



VENTURA COUNTY TRANSPORTATION COMMISSION

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, NOVEMBER 2, 2012
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 VENTURA COUNTY TRANSPORTATION COMMISSION**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**

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.

4. APPROVE SUMMARY FROM OCTOBER 5, 2012 VCTC MEETING – PG. 5

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.

9A. MONTHLY BUDGET REPORT – PG.11

Recommended Action:

Receive and file

Responsible Staff: Sally DeGeorge

9B. RAIL OPERATIONS UPDATE – PG. 23

Recommended Action:

Receive and file

Responsible Staff: Mary Travis

9C. EXTENSION OF VCTC MARKETING AND PUBLIC OUTREACH CONTRACT – PG.27

Recommended Action:

Approve an 18 month extension of the current marketing and public outreach contract with Moore and Associates at a cost not to exceed \$300,000.

Responsible Staff: Donna Cole

9D. LEGISLATIVE UPDATE – PG. 29

Recommended Action:

Receive and file

Responsible Staff: Peter De Haan

9E. ROUTE 101/23 INTERCHANGE PRIORITY FINDING AND STATE TRANSPORTATION IMPROVEMENT PROGRAM AB 3090 AMENDMENT – PG.31

Recommended Action:

Approve the attached resolution finding that the Route 101/23 Project is the Commission's highest priority State Transportation Improvement Program (STIP) project, and authorizing the Executive Director to apply to the California Transportation Commission (CTC) for an AB 3090 STIP Amendment.

Responsible Staff: Peter De Haan

9F. REVISION TO OJAI CONGESTION MITIGATION AND AIR QUALITY FUNDS – PG.35

Recommended Action:

Approve shifting \$25,000 in CMAQ funds from the Fox Canyon Bike/Pedestrian Trail project in Ojai to the Ojai Bus Shelters project.

Responsible Staff: Peter De Haan

9G. VISTA SERVICE BUDGET AMENDMENT – PG.37

Recommended Action:

Amend 2012/13 VISTA Fixed Route Budget increasing revenues and expenditures in the amount of \$35,000 to pay for legal costs not anticipated in the 2012-13 Budget due to issues regarding a replacement Contractor and the Coach Bankruptcy, and the related issues regarding securing compensation for VCTC owned Particulate Traps. The recommended source of funds is the VCTC State Transit Assistance funds.

Responsible Staff: Vic Kamhi

10. INSURANCE COVERAGE UPDATE – PG. 39

Recommended Action:

Receive and file

Responsible Staff: Sally DeGeorge

11. NAVAL BASE VENTURA COUNTY JOINT LAND USE STUDY – PG.41

Recommended Action:

Authorize the Executive Director in consultation with VCTC's General Counsel to negotiate and execute a standard contract for consultant services not to exceed \$225,000 funded through the Department of Defense Office of Economic Adjustment (DoD, OEA).

Responsible Staff: Steve DeGeorge

12. SANTA PAULA BRANCH LINE RAIL BRIDGE REPAIRS AND ADMINISTRATION – PG. 43

Recommended Action:

- The Santa Paula Branch Line Advisory Committee (SPBLAC) recommends approval of using \$75,000 in State Transit Assistance (STA) funds to repair the Ellsworth Barranca railroad bridge on the Santa Paula Branch Line (SPBL).
- Consider direction to staff for repair the other three SPBL railroad bridges listed in the JL Patterson bridge inventory report.

Responsible Staff: Mary Travis

9:30: CALL TO ORDER OXNARD HARBOR DISTRICT

13. VENTURA COUNTY FREIGHT MOVEMENT – JOINT MEETING WITH OXNARD HARBOR DISTRICT – PG.53

Recommended Action:

Receive Presentation from VCTC and OHD Staff and Freight Movement Partners.

Responsible Staff: Darren Kettle

14. VCTC GENERAL COUNSEL'S REPORT

This item provides the opportunity for General Counsel to give update and status reports on any legal matters related to Commission activities.

15. AGENCY REPORTS

16. VCTC CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

(Subdivision (a) of Section 54956.9)

1. Beserra, et al. v Griffin Industries Inc., et al. Ventura Superior Court Case No. 56-2010-00373718-CU-OE-VTA

2. Coach Am Group Holdings Corp., et al., Debtors, Chapter 11 Case No. 12-10010 (KG)

17. ADJOURN

The next VCTC Commission meeting is scheduled to be held at 9:00 a.m. Friday, **December 7, 2012**, Camarillo City Hall, City Council Chambers, 601 Carmen Drive, Camarillo.



Item #5

Meeting Summary

VENTURA COUNTY TRANSPORTATION COMMISSION 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, SEPTEMBER 14, 2012
9:00 AM**

Members Present:

John Zaragoza, Chair, County of Ventura
Steve Sojka, Vice Chair, City of Simi Valley
Steve Bennett, County of Ventura
Claudia Bill-de la Peña, City of Thousand Oaks
Betsy Clapp, City of Ojai
Ralph Fernandez, City of Santa Paula
Brian Humphrey, Citizen Rep, Cities
Jan McDonald, City of Camarillo
Keith Millhouse, City of Moorpark
Carl Morehouse, City of San Buenaventura
Linda Parks, County of Ventura
Jon Sharkey, City of Port Hueneme
Jim White, Citizen Rep, County
Terry Abbott, Caltrans Dist 7

Pledge of Allegiance

Roll Call

Public Comments for those items not listed in this agenda - *None*

APPROVE SUMMARY FROM SEPTEMBER 14, 2012 VCTC MEETING - *Approved*

EXECUTIVE DIRECTOR REPORT

New VISTA Schedules and Service – On October 1, VISTA transit service instituted minor changes in the VISTA EAST, 101/Conejo, and CSUCI routes to reflect the travel times due to both the new buses and the ever changing traffic conditions. On the VISTA 126 route, the member agencies were able to fund an additional westbound morning run (7:30 am), and three later eastbound trips (2:30 pm, 8:10 pm, and 9:30 pm). The morning trip addresses some of the crowding which has been experienced, and the later trips address concerns of both workers and students to be able to return to Santa Paula, and Fillmore later. The VISTA Coastal route adjustments were delayed, and will go into effect on October 15. The delay has been because ridership has been very volatile on the Coastal Express, and as we developed changes, the ridership patterns (specifically overcrowding) shifted, even into late September. The changes are reflective of the travel times due to different buses, freeway construction and traffic conditions, and the o of the crowding on the buses.

VISTA WiFi - VCTC staff has been working on the implementation of WiFi on all VISTA intercity buses, and is finally on the home stretch. Barring a major unanticipated glitch, and when we are dealing with technology, it is possible; we fully expect to be offering WiFi on all the VISTA buses beginning on October 15th.

Triple Bike Racks for Ventura County Transit Buses - VCTC staff has been working with Sportworks to finalize the order for the bike racks, and complete the purchase. The bike racks will all be delivered to VCTC, which reduces shipping and handling charges. An agreement transferring the racks to the other transit providers will be developed, and we expect to be reporting to you on a delivery date. The manufacture has informed us once they have a purchase order in hand, it will take about 20 days to manufacture the racks, and then they will be shipped. When we receive the new triple racks, we will begin installation.

“Public” Member City Selection Committee Appointment - With approval of the change in our Administrative code to have a set term for the “Public” Representatives, and with the support of the City selection committee, we are about to begin the process of recruitment for the Citizen Representative for the Cities, currently held by Commissioner Brian Humphrey. The VCTC Clerk of the Commission will be working with Clerk of the Board of Supervisors, who convenes the City Select Committee, to notice that the current term is expiring and that the City Select Committee of Ventura County will be seeking applications for the term commencing February 2013.

VCTC Participates in Mobility 21 Transportation Summit - Last Friday, September 28th, was the Mobility 21 Conference in Anaheim. The conference was attended by Commissioners Long and Millhouse, myself, and other Commission staff. The theme of this year's conference was “We're All in This Together,” and speakers included Senator Barbara Boxer, the Chair of the Senate Environment and Public Works Committee; Congressman Bill Shuster, Chair of the House Subcommittee on Railroads, Pipelines and Hazardous Materials of the Transportation and Infrastructure Committee; and Los Angeles Mayor Antonio Villaraigosa. The past several annual Summits focused on the importance of Congress passing a long-term Transportation Authorizing Act and with the passing of Moving Ahead for Progress in the 21st Century (MAP-21) that included several major initiatives sponsored by Southern California, this Summit had more positive atmosphere. However, Summit attendees were reminded that MAP-21 is only a two year law so we had better get back to work advocating for more federal investment in transportation.

Governor Brown Signs Pacific Surfliner (LOSSAN) Legislation - At the time the Legislative Update (Item #10F) in your agenda was written, the Governor had not yet made a decision on SB 1225 (Padilla), the bill which VCTC and other LOSSAN Corridor agencies supported that would authorize local management of the Amtrak Pacific Surfliner corridor. The Governor signed the bill on September 29th,

November 2, 2012
Item #5
Page #3

shortly before the deadline. The new law will allow for a formal Joint Powers Authority to be created that will have a governance structure that would include appointments from the transportation agencies of the seven (7) counties engaged in passenger rail activities along the corridor from San Diego to San Luis Obispo.

VCTC/Oxnard Harbor District Joint Meeting – The November 2nd meeting of VCTC will include a joint meeting with the Oxnard Harbor District Board of Commissioners with freight movement and long term freight mobility planning being the primary topic of discussion. VCTC and Port staff are working together to include critical freight movement partners including the freight rail and trucking industry to join in the presentations for a comprehensive look at freight related activities now and in the future in Ventura County.

