



Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Meeting Agenda

Clipper Executive Board

Robert Powers, Chair April Chan, Vice Chair
Members
Bill Churchill, Andrew B. Fremier, Carolyn M. Gonot, Michael
Hursh,
Beth Kranda, Denis Mulligan, and Jeffrey Tumlin

Monday, February 27, 2023

1:30 PM

REMOTE

In light of Governor Newsom's State of Emergency declaration regarding COVID-19 and in accordance with Assembly Bill 361's (Rivas) provisions allowing remote meetings, this meeting will be accessible via webcast, teleconference, and Zoom for all participants.

A Zoom panelist link for meeting participants will be sent separately to Committee members.

The meeting webcast will be available at <http://mtc.ca.gov/whats-happening/meetings>. Members of the public are encouraged to participate remotely via Zoom at the following link or phone number. Committee Members and members of the public participating by Zoom wishing to speak should use the "raise hand" feature or dial *9. When called upon, unmute yourself or dial *6. In order to get the full Zoom experience, please make sure your application is up to date.

Attendee Link: <https://bayareametro.zoom.us/j/85349255041>

iPhone One-Tap: US: +13462487799,,85349255041# or +17193594580,,85349255041#
Join by Telephone (for higher quality, dial a number based on your current location) US:
888 788 0099 (Toll Free) or 877 853 5247 (Toll Free)

Webinar ID:853 4925 5041

International numbers available: <https://bayareametro.zoom.us/j/85349255041>

Detailed instructions on participating via Zoom are available at:
<https://mtc.ca.gov/how-provide-public-comment-board-meeting-zoom>

Members of the public may participate by phone or Zoom or may submit comments by email at info@bayareametro.gov by 5:00 p.m. the day before the scheduled meeting date. Please include the committee or board meeting name and agenda item number in the subject line. Due to the current circumstances there may be limited opportunity to address comments during the meeting. All comments received will be submitted into the record.

1. Call Meeting to Order / Roll Call / Confirm Quorum

2. Consent Calendar

- 2a. [23-0294](#) Minutes of the January 23, 2023 Meeting
- Action:** Board Approval
- Attachments:** [2a 23-0294 Minutes of the January 23, 2023 Meeting](#)

3. Approval

- 3a. [23-0324](#) Contract Recommendation for Next Generation Clipper Fare Card Fulfillment: Cubic Transportation Systems, Inc. (\$6,000,000).
- Request for approval of a contract for the provision of Clipper® fare card fulfillment services for the Next Generation Clipper System: Cubic Transportation Systems, Inc. (Cubic) (\$6,000,000)
- Action:** Board Approval
- Presenter:** Kelley Jackson
- Attachments:** [3a 23-0324 C2 Fare Card Fulfillment Contract CEB](#)

4. Information

- 4a. [23-0295](#) Clipper® Schedule, Implementation, and Deployment Update
- Update on key developments related to the Next Generation Clipper System (C2)
- Action:** Information
- Presenter:** Jason Weinstein
- Attachments:** [4a Clipper Schedule and Implementation Update](#)
[4ai CEB Status Report 2023-02-27](#)
[4aii Clipper Next Generation Equipment Pilot Installation Pictures](#)
- 4b. [23-0296](#) Current Clipper® Operations and Performance Update
- Update on current Clipper system operations and performance; Clipper staff last updated the Clipper Executive Board (CEB) on the ongoing work and projects related to the current Clipper system at the January 2023 meeting
- Action:** Information
- Presenter:** Jason Weinstein
- Attachments:** [4b Current Clipper Operations and Performance Update](#)
[4bi January Clipper Data Clipper Executive Board](#)

4c. [23-0387](#) Proposed Inter-Operator Transfer Discount Policy Update

Clipper staff will update Board members on the implementation, design, and testing of the proposed inter-operator transfer discount policy being considered by the Fare Integration Task Force (FITF) prior to its full approval.

Action: Information

Presenter: Edward Meng and William Bacon

Attachments: [4c Proposed Inter-Operator Transfer Discount Policy Update](#)
[4ci FITF Slides 01_23_2023](#)

4d. [23-0416](#) In-Person Meetings/Brown Act/AB 2449

Report on Return to In-Person Meetings/Brown Act/AB 2449

Action: Information

Presenter: Matt Lavrinets

Attachments: [4d In-Person Meetings Brown Act AB 2449](#)
[4di 23-0416 Attachment A and B Brown Act-AB2449](#)

5. Executive Director's Report-Kuester**6. Public Comment / Other Business****7. Adjournment / Next Meeting**

The next meeting of the Clipper® Executive Board will be held Monday, March 27, 2023, at 375 Beale Street, San Francisco CA 94105, any changes to the schedule will be duly noticed to the public.

Public Comment: The public is encouraged to comment on agenda items at Committee meetings by completing a request-to-speak card (available from staff) and passing it to the Committee secretary. Public comment may be limited by any of the procedures set forth in Section 3.09 of MTC's Procedures Manual (Resolution No. 1058, Revised) if, in the chair's judgment, it is necessary to maintain the orderly flow of business.

Meeting Conduct: If this meeting is willfully interrupted or disrupted by one or more persons rendering orderly conduct of the meeting unfeasible, the Chair may order the removal of individuals who are willfully disrupting the meeting. Such individuals may be arrested. If order cannot be restored by such removal, the members of the Committee may direct that the meeting room be cleared (except for representatives of the press or other news media not participating in the disturbance), and the session may continue.

Record of Meeting: Committee meetings are recorded. Copies of recordings are available at a nominal charge, or recordings may be listened to at MTC offices by appointment. Audiocasts are maintained on MTC's Web site (mtc.ca.gov) for public review for at least one year.

Accessibility and Title VI: MTC provides services/accommodations upon request to persons with disabilities and individuals who are limited-English proficient who wish to address Commission matters. For accommodations or translations assistance, please call 415.778.6757 or 415.778.6769 for TDD/TTY. We require three working days' notice to accommodate your request.

可及性和法令第六章: MTC 根據要求向希望來委員會討論有關事宜的殘疾人士及英語有限者提供服務/方便。需要便利設施或翻譯協助者，請致電 415.778.6757 或 415.778.6769 TDD / TTY。我們要求您在三個工作日前告知，以滿足您的要求。

Acceso y el Titulo VI: La MTC puede proveer asistencia/facilitar la comunicación a las personas discapacitadas y los individuos con conocimiento limitado del inglés quienes quieran dirigirse a la Comisión. Para solicitar asistencia, por favor llame al número 415.778.6757 o al 415.778.6769 para TDD/TTY. Requerimos que solicite asistencia con tres días hábiles de anticipación para poderle proveer asistencia.

Attachments are sent to Committee members, key staff and others as appropriate. Copies will be available at the meeting.

All items on the agenda are subject to action and/or change by the Committee. Actions recommended by staff are subject to change by the Committee.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 23-0294 **Version:** 1 **Name:**
Type: Minutes **Status:** Committee Approval
File created: 1/30/2023 **In control:** Clipper Executive Board
On agenda: 2/27/2023 **Final action:**
Title: Minutes of the January 23, 2023 Meeting
Sponsors:
Indexes:
Code sections:
Attachments: [2a_23-0294 Minutes of the January 23, 2023 Meeting](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Subject:
Minutes of the January 23, 2023 Meeting

Recommended Action:
Board Approval

Attachments:



Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Meeting Minutes - Draft

Clipper Executive Board

Robert Powers, Chair Vacant, Vice Chair
Members

*April Chan, Bill Churchill, Carolyn M. Gonot, Michael Hursh,
Beth Kranda, Therese W. McMillan, Denis Mulligan, and Jeffrey
Tumlin*

Monday, January 23, 2023

1:30 PM

REMOTE

The Clipper Executive Board is scheduled to meet on Monday January 23, 2023 at 1:30 p.m., in the Bay Area Metro Center (Remotely). In light of Governor Newsom’s State of Emergency declaration regarding COVID-19 and in accordance with the recently signed Assembly Bill 361 allowing remote meetings, this meeting will be accessible via webcast, teleconference, and Zoom for all participants.

A Zoom panelist link for meeting participants will be sent separately to Clipper Executive Board members.

The meeting webcast will be available at <http://mtc.ca.gov/whats-happening/meetings> Members of the public are encouraged to participate remotely via Zoom at the following link or phone number. Council Members and members of the public participating by Zoom wishing to speak should use the “raise hand” feature or dial *9. When called upon, unmute yourself or dial *6. In order to get the full Zoom experience, please make sure your application is up to date.

Attendee Link: <https://bayareametro.zoom.us/j/88531041876>

iPhone One-Tap: US:

Join by Telephone Dial (for higher quality, dial a number based on your current location) US:
888 788 0099 (Toll Free) or 877 853 5247 (Toll Free)

Webinar ID: 885 3104 1876

International numbers available: <https://bayareametro.zoom.us/u/kbFM1o6WdR>

Detailed instructions on participating via Zoom are available at:
<https://mtc.ca.gov/how-provide-public-comment-board-meeting-zoom>

Members of the public may participate by phone or Zoom or may submit comments by email at info@bayareametro.gov by 5:00 p.m. the day before the scheduled meeting date. Please include the committee or board meeting name and agenda item number in the subject line. Due to the current circumstances there may be limited opportunity to address comments during the meeting. All comments received will be submitted into the record.

1. Call Meeting to Order / Roll Call / Confirm Quorum

Joe Wire acted as a delegate and voting member of the Board in place of Denis Mulligan. Attendance and Actions noted below as "Mulligan" were taken by Wire.

Board Member Tumlin arrived during agenda item 4.

