

April 15, 2021

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Sent via U.S. Mail and Email to <[kmartinez@leadershipcounsel.org](mailto:kmartinez@leadershipcounsel.org)>

Ms. Martinez,

Thank you for your letter dated March 15, 2021 (“your Letter”), in which you engage the Fresno Council of Governments (“FCOG”) in discussions relating to the 2021 unmet transit needs assessment process. We have reviewed your Letter along with our partners in the Fresno County Rural Transit Agency (“FCRTA”), the Fresno Area Express (“FAX”), and Clovis Transit. By this letter FCOG staff responds to the transit projects suggested in your Letter.

As a threshold matter, you are correct that section 99238.5 of the Public Utilities Code (“PUC”) requires the FCOG to “solicit the input of transit dependent and transit disadvantaged persons.” To that end, the FCOG (1) placed a notice on its website on February 17, 2021 soliciting public input, (2) sent written notices during the months of January, February, and March. The extensive outreach efforts consisted of website posts, social media posts, mail outs to FCOG’s database of more than 5,000. In addition, the FCOG will conduct noticed public meetings on April 29, 2021. FCOG staff sees your Letter itself is reflective of FCOG’s efforts to involve the community in the unmet transit needs process, and we appreciate and value your participation in this process.

City of Clovis  
City of Coalinga  
City of Firebaugh  
City of Fowler  
City of Fresno  
City of Huron  
City of Kerman  
City of Kingsburg  
City of Mendota  
City of Orange Cove  
City of Parlier  
City of Reedley  
City of San Joaquin  
City of Sanger  
City of Selma  
County of Fresno

As you know, the FCOG, as the transportation planning agency for the County of Fresno, annually conducts the unmet transit needs assessment process under section 99401.5 of the PUC. Through this process, the FCOG identifies “unmet transit needs” that are “reasonable to meet,” as those terms are defined in FCOG Resolution No. 90-15. A copy of FCOG Resolution No. 90-15 is attached to this letter as **Attachment A** for your reference.

On pages 1 and 2 of your Letter, you identified eight specific transit projects, which you assert meet the definitions in FCOG Resolution No. 90-15 and section 99401.5, subdivision (c) of the PUC as unmet transit needs that are reasonable to meet. Those eight transit projects are presented under the following headings:

- Expanding and Institutionalizing Electric Rideshare Programs for Rural and Isolated Communities
- Better Transit Access In the City of Fresno West of Highway 99
- Better Connectivity From Southeast and Southwest Fresno to Northeast Fresno
- Prioritization of Active Transportation Projects in DUCs/DACs

By this letter, FCOG staff and FCOG's transportation partners respond to whether the eight specific transit projects listed in your Letter qualify as unmet transit needs that are reasonable to meet, which we do below.

We do not, however, respond to the eight "non-transit" projects listed on pages 2 and 3 of your Letter. Those non-transit projects are neither within the scope of the unmet transit needs assessment process nor are they within the scope of FCOG's authority as the transportation planning agency. It will be up to individual local governments, , to determine which projects will be implemented.

### **1. Are the Eight Proposed Transit Projects Unmet Transit Needs?**

In order to determine whether the eight transit projects identified in your Letter qualify as unmet transit needs, FCOG staff relies on the definition from Resolution No. 90-15, which defines "unmet transit needs" as follows:

"Those public transportation or specialized transportation services that are identified in the Regional Transportation Plan and/or documented through the [FCOG]'s annual unmet transit needs public hearing process that have not been implemented or funded." (Attachment A, p. 4.)

This is a broad definition. For the most part, FCOG staff does not dispute that, of the eight projects identified in your Letter, seven proposed transportation projects include at least one proposal that qualifies as unmet transit needs within the definition above.

However, the final item identified by your Letter as a transit project includes numerous proposals which do not meet the definition provided by Resolution No. 90-15. This item reads as follows:

"Ensure that sidewalks, bike lanes, curb, and gutter projects are funded in areas that do not have the existing pedestrian infrastructure. In addition, FCOG should work in conjunction with Fresno County to ensure that communities who reported flooding in the SB 244 analysis are prioritized." (Your Letter, p. 2.)

The above request consists entirely of infrastructure projects which do not qualify as "public transportation or specialized transportation services," and are therefore not to be addressed through the unmet transit needs process. The listed projects can only be undertaken by the local governments having jurisdiction to perform those public infrastructure improvements.

### **2. Are the Unmet Transit Needs Reasonable to Meet?**

The FCOG is required by section 99401.5 of the PUC to determine whether an unmet transit need is reasonable to meet. Pursuant to the authorization under section 99401.5, subdivision (c), FCOG has provided a definition for "reasonable to meet" in Resolution No. 90-15.

