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February 17, 2021

Judge Michael Jurkovich
Supervising Judge of the Grand Jury
Madera County Superior Court
200 S. G Street
Madera, California 93637

Madera County Grand Jury
P.O. Box 534
Madera, California 93639

Subject: Response to Grand Jury Report – Final Report 1920-02, entitled “Unmet Transit Needs in Madera County: Riders without Routes,” December 21, 2020

Honorable Supervising Judge Jurkovich:

Pursuant to California Penal Code 933.05(a) and (b), the Madera County Transportation Commission (MCTC) submits this response to the findings and recommendations in the Grand Jury Report – Final Report 1920-02, entitled “Unmet Transit Needs in Madera County: Riders without Routes,” December 21, 2020.

As a preliminary matter, Penal Code Section 993(b) requires that “the governing body of the public agency shall comment...on the findings and recommendations pertaining to matters *under the control of the governing body.*” MCTC respectfully notes that Findings 2, 3, 5, 6, 7, 9, and 10, and the associated recommendations, pertain to matters that are not under the control of MCTC. MCTC is a public agency that is distinct and separate from the County of Madera and has a separate governing board. As such, MCTC is not the entity who would be able to provide a response to those items, nor would it have authority to implement the associated recommendations as further noted below. In an effort to facilitate comments, MCTC has forwarded a copy of the Grand Jury report to the County of Madera (see attached cover letter dated January 15, 2021).

FINDINGS:

Finding 1: The MCGJ finds that the definition of unmet transit needs is vague and fails to consider the geography, the demographics, and the economic inequity of Madera County.

Finding 1 Response: Agree. However, neither the Transportation Development Act (TDA) nor the California PUC provide guidance on the definition for “Unmet Transit Needs” or “Reasonableness to Meet”.

PUC-99401.5(c)

The definition adopted by the transportation planning agency for the terms “unmet transit needs” and “reasonable to meet” shall be documented by resolution or in the agency’s minutes.

The MCTC legally complies with the TDA and California PUC requirements – Sections 99400-99408.

There is no statute for these definitions related to the geography, demographics, and economic inequity in a region.

The Social Service Transportation Advisory Council (SSTAC) is comprised of a diverse group of representatives of social service and transit providers representing the elderly, disabled, and persons of limited means. An essential responsibility of the SSTAC is to advise the transportation planning agency on any major transit issues, including coordinating and consolidating specialized transportation services for those they represent. This responsibility includes considering the definition that guides the Unmet Transit Needs process related to problems or concerns with the region’s transit operations.

Finding 2: The MCGJ finds that bus schedule information is not readily available.

Finding 2 Response: MCTC respectfully responds that this finding does not pertain to a matter under its control. Instead, matters pertaining to Finding 2 are believed to be within the jurisdiction and control of the County of Madera, who is responsible for bus schedule information. MCTC has provided a courtesy copy of the Grand Jury report to the County of Madera, noting that this finding appears to be within the County’s jurisdiction. As this matter does not pertain to a matter under MCTC’s control, it is unable to respond regarding agreement or disagreement to the same [see Penal Code Section 933(b)].

Finding 3: The MCGJ finds that bus schedules are difficult to read and understand.

Finding 3 Response: MCTC respectfully responds that this finding does not pertain to a matter under its control. Instead, matters pertaining to Finding 3 are believed to be within the jurisdiction and control of the County of Madera, who is responsible for bus schedule development. MCTC has provided a courtesy copy of the Grand Jury report to the County of Madera, noting that this finding appears to be within the County’s jurisdiction. As this matter does not pertain to a matter under MCTC’s control, it is unable to respond regarding agreement or disagreement to the same [see Penal Code Section 933(b)].

Finding 4: The MCGJ finds that there is inadequate public outreach to secure community input for transit needs from low income, senior citizens, and from rural mountain communities.

Finding 4 Response: Disagree. Pursuant to TDA regulations, MCTC is required to conduct at least one public hearing to receive potential unmet transit needs from the public. MCTC also makes accommodations for interested individuals to remotely access and participate in public hearings online.

PUC-99401.5 (c)

The transportation planning agency shall hold at least one public hearing pursuant to Section 99238.5 for the purpose of soliciting comments on the unmet transit needs that may exist within the jurisdiction, and that might be reasonable to meet by establishing or contracting for new public transportation or specialized transportation services or by expanding existing services.

