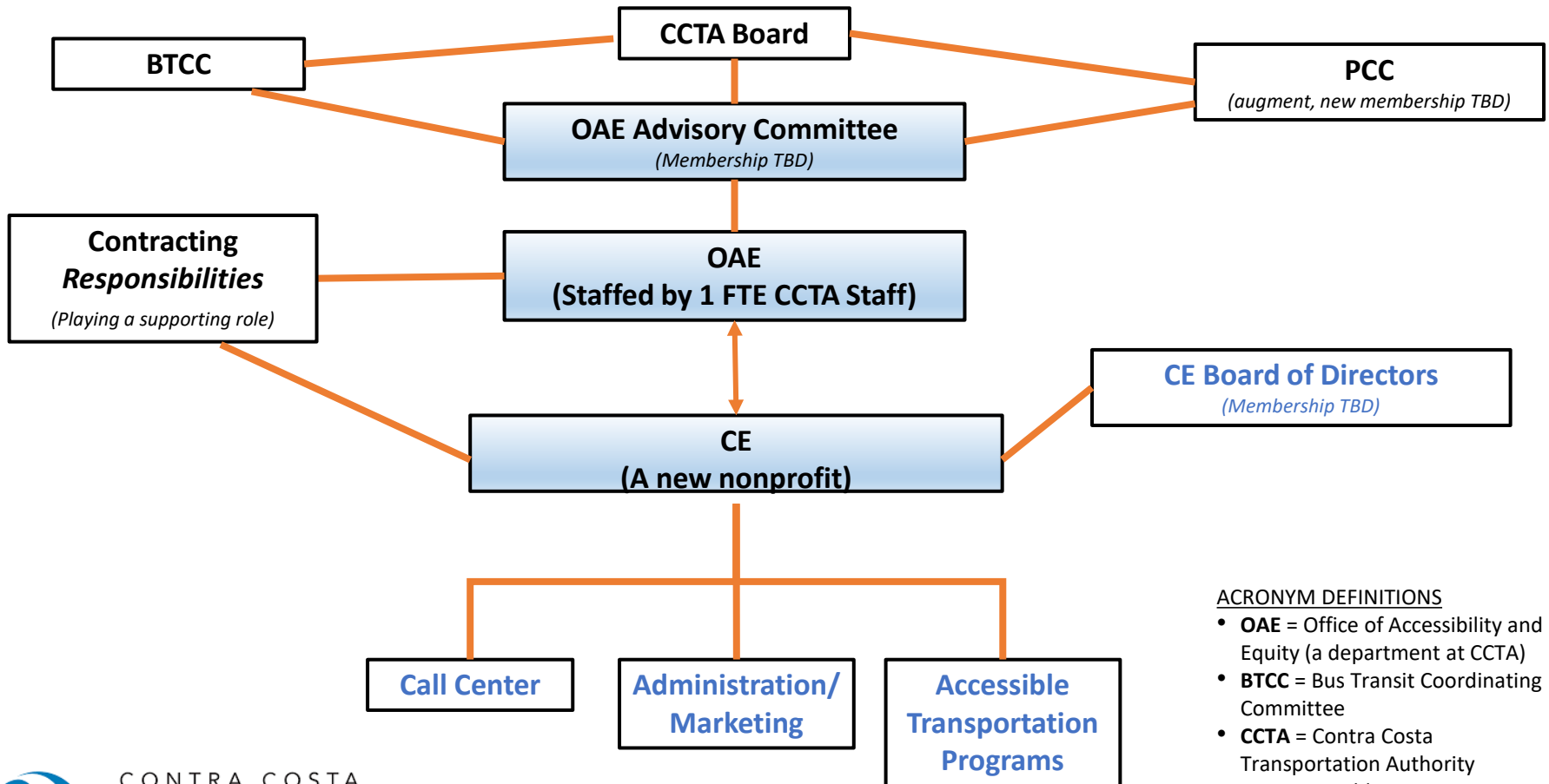
Regional Initiatives

MTC's 2018 Updated Coordinated Public Transit–Human Services Transportation Plan (Coordinated Plan) for the Bay Area's first Coordination Strategy "Implement County-Based Mobility Management"

Action 21 of MTC's Blue Ribbon Transit Recovery Task Force: Designate a Mobility Manager to coordinate rides and function as a go-between for transit agencies in each county, serving people with disabilities, older adults and people with low incomes