The definition provided by Resolution No. 90-15 is complicated, and we encourage you to review the definition yourself. It is important to note that, in making the assessment whether an unmet transit need is reasonable to meet, FCOG staff, on consultation with FCOG's transit partners, conduct a feasibility analysis, which can include the following non-exhaustive determinations:



- (a) Forecast of anticipated ridership if service is provided.
- (b) Estimate of capital and operating costs for the provision of such services.
- (c) Estimate of fares and local support in relation to estimates operating costs for providing such services.
- (d) An estimated fare which the [FCOG] Board would determine to be sufficient to meet farebox recovery requirements, but would not be so high that it would provide a financial burden on transit patrons.

Moreover, FCOG must determine whether the proposed service complies with numerous legal requirements. Among those legal requirements expressly listed in Resolution No. 90-15, FCOG must also consider whether a proposed service “would result in the responsible operator or service claimant meeting the farebox recovery and local support requirements as set forth by PUC Section 99268 et. seq.” (Attachment A, pp. 4-5.) State law provides that urban operators must recover one-fifth of their operating revenues from fares where rural operators must recover one-tenth. (PUC, § 99268.2.) Failure of our transportation partners to maintain the requisite levels of farebox recovery would also result in their forfeiture of significant State subsidies.<sup>1</sup>

You are correct that “the fact that an identified transit need cannot be fully met based on available resources shall not be the sole reason for finding that a transit need is not reasonable to meet.” (PUC, § 99401.5, subd. (c); see also Attachment A, p. 4.) FCOG follows this rule in making its determinations. However, to the extent that you appear to suggest financial needs should not be a part of the determination whether an unmet transit need is reasonable to meet (see, your Letter, p. 3), that is a significant oversimplification. While many of the considerations are financial in nature, those considerations can extend beyond a mere lack of resources.

By way of example, one of our transit partners, FCRTA, has repeatedly attempted to provide transit services to the unincorporated community of Westpark, as identified by a local advocacy group in prior unmet transit needs assessments. Despite a mere 10% farebox recovery requirement for that rural operator, FCRTA was forced to discontinue the Westpark service, as required by State law, when it determined that it was subsidizing more than 90% of the operating costs of that service. Such service may have constituted an unmet need, but in retrospect that need was not reasonable to meet because of that route’s inability to meet State farebox requirements.

We note that you have provided no evidence and very little discussion about whether the eight identified transit projects proposed in your Letter are indeed reasonable to meet, instead relying on generalizations in your “Conclusion” section. On careful review of available information, including your Letter, and on consultation with FCOG’s transit partners, FCOG staff has made the following determinations regarding whether your proposed transit projects are reasonable to meet. FCOG staff intends to present these determinations to the Social Services Transportation Advisory Council on April 20, 2021.

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<sup>1</sup> While this requirement has been temporarily suspended by the legislature by Assembly Bill 90 due to the COVID-19 pandemic, FCOG and its transit partners must consider the applicable farebox recovery ratio when planning for transit projects that will extend past the temporary suspension.

### ***A. Electric Rideshare***

“Fresno County Rural Transportation Agency (FCRTA) has put forth community-driven rideshare programs to address the specific transportation needs of the region's rural and isolated communities. There are few smaller cities and communities, like Cantua Creek, that already have an electric vehicle (EV) infrastructure, and FCRTA is working diligently to ensure a reliable grid for all-electric fleets. We urge FCOG to fund innovative, resilient, and sustainable projects, like those created by FCRTA, to continue to adequately address rural transportation infrastructure issues. A rideshare program in communities such as Lanare and Cantua is a project which could address these issues. Biola and Westpark have successfully implemented this project through the Unmet Transit Needs funding and should be expanded to more rural communities.” (Your Letter, pp. 1-2.)

The operator responsible for this proposed service expansion is FCRTA. With assistance from FCRTA, FCOG staff has determined that the proposed transit need is **reasonable to meet**.

We would like to convey that FCRTA staff thanks you for your recognition of the significant efforts FCRTA has made to provide safe and reliable electric rideshare services to unincorporated communities within Fresno County.

In October 2020, FCRTA deployed a demonstration rideshare program utilizing electric vehicles in the communities of West Park and Biola following the completion of an EV Rideshare Study funded by the FCOG Infrastructure Planning Grant. This service is still active and is operated by Inspiration Transportation. FCRTA intends to expand this service into other communities such as Lanare and Cantua Creek once ridership increases and normal operations resume as a result of the COVID-19 pandemic recovery.

### ***B. Bus Rapid Transit – California Avenue***

“Extending the Bus Rapid Transit along California Avenue into West Fresno. In the short-term, Route #28 needs to pass by with more frequency along California Ave.” (Your Letter, p. 2.)

The operator responsible for this proposed route extension would be FAX. With assistance from FAX, FCOG staff has determined that the proposed transit need is **not reasonable to meet**, because the existing and projected ridership do not justify the cost of extension of bus rapid transit (“BRT”) service or more frequent service along Route #28.

