



**VENTURA COUNTY TRANSPORTATION COMMISSION
LOCAL TRANSPORTATION AUTHORITY
AIRPORT LAND USE COMMISSION
SERVICE AUTHORITY FOR FREEWAY EMERGENCIES
CONSOLIDATED TRANSPORTATION SERVICE AGENCY
CONGESTION MANAGEMENT AGENCY**

www.goventura.org

AGENDA*

**Actions may be taken on any item listed on the agenda*

**CAMARILLO CITY HALL
601 CARMEN DRIVE
CAMARILLO, CA
FRIDAY, MAY 12, 2017
9:00 AM**

In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if special assistance is needed to participate in a Commission meeting, please contact the Clerk of the Board at (805) 642-1591 ext 101. Notification of at least 48 hours prior to meeting time will assist staff in assuring that reasonable arrangements can be made to provide accessibility at the meeting.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. PUBLIC COMMENTS** – *Each individual speaker is limited to speak three (3) continuous minutes or less. The Commission may, either at the direction of the Chair or by majority vote of the Commission, waive this three minute time limitation. Depending on the number of items on the Agenda and the number of speakers, the Chair may, at his/her discretion, reduce the time of each speaker to two (2) continuous minutes. In addition, the maximum time for public comment for any individual item or topic is thirty (30) minutes. Also, the Commission may terminate public comments if such comments become repetitious. Speakers may not yield their time to others without the consent of the Chair. Any written documents to be distributed or presented to the Commission shall be submitted to the Clerk of the Board. This policy applies to Public Comments and comments on Agenda Items.*

Under the Brown Act, the Board should not take action on or discuss matters raised during Public Comment portion of the agenda which are not listed on the agenda. Board members may refer such matters to staff for factual information or to be placed on the subsequent agenda for consideration

5. **CALTRANS REPORT** - *This item provides the opportunity for the Caltrans representative to give update and status reports on current projects.*

6. **COMMISSIONERS / EXECUTIVE DIRECTOR REPORT** - *This item provides the opportunity for the commissioners and the Executive Director to report on attended meetings/conferences and any other items related to Commission activities.*

7. **ADDITIONS/REVISIONS** – *The Commission may add an item to the Agenda after making a finding that there is a need to take immediate action on the item and that the item came to the attention of the Commission subsequent to the posting of the agenda. An action adding an item to the agenda requires 2/3 vote of the Commission. If there are less than 2/3 of the Commission members present, adding an item to the agenda requires a unanimous vote. Added items will be placed for discussion at the end of the agenda.*

8. **CONSENT CALENDAR** - *All matters listed under the Consent Calendar are considered to be routine and will be enacted by one vote. There will be no discussion of these items unless members of the Commission request specific items to be removed from the Consent Calendar for separate action.*

8A. APPROVE SUMMARY FROM APRIL 7, 2017 VCTC MEETING – PG.5

Recommended Action:

Receive and File

Responsible Staff: Donna Cole

8B. MONTHLY BUDGET REPORT – PG. 11

Recommended Action:

Receive and File

Responsible Staff: Sally DeGeorge

8C. PASSENGER RAIL UPDATE – PG. 21

Recommended Action:

Receive and File

Responsible Staff: Ellen Talbo

8D. APPROVE PROGRAMMING OF CMAQ FUNDS TO THOUSAND OAKS FOR BUS REPLACEMENT, TO REPAY PROPOSITION 1B FUNDS PREVIOUSLY PROGRAMMED TO THOUSAND OAKS – PG. 25

Recommended Action:

Approve programming of \$1,010,000 of CMAQ to repay Proposition 1B funds borrowed by VCTC from Thousand Oaks for bus replacement.

Responsible Staff: Peter De Haan

8E. APPROVAL OF MARKETING SERVICES FOR VALLEY EXPRESS TRANSIT SERVICE AGREEMENT- PG.27

Recommended Action:

Approve the Marketing and Outreach Consulting Services Agreement for the Valley Express Transit Service between VCTC and Celtis Ventures, LLC for \$75,000 per year (contract term is three years totaling \$225,000)

Responsible Staff: Aaron Bonfilio

9. PRESENTATION BY JENNIFER BERGENER REGARDING LOSSAN SERVICE UPDATE – PG. 41

Recommended Action:

Receive and file

Responsible Staff: Ellen Talbo

10. LEGISLATIVE UPDATE & POSITIONS ON BILLS- PG. 43

Recommended Action:

- *Receive and file SB 1 (Beall) analysis.*
- *Adopt "Support" position on AB 1113 (Bloom), to provide statutory clarification to continue the long-standing State Transit Assistance (STA) apportionment formula.*

Responsible Staff: Peter De Haan

11. APPROVE COMBINED CALL-FOR-PROJECTS FOR CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FUNDS AND TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 BICYCLE AND PEDESTRIAN FUNDS - PG.65

Recommended Action:

- *Approve guidelines in Attachment A for a new call for projects to program CMAQ and TDA Article 3 Bicycle & Pedestrian funds, for two years' worth of funds.*
- *Approve Call for Projects Schedule contained in the agenda item.*
- *Approve "off-the-top" funding of \$443,000 for Regional Ridesharing (to come from the Non-Transit share) for each of the two years, and \$600,000 for Transit Outreach (to come from the Transit share) for the second year.*
- *Approve policy for Shelf List (Attachment B).*

Responsible Staff: Peter De Haan

12. FISCAL YEAR 2017/2018 TRANSPORTATION DEVELOPMENT ACT (TDA) UNMET TRANSIT NEEDS FINDINGS - PG. 79

Recommended Action:

- *Approve the draft Fiscal Year (FY) 2017/2018 Unmet Transit Needs Findings and staff recommendation*
- *Adopt Resolution No. 2017-04 (Attachment B)*

Responsible Staff: Ellen Talbo

13. REVISION TO CAMARILLO STP AND CMAQ PROJECT FUNDS - PG.87

Recommended Action:

VCTC STAFF RECOMMENDATION

- Approve programming \$203,785 of Congestion Mitigation Air Quality (CMAQ) funds to the Las Posas Road Bike Lane Project in Camarillo in recognition of Surface Transportation Program (STP) cost savings from the Pancho Road project.

TTAC RECOMMENDATION

- Approve programming \$203,785 of STP funds to the Los Posas Road Bike Lane Project in Camarillo using the \$203,785 of STP cost savings from the Pancho Road project.

Responsible Staff: Judith Johnduff

14. NEXTBUS CONTRACT EXTENSION - PG.89

Recommended Action:

- *Approve finding of need for sole source justification (two-thirds vote required).*
- *Authorize the Executive Director to execute an eight month contract extension with Nextbus Inc. for an amount not to exceed \$118,667.*

Responsible Staff: Aaron Bonfilio

15. VCTC GENERAL COUNSEL'S REPORT

16. AGENCY REPORTS

17. CLOSED SESSION

1. Public Employee Performance Evaluation
(Pursuant to Government Code Section 54957)
Title: Executive Director and General Counsel
2. Closed Session: Conference with Labor Negotiator
(Pursuant to Government Code Section 54957.6)
Agency designated representative: Bryan MacDonald
Unrepresented employee: Executive Director

18. ADJOURN to 9:00 a.m. Friday, June 2, 2017



Item #8A

Meeting Summary

VENTURA COUNTY TRANSPORTATION COMMISSION
LOCAL TRANSPORTATION AGENCY
AIRPORT LAND USE COMMISSION
SERVICE AUTHORITY FOR FREEWAY EMERGENCIES
CONSOLIDATED TRANSPORTATION SERVICE AGENCY
CONGESTION MANAGEMENT AGENCY

CAMARILLO CITY HALL
601 CARMEN DRIVE
CAMARILLO, CA
FRIDAY, APRIL 7 , 2017
9:00 AM

MEMBERS PRESENT: Bryan MacDonald, City of Oxnard, Chair
Linda Parks, County of Ventura, Vice Chair
Jan McDonald, City of Camarillo
Manuel Minjares, City of Fillmore
Ken Simons, City of Moorpark
Randy Haney, City of Ojai
Will Berg, City of Port Hueneme
Neal Andrews, City of San Buenaventura
Ginger Gherardi, City of Santa Paula
Mike Judge, City of Simi Valley
Claudia Bill-de la Peña, City of Thousand Oaks
Kelly Long, County of Ventura
John Zaragoza, County of Ventura
Brian Humphrey, Citizen Rep., Cities
Steve Novotny, Caltrans District 7

ABSENT: Steve Bennett, County of Ventura
Peter Foy, County of Ventura
Jim White, Citizen Rep., County

CALL TO ORDER

PLEDGE OF ALLGIANCE

ROLL CALL

PUBLIC COMMENTS FOR THOSE ITEMS NOT LISTED ON THIS AGENDA

Joe Briglio reminded everyone of the upcoming SCAG General Assembly May 4-5 in Palm Desert. The 2 day event brings together state and local elected officials, CETs, business and civic leaders, transportation and environmental stakeholders and local government staff. The conference is free for elected officials and city managers in the region.

Dr. Sandra Aldana, Governor's At-Large appointee to the State Council on Development Disabilities. Thanked VCTC for the efforts to be responsive to the needs of people with developmental and acquired disabilities in Ventura County. The Tri-Counties Regional Center serves approximately 13,000 people with developmental disabilities throughout the region. However, just in Ventura County, there are 20,000 students in special education, many of whom do not receive services from TCRC, along with numerous adults who have acquired disabilities who rely on generic community services to fully participate in their communities.

Transportation is a service that is greatly needed to continue to support broader policy agency items like competitive integrated employment through the Federal Employment First Policy. The State Council on Developmental Disabilities has identified a number of issues that Californians with developmental and acquired disabilities want to see in the state plan for 2017-2022. The top 5 issues identified in the plan include transportation as a form of community support which individuals have access to and receive. Other concerns are with ADA issues, both for riders in terms of getting access and having continued access while using the service; Removal of routes; distance between stops from home to destinations on public transportation; dynamic fare pricing; service quality, and non-negotiable ride times. There has been difficulty negotiating some of these issues and it is hoped that as the new state plan moves forward, VCTC will join in the collaboration to address these issues within their community.

CALTRANS REPORT -

Steve Novotny reported on the status of installing a flying wedge in Ventura County. A location has been chosen on SB Rt 1, 1700 ft south of Emma Wood State Beach on the right shoulder to warn about a drainage outlet. It will be completed in 2 months.

EXECUTIVE DIRECTOR REPORT -

For eight consecutive years the VCTC finance department has received an award of excellence for its Comprehensive Annual Financial Report.

ADDITIONS/REVISIONS – Adjourn to Closed Session before Consent Calendar

CLOSED SESSION – There was no announcement.

1. Conference with Legal Counsel – Existing Litigation
(Pursuant to Government Code Section 54956.9(d)(1))
Fillmore & Western v. VCTC, Case No. 56-2016-00482491
VCTC v. Fillmore & Western, Case No. 56-2014-00449769
3. Closed Session: Conference with Legal Counsel – Anticipated Litigation
(Pursuant to Government Code Section 54956.9(d)(2))
Significant Exposure to Litigation: One Case

8. CONSENT CALENDAR -

Commissioner Zaragoza made a motion to approve all items as recommended on the Consent Calendar. The motion was seconded by Commissioner Gherardi and passed by a unanimous roll call vote, with Commissioner Simons recusing himself on Item #8I.

8A. APPROVE SUMMARY FROM MARCH 3, 2017 VCTC MEETING – *Receive and File*

8B. MONTHLY BUDGET REPORT – *Receive and File*

8C. PASSENGER RAIL UPDATE – *Receive and File*

8D. AGREEMENT WITH THE STATE OF CALIFORNIA HIGHWAY PATROL FOR SERVICES RELATED TO VENTURA COUNTY MOTORIST AID CALL BOX PROGRAM -

- *Approve the agreement between the State of California, Department of California Highway Patrol and the Ventura County Service Authority for Freeway Emergencies (SAFE).*
- *Adopt Resolution 2017-03 in support of the agreement between the State of California Department of California highway Patrol and Ventura County Service Authority for Freeway Emergencies.*

8E. ADOPTION OF DISADVANTAGED BUSINESS ENTERPRISE GOAL- *Adopt a revised Disadvantaged*

Business Enterprise (DBE) annual goal of 11.7% for VCTC contracts funded by the Federal Transit Administration for Federal Fiscal Years (FY) 2015/16 through 2017/18.

8F. SECTION 5310 FUNDED VAN PURCHASE FOR HELP OF OJAI -

- *Authorize the Chair to execute the attached agreement with HELP of Ojai to provide a paratransit van using \$48,000 of Federal Transit Administration (FTA) Section 5310 funds with match provided by HELP of Ojai.*
- *Authorize Executive Director to place order with A-Z Bus Sales to purchase on behalf of HELP of Ojai a Ford Class B T-350 lift-equipped paratransit vehicle through the California Association for Commuter Transportation (CalACT) purchasing schedule, at a total cost of \$62,399.84, contingent upon receipt of the assignment letter from CalACT and the receipt of \$14,399.84 in match from HELP of Ojai.*
- *Amend Transit Grant Administration Budget to add \$14,400 in Private Revenues; to reduce Pass Through Expenditures by \$48,000; and to add Equipment Expenditures of \$62,400.*

8G. TRANSPORTATION DEVELOPMENT ACT (TDA) AUDITS FOR FISCAL YEAR 2015/2016 –
Receive and file.

8H. REVISION TO PROPOSITION 1B TRANSIT SECURITY CAPITAL PROGRAM - *Approve reallocating \$154,844 plus accrued interest from the Heritage Valley Security Camera County-wide Digital Communications Network project to provide Metrolink safety and security improvements to help address the locations identified for possible slow orders.*

8I. ROTOCRAFT SUPPORT INC. HELISTOP- *The Airport Land Use Commission (ALUC) advises the California Department of Transportation, Division of Aeronautics that the ALUC has reviewed the plans for Rotorcraft Support Inc. Helistop in Fillmore and makes no recommendation or assessment of the proposed plans.*

8J. PERSONAL INJURY CLAIM FOR DAMAGES- *Reject a claim for damages submitted on behalf of a rider on an Intercity bus ("Claimant").*

May 12, 2017
Item # 8A
Page #4

8K. ROADRUNNER MANAGEMENT SERVICES CLAIM - *Reject a claim for damages submitted on behalf of Roadrunner Management Services, Inc.*

**9. LEGISLATIVE UPDATE & POSITIONS ON BILLS –
Commissioner Gherardi made a motion to**

- Adopt “Support” position on HR 100, to increase the regional suballocation of federal apportionments.
- Adopt “Work With Author” position on AB 467 (Mullin), to allow publication of transportation expenditure plans online rather than in the ballot pamphlet.
- Adopt “Support” position on SCA 2 (Newman), to place before the voters a measure to prohibit the borrowing of taxes and fees imposed on vehicles.

The motion was seconded by Commissioner Zaragoza and passed by the following roll call vote:

Yes: Commissioners McDonald, Long, Parks, Gherardi, Zaragoza, Berg, Bill de la Peña, Humphrey, Simons, Minjares, Andrews, Haney and MacDonald

No; Commissioner Judge

Absent: Commissioners Bennett, Foy and White

Commissioner Minjares made a motion to

- Adopt “Support” position on SCA 6 (Wiener), to place before the voters a measure to lower the transportation measure supermajority requirement to 55%.

The motion was seconded by Commissioner Zaragoza and failed by the following 7-7 vote:

Yes: Commissioners Gherardi, Zaragoza, Berg, Humphrey, Simons, Minjares, Haney

No: Commissioners McDonald, Judge, Long, Parks, Bill de la Peña, Andrews, MacDonald

Absent: Commissioners Bennett, Foy and White

10. FISCAL YEAR 2017/2018 DRAFT BUDGET – PUBLIC HEARING – No speakers for the public hearing.

Commissioner Parks made a motion to Receive the Fiscal Year 2017/2018 Draft Budget. The motion was seconded by **Commissioner Gherardi** and passed by a unanimous roll call vote

Commissioner Parks would like to have a better understanding of costs for bridge repairs and also VCTC’s Metrolink cost per person.

Commissioner Humphrey left the meeting.

11. VCTC INTERCITY MAY 22, 2017 SCHEDULE CHANGE-

Commissioner Gherardi made a motion to approve proposed schedule changes. The motion was seconded by **Commissioner Long** and passed unanimously.

**12. BICYCLE WAYFINDING PLAN –
Public Comments**

Brian Davies, - Simi Valley cyclist is concerned with the impact on Los Angeles Avenue in Simi Valley. The plan recommends that cyclists on Tierra Rejada detour to Cochran instead of going on Los Angeles Ave. Most cyclists tend to go from Tierra Rejada along LA Ave without deviating to Cochran.

May 12, 2017
Item # 8A
Page #5

Wendy Zimmerman, a recreational cyclist who rides less than 20 miles 2 to 4 times per week, said it is important to look at the need for homes to schools, medical – short range more important than long range. Priorities should be to close gaps and provide links for riders less than 20 miles, also be able to include public transit.

JC Simmons, rides on a Thousand Oaks Cycling team, Santa Rosa Road should be a priority as it is used by thousands of cyclists traveling from Ventura to Simi Valley to Chatsworth. Because of rumble strips on the road, cyclists are forced to ride in traffic. There needs to be a striped bike lane. When a road is being repaved it needs to be striped at the same time.

Commissioner Long made a motion to approve the Bicycle Wayfinding Plan. The motion was seconded by **Commissioner Berg** and passed unanimously.

13. APPROVAL OF FINAL COORDINATED HUMAN SERVICES TRANSPORTATION PLAN –

Commissioner Gherardi made a motion to approve the Final Coordinated Human Services Transportation Plan. The motion was seconded by **Commissioner Zaragoza** and passed unanimously.

14. PRESENTATION BY JENNIFER BERGENER RE: LOSSAN SERVICE UPDATE -

This item will be brought back at a future meeting as the presenter had to leave before the item was heard.

15. CONSIDERATION OF AND ACTION ON AGREEMENT WITH ROADRUNNER MANAGEMENT SERVICES

AND RELATED BUDGET AMENDMENT –

Commissioner Zaragoza made a motion to:

- Approve a Settlement and Contract Termination Agreement with Roadrunner Management Services
- Approve amendment to the VCTC Intercity Services budget by increasing the Contract Services line item by \$1,030,000 from \$8,229,000 to \$9,259,000, and by correspondingly increasing the State Transit Assistance (STA) Fund Transfer revenues line item by \$1,030,000 from \$2,678,506 to \$3,708,506; and, to amend the VCTC STA budget by increasing the STA Fund Transfer expenditures by \$1,030,000.

The motion was seconded by **Commissioner Gherardi** and passed by the following roll call vote:

Yes: Commissioners McDonald, Long, Parks, Gherardi, Zaragoza, Berg, Bill de la Peña, Simons, Minjares, Andrews, Haney, MacDonald

No: Commissioner Judge

Absent: Commissioners Bennett, Foy, White and Humphrey

16. VCTC GENERAL COUNSEL'S REPORT

17. AGENCY REPORTS

19. ADJOURN to 9:00 a.m. Friday, May 12, 2017

***** Note Due to the SCAG General Assembly this Meeting is Scheduled a Week Later Than Normal**

THIS PAGE INTENTIONALLY LEFT BLANK



Item #8B

May 12, 2017

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: SALLY DEGEORGE, FINANCE DIRECTOR

SUBJECT: MONTHLY BUDGET REPORT

RECOMMENDATION:

- Receive and file the monthly budget report for March 2017

DISCUSSION:

The monthly budget report is presented in a comprehensive agency-wide format with the investment report presented at the end. The Annual Budget numbers are updated as the Commission approves budget amendments or administrative budget amendments are approved by the Executive Director. Staff monitors the revenues and expenditures of the Commission on an on-going basis.

The March 31, 2017 budget reports indicate that revenues were approximately 57.50% of the adopted budget while expenditures were approximately 54.28% of the adopted budget. The revenues and expenditures are as expected. Although the percentage of the budget year completed is shown, be advised that neither the revenues nor the expenditures occur on a percentage or monthly basis. Furthermore, revenues are often billed and reimbursed in arrears.

Some revenues are received at the beginning of the year while other revenues are received after grants are approved. In many instances, the Ventura County Transportation Commission (VCTC) incurs expenses and then submits for reimbursement from federal, state and local agencies which may also cause a slight lag in reporting revenues. Furthermore, the State Transit Assistance (STA), Local Transportation Fund (LTF) and Service Authority for Freeway Emergencies (SAFE) revenues are received in arrears. The State Board of Equalization collects the taxes and remits them to the Commission after the reporting period for the business. STA revenues are paid quarterly with a two to three month additional lag and LTF receipts are paid monthly with a two month lag. For example, the July through September STA receipts are often not received until October or November and the July LTF receipts are not received until September. The Department of Motor Vehicles collects the SAFE funds and remits them monthly with a two month lag.

VCTC funds a large portion of its transit activities with Federal Transit Administration (FTA) funds. The grant approval process is long; therefore, VCTC requests (or preprograms) the FTA funds a year before expected use, so that funds will be available when expenditures are made. The grants intended to fund this fiscal year's activities have been delayed due to a number of issues. Due to these unexpected grant delays, the Commission approved a temporary cash-flow loan from the State Transit Assistance (STA) fund to the General Fund, VCTC Intercity Service fund and the Valley Express fund not to exceed \$4,391,000. Through March 2017, the cash-flow STA loan (net of repayments) totals \$2,028,793. This amount is reflected as a reserved fund balance on the balance sheet

STA cash-flow loan repayment - In March, one of the three pending FTA grants was approved. The revenues attributed to this grant in the amount of \$1,316,028 were drawn down from FTA and the STA fund was repaid. In April, another FTA grant was approved and \$432,705 was drawn down. Unfortunately, another error was encountered with the FTA-CMAQ grant and not all funds are available at this time. One additional grant remains outstanding. VCTC staff continues to emphasize to FTA the need for expedited processing and work with FTA to resolve all issues.