Present: 9 - Board Member Mulligan, Board Member Hursh, Board Member McMillan, Chair Powers, Board Member Tumlin, Board Member Kranda, Board Member Gonot, Board Member Churchill, and Board Member Chan

2. Consent Calendar

Upon the motion by Board Member Kranda and second by Board Member Hursh, the Consent Calendar was unanimously approved. The motion carried by the following vote:

Aye: 8 - Board Member Mulligan, Board Member Hursh, Board Member McMillan, Chair Powers, Board Member Kranda, Board Member Gonot, Board Member Churchill and Board Member Chan

Absent: 1 - Board Member Tumlin

2a. [23-0105](#) Minutes of the November 21, 2022 Meeting

Action: Board Approval

Attachments: [2a. Minutes of the November 21, 2022 Meeting](#)

2b. [23-0131](#) Clipper® Contract Change Order Amendment - Statement on Standards for Attestation Engagement No. 18 (SSAE 18) Annual Audit of Clipper Program:
Cubic Transportation Systems, Inc. (Cubic) (\$200,000)

Request for approval of Clipper Contract Change Order No. 159, Amendment No. 10 - Clipper Program SSAE 18 Audit for FY 2022-23: Cubic Transportation Systems, Inc. (\$200,000).

Action: Board Approval

Presenter: David Weir

Attachments: [2b_SSAE 18 Audit for FY 2022-23](#)

3. Approval

- 3a.** [23-0106](#) Special Election of Clipper® Executive Board Vice Chair
Nomination and Special Election of the Vice Chair of the Clipper Executive Board

Action: Board Approval

Presenter: Edward Meng

Attachments: [3a Clipper Vice Chair Nom Special Election](#)

Upon the motion by Board Member Hursh and seconded by Board Member Churchill, Board Member April Chan was nominated as Vice Chair. The motion carried by the following vote:

Aye: 8 - Board Member Mulligan, Board Member Hursh, Board Member McMillan, Chair Powers, Board Member Kranda, Board Member Gonot, Board Member Churchill and Board Member Chan

Absent: 1 - Board Member Tumlin

- 3b.** [23-0191](#) Clipper® Contract Amendment - Next Generation Clipper Library Ticket Vending Machines Integration: VenTek Transit Inc. (\$900,000)

Request for approval of a Contract Amendment for integration of next generation Clipper software into the current Clipper Ticket Vending Machines (TVMS): VenTek Transit Inc. (VenTek) (\$900,000)

Action: Board Approval

Presenter: Jennifer Largaespada

Attachments: [3b Contract Amendment Clipper TVM integration](#)

Upon the motion by Board Member McMillan and second by Board Member Gonot, the Contract Amendment for integration of next generation Clipper software into the current Clipper Ticket Vending Machines (TVMS): VenTek Transit Inc. (VenTek) (\$900,000), was approved. The motion carried by the following vote:

Aye: 8 - Board Member Mulligan, Board Member Hursh, Board Member McMillan, Chair Powers, Board Member Kranda, Board Member Gonot, Board Member Churchill and Board Member Chan

Absent: 1 - Board Member Tumlin

4. Information

4a. [23-0161](#) Clipper® Schedule, Implementation, and Deployment Update

Update on key developments related to the Next Generation Clipper System (C2)

Action: Information

Presenter: Jason Weinstein

Attachments: [4a Clipper Schedule and Implementation Update](#)
[4ai CEB Status Report 2023-01-23](#)
[4aii Clipper Next Generation Equipment Pilot Installation Pictures](#)

4b. [23-0108](#) Current Clipper® Operations and Performance Update

Update on current Clipper system operations and performance; Clipper staff last updated the Clipper Executive Board (CEB) on the ongoing work and projects related to the current Clipper system at the November 2022 meeting

Action: Information

Presenter: Jason Weinstein

Attachments: [4b Current Clipper Operations and Performance Update](#)
[4bi December 2022 Clipper Data to Clipper Executive Board 01_23_2023](#)

The following individuals spoke on this Item:
Aleta Dupree.

5. Executive Director's Report-Kuester

6. Public Comment / Other Business

The following individuals spoke on this Item:
Aleta Dupree.

7. Adjournment / Next Meeting

The next meeting of the Clipper Executive Board will be held on Monday February 27, 2022 at 1:30 p.m. remotely and by webcast as appropriate. Any changes to the schedule will be duly noticed to the public.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 23-0324 **Version:** 1 **Name:**

Type: Contract **Status:** Committee Approval

File created: 2/2/2023 **In control:** Clipper Executive Board

On agenda: 2/27/2023 **Final action:**

Title: Contract Recommendation for Next Generation Clipper Fare Card Fulfillment: Cubic Transportation Systems, Inc. (\$6,000,000).

Request for approval of a contract for the provision of Clipper® fare card fulfillment services for the Next Generation Clipper System: Cubic Transportation Systems, Inc. (Cubic) (\$6,000,000)

Sponsors:

Indexes:

Code sections:

Attachments: [3a 23-0324 C2 Fare Card Fulfillment Contract CEB](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Subject:

Contract Recommendation for Next Generation Clipper Fare Card Fulfillment: Cubic Transportation Systems, Inc. (\$6,000,000).

Request for approval of a contract for the provision of Clipper® fare card fulfillment services for the Next Generation Clipper System: Cubic Transportation Systems, Inc. (Cubic) (\$6,000,000)

Presenter:

Kelley Jackson

Recommended Action:

Board Approval

Attachments:

Clipper® Executive Board

February 27, 2023

Agenda Item 3a

Contract - Next Generation Clipper Fare Card Fulfillment: Cubic Transportation Systems, Inc. (\$6,000,000)

Subject:

Request for approval of a contract for the provision of Clipper fare card fulfillment services for the Next Generation Clipper System: Cubic Transportation Systems, Inc. (Cubic) (\$6,000,000).

Background:

On September 26, 2022, staff issued a Request for Proposals (RFP) for a Next Generation Clipper Fare Card Fulfillment Contractor to manage the storage, personalization, issuance and shipment of physical Clipper fare cards to support the implementation and operations of the Next Generation Clipper System. The contractor would fulfill individual orders to customers, and bulk orders to card redistributors – including transit operators, retailers and institutional partners – using the fare media inventory management system being developed by the Next Generation Clipper System Integrator (Cubic) under its contract with MTC. The contract term under the RFP would continue through December 31, 2026, with an option to extend for up to six additional years.

The deadline to submit proposals closed on December 5, 2022. Three firms – ASK-intTag LLC dba Paragon ID (Paragon), Cubic Transportation Systems, Inc. (Cubic), and Vix Technology (USA), Inc. (Vix) – submitted proposals. A panel comprised of MTC, Bay Area Rapid Transit District (BART) and San Francisco Municipal Transportation Agency (SFMTA) staff evaluated the proposals based on firm and team qualifications and experience (30%); technical and operations approach (35%); price based on a hypothetical scenario used for evaluation purposes only (25%); and cost effectiveness (10%). Technical advisors representing MTC and transit operators provided additional input. After initial review, the evaluation panel decided to shortlist Cubic and Vix for further discussions. The panel did not select Paragon for the shortlist because its proposal focused on Paragon's expertise as a fare card manufacturer rather than its experience and approach in the delivery of card fulfillment services as required in the RFP Scope of Work. In discussions, Cubic and Vix clarified their respective technological and operational approaches, pricing and staff. Afterwards, both firms were invited to submit a Best and Final

Offer (BAFO). Cubic and Vix both submitted BAFO proposals by the deadline of February 3, 2023. However, the panel scored only the Cubic BAFO proposal after determining that Vix's BAFO did not contain information required by the RFP. The evaluation panel found that Cubic's proposal clearly demonstrated over 20 years of experience being engaged by numerous clients to fulfill fare media, including personalized media, in quantities comparable to what is needed by the Clipper program. The panel believed the proposed staffing levels and dedicated personnel in key management roles reflected a full understanding of the scope of work and the level of effort needed to meet the required service level standards.

Issues:

None identified.

Recommendation:

Staff recommends that the Board approve a contract with Cubic in an amount not to exceed \$6,000,000, to provide fare card fulfillment services for the Next Generation Clipper System, as described above.

Attachments:

- Request for Board Approval – Summary of Proposed Contract



Carol Kuester

Request for Board Approval

Summary of Proposed Contract

Contractor (or “Consultant”): Cubic Transportation Systems, Inc. (Cubic)
San Diego, California

Work Project Title: Next Generation Clipper® (C2) Fare Card Fulfillment

Purpose of Project: To engage a contractor to fulfill orders of Next Generation Clipper cards using the inventory management system provided under the C2 System Integrator Contract

Brief Scope of Work: Manage the storage, personalization, issuance and shipment of fare cards to support Next Generation Clipper System operations

Project Cost Not to Exceed: \$6,000,000
Capital: \$165,000
Operations: \$5,835,000

Funding Source: Clipper Card Fee Account, Regional Measure 2 Capital, Regional Measure 2 Operating, Regional Measure 3, Inactive Card Funds, Float Account Interest, State of Good Repair, LCTOP

Fiscal Impact: Funds available in the 2022-23 MTC agency budget. Additional funds subject to the approval of future MTC agency budgets.

Motion by Board: That a contract with Cubic Transportation Systems, Inc. for the purposes described above and in the Clipper Executive Director’s summary sheet dated February 27, 2023, is hereby approved by the Clipper Executive Board.

Clipper Executive Board:

Robert Powers, Chair

Approved: February 27, 2023



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 23-0295 **Version:** 1 **Name:**

Type: Report **Status:** Informational

File created: 1/30/2023 **In control:** Clipper Executive Board

On agenda: 2/27/2023 **Final action:**

Title: Clipper® Schedule, Implementation, and Deployment Update

Update on key developments related to the Next Generation Clipper System (C2)

Sponsors:

Indexes:

Code sections:

Attachments: [4a Clipper Schedule and Implementation Update](#)
[4ai CEB Status Report 2023-02-27](#)
[4aii Clipper Next Generation Equipment Pilot Installation Pictures](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Subject:
 Clipper® Schedule, Implementation, and Deployment Update

Update on key developments related to the Next Generation Clipper System (C2)

Presenter:
 Jason Weinstein

Recommended Action:
 Information

Attachments:

Clipper® Executive Board

February 27, 2023

Agenda Item 4a

Clipper® Schedule, Implementation, and Deployment Update

Subject:

Update on key developments related to the implementation of the current and Next Generation Clipper System (C2)

Background:

Next Generation Project Schedule

As we discussed at the November 21, 2022 Clipper Executive Board (CEB) meeting, we are working towards the achievement of a revised schedule (see top of Attachment A). The revised schedule shows the work remaining in two workstreams:

- Equipment Installation, and
- Account-based System implementation, which consists of system testing (shown in light-blue, as this is non-customer facing), a pre-Transition pilot test that will include public participants, and concluding with transition of all customers to the new Account-based system and break out the Account-based System Testing, Transition Pilot Test, and Customer Transition.

