

May 11, 2023

Karla Martinez, Policy Advocate
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Sent via U.S. Mail and Email to kmartinez@leadershipcounsel.org

Dear Ms. Martinez,

Thank you for your letter dated March 24, 2023, in which you engage the Fresno Council of Governments (“FCOG”) in discussions relating to the 2023 Unmet Transit Needs (“UTN”) assessment process. We have reviewed your letter along with our partners at the Fresno County Rural Transit Agency (“FCRTA”), Fresno Area Express (“FAX”), and Clovis Transit. Through this letter, FCOG staff responds to the comments in your letter.

Community Engagement Efforts

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.” The UTN requirement calls for a single public hearing to satisfy the public input process. FCOG regularly exceeds the minimum requirements by a large margin. In the current cycle of the UTN assessment, eight public meetings were held between February 14 and March 4, 2023. Three in-person public meetings were in rural communities, while three were in urban communities, all within Fresno County. Two virtual public meetings also took place, with one broadcast on the FCOG Facebook page, and the other on the FCOG YouTube channel. All outreach materials are prepared in English and Spanish, with meetings attended by bilingual staff to communicate with Spanish-speaking attendees. Additionally, the flyer contains contact information to request special accommodations.

The three in-person public meetings in rural Fresno County were held in Mendota, Huron, and Sanger, while one of the three in-person public meetings within the urban area was held in Clovis. The remaining two in-person public meetings in urban Fresno County were in the City of Fresno, specifically Pinedale and downtown Fresno. Five of the six in-person public meetings were held in ‘disadvantaged’ communities within Fresno County.

Public meetings are just one way that FCOG collects comments and feedback. As a result of the shutdown in 2020 from COVID and its ongoing effects, FCOG set up an online survey to collect comments, feedback, and needs from the public. First available in both English and Spanish, the online survey is now available in many languages and has quickly become a preferred way for transit riders and stakeholders to communicate transit needs.

In the current cycle of the UTN, FCOG is also collecting public feedback via email and a 1-(800) line. People can call in or send an email to a pre-designated phone number and email address to provide their comments.

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

Just as important as receiving comments and feedback about transit needs, is increasing awareness of the UTN process. The UTN outreach process starts with a letter and flyer sent to the UTN mailing list maintained by FCOG. This list contains over 320 interested stakeholders and agencies advising them of the current year's outreach schedule and process. They are encouraged to share this information with staff and additional stakeholders to further increase awareness and generate interest in the UTN.

Notification of the UTN process was also made through the FCOG's "Coming Up at Fresno COG" and FAX's "What's New At FAX" newsletters. The FCOG newsletter was sent to 3,870 email addresses, while FAX's email distribution list includes 320 addresses. FAX's newsletter is also available publicly on the Fresno.gov website.

In addition to email newsletters, social media was heavily utilized to increase awareness of the UTN process. At least one social media post was made through the social media channels of each FCOG, the City of Clovis, and FAX.

FCOG uses publicinput.com, a community engagement platform for Government that consolidates the entire public outreach process into a single channel. The use of the platform has significantly increased public feedback and input for the UTN process.

In addition to comments and feedback about transit needs, FCOG and partners occasionally receive suggestions for how to improve the public outreach process. Three years ago, it was suggested to hold an in-person public meeting on a Saturday to provide people who wanted to participate in the UTN on a weekend the opportunity to do so. The following year, this recommendation was implemented, and now continues to be incorporated into the outreach process.

In the current cycle, FCOG and partners have received excellent feedback from participants for how to be more inclusive of additional populations within Fresno County, specifically, the elderly. As a result, we will be incorporating some of these suggestions into the UTN process starting next year.

Legal Standard

As you know, the FCOG, as the transportation planning agency for the County of Fresno, annually conducts the UTN assessment process under section 99401.5 of the PUC. Through this process, the FCOG identifies "unmet transit needs" that are "reasonable to meet," per FCOG Resolution No. 90-15, which although adopted over thirty years ago remains a valid and effective protocol to facilitate the implementation of transportation policies and programs that respond to all community transit needs.

On pages 2, 3, and 4 of your letter, you identified four 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 four transit projects are presented under the following headings:

- Expanding and Institutionalizing Microtransit Programs for Rural and Isolated Communities
- Better Transit Access in the City of Fresno West of Highway 99

In this letter, FCOG staff and FCOG's transportation partners provide responses to your proposed four transit projects listed in your letter and make the determination whether they qualify as unmet transit needs that are reasonable to meet.