The Commission's capital assets are presented on the Balance Sheet. Capital assets that are "undepreciated" consist of land and rail lines owned by the Commission. Capital assets that are depreciated consist of buildings, rail stations, transit equipment, highway call box equipment and office furniture. Capital assets and depreciation are booked annually at year-end.

VENTURA COUNTY TRANSPORTATION COMMISSION

BALANCE SHEET

AS OF MARCH 31, 2017

ASSETS

Assets:

Cash and Investments - Wells Fargo Bank	\$ 6,361,587
Cash and Investments - County Treasury	16,642,479
Petty Cash	130
Receivables/Due from other funds	6,831,779
Prepaid Expenditures	150,037
Deposits	15,896
Capital Assets, undepreciated	26,153,437
Capital Assets, depreciated, net	32,991,740
Total Assets:	<u>\$89,147,085</u>

LIABILITIES AND FUND BALANCE

Liabilities:

Accrued Expenses/Due to other funds	\$ 3,191,663
Deferred Revenue	2,300,209
Deposits	400
Total Liabilities:	<u>\$ 5,492,272</u>

Net Position:

Invested in Capital Assets	\$59,145,177
Fund Balance Reserved for STA/FTA Loan	2,028,793
Fund Balance	22,480,843
Total Net Position	<u>\$83,654,813</u>

Total Liabilities and Fund Balance:	<u>\$89,147,085</u>
--	----------------------------

For Management Reporting Purposes Only

THIS PAGE INTENTIONALLY LEFT BLANK

VENTURA COUNTY TRANSPORTATION COMMISSION
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
FOR THE NINE MONTHS ENDING MARCH 31, 2017

	General Fund Actual	LTF Actual	STA Actual	SAFE Actual	VCTC Intercity Actual	Valley Express Actual	Fund Totals Over (Under)	Annual to Date	Variance Actual	% Year Actual
Revenues										
Federal Revenues	\$ 3,539,984	\$ 0	\$ 0	\$ 0	\$ 3,943,910	\$ 468,617	\$ 7,952,511	\$14,899,257	(6,946,746)	53.38
State Revenues	294,151	20,810,878	1,478,352	455,090	410,570	0	23,449,041	41,205,958	(17,756,917)	56.91
Local Revenues	377,217	0	0	627	1,777,004	1,173,733	3,328,581	4,311,459	(982,878)	77.20
Other Revenues	242	0	0	0	0	0	242	0	242	0.00
Interest	358	13,963	32,195	14,012	239	68	60,835	95,000	(34,165)	64.04
Total Revenues	4,211,952	20,824,841	1,510,547	469,729	6,131,723	1,642,418	34,791,210	60,511,674	(25,720,464)	57.50
Expenditures										
Administration										
Personnel Expenditures	1,726,742	0	0	0	127,672	40,627	1,895,041	2,966,900	(1,071,859)	63.87
Legal Services	12,812	0	0	0	0	0	12,812	24,000	(11,188)	53.38
Professional Services	76,525	0	0	0	0	0	76,525	121,500	(44,975)	62.98
Office Leases	114,036	0	0	0	0	0	114,036	155,300	(41,264)	73.43
Office Expenditures	190,353	0	0	0	69,926	22,252	282,531	432,300	(149,769)	65.36
Total Administration	2,120,468	0	0	0	197,598	62,879	2,380,945	3,700,000	(1,319,055)	64.35

Programs and Projects

Transit & Transportation Program

Senior-Disabled Transportation	156,998	0	0	0	0	0	156,998	257,600	(100,602)	60.95
Fare Collection APC Systems	18,671	0	0	0	0	0	18,671	348,800	(330,129)	5.35
VCTC Intercity Bus Services	0	0	0	0	7,175,265	0	7,175,265	9,870,442	(2,695,177)	72.69
Valley Express Bus Services	0	0	0	0	0	1,093,997	1,093,997	1,969,700	(875,703)	55.54
Transit Stop Enhancement	3,121	0	0	0	0	0	3,121	266,675	(263,554)	1.17
Transit Grant Administration	2,071,763	0	0	0	0	0	2,071,763	6,499,300	(4,427,537)	31.88
Total Transit & Transportation	2,250,553	0	0	0	7,175,265	1,093,997	10,519,815	19,212,517	(8,692,702)	54.76

Highway Program

Motorist Aid Call Box System	0	0	0	207,745	0	0	207,745	724,000	(516,255)	28.69
Highway Project Management	845	0	0	0	0	0	845	502,500	(501,655)	0.17
SpeedInfo Highway Speed Sensor	0	0	0	82,600	0	0	82,600	144,000	(61,400)	57.36
Total Highway	845	0	0	290,345	0	0	291,190	1,370,500	(1,079,310)	21.25

	General Fund Actual	LTF Actual	STA Actual	SAFE Actual	VCTC Intercity Actual	Valley Express Actual	Fund Totals Over (Under)	Annual to Date	Variance Actual	% Year Actual
Rail Program										
Metrolink & Commuter Rail	2,770,034	0	0	0	0	0	2,770,034	4,582,170	(1,812,136)	60.45
LOSSAN & Coastal Rail	1,672	0	0	0	0	0	1,672	6,100	(4,428)	27.41
Santa Paula Branch Line	251,429	0	0	0	0	0	251,429	700,500	(449,071)	35.89
Total Rail	3,023,135	0	0	0	0	0	3,023,135	5,288,770	(2,265,635)	57.16
Commuter Assistance Program										
Transit Information Center	21,671	0	0	0	0	0	21,671	44,000	(22,329)	49.25
Rideshare Programs	25,122	0	0	0	0	0	25,122	67,600	(42,478)	37.16
Total Commuter Assistance	46,793	0	0	0	0	0	46,793	111,600	(64,807)	41.93
Planning & Programming										
Transportation Development Act	127,866	18,363,790	0	0	0	0	18,491,656	30,453,618	(11,961,962)	60.72
Transportation Improvement Program	7,706	0	0	0	0	0	7,706	47,300	(39,594)	16.29
Regional Transportation Planning	144,318	0	0	0	0	0	144,318	684,300	(539,982)	21.09
Airport Land Use Commission	56	0	0	0	0	0	56	9,000	(8,944)	0.62
Regional Transit Planning	125,088	0	0	0	0	0	125,088	609,100	(484,012)	20.54
Freight Movement	49	0	0	0	0	0	49	11,800	(11,751)	0.42
Total Planning & Programming	405,083	18,363,790	0	0	0	0	18,768,873	31,815,118	(13,046,245)	58.99

General Government

Community Outreach & Marketing	433,063	0	0	0	0	0	433,063	536,900	(103,837)	80.66
State & Federal Relations	57,379	0	0	0	0	0	57,379	106,900	(49,521)	53.68
Management & Administration	22,746	0	0	0	0	0	22,746	81,000	(58,254)	28.08
Office Building Purchase	29,429	0	0	0	0	0	29,429	3,317,001	(3,287,572)	0.89
Total General Government	542,617	0	0	0	0	0	542,617	4,041,801	(3,499,184)	13.43
Total Expenditures	8,389,494	18,363,790	0	290,345	7,372,863	1,156,876	35,573,368	65,540,306	(29,966,938)	54.28

	General Fund Actual	LTF Actual	STA Actual	SAFE Actual	VCTC Intercity Actual	Valley Express Actual	Fund Totals Over (Under)	Annual to Date	Variance Actual
Revenues over (under) expenditures	(4,177,542)	2,461,051	1,510,547	179,384	(1,241,140)	485,542	(782,158)	(5,028,632)	4,246,474
Other Financing Sources									
Transfers Into GF from LTF	4,307,713	0	0	0	0	0	4,307,713	4,307,713	0
Transfers Into GF from STA	126,096	0	0	0	2,390,000	0	2,516,096	6,918,230	(4,402,134)
Transfers Into GF from SAFE	13,579	0	0	0	0	0	13,579	15,000	(1,421)
Transfers Out LTF into GF	0	(4,307,713)	0	0	0	0	(4,307,713)	(4,307,713)	0
Transfers Out of STA into GF	0	0	(2,516,096)	0	0	0	(2,516,096)	(6,918,230)	4,402,134
Transfers Out of SAFE into GF	0	0	0	(13,579)	0	0	(13,579)	(15,000)	1,421
Total Other Financing Sources	4,447,388	(4,307,713)	(2,516,096)	(13,579)	2,390,000	0	0	0	0
Net Change in Fund Balances	269,846	(1,846,662)	(1,005,549)	165,805	1,148,860	485,542	(782,158)	(5,028,632)	4,246,474
Beginning Fund Balance	2,469,487	8,108,784	10,656,447	4,048,076	0	9,000	25,291,794	17,224,142	8,067,652
Ending Fund Balance	<u>\$2,739,333</u>	<u>\$6,262,122</u>	<u>\$9,650,898</u>	<u>\$4,213,881</u>	<u>\$1,148,860</u>	<u>\$494,542</u>	<u>\$24,509,636</u>	<u>\$12,195,510</u>	<u>\$12,314,126</u>

Note: The STA ending fund balance of \$9,650,898 includes \$2,028,793 loaned to other funds until grant funding is received. The STA fund balance available for expenditures is \$7,622,105.

For Management Reporting Purposes Only

VENTURA COUNTY TRANSPORTATION COMMISSION

INVESTMENT REPORT

AS OF MARCH 31, 2017

As stated in the Commission’s investment policy, the Commission’s investment objectives are safety, liquidity, diversification, return on investment, prudence and public trust with the foremost objective being safety. VCTC has the ability to meet its expenditure requirements, at a minimum, for the next six months. Below is a summary of the Commission’s investments that are in compliance with the Commission’s investment policy and applicable bond documents.

Institution	Investment Type	Maturity Date	Interest to Date	Rate	Balance
Wells Fargo – Checking	Government Checking	N/A	\$ 692.28	0.08%	\$ 6,361,586.78
County of Ventura	Treasury Pool	N/A	60,132.42	0.78%	16,618,379.30
Total			\$60,824.70		\$22,979,966.08

Because VCTC receives a large portion of their state and federal funding on a reimbursement basis, the Commission must keep sufficient funds liquid to meet changing cash flow requirements. For this reason, VCTC maintains checking accounts at Wells Fargo Bank. A small portion of interest earned in the Wells Fargo accounts is for unearned revenues and the interest is not recognized until the revenues are recognized.

The Commission’s checking accounts for the General Fund are swept daily into a money market account. The interest earnings are deposited the following day. The first \$250,000 of the combined deposit balance is federally insured and the remaining balance is collateralized by Wells Fargo Bank. A portion of interest earned in the General Fund is for Proposition 1B funds and is reclassified and is not shown as General Fund interest in the Statement of Revenues, Expenditures and Changes in Fund Balance.

The Commission’s Local Transportation Funds (LTF), State Transit Assistance (STA) funds and SAFE funds are invested in the Ventura County investment pool. Interest is apportioned quarterly, in arrears, based on the average daily balance. The investment earnings are generally deposited into the accounts in two payments within the next quarter. Amounts shown are not adjusted for fair market valuations.

For Management Reporting Purposes Only



Item #8C

May 12, 2017

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: ELLEN TALBO, TRANSIT PLANNING MANAGER
SUBJECT: PASSENGER RAIL UPDATE

RECOMMENDATION:

- Receive and file.

BACKGROUND:

This report provides a monthly update of regional passenger rail activities. The information in this update focuses on regional commuter rail (Metrolink), intercity rail (Amtrak), and other rail-related issues pertinent to Ventura County (VC).

DISCUSSION:

Metrolink

Based on data provided by Metrolink, ridership on the Ventura County portion of the VC Line during the month of March averaged 799 total one-way boardings per weekday resulting in a decrease of 4.1% compared to the previous year on the line. Systemwide ridership experienced a year over year decrease of 1%. Ridership by Train and Boardings by Station for the month of March are provided in Attachment A.

Metrolink on-time performance, which denotes trains arriving within five minutes of scheduled time, for the month of February was 96.5% reflecting no change from the previous monthly average. On-time performance on the VC Line continues to perform above the systemwide average.

In April, the Metrolink Board attended its annual retreat and approved transmittal to the member agencies of the draft budget for the 17-18 fiscal year (FY). The draft budget takes into consideration the historic and current levels of spending, known adjustments for the forthcoming year, and the overarching goal of fiscal sustainability and operational efficiency. The draft base budget includes new service initiatives to either maintain existing areas of required compliance or improve operations and service. Those initiatives are as follows:

- Insurance deductible for the February 2015 Oxnard incident
- Vendor-provided maintenance for Positive Train Control (PTC)
- Electronic records maintenance system for Federal Railroad Administration (FRA) compliance
- Implementing Sunday service levels on federal holidays
- A package of Information Technology (IT) projects intended to upgrade existing IT performance
- Implementation of the Holiday Toy Train
- Extended marketing program for the 25th Anniversary
- Extension of the Amtrak Rail 2 Rail agreement to June 30, 2018.

Staff is preparing the Metrolink budget for the Commission's action in June, where the Commission may decide to take action on any of the proposed initiatives listed above.

LOSSAN

In April, the LOSSAN Board approved releasing a request for proposals for marketing services specifically for the purposes of launching a new Pacific Surfliner website and developing collateral and digital assets. Through these efforts and focused short and long term outreach campaigns, LOSSAN is seeking to increase market share and expand destination-based marketing efforts through content that captures engaging experiences and memorable events surrounding the Pacific Surfliner service. Staff is working with LOSSAN staff to ensure that LOSSAN marketing efforts and outreach campaigns include local weekend events such as the Oxnard Salsa Festival, Ventura Surf Rodeo, and Moorpark Country Days since these events are held in close proximity to the stations.

March 2017 Metrolink Ridership

10 Year Snapshot of Average Weekday Boardings and Current Year over Year Change				
Yr-Mon	VC County Portion(Boardings)	Ventura County Line (Boardings and Alightings)	System Grand Total (Boardings and Alightings)	Average Weekday Metrolink Monthly Passholders on Amtrak
17-Mar	799	3,438	38,682	162
16-Mar	834	3,468	39,081	179
<i>Current Year over Year change</i>				
	-4.1%	-1%	-1%	-9.4%
15-Mar	778	3,803	41,374	177
14-Mar	867	3,760	41,403	156
13-Mar	971	3,964	43,066	224
12-Mar	949	3,968	43,119	197
11-Mar	958	3,800	40,781	243
10-Mar	966	3811	40,629	287
09-Mar	1005	4,202	42,890	299
08-Mar	N/A	4,233	44,490	279

Ventura County Line Average Daily Station Boardings Year over Year Comparison



Source: SCRRA TAC Reporting Portal.



Item #8D

May 12, 2017

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: PETER DE HAAN, PROGRAMMING DIRECTOR

SUBJECT: APPROVE PROGRAMMING OF CMAQ FUNDS TO THOUSAND OAKS FOR BUS REPLACEMENT, TO REPAY PROPOSITION 1B FUNDS PREVIOUSLY PROGRAMMED TO THOUSAND OAKS

RECOMMENDATION:

- Approve programming of \$1,010,000 of CMAQ to repay Proposition 1B funds borrowed by VCTC from Thousand Oaks for bus replacement.

BACKGROUND:

In April 2014 the Commission approved shifting \$1.01 million of Proposition 1B funds programmed to Thousand Oaks for a bus purchase that was not needed for several years, and allowing VCTC to use that money instead towards its intercity bus purchase, with the understanding that the \$1.01 million would be restored to Thousand Oaks, possibly from CMAQ, when needed. Staff proposes at this time to provide the \$1.01 million to Thousand Oaks using CMAQ, since the Proposition 1B is used up and there is currently an unprogrammed CMAQ balance.

TRANSCOM approved this recommendation at its April 13, 2017 meeting.

THIS PAGE INTENTIONALLY LEFT BLANK



Item #8E

May 12, 2017

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

**FROM: MARTIN R. ERICKSON, PUBLIC TRANSIT DIRECTOR
AARON BONFILIO, PROGRAM MANAGER, TRANSIT SERVICES**

**SUBJECT: APPROVAL OF MARKETING SERVICES FOR VALLEY EXPRESS TRANSIT
SERVICE AGREEMENT**

RECOMMENDATION

- Approve the Marketing and Outreach Consulting Services Agreement for the Valley Express Transit Service between VCTC and Celtis Ventures, LLC for \$75,000 per year (contract term is three years totaling \$225,000)

BACKGROUND

The Heritage Valley Transit Service, operated under the name Valley Express, launched mid-fiscal year March 2015. The Valley Express is operated by VCTC and serves the communities of the Heritage Valley (the cities of Santa Paula, Fillmore, and the unincorporated area of Piru). The service (including the total cost of this outreach services agreement) is funded by the cities of Santa Paula and Fillmore as well as the County of Ventura. At the inception of the service, the Commission provided marketing and outreach services under its agency-wide marketing and outreach program with Moore & Associates (Moore). The contract with Moore ended at the end of the fiscal year. Considering the recent launch of this brand-new system and the ongoing post-launch promotional activities, the Heritage Valley Transit Service committees recommended VCTC engage (on behalf of the Valley Express) with Moore for a one-year agreement, effective July 2015 to June 30, 2016. Subsequently, VCTC continued its agreement with Moore, on behalf of the Valley Express for an additional year, which we are in now.

On January 18, 2017 Heritage Valley Policy Advisory Committee (HVPAC) recommended to the Commission the issuance of a Request for Proposals for Marketing and Outreach Services (RFP). On February 3, 2017 the Commission approved release of the RFP. Four proposals were received from the following firms: Moore and Associates, Celtis Ventures LLC, Capitol Core Group, Inc., and Consortium Media and Public Relations. VCTC staff coordinated an evaluation panel consisting of members of the Heritage Valley Technical Advisory Committee (HVTAC) (Dave Rowlands, City of Fillmore; Treena Gonzales, County of Ventura; Caesar Hernandez, City of Santa Paula), and also included Cynthia Torres-Duque from Gold Coast Transit District, and Aaron Bonfilio from VCTC.

May 12, 2017
Item # 8E
Page #2

The evaluation panel met on April 18, 2017 and interviewed each of the proposers, ranking their respective RFP's . The panel recommended Celtis Ventures, LLC (which achieved the highest ranking from the panel) be awarded the contract. On April 24, 2017 the Heritage Valley Policy Advisory Committee (HVPAC) met and unanimously approved the evaluation panel's recommendation. Assuming approval of the agreement by the Commission, Celtis Ventures, LLC would begin as the Marketing and Community Outreach Consultant for the Valley Express Transit Services on July 1, 2017.

Attachment Agreement for Valley Express Transit Service



CONTRACT

**VENTURA COUNTY TRANSPORTATION COMMISSION (VCTC)
MARKETING AND COMMUNITY OUTREACH PROGRAM
VALLEY EXPRESS TRANSIT SERVICE**

This is a CONTRACT by and between the **Ventura County Transportation Commission (VCTC)**, herein referred to as "VCTC" and **Celtis Ventures LLC**, hereinafter referred to as "CONTRACTOR".

VCTC AND CONTRACTOR, for the consideration stated herein, agree as follows:

1. **STATEMENT OF CONTRACT:**

VCTC herein engages CONTRACTOR and CONTRACTOR hereby accepts such engagement, to perform the services on the terms and conditions herein described and for the compensation provided, all as set forth in this Contract. CONTRACTOR hereby warrants that it has the qualifications, experience and facilities to properly perform said services and hereby agrees to undertake and complete the performance thereof for the professional services as an independent contractor, and it does not render CONTRACTOR as an employee of the VCTC for any purpose whatsoever. CONTRACTOR shall at all times retain the status of independent contractor.

2. **DESCRIPTION OF SERVICES:**

The services (the "Outreach Program") to be performed are those set forth in the CONTRACTOR'S Proposal for a Marketing and Community Outreach Program for the Valley Express Transit Services, operated by the Ventura County Transportation Commission and submitted on March 23, 2017 and incorporated herein by this reference (the "Proposal"). A more specific listing of the tasks is included in the scope of services set forth in Exhibit A.

3. **PAYMENT FOR SERVICES:**

CONTRACTOR shall be compensated for the Outreach Program provided pursuant to this Contract (including the Proposal). The total compensation payable to CONTRACTOR shall not exceed \$75,000 per year. Compensation shall under no circumstance be increased or decreased except by written amendment of this Contract. CONTRACTOR may bill VCTC on a task completion basis. CONTRACTOR shall be paid within thirty (30) days of the presentation of each invoice. Pre-billing for TV and radio airtime is permissible to ensure CONTRACTOR is in possession of funds required for payment to media outlets within the terms of this Contract and media payment requirements.

4. **PERIOD OF CONTRACT:**

CONTRACTOR shall commence work upon execution of this Contract and the work shall be carried out as described unless changed in writing and agreed to by VCTC and CONTRACTOR.

A. This fixed-price Contract provides for three one-year Outreach Programs between the period of July 1, 2017 through June 30, 2020. With the agreement of both parties, this Contract may be extended for two additional one-year terms, with the agreements following the first year, subject to the requirements described in section 4.B (below).