Proposed framework for Contra Costa County's Accessible Transportation Coordinating Entity and its Supporting Networked Infrastructure

The following recommended design for Contra Costa County's Accessible Transportation Coordinating Entity (CE) was collaboratively developed:



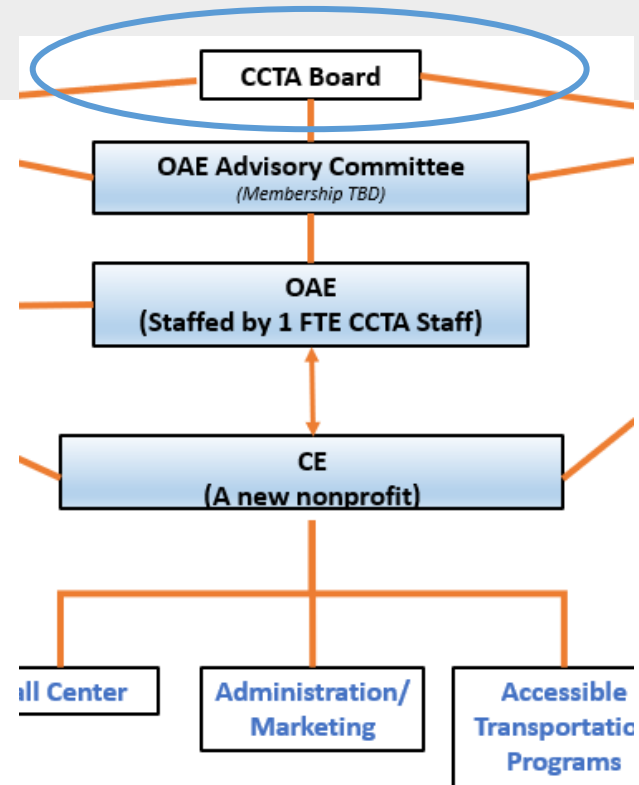
ACRONYM DEFINITIONS

- **OAE** = Office of Accessibility and Equity (a department at CCTA)
- **BTCC** = Bus Transit Coordinating Committee
- **CCTA** = Contra Costa Transportation Authority
- **CE** = Accessible Transportation Coordinating Entity
- **PCC** = Paratransit Coordinating Council

CCTA will continue to oversee the coordination of the county's accessible transportation

The CCTA Board:

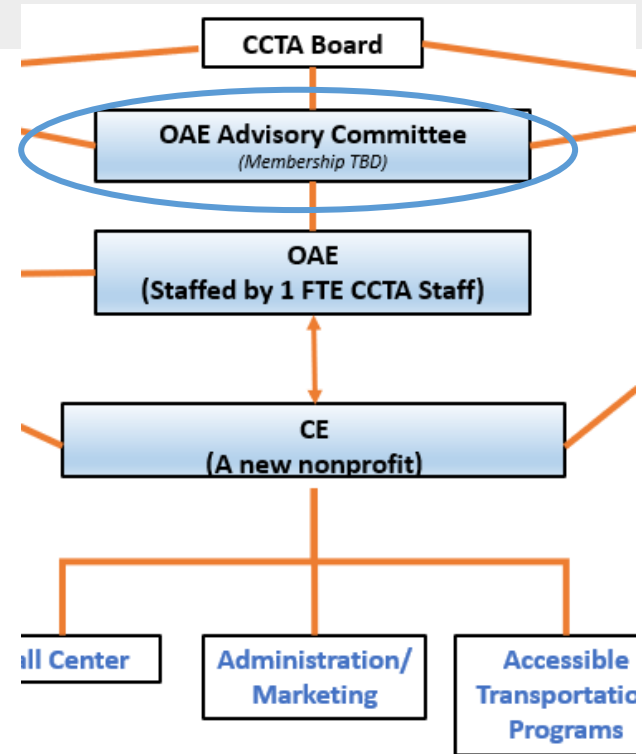
- Approves annual budget and work program of the OAE and CE
- Approves key performance indicators (KPIs) for the CE
- Receives reports and progress from the CE relative to meeting KPIs
- Approves the membership of the OAE Advisory Committee
- Seeks and designates CCTA as a CTSA
- Provides funding for the accessible transportation programs



CCTA would establish an Accessibility and Equity Advisory Committee

The OAE Advisory Committee:

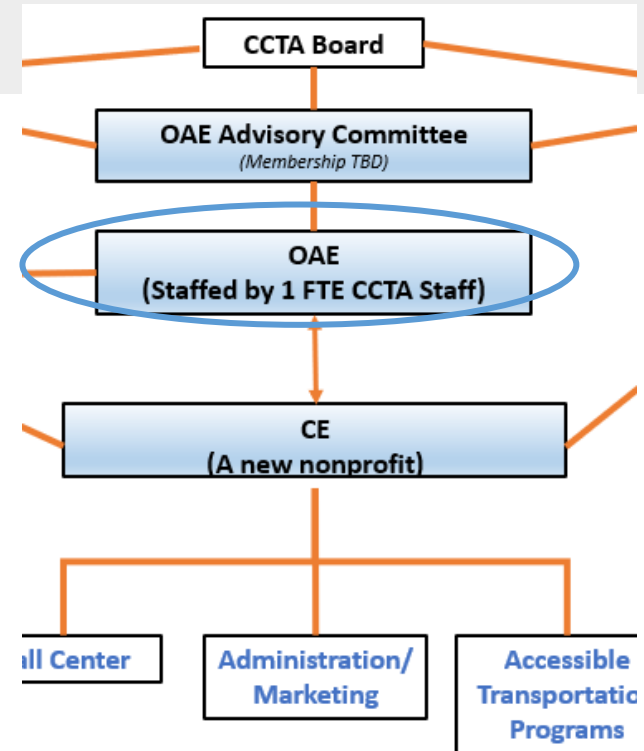
- Advises the CCTA Board on accessible transportation
- Makes recommendations to the CCTA Board
- Potential representation could be members from the Authority Board, Paratransit Coordinating Council, Bus Transit Coordinating Committee, and CE Board of Directors
- Provides guidance and input to the OAE and CE on the work program
- Approves projects and programs proposed and initiated by the OAE and CE as the workplan is being implemented



CCTA would establish an Office of Accessibility and Equity (OAE)

The OAE department:

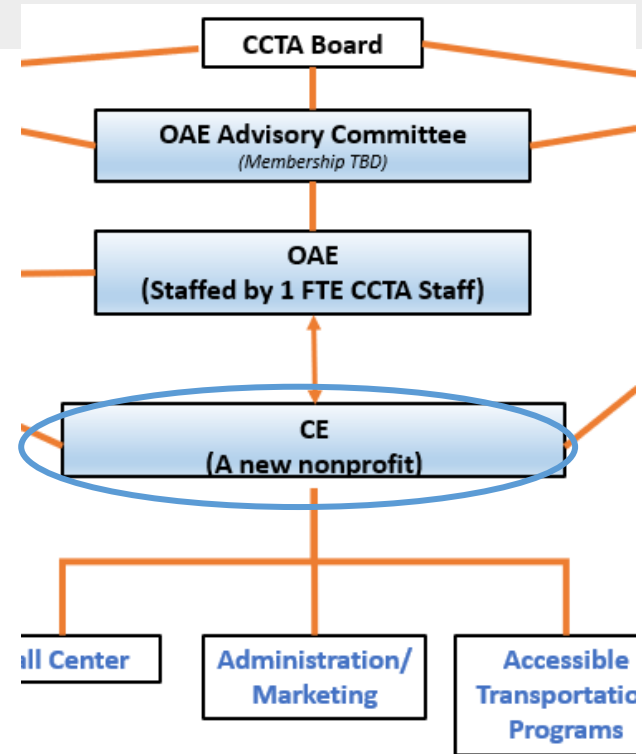
- Oversees Measure J funded transportation services for seniors and people with disabilities (Programs 15 and 20) in accordance with the voter-approved Expenditure Plan.
- Develops the accessible transportation work program and budget
- Makes recommendations to the OAE Advisory Committee
- Oversees the delivery of the work program
- Provides support, oversight, and technical assistance to the Coordinating Entity
- Staffs the OAE Advisory Committee



CCTA would establish a new non-profit entity (CE)

The CE would:

- Coordinate and strengthen the accessible transportation ecosystem
- Collaborate with the OAE and OAE Advisory Committee on the development of the budget and work plan
- Carry out the day-to-day activities required in the work plan
- Fulfill its obligations under its implementing bylaws and master agreement
- Work with the OAE and OAE Advisory Committee to identify and receive sustainable funding



Possible Accessible Transportation Programs and Services Coordinated by the Coordinating Entity (CE)

- Mobility management
- One-call/one-click program
- Travel training
- Means-based fare subsidy program
- ADA paratransit support
- Intercity Trip Program
- Volunteer Driver and Door through Door Programs
- Ongoing community outreach and engagement
- Governmental Liaison Activities
- Supporting and building capacity of CBOs to implement needed accessible transportation functions

Note that although these are the needed services and program types, the CE does not need to be the deliverer of these services

Federal Obligation to Provide Paratransit Service

- Under the American's with Disabilities Act (ADA) public transit operators that provide fixed route transit service must also provide complementary paratransit service.
- Unfunded mandate under the ADA.
- Regulations are both service and reservation based.
- Failure to comply exposes transit operator to civil rights violations.

