

ADMINISTRATIVE MEETING

January 20, 2016

4:00 p.m. to 6:00 p.m.

Room 326

AGENDA

1. **Call to order, introductions, opening comments**
2. **January 6, 2016 Administrative Meeting summary**
3. **Commission comments, questions**
 - Upcoming appointments
4. **City Manager's Report**
5. **Department discussions**
 - Community Development**
 - TIF District Overview *Public hearing on January 25th, materials can be found in the meeting packet for the 1/25/16 commission meeting
 - **Consensus Direction to Manager:**
 - Public Works**
 - a) Solid Waste Interlocal Agreement between City & County
 - **Consensus Direction to Manager:**
 - b) Public Transportation/ ADA Bus Stop Discussion
 - **Consensus Direction to Manager:**
6. **Committee discussions**
 - a) Audit Committee, City-County Board of Health, L&C County Mental Health Advisory Committee, Montana League of Cities & Towns
 - Mayor Jim Smith
 - b) Mayor Pro-Tem, Audit Committee, Helena Chamber of Commerce Liaison, Information Technology Committee, Transportation Coordinating Committee
 - Commissioner Dan Ellison
 - c) ADA Compliance Committee, Audit Committee, City-County Parks Board , Civic Center Board
 - Commissioner Rob Farris-Olsen
 - d) Board of Adjustment, City-County Administration Building (CCAB), Non-Motorized Travel Advisory Board, Transportation Coordinating Committee
 - Commissioner Andres Haladay
 - e) Business Improvement District/Helena Parking Commission ,Montana Business Assistance Connection, Public Art Committee
 - Commissioner Ed Noonan
 - f) Helena Citizens Council
7. **Review of agenda for January 25, 2016 Commission meeting**
8. **Public comment**
9. **Commission discussion and direction to City Manager**
10. **Adjourn**

City of Helena, Montana

**INTERLOCAL AGREEMENT FOR MANAGEMENT OF SOLID WASTE
OPERATIONS OF LEWIS AND CLARK COUNTY**

WHEREAS, Title 7, Chapter 11, Part 1, MCA, permits public agencies to make the most efficient use of their powers by enabling them to cooperate with other public agencies on a basis of mutual advantage, and thereby to provide services and facilities in a manner, and pursuant to forms of governmental organization, that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; and

WHEREAS, the above-referenced statute provides that an interlocal agreement may be adopted by authorization and approval by the governing bodies of the parties to said agreement; and

WHEREAS, **Lewis and Clark County and the City of Helena** are political subdivisions of the State of Montana, and

WHEREAS, the parties recognize the importance of efficiently managing the solid waste disposal needs of the community; and

WHEREAS, the City of Helena Transfer Station ("Transfer Station") is utilized for all residential solid waste disposal for the Scratchgravel Solid Waste District and the City of Helena Residential Solid Waste; and

WHEREAS, the Lewis and Clark County Landfill ("Landfill") is the final repository for all residential and commercial waste processed through the Transfer Station; and

WHEREAS, the efficient management of operations at the Landfill and Transfer Station have the potential to reduce the costs of solid waste processing and disposal for commercial businesses and the residents of the Scratchgravel Solid Waste District and the City of Helena.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the receipt and sufficiency whereof being hereby acknowledged, the City of Helena and Lewis and Clark County hereto agree to enter into a management agreement for solid waste operation as follows:

1. **PURPOSE OF AGREEMENT:** This agreement is made and entered into by the Board of County Commissioners of Lewis and Clark County and the City of Helena, hereinafter referred to as "Parties." This Interlocal Agreement sets forth the relationship between Lewis and Clark County in its solid waste operations; and the City of Helena in providing administrative oversight and general management of the Landfill operations as outlined below.

2. **SCOPE OF AGREEMENT:**

A. **FACILITY.** For the purposes of this Agreement, the FACILITY is described as follows: the physical space, real property, furnishings, equipment, staff, and building(s) owned by

Lewis and Clark County herein referred to as the County Landfill, located at 4075 Deal Lane, Helena MT 59601.

The physical space, real property, and furnishings include all equipment necessary for the operation of the County Landfill, including any and all county owned primary or ancillary equipment installed or utilized for such a facility.

While operating, managing and maintaining the FACILITY, CITY OF HELENA will exercise management oversight over all grounds and structures contained within the FACILITY. CITY OF HELENA acknowledges and understands that the facility is owned by Lewis and Clark County on land owned by LEWIS AND CLARK COUNTY.

B. PERSONNEL. COUNTY, by and through its Public Works Director, shall assign such personnel as necessary to perform the work required to comply with landfill operational requirements. COUNTY personnel shall be required to operate under the administrative direction of CITY OF HELENA. COUNTY is responsible for all wages, benefits, and payment of retirement system contributions of COUNTY personnel.

CITY OF HELENA, by and through its City Manager, shall assign such personnel as necessary to perform the work required under this Agreement. Personnel must consist of a designated Landfill Manager, but may also include necessary administrative staff. CITY OF HELENA is responsible for all wages, benefits, and

payment of retirement system contributions of CITY OF HELENA personnel.

Personnel assigned to the Landfill by COUNTY will be under the general supervision of the designated Landfill Manager as assigned by CITY OF HELENA. Any designated Landfill Manager must obtain or possess all certifications as required by any licensing authority with jurisdiction over the Lewis and Clark County Landfill. Operational personnel assigned to the Landfill will continue to be County personnel, and any management oversight delegated to the CITY OF HELENA must be in compliance with the general employment provisions of Lewis and Clark County and/or any applicable Collective Bargaining Agreement(s).

C. FINANCES. CITY OF HELENA is responsible for the financial management of the operations at the Landfill. Financial management includes operating in such a manner as prescribed in the Annual Operating Budget as approved by the Scratchgravel Solid Waste District Board and the Board of County Commissioners. Financial management includes scheduling staff in conformance with approved staffing plans; tracking of accounts receivable and accounts payable; providing regular financial updates to the Scratchgravel Solid Waste District Board, the Lincoln Solid Waste District Board, the Augusta Solid Waste District Board, and the Board of County Commissioners (either directly or through their agents in County government).

D. IMPROVEMENTS. COUNTY is responsible for any capital improvements required at FACILITY. While the CITY OF HELENA may recommend capital expenditures or operational changes to FACILITY, COUNTY retains all control over the expenditure of funds allocated for the Landfill operations.

E. LIABILITY AND INSURANCE. The COUNTY will retain general liability protection for all operations at the County Landfill. Any CITY OF HELENA employees assigned to or physically located at the County Landfill will be covered under the CITY OF HELENA workers compensation and liability coverage. CITY OF HELENA employees assigned to the County Landfill are not County employees. The COUNTY will maintain comprehensive property and casualty insurance as provided by the current Montana Association of Counties/JPA pool blanket limit, naming FACILITY as an insured asset of Lewis and Clark County.

F. COMPLIANCE WITH FEDERAL AND STATE LAW. COUNTY and CITY OF HELENA agree that they are an Equal Opportunity Employer and will not discriminate based on race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, gender identity, sexual orientation, or national origin in the provision of services contemplated in this Agreement. PARTIES agree to comply with the Occupational Safety and Health Act of 1970 and all rules and regulations now and hereafter in effect under said Act. PARTIES further agree to comply with any

permitting requirements by any jurisdictional authorities established for the continued operation of the County Landfill.

3. DURATION: This Agreement is effective upon execution by both parties, and the work items set forth in the Scope of Services will terminate on December 31, 2016. Any extension of the term of this Agreement must be set forth in writing and signed by both parties.

4. PAYMENT: COUNTY agrees to pay CITY OF HELENA an amount not to exceed Forty eight thousand six hundred and fifty Dollars (\$48,650.00) for services performed pursuant to the Scope of Services. The parties must agree upon any extra charges in writing. Payment for any services rendered under this Agreement will be billed quarterly.

5. NOTIFICATIONS: The parties have agreed hereto that any management or operational issues resulting from the execution of this Agreement may require the Parties to convene and resolve conflicts. When called upon to do so, the Parties agree to designate the City Manager, County Chief Administrative Officer, City Public Works Director, County Public Works Director, and any additional staff necessary to address issues related to the management of the Landfill under this Agreement. Either party may request such a meeting and both parties shall comply by making arrangements to attend any and all meetings as necessary.

6. **CONTENTS:** This Agreement consisting of the provisions herein contains the entire Agreement between the parties, and no other representations, warranties, agreements or understandings, oral or written, will be effective as between the parties hereto other than those contained herein.

7. **SEVERANCE:** If any part of this Agreement is found by a Court to be invalid, the remainder of it will continue in full force and effect.

8. **TERMINATION:** Notwithstanding the right to terminate for default, both parties have the right to terminate and withdraw from this agreement for any reason. Notice of intent to terminate and withdraw for any reason other than default must be provided by written notice, one (1) month prior to termination and withdrawal.

CITY OF HELENA, MONTANA

By _____
Ronald J. Alles, City Manager

ATTEST:

By _____
Debbie Havens, City Clerk

APPROVED AS TO FORM:

By _____
Thomas J. Jodoin, City Attorney

**LEWIS & CLARK COUNTY,
MONTANA**

By _____
Andy Hunthausen, Chairman

ATTEST:

By _____
Paulette Dehart, Clerk of the Board

APPROVED AS TO FORM:

By _____
Leo Gallagher, County Attorney

DRAFT

Memorandum

To: Randall Camp, Public Works Director
From: Steve Larson, Transit Supervisor
Phil Hauck, Assistant Public Works Director
Date: January 8, 2016
Subject: Public Transit Schedule-Policy/Budget Considerations

Commission Decision Schedule:

January 20th – Administrative Meeting – Policy/Budget Guidance
February 3rd – Administrative Meeting – Initial Review of Grant Package
February 11th – Staff Commission Packet Due
February 17th – Administrative Meeting – Final Review of Grant Package
February 22nd – Commission Approval of capital ranking, TransAde ranking, Coordination Plan, and Grant Submittal package.
March 1st – Grant Package submitted to State of Montana

FY17 Policy/Budget Considerations:

1. Governance – The City of Helena is currently the “lead agency” and operates the Transit system for the City of Helena. Attached are the “Transit Planning 4 All” recommendations for possible governance options.
 - a. Does the Commission wish to continue as the lead agency or discuss alternate options for Governance?
 - b. Does the Commission wish to delay moving forward with implementing the new fixed routes and the necessary operational costs/capital investment necessary to implement them until the governance discussion is completed?
 - c. Does the Commission wish to review the current advisory committee structure and by-laws?
2. TransAde Funding – The City of Helena current receives approximately \$50,000 annually in TransAde funding. This funding has historically been used to fund operations within the Transit System. A change in state law now allows for any agency to request these funds in the same manner as the capital equipment requests. The ranking of these requests is to be completed by the Transportation Advisory Committee (TAC). There is very little time for agency requests and for prioritization of these requests. The TAC is reviewing submitted requests on February 1st and hopes to reach a decision on February 2nd. Staff believes the Commission will need to approve or make changes to these rankings as the lead agency.