B. In late March, or approximately ninety days before the end each year of this Contract, as the case may be, VCTC and CONTRACTOR will meet and discuss the progress to date, and the CONTRACTOR will provide an analysis of the effectiveness of the Outreach Program. At that time, VCTC will decide whether to extend this contract for the ensuing fiscal year under the same terms and conditions, or to alter some of the terms and conditions, or, whether to issue a new Request for Proposals for the Outreach Program.

5. **GENERAL PROVISIONS:**

A. **Assignment:** CONTRACTOR may not assign its rights under this contract nor delegate the performance of its duties without VCTC's prior written consent.

B. **Indemnification:** Contractor shall, to the fullest extent allowed by law, with respect to all Services performed in connection with this Agreement, indemnify, defend with counsel selected by VCTC, and hold harmless VCTC and its officials, officers, employees, agents, and volunteers from and against any and all losses, liability, claims, suits, actions, damages, and causes of action arising out of any personal injury, bodily injury, loss of life, or damage to property, or any violation of any federal, state, or municipal law or ordinance ("Claims"), to the extent caused, directly or indirectly, in whole or in part, by the willful misconduct or negligent acts or omissions of Contractor or its employees, subcontractors, or agents. The foregoing obligation of Contractor shall not apply when (1) the injury, loss of life, damage to property, or violation of law arises wholly from the gross negligence or willful misconduct of VCTC or its officers, employees, agents, or volunteers and (2) the actions of Contractor or its employees, subcontractor, or agents have contributed in no part to the injury, loss of life, damage to property, or violation of .

C. **Attorney's Fees:** In any action, including ADR pursuant to section 5.D. (below), brought to declare the rights granted herein to enforce any of the terms of the Contract, the prevailing party shall be entitled to an award of reasonable attorney's fees and costs in an amount determined by the court or the arbitrator, as the case may be.

D. **Alternative Dispute Resolution:** The parties hereto agree that all legal disputes relative to this Contract between the parties shall be resolved by Alternative Dispute Resolution, consisting of binding or nonbinding arbitration or mediation as agreed to by the parties. Failure to cooperate and participate in ADR before proceeding in a court of law negates that party's right to attorney fees and costs pursuant to section 5.C. (above).

E. **Interest of the CONTRACTOR:** CONTRACTOR confirms that it presently has no interest and shall not have any interest, direct or indirect, which conflicts in any manner with the performance of the services contemplated by this Contract. No person having such interest shall be employed by or associated with CONTRACTOR.

F. **Ownership of Documents:** It is understood and agreed that VCTC shall own all documents, including audio and visual images, except CONTRACTOR's notes and work papers, which pertain to the work performed under this Contract.

G. **Notice:**

1. All notices to VCTC under this Contract shall be in writing and sent to:

Darren Kettle, Executive Director
Ventura Transportation Commission
950 County Square Drive, Suite 207
Ventura, CA 93003

2. All notices to CONTRACTOR under this Contract shall be in writing and sent to:

Matt Raymond, President & CEO
Celtis Ventures, LLC
811 North Catalina Avenue, Suite 3022
Redondo Beach, CA 90277

H. **Independent Contractor:** There is no employer/employee relationship between the parties. CONTRACTOR is and at all times shall remain as to VCTC a wholly independent contractor. Neither VCTC nor any of its agents shall have control over the conduct of the CONTRACTOR or any of the CONTRACTOR's employees, except herein set forth. The CONTRACTOR shall not at any time or in any manner represent that it or any of its agents or employees are in any manner agents or employees of VCTC.

I. **Entire Contract Modification:** This Contract supersedes any and all other written or oral contracts between the parties. Each party to this Contract acknowledges that no representations, inducements, promises, or contracts, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein.

J. **Revisions:** This Contract may not be altered, amended, or modified except by a written instrument signed by the duly authorized representative of both parties.

K. **Governing Law:** This Contract shall be governed by and construed in accordance with the laws of the State of California and the United States of America.

L. **Failure to Perform:** All terms, provisions, and specifications of this Contract are material and binding and failure to perform any provision of this Contract shall be considered a breach of this Contract. In the event of a breach, the party asserting the breach shall give the breaching party notice of the nature of the breach and describe a proposed resolution. Should the responding party fail to cure such breach within ten (10) working days, the party asserting the breach may terminate this Contract and charge resulting costs to the breaching party.

M. **Records and Audits:** The CONTRACTOR shall maintain accounts and records, including personal, property and financial records, adequate to identify and account for all costs pertaining to the Contract and such other records as may be deemed necessary by VCTC and will retain them in compliance with section 6.H. (below).

N. **Representation:** Each party represents to the other party that this Contract has been executed by a duly authorized representative of the signing party.

O. **Insurance Requirements.** Before beginning any work under this Agreement, Contractor, at its own cost and expense, unless otherwise specified below, shall procure the types and amounts of insurance listed below against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by the Contractor and its agents, representatives, employees, and subcontractors. Consistent with the following provisions, Contractor

shall provide proof satisfactory to VCTC of such insurance that meets the requirements of this section and under forms of insurance satisfactory in all respects, and that such insurance is in effect prior to beginning work to VCTC. Contractor shall maintain the insurance policies required by this section throughout the term of this Agreement. The cost of such insurance shall be included in the Contractor's bid. Contractor shall not allow any subcontractor to commence work on any subcontract until Contractor has obtained all insurance required herein for the subcontractor(s). Contractor shall maintain all required insurance listed herein for the duration of this Agreement.

1. Workers' Compensation. Contractor shall, at its sole cost and expense, maintain Statutory Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by Contractor. The Statutory Workers' Compensation Insurance and Employer's Liability Insurance shall be provided with limits of not less than **\$1,000,000** per accident. The insurer, if insurance is provided shall waive all rights of subrogation against VCTC and its officers, officials, employees, and volunteers for loss arising from work performed under this Agreement.

2. Commercial General and Automobile Liability Insurance.

a. General requirements. Contractor, at its own cost and expense, shall maintain commercial general and automobile liability insurance for the term of this Agreement in an amount not less than one million dollars (\$1,000,000) per occurrence, combined single limit coverage for risks associated with the work contemplated by this Agreement. If a Commercial General Liability Insurance or an Automobile Liability form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned automobiles.

b. Minimum scope of coverage. Commercial general coverage shall be at least as broad as Insurance Services Office Commercial General Liability occurrence form CG 0001 or GL 0002 (most recent editions) covering comprehensive General Liability Insurance and Services Office form number GL 0404 covering Broad Form Comprehensive General Liability on an "occurrence" basis. Automobile coverage shall be at least as broad as Insurance Services Office Automobile Liability form CA 0001 (most recent edition). No endorsement shall be attached limiting the coverage.

c. Additional requirements. Each of the following shall be included in the insurance coverage or added as a certified endorsement to the policy:

i. The Insurance shall cover on an occurrence or an accident basis, and not on a claims-made basis.

ii. Any failure of Contractor to comply with reporting provisions of the policy shall not affect coverage provided to VCTC and its officers, employees, agents, and volunteers.

3. All Policies Requirements.

a. Acceptability of insurers. All insurance required by this section is to be placed with insurers with a Bests' rating of no less than A:VII.

b. Verification of coverage. Prior to beginning any work under this Agreement, Contractor shall furnish VCTC with complete copies of all policies delivered to Contractor by the insurer, including complete copies of all endorsements attached to those policies. All copies of policies and certified endorsements shall show the signature of a person authorized by that insurer to bind coverage on its behalf. If VCTC does not receive the required insurance documents prior to the Contractor beginning

work, this shall not waive the Contractor's obligation to provide them. VCTC reserves the right to require complete copies of all required insurance policies at any time.

c. Notice of Reduction in or Cancellation of Coverage. A certified endorsement shall be attached to all insurance obtained pursuant to this Agreement stating that coverage shall not be suspended, voided, canceled by either party, or reduced in coverage or in limits, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to VCTC. In the event that any coverage required by this section is reduced, limited, cancelled, or materially affected in any other manner, shall provide written notice to VCTC at Contractor's earliest possible opportunity and in no case later than ten (10) working days after CONTRACTOR is notified of the change in coverage.

d. Additional insured; primary insurance. VCTC and its officers, employees, agents, and volunteers shall be covered as additional insureds with respect to each of the following: liability arising out of activities performed by or on behalf of Contractor, including VCTC's general supervision of Contractor; products and completed operations of Contractor, as applicable; premises owned, occupied, or used by Contractor; and automobiles owned, leased, or used by the in the course of providing services pursuant to this Agreement. The coverage shall contain no special limitations on the scope of protection afforded to VCTC or its officers, employees, agents, or volunteers.

A certified endorsement must be attached to all policies stating that coverage is primary insurance with respect to VCTC and its officers, officials, employees and volunteers, and that no insurance or self-insurance maintained by VCTC shall be called upon to contribute to a loss under the coverage.

e. Deductibles and Self-Insured Retentions. CONTRACTOR shall disclose to and obtain the approval of City for the self-insured retentions and deductibles before beginning any of the services or work called for by any term of this Agreement. Further, if the Contractor's insurance policy includes a self-insured retention that must be paid by a named insured as a precondition of the insurer's liability, or which has the effect of providing that payments of the self-insured retention by others, including additional insureds or insurers do not serve to satisfy the self-insured retention, such provisions must be modified by special endorsement so as to not apply to the additional insured coverage required by this agreement so as to not prevent any of the parties to this agreement from satisfying or paying the self-insured retention required to be paid as a precondition to the insurer's liability. Additionally, the certificates of insurance must note whether the policy does or does not include any self-insured retention and also must disclose the deductible.

6. FEDERAL PROVISIONS:

The is required to comply with, and, if applicable, insert the following provisions in all subcontracts with Federal Transit Administration (FTA) funds as noted below. Failure by the CONTRACTOR to carry out these requirements is a material breach of the Contract which may result in the termination of the Contract or such other remedy as the recipient deems appropriate. The CONTRACTOR certifications executed in the Proposal are incorporated herein by this reference.

A. Disadvantaged Business Enterprise

The CONTRACTOR shall not discriminate on the basis of race, color, national origin, or sex in the performance of this (contract or contract). The requirements of 49 CFR Part 23 and the recipient's FTA-approved Disadvantaged Business Enterprise (DBE) Program (where required) are incorporated in this Contract by reference.

B. Title VI of the Civil Rights Act

During the performance of this Contract, the CONTRACTOR agrees as follows:

(1) Compliance with Regulations: The CONTRACTOR shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Federal Transportation Agency (hereinafter "FTA") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Contract.

(2) Nondiscrimination: The CONTRACTOR, with regard to the work performed by it during the Contract, shall not discriminate on the grounds of race, color or national origin in the selection and retention of contractors or subcontractors, including procurement of materials and leases of equipment. The CONTRACTOR shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of Regulation.

(3) Solicitation for Subcontractors, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by CONTRACTOR for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the CONTRACTOR of the CONTRACTOR's obligations under this Contract and regulations relative to non-discrimination on the grounds of race, color or national origin.

(4) Information and Reports: The CONTRACTOR shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and permit access to its books, record, accounts, other sources of information, and its facilities as may be determined by FTA to be pertinent to ascertain compliance with such regulations, orders and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the CONTRACTOR shall so certify to VCTC or FTA as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of the CONTRACTOR's noncompliance with nondiscrimination provisions of this Contract, VCTC shall impose contract sanctions as it or the FTA may determine to be appropriate, including, but not limited to:

- (a) withholding of payments to the Contractor until the Contractor complies; and/or;
- (b) cancellation, termination, or suspension of the Contract, in whole or in part.

C. Energy Conservation

The CONTRACTOR shall comply with mandatory standards and policies relating to energy efficiency that are contained in applicable State energy conservation plans issued in compliance with the Energy Policy and Conservation Act, 42 U.S.C. 6321 et seq.

D. Equal Employment Opportunity

In performing this Contract, the CONTRACTOR may not discriminate against any employee or applicant for employment because of race, color, creed, sex, disability, age, or national origin. The (contractor or subcontractor) agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, sex, disability, age, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer requirement or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

E. Audit and Inspection

The CONTRACTOR agrees to permit the Secretary of the Comptroller General of the United States, or their authorized representative, to inspect all project work, materials, payrolls, and other data and records involving the contract, and to audit the books, records, and accounts involving the Contract.

F. Environmental

The CONTRACTOR shall comply with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 U.S.C 1857 (h)), Section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency (EPA) regulations (40 C.F.R., Part 15), which prohibit the use under non-exempt Federal contracts, grants or loans of facilities included on the EPA List of Violating Facilities. Violations shall be reported to FTA and to the EPA Assistant Administrator for Enforcement.

G. Notice of Federal Requirements

Federal laws, regulations, policies and related administrative requirements may be modified from time to time, and the changed requirements will apply to the performance of this Contract as required.

H. Record Retention

The CONTRACTOR agrees to retain intact and to provide any data, documents, reports, records, contracts, and supporting materials relating to the performance of this Contract for not less than three years after VCTC makes final payment and all other pending matters are closed.

I. Access Requirements for Individuals with Disabilities

The CONTRACTOR agrees to comply with all applicable requirements of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C 12101 et seq. and 49 U.S.C. 322; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794; Section 16 of the Federal Transit Act, as amended, 49 U.S.C. app. 1612; and regulations and any amendments thereto.

J. Labor Provisions

(1) Overtime Requirements

No CONTRACTOR or subcontractor contracting for any part of the Contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any work week in excess of forty hours in such work week unless such laborer or mechanic receives compensation at a rate not less than that required under federal Fair Labor Standards regulations.

(2) Violation; Liability for Unpaid Wages; Liquidated Damages

In the event of any violation of the clause set forth in subparagraph (b)(1) of 29 CFR Section 5.5, the CONTRACTOR and any subcontractor responsible therefore shall be liable for the unpaid wages and payroll taxes. In addition, such CONTRACTOR and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in subparagraph (b)(1) of 29 CFR Section 5.5 CONTRACTOR shall operated under the applicable provisions of the Federal Fair Labor Standards regulations.

(3) Withholding For Unpaid Wages and Liquidated Damages

The FTA or VCTC shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld, from any monies payable on account of work performed by the CONTRACTOR or subcontractor under any such contract or any other Federal contract with the same prime CONTRACTOR, or any other Federally-assisted contract which is held by the same prime CONTRACTOR, such sums as may be determined to be necessary to satisfy any liabilities of such

CONTRACTOR or subcontractor for unpaid wages/liquidated damages as provided in the clause set forth in subparagraph (b)(2) of 29 CFR Section 5.5.

(4) Non-Construction Grants

The CONTRACTOR or subcontractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three (3) years from the completion of the Contract for all laborers and mechanics, including guards and watchmen, working on the Contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid. Further, VCTC shall require the contracting officer to insert in any such contract a clause providing that the records to be maintained under this paragraph shall be made available by the CONTRACTOR or subcontractor for inspection, copying, or transcription by authorized representatives of the FTA and the Department of Labor, and the CONTRACTOR or SUBCONTRACTOR will permit such representatives to interview employees during working hours on the job.

(5) Subcontracts

The CONTRACTOR or subcontractor shall insert in any subcontracts the clauses set forth in Section 6 and also a clause requiring the subcontractors to include these clauses in any lower tier subcontract. The prime CONTRACTOR shall be responsible for compliance by any subcontractor or lower tier subcontractor.

K. Integrity Certification

Unless otherwise permitted by law, any person that is debarred, suspended, or voluntarily excluded may not take part in any covered transaction, either as a participant or principal, during the period of debarment, suspension, voluntary exclusion. Accordingly, neither FTA nor its recipient (including VCTC) may enter into any transaction with such period. The CONTRACTOR shall require every third party contractor/subcontractor to complete the certification statement for itself and its principals and transmit all certifications to VCTC.

L. Lobbying Certification

The CONTRACTOR/subcontractors agree to comply with the provisions of 31 U.S.C. Section 1352, which prohibit the use of federal funds for lobbying any official or employee of any federal agency, or member or employee of congress; and requires the CONTRACTOR and all subcontractors to disclose any lobbying of any official, or employee of any federal agency, or member or employee of Congress in connection with federal assistance.

7. **TERMINATION:**

VCTC may terminate this Contract with or without cause in whole or in part at any time after award of the Contract by providing sixty (60) days written notice to the CONTRACTOR, whenever and for any reason VCTC shall determine that such action is in its best interests. In full discharge of any obligation to the CONTRACTOR in respect to the contract and such termination, VCTC shall pay for costs and noncancellable commitments incurred prior to the date of termination. The CONTRACTOR shall take all reasonable steps to minimize termination costs. In no event, however, shall VCTC be obligated to pay the CONTRACTOR any amount in excess of the total funds committed for this project by VCTC.

8. **REMEDIES/BREACH OF CONTRACT:**

VCTC may, by written notice of default to the CONTRACTOR, terminate this contract in whole or in part if the contractor fails to perform the Marketing Program as described in whole or in part, if the CONTRACTOR fails to perform the Marketing Program described herein within the time and in the manner specified in this Contract or any extension hereof, or fails to perform any of the other provisions of

this Contract. VCTC's right to terminate this Contract may be exercised if the CONTRACTOR does not cure the condition(s) constituting default within ten (10) calendar days after receipt of written notice from VCTC specifying the failure.

IN WITNESS WHEREOF, the parties have executed this Contract on the _____ day of _____, 2017.

**Approved as to form:
COMMISSION**

VENTURA COUNTY TRANSPORTATION

By _____
General Counsel

By _____
Darren Kettle, Executive Director

CONTRACTOR:

By _____
Matt Raymond
President

By _____
(Secretary or Treasurer)

EXHIBIT A CONTRACTOR SCOPE OF SERVICES

The selected Contractor shall provide support for existing marketing and community outreach activities, including updates and reprints of all materials as needed. The Contractor will be expected to respond to and carry out the following ten tasks with respect to the Valley Express transit service.

Task 1: Project Management

Contractor will meet as requested with Valley Express HVTAC/HVPAC and VCTC staff to discuss status/progress of the Valley Express program. Contractor will also provide support regarding various operations-related matters such as service development, coordination with the operations contractor, fleet replacement, bus stop improvements, fare policies, Title VI compliance, and onboard/in-field surveying. The contractor will attend and participate in HVTAC and HVPAC meetings as requested. Contractor will assist with conducting surveys for both fixed-route and DAR services in an effort to glean feedback regarding current mobility needs as well as perceptions of the service provided by Valley Express bus. Ride checks provide opportunities for collection of objective ridership data and insight into boarding and alighting patterns.

Task 2: Service Information

Valley Express has a total of four service brochures: Fixed-route brochures for Santa Paula and Fillmore/Piru, Dial-A-Ride, and school tripper routes. These brochures are available at numerous community locations as well as onboard the vehicles. Each brochure features a route map, timetable, and general information. Contractor's responsibilities will include:

- Update brochures to reflect current service offerings;
- Provide Spanish translation of all pieces;
- Design resizable artwork (posters, adverts, flyers) for multi-purpose use;
- Design onboard notices and decals;
- Distribute brochures throughout the community via routine physical visits;
- Maintain a database of distribution outlets; and
- Handle all production and vendor coordination of service materials.
- Streamlining service information into a user-friendly format.

Task 3: Website

Contractor will update the website with service changes, media releases, new information, etc., keeping website content current and fresh (which may include updates for ADA compliance). Website is currently hosted using Wordpress.

Task 4: Bus Stops

- Contractor will continue to support Valley Express' bus stop improvement efforts. This includes monitoring and reporting of the condition/status of bus shelters, bus benches, and bus stop signage. Also included will be periodic updating of the various infopost units, including:
- Conduct field inspection twice during the year of bus stop signage and infopost inserts, following up inspection with a status report that details said inventory/condition report;
- Replace and update infopost inserts and hardware as needed;
- Maintain a database of bus stops, signage, and amenities; and
- Coordinate with other transit providers (i.e., VCTC, Santa Clarita Transit, LA Metro) as needed.

Task 5: Fare Media

Contractor staff will continue to be responsible for development of monthly passes for both fixed-route and dial-a-ride services, day pass, and intra-system transfer. Each month a new design/color scheme will be used and will include a serialization as well as a foil sticker to aid in lowering the chances of fraud. Contractor staff will also prepare print-ready artwork and then coordinate with a vendor for production and delivery.

Task 6: Social Media

- Social media has become a practical outlet to disseminate information, promote campaign/outreach activities, and provide valuable customer service. Contractor will continue to administer Valley Express' online presence via social media including regular postings and maintenance of Facebook and Twitter. Other task activities will include:
- Develop content in English and Spanish;
- Incorporate content from other agency Facebook and other social media platforms including local community events, other relevant VCTC transit promotions, etc.
- Monitor Facebook, Twitter and other social media accounts to ensure timely response to questions and concerns, as well as to disseminate rider alerts;
- Periodic review of the platforms and determine if any advertising would be beneficial for increasing followers;
- Utilize hashtags (clickable links/tags), allowing users to search associated messages;
- Implement social media contests for such things as posting photos or videos; and
- Notify member agencies of specific contests/campaigns/surveys that may be shared on respective Facebook/social media platforms for wider distribution;
- Incorporate QR codes into marketing collateral.
- Look to specific outreach to target younger riders, seniors, and Spanish speakers.

Task 7: Advertising

Contractor will pursue effective and targeted advertising opportunities for Valley Express that will incorporate HVTAC/HVPAC-approved themes and messaging. Among the advertising locations envisioned are:

- Community newspapers and associated websites;
- Locally-focused publications and websites;
- HVTs-member publications for residents;
- Utility bill inserts;
- Facebook, Twitter and other social media advertising;
- Onboard Valley Express vehicles; and
- Valley Express fixed-route bus stops.