We do not, however, respond to the twelve “non-transit” projects listed on pages 4 and 5 of your letter. These non-transit projects are neither within the scope of the UTN Assessment process, nor are they within the scope of FCOG’s authority as the transportation planning agency. It will be up to individual governments to determine which projects will be implemented. The twelve “non-transit” projects are listed below.

1. What Are Unmet Transit Needs?

To determine whether the four 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."

This is a broad definition which is inclusive of all public transportation and specialized transportation services identified in the Regional Transportation Plan.

2. When Are 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 in Resolution No. 90-15 provides that FCOG staff, on consultation with FCOG's transit partners, conduct a feasibility analysis, which can include the following non-exhaustive determinations: These assessments are an essential feature of the transit operators ongoing review of all existing service routes and proposed additions to service in relation to existing limited budget resources to provide the highest and best levels of service to as many transit dependent passengers within Fresno County and disadvantaged communities as possible.

- (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.*" State law requires that urban operators must recover one-fifth of their operating revenues from fares and rural operators must recover one-tenth. (PUC, § 99268.2.) Failure of our transportation partners to maintain the requisite levels of farebox recovery could also result in their forfeiture of significant state subsidies.

PUC section 99401.5, subd. (c), provides "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." However, to suggest as you did in your letter that financial criteria should not be a part of the determination whether an unmet transit need is reasonable to meet is a significant oversimplification. The key phrase is, "shall not be the sole reason". FCOG does not make unmet needs finding based solely on available resources, but rather on an analysis of total existing needs, total requested additional needs, and total budget resources available to maximize resources to the betterment of safe and efficient operations for the greatest need.

Analysis of Leadership Counsel for Justice and Accountability Comments

1. "Expanding and Institutionalizing Microtransit Programs for Rural and Isolated Communities"

a. Rural Transportation Projects

You state:

"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."

Initially, it must be stated that your request is vague, and does not call for a specific project or projects, but evidently a category of projects. FCOG agrees that, to the extent your comment calls on FCOG to fund research into the feasibility and implementation of "innovative, resilient, and sustainable" projects in the rural area of Fresno County, that was at one time an unmet transit need that was reasonable to meet. However, given FCOG's recent work to explore and implement microtransit programs County-wide, as discussed below, the need is no longer unimplemented or unfunded, and therefore no longer unmet.

In December 2022, the FCOG released an RFP to explore microtransit options, not only in the urban area, but in the rural, isolated communities of Fresno County. A consultant was selected in March 2023. The study will explore the feasibility of microtransit as a solution to meet transportation needs that cannot be satisfied by existing transit services. If microtransit is financially feasible and implemented in Fresno County, it can fill the gap that fixed-route transit cannot, providing additional transit options in isolated areas of rural Fresno County to residents who lack transportation for jobs, school, medical services, and other daily activities. Better Transit Access in the City of Fresno West of Highway 99.

b. CMO Microtransit

Your letter also states:

"FAX and Inspiration Transportation along with Leadership Counsel put forth a community driven Clean Mobility Options (CMO) planning grant to address transportation needs for the area, and we look forward to seeing the implementation of the CMO transportation option. However, transportation needs continue to go

unmet. We urge funding to go towards an on-demand microtransit program to meet the needs of an area that has limited bus options, active transportation infrastructure, and is isolated from many amenities including doctors' offices, grocery stores, and parks.”

Initially, it must be stated that your request is vague, and does not call for a specific project or projects, but evidently a category of projects. FCOG agrees that, to the extent your comment calls on FAX to fund research into the feasibility of microtransit projects, that was an unmet transit need that was reasonable to meet. However, given FAX's recent work to explore and implement microtransit programs, as discussed below, the need is no longer unimplemented or unfunded, and therefore no longer unmet.

In July 2022, FAX contracted with their Consolidated Transportation Services Agency social services provider, Fresno County Economic Opportunities Commission Transit Services, to implement a demonstration shuttle bus service connecting 3 Palms Mobile Home Park, West Park, and the Veterans Home to various services in the City of Fresno. The demonstration project was funded through social service transportation funding provided by the State of California. This service operates Monday through Saturday. Schedule and destinations are as follows:

- Mondays: Food Maxx and Courthouse Park (CHP) (8:00am, 12:00pm and 4:00pm)
- Tuesdays: Vallarta and Walmart (8:23am, 2:23pm)
- Wednesdays: Manchester Transit Center (MTC) & Fashion Fair (9:23am, 3:23pm)
- Thursdays: El Paseo Shopping Center (11:23pm)
- Fridays: Food Maxx and Courthouse Park (8:00am, 12:00pm, and 4:00pm)
- Saturdays: Vallarta and Walmart (9:23am)

At these locations, passengers can connect to the FAX fixed-route system and access most parts of Fresno. Ridership in the first eight months of the service at 3 Palms Mobile Home Park was extremely low, with an average of two passengers per trip per month. Based on low ridership, this service is unsustainable as currently structured.