Special Hearing of California Senate Committee on Transportation and Housing – Earlier this week I was advised by the lead transportation staff of the Senate Transportation and Housing Committee that the Committee has scheduled a hearing on Implementation of the Transportation Development Act in Ventura County for Tuesday November 27th. The hearing will be from 10a.m. to 1p.m. in Ventura County but as yet a site has not been determined. As more information of the hearing becomes available I will advise the Commission and the stakeholders that have been engaged in VCTC's Transportation Development Act discussions over the last several years.

VCTC Receives Pulitzer Prize for Teen Rider Guide – Okay, it wasn't a Pulitzer Prize but it is the equivalent in the Public Transit marketing awards known as the AdWheel Awards. VCTC was presented with a 2012 AdWheel Award at the APTA Annual meeting in Seattle on October 1, recognizing the Student Rider Guide as the top brochure in the "Print" category. Awards were presented in five primary categories: print, electronic media, campaigns, social media, and special events. Winners were chosen from a nationwide pool of contestants within the same ridership range.

ADDITIONS/REVISIONS

Item #14, Naval Base Ventura County Joint Land Use Study was moved to Consent Calendar

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION – *No Reportable Action Taken*

(Subdivision (a) of Section 54956.9)

Beserra, et al. v Griffin Industries Inc., et al. Ventura Superior Court Case No.

56-2010-00373718-CU-OE-VTA

10. CONSENT CALENDAR – *All items approved as recommended*

MONTHLY BUDGET REPORT - *Receive and file*

RAIL OPERATIONS UPDATE - *Receive and file*

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM AMENDMENT – SMALL BUSINESS

PROGRAM - *Amend the Disadvantaged Business Enterprise Program to add the Small Business Program.*

CALL FOR PROJECTS – FEDERAL TRANSIT ADMINISTRATION SENIOR AND DISABLED, JOBS ACCESS/REVERSE COMMUTE, AND NEW FREEDOM FUNDS

- *Authorize calls for projects for FTA Section 5307 Jobs Access and Reverse Commute (JARC) funds, including carryover Section 5316 funds, and Section 5310 (Seniors and Disabled), including carryover Section 5317 funds.*
- *Approve criteria for JARC and Section 5310 project selection.*

2013 VCTC REGULAR MEETING SCHEDULE - Adopt the 2013 VCTC Regular Meeting Schedule

LEGISLATIVE UPDATE - Receive and File

VISTA FIXED-ROUTE 1 YEAR COMPARISON: FY 2010/11 AND FY 2011/12; FIRST 2 MONTHS OF NEW SERVICE COMPARISON - Receive and File

14. NAVAL BASE VENTURA COUNTY JOINT LAND USE STUDY - Approved

- Amend Fiscal Year 2012/2013 Airport Land Use Commission Task Budget increasing the budget to \$264,300 in funds comprised of, a new grant award of \$225,000 from the Defense Community Planning Assistance Funds, \$29,000 in staff hours funded through LTF and PPM as well as \$1,000 in mileage funded through LTF and transferred from the Regional Transportation Planning task Budget to the Airport Land Use Commission.
- Amend Fiscal Year 2012/2013 Regional Transportation Planning Task Budget decreasing the total amount to \$634,100 reflecting a transfer \$29,000 in staff hours funded through LTF and PPM as well as \$1,000 in mileage funded through LTF to the Airport Land Use Commission Task Budget.

11. SANTA PAULA BRANCH LINE UPDATE – Approved

Receive and File

Bring Back to VCTC after SPBLAC Committee meets

12. MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY (MAP-21) UPDATE AND PROGRAMMING OF FUNDS - Approved

Program \$943,000 in Congestion Mitigation and Air Quality (CMAQ) funds for FY 2014/15 countywide transit marketing and ridesharing programs.

13. CONTINUATION OF PUBLIC HEARING ON TRANSFER FEE INCREASE BETWEEN COASTAL EXPRESS AND SANTA BARBARA METROPOLITAN TRANSIT DISTRICT - Approved
(No Speakers for the Public Hearing)

- Receive the required Federal Title VI (Civil Rights Analysis) of revenue and ridership impacts of a transfer fee from the Santa Barbara Metropolitan Transit District (SBMTD) services to the VISTA Coastal Express, and report to the Commission. (Attached as a separate document)
- Open the Public Hearing and receive any comments regarding a possible transfer fee for trips from the SBMTD Service to the VISTA Coastal Express.
- Approve initiation of a \$1.50 base transfer fee for riders transferring from the SBMTD buses to the VISTA Coastal Express.
- Authorize the Executive Director to execute an addendum to the transfer agreement with the SBMTD to reflect the new transfer values to and from SBMTD.

15. CUSA CC, LLC – PARTICULATE TRAPS - Approved

- Ratify securing local bankruptcy counsel in Delaware Coach America proceeding
- Authorize staff and General Counsel to pursue the performance surety bond posted by CUSA, CC, LLC, for expenses associated with the repayment of FTA, STA and Proposition 1B funds used for the purchase of CARP required diesel exhaust particulate traps installed on CUSA CC, LLC coaches

16. FY 2012/13 FEDERAL TRANSIT ADMINISTRATION PROGRAM OF PROJECTS – Approved

PUBLIC HEARING (No Speakers for the Public Hearing)

Adopt the attached final Program of Projects approving the projects to receive Federal Transit Administration funds for all areas of Ventura County in FY 2012/13.

17. FUNDING TO EXPEDITE ROUTE 101/23 IMPROVEMENT PROJECT - Approved

- *Reprogram \$11,916,000 in Proposition 1B Trade Corridor Infrastructure Fund money from the Rice/101 Interchange Improvement to the Route 101/23 Interchange Improvement.*
- *Program \$11,916,000 in Surface Transportation Program funds for the Route 101/23 Improvement project, of which \$4,000,000 represents funds reserved for this project prior to the 2012 Mini Call for Projects, and \$7,916,000 are funds newly-authorized as part of MAP-21.*
- *Support the request for an AB 3090 cash reimbursement agreement with the City of Thousand Oaks, for reimbursement of \$17,668,000 in City funds with future State Transportation Improvement Program (STIP) funds.*

18. PROPOSITION 1B PUBLIC TRANSPORTATION MODERNIZATION IMPROVEMENT AND SERVICE ENHANCEMENT ACCOUNT (PTMISEA) PROJECTS- Approved

- *Adopt the resolution in ATTACHMENT B approving programming of \$867,000 in PTMISEA funds for the Simi Valley and Moorpark rail projects and \$2,374,000 in PTMISEA funds for bus projects and authorizing the Executive Director to execute all required documents to receive PTMISEA funds.*
- *Reserve \$13,890,000 in PTMISEA for future bus replacement projects and construction of the new Gold Coast Transit facility.*

19. INFORMATION TECHNOLOGY DISASTER RECOVERY REPORT- Received and Filed

20. VCTC TRANSIT FUNDING POLICY - Received and Filed

21. GENERAL COUNSEL'S REPORT - None

22. AGENCY REPORTS - None

23. ADJOURN

THIS PAGE INTENTIONALLY LEFT BLANK



Item # 9A

November 2, 2012

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: SALLY DEGEORGE, FINANCE DIRECTOR

SUBJECT: MONTHLY BUDGET REPORT

RECOMMENDATION:

- Receive and file the monthly budget reports for August and September 2012

BACKGROUND:

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.

The August 31 and September 30, 2012 budget reports indicate that respectively revenues were approximately 15.97% and 23.05% of the adopted budget while expenditures were approximately 6.99% and 11.75% 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. For instance, some revenues are received at the beginning of the year while other revenues are received after grants are approved by federal agencies. In many instances, VCTC incurs expenses in advance of the revenues.

THIS PAGE INTENTIONALLY LEFT BLANK

**VENTURA COUNTY TRANSPORTATION COMMISSION
BALANCE SHEET
AS OF AUGUST 31, 2012**

ASSETS

Assets:

Cash and Investments - Wells Fargo Bank	\$ 3,373,601
Cash and Investments - County Treasury	21,085,064
Petty Cash	50
Receivables/Due from other funds	4,686,618
Prepaid Expenditures	803,456
Deposits	<u>12,754</u>

Total Assets: **\$29,961,543**

LIABILITIES AND FUND BALANCE

Liabilities:

Accrued Expenses/Due to other funds	\$ 2,681,669
Deferred Revenue	1,053,924
Deposits	<u>400</u>

Total Liabilities: **\$ 3,735,993**

Net Assets:

Fund Balance	<u>\$26,225,550</u>
--------------	----------------------------

Total Liabilities and Fund Balance: **\$29,961,543**

For Management Reporting Purposes Only

**VENTURA COUNTY TRANSPORTATION COMMISSION
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
FOR THE TWO MONTHS ENDING AUGUST 31, 2012**