Cubic's most recently submitted schedule is consistent with this revised schedule. MTC has approved the submitted schedule and directed Cubic to proceed according to that schedule pending execution of a future Change Order to true up the milestone dates in the contract. Based on our assessment of the remaining work, we are projecting that installation work will be complete in early 2024 and that Customer Transition will start in the summer of 2024. This date is when we expect to have the new Clipper back-office system fully operational, all new equipment installed across 22 transit agencies in the Bay Area, and all ancillary equipment such as handheld fare inspection devices and retail sales devices ready for operations.

Next Generation Implementation

Included as Attachment A to this memorandum is a summary of recently completed activities related to delivering C2, upcoming activities and deliverables for MTC, Cubic Transportation Services, and the transit operators, and other noteworthy items managed by the project team.

Next Generation Deployment

Clipper reader installation at rail and ferry stations are complete at AC Transit, Caltrain, SMART and WETA; installations at GGF, VTA and SFMTA are 50% complete and expected to be completed in the near future. Onboard Clipper reader installations are completed at Santa Rosa CityBus and Petaluma Transit, are continuing at SFMTA and SamTrans, and will begin at VTA in early March. Clipper retail sales devices are being replaced with their Next Generation counterparts at Bay Area Walgreens, Whole Foods and local retailers. Included as Attachment B to this memorandum is a presentation showing recent pictures of Next Generation Clipper device installations.

Issues:

None identified.

Recommendations:

Information

Attachments:

- Attachment A: Next Generation Clipper Program Executive Summary Status Report
- Attachment B: Clipper Next Generation Equipment Pilot Installation Pictures

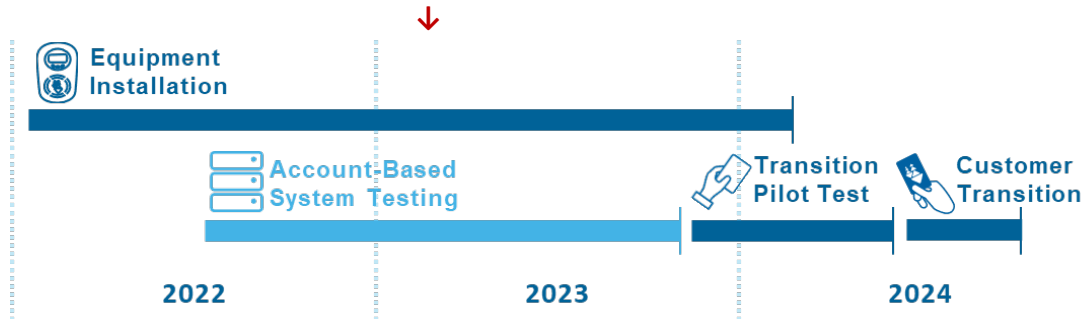


Carol Kuester



Next Generation Clipper Program

Executive Summary Status Report – February 27, 2023



Summary

- Installation of standalone validators (SAVs) nearing completion. Regionwide installation of onboard validators and retail sales devices continues. Pilot testing of operator control unit (OCU) and remaining onboard validator integration options continues.
- Account-based System Demonstration Testing (SDT) and User Acceptance Testing (UAT) continue.
- Technical and planning discussions continue with operators on various topics, including new device installation, BART and Muni equipment, paratransit/third-party integration, and Account-based fare rules.
- Joint coordination meetings ongoing between MTC and C2 Contractors Cubic (System Integrator), WSP (Customer Service Center), and Fiserv (Payment Services).
- Evaluation of Fare Media Fulfillment Contractor proposals complete. Request for Qualifications (RFQ) for Fare Ticket Suppliers in development.

Recently Completed Activities

	MTC/IBI	Cubic	Operators	Date
• New Devices:				
o System Integration Testing (SIT) for Operator Control Unit (Sonoma)	●	●	●	Jan 26
o Regionwide installation (cont'd.)	●	●	●	ongoing
• Account-based System Testing:				
o UAT for Onboard Validator	●	●	●	Jan 23–Feb 6
o SDT for Financial Management Web Portal	●	●	●	Jan 31
• Account-based Documentation:				
o Comments on resubmittal of Interface Control Documents sent to Cubic	●		●	Jan 30

Upcoming Activities/Deliverables

	MTC/IBI	Cubic	Operators	Date
• New Devices:				
o Pilot installation/testing (cont'd.)	●	●	●	Mar–May
o BART fare gate test/pilot	●	●	●	Mar–May
• Account-based System Testing:				
o User Acceptance Testing (cont'd.)	●	●	●	Feb–Apr
o System Demonstration Testing (cont'd.)	●	●	●	Feb–Mar
o System Integration Testing	●	●	●	Mar–Apr
• Account-based Documentation:				
o Initial review of Operations and Maintenance Documents		●		Mar
• Clipper Executive Board Meeting	●		●	Mar 27

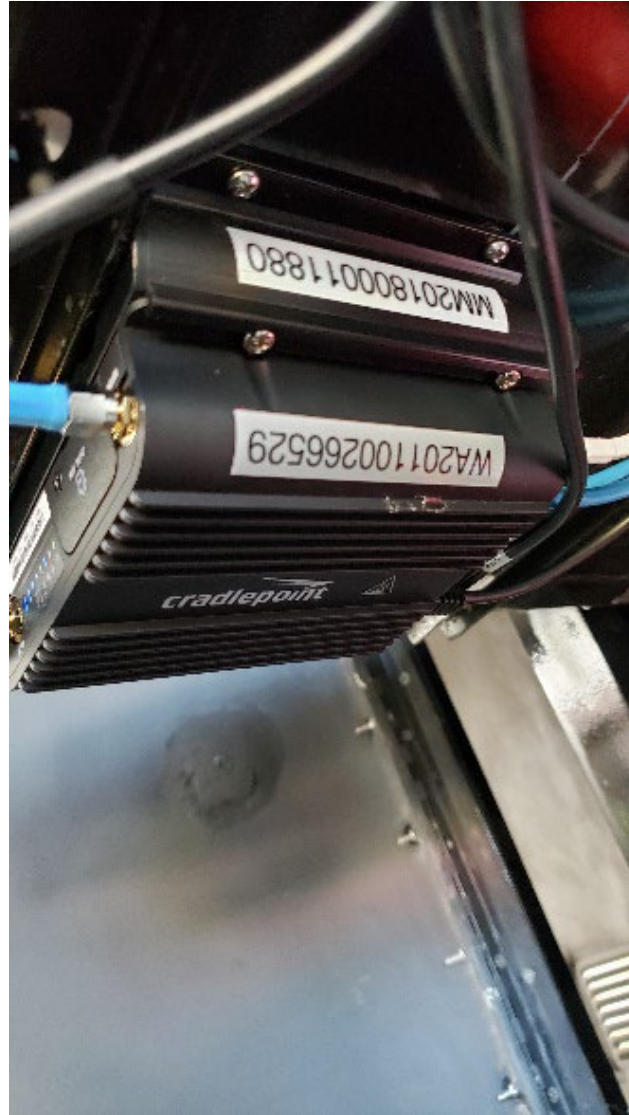
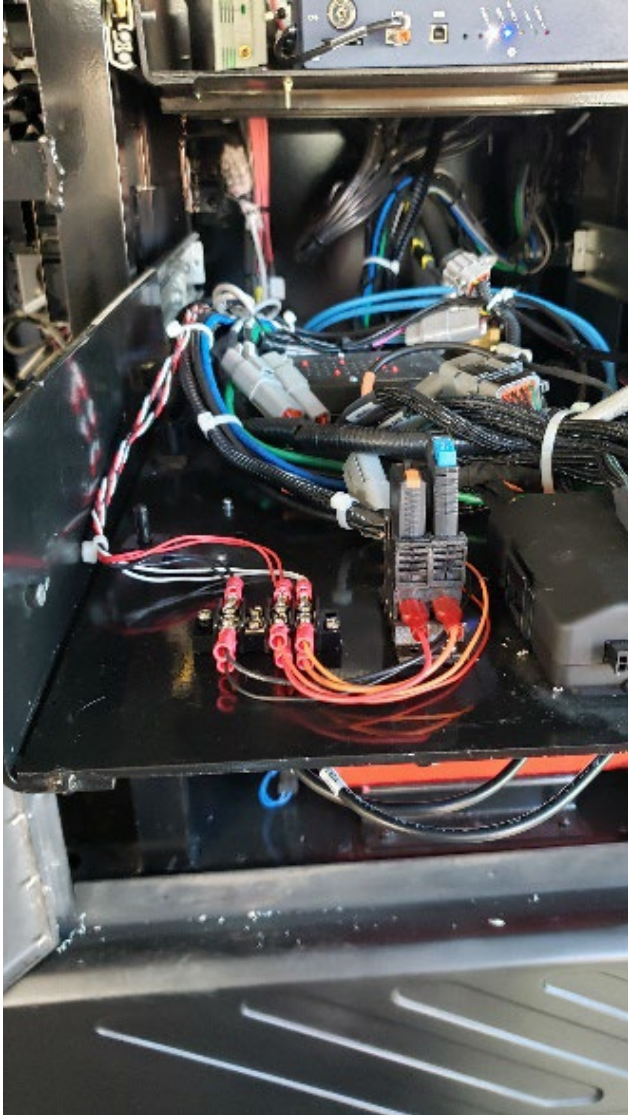


Clipper® Next Generation Equipment Pilot Installation Pictures

Clipper Executive Board

February 27, 2023

NVTA IT Cabinet Installation Components



NVTA Onboard Validator Installation Components





Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 23-0296 **Version:** 1 **Name:**

Type: Report **Status:** Informational

File created: 1/30/2023 **In control:** Clipper Executive Board

On agenda: 2/27/2023 **Final action:**

Title: Current Clipper® Operations and Performance Update

Update on current Clipper system operations and performance; Clipper staff last updated the Clipper Executive Board (CEB) on the ongoing work and projects related to the current Clipper system at the January 2023 meeting

Sponsors:

Indexes:

Code sections:

Attachments: [4b Current Clipper Operations and Performance Update](#)
[4bi January Clipper Data Clipper Executive Board](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Subject:

Current Clipper® Operations and Performance Update

Update on current Clipper system operations and performance; Clipper staff last updated the Clipper Executive Board (CEB) on the ongoing work and projects related to the current Clipper system at the January 2023 meeting

Presenter:

Jason Weinstein

Recommended Action:

Information

Attachments:

Clipper® Executive Board

February 27, 2023

Agenda Item 4b

Current Clipper® Operations and Performance Update

Subject:

Update on current Clipper system operations and performance; Clipper staff last updated the Clipper Executive Board (CEB) on the ongoing work and projects related to the current Clipper system at the Board's January 2023 meeting.