Task 8: Public Communications

- Contractor will prepare and distribute media releases, promotional copy for local media, feature articles, and eblasts. Public media releases and eblasts will serve to increase public awareness and support of the service. This will enhance perceptions of Valley Express as a valuable mobility resource, while also increasing ridership and fare revenue.
- Media releases will be distributed to local news outlets, industry publications, and community publications on an as-needed basis to communicate service changes, campaigns, and connecting service updates. They will also be posted on valleyexpressbus.org.
- An email distribution database will be developed through promotions, outreach events, and social media interactions, and will be utilized for e-communications.
- Feature articles on such topics as rider safety, "going green," and other transit-related topics may be developed, placed in industry publications, and posted on valleyexpressbus.org.
- Campaigns may be created around days of national recognition such as the following national events:
 - Earth Day (April),
 - Bike to Work Week (May),
 - Dump the Pump Day (third Thursday in June), and
 - Rideshare Week (October)
- All materials will be translated into Spanish.

Task 9: Outreach

Contractor will leverage local events to increase Valley Express' involvement within the communities it serves. In addition to events at the senior center and local high schools, specific events to consider include (but not limited to):

- Fillmore May Fest Parade (May)
- July 4 Sespe Car Show (July),
- Jazz & Art Fest in Santa Paula (July),
- Santa Paula Labor Day parade (September),
- Moonlight event (September),
- Rideshare Week (October),
- Santa Paula Christmas Parade (November), and
- Fillmore Chamber holiday mixer (December).

Contractor will assist with coordination and preparation of the events, design notices for placement onboard vehicles or in local publications, prepare all supporting collateral (print and online – website and social media), and provide bilingual event staffing.

Task 10: Promotional items

To support both outreach events as well as promotions/advertising campaigns, Contractor will design and produce promotional items. Contractor will continue to keep an updated inventory, tracking usage, and gathering overall customer feedback for each item we use.

CONTRACTOR BUDGET

This is a fixed price contract with an overall annual budget not to exceed 75,000 per year. Contractor will utilize a blended billing rate of \$90 per hour for all time billed to the contract. All creative and administrative costs are incorporated into this blended rate.



Item #9

May 12, 2017

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: ELLEN TALBO, TRANSIT PLANNING MANAGER

SUBJECT: PRESENTATION BY JENNIFER BERGENER REGARDING LOSSAN SERVICE UPDATE

RECOMMENDATION:

- Receive and file.

BACKGROUND:

The Los Angeles – San Diego – San Luis Obispo Rail Corridor (LOSSAN) agency provides daily Amtrak Pacific Surfliner service through Ventura County. There has been a mutual interest among the Commission and the Santa Barbara County Association of Governments (SBCAG) to re-time a Pacific Surfliner train during the morning “commute-friendly” hours for northbound commuters. Jennifer Bergener, Chief Executive Officer at LOSSAN, will provide an update of the efforts to date.

THIS PAGE INTENTIONALLY LEFT BLANK



Item #10

May 12, 2017

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: PETER DE HAAN, PROGRAMMING DIRECTOR

SUBJECT: LEGISLATIVE UPDATE & POSITIONS ON BILLS

RECOMMENDATION:

- Receive and file SB 1 (Beall) analysis.
- Adopt "Support" position on AB 1113 (Bloom), to provide statutory clarification to continue the long-standing State Transit Assistance (STA) apportionment formula.

DISCUSSION

Federal Issues

As of this writing the federal government, including the transportation programs, were operating under a Continuing Resolution that had been set to expire April 28th but was extended one week. An agreement has been announced for approval of the Federal FY 2016/17 budget which is to include appropriation of transportation funds at the levels authorized under the Fixing America's Surface Transportation (FAST) authorizing act.

State Issues

Attachment A provides the monthly report of Delaney Hunter, the Commission's state lobbyist.

At last month's Commission meeting staff announced that the night before, both houses of the Legislature had acted by two-thirds majorities to approve the Road Repair and Accountability Act of 2017 (SB 1), the transportation finance package agreed to by the Governor and the Legislative leadership. Although the Commission had received an analysis of SB 1 at an earlier meeting, the bill was extensively amended to contain the provisions of the agreement that was reached. Attachment B provides a new analysis developed by VCTC staff focusing on the implications for upcoming transportation funding in Ventura County. The agreement that was reached continued with the original objective as proposed by the Governor which was to focus primarily on road repair. However, the bill does provide lesser amounts of funds for other transportation priorities as well.

Attachment C is an analysis from the lobbyist of AB 1113 (Richard Bloom, D-Santa Monica), which addresses ambiguities in state law specifying the apportionment formula for State Transit Assistance (STA), to continue the existing distribution. This issue has become more important with the passage of SB 1 since the new transit formula funds in that bill are also distributed through the STA formula. The California Transit Association is sponsoring this bill.

Attachment D provides the status of bills being tracked by VCTC.



**VENTURA COUNTY TRANSPORTATION COMMISSION
MONTHLY STATE ADVOCACY REPORT
APRIL 2017**

Legislative Update

The legislative session is now fully underway, and policy committees have begun their lengthy hearings to discuss all of the bills that have been introduced this year. Throughout March and the beginning of April, much of the Legislature worked to develop their legislative package and to amend substantive language into the early introduced spot bills. Legislation has started to take shape and a number of key issues have surfaced as high priority for the Legislature this year, including transportation funding, affordable housing, and higher education affordability. In addition to these larger topics of importance, there are currently 1,851 Assembly bills and 906 Senate bills moving through the process. The deadline to move out of the first house policy committee for bills that are tagged fiscal is April 28th. As a result, the last two weeks of April consisted of long hearings where a majority of bills were heard for the first time. For bills that are referred to more than one policy committee, there is a quick turnaround from one hearing to the next. Once advancing out of the policy committee stage, legislation will move to the respective Appropriations Committee for a debate on the fiscal aspects of the bill. The month of May will be focused on these fiscal issues, including a hearing on the Suspense File – where bills with a larger price tag are often held in Committee. The nearly three thousand number bill count will be significantly reduced after the suspense hearings in the Senate and Assembly. The GQHC team will continue to keep VCTC updated on important changes to relevant legislation and the outcome of the upcoming committee hearings.

Transportation Funding

Since no action was taken last year to address the growing transportation funding backlog, Assembly Member Frazier and Senator Beall reintroduced transportation funding bills in the new legislative session (AB 1 and SB 1). These new bills, as first introduced, would have generated almost \$6 billion a year and include several revenue raising mechanisms – a gas tax increase, restoring gas excise tax rates, increasing the diesel excise tax, increasing the vehicle registration fee, implementing a fee on zero-emission vehicles, among others changes. Additionally, Governor Brown then proposed a smaller, \$4.3 billion package, that parallels his proposal from last year that the Legislature ended up removing from his proposed budget.

Although numerous transportation funding proposals were introduced this year, SB 1 ultimately became the vehicle for the Legislature and Administration's compromise. SB 1 had already advanced through the Senate Transportation and Housing Committee, where Senator Beall is the Chair. In its previous form, it also passed the Senate Environmental Quality and Senate Governance and Finance Committees. Since

this measure had already advanced through these hurdles, it was selected as the vehicle for the package and was amended to include the newest language.

The new package raised about \$5.2 billion per year in new revenues, which is the most significant statewide investment in transportation infrastructure in many years. Specifically, the deal allocated \$3 billion per year to fix-it-first road and highway maintenance projects, split evenly between state and local government. The bill also puts forward a number of reform and accountability measures, including creating a Transportation Inspector General position and increasing CTC oversight of CalTrans project delivery. Detailed below are the specifics of revenues and appropriations:

Revenues

- 12-cent gasoline excise tax increase effective Nov 1, 2017
- A new “transportation improvement fee” charged on vehicle registrations starting spring 2018
- An additional \$100/vehicle fee for new Zero-Emission Vehicles effective 2020
- 20-cent diesel excise tax increase effective Nov 1, 2017
- 4% diesel sales tax increase, effective Nov 1, 2017
- The excise taxes and registration fees would be annually adjusted for inflation

Annual Expenditures

- \$3 billion/year at full implementation split between state/local governments for highway and road maintenance.
- The first tax increases are effective in late 2017, after a partial year of funding in 2017-18, the average new funding for city/county road maintenance would be \$1.59 billion/year over the rest of the decade.
- \$750 million for transit operations and capital improvements
- \$400 million for bridge repair and maintenance
- \$300 million for trade corridors
- \$200 million for local partnerships with “self-help” counties
- \$100 million for the Active Transportation Program
- \$25 million for Freeway Service Patrol
- \$25 million for SB 375 regional and local planning
- \$7 million for UC and CSU transportation research

Governor Brown set an “unofficial” deadline of April 6th for the Legislature to pass this transportation funding proposal. If this did not occur before that deadline, the Governor indicated that they would move on to other priorities. After the new plan was revealed, the Legislature acted quick to move the proposal forward. The bill was heard in Senate Appropriations on Monday, April 3, and then was heard on the Senate Floor late on the evening of April 6th. After passing on a narrow, party line vote, the Assembly debated the bill for a few hours before also passing SB 1 on slim margins – with one Republican vote. SB 1 is now on the Governor’s desk, and his active involvement in the deal has indicated that he will sign the measure in the next few days.

Other Transportation Related Legislation

ACA 5 (Frazier) – Motor Vehicle Fees and Taxes: Restriction on Expenditures

This Assembly Constitutional Amendment by Assembly Member Frazier was part of the transportation funding package with the passage of SB 1. This measure, if approved by the voters, would require diesel fuel sales tax revenues to be deposited into the Public Transportation Account and would also prohibit the Legislature from diverting or appropriating those funds for purposes other than transportation planning. ACA 5 also requires revenues derived from SB 1’s Transportation Improvement Fee to be used solely for transportation purposes. This was ultimately passed on the same slim margins as SB 1.

AB 278 (Steinorth) – CEQA Exemption: Existing Transportation Infrastructure

VCTC recently adopted a support position on AB 278, which exempts a transportation infrastructure project, if the project is located within an existing right-of-way and does not add additional motor vehicle lane, from CEQA. This bill received support from other local transportation agencies, the Chamber of Commerce, the Western States Trucking Association, and a few others, and it was opposed by the

Bicycle Coalition and other clean air organizations. We testified in support of the bill at the first policy committee hearing in Assembly Natural Resources, but ultimately, AB 278 failed passage on a party line vote.

AB 28 (Frazier) – National Environmental Policy Act Extension

This bill extended the federal National Environmental Policy Act (NEPA) delegation to Caltrans to expedite and streamline the delivery of transportation projects throughout the state. VCTC adopted an early support position on this measure, and in order to have the bill on the Governor's desk in early March, the Legislature has acted quickly to move AB 28. The bill was first set for hearing in the Assembly Transportation Committee and then the Appropriations Committee, where it received unanimous votes in both hearings. We testified in support, along with the Self-Help Counties Coalition, Caltrans, the California Transportation Commission, and a myriad of other transportation agencies and local governments. AB 28 then advanced to the Assembly Floor. After receiving overwhelming passage, it then went to the Senate where it easily passed the Transportation and Appropriation Committees. After some consternation from Legislative Leadership, the bill was amended from extending the NEPA delegation indefinitely to having a sunset of January 1, 2020. It then passed off the Senate Floor and was soon after signed by the Governor.

Upcoming Bill Deadlines and Newly Introduced Legislation

Apr. 28 Last day for policy committees to hear and report fiscal bills for referral to fiscal committees

May 12 Last day for policy committees to hear and report to the floor nonfiscal bills

May 19 Last day for policy committees to meet prior to June 5

May 26 Last day for fiscal committees to hear and report bills to the floor

AB 1 (Frazier D) Transportation funding.

Introduced: 12/5/2016

Status: 1/19/2017-Referred to Coms. on TRANS. and NAT. RES.

Summary: Would create the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system. The bill would require the California Transportation Commission to adopt performance criteria, consistent with a specified asset management plan, to ensure efficient use of certain funds available for the program. The bill would provide for the deposit of various funds for the program in the Road Maintenance and Rehabilitation Account, which the bill would create in the State Transportation Fund.

AB 17 (Holden D) Transit Pass Program: free or reduced-fare transit passes.

Introduced: 12/5/2016

Status: 1/19/2017-Referred to Com. on TRANS.

Summary: Would create the Transit Pass Program to be administered by the Department of Transportation. The bill would require the Controller of the State of California to allocate moneys made available for the program, upon appropriation by the Legislature, to support transit pass programs that provide free or reduced-fare transit passes to specified pupils and students.

AB 28 (Frazier D) Department of Transportation: environmental review process: federal pilot program.

Introduced: 12/5/2016

Status: 3/29/2017-Approved by the Governor. Chaptered by Secretary of State - Chapter 4, Statutes of 2017.

Summary: Current federal law requires the United States Secretary of Transportation to carry out a surface transportation project delivery pilot program, under which the participating states assume certain responsibilities for environmental review and clearance of transportation projects that would otherwise be the responsibility of the federal government. Current law, until January 1, 2017, provided that the State of California consents to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of the responsibilities it assumed as a participant in the pilot program. This bill would reinstate the operation of the latter provision. The bill would repeal that provision on January 1, 2020. This bill would declare that it is to take effect immediately as an urgency statute.

AB 65(Patterson R) Transportation bond debt service

Introduced: 12/13/2016

Status: 1/19/2017-Referred to Com. on TRANS.

Summary: Current law provides for transfer of certain vehicle weight fee revenues to the Transportation Debt Service Fund to reimburse the General Fund for payment of current year debt service on general obligation bonds issued for transportation purposes, including bonds issued for high-speed rail and associated purposes pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century (Proposition 1A of 2008). This bill would specifically exclude from payment under these provisions the debt service for Proposition 1A bonds.

AB 91(Cervantes D) High-occupancy vehicle lanes.

Introduced: 1/9/2017

Status: 4/5/2017-In committee: Set, first hearing. Referred to suspense file.

Summary: Would prohibit, commencing July 1, 2018, a high-occupancy vehicle lane from being established in the County of Riverside, unless that lane is established as a high-occupancy vehicle lane only during the hours of heavy commuter traffic, as determined by the Department of Transportation. The bill would require any existing high-occupancy vehicle lane in the County of Riverside that is not a toll lane to be modified to operate as a high-occupancy lane under those same conditions.

AB 174(Bigelow R) California Transportation Commission: membership.

Introduced: 1/17/2017

Status: 4/17/2017-In committee: Hearing postponed by committee.

Summary: Current law provides that the California Transportation Commission consists of 13 members, 11 voting members, of which 9 are appointed by the Governor subject to Senate confirmation, 1 is appointed by the Senate Committee on Rules, and 1 is appointed by the Speaker of the Assembly, and 2 Members of the Legislature who are appointed as nonvoting ex officio members. This bill would require that at least one voting member reside in a rural county with a population of less than 100,000 individuals.

AB 179 (Cervantes D) California Transportation Commission.

Introduced: 1/18/2017

Status: 4/20/2017-From committee chair, with author's amendments: Amend, and re-refer to Com. on TRANS. Read second time and amended.

Summary: Current law provides that the California Transportation Commission consists of 13 members: 11 voting members, of which 9 are appointed by the Governor subject to Senate confirmation, one is appointed by the Senate Committee on Rules, and one is appointed by the Speaker of the Assembly, and 2 Members of the Legislature who are appointed as nonvoting ex officio members. This bill would require that one of those voting members have worked directly with those communities in the state that are most significantly burdened by, and vulnerable to, high levels of pollution, including, but not limited to, those communities with racially and ethnically diverse populations or with low-income populations.

AB 278(Steinorth R) California Environmental Quality Act: exemption: existing transportation infrastructure.

Introduced: 2/2/2017

Status: 3/20/2017-In committee: Set, first hearing. Failed passage. Reconsideration granted.

Summary: Would exempt from the provisions of CEQA a project, or the issuance of a permit for a project, that consists of the inspection, maintenance, repair, rehabilitation, replacement, or removal of, or the addition of an auxiliary lane or bikeway to, existing transportation infrastructure and that meets certain requirements. The bill would require the public agency carrying out the project to take certain actions.

AB 330 (Cooley D) Highway safety.

Introduced: 2/7/2017

Status: 4/20/2017-Re-referred to Com. on PUB. S.

Summary: Current law prohibits a person while having 0.08% or more, by weight, of alcohol in his or her blood from driving a vehicle and concurrently doing any act forbidden by law, or neglecting any duty imposed by law in driving the vehicle, when the act or neglect proximately causes bodily injury to a

person other than the driver. This bill would, until January 1, 2022, authorize the court to order a person convicted of a crime described above to enroll and participate in, and successfully complete, a qualified "24/7 Sobriety program," as defined, as a condition of probation, if the program is available and deemed appropriate, and the person committed the crime within 10 years of one or more separate crimes described above that resulted in a conviction.

AB 344(Melendez R) Toll evasion violations.

Introduced: 2/7/2017

Status: 4/17/2017-In Senate. Read first time. To Com. on RLS. for assignment.

Summary: Would not require a person contesting a notice of toll evasion violation or notice of delinquent toll evasion from being required to pay the toll evasion penalty until after the processing agency or issuing agency finds as a result of an investigation, or the processing agency finds as a result of an administrative review, or a court finds as a result of a hearing, that the contestant did commit a toll evasion violation, whichever occurs later. This bill contains other existing laws.

AB 378(Garcia, Cristina D) Greenhouse gases, criteria air pollutants, and toxic air contaminants.

Introduced: 2/9/2017

Status: 4/19/2017-Re-referred to Com. on NAT. RES.

Summary: The California Global Warming Solutions Act requires the State Air Resources Board, when adopting rules and regulations to achieve greenhouse gas emissions reductions beyond the statewide greenhouse gas emissions limit and to protect the state's most impacted and disadvantaged communities, to follow specified requirements, consider the social costs of the emissions of greenhouse gases, and prioritize specified emission reduction rules and regulations. This bill would additionally require the state board to consider and account for the social costs of the emissions and greenhouse gases when adopting those rules and regulations.

AB 467(Mullin D) Local transportation authorities: transactions and use taxes.

Introduced: 2/13/2017

Status: 4/18/2017-Re-referred to Com. on E. & R.

Summary: Current law provides for a local transportation authority to adopt a transportation expenditure plan for the proceeds of the retail transactions and use tax, and requires the entire adopted transportation expenditure plan to be included in the voter information handbook sent to voters. This bill, upon the request of an authority, would exempt a county elections official from including the entire adopted transportation expenditure plan in the voter information handbook, if the authority posts the plan on its Internet Web site, and the sample ballot and the voter information handbook sent to voters include information on viewing an electronic version of the plan on the Internet Web site and for obtaining a printed copy of the plan by calling the county elections office.

AB 468(Santiago D) Transit districts: prohibition orders.

Introduced: 2/13/2017

Status: 3/27/2017-Re-referred to Com. on TRANS.

Summary: Current law authorizes the Sacramento Regional Transit District, the Fresno Area Express, and, until January 1, 2018, the San Francisco Bay Area Rapid Transit District to issue a prohibition order to any person cited for committing one or more of certain prohibited acts in specified transit facilities. Current law prohibits a person subject to the prohibition order from entering the property, facilities, or vehicles of the transit district for specified periods of time. Current law establishes notice requirements in that regard and provides for initial and administrative review of the order. This bill would apply these provisions to the Los Angeles County Metropolitan Transportation Authority.

AB 503 (Lackey R) Vehicles: parking violations: registration or driver's license renewal.

Introduced: 2/13/2017

Status: 4/18/2017-From committee: Do pass and re-refer to Com. on APPR. (Ayes 13. Noes 0.) (April 17). Re-referred to Com. on APPR.

Summary: Current law, with specified exceptions, requires an agency that processes notices of parking violations and notices of delinquent parking violations to proceed under only one of 3 specified options in order to collect an unpaid parking penalty, including filing an itemization of unpaid parking penalties and

service fees with the Department of Motor Vehicles for collection with the registration of the vehicle. This bill would instead authorize a processing agency to proceed under one of those 3 specified options.

AB 515 (Frazier D) State Highway System Management Plan.

Introduced: 2/13/2017

Status: 3/21/2017-From committee: Do pass and re-refer to Com. on APPR. (Ayes 12. Noes 0.) (March 20). Re-referred to Com. on APPR.

Summary: Would require the Department of Transportation to prepare a State Highway System Management Plan, which would consist both of the 10-year state highway rehabilitation plan and the 5-year maintenance plan. The bill would require the department to make a draft of its proposed State Highway System Management Plan available to regional transportation agencies for review and comment, and would require the department to include and address any comments in its submittal of the plan to the commission by January 15 of each odd-numbered year.

AB 544 (Bloom D) Vehicles: high-occupancy vehicle lanes.

Introduced: 2/13/2017

Status: 3/22/2017-Re-referred to Com. on TRANS.

Summary: Would extend the authority of drivers of specified vehicles to use HOV lanes until the date federal authorization expires, or until the Secretary of State receives a specified notice, whichever occurs first. The bill would provide that identifiers issued for those specified vehicles are valid until January 1, 2019. The bill would authorize the Department of Motor Vehicles to issue other identifiers until the date federal authorization expires, or until the Secretary of State receives a certain notice, whichever occurs first.

AB 636 (Irwin D) Local streets and roads: expenditure reports.

Introduced: 2/14/2017

Status: 4/20/2017-Read third time. Passed. Ordered to the Senate. In Senate. Read first time. To Com. on RLS. for assignment.