	General Fund Actual	LTF Actual	STA Actual	SAFE Actual	Fund Totals Actual	Annual Budget	Variance Over (Under)	% Year to Date
Revenues								
						\$		
Federal Revenues	\$ 545,279	\$ 0	\$ 0	\$ 0	\$ 545,279	14,673,164	(14,127,885)	3.72
State Revenues	0	4,568,600	0	0	4,568,600	34,196,169	(29,627,569)	13.36
Local Revenues	3,449,196	0	0	9,047	3,458,243	4,653,002	(1,194,759)	74.32
Other Revenues	0	0	0	0	0	1,600	(1,600)	0.00
Interest	72	0	0	9	81	140,000	(139,919)	0.06
Total Revenues	3,994,547	4,568,600	0	9,056	8,572,203	53,663,935	(45,091,732)	15.97
Expenditures								
Administration								
Personnel Expenditures	285,387	0	0	0	285,387	2,434,700	(2,149,313)	11.72
Legal Services	1,400	0	0	0	1,400	35,000	(33,600)	4.00
Professional Services	5,454	0	0	0	5,454	98,200	(92,746)	5.55
Office Leases	23,370	0	0	0	23,370	137,865	(114,495)	16.95
Office Expenditures	11,105	0	0	0	11,105	185,235	(174,130)	6.00
Total Administration	326,716	0	0	0	326,716	2,891,000	(2,564,284)	11.30
Programs and Projects								
Transit & Transportation Program								
Senior-Disabled Transportation	16,233	0	0	0	16,233	260,855	(244,622)	6.22
Go Ventura Smartcard	49,663	0	0	0	49,663	265,700	(216,037)	18.69
VISTA Fixed Route Bus Service	950,828	0	0	0	950,828	5,503,250	(4,552,422)	17.28
VISTA DAR Bus Services	425,166	0	0	0	425,166	2,507,300	(2,082,134)	16.96
Nextbus	31,135	0	0	0	31,135	172,400	(141,265)	18.06
Trapeze	1,888	0	0	0	1,888	30,900	(29,012)	6.11
Transit Grant Administration	4,419	0	0	0	4,419	7,112,255	(7,107,836)	0.06
Total Transit & Transportation	1,479,332	0	0	0	1,479,332	15,852,660	(14,373,328)	9.33

	General Fund Actual	LTF Actual	STA Actual	SAFE Actual	Fund Totals Actual	Annual Budget	Variance Over (Under)	% Year to Date
Highway Program								
Congestion Management Program	0	0	0	0	0	30,000	(30,000)	0.00
Motorist Aid Call Box System	0	0	0	48,105	48,105	434,000	(385,895)	11.08
SpeedInfo Highway Speed Sensor	0	0	0	11,800	11,800	144,000	(132,200)	8.19
Total Highway	0	0	0	59,905	59,905	608,000	(548,095)	9.85
Rail Program								
Metrolink & Commuter Rail	7,731	0	0	0	7,731	2,776,372	(2,768,641)	0.28
LOSSAN & Coastal Rail	0	0	0	0	0	16,500	(16,500)	0.00
Santa Paula Branch Line	60,925	0	0	0	60,925	581,900	(520,975)	10.47
Total Rail	68,656	0	0	0	68,656	3,374,772	(3,306,116)	2.03
Commuter Assistance Program								
Transit Information Center	4,362	0	0	0	4,362	38,600	(34,238)	11.30
Rideshare Programs	1,103	0	0	0	1,103	53,500	(52,397)	2.06
Total Commuter Assistance	5,465	0	0	0	5,465	92,100	(86,635)	5.93
Planning & Programming								
Transportation Development Act	48,706	1,681,110	0	0	1,729,816	27,822,897	(26,093,081)	6.22
Transportation Improvement Program	994	0	0	0	994	1,323,975	(1,322,981)	0.08
Regional Transportation Planning	10,000	0	0	0	10,000	321,000	(311,000)	3.12
Airport Land Use Commission	300	0	0	0	300	2,600	(2,300)	11.54
Regional Transit Planning	192	0	0	0	192	112,650	(112,458)	0.17
Freight Movement	0	0	0	0	0	12,500	(12,500)	0.00
Total Planning & Programming	60,192	1,681,110	0	0	1,741,302	29,595,622	(27,854,320)	5.88
General Government								
Community Outreach & Marketing	40,198	0	0	0	40,198	554,500	(514,302)	7.25
State & Federal Relations	19,062	0	0	0	19,062	71,770	(52,708)	26.56
Management & Administration	2,867	0	0	0	2,867	488,417	(485,550)	0.59
Total General Government	62,127	0	0	0	62,127	1,114,687	(1,052,560)	5.57
Total Expenditures	2,002,488	1,681,110	0	59,905	3,743,503	53,528,841	(49,785,338)	6.99
	General Fund	LTF	STA	SAFE	Fund Totals	Annual	Variance	% Year

	Actual	Actual	Actual	Actual	Actual	Budget	Over (Under)	to Date
Revenues over (under) expenditures	1,992,059	2,887,490	0	(50,849)	4,828,700	135,094	4,693,606	3,574.33
Other Financing Sources								
Transfers Into GF from LTF	1,651,131	0	0	0	1,651,131	1,651,131	0	100.00
Transfers Into GF from STA	48,706	0	0	0	48,706	2,896,291	(2,847,585)	1.68
Transfers Into GF from SAFE	0	0	0	0	0	61,800	(61,800)	0.00
Transfers Out of LTF into GF	0	(1,651,131)	0	0	(1,651,131)	(1,651,131)	0	100.00
Transfers Out of STA into GF	0	0	(48,706)	0	(48,706)	(2,896,291)	2,847,585	1.68
Transfers Out of SAFE into GF	0	0	0	0	0	(61,800)	61,800	0.00
Total Other Financing Sources	1,699,837	(1,651,131)	(48,706)	0	0	0	0	0.00
Net Change in Fund Balances	3,691,896	1,236,359	(48,706)	(50,849)	4,828,700	135,094	4,693,606	
Beginning Fund Balance	1,587,577	5,442,517	11,137,704	3,229,052	21,396,850	14,617,258	6,779,592	
Ending Fund Balance	\$5,279,473	\$6,678,876	\$11,088,998	\$3,178,203	\$26,225,550	\$14,752,352	\$11,473,198	

For Management Reporting Purposes Only

**VENTURA COUNTY TRANSPORTATION COMMISSION
INVESTMENT REPORT
AS OF AUGUST 2012**

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. 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	\$81.16	0.02%	\$3,373,600.67
County of Ventura	Treasury Pool	N/A	\$0.00	0.00%	\$21,055,358.75
Total			\$ 81.16		\$24,428,959.42

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.

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.

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

**VENTURA COUNTY TRANSPORTATION COMMISSION
BALANCE SHEET
AS OF SEPTEMBER 30, 2012**

ASSETS

Assets:

Cash and Investments - Wells Fargo Bank	\$ 2,924,050
Cash and Investments - County Treasury	22,347,370
Petty Cash	50
Receivables/Due from other funds	4,706,737
Prepaid Expenditures	803,401
Deposits	<u>12,754</u>

Total Assets: **\$30,794,362**

LIABILITIES AND FUND BALANCE

Liabilities:

Accrued Expenses/Due to other funds	\$ 2,248,981
Deferred Revenue	1,098,695
Deposits	<u>400</u>

Total Liabilities: **\$ 3,348,076**

Net Assets:

Fund Balance	<u>\$27,446,286</u>
--------------	----------------------------

Total Liabilities and Fund Balance: **\$30,794,362**

For Management Reporting Purposes Only

**VENTURA COUNTY TRANSPORTATION COMMISSION
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
FOR THE THREE MONTHS ENDING SEPTEMBER 30, 2012**

	General Fund Actual	LTF Actual	STA Actual	SAFE Actual	Fund Totals Actual	Annual Budget	Variance Over (Under)	% Year to Date
Revenues								
Federal Revenues	\$ 1,597,038	\$ 0	\$ 0	\$ 0	\$ 1,597,038	\$ 14,756,644	(13,159,606)	10.82
State Revenues	56,576	7,105,320	0	64,926	7,226,822	34,196,169	(26,969,347)	21.13
Local Revenues	3,557,078	0	0	9,047	3,566,125	4,653,002	(1,086,877)	76.64
Other Revenues	0	0	0	0	0	1,600	(1,600)	0.00
Interest	115	0	0	14	129	140,000	(139,871)	0.09
Total Revenues	5,210,807	7,105,320	0	73,987	12,390,114	53,747,415	(41,357,301)	23.05
Expenditures								
Administration								
Personnel Expenditures	461,201	0	0	0	461,201	2,456,119	(1,994,918)	18.78
Legal Services	2,225	0	0	0	2,225	35,000	(32,775)	6.36
Professional Services	5,811	0	0	0	5,811	98,200	(92,389)	5.92
Office Leases	32,670	0	0	0	32,670	137,865	(105,195)	23.70
Office Expenditures	18,178	0	0	0	18,178	185,235	(167,057)	9.81
Total Administration	520,085	0	0	0	520,085	2,912,419	(2,392,334)	17.86
Programs and Projects								
Transit & Transportation Program								
Senior-Disabled Transportation	25,313	0	0	0	25,313	260,855	(235,542)	9.70
Go Ventura Smartcard	53,137	0	0	0	53,137	265,700	(212,563)	20.00
VISTA Fixed Route Bus Service	1,422,815	0	0	0	1,422,815	5,702,930	(4,280,115)	24.95
VISTA DAR Bus Services	621,219	0	0	0	621,219	2,507,300	(1,886,081)	24.78
Nextbus	34,060	0	0	0	34,060	172,400	(138,340)	19.76
Trapeze	3,787	0	0	0	3,787	30,900	(27,113)	12.26
Transit Grant Administration	246,576	0	0	0	246,576	7,112,255	(6,865,679)	3.47
Total Transit & Transportation	2,406,907	0	0	0	2,406,907	16,052,340	(13,645,433)	14.99