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- a. Does the Commission have any concerns about reprioritizing new program requests (taxi service, north valley service) before completing the priorities of the Transit Development Plan?
 - b. Does the Commission have any direction to provide to staff or the Transit Advisory Committee on prioritizing new program requests?
 - c. Does the Commission want to invite the Transit Advisory Committee to explain their recommendations for TransAde at the February 3rd Administrative meeting?
3. Operational transit funding – The transit operating budget has historically been funded with Federal/State grants, fare/advertising revenue, and general fund contributions. In FY16, Lewis and Clark County committed up to \$37,500 to assist with the implementation of the Transit Development Plan recommendations.
- a. Will the Commission consider keeping the general fund appropriation at \$375,000/yr? This amount would be necessary to pay for the increased operational costs associated with the second fixed route. The capital costs associated with the second fixed route will be discussed below.
 - b. Will the County commit to continue funding in the amount of \$37,500/year? This amount would be necessary to pay for the increased operational costs associated with the second fixed route. The capital costs associated with the second fixed route will be discussed below.
 - c. Will the Commission commit to utilizing TransAde grant funding to cover the current costs of operating our ADA para-transit operation? If \$50,000 is allocated to starting a new program, this \$50,000 will need to be added back to the current budget to maintain our federal ADA para-transit obligations or existing services will need to be scaled back.
4. Capital transit funding – Capital funding in Transit has historically been funded with Federal/State grants, general fund contributions, or from budget savings. The FY14 actual ending reserve balance was \$356,671. A portion of this amount could be used to fund recommended improvements. The City also budgeted \$71,100 in FY16 for Bus stop improvements. The City hired Recreation Accessibility Consultants to review all new bus stops along the proposed fixed routes (Preliminary Report Attached). A final report will be received in March. The preliminary cost estimate of \$800,000 for all 43 stops (Approx. \$18,600 per stop) is beyond the current resources available in the Transit budget.
- a. Does the Commission want to begin with the necessary bus stop improvements relating to the new fixed routes? According to the consultants, a bus stop must be made accessible before the bus can utilize the stop.

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- b. Does the Commission wish to consider other funding sources to complete all stops?
 - c. Does the Commission wish to consider incremental bus stop improvements within the current budget constraints and limit the number of stops to what we can afford?
 - d. Does the Commission want invite to the Transit Advisory Committee to explain their recommendations for capital equipment purchases at the February 3rd Administrative meeting?
5. Fares – The Commission passed a fare resolution last year that kept the bus fares at .85 cents per ride. The 2013 Transportation Development Plan stated that “an updated fare structure is an important element of the transition to expanded fixed route service. The goal is to encourage use of the fixed route instead of the curb-to-curb. The curb-to-curb fare structure must follow the ADA requirement that ADA qualified riders pay no more than twice the adult fixed route fare”.
- a. Would the Commission like to consider adjusting the current rate structure this fall? For example, Butte currently charges .60 cents for fixed routes and \$1.20 for ADA para-transit service. This rate structure is projected to be revenue neutral and would meet the goals outlined in the 2013 TDP.

Attachments: Helena Area Inclusive Transportation Planning (HITP) Grant – Regional Governance Model Analysis
Recreation Accessibility Consultants, llc Preliminary Report
MCA – 7-14-112, TransAde
Map of proposed new transit routes

Helena Area Inclusive Transportation Planning (HITP)
Grant Round 2
Regional Governance Model Analysis

Prepared For:



Prepared By:

David Kack, Director
Small Urban and Rural Livability Center
Western Transportation Institute
Montana State University

February 18, 2015

Disclaimer

The views and opinions expressed in this document are those of the author, and do not necessarily reflect the views of any other agency or organization.

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Introduction

Lewis and Clark County was one of seven communities across the nation awarded a second round of Transit Planning 4 All funding by the Strengthening Inclusive Coordinated Transportation Partnerships to Promote Community Living. This project is funded by the U.S. Administration for Community Living.

The additional funding has helped build even greater community capacity in the Helena area for improving and expanding transit service for all in an inclusive, collaborative, and coordinated manner. One topic that has emerged during the course of the project is the current governance model for the Helena Area Transit Service (HATS) and whether or not it can meet the transportation needs of the Helena region. HATS currently operates under a model whereby the City of Helena is the lead agency. Based upon coordinated partner interest in exploring the benefits and challenges of a regional governance model, the Helena Area Transportation Advisory Council (HATAC) recommended the Western Transportation Institute review various governance models and determine which may be best for establishing a regional transportation system for the Helena area.

Governance Models

In Montana, transit systems are governed by various methods (models). The governance of the transit system is tied to the “Lead Agency,” which is the organization that signs a contract with the Montana Department of Transportation (MDT) to receive funds to operate a public transportation system. The lead agency typically receives Federal Transit Administration (FTA) Section 5311 funds through MDT. Since the funds are distributed first to MDT, the lead agencies are often referred to as “sub-recipients” since MDT is the true recipient of the FTA Section 5311 funds.

Within the State of Montana and in other states as well, transit systems (public transportation services) are managed by a number of different organizations, including cities, Urban Transportation Districts (and other types of Districts) and non-profits. In addition, in Montana, each of the seven Native American Reservations (tribal governments) operates a transit service. It should also be noted that transportation systems can be operated by employees of these various organizations, or the operations of the system can be contracted out to another organization.

There are benefits and drawbacks to each of the governance models. For example, non-profits are typically viewed as being politically neutral, and transportation is often a challenge for people they serve. Further, non-profits often are accustomed to working with multiple partners on various projects and often bring together multiple funding sources to operate services. However, the financial capabilities of non-profits to operate a transit system can sometimes be an issue. This is important to note, as the FTA funds provided by MDT are on a reimbursement basis, meaning that the lead agency must fund the entire costs of the transit system for four to five months before being reimbursed on a quarterly basis at the set reimbursement rates.

City run systems can face challenges such as the priority of operating transit services among all of the other city issues, as well as the regulations that limit city run transit systems from traveling further than eight miles from city limits. This 8-mile limit certainly restricts transit

systems that could (or should) operate in a regional framework. Further, working through City Government processes like budget and budget amendments when additional needs are identified and changes are needed to the system after the budget has been set, can take additional time. Also, it is harder for City systems to engage partners, especially financially, as many entities are not inclined to make financial contributions to a City, beyond the existing taxes and fees paid.

Urban Transportation Districts (UTDs) can be beneficial from a “single focus” perspective, as they focus solely on public transportation service. The Board and staff of the UTD focus specifically on transit, and have no other competing interests. However, UTDs can be difficult to start, requiring multiple votes first to establish the District and then to levy property taxes to fund the transit services.

When selecting the right lead agency, factors to consider include the financial capabilities of the agency, the ability to work with MDT, and the rules and regulations that accompany the FTA funding. The lead agency should be willing to seek and embrace public input regarding the transit services, and commit to the long-term success of public transportation. The lead agency should plan to modify the transit services on an ongoing basis, based on public input, data, and funding opportunities.

Through the Transit Development Plan (TDP) process, the Helena Area Inclusive Transportation Planning (HITP) Project (Round 1 and Round 2) and subsequent work on the FY 16 Coordination Plan, there has been discussion about creating a “regional system” that would not only serve the City of Helena, but may also serve areas outside the city limits, such as Montana City, Townsend and Lincoln, and other areas that may be more than eight miles from the city limits of Helena (the significance of this eight mile limit is noted later in this document). Further, changing the lead agency could expedite the processes of budgeting and spending transit funds, making changes/improvements to the transit system, and keeping the transit needs of those not only in the Helena city limits, but the broader economic catchment area, in focus.

It is important to note that all public transportation (transit) services in Montana that receive funding from the FTA are subject to the rules and regulations of the U.S. Department of Transportation primarily through FTA) and the State of Montana (including MDT). However, depending upon the lead agency model being utilized, the rules and regulations may vary.

The remainder of this paper focuses on providing information on each of the applicable lead agency models that could be implemented for a regional public transportation service in the greater Helena area, provide the strengths and weaknesses of each model, and provide a recommendation on which may be the best lead agency model for the greater Helena area. Sample budgets for the current lead agency model and model recommendation are included in the Appendix to demonstrate the financial pros and cons of the current and recommended model.

Lead Agency Models

The following is a list of potential Lead Agency models for a transit system. Hybrids of each of these models are possible, so while most potential models are included herein, this list does not include every possible permutation of lead agency models.

(City) Municipal System Model

The current Helena Area Transit System (HATS) is administered by the City of Helena, and is therefore categorized as a “Municipal System.” The only other public transportation service in Montana that is a municipal system is the MET system in Billings. It should be noted that the transit system in Butte is operated by the consolidated city/county government (Butte-Silver Bow).

Transit services operated by municipalities (cities) are specifically regulated in Montana by Montana Code Annotated (MCA) 7-14-4401 through 7-14-4405 (Appendix A). These regulations focus on the operational side of municipal bus services, as well as the financial implications of operating this type of bus service. Of specific note on the operational side, MCA 7-14-4401 (1) states, “...for the transportation of passengers within the corporate limits of such cities and towns and to operate the same to any point or points beyond these limits not to exceed 8 miles measured along the route of the busline.”

The distance limit on bus services by a municipal system is the only such restriction on transit services based on a lead agency model. No other model has distance restrictions. While the distance restriction may be viewed as a weakness of a municipal system, there are strengths of such systems.

In general, transit services are often viewed as a “city service,” as would a fire, police or recreation department. Many view a transit system as an extension of a city’s street/transportation department or as an extension of “public works.” Cities have models for operating these public services, and typically budget the amount necessary to operate and maintain these systems. Having the financial backing of a city can also be viewed as a strength of a municipal bus system.

County Model

Eagle Transit is operated (administered) by Flathead County. A public transportation system operated by a county has similar strengths and weaknesses as a municipal (city) system. One important difference, however, is that a county governed public transit system is not limited to a specific distance for its transit routes. A county administered system may focus on certain key cities and towns within the county, or may try and provide transit services anywhere within the county, and even to cities outside of the county.

Joint Powers (City-County) Authority Model

While not specifically noted in Montana Code, a public transit service could be operated by a “joint power entity,” through a city and county collaboration. This, to an extent, is the situation in Butte, although Butte-Silver Bow is a consolidated government entity, not just for the purposes of public transportation. The closest example of a transit system operated by a city/county entity is the START system in Jackson, Wyoming. The Southern Teton Area Rapid

Transit (START Bus or START) is funded by the Town of Jackson (Wyoming) and Teton County, Wyoming. START also receives funds from the FTA.