It is vitally important that the transit operators maintain ultimate authority over their paratransit operations to control and limit exposure.

Coordinating Entity Development Stages

Stage 1: Development of the Office of Accessibility and Equity

January – June 2023

Tasks:

- Establish OAE and recruit OAE Program Manager
- Development of OAE advisory committee roles, responsibilities and bylaws
- CCTA Board appointment of OAE advisory committee
- OAE develops budget and work program, seeks CCTA Board approval
- OAE continues ATSP near term implementation
- OAE Develops CE
- CCTA seeks CTSA designation

ATSP Recommended the Formation of a CTSA

- Under the auspices of Social Service Transportation Development Act
- Designated by MTC in the Bay Area
- Eligible to receive FTA 5310, TDA, STA, Measure J, Measure X and private funds
- **Staff recommends not claiming TDA Article 4.5 and STA funds for the CE purpose**

Coordinating Entity Development Stages

Stage 2: Formation of the CE

July 2023 – December 2024

Tasks:

- Formation of the CE Board: develop CE board roles, responsibilities, membership and bylaws
- Recruitment of CE Executive Director
- CE develops budget and work program
- CE continues and expands ATSP near term implementation
- CE enhances coordination and service programs

Coordinating Entity Development Stages

Stage 3: CCTA, CE and Partners Continue to Enhance Accessible Transportation

2025 and Beyond

Tasks:

- CE seeks grant funds and/or other independent revenue sources
- Regular updates to OAE advisory committee and CCTA Board
- CCTA and CE continue to refine work program

Potential Revenue Source: County Measure X

Measure X Goal

ATSP falls under “Goal 4: Intergenerational Thriving” goal area established by the MXCAB

- CCTA received \$1.4 million in Measure X funding through July 31, 2023 to be used to support: 1) user-side subsidies for low-income seniors and people with disabilities; 2) One Seat Ride Pilot Program; 3) One-Call/One-Click Information and Referral Program; and 4) the establishment of a CE.
- BOS recommended for ongoing funding but it is subject to annual budgetary decisions.
- CCTA may apply for Measure X again in future years.

Potential Revenue Source: Measure J

Measure J Transportation Sales Tax Expenditure Plan

Transportation for Seniors & People with Disabilities funds shall be available for

- (a) Continuation of services provided under Measure C
- (b) Expansion of transportation services/programs of seniors and people with disabilities
- (c) managing the program,
- (d) retention of a mobility manager,
- (e) coordination with non-profit services,
- (f) establishment and/or maintenance of a comprehensive paratransit technology implementation plan, and
- (g) facilitation of countywide travel and integration with fixed route and BART specifically, as deemed feasible.

Potential Revenue Source: Measure J

Program 15

Transportation for Seniors & People With Disabilities.....5% (\$100 million)

Paratransit funding will be increased from the current 2.97% to 3.5% of annual sales tax revenues for the first year of the new program, FY 2009–10.

Thereafter, the percentage of annual sales tax revenues will increase by 0.10% each year, to 5.9% in 2034 (based on a 25-year program). In 2003 dollars, this averages to 4.7% over the life of the program, which has been rounded to 5% to provide some flexibility and an opportunity to maintain a small reserve to offset the potential impact of economic cycles.



December 2022 Authority Board Meeting Recommendation

Staff seeks approval for the establishment of a framework and concept for the Countywide Coordinating Entity and input from the Authority Board to inform next steps.