	General Fund Actual	LTF Actual	STA Actual	SAFE Actual	Fund Totals Actual	Annual Budget	Variance Over (Under)	% Year to Date
Highway Program								
Congestion Management Program	0	0	0	0	0	30,000	(30,000)	0.00
Motorist Aid Call Box System	0	0	0	54,134	54,134	434,000	(379,866)	12.47
SpeedInfo Highway Speed Sensor	0	0	0	23,500	23,500	144,000	(120,500)	16.32
Total Highway	0	0	0	77,634	77,634	608,000	(530,366)	12.77
Rail Program								
Metrolink & Commuter Rail	526,731	0	0	0	526,731	2,776,372	(2,249,641)	18.97
LOSSAN & Coastal Rail	0	0	0	0	0	16,500	(16,500)	0.00
Santa Paula Branch Line	107,685	0	0	0	107,685	581,900	(474,215)	18.51
Total Rail	634,416	0	0	0	634,416	3,374,772	(2,740,356)	18.80
Commuter Assistance Program								
Transit Information Center	5,706	0	0	0	5,706	38,600	(32,894)	14.78
Rideshare Programs	1,525	0	0	0	1,525	53,500	(51,975)	2.85
Total Commuter Assistance	7,231	0	0	0	7,231	92,100	(84,869)	7.85
Planning & Programming								
Transportation Development Act	48,706	2,514,165	0	0	2,562,871	27,822,897	(25,260,026)	9.21
Transportation Improvement Program	3,029	0	0	0	3,029	1,323,975	(1,320,946)	0.23
Regional Transportation Planning	10,367	0	0	0	10,367	320,000	(309,633)	3.24
Airport Land Use Commission	450	0	0	0	450	228,600	(228,150)	0.20
Regional Transit Planning	1,328	0	0	0	1,328	119,150	(117,822)	1.11
Freight Movement	0	0	0	0	0	12,500	(12,500)	0.00
Total Planning & Programming	63,880	2,514,165	0	0	2,578,045	29,827,122	(27,249,077)	8.64
General Government								
Community Outreach & Marketing	87,265	0	0	0	87,265	554,500	(467,235)	15.74
State & Federal Relations	22,394	0	0	0	22,394	71,770	(49,376)	31.20
Management & Administration	6,701	0	0	0	6,701	470,117	(463,416)	1.43
Total General Government	116,360	0	0	0	116,360	1,096,387	(980,027)	10.61
Total Expenditures	3,748,879	2,514,165	0	77,634	6,340,678	53,963,140	(47,622,462)	11.75

	General Fund Actual	LTF Actual	STA Actual	SAFE Actual	Fund Totals Actual	Annual Budget	Variance Over (Under)	% Year to Date
Revenues over (under) expenditures	1,461,928	4,591,155	0	(3,647)	6,049,436	(215,725)	6,265,161	
Other Financing Sources								
Transfers Into GF from LTF	1,651,131	0	0	0	1,651,131	1,657,631	(6,500)	99.61
Transfers Into GF from STA	323,710	0	0	0	323,710	2,996,566	(2,672,856)	10.80
Transfers Into GF from SAFE	4,793	0	0	0	4,793	61,800	(57,007)	7.76
Transfers Out of LTF into GF	0	(1,651,131)	0	0	(1,651,131)	(1,651,131)	0	100.00
Transfers Out of STA into GF	0	0	(323,710)	0	(323,710)	(2,902,791)	2,579,081	11.15
Transfers Out of SAFE into GF	0	0	0	(4,793)	(4,793)	(162,075)	157,282	2.96
Total Other Financing Sources	1,979,634	(1,651,131)	(323,710)	(4,793)	0	0	0	0.00
Net Change in Fund Balances	3,441,562	2,940,024	(323,710)	(8,440)	6,049,436	(215,725)	6,265,161	
Beginning Fund Balance	1,587,577	5,442,517	11,137,704	3,229,052	21,396,850	14,617,258	6,779,592	
Ending Fund Balance	\$5,029,139	\$8,382,541	\$10,813,994	\$3,220,612	\$27,446,286	\$14,401,533	\$13,044,753	

For Management Reporting Purposes Only

**VENTURA COUNTY TRANSPORTATION COMMISSION
INVESTMENT REPORT
AS OF SEPTEMBER 30 2012**

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. 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	\$129.37	0.02%	\$2,924,049.68
County of Ventura	Treasury Pool	N/A	\$0.00	0.00%	\$22,317,664.90
Total			\$ 129.37		\$25,241,714.58

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.

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.

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 #9B

November 2, 2012

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: MARY TRAVIS, MANAGER, TRANSPORTATION DEVELOPMENT ACT AND RAIL PROGRAMS

SUBJECT: RAIL OPERATIONS UPDATE

RECOMMENDATION:

- Receive and file.

DISCUSSION:

Metrolink Ridership:

Based on passenger counts made by conductors on the Ventura Line, there were 1,921 people who boarded morning peak-hour trains to Los Angeles each weekday in October. This is a slight decrease from the 1,934 morning boardings in September. About 50% of the passengers on the Line boarded at Ventura County stations.

Metrolink On-Time Performance:

The Ventura Line's on-time performance (trains arriving within five minutes of scheduled time) continued to be very good. Overall, during the month of October, 97% of the inbound trips and 95% of the outbound trips ran on-time.

Ventura County Marketing Campaign:

In October, Metrolink began a three-month pilot direct mail campaign aimed at boosting ridership on the Ventura County Line. A free Metrolink trial ride ticket coupon is included in a Valpak (a packet of coupons and offers) that was/will be distributed to 120,000 Ventura County residents during the months of October, November and January; note the packets aren't mailed out in December because of holiday mail volume.

The trial offer is bilingual, containing special offer codes for both English and Spanish speaking residents. Ventura County residents interested in redeeming their free Metrolink trial ticket can either contact the Metrolink Call Center or log onto a special Metrolink web page that will contain information in English or Spanish depending on the code entered. Once they log onto the website or contact the Call Center, they will be asked for basic contact information which will enable Metrolink to build a relationship with the residents by sending Metrolink offers and news if interest is expressed.

Residents can redeem one trial ride offer per household can be used within 60 days after receipt. Those who redeem their tickets will receive a timetable and how-to-ride guide with their tickets to familiarize them with the Metrolink system. They will also get an electronic survey 60 days after their trial tickets are mailed requesting feedback on their Metrolink experience. VCTC marketing consultants Moore & Associates are working closely with Metrolink staff to promote this offer and assess its effectiveness over the next three months.

LOSSAN Strategic Plan Update/Governance Discussion:

In addition to participating in Metrolink commuter rail operations, VCTC is one of eight transportation agencies providing local input to Amtrak on LOSSAN intercity passenger rail operations. LOSSAN is the name of the Los Angeles-San Diego-San Luis Obispo Joint Powers Agency. The other agencies involved in LOSSAN are the Los Angeles County Metropolitan Transportation Authority (METRO), the North San Diego Transit District (NCTD), the Orange County Transportation Authority (OCTA), the San Diego Association of Governments, (SANDAG), the San Diego Metropolitan Transit System (MTS), the Santa Barbara Association of Governments (SBCAG), and, the San Luis Obispo Council of Governments (SLOCOG).

Late last year, the LOSSAN Board voted unanimously to move forward with a recommendation to take control of the LOSSAN intercity train operations from the State. At the same time, a similar action was taken by local agencies on the San Joaquin rail corridor on the Central Valley. These efforts are akin to the local takeover in 1998 of the Capitol Corridor rail service operated between Sacramento and the Bay area. Legislation was introduced to accomplish this change via SB 1225 for the LOSSAN corridor and AB 1799 for the San Joaquin corridor. Both bills passed and were signed by the Governor.

There are many details that need to be worked through as this legislation is implemented including State funding guarantees, Board structure and voting, administrative arrangements, etc. The CEO's from the member agencies are finalizing these arrangements for a Joint Powers Agreement (JPA) to guide the new agency. It is expected staff will bring the MOU to the Commission for consideration in January.

Santa Paula Branch Line (SPBL) Operations:

Staff is continuing to work with Fillmore and Western Railway (F&W) and Union Pacific Railroad (UP), the two operators on the SPBL, on generating additional revenues with the goal of making this vital asset self-sustaining in the near future. We are also working with Legal Counsel to update the existing VCTC/F&W agreement to reflect the current arrangements more accurately.

FRA Required Bridge Inventory Project

The FRA required inventory report was completed on time in September and is available for review at the VCTC office. Because there are several bridges that need repair, the issue was referred to the Santa Paula Branch Line Advisory Committee (SPBLAC) by the Commission for consideration. A separate report on SPBALC's recommendations is included in this agenda.

Property Leases

Staff has been working with F&W to review the existing SPBL leases to determine if additional revenues can be generated to offset the ongoing maintenance work. F&W staff is currently following up on letters sent to all leaseholders asking for their cooperation to review their lease agreement, and also, to make sure safe operations are in place for people working near the rail line.

November 2, 2012
Item #9B
Page#4

While it does not appear that significant additional revenues can be found at this time, there is some opportunity to approach leaseholders about adding property to their existing leases and bringing in more money; we will continue working on this effort.

Union Pacific (UP) Railroad

Despite the loss of the only freight customer on the SBPL, VCTC continues to work with F&W to transfer any future freight operations from Union Pacific to F&W. To keep the momentum going with the discussion with UP on this issue, a letter was recently sent requesting their support for the freight service modifications as allowed under the VCTC/UP shared-use agreement. We have not as yet received written response, but telephone discussions with UP have been positive, and UP has requested F&W prepare an operating plan for the freight transfer.

Although the International Paper shipments have ceased, it is possible UP has another freight customer, a wind turbine company, who is interested in regular service on the SPBL. Staff will continue to facilitate F&W efforts to be the sole freight carrier on the SPBL in support of the in support of the Commission's goals for the SPBL to become self-sustaining from the revenues generated by SPBL activities.

THIS PAGE INTENTIONALLY LEFT BLANK



Item #9C

November 2, 2012

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: DONNA COLE, PUBLIC INFORMATION OFFICER

SUBJECT: EXTENSION OF VCTC MARKETING AND PUBLIC OUTREACH CONTRACT

RECOMMENDATION:

- Approve an 18 month extension of the current marketing and public outreach contract with Moore and Associates at a cost not to exceed \$300,000.