In July 2022, FAX partnered with a microtransit provider to apply for grant funds from the FCOG Measure C New Technology grant program to implement a microtransit demonstration project in the 3 Palms Mobile Home Park area. The application did not receive a grant award. In November 2022, FAX again partnered with a microtransit provider, this time to apply for federal grant funds to implement a 3-year microtransit demonstration project in a 10-square-mile service area west of State Route 99, including the 3 Palms Mobile Home Park. The analysis completed as part of the Clean Mobility Options (CMO) project was used as the basis of both grant applications. FAX is still waiting to hear the status of the federal grant application. If awarded, this would be the City of Fresno's first microtransit pilot project with a nationally recognized microtransit provider, resulting in a test case for the demand, use, and financial sustainability of microtransit not only in this area but also in other potential areas in the City of Fresno.

2. “Better Transit Access in the City of Fresno West of Highway 99”

a. Route 28 Extension and Stop Frequency

Your letter urges the FCOG to consider:

“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.”

FCOG, in consultation with FAX, has determined that the extension of bus rapid transit along California Avenue in West Fresno, while it may be an unmet need, is not one that is reasonable to meet. FAX acknowledges the need for better transit access west of State Route 99 as an unmet transit need, however this is not reasonable to meet because development west of State Route 99 is dispersed and mostly low-density, thus resulting in limited efficiency for fixed route transit.

The reasons for this conclusion remain the same as those provided in our response to your 2021 letter.

However, this past year in West Fresno, FAX has increased frequency on that portion of Route 38 that intersects California Avenue. BRT expansion on California is suggested in the Southwest Fresno Specific Plan. Frequency on Route 28 is currently at 20 minutes which and will be looked at for a future frequency increase when the remaining system moves to 30-minute frequencies in the Fall of 2023 to mirror most routes except Route 58 which is at 60 minutes paid for by Valley Children’s Hospital.

For greater access to transit in the City of Fresno, west of Highway 99, FAX will extend Route 45 to the new Justin Garza High School on Ashlan this August moving to 30-minute frequency for the current 45 minutes.

In addition, as described above, FAX has applied for federal grant funds for a three-year Microtransit Pilot Program in the West Area. The awards should be announced soon.

b. Route 35 On-Time Operation

Your letter also urges FCOG to consider:

“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.”

To the extent that your comment argues that Route 35 did not historically operate on time, FCOG agrees that this had the potential to result in an unmet transit need. However, FAX’s expenditures and other efforts to improve the on-time efficiency of Route 35 mean that this need is no longer unimplemented and unfunded, therefore no longer unmet.

According to FAX, Route 35 operates at 30-minute frequencies and was recently interlined with Route 12 to improve on-time performance for the area. FAX will continue to evaluate the performance of this route and make adjustments as resources allow. In addition, as described above, FAX applied for federal grant funds for a three-year Microtransit Pilot Program in the West Area. If awarded, transportation to the Jane Addams Elementary School and surrounding neighborhood would be included as part of the project area and could provide alternative means for a more reliable and flexible service for students and parents.

3. Non-Transit Projects

On pages 4 and 5 of your letter, you identify twelve infrastructure-related projects as unmet transit needs. These include, on page 5, the following identified need under the heading "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."

This and the eleven other transportation needs are infrastructure projects do not qualify as "public transportation or specialized transportation services," per resolution 90-15. They can only be undertaken by the local governments having jurisdiction to perform those public infrastructure improvements. These projects have been noted and forwarded to the appropriate agencies.

On a related note, the most recent round of the Caltrans Active Transportation Program (ATP) funded the Calwa and Tranquility Sidewalk Projects, and the Herndon/Barstow Intersection Crosswalk Project. The Cantua Creek/El Porvenir project was not funded. Efforts are continuously being made on behalf of FCOG to fund viable projects as proposed and evaluated by the ATP Committee, which is comprised of a diverse representation of local communities.

We encourage Leadership Counsel to work with the respective agencies that oversee these jurisdictions of the comments received, including Fresno County, the City of Fresno, school districts, and special districts. Additionally, there are funding opportunities through the Active Transportation Plan, and other sources that Leadership Counsel can apply for with the communities it works with to address these non-transit projects.

FCOG staff again thanks you for your participation in the Unmet Transit Needs process.

Harold Sobrado

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