Cities and Counties will sometimes create a joint powers agreement to cooperatively fund and work together on a mutual issue. It is possible that such a joint powers agreement could be created to fund and operate a public transportation system that would benefit both a city and a county, and possibly areas outside of the county. It is anticipated that a transit system operated through a joint powers agreement would have the financial stability of a municipal bus system, but would likely not have the distance limitation. It is important to note that the author has not found a ruling related to any distance limitations that may or may not be placed on a joint powers transit system.

Two lead agency models that are similar to a joint powers authority, that are specifically noted in Montana Code Annotated, are the Urban Transportation District, and the Transportation Improvement Authority. Each of those models is examined more closely herein.

Urban Transportation District Model

There are four transit systems in Montana that use the Urban Transportation District (UTD) model. Those systems are: Big Sky Transportation District (Skyline); Dawson County Urban Transportation District (Glendive); the Great Falls Transit District; and, Missoula Urban Transportation District (Mountain Line). Urban Transportation Districts are governed specifically in Montana by MCA 7-14-201 through MCA 7-14-246 (Appendix A).

UTDs, sometimes referred to as Urban Transit Districts, are governed by a Board of Directors, and the composition of such Board is specifically noted in MCA 7-14-212. One benefit of a UTD is that it has the authority to levy property taxes for the operation and maintenance of a transit system (MCA 7-14-232). There is no restriction on the distance transit services operated by a UTD can travel, although MCA 7-14-221 notes, “The district shall primarily serve the residents within the district boundaries but may authorize service outside the district boundaries where deemed appropriate.”

A UTD, therefore, can have the financial stability of a municipal system, while not having the limit on the distance of transit services. Another benefit of a UTD is that it is solely focused on public transportation (transit) services.

Transportation Improvement Authority Model

Although not specifically noted for the operation of a transit system or transit services, a Transportation Improvement Authority (TIA) under Montana Code (MCA 7-14-1001) has the purpose to, “... blend the interests of local, state, and federal governments with the interests of the general public and the business community to build, modify, or improve transportation facilities and systems within its jurisdiction.” Similar to a UTD, Montana Code (MCA 7-14-1002) notes the composition of a Board that administers the TIA. MCA 7-14-1004 notes some of the funding and other powers of the TIA. A TIA is one model, similar to a Joint Powers Authority or a UTD that could administer (operate) a public transportation system.

Non-Profit Model

The majority of public transportation systems in Montana are administered by a non-profit. This is to say that the lead agency for these transit systems is a non-profit agency or

organization. In some cases, the non-profit is an area Agency on Aging. In other cases, the non-profit lead agency is a private non-profit. To an extent, the number of public transit services operated by non-profits is tied to the Federal Surface Transportation Bill (Highway Bill) known as SAFETEA-LU. That Bill provided a significant increase in the amount of FTA Section 5311 funds provided to the State of Montana. Subsequently, Montana has been able to provide funding to transit services that switched from serving only senior citizens and persons with a disability (FTA Section 5310), to a service that served all members of the public (a FTA Section 5311 service).

One issue to note is that when many of these 5310 systems switched to becoming a 5311 system, an initial marketing campaign was launched to successfully inform the public that the transit services were now available to the broader public. Unfortunately, many of these systems are still perceived as being a service for senior citizens and people with a disability, which makes the case for an ongoing budget for marketing activities. Marketing is just one aspect that needs to be administered by a lead agency. The following section provides an analysis of key aspects/factors that may determine which lead agency model may be best for the greater Helena area.

Lead Agency Model Matrix

The following matrix (Table 1) shows the relative strengths of the various lead agency models as noted in the previous section. The level of the various strengths is shown on a scale from one plus “+” to three pluses “+++”. In addition, some of the lead agency models have certain characteristics that are indicated by a check mark “✓.” It should be noted that the matrix is not a comprehensive review of all of the various aspects related to the administration of a public transportation system. The matrix does, however, highlight some of the key aspects related to administering (being the lead agency for) a transit system. A description of each aspect is provided herein.

Table 1: Relative Strengths of Various Governance Models

Model \ Attribute	Municipal	County	Joint Powers	UTD	TIA	Non-Profit
Distance Restriction	✓	N/A	N/A	N/A	N/A	N/A
Taxing Authority	+	+	N/A	+++	+	N/A
Financial Capacity	+++	+++	+ to +++	+++	+ to +++	+ to +++
Administrative Capacity	+ to +++	+ to +++	+++	+++	+ to +++	+ to +++
Fundraising (donations)	+	+	+	+	+	+++
Decision Timing	+	+	+ to +++	+++	+	+++
Cooperation & Collaboration	+	+	+ to +++	+	+	+++
Focus on Transit	+ to ++	+ to ++	+ to +++	+++	++	+ to +++

Distance Restriction: A municipal bus system is the only one specifically noted by Montana Code Annotated (MCA) to have a limit on the distance of the bus routes. While the MCA related to UTD's does note that service can be provided outside of the District, "where deemed appropriate."

Taxing Authority: Transit systems operated by cities (municipalities) and counties typically use "general fund" taxes for their operations. A Transportation Improvement Authority (TIA) says that member counties and municipalities may provide tax revenues to the TIA to implement its plans. It is noted specifically in Montana Code Annotated that an Urban Transportation District (UTD) can levy taxes specifically for operating transit services.

Financial Capacity: The funding received through the State of Montana (the FTA Section 5311 funds) is provided on a reimbursement basis. A transit system operates for three months, and then a quarterly report is submitted to MDT. Depending upon how long it takes to submit the quarterly report (no longer than 60 days after the end of the quarter), and how long it takes to receive a reimbursement from MDT, a lead agency may have to carry four to six months of the transit systems costs before being reimbursed. If a transit system has a \$1 million dollar operating budget, an organization needs to have the financial capacity to spend and absorb the \$400,000 to \$600,000 before receiving reimbursement.

Administrative Capacity: While the grant to operate a rural general public transportation (transit) service is fairly straight forward, the FTA and MDT are going to want to be sure that whatever organization is administering the grant (the lead agency) has the capacity to follow all of the rules and regulations. This administrative capacity is also tied to the financial capacity, as the lead agency must have the personnel and systems in place to track applicable revenues and expenses, ridership, and mileage.

Fundraising (donations): Local match for transit systems can come from a variety of sources, and some transit systems use fundraising events to obtain donations that can be used as "in-kind match" or a straight donation of funds. Many people do not think of donating to a city or county, so non-profits are strong in this area.

Decision Timing: Transit systems that are part of cities or counties can lose the flexibility to operate and make decisions on a timely basis. Transit systems that are in a "stand alone" situation, such as those governed by a UTD, have the ability to make decisions in a timely manner. Because non-profit organizations typically do not have the decision processes of governments (cities and/or counties), these organizations can typically make decisions in a timely manner. These decisions can be related to services (routes and schedules), budget, and other transit system operational decisions.

Cooperation and Collaboration: Other than through a Joint Powers Agreement or Transportation Improvement Authority, most transit systems operated by government entities do not necessarily feel that they need to cooperate or collaborate with other entities to operate the transit services. While there needs to be a Transportation Advisory Committee (TAC) in every community that has a transit system, the collaboration and cooperation between the TAC and lead agency can vary. Non-profits are generally used to using cooperation and collaboration to accomplish many of their goals, including transit services.

Focus on Transit: As noted previously, only two transit systems in Montana are operated by a city (a municipal system) and one is operated by a county. The Butte-Silver Bow system is operated by the consolidated city-county government. Transit services can often get overlooked in cities and counties that are focusing on larger issues such as roads and streets, water and wastewater systems, schools, police and firefighting, and many other services. While a non-profit may have multiple programs (a Food Bank, housing program, energy assistance program, etc.), one thing that ties many of these together is mobility, or the ability of a person to get to where they want to go, to do what they want to do. A non-profit may view transit and mobility as key factors that will allow an individual to strive for self-sufficiency.

Interviews

In order to get additional community perspectives on public transportation service governance (management) models, fourteen individuals from key community sectors including local and county government and the non-profit sector were interviewed. The interview questions can be found in Appendix B.

Of the fourteen people interviewed, most had a good general sense of the services offered by the Helena Area Transit Service (HATS), with some having very detailed knowledge of the various services offered by HATS. While some would not rank the service using a scale of “1” to “10”, the score varied from a “4” to a “10”. Many of the interviewees noted that HATS is doing “as good as it can, given the resources that it has.”

Comments related to improvements to the service mirror some of those received when Selena Barlow, with Transit Marketing, LLC, conducted interviews relating to marketing and branding. Most people shared that HATS was viewed as a “specialized transit system” primarily for those who have no other choices. Interviewees noted that the system must be improved to become a true public system that will be used by most people. Many interviewees noted that there needs to be a new image to the system and that it has to have a “cool factor” so that it will be used by the public. Many of these same interviewees noted that the hours of the system should reflect the majority of those who work, and that the origins and destinations of the system should be based on major employment areas, and areas that people want to go (restaurants, retail areas, etc.).

All but one interviewee was aware that HATS is administered (managed/operated) by the City of Helena. Using a scale of “1” to “10”, where a “1” is “Very Poor” and “10” is “Excellent”, most scored the City’s management of the transit system between “4” and “6”. Many of the interviewees noted that the City is doing a good job of creating a basic local system with the resources it has, but notes that the City could do a better job of marketing and having a broader vision for transit services in the Helena area “making it a true public transportation system.”

The advantages interviewees saw for the current model is that the City is able to levy taxes for the funding needed for the service, and that the City has created a base from which to expand. Two interviewees noted that other advantages of the current system are that the City focuses on service within the city limits (the core of the area), and that the City Administration is generally in touch with the needs of the residents within the City. Some of the items that are seen as advantages of having the City as the lead agency are also seen as disadvantages. Some interviewees noted that the City is not focusing on services outside of the city limits, and tends to have a limited view of what a public transportation system could be. A few interviewees noted that there may be a lack of ability to attract financial partners with the City being the lead agency, however, a couple of interviewees noted that groups such as the “Friends of the Library” have been helpful in supporting services that are administered by the City.

When asked if there was another agency or organization that would be better suited to manage the transit system there was no clear consensus. Three interviewees couldn’t think of an organization better than the City, several mentioned the County, and others mentioned using a non-profit (RMDC was mentioned specifically three times). Three interviewees noted that if

another organization were to take over administration of the transit system, it should be viewed as being neutral, and not want to cater to a specific population. There was discussion of forming a new area non-profit with the specific focus of transportation. Four interviewees asked about starting a Transportation District, or an entity similar to the Airport Authority.