BACKGROUND:

VCTC entered into a contract with Moore and Associates for marketing and public outreach in January 2010. Since that time the Moore team has enthusiastically taken on the challenges of rebranding VCTC and enhancing the Commission's level of engagement throughout Ventura County.

In addition to ongoing routine tasks there were many first time and unexpected opportunities undertaken. New logos were created for VCTC, VISTA, and Commuter Services, and graphics were installed on the entire VISTA fleet. VCTC's electronic presence has been strengthened with an updated website, social media messaging, eblasts, phone apps and QR codes. A monthly newsletter, "On the Move", was created, and is posted on our website and distributed electronically to more than 900 recipients.

The Moore team staffs a booth on our behalf at community events throughout the County, and new materials were developed in English and Spanish to support the various VCTC programs. Last year the Teen Council was launched to promote youth involvement in transportation issues. The Council assisted in the creation of a Student Rider Guide which won a first place AdWheel Award from the American Public Transit Association. This year the Teen Council is planning to produce a video.

Moore has been instrumental in the promotion of Rideshare Week, including production of local radio spots. This summer Moore assisted in the outreach and notification to VISTA riders of the abrupt changes in service. The team was able to locate a vendor to print and apply temporary graphics to plain white buses within days of the start of the new service. Status messages are communicated to riders via Facebook and Twitter.

The current contract provides for three one-year Marketing Programs between the period of January 15, 2010 through January 14, 2013 at a cost not to exceed \$200,000 per year. With the agreement of both parties this contract may be extended for two additional one-year terms.

We have had a good working relationship with Moore and Associates and they have been very responsive to our long term and immediate requirements. A contract extension of 18 months, ending June 30, 2014, will put this contract in line with the VCTC Fiscal Year and help provide a smooth transition with the upcoming changes in VISTA service. Funding for this program is provided by Federal Transit Administration (FTA) Congestion Mitigation and Air Quality (CMAQ).

CONTRACT AMENDMENT NO. 1

VENTURA COUNTY TRANSPORTATION COMMISSION (VCTC)

MARKETING AND PUBLIC OUTREACH PROGRAM

This Contract Amendment No. 1 ("Amendment") by and between the Ventura County Transportation Commission ("VCTC"), herein referred to as "VCTC" and Moore and Associates, hereinafter referred to as "CONTRACTOR", is entered into as of this ____ day of November, 2012.

WHEREAS, on January 8th, 2010, VCTC entered into a consulting contract ("Contract") for development of a Marketing and Public Outreach Program.

NOW, THEREFORE, VCTC and CONTRACTOR agree as follows:

1. Section 4 of the Contract is hereby amended to increase the period of the contract to June 30, 2014 at a cost not to exceed \$300,000.
2. Except to the extent amended hereby, the Contract remains in full force and effect.

**VENTURA COUNTY
TRANSPORTATION COMMISSION**

By: _____
John Zaragoza Chair

APPROVED AS TO FORM:

By: _____
General Counsel

CONTRACTOR: MOORE AND ASSOCIATES

By: _____
Jim Moore, *Managing Partner*



Item #9D

November 2, 2012

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: PETER DE HAAN, PROGRAMMING DIRECTOR
SUBJECT: LEGISLATIVE UPDATE

RECOMMENDATION:

- Receive and file.

BACKGROUND:

State Issues

Attached is the final 2012 Legislative Matrix. The Governor has signed (Padilla) SB 1225 to provide for local governance of the San Luis Obispo/Los Angeles/San Diego (LOSSAN) intercity rail corridor known as the Amtrak Pacific Surfliner.

VENTURA COUNTY TRANSPORTATION COMMISSION STATE LEGISLATIVE MATRIX BILL SUMMARY September 29, 2012			
BILL/AUTHOR	SUBJECT	POSITION	STATUS
AB 441 Monning	Directed that voluntary guidelines be provided for General Plans and Regional Transportation Plans to address health effects. Amended version instead requires CTC to disseminate information on the issue.	Oppose	Signed by Governor.
AB 2488 Williams	Allows three-bicycle racks on Gold Coast Transit buses.	Support	Signed by Governor.
SB 1225 Padilla	Implements LOSSAN corridor agency local governance recommendation.	Support In Concept	Signed by Governor.



Item #9E

November 2, 2012

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: PETER DE HAAN, PROGRAMMING DIRECTOR

**SUBJECT: ROUTE 101/23 INTERCHANGE PROJECT PRIORITY FINDING AND STATE
TRANSPORTATION IMPROVEMENT PROGRAM AB 3090 AMENDMENT**

RECOMMENDATION:

- Approve the attached resolution finding that the Route 101/23 Project is the Commission's highest priority State Transportation Improvement Program (STIP) project, and authorizing the Executive Director to apply to the California Transportation Commission (CTC) for an AB 3090 STIP Amendment.

BACKGROUND:

At last month's meeting the Commission approved the revised funding plan for the Route 101/23 interchange project. This revised funding plan, which is contingent on CTC approval, requires an AB 3090 Cash Reimbursement arrangements in which the City of Thousand Oaks will advance funds for the project and be reimbursed at a future date. The CTC's guidelines provide for consideration of the AB 3090 request provided that the regional transportation planning agency, in this case VCTC, requests the AB 3090 arrangement be incorporated into the STIP by amendment, making the explicit finding that the project is the highest priority project in the county. AB 3090 provides that approved AB 3090 cash reimbursements receive highest priority for allocation. Staff therefore recommends VCTC approval of the attached resolution making the required finding and directing that the AB 3090 STIP amendment be submitted.

At its October 24, 2012 meeting, the CTC approved VCTC's request to amend the Proposition 1B Trade Corridor Infrastructure Fund program to provide \$11,916,000 for this project using cost savings from the Route 101/Rice Road Interchange Improvement project. At this meeting CTC staff also presented the Board with a plan for upcoming AB 3090 cash reimbursement approvals, and this plan included the Route 101/23 project. However, this plan does not commit the CTC to approving the projects in the plan. The AB 3090 request will be considered by the CTC for approval when the project is ready to advertise for construction.

RESOLUTION NO. 2012-12

**A RESOLUTION OF THE VENTURA COUNTY
TRANSPORTATION COMMISSION APPROVING
THE APPLICATION FOR A STATE TRANSPORTATION IMPROVEMENT PROGRAM
AB 3090 CASH REIMBURSEMENT ARRANGEMENT FOR THE
ROUTE 101/23 IMPROVEMENT PROJECT IN THOUSAND OAKS**

WHEREAS, under Government Code Section 14529.7, as amended by AB 3090 (1992), the California Transportation Commission and the California Department of Transportation may enter into an arrangement to advance State Transportation Improvement Program (STIP) projects through receiving an advancement of STIP funds for those projects and providing a cash reimbursement from STIP funds in a later year;

WHEREAS, VCTC at its October 5, 2012 meeting approved a revised funding plan for the project to improve Route 101 from the Los Angeles County Line to Moorpark Road, including improvements to the interchange of Route 101 and Route 23 (the "Route 101/23 Improvement Project"), with this funding plan including the advancement of \$17,668,000 by the City of Thousand Oaks, to be reimbursed as provided under AB 3090;

WHEREAS, the City of Thousand Oaks, at its October 9, 2012 City Council meeting, committed up to \$17,668,000 of city funds to advance the Project under an AB 3090 cash reimbursement arrangement;

WHEREAS, under VCTC's approved state highway priority list, the Project is the highest priority in the county.

NOW, THEREFORE, the Ventura County Transportation Commission does hereby resolve as follows:

Section 1. VCTC finds that the Route 101/23 Improvement project is its highest priority project in the STIP.

Section 2. VCTC authorizes the Executive Director to submit a STIP amendment to provide for the AB 3090 cash reimbursement arrangement for the Route 101 Improvement Project, and to negotiate with the other parties regarding the specific provisions of the AB 3090 reimbursement agreement.

PASSED AND ADOPTED by the Ventura County Transportation Commission at its regular meeting this 2nd day of November, 2012.

John Zaragoza, Chair

ATTEST:

Donna Cole, Clerk

APPROVED AS TO FORM:

Mitchel B. Kahn, General Counsel

ATTESTATION

I, Donna Cole, Clerk of the Commission, hereby certify that the foregoing Resolution was adopted by the Ventura County Transportation Commission at a regularly scheduled meeting held on November 2, 2012, upon the motion of Commissioner _____, seconded by Commissioner _____ and adopted on the following vote of the Commission:

Ayes:

Nays:

Absent:

Dated: November 2, 2012

Donna Cole, Clerk of the Board

THIS PAGE INTENTIONALLY LEFT BLANK



Item #9F

November 2, 2012

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: PETER DE HAAN, PROGRAMMING DIRECTOR

SUBJECT: REVISION TO OJAI CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FUNDS

RECOMMENDATION:

- Approve shifting \$25,000 in CMAQ funds from the Fox Canyon Bike/Pedestrian Trail project in Ojai to the Ojai Bus Shelters project.

BACKGROUND:

The City of Ojai has awarded the contract for its CMAQ-funded project to install bus shelters and related improvements at the Route 33/150 junction. Based on the contract award, there appears to be a shortfall of \$25,000 for this project. Ojai is requesting that the \$25,000 be shifted from the Fox Canyon Bike/Pedestrian Trail project. Staff recommends approval of the City's request.

This recommendation was approved by the Transportation Technical Advisory Committee (TTAC) at its October 18, 2012 meeting.

THIS PAGE INTENTIONALLY LEFT BLANK



Item # 9G

November 2, 2012

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: VICTOR KAMHI, BUS TRANSIT DIRECTOR
SUBJECT: VISTA SERVICE BUDGET AMENDMENT

RECOMMENDATION

- Amend 2012/13 VISTA Fixed Route Budget increasing revenues and expenditures in the amount of \$35,000 to pay for legal costs not anticipated in the 2012-13 Budget due to issues regarding a replacement Contractor and the Coach Bankruptcy, and the related issues regarding securing compensation for VCTC owned Particulate Traps. The recommended source of funds is the VCTC State Transit Assistance funds.