MEMORANDUM

To: Accessible Transportation Strategic Plan Task Force

From: Accessible Transportation Strategic Plan Team

Date: February 7, 2022

Subject: Guiding Principles

The ATSP Task Force Working Group met on January 20th and February 2nd to review draft suggestions for the Guiding Principles. Attendees discussed materials from the ATSP, prior planning efforts, and regional guidance from the MTC. The Project Team received the input and incorporated comments into these Draft Guiding Principles:

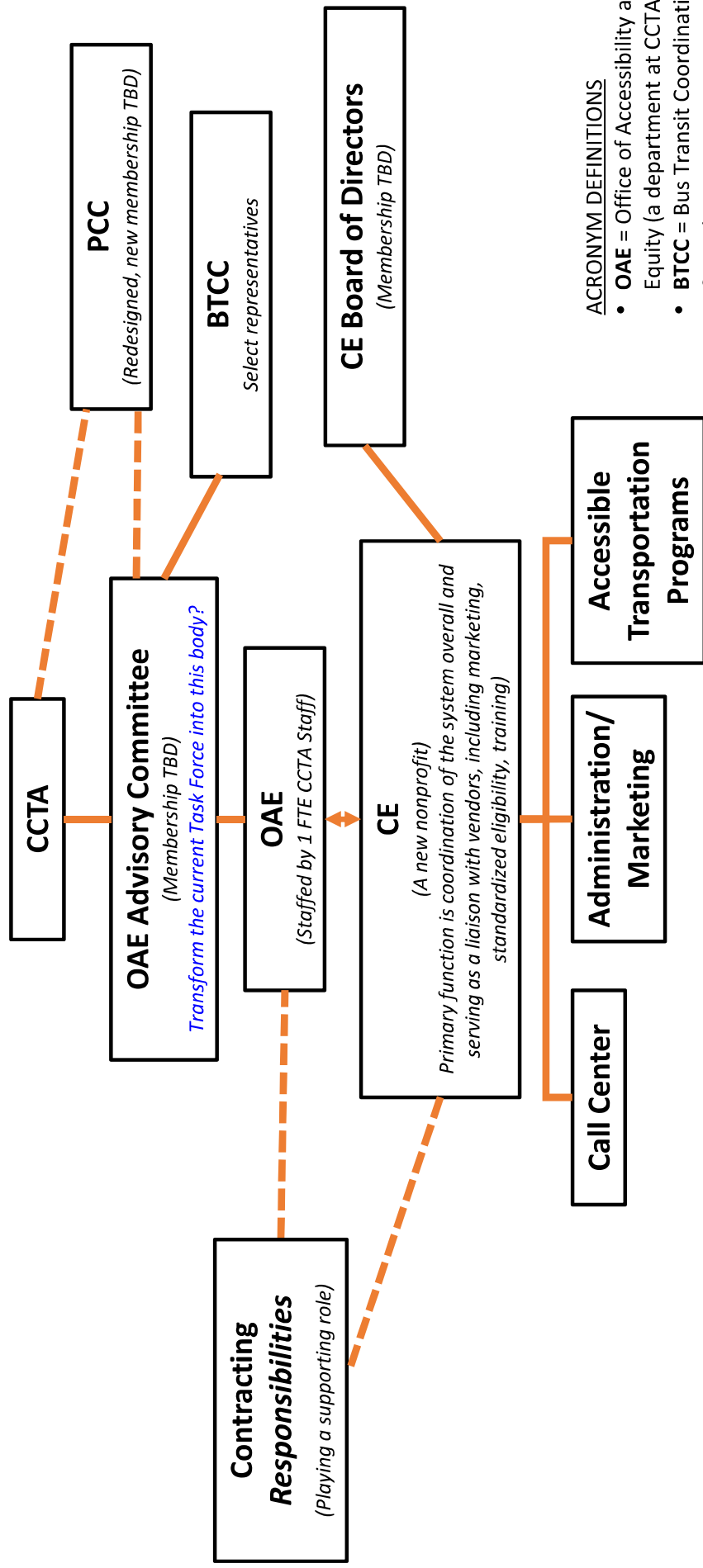
1. The Task Force (TF) and future Coordinated Entity (CE) plan to implement a person-centered, user-friendly, and seamless accessible transportation system including enhancing mobility management to provide equitable and effective access to transportation.
2. All stages of implementation of the Contra Costa Accessible Transportation Strategic Plan (ATSP) including planning, policy, engagement, design, operations, and evaluation will involve multiple stakeholders. Stakeholders will include relevant human service agencies, transit agencies, elected officials, disability and older adult advocates representing a range of segments of these communities, veterans, all County sub-regions, funding bodies, and other representatives.
3. Public outreach and planning activities will include countywide needs and characteristics, with the ultimate goal of providing equitable, consistent, and scalable service across the County.
4. In order to facilitate accessible transportation to and from destinations outside of the County, and to advocate for increased resources for these and other trips, the TF and CE will engage with outside agencies and in state and regional planning processes.
5. The TF and CE will prioritize strategies that were identified through the extensive public engagement during development of the ATSP, and will conduct future public engagement through ATSP updates at regular intervals.
6. New strategies, approaches, and programs being considered by the CE will be subject to review and consultation with all stakeholders, existing and/or new, in a consensus-based process.
7. The TF and CE will not recommend adding responsibilities to a transportation or human service provider without identifying new revenue sources. The TF and CE