Background:

Transaction and Sales

In January 2023, Clipper processed just over 10 million transactions and settled just over \$23 million in revenue. Vacaville continued to offer fare-free travel due to COVID-19.

Clipper Mobile Card Creation and Usage

- Over 396,000 plastic cards have been transferred to mobile wallets, and over 974,000 new mobile cards have been created.
- Customers have now taken over 28 million trips using Clipper mobile cards. This represents about 16% of the total trips taken with Clipper since the mid-April 2021 launch. This percentage continues to increase, and, for the month of January 2023 alone, around 23% of Clipper trips were taken using a mobile card.

Clipper START Card Issuance and Usage

- About 20,000 applications have been submitted through January 2023, with over 17,500 approved.
- As of January 2023, about 13,000 unique Clipper START cards have been used.
- Of the nearly 1,700,000 Clipper START trips taken since the program launched, over 242,000 were taken using a mobile Clipper card. This represents around 14% of Clipper START trips.

Customer Service Update

- There are currently nine Customer Service Representatives (CSRs) in training
- Total CSRs taking calls: 43

- Total CSRs: 43 (0 CSRs on leave or in training)
- Clipper Customer Service Center is continuing to meet all established key performance indicators (KPIs)

Quarterly Fare Change Deadline

- Fare changes and updates are scheduled to occur quarterly to limit demands on development and testing resources as work continues porting current Clipper business rules to next generation Clipper devices and developing the Next Generation Account-based system.
- The deadline for requesting fare changes for July 1, 2023 is Monday, April 3, 2023.

Issues:

None identified.

Recommendations:

Information.

Attachments:

- Attachment A: Clipper System Transaction and Revenue & Mobile App Performance and Usage Charts and Figures



Carol Kuester



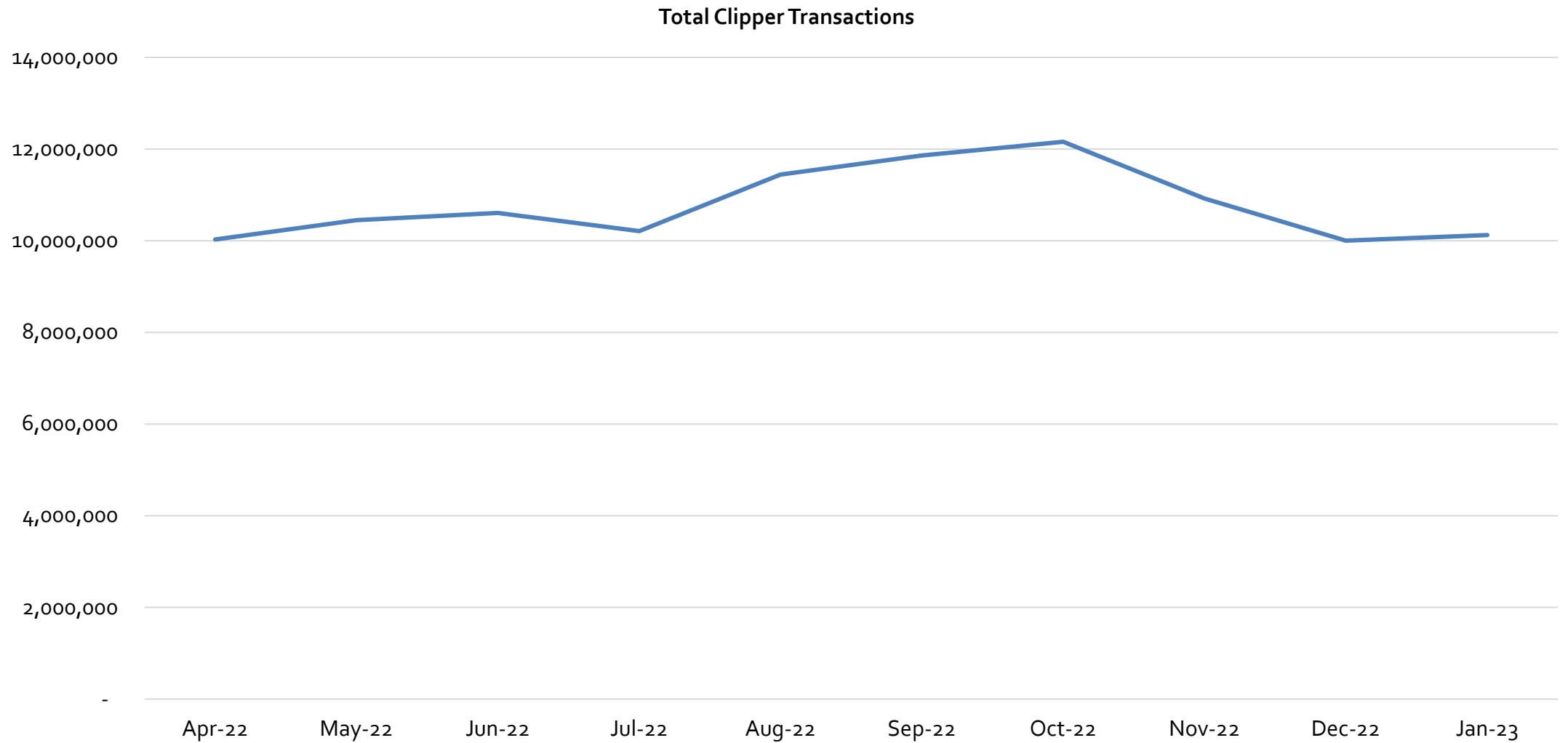
Clipper® System Transactions, Revenue, and Mobile Card Usage

