

AGENDA ITEM IV – B

**YUBA-SUTTER TRANSIT AUTHORITY
SPECIAL MEETING MINUTES
APRIL 3, 2025**

I. Call to Order & Roll Call (4:32 p.m.)

Present: Bradford, Buttacavoli, House, Hudson and Kirchner (Chair)

Absent: Bains (Vice-Chair), Cole, Flores

II. Public Business from the Floor

None.

III. Reports

A. Special Service for the 2025 Sikh Parade

Executive Director Mauk stated the requested action was to accept the recommendation from the ad hoc committee formed at the last regular meeting in March. The recommendation from the ad hoc committee is to discontinue providing a special shuttle for the annual Sikh Festival Parade which occurs the first Sunday in November in Yuba City and Sutter County.

Mauk provided a summary of the history of Yuba-Sutter Transit shuttle services for this event going back to 2007 and discussed the federal charter regulations applicable to public transit agencies that receive federal funds. Mauk also discussed the special service policy adopted by the board in 2009 and that the board declined a request to perform the service for free that same year based on the financial implications.

Mauk discussed the considerable growth in the service from a few vehicles in 2007 to the peak in 2015 when an estimated 30,000 to 35,000 boardings were provided. Mauk reported that in 2024 we provided 204 service hours, using 19 vehicles all day, and we estimated about 25,000 boardings. Mauk stated that we typically run all available buses continuously throughout the day of the event and there are often long lines.

Mauk reiterated the agency's need to comply with the federal charter regulations and explained that the regulations were implemented to prevent federally subsidized transit agencies from unfairly competing with private charter operators. Mauk detailed the federal definition of charter service and discussed the limited exceptions offered in the regulations. Mauk explained that in the staff's interpretation, the only exception that could apply was prohibited by the board adopted policy. Mauk reported that the committee discussed the option but did not endorse a reversal of the adopted board policy to pursue the exemption. Mauk reported that the ad hoc committee weighed the options for providing the shuttle service in compliance with the regulations, including operating it for free, or collecting fares and determined these to be unfeasible. Mauk reported the fully allocated cost for the 2024 service was calculated to be approx. \$28,000.

Mauk reported that the ad hoc committee also discussed the operational conditions and staff's concerns with public safety. Mauk discussed the inherent risks with the numbers of people, the difficulties with crowd control and keeping pedestrians safe from vehicle strikes. Mauk relayed issues experienced with attendees that must walk long distances physically blocking passing buses and attempting to forcibly board.

Director House stated that the charter regulations have always stated that we cannot compete with charter services, and I hate to see us put any of our federal grant funding at risk. Director House also stated that he has been a part of the event for a few years and what always came up was if there was an emergency situation and how the bus drivers would handle it, given they are not trained for emergencies with this many people and it's a huge liability. Director House stated he supports the ad hoc committee's recommendation.

Director Bradford wanted to thank staff and the ad hoc committee for all the research and effort that went into this. Director Bradford stated he can see the challenges there are, and 100% agrees that this is a significant risk for us as an agency. Director Bradford stated he supports the committee's recommendation.

Director Hudson stated he agrees with the directors and staff, and just like Director House he does not want to lose our grand funding. Director Hudson stated he agrees with the committee's recommendation.

Director Buttacavoli stated that considering the liability, an issue is the pickup locations are on school property, and that alone is unacceptable. The federal funding and the liability of being out of compliance no matter how we have done this in the past needs to be fixed. Director Buttacavoli stated he is in favor of the committee's recommendation.

Director Kirchner asked for public comment on the item.

Michael Barrette spoke as the legal representative for the Temple. Mr. Barrette stated that this is a significant event for the East Indian community, and they have depended on our services going back to 2007. The service takes a lot of cars off the road, with the influx of over 100,000 people for that weekend.

Mr. Barrette stated that the Temple was upset that they were not invited to the ad hoc committee meeting to be able to express their views as citizen input. Mr. Barrette's recommendation before deciding to terminate the service is to return it to the ad hoc committee and invite the temple and its representative to present their point of view regarding the issues being discussed.

Mr. Barrette stated that the staff's interpretation of the federal regulation and there only being two exceptions, which is not charging for the service and/or reaching out to other shuttle providers through the process that's provided in the regulation, is not accurate and actually there are other alternatives.

Mr. Barrette stated that first the patrons can determine a fee for the shuttle service and the patrons can do that directly, we can explore a token method. He stated there is another exemption under regulation 604.11, you can petition the administrator for a complete exemption from these regulations, based upon the events of regional or national significance. This is a one-time yearly event, and you can petition the federal government to waive this charter regulation completely.

The exception that could be explored says “for an event of regional or nation significance, the petition shall describe and include a description of how registered charter service providers were consulted, how registered charter providers were utilized in the charter service and a certification that you’ve exhausted regional charter providers in the geographic service area. That is significant because all you have to notify are charters in this geographic service area, because I don’t know any other service provider that can provide the number of buses and the transportation like the transit has done since 2007.

Mr. Barrette stated that regarding the issues of liability, the Temple insures itself and all subcontractors up to \$6 million dollars for this event. We can certainly deal with the potential liability issues with hold harmless agreements, we can deal with crowd control, and issues that are causing problems for the transit agency. The Temple is willing to pick up the responsibility and provide the manpower necessary through security services and by taking this service away you are turning your back on the Sikh community.

Mr. Barrette stated he believes we can obtain the exemption, and it would be premature to simply terminate at this point in time and send back to the ad hoc committee to consider all the options that are available to keep the service going.