During the interviews, it became apparent that the key factors related to the ability of an organization to administer the transit system included: 1) the ability to partner with multiple organizations; 2) sustainable administrative and financial capabilities; 3) the ability of an organization to efficiently spend more on service and less on overhead; and, 4) a vision for a true public transportation system in the greater Helena area that can service most (or many) of the mobility demands in the region. It is also clear that funding is an issue, as interviewees from the City noted that “City residents shouldn’t have to pay for service outside of the city limits.” It was discussed that if the City continued to provide at least \$300,000 in funding for the transit service under a new governance model, that it might need assurances that the funding wouldn’t be used for service outside of the city limits. This “need for funding assurances” is similar to other discussions heard during the HITP Grant Round 2 process in that potential partners have noted a willingness to provide funding, if there are assurances that the funding be spent on a particular service or item (for services like the two new local routes and East Valley Bus Service recommended under the Local Service Improvement Strategy, marketing, Mobility Management, election/holiday service, bus shelters, etc.). Any lead agency should be willing to allow restricted cash donations and in-kind match.

There was general consensus that the current transportation system does pretty well for seniors and people with a disability, but the current system does not do well as a public transportation service for the broader community. Some of the interviewees wondered what the additional costs would be to have a “true” transit system, and what organization would be best to move public transportation ahead for the greater Helena area.

Summary

As noted herein, there are multiple ways to administer a transit system. While the majority of public transportation systems in Montana have a non-profit lead agency, other transit systems in the State have a lead agency that is a UTD, County or City. Helena is a regional hub for employment, medical care, and shopping, and people drive much farther than eight miles to get to the City. As noted in this document, Municipal Bus Systems are limited to routes that are no further than eight miles from the city limits.

There are some benefits to a transit system that has a lead agency that is a city or county. These benefits include typically strong financial and administrative capacities. However, in being part of a city or county government, a transit system can sometimes be “lost” in importance relative to issues such as: roads and bridges; water and wastewater systems; schools; and police and fire services. The process that cities and counties use to make decisions can take longer than that of a non-profit. Therefore, a transit system may lose out on some opportunities to make changes to services (routes and schedules) and other aspects of the service that may benefit riders due to a long decision process.

There certainly is no one best way to administer a transit agency. There is no lead agency that would work for every transit system in Montana. Therefore, the goal of this study was to examine the strengths and weaknesses of each lead agency model, and determine which may be best for the Helena region. Also, a given model can be modified over time and a community should not be locked in to a particular model just because “we have always done it that way.”

Recommendations

Based on the information herein, including the mileage limitation on Municipal Bus Systems, and the desire of community partners to move towards a regional transportation system in the greater Helena area, it is recommended that the transit system in Helena transition to a governance model that is based on a non-profit being the lead agency. This decision does not select a specific non-profit, but recognizes that whichever non-profit that is selected must have the administrative and financial capacities to manage a regional public transportation system.

The recommendation to transition to a non-profit lead agency is consistent with the strengths of such a model as shown in Table 1, and recognizes the fact that the majority of transit systems in Montana are administered by non-profits. Further, the fact that the transit services within the Helena area may be transitioned to a non-profit does not limit the ability to migrate to another governance model, such as a UTD in the future. For now, however, it is believed that a non-profit model would fit best and could be implemented in a relatively short period of time.

From a financial standpoint, the non-profit must be able to cash flow a system that could be spending nearly \$200,000 per month (approximately \$1.2 million / 12 months). Further, the non-profit must have the administrative capacity to comply with all applicable rules and regulations that govern a public transit system (FTA Section 5311 system). It is important to note, as mentioned earlier in this document, that the selected non-profit does not necessarily need to operate the transit system, as actual operational components could be contracted out to other entities, preferably those that have experience in managing and operating transit/transportation services.

If a suitable non-profit was not able to be identified, the next option would be to explore establishing an “Authority” or some type of a “joint powers organization” that would be able to focus specifically on public transportation without any other obligations.

Next Steps

Based on the information herein, it is recommended that the Helena Area Transportation Advisory Council (HATAC) determine if there is consensus on the recommended model by members and supporters. If there is consensus by members and supporters, then a transition plan should be developed that will identify how to transition the transit services from the City of Helena (current model) to the new model.

A “working group” or “task force” that would include key stakeholders, such as key members of HATAC and the City of Helena, and strategic non-profits should be formed to create and implement a transition plan. The Western Transportation Institute (David Kack) can provide assistance, to ensure all aspects/items of the transition are addressed in such a transition plan.

Items/components of the transition plan would include the following:

- 1) Funding of the transit services (local match)
- 2) Ownership and title of the buses and other vehicles
- 3) Ownership and title of any other facilities (bus barn, transfer center, etc.)
- 4) Legal issues such as resolutions by local cities and counties to recognize the new model/lead agency
- 5) Operations plan (does the new lead agency hire employees, contract out services, or a combination of the two)

While the transition plan will be designed to cover all aspects necessary to move from the city lead agency model to a new model, the new lead agency may have specific questions related to FTA and MDT rules and regulations. Therefore, in addition to the transition plan, specific technical assistance should be provided to the new lead agency so that it can implement the regional transit system, complying with all relevant rules and regulations.

It is anticipated that as part of the transition between models and implementation, new MOUs or other partnership agreements will be developed and marketing campaigns created. Further, coordination with MDT will be critical to ensure a smooth transition. The developed of the transition plan should work through an inclusive process to ensure that all voices are heard, so that if the public transportation services are transitioned to a new lead agency, the transition is as smooth as possible, and all stakeholders are confident in the new lead agency and management model.

Finally, it would be best if any transition would occur at the start of a new fiscal year, so that the fiscal (grant) responsibilities could be clearly delineated. Also, the certifications, assurances and other legal requirements would be signed (acknowledged) by the new lead agency, and there would be a clear delineation of which agency was responsible for each specific year. While transition at the beginning of a fiscal year is best, in reality, the transition could occur at any point in time.

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Appendix A: Relevant Montana Code Annotated (From Montana Code Annotated 2014)

Municipal Bus Codes (MCA 7-14-4401 through 7-14-4405)

7-14-4401. Provision of bus service. Whenever a city or town is not being served by a bus company or operator operating on a regular schedule and under the jurisdiction of the public service commission or if such service is likely to be discontinued in the immediate future, the city or town council of the incorporated city or town:

(1) may contract an indebtedness of any such city or town upon the credit thereof by borrowing money or issuing bonds for the purchase, development, operation, or leasing of motorbuses and buslines for the transportation of passengers within the corporate limits of such cities and towns and to operate the same to any point or points beyond these limits not to exceed 8 miles measured along the route of the busline;

(2) shall have the power to enter into a contract or contracts or to enter into a lease or a lease and operating agreement with an independent carrier or independent carriers for the transportation of passengers by bus within the corporate limits of such city or town and to and from any point or points beyond said limits not to exceed 8 miles measured along the route of said busline or buslines.

7-14-4402. Limit on indebtedness to provide bus service. The total amount of indebtedness authorized under 7-14-4401(1) to be contracted in any form, including existing indebtedness, may not at any time exceed the debt limitation established in 7-7-4201. Money may not be borrowed or bonds issued for the purposes specified in 7-14-4401(1) until the proposition has been submitted to the vote of the taxpayers of the city or town and a majority vote is cast in its favor.

7-14-4403. Operation of municipal busline. The city or town council or commission has authority to provide for the:

(1) management and operation of the system authorized by 7-14-4401(1) and to do all things necessary for the successful operation of that transportation system;

(2) safe operation of the transportation system, including the adoption of ordinances or resolutions to require motor vehicles to yield the right-of-way to buses reentering the traffic flow; and

(3) enforcement of ordinances or resolutions adopted under subsection (2).

7-14-4404. Tax levy for contracts to operate bus service. For the purpose of raising the necessary money to defray the cost of the transportation service authorized by 7-14-4401(2) pursuant to a contract, lease, or lease and operating agreement with an independent carrier or carriers, the city or town council may annually levy a tax on the taxable value of all taxable property within the limits of the city or town. Whenever the council of the city or town considers it necessary to raise money by taxation for transportation services in excess of the levy allowed by 15-10-420, the council of the city or town shall in the manner prescribed by law

submit the question of the additional levy to the qualified electors of the city or town at an election held pursuant to 15-10-425.

7-14-4405. Bids for bus service contracts authorized -- operation of bus service. The city or town council shall have power and authority to call for bids from independent carriers for such transportation service authorized by 7-14-4401(2) and to do all things necessary or proper for establishment and maintenance of such transportation service by contract, lease, or lease and operating agreement.

UTD Codes (MCA-7-14-201 through 7-14-246)

7-14-201. Purpose. This part authorizes the establishment of urban transportation districts to supply transportation services and facilities to district residents and other persons.

7-14-202. Definitions. As used in this part, the following definitions apply:

- (1) "Board" means the board of transportation of any district created under this part.
- (2) "Commissioners" means the board of county commissioners or other governing body of a county.
- (3) "District" means any transportation district created under this part.

7-14-203. Petition to create or enlarge an urban transportation district. Proceedings for creating or enlarging a transportation district may be initiated by a petition signed by not less than 20% of the registered electors who reside within the proposed district or the area to be added to an existing district.

7-14-204. Details relating to petition. The petition under 7-14-203 must include a map showing the limits of the proposed district or the area to be added to an existing district and must be in the form provided in Title 13, chapter 27.

7-14-205. Petition to be filed with election administrator -- certificate. (1) The complete petition must be filed with the election administrator.

(2) The election administrator shall, within 30 days, carefully examine the petition and attach to it a certificate under the administrator's official signature and seal of office. The certificate must set forth:

- (a) the total number of individuals who are registered electors within the proposed transportation district; and
- (b) which and how many of the individuals whose names are on the petition are qualified to sign the petition.

7-14-206. Effect of insufficient number of signatures. If the petition is found to contain less than 20% of the signatures of the registered electors of the transportation district, the petition shall be declared void.

7-14-207. Presentation of petition to board of county commissioners -- hearing required. (1) If the petition contains the signatures of 20% of the qualified electors of the proposed transportation district or the area proposed to be added to an existing district, the county clerk shall present the petition and the county clerk's certificate to the commissioners at their first meeting held after the county clerk has attached the certificate to the petition.

(2) Upon receipt of the petition from the county clerk, the commissioners shall examine the petition and shall by resolution call for a public hearing on the creation of the district or the enlargement of the district.

7-14-208. Notice of hearing. (1) A notice of the public hearing required by [7-14-207](#) must be published as provided in [7-1-2121](#).