Summary: Current law, with limited exceptions, requires each city and county to submit to the Controller a complete report of expenditures for street and road purposes by October 1 of each year relative to the preceding fiscal year ending on June 30. This bill would instead require the report to be submitted to the Controller within 7 months after the close of the fiscal year adopted by a county, city, or city and county. The bill would make other conforming changes.

AB 673 (Chu D) Public transit operators: bus procurement: safety considerations.

Introduced: 2/15/2017

Status: 4/19/2017-Re-referred to Com. on TRANS.

Summary: Would require a public transit operator, before the procurement of a new bus to be used in revenue operations, to take into consideration recommendations of, and best practices standards developed by, the exclusive representative of the recognized organization representing bus operators of the transit operator for specified purposes, including, among other purposes, reducing the risk of assault on bus operators. By creating new duties for public transit operators, this bill would impose a state-mandated local program.

AB 697(Fong R) Tolls: exemption for privately owned emergency ambulances.

Introduced: 2/15/2017

Status: 3/28/2017-From committee: Do pass and re-refer to Com. on APPR. (Ayes 12. Noes 0.) (March 27). Re-referred to Com. on APPR.

Summary: Current law provides for the exemption of authorized emergency vehicles, as defined, from the payment of a toll or charge on a vehicular crossing, toll highway, or high-occupancy toll (HOT) lane and any related fines, when the authorized emergency vehicle is being driven while responding to or returning from an urgent or emergency call, engaged in an urgent or emergency response, or engaging in a fire station coverage assignment directly related to an emergency response. This bill would expand the exemption from the payment of a toll or charge on a vehicular crossing, toll highway, or high-occupancy toll (HOT) lane and any related fines under these conditions to include a privately owned emergency ambulance licensed by the California Highway Patrol.

AB 788(Frazier D) Department of Transportation: administration.

Introduced: 2/15/2017

Status: 4/3/2017-Re-referred to Com. on TRANS.

Summary: Current law provides that the Department of Transportation has possession and control of all property, real or personal, held for the benefit, use, or obligation of the Department of Aeronautics, the Department of Public Works, and the Office of Transportation Planning and Research in connection with the functions of those former organizations that were transferred to or vested in the department. This bill would additionally provide that the Department of Transportation has possession and control of all supporting documentation and data, electronic or otherwise, held for the benefit, use, or obligation of the Department of Aeronautics, the Department of Public Works, and the Office of Transportation Planning and Research in connection with the functions of those former organizations that were transferred to or vested in the department.

AB 965(Kiley R) Department of Transportation: civil liability.

Introduced: 2/16/2017

Status: 4/20/2017-In committee: Set, first hearing. Hearing canceled at the request of author.

Summary: Would provide that, in an action against the Department of Transportation for personal injury, property damage, or wrongful death, based upon principles of comparative fault, the liability of the department for economic damages shall be several only and shall not be joint. The bill would further provide that the department shall be liable in those actions only for the amount of economic damages allocated to it in direct proportion to its percentage of fault, and would require a separate judgment to be rendered against the department for that amount.

AB 1113(Bloom D) State Transit Assistance program.

Introduced: 2/17/2017

Status: 4/18/2017-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 13. Noes 0.) (April 17). Re-referred to Com. on APPR.

Summary: Current law requires funds in the Public Transportation Account to be allocated to various public transportation and transportation planning purposes, with specified revenues in the account to be allocated by the Controller to specified local transportation agencies for public transportation purposes, pursuant to the State Transit Assistance (STA) program. Current requires STA funds to be allocated by formulas based 50% on population and 50% on transit operator revenues. This bill would revise and recast the provisions governing the STA program. The bill would provide that only STA-eligible operators, as defined, are eligible to receive an allocation from the portion of program funds based on transit operator revenues.

AB 1233(Cunningham R) Transportation Inspector General.

Introduced: 2/17/2017

Status: 3/9/2017-Referred to Coms. on TRANS. and A. & A.R.

Summary: Current law creates various state agencies, including the Department of Transportation and the High-Speed Rail Authority, with specified powers and duties. Existing law provides for the allocation of state transportation funds to various transportation purposes. This bill would create the Office of the Transportation Inspector General in state government, as an independent office that would not be a subdivision of any other government entity, to ensure that the above-referenced state agencies and all other state agencies expending state transportation funds are operating efficiently, effectively, and in compliance with federal and state laws.

AB 1324 (Gloria D) Metropolitan planning organizations: transactions and use taxes.

Introduced: 2/17/2017

Status: 3/21/2017-Re-referred to Com. on L. GOV.

Summary: Would authorize a metropolitan planning organization or regional transportation planning agency that is authorized by law to levy, expand, increase, or extend a transactions and use tax to levy, expand, increase, or extend that tax in only a portion of the jurisdiction, as an alternative to the entire jurisdiction, in which the organization or agency is authorized to levy, expand, increase, or extend the tax, if approved by the required percentage of the voters in that portion of the jurisdiction.

AB 1363(Baker R) Transportation revenues.

Introduced: 2/17/2017

Status: 3/13/2017-Referred to Com. on TRANS.

Summary: Current law requires certain miscellaneous revenues deposited in the State Highway Account that are not restricted as to expenditure by Article XIX of the California Constitution to be transferred to the Transportation Debt Service Fund in the State Transportation Fund, as specified, and requires the Controller to transfer from the fund to the General Fund an amount of those revenues necessary to offset the current year debt service made from the General Fund on general obligation transportation bonds issued pursuant to Proposition 116 of 1990. This bill would, on July 1, 2018, delete the transfer of these miscellaneous revenues to the Transportation Debt Service Fund, thereby eliminating the offsetting transfer to the General Fund for debt service on general obligation transportation bonds issued pursuant to Proposition 116 of 1990.

AB 1454 (Bloom D) Transportation projects: lease agreements.

Introduced: 2/17/2017

Status: 4/17/2017-In committee: Hearing postponed by committee.

Summary: Current law authorizes the Department of Transportation and regional transportation agencies, as defined, to enter into comprehensive development lease agreements with public and private entities, or consortia of those entities, for certain transportation projects that may charge certain users of those projects tolls and user fees, subject to various terms and requirements. Current law prohibits lease agreements under these provisions on or after January 1, 2017. This bill would delete this prohibition, thereby authorizing these lease agreements beyond January 1, 2017.

AB 1523(Oberholte R) Local agencies: contracts: design-build projects.

Introduced: 2/17/2017

Status: 3/29/2017-Re-referred to Com. on L. GOV.

Summary: Would modify the design-build procurement authorization for entities responsible for the construction of transit projects to also apply to entities responsible for the construction of transportation projects. The bill, for cities and counties, would include local streets and roads among those projects eligible for the design-build procurement process. The bill, for entities responsible for the construction of transportation projects, would include the construction of local street and road projects among those projects eligible for the design-build procurement process. This bill contains other existing laws.

AB 1640(Garcia, Eduardo D) Transportation funding: low-income communities.

Introduced: 2/17/2017

Status: 3/16/2017-Referred to Com. on TRANS.

Summary: Would require, beginning January 1, 2020, each regional transportation improvement program to allocate a minimum of 25% of available funds to projects or programs that provide direct, meaningful, and assured benefits to low-income individuals who live in certain identified communities or to riders of transit service that connects low-income residents to critical amenities and services. The bill would require the Department of Transportation, in consultation with residents of low-income communities and specified state agencies, to adopt guidelines for this allocation no later than January 1, 2018.

ACA 5 (Frazier D) Motor vehicle fees and taxes: restriction on expenditures: appropriations limit.

Introduced: 2/17/2017

Status: 4/6/2017-Assembly Rule 96 suspended. Assembly Rule 63 suspended. Joint Rules suspended. NULL Withdrawn from committee. Ordered to third reading. Adopted and to Senate. In Senate. Read first time. Joint Rules suspended. (Ayes 28. Noes 10.) Ordered to third reading. Adopted and to Assembly. (Ayes 28. Noes 10.) In Assembly. Ordered to Engrossing and Enrolling.

Summary: Would add Article XIX to the California Constitution to require revenues derived from vehicle fees imposed under a specified chapter of the Vehicle License Fee Law to be used solely for transportation purposes, as defined. The measure would prohibit these revenues from being used for the payment of principal and interest on state transportation general obligation bonds that were authorized by the voters on or before November 8, 2016. The measure would prohibit the revenues from being used for

the payment of principal and interest on state transportation general obligation bonds issued after that date unless the bond act submitted to the voters expressly authorizes that use.

SB 1 (Beall D) Transportation funding.

Introduced: 12/5/2016

Status: 4/6/2017-Read third time. Urgency clause adopted. Passed. (Ayes 27. Noes 11.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk. Art. IV. Sec. 8(b)(1) of the Constitution dispensed with. (Ayes 54. Noes 25.) Assembly Rule 63 suspended. (Ayes 54. Noes 25.) Read third time. Urgency clause adopted. Passed. (Ayes 54. Noes 26.) Ordered to the Senate. In Senate. Held at Desk.

Summary: Would create the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system. The bill would require the California Transportation Commission to adopt performance criteria, consistent with a specified asset management plan, to ensure efficient use of certain funds available for the program. This bill contains other related provisions and other existing laws.

SB 4(Mendoza D) Goods Movement: allocation of federal funds: Goods Movement and Clean Trucks Bond Act.

Introduced: 12/5/2016

Status: 4/19/2017-Action From GOV. & F.: Do pass as amended.To APPR..

Summary: Would, subject to voter approval at the June 5, 2018, statewide primary election, enact the Goods Movement and Clean Trucks Bond Act to authorize \$600,000,000 of state general obligation bonds as follows: \$200,000,000 to the California Transportation Commission for projects and programs eligible for funding from the Trade Corridors Improvement Fund; \$200,000,000 to the State Air Resources Board for projects and programs consistent with the Goods Movement Emission Reduction Program; and \$200,000,000 to the State Air Resources Board for projects and programs to expand the use of zero- and near-zero emission trucks in areas of the state that are designated as severe or extreme nonattainment areas for ozone and particulate matter.

SB 406 (Leyva D) Vehicles: high-occupancy vehicle lanes: exceptions.

Introduced: 2/15/2017

Status: 4/4/2017-Set for hearing April 25.

Summary: Current state law authorizes the Department of Transportation to designate certain lanes for the exclusive use of HOVs, which lanes may also be used by certain low-emission, hybrid, or alternative fuel vehicles not carrying the requisite number of passengers otherwise required for the use of an HOV lane, if the vehicle displays a valid identifier issued by the Department of Motor Vehicles (DMV). A violation of provisions relating to HOV lane use by vehicles, including operating or owning a vehicle displaying a decal, label, or other identifier that was not issued to that vehicle, is a crime. This bill would similarly authorize a blood transport vehicle that is transporting blood between collection points and hospitals or storage centers to use HOV lanes.

SB 480 (Hueso D) Bridge safety projects: State Highway Account: funding.

Introduced: 2/16/2017

Status: 4/4/2017-Set for hearing April 25.

Summary: Would require the Controller, for the 2018–19 fiscal year, based on the prior year financial statement, to segregate 1% of that money from the State Highway Account to be expended by the Department of Transportation, upon appropriation by the Legislature, for feasibility, environmental, and engineering studies pertaining to bridge safety, with priority given to bridges that provide transportation links over state and local parks, and for other bridge safety projects in the state.

SB 496 (Cannella R) Indemnity: design professionals.

Introduced: 2/16/2017

Status: 4/20/2017-Assembly Rule 63 suspended. (Ayes 50. Noes 20.) Read second time. Ordered to third reading.

Summary: Current law provides, with respect to contracts and amendments to contracts entered into on or after January 1, 2011, with a public agency, as defined, for design professional services, that all provisions, clauses, covenants, and agreements contained in, collateral to, or affecting these contracts or

amendments to contracts that purport to require the design professional to defend the public agency under an indemnity agreement, including the duty and the cost to defend, are unenforceable, except for claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the design professional. This bill would instead make these provisions applicable to all contracts for design professional services entered into on or after January 1, 2018.

SB 760 (Wiener D) Transportation funding: active transportation: complete streets.

Introduced: 2/17/2017

Status: 3/9/2017-Referred to Com. on T. & H.

Summary: Would establish a Division of Active Transportation within the Department of Transportation and require that an undersecretary of the Transportation Agency be assigned to give attention to active transportation program matters to guide progress toward meeting the department's active transportation program goals and objectives. The bill would require the California Transportation Commission to give high priority to increasing safety for pedestrians and bicyclists and to the implementation of bicycle and pedestrian facilities.

SB 768(Allen D) Transportation projects: comprehensive development lease agreements.

Introduced: 2/17/2017

Status: 4/13/2017-Set for hearing April 25.

Summary: Current law authorizes the Department of Transportation and regional transportation agencies to enter into comprehensive development lease agreements with public and private entities, or consortia of those entities, for certain transportation projects that may charge certain users of those projects tolls and user fees, subject to various terms and requirements. These arrangements are commonly known as public-private partnerships. Current law provides that a lease agreement may not be entered into under these provisions on or after January 1, 2017. This bill would extend this authorization indefinitely.

SCA 2(Newman D) Motor vehicle fees and taxes: restriction on expenditures: appropriations limit.

Introduced: 1/18/2017

Status: 4/17/2017-Ordered to inactive file on request of Senator Newman.

Summary: Would add Article XIXD to the California Constitution to require revenues derived from vehicle fees imposed under a specified chapter of the Vehicle License Fee Law to be used solely for transportation purposes. The measure would prohibit these revenues from being used for the payment of principal and interest on state transportation general obligation bonds that were authorized by the voters on or before November 8, 2016.

SCA 6(Wiener D) Local transportation measures: special taxes: voter approval.

Introduced: 2/13/2017

Status: 4/5/2017-From committee: Be adopted and re-refer to Com. on T. & H. (Ayes 5. Noes 2.) (April 5). Re-referred to Com. on T. & H.

Summary: Would require that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for transportation purposes, as specified, be submitted to the electorate and approved by 55% of the voters voting on the proposition. The measure would also make conforming and technical, nonsubstantive changes. The California Constitution provides that a proposed amendment of the constitution, upon submission to, and approval by, the voters takes effect the day after the election unless the measure provides otherwise. This measure would provide that the amendments of the constitution in this measure shall take effect on the date of the election.

**ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017
SB 1 (BEALL)
VCTC ANALYSIS**

LEGISLATIVE HISTORY

In early 2015, Governor Brown called a Special Session of the Legislature to address transportation funding, especially road repair. Although no action was taken during the 2015-2016 Session, at the start of the current session transportation finance bills were reintroduced by Assembly Transportation Chair Jim Frazier and Senate Transportation and Housing Chair Jim Beall, with the Administration also issuing a revised proposal. On March 29th, the Governor and Legislative leadership announced an agreement on a transportation funding package, and SB 1 (Beall) was amended to include the provisions of the agreement. SB 1 was passed by a two-thirds vote of both houses on April 6th. It permanently increases fuel taxes and vehicle registration charges to provide an estimated \$52.4 billion of new revenues over 10 years.

A companion bill, ACA 5 (Frazier) was also passed by two-thirds votes, to place before the voters a Constitutional Amendment requiring that the funds provided under SB 1 can only be spent for transportation purposes.

This report includes a flow chart from the California Association of Councils of Governments (CalCOG) summarizing how the SB 1 funds will flow to transportation programs from the various new revenues.

“FIX IT FIRST” EMPHASIS

Consistent with the primary original goal to provide adequate funds for road repair, approximately 65% of the new revenue from SB 1 will go for repair of state highways and local streets. The law specifies that \$400 million per year will be set aside for state highway bridge and culvert maintenance, and the remaining maintenance funds will be divided with 50% going to state highways and 50% going directly to local jurisdictions for streets and roads maintenance, following the existing distribution formula. Local jurisdictions having a pavement condition index of 80 or more have the flexibility to use SB 1 funds for other transportation purposes.

The eleven local jurisdictions in Ventura County are estimated to receive a total of \$9.7 million from SB 1 in FY 2017/18, and in FY 2018/19 (the first full year of the tax) should receive \$25.8 million. By comparison, Measure AA was going to initially provide \$35.0 million per year to the local jurisdictions, although by a different, locally-developed distribution formula.

SB 1 requires that where practical, projects funded with this money must incorporate “complete streets” features. There is a local “maintenance of effort” requirement that each agency continue spend no less than the annual average from its general fund during 2009/10 through 2011/12 for street and road repair. SB 1 also says that local jurisdictions must provide CTC with lists of the projects to receive the funds, although there is some flexibility to change projects after the list was submitted.

REVENUE STABILIZATION PLUS TAX INCREASES

Besides increasing taxes, the State’s new funding package addresses some of the long-standing transportation revenue instability problems. Previously, some of the State fuel taxes were set at a fixed amount per gallon resulting in erosion of the buying power over many years. Other fuel taxes contained an adjustment mechanism whereby the tax rate was adjusted based on the price of fuel, causing a significant revenue drop over the last few years. Under SB 1, the entire fuel tax rate as well as the new fees will be pegged to the California Consumer Price Index (CCPI), so that the fuel tax revenues will no

longer fluctuate based on the price of fuel, and the buying power of all the revenues should be maintained. Future fuel tax and fuel sales tax revenues will still drop, however, due to fuel efficiency and alternate vehicles. To a certain unknown extent, this drop will be offset by the increase in alternate fueled vehicles paying the new Alternate-Fuel Vehicle Fee.

The following tax increases were approved by SB 1 to raise \$52.3 billion over 10 years:

Gasoline Excise Tax: Increases the tax rate by 12 cents per gallon on November 1, 2017. On July 1, 2019, changes the tax rate again to cancel out adjustments since 2010 due to gasoline price fluctuations.

Diesel Fuel Excise Tax: Increases the tax rate by 20 cents per gallon on November 1, 2017. As with the Gasoline Excise Tax, changes the tax rate again on July 1, 2019 to cancel out adjustments since 2010 due to fuel price fluctuations.

Diesel Fuel Sales Tax: Increases the tax rate by 4% effective November 1st.

Vehicle Registration Fee ("Transportation Improvement Fee"): Adds a fee of \$25 - \$175 per year based on vehicle value, starting with calendar year 2018, subject to adjustment based on CCPI.

Alternate-Fueled Vehicle Fee: Introduces a \$100 annual fee on alternate-fueled vehicle models 2020 and later, subject to adjustment based on CCPI.

RELATIVELY SMALL SHARE FOR VCTC PRIORITIES

Aside from the significant amount of money apportioned by formula to the local jurisdictions for street repair, there is also a much smaller amount that provides a guaranteed share to Ventura County for priorities established by VCTC. These funds fall under the following programs:

Flexible Transit Funds: 3.5% of the 4% Diesel Fuel Sales tax increase, approximately \$250 million per year, will be provided to increase the State Transit Assistance program which provides money by formula which can be used for transit operations and capital. Over the past several years these allocations have dropped so this increase will more than offset the prior losses. For example, in FY 2012/13 Ventura County received \$5.0 million but the current FY 2017/18 estimate (without SB 1 included) is \$3.6 million. It should also be noted that the formula cap-and-trade funds received by VCTC for transit service improvements are also dropping significantly, raising the possibility that STA will eventually be needed to continue those new services.

Due to the lag in distributing the new funds VCTC anticipates little change for 2017/18, but in 2018/19 SB 1 should provide for an increase of \$3.1 million. Under the STA formula, \$0.4 million of the county's apportionment is designated for Gold Coast Transit and Metrolink, leaving \$2.7 million of the new funds for VCTC priorities. VCTC's policy has been to use its ongoing STA share for VCTC Intercity Bus and Metrolink operations.

Transit State of Good Repair: Besides the "Fix it First" emphasis for highways and streets, SB 1 also provides that \$105 million per year from the new Vehicle Registration Fee, adjusted for California CPI, will be distributed by the STA formula for transit state of good repair costs including projects to maintain, repair, rehabilitate or modernize transit vehicles and facilities, or to purchase vehicles or construct facilities that improve transit services. Prior to receipt of funds project sponsors must submit to Caltrans a list of the projects that will use the funds. Staff anticipates Ventura County will receive about \$1 million per year from this fund.

State Transportation Improvement Program (STIP): The STIP will receive a share of the anticipated revenue increase resulting from the stabilization of the existing fuel tax rate. Over ten years these funds are estimated to add \$1.1 billion STIP projects, of which VCTC's county share would be \$18 million. While these new funds are certainly welcome it is important to recognize that the approval of the last 5-year STIP required the removal of \$750 million worth of projects which will not be fully offset by the new \$1.1 billion over 10 years, so the increased funds might not be enough to allow the programming of new projects in the 2018 STIP. One likely short-term benefit to VCTC of the new STIP funds is that VCTC had anticipated in 18/19 a significant cut in the 5% of its county share available for Planning, Programming and Monitoring, but now that impending cut will be significantly lessened or possibly even eliminated.

OTHER APPORTIONED FUNDS LIKELY TO BENEFIT VENTURA COUNTY

The various regional rail agencies in California had advocated for direct formula subventions for commuter and intercity rail, and SB 1 provided these set asides, utilizing 0.5% of the 4.0% increase in the diesel fuel sales, as follows:

Commuter Rail: SB 1 provides 0.25% of the 4.0% diesel sales tax increase by formula to the commuter rail operators, for an estimated total of \$20 million per year. Despite the large variance in rail system size, the funds are initially divided equally among the 5 commuter rail agencies, so that Metrolink will get about \$4 million. Starting in 2020 the funds are to be distributed according to a formula developed by the State Transportation Agency. The funds can be used for capital or operations.