Director Hudson asked Mr. Barrette if this was his suggestion or the Temples. Mr. Barrette stated he consulted with his client and went over the report with them and then spoke to the President of the Temple and indicated what my reading of these regulation indicated and what would be brought up at the meeting.

Director Hudson wanted to know if we received any input from the Sikh community regarding this? Mauk stated that he’d had a telephone conversation with a Temple representative after the ad hoc meeting, notifying him of the special meeting and the recommendation of the ad hoc committee. Mauk stated he’d also had a conversation with the same representative at the last planning meeting a few weeks prior informing him of the upcoming Yuba-Sutter Transit board meeting and staff’s recommendation to form the ad hoc committee to decide on whether to provide the shuttle.

Director Kirchner mentioned that the City of Yuba City created an ad hoc committee specifically for the Temple parade and it communicated that this was a distinct possibility, and that it was conveyed last year.

Director Bradford stated that based on the presentation we’d have to pursue an exemption, but if the Temple is able to get the exemption, and then take care of the liability issues, then I think the board would reconsider the decision.

Director Hudson asked if the amount of \$28,000 in operational costs includes staff time, or is it just operational bus hours? Mauk stated that it’s based on a fully allocated hourly rate calculation which includes factors like fuel and incorporates a special service variable hourly rate paid directly to the contractor staff of \$76.90 per hour.

Mauk stated the petition to the administrator would have to come from the recipient itself, and under the charter regulations appendices, question #38 is, a petition for an event of regional or national significance must demonstrate that not only has the public transit agency contacted registered charter providers but also demonstrate how the transit agency will include registered charter provider in the service.

Director Kirchner asked what the geographic area is? Mauk stated that it is not defined specifically in the charter regulations, however providers that would provide service in this area are typically based in Sacramento or Reno.

Director House asks how many employees Yuba-Sutter Transit has? Mauk answered 6 employees including myself. Director House stated that with the possibility that you would be coordinating the charter services to work in partnership with transit, it would be overwhelming with a staff of 6 people.

Director House made a motion to take the recommendation of the ad hoc committee to terminate the service and would be open to a presentation from the Sikh Temple in the future on ways around the policy conflict.

Director Bradford seconded the motion but added that the presentation should include the Temple being responsible for the bulk of any work that is part of that solution.

Director Buttacovoli asked what is the time frame for an exemption? Mauk stated it would require changing the board's policy at the next regular meeting, then the itinerary must be distributed through the FTA's Charter database and a minimum 14 day waiting period for responses. If we receive no responses, it would be a straightforward exemption, but if we receive responses then we would have to entertain the administrator's exemption to participate. That involves writing a letter to the FTA administrator explaining the regional and national significance of this and demonstrating we have gone through the other exemption process and that either was justified that we provide some level of service either on our own or in conjunction with the private charter that expressed interest. We then would have to wait for a response from the FTA's administrator and I am not sure if there is a time limit on a response.

Director Buttacovoli asked if we decided to sell tokens and only take on the actual legal capacity of the bus, how do you think that would work? Mauk stated that would not be considered a charter, because we would just be running service and accepting a fare. On average it takes a few seconds to board somebody and have a fare transaction, but we would anticipate significant issues with people not expecting to have to pay a fare, and we would be unable to load people from both doors. This would slow boarding considerably and significantly reduce the number of patrons served.

Mauk also stated that if we get the exception and we are performing the service as a charter, insurance coverage could be an issue. Also, because of the TDA statute requiring recovery of the entire cost for providing charter service, the cost to the Temple would be roughly the same or higher than what a private charter would charge which means the event organizers would not be saving any money.

Director Buttacovoli stated that we would only be able to move half or two thirds of the number of people we normally transport. Mauk agreed that it was a reasonable statement.

Mr. Barrette stated that regulation 604.14 says that notification only has to be provided to charter providers in the recipient's geographic service area. The geographic service area where you provide bus service. Mr. Barrette also stated that when you publish there is a whole list of what has to be published, and you must put in the price that you are charging. And they must respond to what you are publishing and say yes. Mr. Barrette stated he thinks that we would not get responses from any other service providers in this area, so obtaining the exemption one way or another or

getting paid through the patrons is all doable. Mr. Barrette stated if the board wants us to come back with a proposal, he can do that, but he thinks it would be better served for the Sikh community to put this back on the ad hoc committee and let us participate in the process.

Director Kircher asks if our geographic service area is just Yuba Sutter counties? Mauk stated that we serve Sacramento County as well.

Director Bradford asked if the service area means they are based here or if they serve our area? If it's they provide service in our service area and someone from Reno regularly serves our area, would they be included? Mr. Barrette states they would have to come down and provide the service for the same price. Mauk stated that this is not his understanding of the regulations.

Director House stated that us ending the service today puts this back onto the Temple and they may come up with cost savings solutions or another way to do business. Director House also stated that if we put restrictions on the 25,000 passengers, it will be the bus driver that has to deal with it and the bus driver will be the one who has to deal with any incidents, and this is taking them out of their scope of duties. If we provide the service, there needs to be additional training hours for all the staff involved, including the transit drivers and operations staff. Director House stated his motions stands.

Director Buttacavoli asked legal counsel Brant Bordsen for input on the liability part. Mr. Bordsen stated that we would have to find out what type of company would offer charter service insurance and if it would include an indemnity clause. Mr. Bordsen also stated that he did not like the idea that we would let an indemnity clause from an organization be the backstop for insurance.

Director Kirchner stated he has a motion and a second, and it carried unanimously.

IV. Adjournment

The meeting was adjourned at 5:31 p.m.

The next regular meeting is scheduled for Thursday, April 17, 2025, at 4:00 p.m. in the Yuba County Board of Supervisors Chambers, unless otherwise noticed.