(2) The notice must state the time, date, place, and purpose of the hearing and describe the boundaries of the proposed district or addition.

7-14-209. Hearing on petition. (1) At the time fixed for the public hearing required by [7-14-207](#), the commissioners shall hear all testimony offered in support of and in opposition to any petition for the creation of the district or addition to a district.

(2) The hearing may be adjourned from time to time for the determination of additional information or hearing petitioners or objectors, but adjournment may not exceed 2 weeks after the date originally noticed and published for the hearing.

7-14-210. Election on question of creating urban transportation district or addition to a district. (1) The commissioners, upon completion of the public hearing required by [7-14-207](#), shall proceed by resolution to refer the creation of the district or addition to a district to the persons qualified to vote on the proposition.

(2) The commissioners may designate in their resolution whether a special election is to be held in conjunction with a regular or primary election, whether the matter is to be determined at the next general election, or whether the matter is to be determined by a mail ballot election held pursuant to the provisions of Title 13, chapter 19. If a special election is ordered, the order must specify the date for the election and the voting places and the commissioners shall appoint and designate election judges and clerks.

7-14-211. Conduct of election on question of creating district. (1) The election shall be held in all respects, as nearly as practicable, in conformity with the general election laws.

(2) At the election, the ballots shall contain the words:

Transportation district -- YES

Transportation district -- NO

7-14-212. District to be governed by transportation board. (1) The district must be governed by a transportation board. The commissioners and the governing bodies of each city or town included or partially included in the district shall determine if the board is to be elected or appointed.

(2) The commissioners and the governing body by resolution shall:

(a) determine the number of board members;

(b) set the term of office;

(c) determine the makeup of the board with respect to the number of appointed members that will represent each county, city, or town;

(d) establish a procedure for selecting the initial members of an elected board. The initial members shall serve until the first county general election after their appointment.

(e) determine the number of candidates for an elected board whose names must be placed on the ballot in the county general election, based on the results of the primary election; and

(f) establish a procedure for filling vacancies on the board, including a provision for public notice.

(3) The commissioners and the governing body may, at any time, adopt a resolution changing the method by which the members of the board are selected. The resolution must contain a provision that the term of office of the current members of the board may not be shortened.

(4) If the board is elected and if the number of candidates is equal to or less than the number of positions to be elected, the election administrator may cancel the election in accordance with [13-1-304](#). If an election is not held, the board shall declare elected by acclamation each candidate who filed a nominating petition for a position.

(5) If there are no nominees for an elective office of a member of the board, the vacancy must be filled as provided in subsection (2)(f).

(6) A member of the board taking office pursuant to subsection (4) or (5) serves a term of office as if elected to that office.

7-14-213. Repealed. Sec. 3, Ch. 608, L. 1993.

7-14-214. Election of members of transportation board. Any registered elector in the district may file a petition of candidacy with the election administrator of the county where the district is located. A filing fee may not be required. All candidates shall file a nonpartisan petition for candidacy containing the signatures of not less than 25 registered electors of the district. Except for the number of petition signers required, the petition shall be filed as provided in [13-14-113](#).

7-14-215. Repealed. Sec. 3, Ch. 608, L. 1993.

7-14-216. Repealed. Sec. 3, Ch. 608, L. 1993.

7-14-217. Repealed. Sec. 3, Ch. 608, L. 1993.

7-14-218. Compensation of transportation board members. The board members shall serve without pay except for necessary transportation expenses.

7-14-219. Powers of transportation board. The board shall have all powers necessary and proper to the establishment, operation, improvement, maintenance, and administration of the transportation district.

7-14-220. Employment of administrative officer. The board shall employ a qualified administrative officer for the district. The board shall give public notice of its solicitation of applications for a qualified administrative officer.

7-14-221. Area of service. The district shall primarily serve the residents within the district boundaries but may authorize service outside the district boundaries where deemed appropriate.

7-14-222 through 7-14-230 reserved.

7-14-231. Transportation district budget. The board shall annually present its budget to the commissioners at the regular budget meetings as prescribed by law and therewith certify the amount of money necessary and proper for the ensuing year.

7-14-232. Mill levy authorized. Subject to [15-10-420](#), the commissioners shall annually, at the time of levying county taxes, fix and levy a tax in mills upon all property within the transportation district sufficient to operate the district, taking into account the amount requested by the board.

7-14-233. Collection of tax -- role of county treasurer. (1) The procedure for the collection of the tax shall be in accordance with the existing laws of the state of Montana.

(2) The funds collected under the tax levy shall be held by the county treasurer.

(3) The county treasurer shall be, ex officio, the treasurer for the transportation district and shall keep a detailed account of:

(a) all tax money paid into the fund;

(b) all other money from any source received by the district; and

(c) all payments and disbursements from the fund.

7-14-234. Warrants to be used for payments. Funds shall be paid out on warrants issued by direction of the board and signed by a majority of its membership.

7-14-235. Transportation district bonds authorized. A transportation district may borrow money by the issuance of general obligation or revenue bonds or a combination thereof to provide funds for the district.

7-14-236. Limitation on bonded indebtedness. The amount of bonds issued to provide funds for the district and outstanding at any time may not exceed 1.51% of the total assessed value of taxable property, determined as provided in [15-8-111](#), within the district, as ascertained by the last assessment for state and county taxes prior to the issuance of the bonds.

7-14-237 through 7-14-240 reserved.

7-14-241. Procedure to be included in district or to remove an addition to a district. (1) A real property owner may petition to have that owner's property included in a district. The addition of the real property owner's property must be approved by a majority vote of the transportation board.

(2) An area added to a district pursuant to this part may be removed if the area does not directly receive transportation services from the district and 51% of the qualified voters in the area sign a petition requesting to be removed from the district. The removal of the area is effective 60 days after submission of the petition to the transportation board unless within that time, it is determined that the petition contains insufficient signatures for removal of the area. An insufficient petition must be returned to the petitioners, who may resubmit a corrected version within 90 days.

(3) (a) All property within any addition to a district is subject to all existing indebtedness of the district.

(b) Property within an area removed from a district is not subject to the district's existing indebtedness if the area was added to the district within 5 years of the date on which the petition for removal was submitted to the transportation board.

7-14-242. Petition for dissolution of district. Any transportation district may be dissolved upon presentation to the county commissioners of a petition signed by at least 51% of the qualified voters of such district.

7-14-243. Examination of petition -- hearing. (1) Upon the filing of such petition, the commissioners shall carefully examine the petition.

(2) (a) If it is found that the petition is in proper form and bears the requisite number of signatures of qualified petitioners, the commissioners shall by resolution call for a public hearing on the dissolution of such transportation district.

(b) If such petition is found by the commissioners to be lacking in the number of signatures, the commissioners shall declare the petition void.

7-14-244. Notice of hearing on question of dissolution of district. (1) A notice of the hearing required by [7-14-243](#)(2)(a) must be published as provided in [7-1-2121](#).

(2) The notice must state the time, date, place, and purpose of the hearing.

7-14-245. Hearing on question of dissolution of district -- decision. (1) If upon such hearing the commissioners find that the district is not indebted beyond funds immediately available to extinguish all of its debts and obligations and that there is good reason for the dissolution of such district, the commissioners shall enter upon their minutes an order dissolving such district.

(2) Such order shall be filed of record, and the dissolution shall be effective for all purposes 6 months after the date of filing the order of dissolution, provided that at or before such time, the board of said district certifies to the county commissioners that all debts and obligations of the district have been paid, discharged, or irrevocably settled, together with proof thereof.

7-14-246. Distribution of district assets after dissolution. Any assets of the district remaining after all debts and obligations of the district have been paid, discharged, or irrevocably settled shall be evenly divided between the county and any cities within or partially within the dissolved district.

Transportation Improvement Authority Codes (MCA 7-14-1001 through 7-14-1007)

7-14-1001. Purpose. The purpose of a transportation improvement authority is to blend the interests of local, state, and federal governments with the interests of the general public and the business community to build, modify, or improve transportation facilities and systems within its jurisdiction.

7-14-1002. Transportation improvement authority. (1) A county and a municipality within a county may, by joint resolution, create a transportation improvement authority authorized to exercise its functions upon the appointment and qualification of the first commissioners.

(2) (a) Except as provided in subsection (3), the resolution creating the transportation improvement authority must create a board of nine commissioners appointed as follows:

- (i) two county officials appointed by the county commissioners;
- (ii) two public members appointed by the county commissioners;
- (iii) two municipal officials appointed by the governing body of the municipality;
- (iv) two public members appointed by the governing body of the municipality; and
- (v) one member appointed by the governor.

(b) The public members must be knowledgeable about transportation issues.

(c) The resolution must state the terms of the commissioners and their compensation, if any.

(3) A transportation improvement authority may be increased to serve one or more additional counties or municipalities if each additional county or municipality, each county and municipality included in the authority, and the commissioners of the authority adopt a joint resolution consenting to the increase. The number of additional commissioners to be appointed must be provided for in the joint resolution.

(4) A transportation improvement authority may be dissolved if each municipality and county included in the authority and the commissioners of the authority consent to the dissolution. Provisions must be made for the retention or disposition of the authority's assets and liabilities.

(5) A county or municipality may not adopt a resolution authorized by this section without a public hearing. Notice must be given as provided in [7-1-2121](#) or [7-1-4127](#).

7-14-1003. Commissioners. (1) The powers of each transportation improvement authority are vested in the commissioners. A majority of the commissioners of an authority constitute a quorum for the purpose of conducting the business of the authority and exercising its powers for all other purposes. Action may be taken by the authority upon a vote of the majority of the commissioners present.

(2) There must be elected a presiding officer and vice presiding officer from among the commissioners. An authority shall employ an executive director and may employ other personnel as necessary. An authority shall determine the qualifications, duties, and

compensation of its employees.

(3) Each commissioner shall hold office until a successor is appointed and has qualified. The certificate of the appointment or reappointment of a commissioner must be filed with the authority.

7-14-1004. Cooperation of county and municipality. For the purpose of cooperating in the planning, construction, or operation of transportation facilities, a county and a municipality for which a transportation improvement authority has been created may:

- (1) lend or donate money to the authority;
- (2) provide that all or a portion of the taxes or funds available or required by law to be used by the county or municipality for transportation purposes be transferred to the authority as the funds become available;
- (3) furnish facilities or improvements that the county or municipality is empowered to provide in connection with the transportation facilities;
- (4) dedicate, sell, convey, or lease an interest in property or grant easements, licenses, or other rights and privileges to the authority;
- (5) do all things, whether or not specifically authorized in this section and not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with the authority in the planning, construction, or operation of transportation facilities; and
- (6) enter into agreements with the authority respecting action to be taken by the county and the municipality pursuant to the provisions of this section.