BACKGROUND

When the Coach contract for VISTA Services was abruptly terminated this year due to the bankruptcy, VCTC had unanticipated legal costs related to the negotiation of a short-term contract extension with Coach, followed by the negotiations and creation of a new contract with Roadrunner Shuttle. In addition, legal assistance was required both to begin work to obtain compensation for the VCTC owned particulate traps which were installed, but not removed from the Coach buses. This legal assistance took the form of both VCTC's attorney's time, and obtaining specialized outside legal assistance.

The recommended increase in funding for the 2012/13 VISTA Fixed Route Budget includes both an additional \$10,000 for costs incurred or expected to be incurred by the VCTC attorney and \$25,000 for outside legal assistance. The costs for outside legal assistance are based on the actions of the Commission at their October, 2012 meeting directing staff to ensure that the costs of recovering the Commission assets and reducing the liabilities not be disproportionate to the legal costs to achieve the recovery of the assets or costs.

THIS PAGE INTENTIONALLY LEFT BLANK



Item #10

November 2 , 2012

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: SALLY DEGEORGE

SUBJECT: INSURANCE COVERAGE

RECOMMENDATION:

- Receive and file.

BACKGROUND:

Over the normal course of business, the Commission is exposed to various risks of loss related to torts; theft of, damage to, or destruction of assets; errors or omissions; and natural disasters. The Commission protects itself against such losses by a balanced program of risk retention, risk transfer and the purchase of commercial insurance. Capital projects and rail properties are protected through a combination of commercial insurance, insurance required by Commission consultants and a self-insurance fund established by the Southern California Regional Rail Authority (SCRRA). The Commission's worker's compensation insurance is covered through the State Compensation Insurance Fund.

VCTC is currently insured by Scottsdale Insurance Company for its property and electronic data processing, general liability, excess liability and crime insurance and insured by Westchester Surplus Lines Insurance Company for its public entity errors and omissions and employment practices liability insurance. Costs for insurance from November 2011 to November 2012 totaled \$123,583. VCTC's current insurance program will expire on November 20, 2012.

In anticipation of the new insurance period and to evaluate the insurance brokerage services available to VCTC, staff issued a request for proposals in June 2012 for insurance brokerage services. In September 2012 the Commission engaged Alliant Insurance Services, Inc. because of its significant public entity insurance experience including transit, transportation and rail experience throughout California.

DISCUSSION:

Alliant immediately began assessing VCTC's coverage needs but has encountered difficulty obtaining coverage for VCTC due to Scottsdale, VCTC's current insurance provider, deciding not to renew VCTC's policies and recent claims (Beserra and Tillery) against VCTC's insurance. Alliant has indicated that Scottsdale is non-renewing coverage due to loss history and possibly not fully understanding the risks of rail coverage.

Although staff had originally anticipated bringing an insurance proposal to the Commission at the November meeting, staff is unable to present an insurance proposal at this time because of these unexpected difficulties. Alliant has cautioned VCTC that they expect VCTC's insurance premiums will be higher than originally budgeted for the same reasons that are making obtaining insurance difficult. Alliant is aggressively marketing coverage to all viable insurance companies and will be providing VCTC will regular updates on their progress. Staff will bring an item to the Commission in December indicating the insurance obtained, costs involved and source of payment for additional costs. Mr. Seth Cole from Alliant Insurance Services, Inc. will be attending the meeting to answer questions as needed. Below are the insurance policy renewal statuses:

- General Liability/Excess Liability – Scottsdale is non-renewing VCTC's policies. Alliant is aggressively approaching several markets on VCTC's behalf, but is having difficulty finding companies interested in insuring VCTC due to the losses referenced above and the unique nature of our operations. Alliant is cautioning that there may be significant premium increase, but is unable to estimate at this time until they are further along in the process.
- Public Officials Liability and Employment Practices Liability - ACE Westchester continues to be the most competitive option for VCTC's public official's liability and employment practices liability insurance. Although ACE Westchester is increasing their renewal premium to approximately \$60,700 (previously \$56,600) due to an increase in population, annual budget, and employee count, Alliant was able to negotiate several enhancements to the policy.
- Property Insurance – Scottsdale has shown a lack of interest in renewing VCTC's policy. The Santa Paula Mill Building is being added to the property insurance causing the insured value to rise from \$396,000 to \$2,596,000. Although we have not heard from all markets, at this time it appears the Alliant's Special Property Insurance Program is the best option with a \$25,000 deductible (increased from \$1,000 because of the historical building) and a premium of approximately \$5,200 (increased from \$2,200 because of the historical building).
- Commercial Crime – Scottsdale has shown a lack of interest in renewing VCTC's policy. Two options are being reviewed at this time: Chartis and Hartford at approximately \$2,600 (last year's premium was \$1,200). The increase in premium is a result of improved coverage terms and conditions.



Item # 11

November 2, 2012

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: STEVE DEGEORGE, PLANNING & TECHNOLOGY DIRECTOR
SUBJECT: NAVAL BASE VENTURA COUNTY JOINT LAND USE STUDY

RECOMMENDATION:

- Authorize the Executive Director in consultation with VCTC's General Counsel to negotiate and execute a standard contract for consultant services not to exceed \$225,000 funded through the Department of Defense Office of Economic Adjustment (DoD, OEA).

BACKGROUND:

Earlier this year, the Commission in consideration of its role as the Airport Land Use Commission (ALUC), authorized staff to act as Study Sponsor to develop a Joint Land Use Study (JLUS) with Naval Base Ventura County (NBVC). Staff subsequently applied for and received a Grant Award from the Department of Defense Office of Economic Adjustment (DoD, OEA) for Department of Defense Community Planning Assistance Funds in the amount of \$225,000 for consultant assistance to conduct the JLUS. The Commission then amended the Fiscal Year 2012/2013 Airport Land Use Commission Task Budget to accommodate the grant award and anticipated staff time.

As the Commission may recall, a JLUS is a cooperative planning effort led by local communities or agencies promoting greater partnership with military installations. The dual goal of a JLUS is to develop land use policies that preserve the ability of a military installation to perform its assigned mission by preventing the encroachment of incompatible land uses and to protect the public health, safety and welfare of the surrounding community.

DISCUSSION:

In September staff released a Request for Proposal (RFP) seeking consultant assistance to conduct the JLUS. The RFP was included in the Commission's September and October agenda packets. Staff direct mailed twenty RFPs, advertised on the Department of Defense's website, the American Planning Association's website and VCTC's website. On October 3, 2012 a JLUS pre-bid meeting was held to provide an opportunity for interested parties to receive clarifications to the RFP and twelve consultants participated in that session.

November 2, 2012
Item #11
Page#2

On October 16, 2012, the RFP deadline for submittal, staff received six proposals from the consultant teams found in Table 1 below.

JLUS Consultant Teams	
Prime	Subcontractor
AECOM	RRM Design Group
	Brand New Box
Benchmark CMR Inc.	White & Smith LLC.
	Marstel Day
Coffman Associates	CommuniQuest
Matrix Design Group	
MIG	Hogle-Ireland
	Impact Sciences
	Moffat & Nichol
	Mayerson Marketing
The Planning Center/DCE	Arup
	CONCUR
	Gallagher 20/20

Table 1

All proposals were reviewed for required content and one proposal, submitted by Coffman Associates, was found to be incomplete due to a lack of a detailed project budget as required by the RFP. The Coffman Associates proposal was removed from any further consideration and the firm was notified of their proposal's status. All other proposals were found to be complete and the consultant teams were notified and scheduled for interviews.

Consultant interviews are slated for Thursday October 25th and proposer's written and oral presentations will be scored against the criteria published in the RFP. Each proposer will be ranked according to the scores received and VCTC will enter into negotiations with the top ranked firm. The results of the consultant selection process will be transmitted to the Commission under separate cover. The consultant selection committee consists of representatives from the City of Camarillo, the City of Oxnard, the City of Port Hueneme, the County of Ventura, California State University, Channel Islands, the Oxnard Harbor District, the Navy, and VCTC staff.

Due to the short study time frame, staff is recommending the Commission authorize the Executive Director in consultation with VCTC's General Counsel to negotiate and execute a standard contract for consultant services not to exceed \$225,000.



Item # 12

November 2, 2012

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: MARY TRAVIS, MANAGER OF TRANSPORTATION DEVELOPMENT ACT AND RAIL PROGRAMS

SUBJECT: SANTA PAULA BRANCH LINE RAIL BRIDGE REPAIRS AND ADMINISTRATION

RECOMMENDATION:

- The Santa Paula Branch Line Advisory Committee (SPBLAC) recommends approval of using \$75,000 in State Transit Assistance (STA) funds to repair the Ellsworth Barranca railroad bridge on the Santa Paula Branch Line (SPBL).
- Consider direction to staff for repair the other three SPBL railroad bridges listed in the JL Patterson bridge inventory report.

DISCUSSION:

There are two areas of major planning work currently focused on the SPBL – consideration of railroad bridge repairs, and, the future arrangements for overall administration of the Line.

Railroad Bridge Repairs: The first planning effort involved completion of the railroad bridge inventory as required by the Federal Railroad Administration (FRA). VCTC, as owner of the Santa Paula Branch Line (SPBL), was subject to this requirement. Phase One of the requirement was completion of an inventory and assessment of the condition of the 37 bridges on the SPBL. This was finished in September through a Commission contract with JL Patterson & Associates, and the report is now available for review by the FRA.