In 2008, FAX prepared a study assessing four potential high demand routes for BRT. Although California Avenue was not included in this study, as ridership along California Avenue was too low for inclusion, only the Blackstone and Ventura/Kings Canyon alignments were justified due to their high projected ridership.

Street infrastructure, including sidewalk, curb, and gutter, does not exist in continuity along California Avenue to support your proposed BRT route. The cost of improvements required to construct a BRT route along this route would be approximately \$3.5 million per mile,



based on FAX's experience with its existing BRT routes. The costs of implementing a traditional BRT project would include dedicated transit lanes, off-board fare collection, Transit Signal Priority, enhanced station amenities, and service at 10 minutes during peak periods, resulting in the need for the purchase of two additional electric vehicle buses at approximately \$1.3 million each. Even if FAX could obtain funding for the street infrastructure improvements, the two additional electric buses, and the BRT-related costs, a new BRT corridor would add significant costs to FAX's overall operating costs per hour which have increased by almost 10% between FY 19 and FY 20 due to COVID, and would aggravate FAX's current systemwide farebox recovery ratio which has declined to 10% due to COVID, thus preventing FAX from justifying the proposed service.

Similarly, projected ridership does not justify an increase of frequency along Route 28. The current service interval of 20 minutes meets the needs of the existing pre-COVID ridership of 3,118 daily passengers. Increasing the frequency to every 15 minutes would result in a cost increase of \$660,000, requiring an additional 110,000 annual passenger trips above and beyond the pre-COVID ridership numbers based on average fare collection rates to achieve a farebox recovery ratio of 15%.<sup>2</sup>

FCOG staff and FAX do recognize that the ridership needs of Southwest Fresno are changing along with growth. Accordingly, FAX has included a proposed project in the Regional Transportation Plan ("RTP") to evaluate a variety of high frequency services and service expansions in the Southwest Fresno Specific Plan Area, including analysis along California, Elm Ave, and additional connections between the southwest area and areas west of State Route 99 further north.

### ***C. Route #35 Improvements***

"Reliable and efficient transit stops/access on Route #35 towards Addams Elementary. Currently, the bus passes by every 30 to 40 minutes making it difficult for children and parents to get to school on time. This should be reduced to a 15-minute frequency. This should also include safe routes to the bus stop on both sides of Floradora and Hughes Avenues." (Your Letter, p. 2.)

The operator responsible for Route #35 is FAX. With assistance from FAX, FCOG staff has determined that the proposed transit need is **not reasonable to meet**, because the existing and projected ridership do not justify the cost of more frequent service along Route #35.

The existing service interval of 30 minutes of Route 35, along with Fresno Unified School District's daily school bus service from 1839 Golden State Boulevard to Addams Elementary School via Route 0901AB, meets the needs of the pre-COVID ridership of 1,191 daily passengers, with pre-COVID average daily boardings of 12 and alightings of 7 at Bus Stop #1329 at SW Hughes and McKinley in front of Jane Addams Elementary School. Increasing the frequency of Route 35 to every 15 minutes would result in an operating cost increase of \$1.2 million, requiring an additional 136,000 trips to achieve a 15% farebox recovery ratio.

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<sup>2</sup> FAX staff uses 15% because it is the mid-point between the minimum 20% farebox recovery ratio requirement under the Transit Development Act and the current systemwide farebox recovery ratio of 10% due to COVID.

In addition, increasing service from 30 minutes to 15 minutes would require the purchase of six new electric buses at a cost of \$1.3 million for each new bus.

However, as ridership increases on this route, it will be evaluated for increased frequencies as identified in the 2015 Strategic Services Evaluation.

To the extent this proposal includes proposed improvements to roadway infrastructure which do not meet the definition of “unmet transit need,” FCOG staff does not address whether it is reasonable to meet. The City of Fresno Public Works Department addresses the infrastructure needed to create safe routes to bus stops.

#### ***D. Three Palms Mobile Home Transit***

“Reliable and efficient transit stops and access near the Three Palms Mobile Home Park. This could be done by expanding Route #20. We also ask there be a commitment from FAX to implement the mobility option that results out of the Clean Mobility Options Grant for the 2022-2023 budget.” (Your Letter, p. 2.)

The operator responsible for this proposed expansion of service would be FAX. With assistance from FAX, FCOG staff has determined that the proposed transit need is **not reasonable to meet**, due to the existing infrastructure limitations of the site. The Three Palms Mobile Home Park is solely accessible from Golden State Boulevard, which does not permit the safe operation of transit at this time. Golden State Boulevard serves as the onramp for State Route 99 and has a posted speed limit of 50 miles per hour. There is no safe path of travel, and there is no existing infrastructure for safe bus stop placement. Therefore, bus service to Three Palms Mobile Home Park cannot be provided.