7-14-1005. General powers of the authority. A transportation improvement authority has all the powers necessary to carry out the purposes of this part, including the power to:

- (1) sue and be sued, have a seal, and have perpetual succession;
- (2) execute contracts and other instruments and take other action as may be necessary to carry out the purposes of this part;
- (3) receive and disburse federal, state, and other public or private funds made available by grant, loan, contribution, or other source to accomplish the purposes of this part. Federal money must be accepted and spent by the authority upon terms and conditions prescribed by the United States and consistent with state law. All state money accepted under this section must be accepted and spent by the authority upon terms and conditions prescribed by the state.
- (4) acquire by purchase, gift, devise, lease, or other means real or personal property or any interest in property; and
- (5) sell, lease, or otherwise dispose of real or personal property acquired pursuant to this part. The disposal must be in accordance with the laws of this state governing the disposition of public property.

7-14-1006. Rules. (1) A transportation improvement authority may adopt, amend, and repeal reasonable resolutions, rules, and orders as it considers necessary for its own administration, management, and governance, as well as for the management, governance, and use of a transportation facility owned by the authority or under its control.

- (2) A rule, order, or standard prescribed by the authority may not be inconsistent with or

contrary to an act of the congress of the United States or a regulation promulgated or standard established pursuant to an act of congress.

(3) The authority shall keep a copy of its rules on file for public inspection at the principal office of the authority.

7-14-1007. Tax exemption. Property in this state acquired for a transportation improvement authority for transportation purposes pursuant to the provisions of this part and income derived by the authority from the ownership, operation, or control of property are exempt from taxation to the same extent as other property used for public purposes.

Appendix B: Governance Model Interview Questions

Introduction: Recently, there has been a significant amount of planning related to public transportation (transit) in the Helena area, and how the current system is operating. Items that are being evaluated include the potential for regional services, along with the governance/administration of the transit services. With that in mind, I would like to ask you a few questions about the current transit services in the Helena area.

1. Please provide an overview of your understanding of the current public transportation (transit) service: (a) within the Helena City Limits, and (b) the greater Helena area.
2. Using a scale of 1 to 10, where 1 is “very poor” and 10 is “excellent” please rank the current transit service (a) within the Helena City Limits, and (b) the greater Helena area.
3. What improvements, if any, would you recommend for the current transit service?
4. Are you aware of who administers (manages/operates) the current transit service? If so, who is it? (If they do not know, provide the answer)
5. Again, using a scale of 1 to 10, please rank how you think the City of Helena is doing with the public transportation (transit) service.
6. What comments do you have, if any, on how the City could do a better job administering the transit system? (What advantages and challenges do you see with the current model)?
7. Do you believe that there is another agency or organization that would be better suited to administer (manage/operate) the transit system? If so, who?
8. Why do you think that this particular agency/organization would do a better job?
9. Please provide any other comments you may have about public transportation (transit) services in the greater Helena area.

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Appendix C: Robust Budget Analysis and Discussion

The various governance models can have varying levels of efficiency. In this context, “efficiency” means that the maximum amount of funds are being spent on the transit services, and not on overhead (indirect costs). Further, as noted in this document, a Lead Agency does not have to operate the transit system. There may be efficiencies by contracting for services (all or some of the services) as opposed to the Lead Agency hiring staff and carrying out all of the functions necessary to operate a transit system (driving, maintenance, accounting, etc.) Based on the author’s understanding of the City of Helena (HATS) budget for FY 15, and knowledge of the Streamline and Skyline transit systems budgets, two different budgets were developed for transit services in the Helena area for FY 16. The first budget shows the approximate FY 16 budget for a transit service with the City of Helena as the Lead Agency, and the second budget is an approximate budget if a non-profit were to be the Lead Agency.

These budgets incorporate the items that were developed through the inclusive transportation process, approved by HATAC, and included in the most recent draft of the FY 16 Helena Area Coordination Plan. Those items include:

- Have two fixed routes operate within Helena
- Keep the East Valley/East Helena service as in FY 15
- Operate three paratransit vehicles (buses) within Helena
- Hire a Mobility Manager
- Spend approximately 10% of the budget on marketing

These budgets do not include the capital costs of items in the FY 16 Helena Area Coordination Plan. It is assumed that these capital costs would be the same for either Lead Agency.

There are certain assumptions in each budget, and there are elements within each budget that are unknown at this time. For example, if a non-profit were to be the Lead Agency and hire a Contractor to operate the bus service, the Contractor may have its own facilities for bus storage, maintenance, etc. On the other hand, a Contractor may want to use the existing HATS facility. It is unknown at this time what costs may be associated with using that facility.

Based on the FY 15 HATS budget and other figures, approximately \$380,000 is available for local match: \$300,000 (City of Helena); \$45,000 (TransADE); and \$35,000 (Lewis & Clark County and the City of East Helena).

Disclaimer: These budgets should be viewed as rough estimates and used for general comparative purposes only.

FINANCIAL INFORMATION			
City of Helena/HATS Estimated Robust Budget			
D. Operating Expenses			
	Direct Cost	Notes	
1. Labor			
Driver Wages	\$ 354,378.41	FY 15 * 1.2	
Mechanic Wages	\$ 87,384.00	FY 15 * 1.1	
Dispatcher Wages	\$ 31,651.00	FY 15 amount	
2. Fringe Benefits			
Driver/Mechanic/Dispatcher Fringe Benefits Distribution	\$ 176,346.49	Above wages * .3725	
3. Services			
Facilities/Bus Storage (itemize, section I)	\$ -		
Advertising Fees	\$ 10,000.00	approximately 10% of budget	
Custodial Services (Bus Facilities)	\$ -		
Other Services (itemize, section I)	\$ 27,525.00	FY 15 amount	
4. Materials and Supplies Consumed			
Fuel and Fuel Additives	\$ 84,794.40	FY 15 amount * 1.2	
Other Materials and Supplies	\$ 1,225.00	FY 15 amount	
5. Purchased Transportation Service			
Purchased Transportation Service (itemize, section I)	\$ -		
6. Taxes	\$ -		
Vehicle Licensing and Registration Fees	\$ -		
7. Other Operating Expenses	\$ -		
Other Expenses (itemize, section I)			
TOTAL OPERATING EXPENSES	\$ 773,304.30		

E. Administrative Expenses	Direct Cost	Notes
1. Labor		
Manager/Coordinator, Admin. Personnel (itemize, section I)	\$ 156,069.00	FY 15 amount * 1.02 +45K for Mobility Manager
2. Fringe Benefits		
Manager/Coordinator, Admin. Personnel Fringe Benefits Distribution	\$ 58,135.70	Admin personnel * .3725
3. Materials and Supplies		
Office Supplies	\$ 1,000.00	FY 15 amount
4. Casualty and Liability Costs		
Casualty and Liability Insurance	\$ 27,574.00	FY 15 amount
5. Utilities		
Utilities (Gas, Electric, Sewer, Phone and Internet)	\$ 2,623.00	FY 15 amount
6. Taxes		
Property Tax	\$ 1,490.00	FY 15 amount
7. Leases and Rentals		
Office Space (itemize, section I)	\$ -	
8. Miscellaneous Expense		
Professional & Technical Services	\$ 500.00	FY 15 amount
Dues and Subscriptions (transit-related)	\$ 375.00	FY 15 amount
Travel and Meetings (transit-related)	\$ 3,600.00	FY 15 amount
Drug Testing	\$ 1,000.00	FY 15 amount
Promotion for Coordination & Ridesharing	\$ -	
Indirect Cost (prior approval required from MDT) *Attach Cost Allocation Plan	\$ 156,163.00	FY 15 amount
9. Other Administrative Expenses		
Other Expenses (itemize, section I)	\$ -	
TOTAL ADMINISTRATIVE EXPENSES	\$ 408,529.70	

HITP Phase 2: Regional Governance Model Analysis

F. Maintenance Expenses			
	Direct Cost	Notes	
1. Maintenance			
Vehicle Maintenance Parts and Service (itemize, section I)	\$ 68,500.27	FY 15 amount	
TOTAL MAINTENANCE EXPENSES	\$ 68,500.27		
G. Reimbursement Calculations			
1. Total Operating Expenses	\$ 773,304.30 *		
2. Total Amount of Fares/Donations	\$ 69,000.00	FY 15 amount	
3. Total Amount of Advertising/Rent/Misc. Fees** This amount can be used as match and does not reduce operating			
4. Net Operating Deficit	\$ 704,304.30		
5. Eligible Operating Reimbursement at 54.11%		\$ 381,099.06	
6. Total Administrative Expenses	\$ 408,529.70 *		
7. Eligible Administrative Reimbursement at 80%		\$ 326,823.76	
8. Total Maintenance Expenses	\$ 68,500.27 *		
9. Eligible Maintenance Reimbursement at 80%		\$ 54,800.22	
10. FEDERAL OPERATING GRANT AMOUNT		\$ 762,723.04	\$ 707,117.16 FY 16 Allocation
Eligible In-kind @ 25% of Total Operating Budget Amount	\$ 295,333.57		
Once approved funding cannot be transferred between categories without prior written approval from your regional planner.			
LOCAL MATCH			
Operating	\$ 323,205.24		
Administrative	\$ 81,705.94		
Maintenance	\$ 13,700.05		
TOTAL LOCAL MATCH NEEDED	\$ 418,611.24	\$ 55,605.88 MDT/FTA deficit	\$ 474,217.11 FY 16 Local Match Needed
* This dollar amount must include the total direct costs and the total in-kind costs.			
**Include revenue from rent, storage, advertising etc.			
Notes			
HATS used five buses in FY 15. In FY 16 a total of six buses would be used, an increase of 20% of service. Therefore, some operational categories, such as driver salaries, would be expected to increase by 20% (or so). However, some categories, such as dispatching should not increase at all (unless there is a raise for the employees).			