During the inspection and inventory activity, JL Patterson found there are four bridges on the SPBL with structural flaws. Three of the four bridges have comparatively smaller problems but one of the bridges is bad enough that it had to be put out of service. This last noted bridge is over Ellsworth Barranca just east of Saticoy. When it was "red-tagged", it effectively halted rail operations at this location on the SPBL until the bridge is repaired. Because this happened at the same time International Paper announced it was closing its Santa Paula facility, there is no requirement for VCTC to repair the bridge to facilitate Union Pacific (UP) freight operations. However, if future freight opportunities occur, the bridge will need to be repaired before those freight operations can take place on a regular schedule.

JL Patterson made the following assessments of all the problematic bridges and estimated repair costs as follows:

1. Mile Post #408.60 (near Ellsworth Barranca just east of Saticoy)
6,022 foot ballast deck trestle needs both end abutment wood stringers replaced; bridge is currently closed.
Estimated repair cost: \$75,000
2. Mile Post # 416.09 (near the Christmas tree farm at Hallock Drive just east of Santa Paula)
A small (15 foot) bridge over culvert needed repair to both abutment supports – Estimated repair cost \$10,000 - \$15,000. Fillmore & Western Railway (F&W) has invoiced VCTC \$20,192 for the repair. The repairs have already been completed by F&W as they were necessary for F&W to continue its' tourist operations.
3. Mile Post # 416.40 (over Haun Creek east of Santa Paula)
45-foot ballast deck trestle bridge has been problematic during storms for several years and needs reinforcement. In addition, stringers on spans one and two on the left side and span three on the right side need to be replaced and bent two needs replacement with a posted pile bent on a concrete sill. Bridge is open with monthly inspections and slow orders.
Estimated repair cost: \$45,000 - \$50,000
4. Mile Post # 420.22 (over unnamed barranca just west of Hall Road west of Fillmore)
Ballast deck trestle bridge needs abutment one cap replaced, span one on the right side stringers replaced and the cross beams reinforced. Bridge is open with monthly inspections and slow orders.
Estimated repair cost: \$25,000 - \$30,000

At the September VCTC meeting, Fillmore and Western Railway (F&W) provided their perspective that the Commission is responsible for repairing the Ellsworth Barranca bridge just east of Saticoy as well as the other SPBL rail bridges because the repairs are capital improvements that will extend the life of the bridge(s). However, after review of the existing agreements, staff and General Counsel concluded that VCTC is not responsible for making any bridge repairs necessary for F&W's operations (between Santa Paula and Piru) unless the Commission has funding to do so. Note that the agreement between UP/VCTC would require repairs be made to the bridges between Montalvo and Santa Paula but only if UP so requests for their freight operations and can show an active freight customer. Because there was limited time for discussion, the Commission asked the item be brought back to them at the October 5th meeting.

When this matter was reviewed again by the Commission, a variety of repair options were considered along with funding alternatives. After extensive discussion, the Commission referred the item to SPBLAC to consider all options including an allocation or loan of STA funds to repair the bridge(s) at SPBLAC's October 17th meeting.

Staff and General Counsel developed a recommendation for SPBLAC using STA for a short-term loan that factored in a review of the existing agreements, the JL Patterson report, and the Commission's prior policy discussions of moving the SPBL to a self-sustaining operation. General Counsel also noted there might be an issue with the prevailing wage clause included in state funding but this matter will take further research. An issue was also raised about past expenditures for capital repairs on the SPBL east of Santa Paula. Staff is researching this question and will have information available at the Commission meeting about past capital work on this section of the Line. Staff confirmed STA funding is available and can be

allocated or loaned for this purpose if the Commission so chooses. Staff also noted that STA funds are the only source of local money for discretionary transit projects, and money spent on rail bridge repairs lessens the money available for other transit and rail passenger services.

At the SPBLAC meeting, the issues were again discussed extensively including the public liability, the lack of definition in the existing agreements of "maintenance repairs" contrasted with "extensive capital improvements", and the future of freight and other operations on the SPBL. SPBLAC also considered that the SPBL operating agreements are under review and will be revised to clarify terms and make the agreements consistent with the Commission's current goals for the SPBL. After consideration of all the factors and given the current STA fund balance, SPBLAC recommends to the Commission that \$75,000 in STA funds be allocated to F&W to repair the Ellsworth Barranca rail bridge, in anticipation of freight car movements.

Subsequent to the SPBLAC action on funding for the Ellsworth Bridge repair, F&W resubmitted an invoice for \$20,192. The invoice was for repairs F&W already made to the Hallock Drive small bridge just east of Santa Paula. Staff had previously rejected the bill as it was deemed by staff and General Counsel that this repair was not the Commission's responsibility. However, given SPBLAC's recommendation to repair the Ellsworth Barranca bridge using STA funds and with the resubmittal of the invoice for repairs to the Hallock Bridge, it seems appropriate for the Commission to consider the totality of the bridge repairs needed on the SPBL. It is up to the Commission to determine if STA funds should be allocated to repair one or all four of the rail bridges. If the Commission so acts, based on the JL Patterson engineering estimates, a total of \$175,000 - \$200,000 in STA funds will be needed.

Administration of the SPBL:

When the Commission purchased the SPBL in 1995, a number of operating agreements were put in place to handle oversight and administration of the Line. The agreements were between VCTC and Union Pacific Railroad (UP) for freight operations between Ventura and Santa Paula; between VCTC and the County of Ventura (to oversee property in Saticoy and Piru); between VCTC and the City of Santa Paula (to oversee property in Santa Paula); between VCTC and the City of Fillmore Redevelopment Agency (to oversee property in Fillmore); and, between VCTC and the Fillmore and Western Railway to generally maintain the SPBL and adjacent property along the 32-mile rail line. Note that VCTC also has two other continuing leases with F&W for their tourist/movie train operation and for their gift and garden shop in east Santa Paula.

Staff has been working with Legal Counsel to update all these agreements, resolve an outstanding overpayment issue, and simplify the agreement structure all with the ultimate goal of the SPBL becoming self-sustaining. Staff has also been reviewing the current lease arrangements to ensure all necessary protections are included in the documents. Also, F&W has presented an outline to staff for a long-term arrangement on the SPBL which could have benefits to both F&W and VCTC. Staff discussed all these administrative items with SPBLAC at their October 17th meeting.

Given the complexity of the railroad industry and the limited knowledge of VCTC staff in this field, the Executive Director advised SPBLAC that under his signature authority, he would retain consultant support to guide the Commission and staff through negotiations with F&W and the other parties involved as we restructure the existing agreements. SPBLAC generally concurred with the Executive Director on seeking the expertise needed.

Attached are the credentials of Tom Egan, with the Egan Consulting Group, who has exactly the type of specialized rail operation and property management expertise needed to support the Commission and staff as we develop a master agreement that will better manage the Line in the future.

November 2, 2012

Item #12

Page#4

In anticipation that consultant services might be needed this fiscal year, funding for this purpose was included in the FY 2012/13 SPBL budget. Originally, these funds were to be used for Phase II of the FRA-required Rail Bridge inventory which involves weight-testing the rail bridges. However, this cannot be done while four bridges need repair, and also, completion of the inventory is not required until 2018 allowing these budgeted funds to be used instead for this purpose.

October 8, 2012

MEMORANDUM

TO: SANTA PAULA BRANCH LINE ADVISORY COMMITTEE

FROM: GENERAL COUNSEL

SUBJECT: SANTA PAULA BRANCH LINE REPAIRS AND MAINTENANCE

BACKGROUND:

At the regular meeting of the VCTC on October 5, 2012, two Commissioners expressed concerns regarding the potential liability of VCTC for failing to undertake the repair of a bridge that was red-tagged following an annual inspection conducted by Patterson & Associates, Inc. The estimated cost of repairing the bridge located west of the City of Santa Paula is \$75,000.00. The Commission briefly discussed a variety of options, including closing that portion of track, paying for the bridge repairs, looking to Fillmore & Western Railway (F&W) to pay for the repairs and the possibility of VCTC loaning funds for a short term to F&W to make the repairs. No decision was made. Staff indicated your committee would be considering the matter at your October 17th meeting.

The bridge in question crosses the Ellsworth Barranca at milepost 408.60.

DISCUSSION:

I am advised of the following facts:

1. The maintenance of the subject bridge was the responsibility of VCTC pursuant to a 1997 First Amendment to Usage Agreement with Union Pacific Railroad Co. as a result of a stated intent of VCTC to upgrade the line from FRA Class 1 to Class 3 standards for passenger use. Union Pacific did not require a Class 3 line for its freight traffic.
2. The portion of track where the bridge exists was used until mid-2012 by Union Pacific Railroad Co. to access a single business site in the City of Santa Paula. That business no longer requires rail service and Union Pacific no longer utilizes that portion of track.
3. VCTC leased that portion of track in 2001 to F&W for tourist excursions and movie production. The lease provides as follows: F&W pays VCTC for the lease, but also receives a monthly payment from VCTC to maintain the track and its support structures for a distance of 15

feet of the centerline of the track. The agreement runs for a term of 20 years. In addition, VCTC pays F&W for weed abatement, debris removal, emergency callouts, etc., outside the 15-foot area on each side of the track on a project-by-project basis. The lease has been amended two previous times, in 2004 and 2007, as it relates to only to VCTC annual maintenance fees paid to F&W.

4. The 2001 lease to F&W defines "maintenance" to mean "...those activities required for continued basic operation of track and signal equipment of Fillmore & Western's uses and in accordance with applicable regulations." Track support structures means "... those properties necessary for use or support of Track, including ... bridges, culverts, other structures, ... embankments ... and drainage facilities."

5. The lease at Section 4.b. reads:

"Fillmore & Western shall maintain the Track and Track Support Structures from milepost 405.31 to milepost 435.07 to such standards as required for its uses and in accordance with applicable regulations."