Charts and Figures

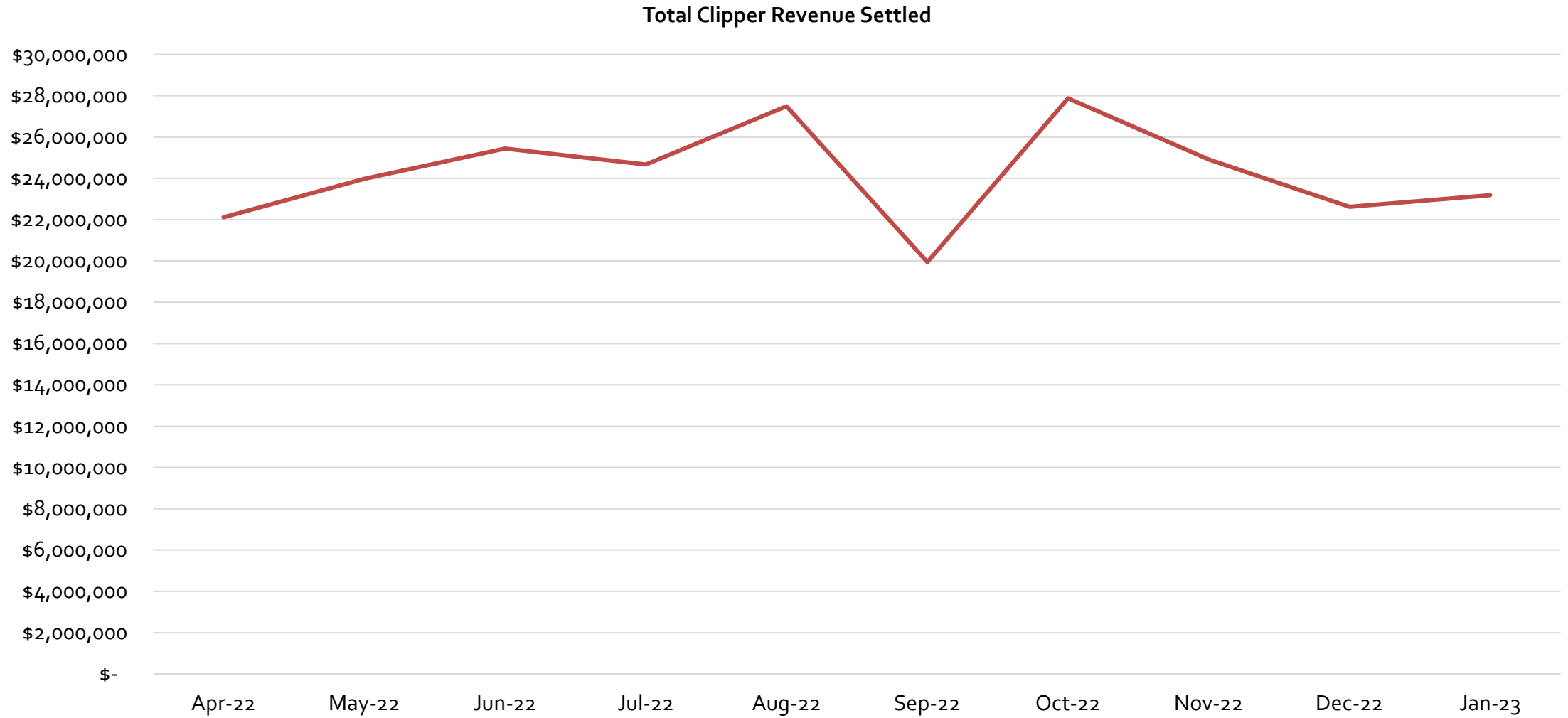
Clipper Executive Board

February 27, 2023

Total Clipper Transactions by Month



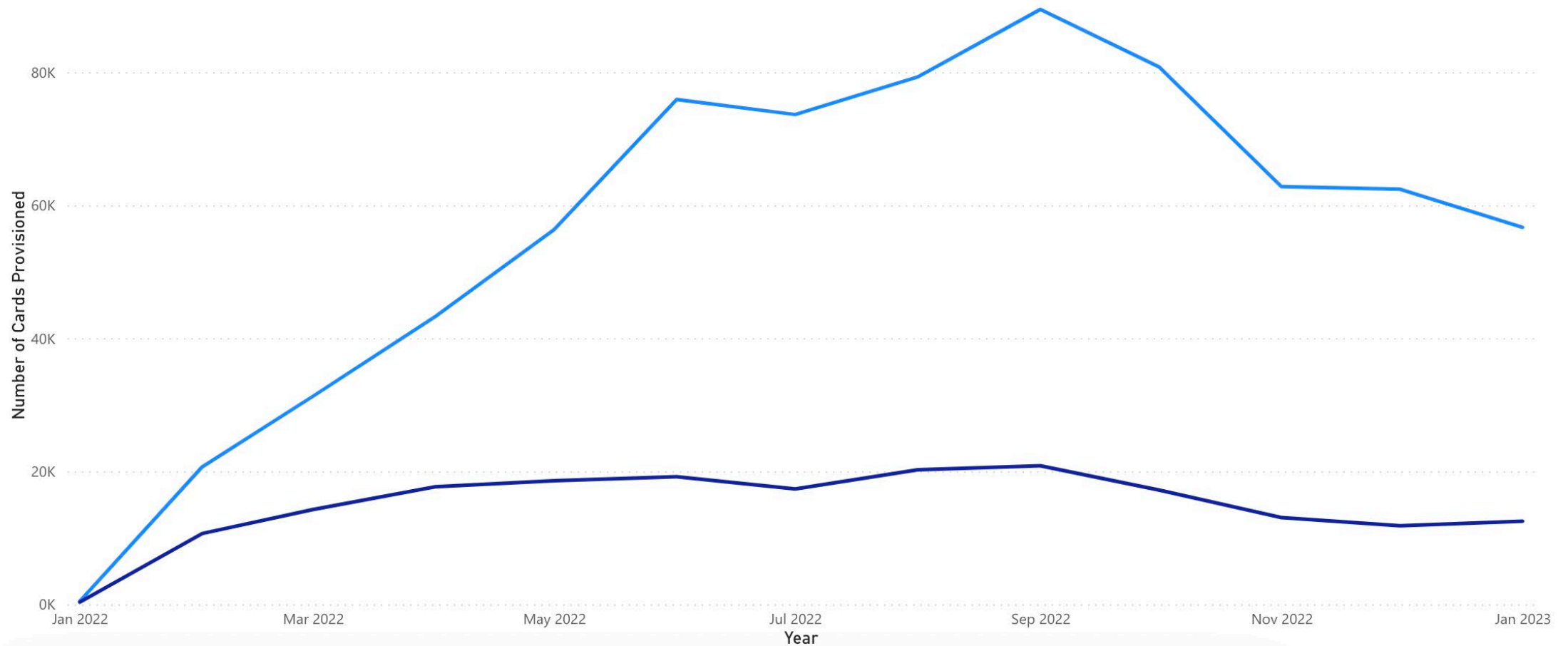
Total Clipper Revenue Settled by Month



Mobile Cards Provisioned by Month and Transaction Type

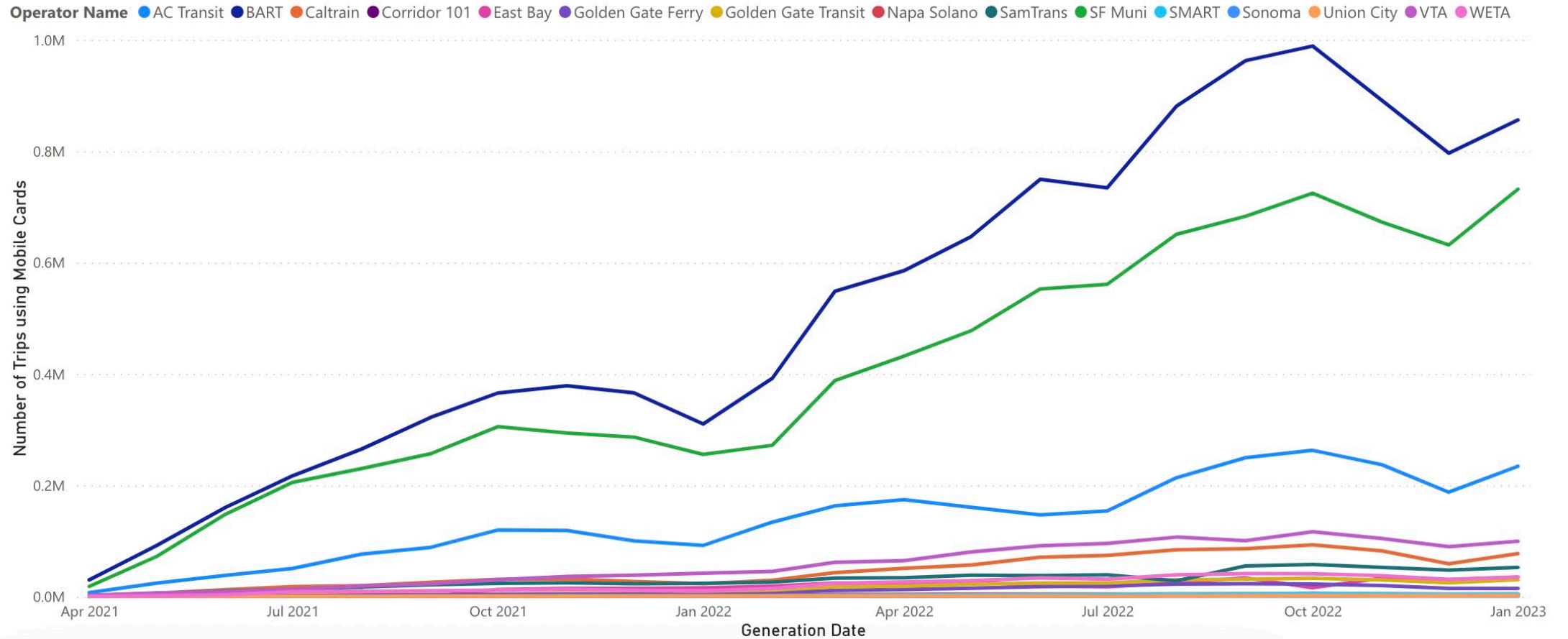
Number of Cards Provisioned by Year, Month and Transaction Type

Transaction Type ● New Card Issue ● Physical to Mobile Migration



Trips Made with Mobile Cards by Date and Operator

Number of Trips made with Mobile Cards by Generation Date and Operat



Mobile Card Trips, Clipper Trips, and Percent Mobile Card Trips by Operator since Mobile Launch & in January 2023

Since April 2021 Launch

Operator Name	Number of Trips using Mobile Cards	Number of Clipper Trips	Percent Mobile Card Trips
AC Transit	3,039,847	22,201,217	13.69%
BART	11,543,090	65,514,178	17.62%
Caltrain	1,011,034	3,581,306	28.23%
Corridor 101	33,170	187,701	17.67%
East Bay	390,591	2,735,678	14.28%
Golden Gate Ferry	238,404	1,168,767	20.40%
Golden Gate Transit	388,500	1,625,731	23.90%
Napa Solano	76,652	470,814	16.28%
SamTrans	675,891	5,655,656	11.95%
SF Muni	8,853,653	55,740,024	15.88%
SMART	63,301	477,587	13.25%
Sonoma	12,882	63,683	20.23%
Union City	25,370	212,811	11.92%
VTA	1,284,245	12,287,279	10.45%
WETA	471,773	1,532,426	30.79%
Total	28,108,403	173,454,858	16.21%

January 2023

Operator Name	Number of Trips using Mobile Cards	Number of Clipper Trips	Percent Mobile Card Trips
AC Transit	234,473	1,228,172	19.09%
BART	856,239	3,418,594	25.05%
Caltrain	77,647	201,476	38.54%
Corridor 101	2,784	13,285	20.96%
East Bay	35,375	169,619	20.86%
Golden Gate Ferry	15,198	44,642	34.04%
Golden Gate Transit	30,566	90,060	33.94%
Napa Solano	4,905	21,460	22.86%
SamTrans	52,832	298,663	17.69%
SF Muni	731,954	2,966,866	24.67%
SMART	5,354	28,282	18.93%
Sonoma	994	4,546	21.87%
Union City	2,329	13,556	17.18%
VTA	99,731	643,151	15.51%
WETA	35,531	85,769	41.43%
Total	2,185,912	9,228,141	23.69%



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 23-0387 **Version:** 1 **Name:**

Type: Report **Status:** Informational

File created: 2/9/2023 **In control:** Clipper Executive Board

On agenda: 2/27/2023 **Final action:**

Title: Proposed Inter-Operator Transfer Discount Policy Update

Clipper staff will update Board members on the implementation, design, and testing of the proposed inter-operator transfer discount policy being considered by the Fare Integration Task Force (FITF) prior to its full approval.

Sponsors:

Indexes:

Code sections:

Attachments: [4c Proposed Inter-Operator Transfer Discount Policy Update](#)
[4ci FITF Slides 01_23_2023](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Subject:

Proposed Inter-Operator Transfer Discount Policy Update

Clipper staff will update Board members on the implementation, design, and testing of the proposed inter-operator transfer discount policy being considered by the Fare Integration Task Force (FITF) prior to its full approval.