FINANCIAL INFORMATION		
Non-Profit Helena Area Transit Robust Budget		
D. Operating Expenses		
	Direct Cost	Notes
1. Labor		
Driver Wages	\$ -	
Mechanic Wages	\$ -	
Dispatcher Wages	\$ 40,000.00	Dispatcher for paratransit service
2. Fringe Benefits		
Driver/Mechanic/Dispatcher Fringe Benefits Distribution	\$ 14,900.00	Wages * .3725
3. Services		
Facilities/Bus Storage (itemize, section I)	\$ -	
Advertising Fees	\$ 14,000.00	Appox. 10% of the budget
Custodial Services (Bus Facilities)	\$ -	
Other Services (itemize, section I)	\$ -	
4. Materials and Supplies Consumed		
Fuel and Fuel Additives	\$ 85,000.00	Based on estimated FY 16 robust budget for HATS
Other Materials and Supplies	\$ 1,225.00	Based on estimated FY 16 robust budget for HATS
5. Purchased Transportation Service		
Purchased Transportation Service (itemize, section I)	\$ 642,600.00	6 buses, 255 days/yr * \$35/hr.
6. Taxes	\$ -	
Vehicle Licensing and Registration Fees	\$ -	
7. Other Operating Expenses	\$ -	
Other Expenses (itemize, section I)		
TOTAL OPERATING EXPENSES	\$ 797,725.00	

HITP Phase 2: Regional Governance Model Analysis

E. Administrative Expenses	Direct Cost	Notes
1. Labor		
Manager/Coordinator, Admin. Personnel (itemize, section I)	\$ 110,000.00	Transit Mgr (\$60K) & Mobility Mgr (\$45K)
2. Fringe Benefits		
Manager/Coordinator, Admin. Personnel Fringe Benefits Distribution	\$ 40,975.00	Above salaries * .3725
3. Materials and Supplies		
Office Supplies	\$ 1,000.00	Based on HATS FY 15 budget
4. Casualty and Liability Costs		
Casualty and Liability Insurance	\$ 63,000.00	Based on Skyline amounts/vehicles
5. Utilities		
Utilities (Gas, Electric, Sewer, Phone and Internet)	\$ 3,600.00	\$300/mo.
6. Taxes		
Property Tax	\$ 2,400.00	Estimate (may be zero)
7. Leases and Rentals		
Office Space (itemize, section I)	\$ -	
8. Miscellaneous Expense		
Professional & Technical Services	\$ 12,000.00	Accounting services
Dues and Subscriptions (transit-related)	\$ 375.00	
Travel and Meetings (transit-related)	\$ 7,200.00	
Drug Testing	\$ 260.00	
Promotion for Coordination & Ridesharing	\$ -	
Indirect Cost (prior approval required from MDT) *Attach Cost Allocation Plan	\$ 32,000.00	Non-profit "overhead" allocation
9. Other Administrative Expenses	\$ -	
Other Expenses (itemize, section I)	\$ -	
TOTAL ADMINISTRATIVE EXPENSES	\$ 272,810.00	

Estimated Non-Profit Robust Budget for Transit in the greater Helena area (Page 2)

HITP Phase 2: Regional Governance Model Analysis

F. Maintenance Expenses		Direct Cost	Notes
1. Maintenance			
Vehicle Maintenance Parts and Service (itemize, section I)	\$	72,000.00	Estimate based on Skyline & Streamline
TOTAL MAINTENANCE EXPENSES	\$	72,000.00	\$ -

G. Reimbursement Calculations

1. Total Operating Expenses	\$	797,725.00 *	
2. Total Amount of Fares/Donations	\$	-	Fare-Free System
3. Total Amount of Advertising/Rent/Misc. Fees** This amount can be used as match and does not reduce operating			
4. Net Operating Deficit	\$	797,725.00	
5. Eligible Operating Reimbursement at 54.11%			\$ 431,649.00
6. Total Administrative Expenses	\$	272,810.00 *	
7. Eligible Administrative Reimbursement at 80%			\$ 218,248.00
8. Total Maintenance Expenses	\$	72,000.00 *	
9. Eligible Maintenance Reimbursement at 80%			\$ 57,600.00
10. FEDERAL OPERATING GRANT AMOUNT			\$ 707,497.00
Eligible In-kind @ 25% of Total Operating Budget Amount	\$	285,633.75	\$ 707,117.16 FY 16 MDT Allocation

Once approved funding cannot be transferred between categories without prior written approval from your regional planner.

LOCAL MATCH

Operating	\$	366,076.00	
Administrative	\$	54,562.00	
Maintenance	\$	14,400.00	
TOTAL LOCAL MATCH NEEDED	\$	435,038.00	\$ 379.84 MDT/FTA deficit
			\$ 435,417.84 FY 16 Local Match Needed

* This dollar amount must include the total direct costs and the total in-kind costs.

**Include revenue from rent, storage, advertising etc.

Notes: Budget will be impacted by need for facility for storage of vehicles. This cost will depend on use of HATS facility, or a facility that may be owned by a contractor.

Estimated Non-Profit Robust Budget for Transit in the greater Helena area (Page 3)

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Appendix D: Comparison of Budget and Service Levels

Table 2 shows the budgets and service levels for the transit systems in Butte and Helena. The budget for Helena (HATS) does not include the budget for the Head Start service (approximately \$79,400) per year. Neither FY 15 budget includes the expenses for capital items.

Table 2: Comparison of Butte Silver-Bow and Helena Transit Systems

Comparison Criteria	Butte Silver-Bow	Helena
FY 15 Budget	\$1,195,689	\$1,116,900
FY 15 Fixed Route Hours of Service	10,848	4,812.5
FY 14 Ridership	148,789	91,780*
Saturday Service Hours	7.5	0
Number of Fixed Routes	5	2
Fares	Yes	Yes
FY 16 MDT/FTA Grant Allocation	\$663,321	\$707,117
Ridership Trend (FY 10-FY 14)	Increasing	Decreasing
Transit Manager Hours	Full-time	Part-time

*HATS FY 14 ridership includes 6,706 rides through the RMDC Head Start service.

Both systems have equivalent paratransit service, approximately three buses/vehicles in service each day.

If Helena expanded its fixed route service to three routes (2 in Helena and the East Valley/East Helena bus), it would have approximately 9,180 hours of fixed route service in a year (3 buses * 12 hours per day * 255 days per year).

Butte does not provide transit service on the following holidays: New Year’s Day, Presidents Day, St. Patrick’s Day, Memorial Day, Fourth of July, Labor Day, General Election Day, Veterans Day, Thanksgiving and the following day, and Christmas Day. Helena does not provide transit service on State and Federal holidays, including Election Day. More information on the systems can be found by visiting their respective websites: <http://buttebus.org> for the Butte system, and <http://www.helenamt.gov/public-works/hats.html> for the Helena system.



December 28, 2015

Steve Larson
Helena Area Transit Service
City of Helena
1415 N Montana Avenue
Helena, MT 59601

PRELIMINARY REPORT REGARDING ACCESSIBILITY

Dear Steve:

Please accept this letter as a preliminary report to the Helena Area Transit Service, in regard to our access audit of existing and proposed bus stop locations and their accessible routes. We have completed our inspections of all sites. We are now completing the final report to HATS. A summary of our findings and initial insights are below.

Authority

Title II of the Americans with Disabilities Act (42 USC 12131) prohibits the more than 89,000 units of local government, including HATS, from discrimination on the basis of disability in the delivery of programs and services. The definition of programs and services is broad and includes transit, such as the opportunities made available for the citizens of Helena.

The Department of Justice issued an implementing regulation for title II, which became effective on January 26, 1992. That regulation is integral to this audit and can be found at 28 CFR Part 35. Title II requirements that come into play in our work for HATS include:

- section 35.105 self evaluation
- the section 35.133 maintenance requirement
- the section 35.150 program access test regarding existing sites
- the section 35.151 requirements for new facilities and alterations to existing facilities, and
- the section 35.163 requirements regarding building signage.

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2675 Pratum Avenue
Hoffman Estates, Illinois 60192
224/293-6451 Fax: 224/293-6455

Final and Enforceable Regulations and Final Guidelines

Regarding design, two sets of federal regulations were applied to the HATS access audit. One is the Americans with Disabilities Act Accessibility Guidelines, also known as ADAAG. Published by the US Department of Justice (DOJ) on July 26, 1991 as Appendix A to 28 CFR Part 36, this final and enforceable regulation is now known as the 1991 Standards. It adequately addresses entries, showers, curb cuts, doors, service counters, ramps, decks, and other typical building elements.

On September 14, 2010 the DOJ published the 2010 Standards for Accessible Design. As these Standards were already available as a final guideline, we have long used this as our guide for an access audit. It addresses many requirements of transit stops and accessible routes.

It is important to know that there is ***not yet a final standard*** for some HATS assets. Still pending are standards such as the Public Rights-of-Way Accessibility Guidelines (PROWAG) which addresses many components necessary for an accessible transit stop.

Analysis and Approach

Fixed route transit systems are subject to the requirements of the Americans with Disabilities Act (ADA). Specifically, the statutory requirements are found at ADA title II Part B, which addresses state and local government transit systems. The US Department of Transportation developed implementing regulations for this portion of the ADA and those regulations are found at 49 CFR Part 27, 49 CFR Part 37, and 49 CFR Part 38.

The Helena Area Transit Service (HATS) is subject to the title II Part B requirements, and the subsequent regulations issued by the Department of Transportation. This model is the same as for other municipal services, which are subject to the ADA statute and to the implementing regulation issued at 28 CFR Part 35.

Our interpretation of the requirements is that as new routes, or redesigned routes, are developed that all stops must be accessible. We view each stop as a component of a route, and as new construction where stops are added or changed. Each stop is interconnected.

We would usually recommend a phased approach to accessibility. However, that works only for existing sites. The better comparison here is to new construction. The City wouldn't open a facility without a working restroom, or a working water fountain, or poured asphalt parking. As an analogy, each of those is a transit stop, and therefore we believe each transit stop must be accessible.

To ensure that our work is accurate, in an access audit, it is critical to measure each feature of each element of each site, as we have done here. Where we found a variance from access requirements, or a smart practice variance, we have captured digital images so that HATS will better understand the variance.

Report Format

Our audit included an examination of 43 existing and proposed transit stop locations across two lines. There will be three site reports. One will address both directions of the red line. Another will address both directions of the blue line. The final site report will address the three additional stops that were audited.

Each site report will note the deficits observed, and recommend a solution. As noted earlier, digital images are hyperlinked to most deficits.

HATS will receive one hard copy, likely in 2 binders. Binder 1 will have all the text reports, as well as the transition plan. Binder 2 will have all the checklists. We will also provide HATS with a username and password to login an FTP site with all reports, checklists, and photos.

The reports will also include a hyperlink to the checklist being used and the photo being discussed. These are very easy to use.

Finally, an Overall Conclusion section is found in Section 4.

Common Issues

At all sites we saw some common issues. We briefly discuss those below.

Maintenance

Maintenance of accessible features is required by title II. Along accessible routes or sidewalks, including transit stops, maintenance of the surface and surroundings can make the difference between compliant and noncompliant.

For example, accumulation of snow, leaves, or other debris can make a sidewalk or a transit stop unusable for a person using a mobility device. Additionally, plants or other elements that protrude into the sidewalk or hang down into the overhead clearance can cause issues for those who may be visually impaired.