Intercity Rail: Another 0.25% of the 4.0% diesel sales tax increase is to be distributed to the state's three intercity rail agencies, one of which is LOSSAN. The distribution formula will be determined by the State Transportation Agency, although each of the 3 agencies must receive a minimum of 25%, meaning that LOSSAN will get at least \$5 million per year. These funds can be used for capital or operations.

APPORTIONED FUNDS THAT WILL NOT INITIALLY GO TO VENTURA COUNTY

SB 1 makes permanent the "State/Local Partnership" program, to provide \$200 million per year for jurisdictions that have approved local tax measures to support transportation. Specifically excluded are local general taxes such as those in Oxnard, Ventura, Port Hueneme and Santa Paula. Therefore, with no local transportation tax Ventura County will not be eligible for these funds.

SIGNIFICANT EXPANSION OF STATEWIDE COMPETITIVE PROGRAMS

Although the primary emphasis is on "State of Good Repair," there is a significant amount of funding in SB 1 for transportation improvements. These funds will be primarily distributed to projects selected by the state through competitive grants. Funds will go to the following programs:

Active Transportation Program: This program will be augmented by \$100 million per year starting in FY 2017/18, nearly doubling the size of the program. Furthermore, since the funds are committed through adoption of a five-year program, it will be possible to program the next five years of SB 1 funds at once. As a result, the next funding cycle will likely be a one-time opportunity to program far more projects than usual. Although the current program includes a guaranteed minimum of funds going to Ventura County projects, this provision is related to the requirements of federal funds currently going to the program, so the state could program all of the funds added by SB 1 without increasing the county minimums.

VCTC will work with CTC as the guidelines are revised for the next funding cycle, and will continue working with local agencies as resources allow to help develop competitive grant applications for the next round are submitted to CTC.

Transit and Intercity Rail Capital Program: SB 1 provides about \$245 million per year for this competitive grant program administered by the State Transportation Agency. The program had previously been funded largely by cap-and-trade funds. VCTC will likely need to work with local bus and rail operators to support transit capital applications to the state, working especially with SCRRA and LOSSAN to identify and apply for possible priorities on the Ventura County rail line for which VCTC has significant responsibility.

Trade Corridor Enhancement Fund: Ten cents of the diesel fuel per-gallon tax increase, an estimated \$3.3 billion over 10 years, will flow directly to this program, which will take the place of the Trade Corridor Improvement Fund that was funded through Proposition 1B. The Commission will recall that the Proposition 1B Trade Corridor funds were distributed based on regional priorities developed by a Consensus Group for each corridor, with the Southern California program including \$33 million for the Rice/101 Interchange, the 101/23 Interchange, and the Hueneme Road Widening. The change in program name, and the legislative language, appears intended to provide for a more state-driven rather than corridor-driven prioritization process.

There is no legislative language delegating authority for project selection to an agency such as CTC, so that decision remains with the Legislature for now. VCTC will need to continue to monitor this process and determine how to best advocate for freight movement projects such as the Rice Road Bridge and Port of Hueneme Flow Improvement.

Solutions for Congested Corridors Program: This program will provide about \$250 million per year for a competitive program for projects to be selected by CTC that “are part of a comprehensive corridor plan designed to reduce congestion in highly traveled corridors.” Eligible projects include improvements to state highways, public transit facilities, local streets and roads, bicycle and pedestrian facilities, and restoration or preservation work that protects critical local habitat or open space. Highway capacity expansion projects are not eligible with the exception of high-occupancy vehicle and high-occupancy toll lanes or other non-general purpose lanes such as auxiliary lanes or truck-climbing lanes.

VCTC will need to work with the other regional agencies to be involved with CTC in the development of guidelines, and will need to consider possible Ventura County projects that could use these funds in the future.

Local Planning Grants: SB 1 sets aside \$25 million per year for local planning grants to be selected by Caltrans. Staff expects to monitor the program as information becomes available, to consider possible grants for local planning work in Ventura County.

NUMEROUS MISCELLANEOUS PROVISIONS

SB 1 contains a host of other provisions addressing transportation issues. Items of interest to VCTC or Ventura County agencies include:

- Loan Repayment: In addition to new tax revenues SB 1 also commits to the repayment over three years of \$706 million of old loans taken from transportation accounts to balance the state budget, and provides for the distribution of this money primarily for road rehabilitation and the Transit and Intercity Rail Capital Program which will receive \$236 million.
- Termination of Transportation Congestion Relief Program: SB 1 terminates this program by which the Legislature in the early 2000’s earmarked state budget surplus funds to designated projects. There was one project in Ventura County, namely the Route 101 California Street Off Ramp project in Ventura which had a \$15 million earmark. The City of Ventura was unable to

identify sufficient resources to fully-fund that project, so now that prior earmark has been eliminated.

- Environmental Streamlining: The bill includes provisions to expand the CEQA exemption for road repair and to establish an Advanced Mitigation Program.

RELATED LEGISLATION

In parallel to the negotiations on SB 1 to secure two-thirds support, two other bills have been passed:

- SB 132 (Budget Committee) includes earmarks of \$927 million from state transportation funds for projects in Riverside and Merced Counties, plus \$50 million for an Air Resources Board program for low-emission warehouses.
- SB 496 (Canella) provides that design service contract indemnity provisions are unenforceable except under certain circumstances. This bill had been opposed by the Self-Help Counties Coalition.

VCTC ACTIONS FOR THE UPCOMING YEAR

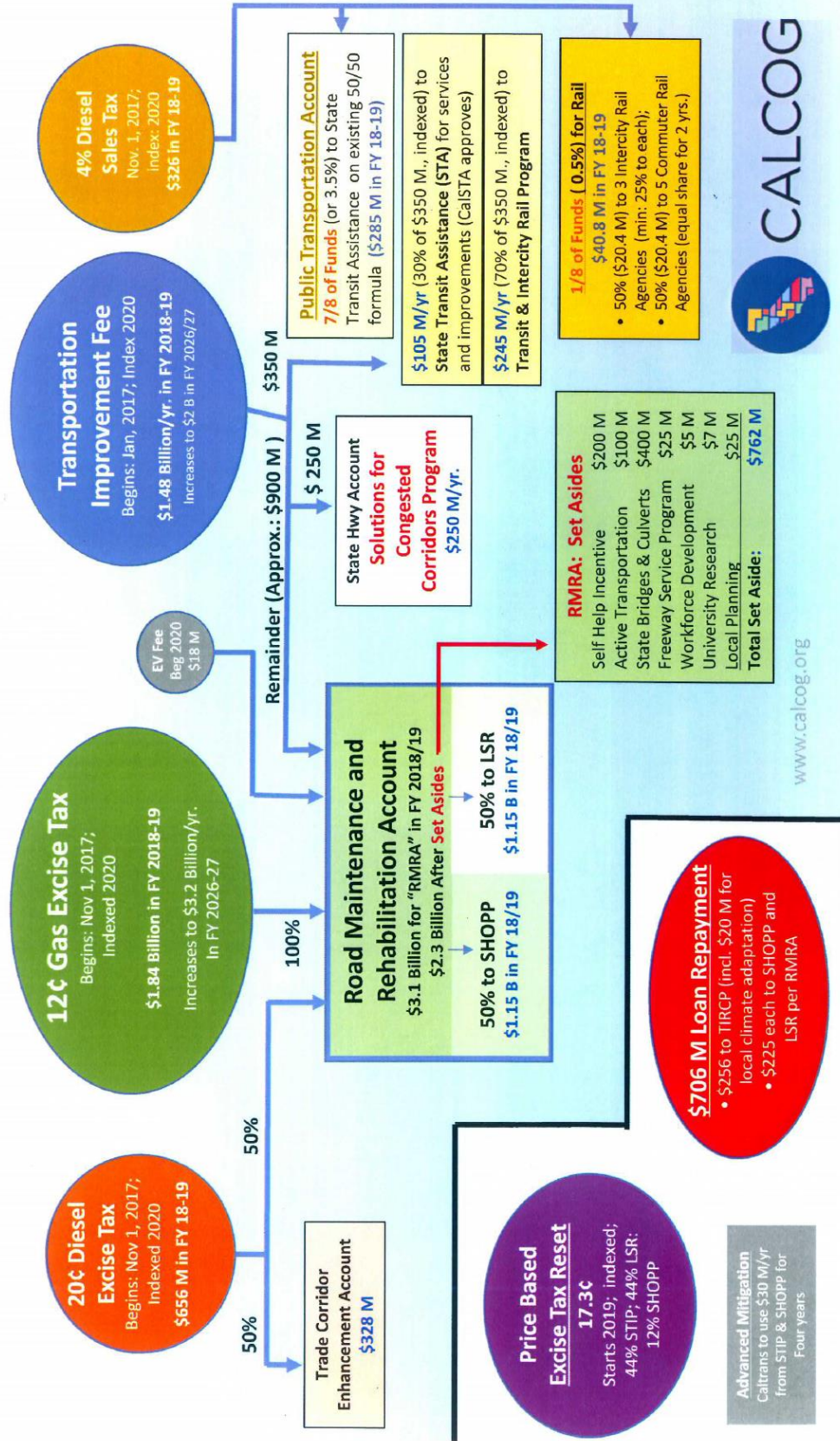
In the coming months VCTC will need to develop priorities for new transit funds to be included in its apportionment. With the new taxes going into effect November 1st, and the time lag in distribution of funds from the state, it would be premature at this time to include new monies in the FY 2017/18 budget, but these new funds will affect the transit priorities in the FY 2018/19 budget, as well as the availability of PPM funds in that year.

During the upcoming year, VCTC will need to work extensively with SCRRA and LOSSAN to consider strategies for using the new direct subventions to those agencies. As has been described VCTC will also need to work with the local agencies consider strategies for possible projects from the other competitive programs, while at the same time working with CTC, Caltrans, and the other regional agencies to engage in the guidelines development process for the various new funds.

At its April meeting TTAC requested periodic updates on SB 1 implementation. Staff believes this suggestion would be appropriate for the Commission and the other committees as well so during the upcoming year these periodic updates will be provided.

SB 1: TRANSPORTATION ACCOUNT FLOWS (DRAFT)

FY 18-19 Estimates from Senate Appropriations Committee Analysis



UNSPECIFIED ABBREVIATIONS FROM CALCOG GRAPHIC:

“B” = Billion

“Beg” = Begins

“EV Fee” = Electric Vehicle Fee

“CalSTA” = California State Transportation Agency

“FY” = Fiscal Year

“LSR” = Local Streets and Roads

“Jan” = January

“M” = Million

“Nov” = November

“SHOPP” = State Highway Operations and Protection Program

“STIP” = State Transportation Improvement Program

“TIRCP” = Transit & Intercity Rail Capital Program

AB 1113 (Bloom)**Summary:**

AB 1113 by Assembly Member Bloom makes a number of changes to the statutes governing the State Transit Assistance Program (STA) to clarify several ambiguities related to how these funds are distributed by the Controller's Office, including changing the timeframe for transit operators to submit annual reports to the State Controller's Office (SCO) to within seven months after the end of the fiscal year and requires the regional transportation planning agency with jurisdiction over a transit operator to verify the operator is eligible for funding under the STA program prior to the operator submitting its report.

Purpose:

The Controller's Office is responsible for distributing STA dollars to the 32 regional transportation planning agencies and 18 metropolitan planning organizations in the following manner:

- 50% of STA funds are allocated based on their share of the population
- 50% of STA funds are allocated based on transit operators' revenues.

In 2016, the Controller's Office, based on advice from its legal counsel, implemented changes to the methodology used to calculate a public transit operator's STA revenue share. These changes impacted all public transit operators in California to varying degrees. In response, the Legislature included in a trailer bill last year provisions that temporarily deferred the implementation of these changes by requiring the Controller's Office to use the same list of eligible recipients and the same proportional operator shares from the fourth quarter of FY 2015 to distribute any unallocated FY 2016, and all FY 2017 and FY 2018 STA revenue-based funds.

AB 1113 provides clarity to some of these issues, including who is eligible to receive STA revenue-based funds, what revenue sources may be used to determine a public transit operator's revenue-based share, how an individual operator's revenue-based share is to be calculated, and how regional planning agencies are to suballocate these funds to public transit operators within their respective jurisdictions.

Author's Statement:

According to Assemblyman Bloom, the statutes governing the STA program contain numerous ambiguities. While there was a longstanding recognition of how the program was to operate, these ambiguities had unintended consequences when they recently led to a reinterpretation of which entities are eligible to receive STA program funds. This bill is intended to clear up all of those ambiguities and allow the program to continue operating as it was designed to. AB 1113 will add clarity and needed specificity to the statutes, ensuring future administrators of the STA program will understand today's legislative intent.

Existing Law:

California Public Utilities Code, SEC 1. Section 99243, SEC 2. Section 99312, SEC 7. Section 99313, SEC 12. Section 99314

Current law provides funding for public transportation through the Transportation Development Act, including STA, which is derived from the statewide sales tax on diesel fuel. The law requires STA funds be allocated by the SCO by formula with 50% being allocated according to population and 50% being allocated according to transit operator revenues from the prior fiscal year. The SCO is required to allocate funds to specified RTPAs for public transportation purposes and is required to design and adopt a uniform system of accounts and records under which operators prepare and submit annual reports of their operation. Existing law requires the annual report to be submitted within 90 days of the end of the fiscal year.

Related Legislation:

SB 838 (Budget Bill) – SB 838 passed last session, and the bill temporarily deferred the implementation of the SCO changes by requiring the Controller's Office to use the same list of eligible recipients and the same proportional operator shares from the fourth quarter of FY 2015 to distribute any unallocated FY 2016, and all FY 2017-18 STA funds.

SB 1 (Beall) – This measure recently passed and increases several taxes and fees to raise the equivalent of roughly \$52.4 billion over ten years in new transportation revenues, including new funding for STA. SB 1 also updates reporting to the SCO for the expenditure of new STA revenues.

Support/Opposition:

Support

California Transit Association (Sponsor)
Foothill Transit
Livermore Amador Valley Transit Authority
Monterey-Salinas Transit
Santa Clara Valley Transportation Authority
Orange County Transportation Authority

Opposition

None received as of April 21, 2017.

VENTURA COUNTY TRANSPORTATION COMMISSION STATE LEGISLATIVE MATRIX BILL SUMMARY May 1, 2017			
BILL/AUTHOR	SUBJECT	POSITION	STATUS
AB 1 Frazier	Increases fuel taxes and vehicle fees to raise \$6 billion annually for transportation.	Watch	In Assembly Transportation Committee.
AB 17 Holden	Provides funds to transit operators by formula in support of student bus pass programs.	Support	Passed Assembly Transportation Committee 11-3. In Assembly Appropriations Committee.
AB 28 Frazier	Extends by three years the legal provisions allowing delegation of NEPA authority to Caltrans.	Support	Signed by Governor.
AB 278 Steinorth	Provides for CEQA exemption category for bike paths and freeway auxiliary lanes if certain requirements are met.	Support	In Assembly Natural Resources Committee.
AB 467 Mullin	Allows transportation expenditure plans to be posted on line and available by mail, rather than printed in voter pamphlet.	Work with Author	Passed Assembly Local Government Committee 9-0. In Assembly Elections & Redistricting Committee.
AB 1113 Bloom	Clarifies statutory ambiguity to continue existing State Transit Assistance apportionment formula.	Support	Passed Assembly Transportation Committee 13-0. In Assembly Appropriations Committee.
ACA 5 Frazier	Places before the voters a measure to prohibit borrowing of taxes and fees imposed on vehicles, and other new revenues approved under SB 1, effectively replacing SCA 2 which VCTC supported.	Support	Passed Assembly 56-24. Passed Senate 28-10.
SB 1 Beall	Original bill increased fuel taxes and vehicle fees to raise \$6 billion annually for transportation. Amended to become the Road Repair & Accountability Act of 2017 providing \$5.2 billion annually.	Watch	Passed Senate Appropriations Committee 5-2. Passed Senate 27-11. Passed Assembly 54-25. Signed by Governor.

**VENTURA COUNTY TRANSPORTATION COMMISSION
STATE LEGISLATIVE MATRIX BILL SUMMARY
May 1, 2017**

BILL/AUTHOR	SUBJECT	POSITION	STATUS
SCA 2 Newman	Places before the voters a measure to prohibit borrowing of taxes and fees imposed on vehicles.	Support	Passed Senate Appropriations Committee 5-2.

Staff-recommended Commission position shown in **bold**.



Item #11

May 12, 2017

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: PETER DE HAAN, PROGRAMMING DIRECTOR

SUBJECT: APPROVE COMBINED CALL-FOR-PROJECTS FOR CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FUNDS AND TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 BICYCLE AND PEDESTRIAN FUNDS

RECOMMENDATION:

- Approve guidelines in Attachment A for a new call for projects to program CMAQ and TDA Article 3 Bicycle & Pedestrian funds, for two years' worth of funds.
- Approve Call for Projects Schedule contained in the agenda item.
- Approve "off-the-top" funding of \$443,000 for Regional Ridesharing (to come from the Non-Transit share) for each of the two years, and \$600,000 for Transit Outreach (to come from the Transit share) for the second year.
- Approve policy for Shelf List (Attachment B).

BACKGROUND:

This call for projects is for \$5,847,000 for bicycle and pedestrian improvements funded by CMAQ and TDA Article 3 funds and \$3,390,000 for transit projects funded by CMAQ. The total amount of revenue available for this call for projects is \$9,237,000. The deadline for applications is August 21, 2017.

Since VCTC developed its Comprehensive Transportation Plan and adopted it in 2013, there have been discussions involving VCTC and its various advisory committees regarding the need for a more robust program for funding non-motorized transportation projects, to better emphasize more transformative projects to address the issue on a regional level. Over the past year staff has been working on the Bicycle Wayfinding Study which has been viewed as an effort that will help inform VCTC's priorities for focusing its limited available funds on projects that will truly address the regional network. While the Bicycle Wayfinding Study was under way, there were continued discussions with TTAC and CTAC/SSTAC regarding the funding sources that VCTC programs for bicycle and pedestrian projects, namely CMAQ and TDA Article 3, with staff recommending that to better coordinate the programs in light of VCTC's priorities that the programming of these two funds be combined into a single call for projects to program two-years' worth of funds at one time. With the adoption of the Wayfinding Study at the April 2017 Commission meeting, the proposed combined call for projects can now move forward.

Transit projects are also eligible to receive CMAQ funds. Based on the Comprehensive Transportation Plan VCTC's policy has been to set aside half of the available CMAQ funds for transit projects, with the other half going to projects in the remaining eligibility categories, with bicycle and pedestrian facilities being the one category in the non-transit share that typically receives almost all of the funds. Over the

past several months TRANSCOM has also discussed the CMAQ program, recognizing that the competition for these funds is likely to be increased due to the completion of the Proposition 1B program that provided bond funds that addressed a significant share of the transit system's capital requirements. The transit operators had wanted to hold off on selecting CMAQ projects from the transit share due to uncertainties regarding other possible sources of capital funding including a decision on submitted FTA Section 5337 and state cap-and-trade program discretionary grants as well as the result of Measure AA. Now that it is known that none of these other funding measures will help address the transit capital needs in Ventura County, VCTC can move forward with selecting CMAQ transit projects in light of the lack of alternate transit capital funding sources.

Attachment A provides the proposed call for projects guidelines for the Committees' review and approval. These guidelines have been revised to contain more specific information applicable to each of the two categories.

The following is the proposed schedule for the proposed call for projects:

- TRANSCOM Approval of Call Process: April 13, 2017
- TTAC Approval of Call Process: April 20th
- CTAC Approval of Call Process: May 9th
- VCTC Approval of Call Process: May 12th
- Notification of Funding Availability: May 15th
- Applications Due to VCTC: August 21st
- CTAC Approval of Non-Transit List: September 12th
- TRANSCOM Approval of Transit List: September 14th
- TTAC Approval of Non-Transit List: September 21st
- VCTC Approval to Projects: October 6th
- Approval of Amendment to Federal Transportation Improvement Program: January, 2018

Regarding the schedule, the combining of TDA Article 3 Bicycle & Pedestrian and CMAQ Non-Transit programs into a single call for projects will necessitate changing the prior CTAC review process which included project sponsor presentations at CTAC. As a result, the CTAC approval is scheduled to occur in a single meeting, as with TRANSCOM and TTAC.

The following is a summary of the TDA Article 3 Bicycle & Pedestrian and the CMAQ programs:

- Transportation Development Act Article 3: In accordance with California PUC Section 99233.3, up to two percent (2%) of Transportation Development Act (TDA) Local Transportation Funds can be set aside by VCTC for planning, construction and/or maintenance of bicycle and pedestrian facilities, with the program policies adopted by VCTC. In Ventura County 25% of the TDA Article 3 funds are set aside for maintenance with the remainder of the funding allocated on a competitive basis for projects that foster an increase in bicycling and walking and provide improved connectivity. Over the last few years, Ventura County has received roughly \$650,000 a year in Article 3 funds. Assuming future years are roughly the same, after reserving 25% of the funds for bicycle path maintenance, approximately \$1 million will be available over two years.
- Congestion Mitigation and Air Quality (CMAQ): The federal Fixing America's Surface Transportation Act (FAST) Act authorizes VCTC to receive an apportionment of approximately \$7 million of CMAQ funding per year through FY 2019/20. CMAQ is used for projects which mitigate congestion and reduce vehicle emissions. Under VCTC's policy to divide the funds equally between transit and non-transit projects, the CMAQ funding available for a two-year period totals \$7 million for transit projects and \$7 million for non-transit projects. However, at the June 2016 and December 2016 meetings TTAC took action to program \$1,063,000 for cost increases to the

Santa Paula Bike Path, thus reducing the available CMAQ for non-transit to \$5,937,000. Similarly, in September, 2016 TRANSCOM approved setting aside \$1.5 million for farebox and vehicle locator equipment and \$500,000 for FY 17/18 Countywide Transit Marketing, reducing the available Transit CMAQ to \$5 million.