FAX is, however, partnering with the Three Palms Mobile Home Park, Leadership Counsel for Justice and Accountability, and Inspiration Transportation on developing a Clean Transportation Needs Assessment funded through a Clean Mobility Options (“CMO”) grant via California Climate Investment dollars. FAX is committed to partnering with the community to apply for the next round of CMO grant funding, pending the outcomes and planning efforts resulting from the needs assessment, expected to be finalized this summer.

#### ***E. Addams Elementary to Gaston Middle School***

“Efficient transit connections from Addams Elementary to Gaston Middle School by extending service on Church Avenue and Hughes Avenue.” (Your Letter, p. 2.)

The operator responsible for this proposed route would be FAX. With assistance from FAX, FCOG staff has determined that the proposed transit need is **not reasonable to meet**, because the existing and projected ridership do not justify the cost of creation of the new route described.

Existing service between Addams Elementary School and Gaston Middle School is accomplished by Routes #35 and #32, with a transfer at Fresno Street. In addition, Fresno Unified School District provides daily school bus service from 1839 Golden State Boulevard to Gaston Middle School via Route 0908AA.



FAX cannot justify the creation of the proposed route along Church Avenue and Hughes Avenue, as the existing land uses along that route are not dense enough to support public transit. An 11-mile route, connecting Routes 38 and 35 with service through Church and Hughes would cost approximately \$700,000, plus the cost of purchasing two new electric buses at approximately \$1.3 million per bus. To achieve a 15% farebox recovery, it would need approximately 105,000 passenger trips per year. This is in an area with less than 2,000 residents within ¼ mile of the route. This ridership is the equivalent of FAX Route 33, which has a population of more than 21,000 residents within ¼ mile of the route.

Additionally, FAX is currently exploring future service along Church Avenue from southwest Fresno to Armstrong. Funding has not, however, been identified for this service.

#### ***F. Bus Rapid Transit – McKinley Avenue***

“Extending the Bus Rapid Transit along McKinley Avenue.” (Your Letter, p. 2.)

The operator responsible for this proposed route would be FAX. With assistance from FAX, FCOG staff has determined that the proposed transit need is **not reasonable to meet**, because the existing and projected ridership do not justify the cost of extension of BRT along McKinley Avenue.

Although McKinley Avenue was not included in FAX’s 2008 BRT study, as ridership along McKinley Avenue was too low for inclusion, only the Blackstone and Ventura/Kings Canyon alignments were justified due to their high projected ridership.

Currently, street infrastructure along the existing canal does not exist along the eastern portion of McKinley to support BRT service, or even ADA-accessible local bus service. The cost of improvements required to construct a BRT line along this route would be approximately \$3.5 million per mile, based on FAX’s experience with its existing BRT routes. In addition, as explained above, BRT service costs considerably more to operate than the existing bus route service. Even if FAX could obtain funding for the street infrastructure improvements, new electric buses, and BRT-related costs, a new BRT corridor would add significant costs to FAX’s overall operating costs per hour which have increased by almost 10% between FY 19 and FY 20, and would aggravate FAX’s existing farebox recovery of 10%, thus preventing FAX from justifying the proposed service.

FCOG staff and FAX do recognize that the ridership needs of Southwest Fresno are changing along with growth. Accordingly, FAX has included a proposed project in the RTP to evaluate a variety of high frequency services and service expansions in the Southwest Fresno Specific Plan Area, including analysis along California, Elm Ave, and additional connections between the southwest area and areas west of State Route 99 further north.

#### ***G. Church Avenue Stops***

“Adding stops/access along Church Avenue.” (Your Letter, p. 2.)

The operator responsible for routes which currently serve Church Avenue in your area of interest is FAX. With assistance from FAX, FCOG staff has determined that the proposed transit need is **not reasonable to meet**, because, as explained under section 2.E above, the existing and projected ridership do not justify the cost of increasing the density of stops along the route described.

To the extent that the proposed additional “access” includes anything other than “public transportation or specialized transportation services,” thus not meeting the definition of “unmet transit need,” FCOG staff does not address whether that proposed access is reasonable to meet.

***H. Prioritization of Active Transportation Projects in DUCs/DACs***

“Ensure that sidewalks, bike lanes, curb, and gutter projects are funded in areas that do not have the existing pedestrian infrastructure. In addition, FCOG should work in conjunction with Fresno County to ensure that communities who reported flooding in the SB 244 analysis are prioritized.” (Your Letter, p. 2.)

As we note above, this proposed project is not an “unmet transit need” within the meaning provided by Resolution No. 90-15. Accordingly, FCOG staff does not address whether it is reasonable for our transit partners to meet.

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FCOG staff again thanks you for your participation in the unmet transit needs process.

  
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Tony Boren, Executive Director  
Fresno Council of Governments