MCTC receives comments and input on potential unmet transit needs throughout the entire year. MCTC has discussed unmet transit needs at workshops and provided opportunities for interested individuals to provide comments or feedback during these functions.

Public hearing and workshop information has been noticed in local newspapers, made available on public transit vehicles for riders, distributed to local social service agencies, distributed to businesses, distributed to online email groups, and posted on websites and social media in both English and Spanish.

Finding 5: The MCGJ finds that there continues to be unmet transit needs throughout the county which will only increase in outlying areas as the population increases and ages.

Finding 5 Response: MCTC respectfully responds that this finding does not pertain to a matter under its control. Instead, matters pertaining to Finding 5 are believed to be within the jurisdiction and control of the County of Madera. MCTC has provided a courtesy copy of the Grand Jury report to the County of Madera, noting that this finding appears to be within the County's jurisdiction. As this matter does not pertain to a matter under MCTC's control, it is unable to respond regarding agreement or disagreement to the same [see Penal Code Section 933(b)].

Finding 6: The MCGJ finds that MCC LaVina, Fairmead, Berenda, Madera Dial a Ride, Chowchilla Dial a Ride, Senior Bus and Medical Escort are underused.

Finding 6 Response: MCTC respectfully responds that this finding does not pertain to a matter under its control. Instead, matters pertaining to Finding 6 are believed to be within the jurisdiction and control of the County of Madera, who is responsible for the operation of transit service. MCTC has provided a courtesy copy of the Grand Jury report to the County of Madera, noting that this finding appears to be within the County's jurisdiction. As this matter does not pertain to a matter under MCTC's control, it is unable to respond regarding agreement or disagreement to the same [see Penal Code Section 933(b)].

Finding 7: The MCGJ finds that when referencing the hours and the bus schedules, transit services do not provide adequate hours or diverse route schedules.

Finding 7 Response: MCTC respectfully responds that this finding does not pertain to a matter under its control. Instead, matters pertaining to Finding 7 are believed to be within the jurisdiction and control of the County of Madera, who is responsible for bus and route schedule information. MCTC has provided a courtesy copy of the Grand Jury report to the County of Madera, noting that this finding appears to be within the County's jurisdiction. As this matter does not pertain to a matter under MCTC's control, it is unable to respond regarding agreement or disagreement to the same [see Penal Code Section 933(b)].

Finding 8: The MCGJ finds that there are several volunteer unfilled positions on the SSTAC committee. This limits the input from underserved populations in the community.

Finding 8 Response: Agree, there are two volunteer unfilled positions on the SSTAC committee. This limits the input from underserved populations in the community.

Finding 9: The MCGJ commends the County on the consolidated contract agreement and, cost savings of \$500,000 per year over five years with the selection of FCEOC as the bus service provider under a single operator contract.

Finding 9 Response: MCTC respectfully responds that this finding does not pertain to a matter under its control. Instead, matters pertaining to Finding 9 are believed to be within the jurisdiction and control of the County of Madera, who is responsible for transit operator contract agreements. MCTC has provided a courtesy copy of the Grand Jury report to the County of Madera, noting that this finding appears to be within the County’s jurisdiction. As this matter does not pertain to a matter under MCTC’s control, it is unable to respond regarding agreement or disagreement to the same [see Penal Code Section 933(b)].

Finding 10: The MCGJ finds that little is being done to market public transportation within the County.

Finding 10 Response: MCTC respectfully responds that this finding does not pertain to a matter under its control. Instead, matters pertaining to Finding 10 are believed to be within the jurisdiction and control of the County of Madera, who is responsible for marketing public transportation within the County. MCTC has provided a courtesy copy of the Grand Jury report to the County of Madera, noting that this finding appears to be within the County’s jurisdiction. As this matter does not pertain to a matter under MCTC’s control, it is unable to respond regarding agreement or disagreement to the same [see Penal Code Section 933(b)].

RECOMMENDATIONS:

Recommendation 1: The MCGJ recommends that, by the of beginning Fiscal Year 21-22, the MCTC redefine the definition of “unmet transit needs” to be clearly outlined in layman terms.