Presenter:

Edward Meng and William Bacon

Recommended Action:

Information

Attachments:

Clipper® Executive Board

February 27, 2023

Agenda Item 4c

Proposed Inter-Operator Transfer Discount Policy Update

Subject:

Clipper staff will update Board members on the implementation, design, and testing of the proposed inter-operator transfer discount policy being considered by the Fare Integration Task Force (FITF) prior to its full approval.

Background:

At its October 2022 and January 2023 Fare Integration Task Force meetings, FITF members have been briefed on a no-cost / reduced cost inter-operator transfer policy and have provided feedback on the policy's proposed funding model. The initial pilot deployment of the policy is intended to occur with the rollout of the Account-based Clipper System in 2024 and last 18 months, with an extension to 24 months if sufficient funding is available. For reference, the slides that were presented to FITF members at its January 2023 meeting are included as an attachment to this memorandum.

Clipper Implementation of the No-Cost / Reduced Cost Inter-Operator Transfer Policy

FITF staff plans to update the Task Force on the no-cost / reduced cost inter-operator transfer policy and seek endorsement of the policy at the Task Force's March 2023 meeting. While the FITF staff proceed with completing an inter-agency Memorandum of Understanding, securing funding, and obtaining FITF and agency governing board approvals, the Clipper team will be working with Cubic to develop and test the proposed policy in preparation for the rollout of the Account-based System.

With input from the FITF staff, Clipper staff have been working closely to modify the design of the Account-based Clipper transfer rules to accurately reflect the proposed inter-operator transfers and are committed to deploying the initial pilot along with rollout of the Account-based System in 2024. Because of tight deadlines and resources required to develop and test the inter-operator transfer rules in addition to the multiple new features requested by transit operators, including fare-capping, mobile ticketing, and multiple new web portals to manage and oversee the Clipper program, the Clipper program must implement the rules now. Clipper and FITF staff

understand that there are risks associated with the implementation of policy ahead of the full approvals from all of the operators. If approvals are still required prior to the Next Generation Clipper System rollout, Clipper staff will work with transit agency staff to mitigate and minimize impacts to transit riders.

Issues:

None identified.

Recommendations:

Information.

Attachments:

- Attachment A: Fare Integration Task Force Item 4a – Overview of Proposed Transfer Discount Policy Pilot and Update on Clipper BayPass Pilot, January 23, 2023



Carol Kuester



Fare Integration Task Force

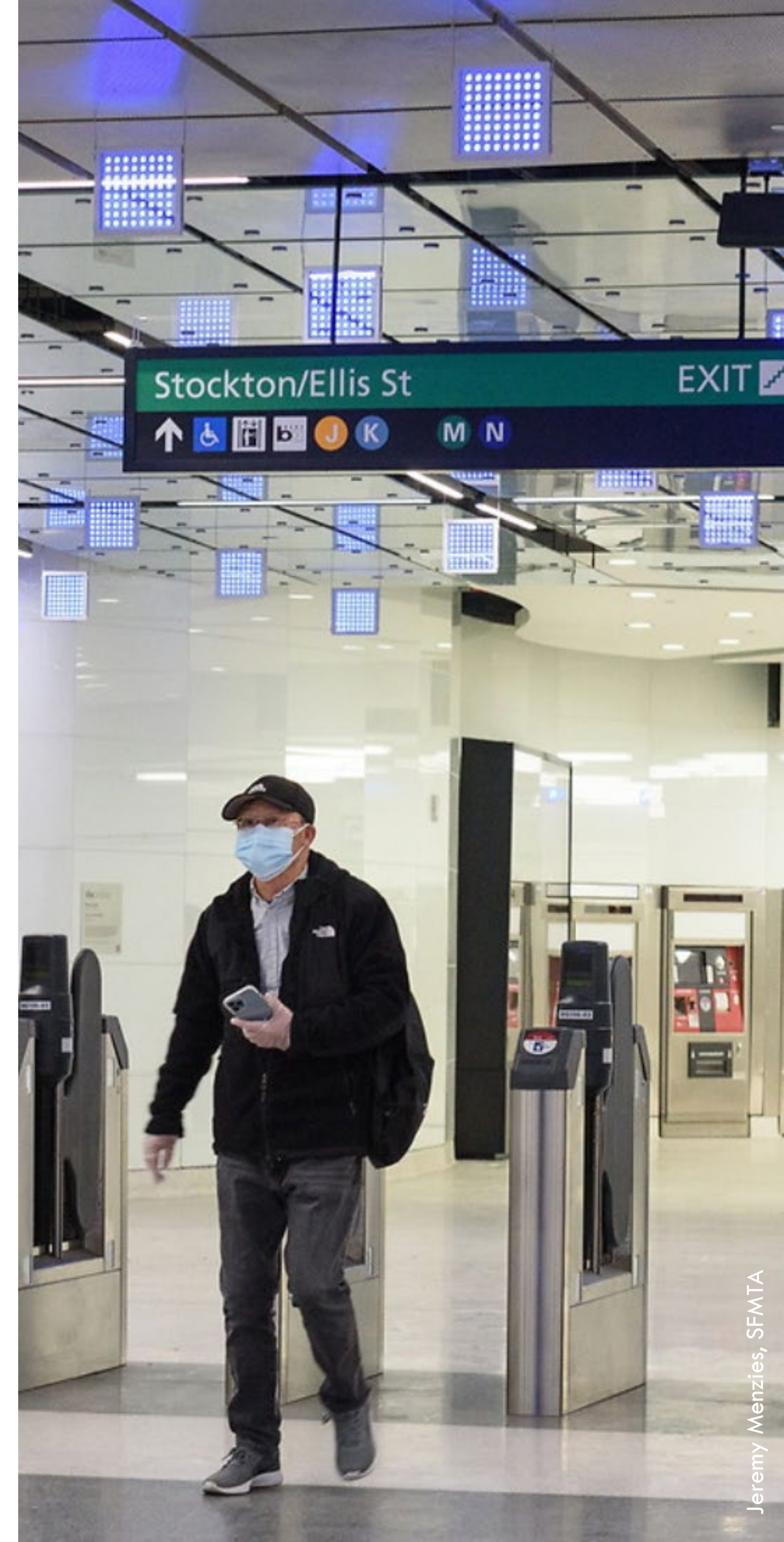
Item 4a - Overview of Proposed Transfer Discount Policy Pilot and Update on Clipper BayPass Pilot
January 23, 2023



Overview

Focus of Today's Discussion:

- 1) **To brief the Task Force on the Transfer Policy Pilot and seek feedback on the proposed funding model**
- 2) **Provide an Update on the Clipper BayPass Pilot**



Background

“No-cost / Reduced Cost Transfers”

Bay Area Transit Fare Policy Vision Statement

Based on the draft findings of the Fare Coordination and Integration Study (FCIS), the Fare Integration Task Force (Task Force) recognizes that the implementation of more coordinated and integrated transit fare policies may offer cost-effective options for improving the transit customer experience, promoting transit ridership recovery from the COVID-19 pandemic, and reducing regional vehicle miles traveled, greenhouse gas emissions, and transit travel times for customers, in ways that are compatible with the equity goals of transit operators, local stakeholders, MTC, and the State of California.

Transit Fare Policy Initiatives for Further Development

The Task Force endorses continued work by transit operators and MTC staff to advance the following policy initiatives:

1. Deployment of an all-transit agency institutional/employer pass demonstration pilot in 2022, with a focus on educational institutions, affordable housing properties, and employers of various sizes, pending available resources/technical considerations.
2. Implement no-cost and reduced cost transfers for transit users transferring between different transit agencies beginning in 2023, coinciding with the rollout of the Next Generation Clipper® system/Clipper® 2.
3. Continue to develop a proposal for implementing an all-transit agency pass product for the general public after the launch of the Next Generation Clipper® system/Clipper® 2 in 2023 or later (pending outcomes and data from the pilot noted in no. 1 above).
4. Continue to refine the vision of eventually creating a common fare structure (distance or zone-based) for regional rail, ferry, and express bus service after Next Generation Clipper® system/Clipper® 2 implementation. Direct transit operator staff and MTC staff to continue to evaluate the benefits and costs of a common fare structure for regional transit services in the context of a broader evaluation of post-COVID-19 pandemic ridership patterns, the role of regional transit service in the region, and the funding strategy for these regional transit services.

Complementary and Necessary Objectives to Facilitate Delivery of Transit Fare Policy Initiatives

In collaboratively advancing these improvements for the benefit of the Bay Area’s transit customers, we also recognize the continued economic challenges facing the region, and the transit industry in particular. The Task Force recommends that transit operator and MTC staff work to advance the above policies while also acknowledging that successful delivery will require pursuit of the following complementary and necessary objectives:

“Implement no-cost and reduced cost transfers for transit users transferring between different transit agencies beginning in 2023, coinciding with the rollout of the Next Generation Clipper® system/Clipper® 2.”

- **Given the delay to summer 2024 in the rollout of the Next Gen Clipper system the project team and Clipper staff have explored options to deliver this action in the C1 system and have determined it is not technically feasible while still prioritizing Next Gen Clipper delivery**
- **The team recommends that the focus should remain on delivery of transfer policy changes in the Next Gen Clipper system.**

“No-cost / Reduced Cost Transfers”

“When you make a trip that requires transferring between transit agencies, pay the full fare on just the first agency you use.

Any transfer to another agency within two hours of the first boarding is discounted up to a limit of \$2.50 per transfer”.