Each year, VCTC has utilized \$443,000 of the Non-Transit CMAQ share for the Regional Ridesharing program and \$500,000 out of the Transit CMAQ share for Countywide Transit Outreach. In the most recent CMAQ programming cycle it was decided to take these two projects "off the top" rather than require submittal of applications, and scoring for those projects, on grounds that these projects have always scored highly and continue to be a clear regional priority. Furthermore, as was previously mentioned TRANSCOM has already approved taking \$500,000 for the FY 17/18 Countywide Outreach off-the-top. In recent years, VCTC's annual Countywide Outreach cost has been approximately \$600,000 but there was sufficient carryover to fund the extra \$100,000. By FY 2018/19 that carryover is anticipated to be used up so \$600,000 in new CMAQ will be required to continue the existing level of effort required for VCTC to discharge its outreach responsibility. Staff recommends that the policy continue with this new call for projects, so that two years' worth of funds for both activities are taken off the top, with the FY 2018/19 programmed amount for Transit Outreach being increased to \$600,000.

As a result of the funding commitments for Regional Ridesharing, and Countywide Transit Outreach, the total available in this call for projects (inclusive of both CMAQ and TDA Article 3 Bicycle & Pedestrian) will be \$6,051,000 for Non-Transit projects and \$4,400,000 for Transit projects. The staff recommendation in the April TTAC agenda to swap CMAQ for Camarillo STP will further reduce the Non-Transit amount by \$204,000, to \$5,847,000. The staff recommendation in the April TRANSCOM agenda to provide \$1.01 million in CMAQ to Thousand Oaks to replace \$1.01 million in Proposition 1B that was borrowed by VCTC will reduce the Transit amount to \$3,390,000.

The prior calls for projects employed a policy that some projects not ranked highly enough to be funded were placed on a shelf list and could receive funds if needed to avoid a lapse of apportionment. Staff is recommending a continuation of that policy, provided in Attachment B.

CMAQ has a local match requirement of 11.47% of the total project cost. However, under the federal Toll Credits policy, VCTC has the option of effectively waiving the local match requirement to provide 100% federal funds. Since the match provided through Toll Credits still comes out of VCTC's apportionment, to the extent that projects receive 100% rather than 88.53% funding, fewer projects can be funded. In past calls for projects VCTC has used differing policies regarding the local match requirement, in some cases requiring match, in other cases, not requiring match, and in some cases providing extra points for additional match. Unfortunately in the current situation the available CMAQ funding relative to the need is likely to be small, but until the passage of SB 1 on April 6th it appeared that the available local match would also be limited if available at all. In recognition of this situation the proposed criteria require that applicants must commit to providing the 11.47% match if required but can also request to be relieved of the match. The intent is that VCTC will decide after prioritizing the projects whether to require local match, recognizing at that time which project or projects will fall "below the line" should the local match requirement be waived for the requesting agencies. It is recommended that no points be provided in the transit criteria for local match, but due to the passage of SB 1 providing significant additional streets and roads funds along with a Complete Streets requirement for use of those funds, there be up to 5 points provided for local match for non-transit projects.

TRANSCOM approved this staff recommendation at its April 13th meeting with the proviso that staff return at a future meeting to present the accomplishments and results of the Transit Outreach program. TTAC approved this recommendation at its April 20th meeting. The item is on the May 9th CTAC agenda and staff will verbally report the results of that meeting to the Commission.

THIS PAGE INTENTIONALLY LEFT BLANK

CMAQ / TDA ARTICLE 3 BICYCLE & PEDESTRIAN

PROJECT SELECTION GUIDELINES

FOR VENTURA COUNTY

Congestion Mitigation and Air Quality (CMAQ) funds are used for projects which mitigate congestion and reduce vehicle emissions. A list of eligible projects can be found at the end of these guidelines. Types of eligible projects are as follows:

- Clean Fuel Bus Fleets and Support Equipment
- Improved Public Transit/Ridesharing
- Bicycle/Pedestrian Improvements
- Clean Fuel Fleet Subsidy Programs
- Other Projects that meet the screening criteria

Transportation Development Act (TDA) Article 3 Bicycle and Pedestrian funds available in this call for projects can be used for capital projects that improve bicycle and pedestrian facilities, for bicycle safety educational programs, and for bicycle/pedestrian planning. More detail is provided in the list of eligible projects at the end of these guidelines. VCTC also provides funds to local jurisdictions through a separate formula for bicycle path maintenance.

Applications will be evaluated according to screening and selection criteria. **Screening Criteria** will be used to determine if a proposed project is an eligible candidate. Projects which do not satisfy all of the screening criteria will not be evaluated any further. Second, **Selection Criteria** will be used to evaluate the relative merits of each project to determine what its score/priority ranking should be. Based on the Comprehensive Transportation Plan, half of the CMAQ funds will go toward transit projects and half will go to non-transit projects. In addition, TDA Article 3 Bicycle and Pedestrian funds will go to bicycle and pedestrian projects. Transit and non-transit projects will be subject to separate selection criteria and will be scored separately.

Screening Criteria

The screening criteria are divided into three categories. Proposed projects must meet **all** of these screening criteria in order to move to the next phase of the process.

1. Project Eligibility

- A. Proposed project is eligible for CMAQ funds per guidelines in the Federal Register Vol. 73, No. 203; or for TDA Article 3 Bicycle & Pedestrian funds per TDA Guidelines Section 99233.3.
- B. Project applicant is a city, the County, or a transit operator or other public transportation agency (CMAQ only), or (except for transit projects and TDA-funded projects) a non-profit organization capable of funding and delivering the project, or (for CMAQ projects) is a private/public partnership (possibly with some private funding) subject to approval of FHWA and FTA.
- C. For CMAQ-funded projects, proposed project measurably improves air quality.

2. Planning Consistency

- A. Project is consistent with the goals and policies of the adopted RTP (i.e. SCAG's 2012-2035 RTP/SCS).

- B. Project is consistent with the most-recently adopted general plan(s).
- C. Project is consistent with the most-recently adopted District Air Quality Management Plan.
- D. Transit improvement projects must be consistent with the policies and standards in the adopted Congestion Management Program or included on the Replacement Bus Schedule of the Short Range Transit Plan.

3. Financial Feasibility

- A. Recipient of funds must have the financial capacity to complete, operate and maintain the project.
- B. Funds required from other sources (for local match) must be reasonably expected to be available.
- C. Project can be implemented within Federal and/or State delivery requirements.
- D. Agency must commit to providing 11.47% local match. However, an agency can request to access toll credits to pay 100% of project cost, but VCTC approval of such request is not assured as it would have to come out of the total funds available to projects. In the event a local match is required, VCTC will allow use of Toll Credits to provide 100% of construction funds if an equivalent amount of non-federal funds are used for prior project phases.

Selection Criteria for Transit Projects

Points	Scoring Criteria
(0 to 20 points)	<p>1. Project’s Potential to Increase Transit System Capacity and/or Ridership Attract Active Transportation Users, Reduce Motor Vehicle Trips and Serve Destinations – This criterion is designed to evaluate how likely the project is to reduce trips and improve air quality by attracting transit users or increase transit system capacity.</p>
(0 to 25 points)	<p>2. Project’s Necessity to Continued Operation of the Existing Transit System with Reliable Equipment – In recognition of the importance of a reliable transit system in maintaining ridership, this criteria assigned points to a project on the basis of how it addresses the need to replace or rehabilitate existing transit system equipment that if not replaced at this time will be considered beyond its useful service life based on the FTA definitions. In particular, 15 points will be given to replacing buses that are identified in a Short Range Transit Plan (SRTP) or Fleet Maintenance Plan as scheduled to reach the end of their economic service life. Five (5) points will be based on whether the project extends the useful life benchmark of an asset, 5 points for a 25% increase and 2 points for a 10% increase. To be considered eligible for CMAQ an equipment replacement project must provide an air quality benefit such as the new or refurbished equipment having reduced emissions from what was previously in use.</p>
(0 to 45 points)	<p>3. Air Quality Improvements and Special Considerations – This criterion evaluates the degree to which the project improves air quality for the CMAQ-defined pollutants namely ROG, NOx, PM10, and PM 2.5. The air quality improvement can be due to such factors as cleaner transit system equipment emissions, or reduced VMT due to transit improvements resulting in a diversion of trips from the private car. Up to 15 points will be awarded for a project’s anticipated air quality benefit or for other special considerations.</p> <p>Up to 20 points shall be assigned based on cost effectiveness calculated by VCTC staff in consultation with APCD staff according to the “Methods to Find the Cost-Effectiveness of Funding Air Quality Projects” released by the California Air Resources Board (May 2005).</p> <p>10 points shall be awarded if a project is eligible to be a Transportation Control Measure, as determined by the attached list. Such projects, once programmed will become a regional priority for achievement of air quality conformity.</p>
(0 to 10 points)	<p>4. Safety and Security – A project will receive 10 points if the application demonstrates that it will increase safety and/or security for transit patrons, transit employees, or the general public.</p>

Selection Criteria for Non-Transit Projects

Points	Scoring Criteria
(0 to 10 points)	<p>1. SAFETY -- This criterion evaluates how the proposed project will effect safety at existing facilities or improve safety by building new facilities.</p> <p>Existing Conditions: Up to 5 points will be awarded for any combination of the following project characteristics: no existing pedestrian or bike facilities; no existing shoulder; documented pedestrian/bicycle collision history; most current and valid 85th percentile speed of motorized traffic in project limits; photos of existing safety hazards project will address; existing pedestrian/bicycle traffic counts demonstrating use; student attendance figures for schools served by project.</p> <p>Safety Improvements: Up to 5 points will be awarded for project elements that improve safety and/or remove or reduce potential conflicts including, but not limited to: adding new or wider sidewalks or new or wider bike lanes, enhanced crosswalks and bicycle crossings, street and pedestrian scale lighting, traffic calming, buffered bike lanes, signage and striping, improved signalization, etc...</p>
(0 to 5 points)	<p>2. PROJECT WORK PLAN, TIMELINE AND READINESS – This criterion evaluates deliverability of a proposed project. Up to 5 points will be awarded to projects presenting a clear work plan for implementation and reasonable timeline.</p>
(0 to 25 points)	<p>3. AIR QUALITY IMPROVEMENTS AND SPECIAL CONSIDERATIONS – This criterion is designed to evaluate air quality benefits. Cost effectiveness may be considered as calculated by VCTC staff in consultation with APCD staff.</p> <p>Additional points will be given to CMAQ projects identified as transportation control measures (TCMs), designated as committed TCMs, and/or required to conform to TCM timely implementation reports. See Transportation Control Measures in Attachment A.</p> <p>This criterion is also designed to add flexibility and allows cities and/or agencies to be creative and discuss ways in which the proposed project will benefit City/County residents, for example, improving air quality, reducing VMT, serving older areas without recent improvements, reducing speeds, making major improvements to accessibility and/or to serve lower income residents.</p>

Points	Scoring Criteria
(0 to 20 points)	<p>5. PROJECT'S POTENTIAL TO ATTRACT ACTIVE TRANSPORTATION USERS AND/OR REDUCE MOTOR VEHICLE TRIPS WITH AN EMPHASIS ON SERVING DESTINATIONS.</p> <p>Bicycle and Pedestrian Project: This criteria is designed to evaluate how likely the project is to reduce trips and improve air quality by attracting active transportation users and/or reducing motor vehicle trips (30 percent of trips are a mile or shorter, 40 percent are two miles or shorter and 50 percent are three miles or shorter)</p> <p><u>Destinations Served</u> – Four points will be awarded for each destination served by the proposed project (e.g. transit stop, park and ride facility, employment center, post office, school/college, school bus stop, retail center, downtown area, library, museum, government office, medical/health facility, multi-family/senior housing) up to a maximum of 20 points. *Map with numbered destinations served must be included. For pedestrian projects, destinations served must be within a ¾-mile or less radius of the proposed project. For bicycle projects, destinations served must be within a two-mile or less radius of the proposed project.</p> <p>Non-bicycle/Non-pedestrian projects: Up to 20 points will be awarded for the degree to which the project improves mobility and safety particularly on freight or transit corridors, addresses identified community needs, or provides economic, environmental and air quality benefits. Applicants, to the extent possible, shall provide quantified estimates for such benefits</p>
(0 to 25 points)	<p>5. NETWORK CONNECTIVITY Including Multi-Jurisdictional/Multi-Agency/Multi-modal Projects. This criterion evaluates whether the proposed project has local and/or regional significance.</p> <p>Up to 5 points will be awarded to projects involving more than one mode of transportation.</p> <p>10 points will be awarded to projects to non-bicycle projects identified in an adopted Local or Regional Transportation Plan (Pedestrian, Active Transportation, Strategic Plan, CMP, ITS plan, Signal Plan) or Capital Improvement Plan.</p> <p>20 points will be awarded to projects that address missing gaps identified in the Bicycle Wayfinding Study.</p>

Points	Scoring Criteria
(0 to 10 points)	<p>6. COMPLETE STREET DESIGN – Up to 10 points will be awarded based on the extent that the proposed project is designed to encourage people to use the proposed facility; such as traffic calming, buffers between cars and bicycle/pedestrian facilities, opening closed crosswalks, enhanced crossing improvements, pedestrian scale lighting, street trees, or if the project addresses a barrier, etc...</p>
(0 to 5 points)	<p>7. LEVERAGED FUNDS – One point will be awarded for each 10% of local committed funds to a project, for a maximum of 5 points for projects with at least 50% local funding.</p>

PROJECTS ELIGIBLE FOR CMAQ FUNDING

Congestion Management and Air Quality (CMAQ) program funds can be used to fund projects expected to result in tangible reductions in CO and ozone precursor emissions, and under certain conditions PM-10 pollution. Eligible activities include:

Transportation Control Measures: TCMs are likely to be eligible, however the air quality benefits must be determined and documented before a project can be considered eligible. Two TCMs specifically excluded by legislation from CMAQ eligibility are reduction of emissions from extreme cold-start conditions and programs to encourage removal of pre-1980 vehicles. TCMs are listed on Attachment. Committed TCMs as defined in the Air Quality plan become a regional commitment for priority implementation.

Transportation Activities in an Approved State Implementation Plan: Transportation activities in approved SIPs are likely to be eligible activities. The activity must contribute to the specific emission reductions necessary to bring an area into attainment.

Transit Projects: In general, CMAQ eligibility is determined on the basis of whether or not the project represents an expansion or enhancement of transit service. Eligible capital projects include new stations, transit centers, and preferential bus/HOV treatment on existing roads; new park-and-ride facilities adjacent to transit stops; and major new fixed-guide way and bus/HOV facilities and extensions; new alternative-fueled transit buses, vans, locomotives and rail cars; and operating subsidies for 3-year demonstrations of new service.

Alternative Fuels: Conversion or replacement of centrally-fueled fleets to alternative fuels is eligible provided that the fleet is publicly owned or leased, and the fleet conversion is in response to a specific requirement in the Clean Air Act or is specifically identified in the State Implementation Plan.

Bicycle and Pedestrian Program: Include eligible projects are construction of bicycle and pedestrian facilities, non-construction projects related to safe bicycle use, and establishment and funding of State bicycle/pedestrian coordinator positions.

Management Systems: Projects required to develop, establish the management systems for traffic congestion, public transportation facilities and equipment, and intermodal transportation facilities and systems, as well as implementation of projects contained in them, are eligible where it can be demonstrated they are likely to contribute to attainment of air quality standards.

Traffic Management/Congestion Relief Strategies: Traffic management and congestion relief strategies for both highways and transit are eligible provided that they can be shown to improve air quality. Projects to modernize traffic signals to improve traffic flow and intelligent transportation systems are included under this category. Addition of mixed-flow travel lanes is ineligible.

Telecommuting: Planning, technical and feasibility studies, training, coordination and promotion for telecommuting are eligible activities under CMAQ. Physical establishment of telecommuting centers, computer and office equipment purchases and related activities are not eligible.

Travel Demand Management: Eligible activities include: market research and planning in support of TDM implementation; capital expenses required to implement TDM measures; operating assistance to administer and manage TDM programs; and marketing and public education efforts to support and bolster TDM measures.

Intermodal Freight: CMAQ funds may be used for improved intermodal freight facilities where air quality benefits can be shown.

Public/Private Initiatives: The CMAQ program may be used to fund projects or programs that are owned, operated or under the primary control of the public sector, including public/private joint ventures. Under TEA-21, non-profit organizations are eligible as direct recipients of CMAQ funds.

Outreach Activities: Outreach activities, such as public education on transportation and air quality, advertising of transportation alternatives to SOV travel, and technical assistance to employers or other outreach activities for an Employee Commute Option program may be funded under the CMAQ program for an indefinite period. Transit “stores” selling fare media and dispensing route and schedule information which occupy leased space are also eligible and are not subject to the 3-year limit.

Fare/Fee Subsidy Program: CMAQ funds may be used for partial user fare or fee subsidies to encourage greater use of alternative travel modes (e.g. carpool, vanpool, transit, bicycling and walking), as part of a comprehensive, targeted program to reduce SOV use. The subsidized fare/fee must be limited to any one entity or location for a period not to exceed 2 years.

Other Projects and Programs: Other transportation projects and programs, even if they are not included under one of the categories above may also be funded under CMAQ. Innovative activities based on promising technologies and feasible approaches to improve air quality will also be considered for funding. Documentation of air quality benefits must be provided.

PROJECTS ELIGIBLE FOR TDA ARTICLE 3 BICYCLE & PEDESTRIAN FUNDING

TDA Article 3 funds are provided for the exclusive use of pedestrians and bicyclists. TDA Section 99234 provides a description of eligible uses. Generally, Article 3 bicycle and pedestrian claims provide funding for facilities provided for the use of bicyclists & pedestrians and may include projects that serve the needs of commuting bicyclists, including, but not limited to new trails or pathways serving major transportation corridors, secure bicycle parking at employment centers, park and ride lots, and transit terminals where other funds are unavailable. For this call for projects, eligible projects include (TDA Section 99234):

1. Construction and/or engineering of a bicycle or pedestrian capital project
2. Bicycle safety education program(s), provided the program does not fully fund the salary of any one person.
3. Development of a comprehensive bicycle or pedestrian facilities plan.

TCM PROJECT CATEGORIES

A. High-Occupancy Vehicle Measures

- New HOV Lanes or ramps (3 or more)
- HOV Bypasses, Connectors, and New Interchanges with Ramp Meters
- High Occupancy Toll (HOT) Lanes and Pricing Alternatives

B. Transit and System Management Measures

Transit

- Rail Track – New or Expanded Lines
- New Rolling Stock Acquisition – Rail Cars and/or Locomotives
- Bus Rapid Transit and Dedicated Bus Lanes – Express Busways
- Buses – Fleet Expansion
- Shuttles and Paratransit Vehicles – Fleet Expansion

Intermodal Transfer Facilities

- Rail Stations – New or Expansion
- Park & Ride Lots – New or Expansion
- Bus Stations & Transfer Facilities – New or Expansion

Non-Motorized Transportation Mode Facilities

- Bicycle & Pedestrian Facilities – New or Expansion (non-recreational)
- Bicycle Facilities – New or Expansion (non-recreational)
- Pedestrian Facilities – New or Expansion (non-recreational)

Note: Committed TCMs are 1 mile or greater for bicycle or ¼ mile or greater for pedestrian, or bicycle parking for 10 or more slots/lockers.

C. Information-Based Transportation Strategies

- Marketing for Rideshare Services and Transit/TDM/Intermodal Services
- Intelligent Transportation Systems/Control System Computerization
 - Traffic Signal Synchronization (3 or more signals)
 - Real-Time Transit or Rail Notification System
 - Traffic Management/Operations Centers
 - Changeable Message Signs (5 or more)
 - Closed Circuit Televisions
 - Ramp Metering Systems
 - Systemwide Signal Preemption
 - Traveler/Motorist Information Systems; Highway Advisory Radios
 - Vehicle Detection & Automatic Vehicle Classification Systems
- Telecommuting Programs/Satellite Work Centers

SHELF LIST GUIDELINES

Projects that are scored in the 2017 CMAQ/Bicycle & Pedestrian TDA Article 3 Call for Projects, but below the funding cut-off, will be considered for funding following their scoring priority, if necessary to avoid a lapse of CMAQ apportionment.

Shelf list projects have not been approved by the Commission and their status will be reviewed prior to approval, which must be granted by the Commission after action by the appropriate advisory committee. Projects remaining unapproved at the next call for projects must reapply for funds



Item # 12

May 12, 2017

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: ELLEN TALBO, TRANSIT PLANNING MANAGER
SUBJECT: FISCAL YEAR 2017/2018 TRANSPORTATION DEVELOPMENT ACT (TDA) UNMET TRANSIT NEEDS FINDINGS

RECOMMENDATION

- Approve the draft Fiscal Year (FY) 2017/2018 Unmet Transit Needs Findings and staff recommendation
- Adopt Resolution No. 2017-04 (Attachment B)

DISCUSSION

The Unmet Transit Needs process is conducted each year to collect requests for new or expanded transit service. Before allocating funds for non-transit purposes, staff determines if there are any unmet transit needs that are “reasonable to meet” as discussed in the attached FY 17-18 Transit Needs Assessment report (provided separately).