Changes in Level

Changes in level occur everywhere and can quickly make an accessible route impassable. Where there are changes in level greater than .25" they must be beveled if up to .5" or ramped if greater than .5". Concrete grinders are commercially available and are an excellent solution.

Obstructed Accessible Routes

At many sites we saw obstructions in the accessible route. An accessible route should be an unobstructed path at least 36" clear width. In the case of the public right-of-way, the pedestrian access route is required and must be a minimum of 48" wide.

Installation of permanent fixtures such as light poles, hydrants, and traffic signals can affect this minimum width, causing it to be too narrow. This issue is easily solved when addressed in the planning stages but can be much more difficult to resolve after construction.

Running Slope and Cross Slope

Accessible route running slopes cannot exceed 5% (1:20) unless treated as a ramp, and ramps cannot be steeper than 8.33% (1:12). The pedestrian access route can match the running slope of the adjacent roadway. Cross slopes on an accessible route must be relatively flat. We consistently saw cross slopes and occasionally running slopes that exceeded maximums.

Curb Ramps

An integral part of an accessible route is the curb ramp. At many locations, the curb ramps did not meet requirements. Curb ramps must have a running slope no steeper than 8.33% (1:12), a cross slope no greater than 2.08% (1:48), a level top landing, side flares not exceeding 10% (1:10) where provided, and an adjacent street slope or counter slope not exceeding 5% (1:20). Additionally, curb ramps must have a detectable warning. We note the absence of these detectable warnings at several locations.

Bus Shelters and Amenities

Where shelters and amenities are provided, they must be accessible. Where stops include a bus shelter, the shelter is required to provide adequate clear floor space fully within the shelter and adjacent to a bench (if a bench is provided). Where amenities are provided such as garbage cans or benches, at least one of each type provided must be accessible and along the pedestrian access route.

Boarding and Alighting Areas

Each transit stop must have a compliant boarding and alighting area. This area must be connected to shelters and other bus stop amenities, where provided. The required space is a 5' wide (parallel to the roadway) and 8' deep (perpendicular to the roadway) rectangle of firm, stable, and slip resistant surface. As noted above, these areas must be maintained.

Sections 1, 2, and 3: Site Reports for each bus line

These sections will include all of the deficits found at each location and recommendations for correction to these deficits.

Section 4: Conclusions and Recommendations

This section will review detailed recommendations so that HATS sites are accessible.

Transition Plan

The transition plan that will be included with the final report will assign a cost reference to each recommendation from the individual site reports. Please note that this is a reference only and does not include design costs. It is intended only for planning purposes. We have separated the existing and proposed transit stops into three categories. Each is described below.

The first is existing transit stops that include site features such as a shelter.

The second includes transit stops that do not include a shelter or significant features and are only placed on a sidewalk.

The third, and last, are potential transit stops that currently lack any accessible routes to the proposed location.

We estimate that corrections to the five sites with features will be about \$29,041.00 each, for a total of \$145,205.00.

We anticipate that corrections to the 35 sites with sidewalks only and no features will be about \$16,113.75 each for a total of \$563,981.25.

Finally, for the three sites that have no sidewalk or features, we expect the cost per site to be at least \$38,888.75, for a total of \$116,666.25. This cost is highest per location because of the cost of creating an accessible route to the transit stop.

In total, all corrections are approximately \$800,000, assuming all sites are corrected.

Conclusion of Preliminary Report

This preliminary report does not review every deficit within the sites, nor does it review in detail the deficits that are discussed. It is merely intended to give HATS a sense of the depth of the report to be received, and some of the key issues that will appear in the final report. It is recommended that you solicit and include consumer feedback in your final transition plan.

It is our intention to deliver the final report on or before March 15, 2016. If there are any questions, please call me at 224/293-6451 or on my cell at 847/363-9384.

Sincerely,


John N. McGovern, J.D.
President

JNM/TRS/HATS PRELIMINARY REPORT 201501

Montana Code Annotated 2015

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7-14-112. Senior citizen and persons with disabilities transportation services account -- use. (1)

There is a senior citizen and persons with disabilities transportation services account in the state special revenue fund. Money must be deposited in the account pursuant to [15-68-820\(2\)](#).

(2) The account must be used to provide operating funds or matching funds for operating grants pursuant to 49 U.S.C. 5311 to counties, incorporated cities and towns, tribal governments, urban transportation districts, or nonprofit organizations for transportation services for persons 60 years of age or older and for persons with disabilities.

(3) (a) Subject to the conditions of subsection (3)(b), the department of transportation is authorized to award grants to counties, incorporated cities and towns, tribal governments, urban transportation districts, and nonprofit organizations for transportation services using guidelines established in the state management plan for the purposes described in 49 U.S.C. 5310 and 5311.

(b) Priority for awarding grants must be determined according to the following factors:

(i) the most recent census or federal estimate of persons 60 years of age or older and persons with disabilities in the area served by a county, incorporated city or town, tribal government, urban transportation district, or nonprofit organization;

(ii) the annual number of trips provided by the transportation provider to persons 60 years of age or older and to persons with disabilities in the transportation service area; and

(iii) the coordination of services as required in subsection (4).

(4) In awarding grants, the department of transportation shall give preference to proposals that:

(a) include participation in a local transportation advisory committee;

(b) address and document the transportation needs within the community, county, and service area or region;

(c) identify all other transportation providers in the community, county, and service area or region;

(d) explain how services are going to be coordinated with the other transportation providers in the service area or region by creating a locally developed transportation coordination plan;

(e) indicate how services are going to be expanded to meet the unmet needs of senior citizens and disabled persons within the community, county, and service area or region who are dependent upon public transit;

(f) include documentation of coordination with other local transportation programs within the community, county, and service area or region, including:

(i) utilization of existing resources and equipment to maximize the delivery of service; and

(ii) the projected increase in ridership and expansion of service;

(g) invite school districts to participate or be included in the transportation coordination efforts within the community, county, and service area or region; and

(h) at a minimum, comply with the provisions in subsections (4)(b) through (4)(f).

History: En. Sec. 1, Ch. 337, L. 2001; amd. Sec. 14, Ch. 114, L. 2003; amd. Sec. 7, Ch. 596, L. 2005; amd. Sec. 1, Ch. 209, L. 2007; amd. Sec. 2, Ch. 486, L. 2009; amd. Sec. 1, Ch. 347, L. 2015; amd. Sec. 1, Ch. 430, L. 2015.

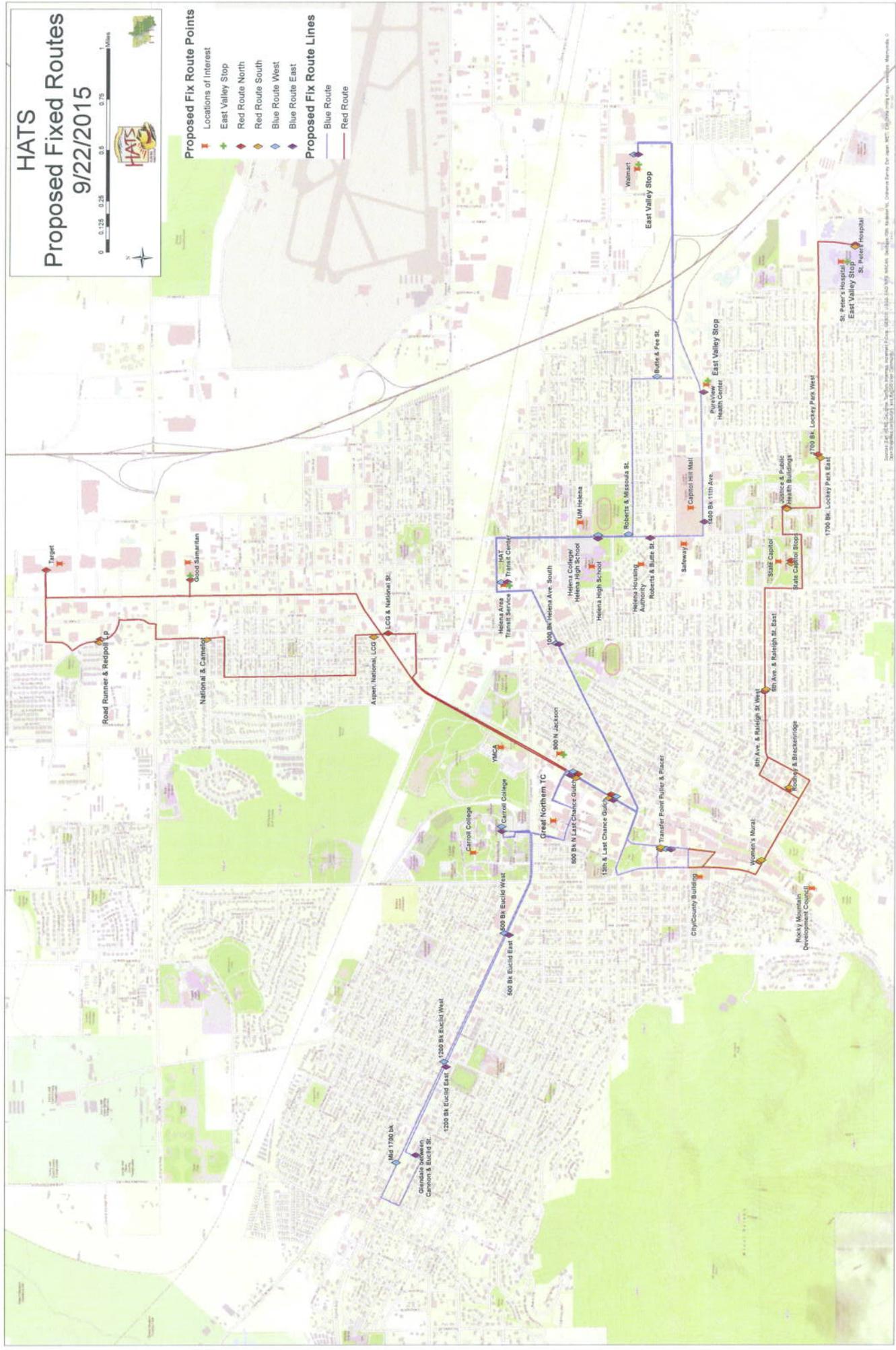
HATS

Proposed Fixed Routes

9/22/2015



- Proposed Fix Route Points**
- Locations of Interest
 - East Valley Stop
 - Red Route North
 - Red Route South
 - Blue Route West
 - Blue Route East
- Proposed Fix Route Lines**
- Blue Route
 - Red Route



Source: GIS City of Helena, Montana, 2015. Data provided by City of Helena, Montana. All rights reserved. City of Helena, Montana. All rights reserved. City of Helena, Montana. All rights reserved.