Recommendation 1 Response: The MCTC definition of “unmet transit needs,” is concise. “Unmet Transit Needs,” includes all essential trip requests by transit-dependent persons for which there is no other convenient means of transportation.

MCTC staff will include an item on the next SSTAC meeting agenda, scheduled for April 1, 2021, to discuss and take action to accept or amend the definition. If a recommendation is made to amend the definition, it would initiate a process that would ultimately require action from the MCTC Policy Board.

MCTC staff will initiate a fixed quarterly SSTAC meeting, and report quarterly to the MCTC Policy Board.

Recommendation 2: The MCGJ recommends that, by the beginning of Fiscal Year 21-22, bus schedules be posted at bus stops, inside buses, and be made available at local businesses.

Recommendation 2 Response: As explained above, MCTC respectfully notes this matter is outside the control of MCTC. As such, MCTC does not have the legal authority to respond regarding the implementation of the recommendation as requested [see Penal Code Section 933(b)].

Recommendation 3: The MCGJ recommends that, by the beginning of Fiscal Year 21-22, bus schedules should be easier to read to promote ridership and ensure the clarity of transit availability.

Recommendation 3 Response: As explained above, MCTC respectfully notes this matter is outside the control of MCTC. As such, MCTC does not have the legal authority to respond regarding the implementation of the recommendation as requested [see Penal Code Section 933(b)].

Recommendation 4: The MCGJ recommends that, by the beginning of Fiscal Year 21-22, SSTAC increase Unmet Transit Needs Workshops and Unmet Transit Needs Public Hearings to four times per year to promote community involvement from other County locations outside of the City of Madera.

Recommendation 4 Response: MCTC's process is compliant. MCTC has never had nor will be limited to fixed in-person participation. There are various opportunities and methods for interested individuals to participate throughout the year. Expansion of the process is discretionary and based on the availability of resources. MCTC will schedule additional workshops as resources allow. During this unprecedented time with COVID-19 restrictions, MCTC will schedule, and advertise a GoToWebinar. The webinar(s) will be recorded and available on MCTC's website.

Recommendation 5: The MCGJ recommends that, by the beginning of Fiscal Year 21-22, incentive programs, including FREE ridership days once a month for Seniors, Disabled and Persons with Limited Means, be introduced.

Recommendation 5 Response: As explained above, MCTC respectfully notes this matter is outside the control of MCTC. As such, MCTC does not have the legal authority to respond regarding the implementation of the recommendation as requested [see Penal Code Section 933(b)].

Recommendation 6: The MCGJ recommends that, by the beginning of Fiscal Year 21-22, the Senior Bus, Dial-a-Ride, and Medical Transport County service be reviewed and expanded within Eastern Madera County, LaVina, Fairmead, and Berenda.

Recommendation 6 Response: As explained above, MCTC respectfully notes this matter is outside the control of MCTC. As such, MCTC does not have the legal authority to respond regarding the implementation of the recommendation as requested [see Penal Code Section 933(b)].

Recommendation 7: The MCGJ recommends that, by the beginning of Fiscal Year 21-22, additional bus routes be added for Fairmead, Berenda, Raymond, North Fork, and Eastern Madera County.

Recommendation 7 Response: As explained above, MCTC respectfully notes this matter is

outside the control of MCTC. As such, MCTC does not have the legal authority to respond regarding the implementation of the recommendation as requested [see Penal Code Section 933(b)].

Recommendation 8: The MCGJ recommends that, by the beginning of Fiscal Year 21-22, a concerted effort be made by SSTAC to recruit volunteers to serve on the SSTAC committee.

Recommendation 5 Response: MCTC staff, in January 2021, advertised the SSTAC vacancies in Madera's local newspapers and on MCTC's social media accounts. Flyers are posted on transit buses from all three providers that service the Madera County area. Also, MCTC staff reached out to social service providers, requesting to post vacancy flyers. The announcement of vacancies has also been sent to community members included on MCTC's email list. The following is a more detailed list of the outreach efforts completed:

- Advertisement in print and online newspapers of general circulation;
- Facebook post with a boost that reached 3,259;
- Emails sent to MCTC Agenda recipient list;
- Emails sent to SSTAC recipient list with the announcement of SSTAC vacancies and requesting the announcement to be posted. The list includes: Bass Lake Chamber, Oakhurst Chamber, Coarsegold Chamber, North Fork Chamber, Madera Chamber, Chowchilla Chamber, Madera County Economic Development Commission, Madera Farm Bureau, Chukchansi Tribe, North Rancheria of Mono Indians, Camarena Health, California Rural Legal Assistance, Madera County Action Partnership, Leadership Counsel, Madera Workforce Development, and Fairmead Community and Friends; and
- Emails sent to libraries, senior centers, and public health providers, requesting to post flyers in their facilities and social media.