“No-cost / Reduced Cost Transfers”

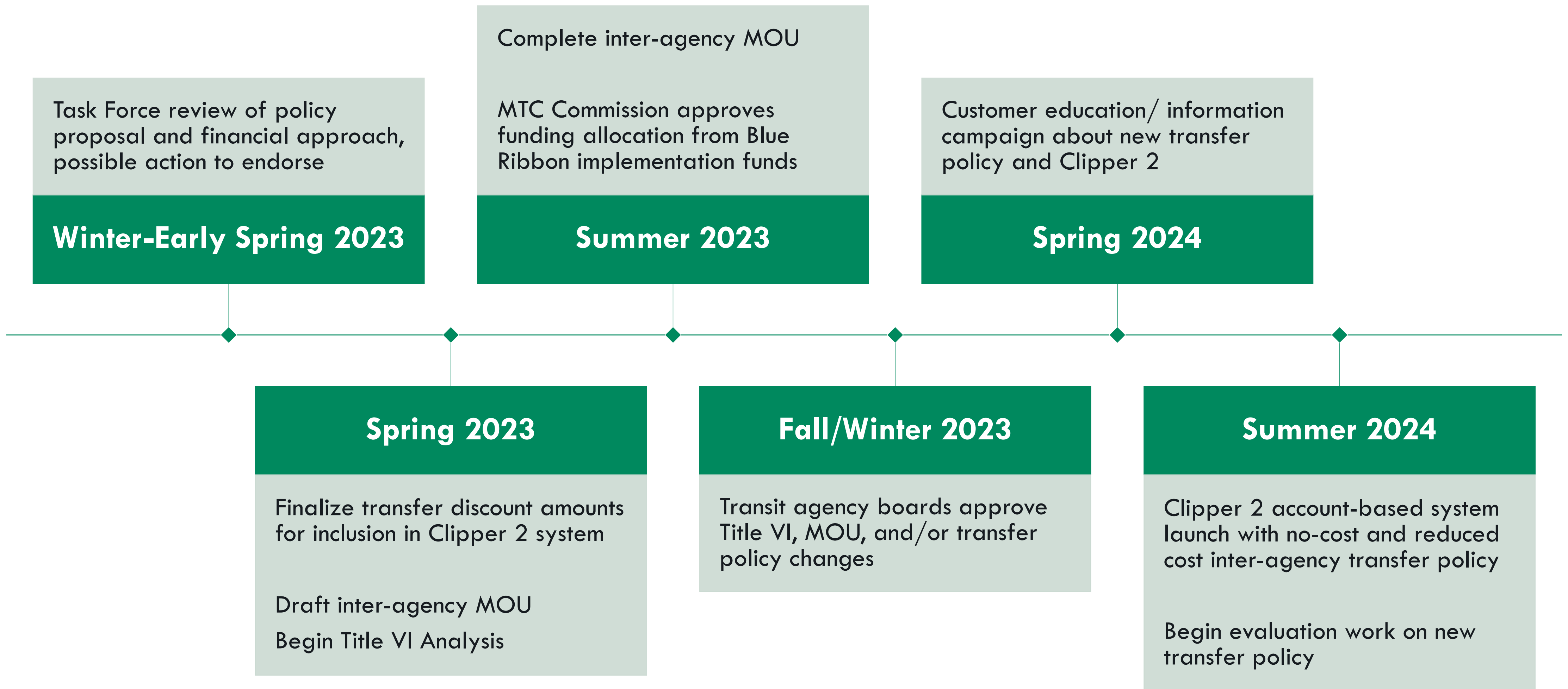
Principles to Guide Rollout

- 1. Deployment with the Next Generation Clipper system**
- 2. Goal is an 18-month pilot deployment at all operators on Clipper, with an automatic extension to 24 months if sufficient funding is available.**
- 3. Financial model that mitigates or eliminates financial risk to transit operators during pilot with use of \$22 million in Transit Transformation Action Plan funding set aside by MTC**
- 4. Title VI analysis will shape final details**
- 5. Task Force and agency governing board approval will be needed in order to proceed**

Timeline

Steps to Deliver a Transfer Policy Pilot

Path to Launch with Next Generation Clipper - Updated Schedule



Title VI

Proposed Title VI Approach for Transfer Policy Pilot

Conduct an equity analysis at the regional level *prior* to seeking transit agency governing board approval in late 2023. As this is a fare reduction, pilot is not anticipated to present significant issues from a Title VI perspective.

MTC is proposed to lead the preparation of the Title VI analysis, but will work in close collaboration with transit operator civil rights staff and under guidance from the FTA.

Note that each operator governing board retains the responsibility for complying with all Title VI requirements



Funding Model

Funding Model Considerations

- Fare Coordination/Integration Study (FCIS) found forgone revenue of \$28 million for **one year** (in 2019-20 \$), but offset with \$6 million of new fare revenue from new trips, for a net impact of **\$22 million of foregone revenue based on *pre-pandemic ridership***
- MTC identified **\$22.5 million** to support this policy through the Transit Transformation Action Plan funding plan



Funding Model Considerations, cont.

Estimate of gross foregone revenue

$$\begin{array}{|c|} \hline \$15 \text{ million} \\ \hline \text{FY 2024-25} \\ \hline \end{array} + \begin{array}{|c|} \hline \$16 \text{ million} \\ \hline \text{FY 2025-26} \\ \hline \end{array} = \begin{array}{|c|} \hline \$30 \text{ million} \\ \hline \text{Over 24 months} \\ \hline \end{array}$$

Drivers of current estimate

- Inflation/time lag from FCIS data - *FY 2018-19 vs. FY 2024-25*
- Simplified/customer-friendly policy adjustments - *pay the full fare on just the first agency you use*
- Projected ridership growth from pandemic era lows when Transformation Action Plan was developed

Funding Model Considerations, cont.

Proposed method for distributing the \$22.5 million Transfer Policy Pilot budget

Step 1

MTC makes up-front allocation based on % of 2019 fare revenue (same approach used for Clipper BayPass Phase 1 Pilot) with a top-up at end of year 1 and year 2 based on adjusted foregone revenue

Step 2

Adjusted foregone revenue calculation:

- a) Every operator responsible for first \$0.50 discount on each transfer (i.e., status quo for SFMTA/AC Transit, new contribution expected from BART)
- b) Remaining foregone revenue calculated using actual trips
- c) An estimate of the increase in fare revenue generated by the Transfer Policy Pilot is deducted from foregone revenue. The project team estimates *new trips generated* using the following assumption:

For each agency, % increase in transfer trips, in excess of the growth of non-transfer trips, is considered evidence of new trips generated

Estimated Annualized Adjusted Foregone Revenue

Agency or Clipper Agency Group	FY24/25 Estimate	FY25/26 Estimate	Percent of Total
AC Transit	\$ 1.8	\$ 1.9	12%
BART	\$ 7.4	\$ 8.2	51%
Caltrain	\$ 0.8	\$ 0.9	6%
Corridor 101	\$ 0.0	\$ 0.0	0%
East Bay	\$ 0.3	\$ 0.4	2%
Golden Gate Ferry	\$ 0.1	\$ 0.1	1%
Golden Gate Transit	\$ 0.2	\$ 0.2	1%
Napa Solano	\$ 0.2	\$ 0.2	1%
SamTrans	\$ 0.5	\$ 0.5	3%
SF Muni	\$ 2.7	\$ 2.9	19%
SMART	\$ 0.0	\$ 0.0	0%
Sonoma	\$ 0.0	\$ 0.0	0%
Union City	\$ 0.0	\$ 0.0	0%
VTA	\$ 0.3	\$ 0.3	2%
WETA	\$ 0.1	\$ 0.1	1%
Total	\$ 14.6	\$ 15.8	100%

(In millions of \$)



Transfer Policy Pilot

Estimated “Runway” for \$22.5 million Transformation Action Plan funding based on rate of growth in transfer activity

Scenario	Estimated Runway (months)
Slow Growth in Transfers	21
Moderate Growth in Transfers	18
High Growth in Transfers	15

The period of time that this initial funding can cover will depend upon the rate of growth in ridership and transfer activity, but is estimated to be 15-21 months.



Funding Model Considerations

1. Agencies sign MOU that expresses intent to participate in an **18-month pilot with an automatic extension to a total of 24 months** if sufficient funding is available.
2. Checkpoint after first year to assess status of funding; “off-ramp” available at that time
3. Transit operators + MTC continue to seek to identify additional funds (if needed) to sustain pilot for at least 24 months
4. Agencies continue to prioritize joint state/federal advocacy to sustain transit operations after FY 2024/2025 fiscal cliff



Recap: Next Steps for Transit Policy Pilot

- **March 2023 Transformation Action Plan Subcommittee (stakeholder advisory body)**
 - **Provide briefing to TAP Subcommittee members on proposed approach**
- **March 2023 Task Force Meeting**
 - **Seek Task Force approval of Transfer Policy Pilot approach and direct staff to draft MOU**



Update





Phase 1 Pilot Status Update

30,000 students and residents enrolled in BayPass to date

Nearly 1 million trips taken with Clipper BayPass since launch



Clipper BayPass Pilot Tips – Preliminary Data 8/15/2022 to 12/29/2022

Clipper Operator	 SAN FRANCISCO STATE UNIVERSITY	 SJSU SAN JOSÉ STATE UNIVERSITY	 SANTA ROSA JUNIOR COLLEGE	 Berkeley UNIVERSITY OF CALIFORNIA	Total by Operator (*rounded)
AC Transit	8,992	2,499	817	335,517	347,800
BART	95,394	14,484	1,811	112,571	224,300
Caltrain	3,786	4,102	171	1,201	9,300
Corridor 101	<50	<50	11,643	<50	11,600
East Bay	967	114	67	795	1,900
Golden Gate Ferry	200	113	957	281	1,600
Golden Gate Transit	1,336	190	4,119	883	6,500
Napa Solano	429	<50	<50	163	600
SamTrans	23,502	462	163	571	24,700
SF Muni	142,000	2,578	2,830	22,750	170,200
SMART	<50	<50	8,949	<50	9,000
Sonoma	<50	<50	4,599	<50	4,600
Union City	103	95	<50	<50	200
VTA	1,233	93,641	274	1,172	96,300
WETA	1,634	<50	<50	469	2,200
Total by Institution (rounded)	279,600	118,300	36,500	476,500	911,000

Phase 2 Pilot Update



Piloting a prepaid unlimited transit pass covering all operators for 10+ employers/TMAs/property managers

Initial Pricing Approach – Guiding Principles:

- 1. Incremental & phased approach** –Aiming to set a time-limited, initial price for first few partners to gather data and be able to refine later pricing offerings
- 2. Revenue neutral / ridership positive**
- 3. Balancing employer & operator risks** - recognizing need to balance willingness to pay for a new product with risk to operators of foregone revenue
- 4. Flexible offerings** - Open to a few options for pricing (pay by trip with a cap, or a set rate) depending on employer interest

Phase 2 – Employer Outreach and Selection



Guiding Principles

- 1. Targeted and incremental to test initial pilot pricing** – a more comprehensive outreach process will be used for later phases of recruitment
- 2. Focused on reaching a diverse range of employers** – varying by types of industries, employer sizes, and geographic locations
- 3. Prioritizes equity** - to ensure we're reaching employers beyond traditional office settings

Phase 2 – Timeline



Launch first 2-3 employer partners by summer 2023

8+ additional employer partners on a rolling basis

Additional Work Underway

- Conducting research with peer cities/regions
- Developing employer outreach materials
- Initial employer exploratory discussions
- Refining general approach to pilot pricing
- Drafting approach for methodology for revenue distribution



Questions



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 23-0416 **Version:** 1 **Name:**

Type: Report **Status:** Informational

File created: 2/21/2023 **In control:** Clipper Executive Board

On agenda: 2/27/2023 **Final action:**

Title: In-Person Meetings/Brown Act/AB 2449

Report on Return to In-Person Meetings/Brown Act/AB 2449

Sponsors:

Indexes:

Code sections:

Attachments: [4d In-Person Meetings Brown Act AB 2449](#)
[4di 23-0416 Attachment A and B Brown Act-AB2449](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Subject:

In-Person Meetings/Brown Act/AB 2449

Report on Return to In-Person Meetings/Brown Act/AB 2449

Presenter:

Matt Lavrinets

Recommended Action:

Information

Attachments:



Agenda Item 4d

Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105
TEL 415.778.6700
WEB www.mtc.ca.gov

TO: Clipper[®] Executive Board

DATE: February 27, 2023

FR: Clipper[®] Executive Director

RE: In-Person Meetings/Brown Act/AB 2449

Subject:

Report on Return to In-Person Meetings/Brown Act/AB 2449

Discussion:

Attached for discussion by the Clipper Executive Board is the memorandum prepared by the Office of General Counsel to the Metropolitan Transportation Commission on Post-Covid Emergency Brown Act Meetings which was included on the Commission's agenda for their meeting on February 22, 2023.

Action: Information

Attachments:

- A. Memorandum Regarding Remote Participation for Brown Act Meetings
- B. Draft Minimum Procedures for Remote Participation

Reviewed:

A handwritten signature in blue ink that reads "Carol Kuester".

Carol Kuester

Metropolitan Transportation Commission

February 22, 2023

Agenda Item 17a - 23-0292

Return to In-Person Meetings/Brown Act/AB 2449

Subject:

Report on Return to In-Person Meetings/Brown Act/AB 2449

Background:

The Governor's Covid Emergency Orders are set to expire at the end of this month. With that expiration, the provision for remote meetings under AB 361 will no longer be available. Remote participation for Commissioners is still legally possible, however, under both the pre-existing Brown Act teleconferencing mechanism as well as the new procedures made available by AB 2449. Attached is a memorandum describing the state of the law on these issues as well as minimum required procedures for remote participation.

As noted in the memorandum, it is at the Commission's discretion to set expectations for how MTC and its related entities' meetings should proceed, provided that direction is not in conflict with the American with Disabilities Act. Prior to the pandemic, MTC emphasized in-person participation by Commissioners. The Commission may wish to consider what expectations it wishes to set for itself and for its subsidiary bodies as we go forward. Absent direction to the contrary, staff proposes that meetings be convened in-person following pre-pandemic procedures starting in March. Once the Commission has had the opportunity to provide direction, procedures governing remote participation will be provided for adoption in a subsequent month.

Issues:

None.

Recommended Action:

Information. Review legal memorandum and attached draft minimum required procedures for remote participation in Brown Act meetings.

Attachments:

- A. Memorandum Regarding Remote Participation for Brown Act Meetings
- B. Draft Minimum Procedures for Remote Participation for MTC Commissioners and committee members



Alix A. Bockelman



Memorandum

TO: MTC Commission

DATE: February 22, 2023

FR: Kathleen Kane, General Counsel

John Myers, Assoc. General Counsel

RE: Post-Covid Emergency Brown Act Meetings

With the expiration of the Governor's COVID emergency orders on February 28, 2023, the hybrid meetings format permitted during the state of emergency will no longer be available for Brown Act bodies. Instead, the default for meetings will be to return to in-person participation at 375 Beale Street for MTC and its related entities.

For reference, two options for remote participation remain under the statute: (1) teleconferencing under the Brown Act's pre-COVID provisions ("anytime" teleconferencing) and (2) the newly-added process under AB 2449, which allows for remote participation without noticing the off-site location under limited circumstances. A summary of those statutory allowances is below.

"Anytime" teleconferencing is permitted when the following circumstances are met:

1. A quorum of the body is participating in the meeting from within the jurisdictional boundaries of the entity in question. In this case, that means the jurisdictional boundaries of the nine Bay Area counties.
2. The location(s) for remote participation have been included in the meeting's published agenda.
3. The meeting's agenda has been posted at the remote location at least 72 hours in advance for a regular meeting and is visible to the public 24 hours a day through the meeting time.
4. The remote locations are open and accessible to the public.
5. The public may participate in real time in the meeting through being able to watch a simultaneous broadcast and providing live public comment during appropriate portions of the meeting.

AB 2449 makes limited allowances for circumstances – such as health or childcare issues – where it may not be possible to admit members of the public to the remote meeting location. There are two types of remote participation possible under the statute: "just cause" and "personal emergency."

For AB 2449 “just cause” remote participation, the following must be true:

1. The participating member must be facing one of the enumerated circumstances under the statute: childcare or caregiving obligations; contagious illness; physical or mental disability that is not otherwise accommodated; or travel on official business.
2. The member must provide a description of the circumstances justifying the “just cause” remote participation.
3. Two-way broadcasting from the remote location must be available and working throughout the meeting.
4. A quorum of the body must participate in person from one physical location that is noticed according to the Brown Act.

For the “personal emergency” provision, the following must be true:

1. The member must be experiencing a personal physical or family emergency.
2. The member must submit a request for emergency remote participation as soon as possible to the meeting body, which must act on the request as soon as possible by majority vote.
3. A quorum of the body must participate in person from one physical location that is noticed according to the Brown Act.
4. Two-way audio and visual broadcasting from the remote location must be available and working throughout the meeting.

There are strict limitations on the use of the AB 2449 procedures. The “just cause” category can only be used twice per member per calendar year, and combined use with “personal emergency” cannot exceed 3 consecutive months, or more than 20 percent of the years’ meetings. The “personal emergency” provision does not have a specific numerical limit but cannot exceed 3 consecutive months or 20 percent of the meetings in a year. For both categories, the use of AB 2449 exemptions cannot exceed 2 meetings if the body meets fewer than 10 times in a calendar year.

Reading these provisions together, the key takeaway is this:

If any member invokes AB 2449 procedures, a quorum of the body must meet in person at one physical location. This is true even if they have already noticed alternative remote locations under the “anytime teleconferencing” rules.

For this reason, close coordination with your clerk staff is *essential* to ensure that meetings can go forward as planned. If issues arise for members, please consult with the clerk/Office of General Counsel as soon as possible to ensure we do not have to cancel meetings for lack of an in-person quorum.

MTC is committed to making accommodations, where feasible, to address barriers to participation created by illness or disability. Please let the Office of General Counsel or clerk staff know of any issues you may face so that we can work through potential solutions.

Attached to this memo are minimum-required procedures for using teleconferencing options. These procedures are not intended to set policy for the Commission, but instead represent the legal and posting requirements that must be met in order to proceed under the remote participation provisions of the Brown Act. The Commission has discretion in setting expectations for how it and its related entities' meetings should proceed. However, any direction given by the Commission must allow for individual accommodation wherever possible under the Americans with Disabilities Act.

REMOTE MEETINGS PROTOCOL:

A member wishing to participate remotely in any scheduled meeting must:

1. Inform the Clerk at the earliest possible date of the intention to participate remotely.

For “anytime teleconferencing,” notice should be given *at least 10 days in advance* so that the remote location can be included in the agenda, which is generally published 7 days in advance of regular meetings.

For “just cause” and “personal emergency” teleconferencing, notice should be given to the clerk at the earliest possible date. If at all possible, notice should be given *10 days in advance*.

2. For “anytime teleconferencing,” the member must:
 - post the agenda at the teleconferencing location in a place visible to the public 24 hours a day at least 72 hours prior to a regular meeting or 24 hours prior to a special meeting.
 - ensure that the remote location has the equipment and internet capabilities for remote participation available and in working order
 - ensure that the remote location is open and accessible to the public at all times during and immediately before the scheduled meeting
 - provide the Clerk with a signed form indicating that posting and accessibility requirements have been met
3. For “just cause” teleconferencing, the member must:
 - provide a general description of the circumstances to the Clerk and the Chair of the body justifying remote participation under the just cause provisions of AB 2449. This information is public and should not include sensitive medical information. This description should be provided at the earliest possible date, and at least 10 days in advance of the meeting wherever possible.
 - ensure that equipment and internet access necessary to support two-way live broadcasting is available and working at the remote location
4. For “personal emergency” teleconferencing, the member must:
 - provide a description of the circumstances to the Clerk and Chair of the body justifying remote participation under the personal emergency provisions of AB 2449 as soon as possible after the circumstances arise. This information is public and should not include sensitive medical information. If possible, the meeting agenda will be amended to reflect the request to participate remotely. The request may be added verbally at the beginning of the meeting if it does not come in time to repost the agenda.
 - ensure that equipment and internet access necessary to support two-way audio and visual live broadcasting is available and working at the remote location
 - when the meeting starts, note for the record whether there are any persons 18 years old or older in the room, and disclose that fact and their relationship(s) to the member before each vote.