As part of the annually required Unmet Transit Needs Findings, the Citizen’s Transportation Advisory Committee/Social Service Transportation Advisory Committee (CTAC/SSTAC) is required to review and comment on the recommendations which are proposed to be presented to the Commission. The unmet transit needs findings are included in Attachment A. For FY 17-18, the public comment period for the annual process was held from January 7 – March 20, 2017. Pursuant to Senate Bill 203, the Cities of Santa Paula, Fillmore, Moorpark, and Camarillo are subject to the Unmet Needs process. Adoption of staff’s and CTAC/SSTAC’s recommendation completes the 2017/18 Unmet Transit Needs process and authorizes distribution of Transportation Development Act (TDA) revenue for non-transit purposes.

There were no comments that reached the minimum threshold of the adopted definition of Unmet Transit Needs. Comments received spanned a range of service requests in areas where either transit service already exists, or requests for more frequent service and extended service hours. While not at a level to be defined as an unmet transit need, the most frequent comments were received in the following areas:

- Connectivity between Fillmore – Moorpark
- Connectivity between the Heritage Valley area – Santa Clarita/Valencia
- Transit access to Pt. Mugu
- More local service connectivity in Camarillo and elimination of the Gold Coast/Camarillo transfer point
- Connectivity between Thousand Oaks and various points (Santa Paula, Santa Barbara)

May 12, 2017
Item # 12
Page #2

Demand expressed for some of these service expansions has been limited and in this case staff is recommending continued monitoring of the ridership demand before pursuing extensive analysis of cost-effectiveness. However, there has been some repetitive demand expressed over the last few years regarding service to, from, and throughout Camarillo, Fillmore-Moorpark, and Fillmore-Santa Clarita. With declining ridership trends observed between 2015 to the present, and the unavailability of vehicles to run these service expansions, staff is recommending that these expansions are not reasonable to meet in the 17-18 fiscal year. However, staff recognizes the need and demand for service, and proposes specific coordinated service analysis with the Cities of Camarillo, Moorpark, and the Valley Express service to definitively determine the feasibility of implementing these expansions in the next fiscal year, or potentially in future fiscal years.

RECOMMENDATION

Comments were screened under a two-fold process. First, comments were screened to determine if the request for service met the definition of an unmet need. Second, if a comment met the definition it was further screened to determine if the need was reasonable to meet. Staff screened each comment to determine if it met the definition of an unmet need even though the number of comments on any one issue did not meet or exceed the 15-comment threshold. There were a number of comments received that staff identified as meeting the definition of an unmet need, however those comments were found to be unreasonable to meet. Due to operational constraints on bus fleet size, spare ratio, and operational cost effectiveness it would not be feasible to expand VCTC Intercity service beyond the current service boundary. VCTC and Valley Express continue to coordinate with the City of Camarillo, City of Moorpark, LA Metro, Metrolink, Santa Barbara County Association of Governments, and the other transit providers to work towards improved connectivity and transferability for cross-county travel.

The Gold Coast Transit District (GCTD), City of Ojai, City of Simi Valley, and the City of Thousand Oaks do not utilize or claim TDA Article 8 funds for non-transit purposes and their service is not subject to the Unmet Transit Needs process. However, these transit providers receive comments about their service through this process and staff takes all feedback received into consideration for future planning purposes. All comments VCTC records through this process that relate to these service areas are forwarded to their staff for review.

At this time, the CTAC/SSTAC and staff is recommending that there are no unmet transit needs that are reasonable to meet. Staff will present the recommendation to the Commission in May for approval and determination that Transportation Development Act funds can be allocated for streets and roads purposes in cities fewer than 100,000 persons per SB 716 guidelines.

FY 17-18 Unmet Transit Needs Reasonable to Meet Findings

Service Request	Finding
<p>Service between Fillmore and Simi Valley Town Center</p>	<p>The infrastructure condition of State Route 23 currently does not allow adequate and safe turn radii for Simi Valley Transit vehicles or VCTC Intercity vehicles to facilitate fixed route service. Valley Express service could consider evaluating operations along the SR 23 corridor however currently the Valley Express fleet does not possess enough vehicles to run the service and maintain required vehicle spare ratio. Based on limited support expressed for this service it is not considered reasonable to meet in FY 17-18.</p>
<p>Service between Fillmore and Moorpark</p> <ul style="list-style-type: none"> - Fillmore to Moorpark High School/Chaparral Middle School - Fillmore to Moorpark College 	<p>As a public transit entity, federal law currently prohibits public transit operators from providing school bus service exclusively for the transportation of students and school personnel in competition with school bus operators. For that reason, VCTC could not consider requests for direct transit service to/from the unified district schools in Moorpark. When school bus service isn't available to/from a desired school, the school districts are encouraged to work with their constituents to work toward the best funding solutions for improved school bus service.</p> <p>Regarding general public transit/paratransit service between Fillmore and Moorpark, the Valley Express fleet and Moorpark City Transit fleet does not possess enough vehicles to run the service and maintain required vehicle spare ratios. For this reason, it is not considered reasonable to meet for FY 17-18.</p> <p>However, the demand that has been expressed for this service warrants additional analysis to determine if future service will meet cost-effectiveness and service-effectiveness criteria. It is recommended that Valley Express Transit and Moorpark City Transit coordinate service analysis along this corridor to determine if the service would be reasonable to meet in future fiscal years.</p>
<p>Service between Ventura County – Santa Clarita/Valencia</p> <ul style="list-style-type: none"> - Fillmore to Santa Clarita - Ventura Transit Center to Valencia 	<p>Currently the Valley Express fleet and VCTC Intercity fleet does not possess enough vehicles to run the service and maintain required vehicle spare ratios. For this reason, the service is not considered reasonable to meet for FY 17-18.</p> <p>However, the demand that has been expressed for this service has been consistently moderate over the last two fiscal years. VCTC/Valley Express staff will continue to pursue additional analysis to determine if future service in FY 18-19 would meet cost-effectiveness and service-effectiveness criteria.</p>
<p>Camarillo Area Transit Service:</p> <ul style="list-style-type: none"> - Camarillo Library to Camarillo Village Square on Las Posas/Carmen Dr. - Camarillo Library and 	<p>Camarillo Area Transit service east of Arneill Road is limited to the existing service along the fixed route loop serving Ponderosa Plaza, the Post Office, and the Community Center. The demand expressed for the expansion of fixed route service east of Carmen Drive has been limited however</p>

Service Request	Finding
<p>Camarillo Roxy Theater/Las Posas shopping area</p> <ul style="list-style-type: none"> - Eliminate the transfer point in Camarillo and provide direct service in/out of Camarillo for Seniors - Mission Oaks/Camarillo to St. John's Hospital in Oxnard - Camarillo (Carmen Plaza) to/from St. John's Hospital in Oxnard 	<p>it is recognized that service is a necessary for residents that live east of Carmen Drive needing to access the Gold Coast/Camarillo transfer point in East Camarillo. It is recommended that VCTC and Camarillo Area Transit coordinate service analysis to determine if the service expansion would be reasonable to meet in future fiscal years.</p> <p>The elimination of the transfer point in East Camarillo would not impact cost-effectiveness and it is reasonable to meet.</p> <p>Camarillo Area Transit is currently pursuing grant funds to demonstrate paratransit service between Camarillo and St. John's Hospital. If funds are not received it is recommended that VCTC and Camarillo Area Transit coordinate service analysis to determine if the service would be reasonable to meet in future fiscal years.</p>
<p>Service between Fillmore and Camarillo</p>	<p>Currently the Valley Express fleet and VCTC Intercity fleet does not possess enough vehicles to run the service and maintain required vehicle spare ratios. Demand expressed for this route has been limited. For these reasons, the service is not considered reasonable to meet for FY 17-18.</p>
<p>Transit access to/from East Area 1 in Santa Paula</p>	<p>Land Use Policies and Objectives in the East Area 1 master development plan include considerations for transit access and transit connectivity between the development area and existing transit routes. Valley Express will continue to monitor the demand expressed for service after the residential development occurs.</p>
<p>Pt. Mugu Service</p> <ul style="list-style-type: none"> - Camarillo/Pt. Mugu - Newbury Park/Pt. Mugu - Simi Valley/Pt. Mugu 	<p>Public access to Pt. Mugu requires military or otherwise secured clearance and for this reason service expansion not feasible. However, VCTC will continue to monitor the degree of demand expressed for this route and explore coordination with County Veteran's Services for active and non-active military users.</p>
<p>Express service to Metrolink stations</p>	<p>Currently VCTC is evaluating service operations on the Highway 101/Conejo Connection and the East County routes. Proposed service changes would provide AM express service to Moorpark Station and coordinate AM and PM meet times at Oxnard and Camarillo Stations. VCTC will continue to monitor the degree of demand expressed for this service.</p>
<p>Direct route from Thousand Oaks to Santa Barbara without having to transfer, or fewer stops</p>	<p>Demand expressed for this expansion has been limited. Upon further review of vehicle revenue service hours and revenue service miles, this proposal does not meet the criteria for maintaining existing service equity of other routes, therefore it is not reasonable to meet.</p>
<p>Direct service between Ventura and CSUCI</p>	<p>Demand expressed for this expansion has been limited and not reasonable to meet for FY 17-18 based on cost-effectiveness criteria. VCTC will continue to monitor the degree of demand expressed for this route and coordinate with Gold Coast Transit as necessary.</p>
<p>Service between Ventura and Calabasas</p>	<p>Demand expressed for this expansion has been limited and not reasonable to meet for FY 17-18 based on cost-effectiveness criteria. VCTC will continue to monitor the degree of demand expressed for this route and coordinate with Kanan Shuttle/City of Agoura Hills as necessary.</p>

Service Request	Finding
Sunday service between Simi Valley and Moorpark	Demand expressed for this service has been limited. Based on the performance of Moorpark City Transit weekend demonstration service between 2013-2016, maintaining weekend service would not be reasonable to meet based on cost-effectiveness criteria.
Morning service from Santa Paula to Thousand Oaks and Santa Paula to Metrolink	Demand expressed for this expansion has been limited and not reasonable to meet for FY 17-18 based on a lack of available fleet and cost-effectiveness criteria. VCTC/Valley Express will continue to monitor the degree of demand expressed for this route and coordinate with Thousand Oaks Transit or other providers as necessary.
A countywide transit pass	VCTC will explore this proposal through a feasibility study that is budgeted for FY 17-18.

THIS PART INTENTIONALLY LEFT BLANK

RESOLUTION NO. 2017-04

**A RESOLUTION OF THE VENTURA COUNTY
TRANSPORTATION COMMISSION APPROVING
UNMET TRANSIT NEEDS FINDINGS FOR FISCAL YEAR 2017/2018**

- I. THE VENTURA TRANSPORTATION COMMISSION DOES HEREBY FIND THE FOLLOWING FACTS AND DECLARE THAT SAID FACTS ARE MATERIAL TO ITS DETERMINATIONS MADE HEREIN:**
- A. The Ventura County Transportation Commission, hereinafter referred to as VCTC, has been designated as the Regional Transportation Planning Agency; and
 - B. VCTC shall allocate monies in the Local Transportation Fund and State Transit Assistance Fund in accordance with the rules and regulations which implement the Transportation Development Act of 1971 as amended; and
 - C. The Public Utilities Code, Section 99401.5, requires VCTC to hold a public hearing to determine whether there are any Unmet Public Transportation Needs prior to allocations for streets and roads; and
 - D. VCTC, on December 2, 2016 reaffirmed methodology and definitions for noticing and conducting the annual Unmet Needs Hearings; and
 - E. The said Public Hearing was duly noticed and advertised in conformance with these procedures by means of publication of public hearing notices in the major newspapers in the region; press releases, agency web posting; and written notices to interested organizations and individuals; and
 - F. VCTC has given specific consideration to the following factors in the planning process pursuant to Public Utilities Code 99401.5
 - a. Established a Social Services Transportation Advisory Committee by including social services and users' representatives as well as transit operators in conformance with Public Utility Code 99238;
 - b. In consultation with the Social Services Transportation Advisory Committee, conducted a transit needs assessment including an assessment of the size and location of identifiable groups likely to be transit dependent or transit disadvantaged and an analysis of the adequacy of existing an alternative public transportation services in meeting the demand; and
 - G. VCTC, after a review of these factors, considered public testimony at said advertised Public Hearings held on February 3, 2017; March 14, 2017; and March 20, 2017; and
 - H. VCTC directed staff in conjunction with its advisory committees to evaluate and determine whether requests received by March 21, 2017 are "unmet transit needs" and are "reasonable to meet" based upon adopted definitions and criteria; and
 - I. Staff and input from the CTAC/SSTAC advise that there are no regional and community public transit needs within the Cities of Santa Paula, Fillmore, Moorpark, and Camarillo that may be reasonable to meet at this time, based upon adopted definitions.

II. NOW, THEREFORE, BE IT RESOLVED THAT: VCTC, acting as the Regional Transportation Planning Agency, makes the following determinations and findings that there are no “unmet transit needs,” which are “reasonable to meet” for FY 2017-18.

1. The Chair shall execute this Resolution on behalf of VCTC and the Clerk of the Board shall attest to her signature and the adoption of this resolution.
2. The Executive Director shall before August 15, 2017 forward to the Department of Transportation on behalf of VCTC all of the following:
 - a. A copy of the notice of hearing and proof of publication and a description of the actions taken to solicit citizen participation pursuant to Public Utilities Code Section 99238.5;
 - b. A copy of the Resolution or minutes documenting VCTC’s definitions of “unmet transit needs” and “reasonable to meet”, as determined pursuant to Public Utilities Code (use the symbol) 99401.5; and
 - c. A copy of this Resolution adopted as required by Public Utilities Code § 99401.5(d).

Executed this 12th day of May, 2017

Bryan MacDonald, Chair, VCTC

ATTEST:

Donna Cole, Clerk of the Commission

APPROVED AS TO FORM:

Steven T. Mattas, General Counsel

Date



Item #13

May 12, 2017

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: PETER DE HAAN, PROGRAMMING DIRECTOR
SUBJECT: REVISION TO CAMARILLO STP AND CMAQ PROJECT FUNDS

RECOMMENDATION:

VCTC STAFF RECOMMENDATION

- Approve programming \$203,785 of Congestion Mitigation Air Quality (CMAQ) funds to the Las Posas Road Bike Lane Project in Camarillo in recognition of Surface Transportation Program (STP) cost savings from the Pancho Road project.

TTAC RECOMMENDATION

- Approve programming \$203,785 of STP funds to the Los Posas Road Bike Lane Project in Camarillo using the \$203,785 of STP cost savings from the Pancho Road project.

BACKGROUND:

In the 2012 Mini Call for Projects, Camarillo received \$1,500,000 of STP funds for the Pancho Road Rehabilitation Project. The project has now been completed with a cost savings of \$203,785 in STP funds. Consistent with past VCTC practice, the City of Camarillo has requested that the cost savings be applied to another Camarillo project. City staff has requested that the STP funds be reprogrammed to the Las Posas Road Bike Lane Project which was approved in the 2015 CMAQ Call for Projects and is short of funding based on the current estimate.

Since the Las Posas Bike Lanes Project is eligible for CMAQ funding staff recommends that CMAQ funds be programmed for the project instead of the requested STP funds, since CMAQ funding is more restrictive than STP.

Per the Commission's policy that STP funds are to be used for the Route 101 and Route 118 Freeway projects, the \$203,785 balance of STP from the Pancho Road project would become available for the freeway projects, while the CMAQ funds proposed to be used for the Las Posas Bike Lanes would come from the CMAQ unprogrammed balance that would otherwise be available for the upcoming CMAQ/Article 3 Call for Projects. Based on preliminary information it appears that the Route 101 preliminary engineering / environmental work will require additional STP funds to award a consultant services contract during the upcoming year. Furthermore staff has recently received preliminary indications that the final design for the Rice Bridge project might also need additional funds within the next year. Since STP is the most flexible funding available to VCTC, the Commission will have the option to use STP funds to match state freight movement funds for Rice Bridge design to prevent a delay in that project.

May 12, 2017
Item # 13
Page #2

City of Camarillo staff has indicated that they would prefer the STP funds to be reprogrammed to the project instead of the CMAQ funds since the project has not been fully designed and there may be some elements of the Las Posas Bike Lanes Project, such as an overlay, which may not be eligible for CMAQ funds. The Transportation Technical Advisory Committee (TTAC) reviewed the request at their April 20, 2017 meeting and recommended that VCTC reprogram the \$203,785 of STP funds per the City of Camarillo's request to the Las Posas Bike Lane Project. TTAC made this recommendation on grounds that providing STP rather than CMAQ for the project cost increase would leave the \$203,785 available for the CMAQ/Article 3 Call for Projects, and also provide maximum flexibility to Camarillo.

Notwithstanding TTAC's recommendation, staff recommends the Commission approve programming \$203,785 of CMAQ funds to the Las Posas Road Bike Lane Project in Camarillo in recognition of STP cost savings from the Pancho Road project, on grounds that the project can use CMAQ which is more restrictive than STP. As for Camarillo's concern that elements of the project might be CMAQ-ineligible, based on VCTC staff's experience, any project component required for bike lane implementation should be eligible for CMAQ.



Item #14

May 12, 2017

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: AARON BONFILIO, PROGRAM MANAGER
SUBJECT: NEXTBUS CONTRACT EXTENSION

RECOMMENDATION:

- Approve finding of need for sole source justification (two-thirds vote required).
- Authorize the Executive Director to execute an eight month contract extension with Nextbus Inc. for an amount not to exceed \$118,667.

Background:

Nextbus Inc. provides Automatic Vehicle Location (AVL) services and then through the use of proprietary algorithms publishes real time bus arrival predictions on web enabled devices and signs at forty-one stops throughout the County. Nextbus also provides a host of web based reports for fleet management used by the County's bus operators. For the past fourteen years Nextbus has been installed on most of the County's fixed route buses and is currently under contract until October of 2017.

Nextbus is an Application Service Provider (ASP), meaning that Nextbus takes the data generated by the buses and then processes that data through their proprietary software producing the bus predictions and the suite of other services for VCTC rather than VCTC owning software and generating the end product.

VCTC is currently engaged in a competitive procurement to replace the existing system. A Request for Proposals was released by the Commission at the March 2017 meeting. The anticipated award is scheduled for this fall at the September 2017 Commission meeting. In light of the ongoing procurement, staff anticipated seeking authorization to extend the existing Nextbus contract commensurate with the time required to fully implement the new system.

Given the complexities of the upcoming deployment, which will include replacement of existing equipment across the nine fixed route systems, and testing of additional features and functionality, such as Automated Voice Annunciation and integration with various onboard ITS equipment, staff recommends that the Nextbus contract be extended to July 1, 2018 to ensure there is zero down-time during transition. The "go-live" date of the new system will be no later than June 1, 2018, with final system acceptance by May 31, 2018.

May 12, 2017
Item #14
Page #2

The not-to-exceed extension is fully budgeted for this fiscal year, (2016/2017) and does not require any additional funding. The terms and conditions during the extension will be the same as the existing contract, and pricing has been prorated, with an adjustment of approximately 1-2% from today's pricing for the same services.

Attached: A - Sole Source Justification
 B - Contract Extension with Nextbus Inc. (Change Order dated 4/21/17)

ATTACHMENT A

SOLE SOURCE JUSTIFICATION TO EXTEND THE EXISTING NEXTBUS SERVICES AGREEMENT

Per the requirements of Federal Transit Administration (FTA) funding as contained in Circular 4220.1F, to enter into sole source procurement VCTC must document that a competitive procurement is infeasible for specified reason(s).

Applicable Sole Source Procurement Factors:

- 1) The item is only available from a single source.

On April 24, 2014 VCTC extended its existing contract with Nextbus Inc. for an additional one year, to October 31, 2017. The hosted application service is proprietary and available from the original provider, a single source. Similarly, warranty support and compatible vehicle equipment, i.e. support for, and replacement of, systems, parts and accessories, are supplied by the original provider. While a replacement system is being competitively solicited, in order to maintain the provision of the existing service, procurement from a single source is required until the new system is online.

ATTACHMENT B



Project Change Order

NextBus Inc.
 5900 Hollis Street, Suite X
 Emeryville, CA 94608

April 21, 2017

To:
 Aaron B. Bonfilio
 Program Manager, Transit Services
 Ventura County Transportation Commission
 950 County Square Drive, Suite 207
 Ventura, CA 93003
 Phone: (805) 642-1591 x 121
 E-mail: abonfilio@govventura.org

The purpose of this Change Order is to quote Ventura County a price to extend NextBus service for all agencies from 10/31/2017 through 06/30/2018.

This quote extends the terms of service in the agreement that was set to expire 10/31/2016.

Service Costs & Credits				
Qty	Description	Unit Price per Month	Months Extended	Price
137	Wireless - DCU	\$25.00	8	\$27,400
41	Wireless - LEDs	\$25.00	8	\$8,200
137	ASP - DCU	\$45.00	8	\$49,320
41	ASP-LEDs	\$45.00	8	\$14,760
137	HW Warranty -DCU	\$13.33	8	\$14,613
41	HW Warranty - LEDs	\$13.33	8	\$4,373

Change order #31 added 2 DCUs to Thousand Oaks
 Change order #32 added 10 DCUs to Valley Express
 Change order 01FEB2017 added 2 DCUs to VCTC and paid service through 12/31/2017

Change Order Subtotal	\$118,667
No Sales Tax on Services	
Change Order Total	\$118,667

Please sign below to execute this change order, then scan & email to hugh@nextbus.com

Sign

Print

Date

Thank you for your business!