Recommendation 9: The MCGJ recommends that, by the beginning of Fiscal Year 21-22, the annual \$500,000 savings be utilized to increase transit service routes in outlying areas; Eastern Madera County, LaVina, Fairmead, Berenda, and North Fork.

Recommendation 9 Response: As explained above, MCTC respectfully notes this matter is outside the control of MCTC. As such, MCTC does not have the legal authority to respond regarding the implementation of the recommendation as requested [see Penal Code Section 933(b)].

Recommendation 10: The MCGJ recommends that, by the beginning of Fiscal Year 21-22, the County Public Works Department proactively seek additional funding, either through grants or minimal fare increases, to brand themselves and actively market their services to improve community outreach and increase ridership.

Recommendation 10 Response: As explained above, MCTC respectfully notes this matter is outside the control of MCTC. As such, MCTC does not have the legal authority to respond regarding the implementation of the recommendation as requested [see Penal Code Section 933(b)].

The Madera County Transportation Commission would like to thank the Madera Grand Jury's review and time involved in this matter and appreciates the opportunity to respond to the findings and recommendations. MCTC would like to offer the following clarifications to the content of the report:

- Page 5: *Filed annually, the Unmet Transit Needs Report is required in order to receive Transportation Development Act (TDA) Funds.* The main purpose of the Unmet Transit Needs process is to ensure that all the unmet transit needs reasonable to meet are fully funded before Local Transportation Funds can be released to fund street and road expenditures.
- Page 5: *Local Transportation Fund: As the Regional Transportation Planning Agency (RTPA) for Madera County, MCTC is responsible for the administration of the Transportation Development Act (TDA) funds also known as Local Transportation Funds. TDA or Local Transportation Funds are funded through 25 percent of the statewide sales tax that is remitted back to the County of origin and is the primary funding source for most transit systems.* The Local Transportation Fund (LTF) is derived from ¼ cent of the 1.25 cent local rate of the general sales tax collected in each county and then returned to that county.
- Page 13: *Based on the definition of unmet transit needs which is: to create routes that are feasible, serve the community, service a significant number of the population at an economical cost with effectiveness, the MCTC is failing to meet the needs of Madera County. This results in increased single vehicle use with resulting negative environmental impacts.* From MCTC’s perspective, this statement can be addressed from both a “reasonable to meet” TDA needs standard and a general interpretation of “...failing to meet the needs of Madera County.” MCTC is mandated to comply with the TDA unmet transit needs requirements and has an established compliant process with an adopted definition of unmet transit needs. Based on MCTC’s current definition of unmet transit needs, MCTC has responded to County-wide feedback in full compliance with the TDA. As noted in Recommendation #1, MCTC will closely coordinate with the SSTAC in evaluating the efficacy of MCTC’s current definition of unmet transit needs, taking into consideration factors needed to demonstrate reasonably meeting unmet needs, something explicitly required of the SSTAC members who ultimately are responsible for forwarding a recommendation to the MCTC Board.

From a more general interpretation of the definition of “needs,” the Grand Jury Report’s statement “*MCTC is failing to meet the needs of Madera County,*” does not delineate areas of need and can be interpreted as all-encompassing without specificity. Although there certainly may be transit needs in the County, they may not be considered feasible to address based on performance considerations. Through quarterly SSTAC meetings, as noted in Recommendation #1, and effective community outreach, MCTC looks forward to improving its understanding of specific needs throughout Madera County and working closely with local transit operators to address feasible unmet transit needs.

- Page 14: *There is only one reasonable connection with YARTS and none with other general service providers.* There are three possible connections between MCC and YARTS.

Respondents:

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