Accessible Transportation Strategic Plan
Contra Costa Transportation Authority

will not recommend redistributing revenues without providing recommendations for achieving a corresponding decrease in obligations funded by those revenues. Members are asked to review the draft principles and be prepared to discuss and finalize at the Task Force meeting.

The following recommended design for Contra Costa County's Accessible Transportation Coordinating Entity (CE) was collaboratively developed

Contra Costa County's Accessible Transportation Coordinating Entity and its Supporting Networked Infrastructure



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RESOLUTION NO. 2023-018

**CENTRAL CONTRA COSTA TRANSIT AUTHORITY
BOARD OF DIRECTORS**

* * *

**TAKING ACTIONS TO PRESERVE THE CENTRAL CONTRA COSTA TRANSIT
AUTHORITY'S ABILITY TO ACCESS CERTAIN FUNDS**

WHEREAS, the County of Contra Costa and the Cities of Clayton, Concord, the Town of Danville, Lafayette, Martinez, the Town of Moraga, Orinda, Pleasant Hill, San Ramon and Walnut Creek (hereinafter "Member Jurisdictions") have formed the Central Contra Costa Transit Authority ("CCCTA"), a joint exercise of powers agency created under California Government Code Section 6500 *et seq.*, for the joint exercise of certain powers to provide coordinated and integrated public transportation services within the area of its Member Jurisdictions;

WHEREAS, the CCCTA, along with other Contra Costa County transit operators (Eastern Contra Costa Transit Authority and Western Contra Costa Transit Authority), receives state funding from various sources, including Transportation Development Act ("TDA") 4.5, State Transit Assistance ("STA") Revenue and Contra Costa County Measure J;

WHEREAS, Contra Costa Transportation Authority ("CCTA") received a Caltrans Sustainable Transportation Planning Grant, to engage in a regional transportation study, specifically focusing on the gaps in services associated with seniors, persons with disabilities and disadvantaged persons;

WHEREAS, following various efforts and discussions, CCTA has indicated an interest in creating a Coordinated Entity ("CE"), which would identify gaps in service, develop sources of funding, and create a set of roles and responsibilities;

WHEREAS, as part of those discussions, CCTA has notified the Contra Costa County public transit providers that it is exploring becoming a Consolidated Transportation Services Agency ("CTSA"), which entity would be eligible for TDA, STA and Measure J funds;

WHEREAS, while staff is supportive of the concept of developing a CE that could provide a single source of information for individuals seeking accessible transportation in Contra Costa, staff has serious concerns regarding CCTA being designated a CTSA, and if CCTA is so designated, staff opposes CCTA from accessing TDA 4.5, STA Revenue and Measure J funds that currently flow to the three existing Contra Costa public transit operators; and

WHEREAS, staff recommends, and the Operations & Scheduling Committee concurs, that the Board of Directors take a position in support of the concept of developing a Contra Costa County CE, and also take a position opposing CCTA being designated a CTSA, unless such designation does not imperil access to the TDA, STA and Measure J funds that support the three Contra Costa County public transit operators.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Central Contra Costa Transit Authority hereby supports the concept of developing a Contra Costa County CE, with a set of clearly defined roles and responsibilities that does not erode or impede the existing Contra Costa County public transit operators' ability to provide their existing accessible transportation programs; and

BE IT FURTHER RESOLVED that the Board of Directors opposes CCTA being designated a CTSA, unless such designation either (1) expressly prohibits CCTA from accessing the TDA, STA and Measure J funds that support the transit operations of CCCTA, Eastern Contra Costa Transit Authority and Western Contra Costa Transit Authority, or (2) CCTA provides assurances in writing, pursuant to a formal agreement, that it will not seek to access said funds.

Regularly passed and adopted this 17th day of November 2023 by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

Amy Worth, Chair, Board of Directors

ATTEST:

Lathina Hill, Clerk to the Board