6. The lease at Section 4.c. reads:

"In the event that specific Track and Track Support Structures are determined to need extensive replacement, beyond maintenance as defined in Section 1. VCTC shall be responsible for said replacement. Any and all replacement activities shall be undertaken at the sole discretion of VCTC as funds may become available. It is understood by the parties that VCTC shall seek state and/or federal funds to the greatest extent possible for such work."

ISSUES:

The issues to be decided include the following:

1. Is the repair of the Ellsworth Barranca railroad bridge "maintenance" or "extensive replacement"?
2. Does VCTC have a duty to provide "extensive replacement" or is it within its sole discretion?
3. If no maintenance or extensive replacement is undertaken to the track support structure, what are the options for reducing or eliminating liability for both F&W and VCTC if the bridge remains unusable?
4. If VCTC pays for or loans the funds at less than market rates necessary for repairing all or any part of the structure, do prevailing wage laws apply?

RESPONSES:

1 and 2. According to the April 16, 2012 inspection by Patterson & Associates, Inc., the work required was referred to as a "repair requiring the replacement of the east end stringers." Such a repair would ordinarily constitute "maintenance" as that term is defined by the lease. However, even if the ultimate determination of VCTC is that the work does constitute an "extensive replacement" pursuant to the terms of the lease, VCTC is under no obligation to pay for it.

3. It is common practice and entirely appropriate, if no rail traffic exists on the stretch of track and no repair to the bridge structure is going to be made, to post that portion of the track as being out of service and to notify the operators of such closure. In the instant case, Union Pacific has stopped the freight use on that stretch of track and the current tourist excursion use by F&W does not proceed that far to the west of the City of Santa Paula. Therefore, there may be no present need to keep that portion of track open to rail traffic and posting the stretch as being out of service would be appropriate in lieu of making the repairs. That is a judgment call of the owner and the lessee. In addition, should an incident causing injury to, or the death of, any person or damage to, or loss of, any property as a result of the bridge remaining in service, the lease with F & W at Section 6 provides for indemnifying VCTC against any such claims or causes of action. In addition, Section 10 of the lease requires F & W to maintain liability insurance coverage, naming VCTC as an additional insured.

4. The contribution by any public agency toward the repairs, maintenance or replacement of the track or its support structures, including a loan at less than market rates, requires the payment of prevailing wages under the Labor Code. However, inasmuch as VCTC currently pays an amount annually to F&W for that work, the payment of prevailing wages is already required.

Egan Consulting Group

Thomas J. Egan, Principal
227 Hersey Street
Hingham MA 02043

August 27, 2012

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

Re: Rail Consulting

Dear Mr. Kettle:

The Egan Consulting Group (ECG) is pleased to submit this proposal in response to your outreach of August 17, 2012. As you explained the issue, the Ventura County Transportation Commission (VCTC) is seeking assistance in assessing the relationship between the VCTC and its rail operator on the former Southern Pacific Santa Paula Branch, The Fillmore and Western Railway (FWRY). The current arrangement between the VCTC and FWRY, as you described it, dates from the early 1990's and while preserving the rail assets, does not generate a positive cash-flow for the County or the Transportation Commission. The VCTC sees an opportunity to re-open discussions regarding the operating agreement for the Santa Paula Branch, at least in part because of an initiative brought forth by the Fillmore and Western regarding expanding rail operations. In any exploration regarding the Santa Paula Branch, the VCTC would like to ensure that at minimum, all appropriate agreements are industry standard and to the extent possible provide a mechanism for a positive cash flow for the Ventura County Transportation Commission.

As you may know, Egan Consulting Group (ECG) is a rail consultancy practice formed in 2004, which provides services to government agencies, engineering firms, rail customers and railroads. I am the founder and Principal of ECG, and have worked in the railroad industry for 47 years. For each project, ECG has the ability to pull from a stable of industry experts to specifically meet the perceived needs of the client. In this case, I would propose to provide the required services myself, and rely on my associates for support if needed.

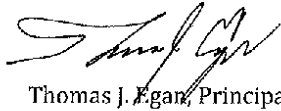
Per our discussion, I would propose to enter this engagement on a time and material basis. We would jointly establish a scope of work and a proposed budget based on that scope. My initial view is that the scope could be divided into three initial tasks with an optional fourth task as outlined below;

1. Document review and assessment. This task that would be conducted remotely, and would involve reviewing the current agreement(s) between VCTC and Fillmore and Western Railway, any agreements between Union Pacific and FWRV, any appropriate accounting documents showing the financial picture as between the County, the Transportation Commission and FWRV, as well as the recent proposal from the railway regarding a re-negotiation.
2. Site visit and field investigation of the property, including meetings with yourself and key players either from Ventura County or the Ventura County Transportation Commission, meetings with the local Economic Development Agency to assess whether there is economic development opportunity along the line, and with officials from the railway to assess their capabilities as relate to expanding their role. In addition, this visit would include an inspection trip along the entire line to better assess the potential for restating the relationship between the Transportation Commission and the railway.
3. Development, in concert with you and your team, of a strategic plan that would identify mechanism(s) for re-defining the relationship between VCTC and FWRV. This plan, among other elements, would include a mechanism to introduce industry standard elements into the relationship and agreements between the Transportation Commission and its operator, as well as identify mechanism(s) for improving the cash flow picture as between VCTC and the railway.
4. (Optional) To the extent needed, ECG would be willing to assist in negotiations with the Fillmore and Western, or in development of agreements, requests for qualifications, or request for proposals as determined necessary by VCTC in order to accomplish the goals of the Transportation Commission.

If you are amenable, we could work from this initial list of tasks (unless you have already created your own list) to develop a proposed scope, which would then put us in the position of being able to develop a budget or a not to exceed amount for initial work. For your planning purposes, my hourly rate, as I advised you on our telephone call is \$150.00 per hour, and expenses are billed with no mark-up.

Please feel free to contact me with any questions. I look forward to working this opportunity through with you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Egan', written over a horizontal line.

Thomas J. Egan, Principal

Egan Consulting Group
227 Hersey Street
Hingham, MA 02043-2709
(781) 771-759
tomegan@comcast.net



Item #13

November 2, 2012

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: DARREN KETTLE, EXECUTIVE DIRECTOR

SUBJECT: VENTURA COUNTY FREIGHT MOVEMENT – JOINT MEETING WITH OXNARD HARBOR DISTRICT (OHD)

RECOMMENDATION:

- Receive Presentation from VCTC and OHD Staff and Freight Movement Partners.

DISCUSSION:

Since its formation in 1989, the Ventura County Transportation Commission has been committed to maintaining an active role in supporting freight movement projects and programs throughout the County and has developed important relationships with freight movement public agency partners, including the Oxnard Harbor District, as well as other county transportation commissions from Southern California. While facilitating the movement of freight and mitigating the impacts on Ventura County's transportation system may not be at the same level of Los Angeles, San Bernardino and Riverside Counties, it is still a critical element of our transportation system that must support the key economic sectors of agriculture, military/ defense, small and mid-size business and facilitate growth opportunities for the economic engine that is the Port of Hueneme. Ensuring that the transportation system can accommodate these economic sectors is as important as mitigating some of the impacts on communities that come with growth in moving freight in and through Ventura County.

At the regional level, freight movement and access to the Port of Hueneme has been a recognized issue for nearly 25 years, dating back to the port access study completed by the Southern California Association of Governments in 1988. In 2000 VCTC partnered with SCAG to comprehensively reanalyze and update the 1988 study. The recommendations of the port access studies, along with the leadership of VCTC, the Port, the Cities of Oxnard and Port Hueneme, the County and Caltrans all led to the improvements on the Port access corridor of Hueneme Road to Rice Avenue extending up Rice Avenue to US 101.

As freight and goods movement concerns intensified for both added capacity and impact mitigation in the late 1990s and early 2000s, coalitions of transportation agencies, sea ports, airports, railroads, trucking and the logistics industry started to develop southern California's strategy for addressing the region's freight movement issues. VCTC was an active participant in the Los Angeles County Metropolitan Transportation Authority Managed Multi County Goods Movement Action Plan, a four year effort that began in 2004. In 2007, VCTC was signatory to the Southern California National Freight Corridor Collaborative Agreement.

November 2, 2012

Item #13

Page#2

It was these efforts, and the relationships that developed, that led to the coalition of the five southern California county transportation commissions (Orange, Riverside, San Bernardino, Los Angeles, and Ventura) coming together in late 2007 and 2008 to form the LA/Inland freight corridor for the purpose of funding critical freight movement projects in the region from the November 2006 voter approved Proposition 1B Trade Corridor Improvement Fund (TCIF). Originally VCTC received \$30 million for the Rice Avenue/101 Freeway Interchange project. The City of Oxnard took the lead on this project, which was is the key connector for the Port of Hueneme port access corridor to the southern California freeway system. Thanks to a very competitive construction contract market, bids for the Rice Avenue/101 project came in lower than expected allowing excess funds to be placed on a Hueneme Road widening project in Oxnard and, most recently, on the 101/23 Freeway interchange project.

Freight Movement at the Statewide Level

In the past decade, the State has increased its involvement and commitment to goods movement as a part of overall transportation activities. Caltrans Office of System and Freight Planning produced the Goods Movement Action Plan (GMAP). The GMAP was issued by the California Business, Transportation and Housing Agency (Agency) and the California Environmental Protection Agency (Cal EPA) in two phases in 2005 and 2007. The GMAP is being updated under the working title of the "California Freight Mobility Plan."

The original GMAP was a major milestone in statewide policy and planning for freight transportation, trade corridors, and related air quality issues. It was developed in response to congestion problems at the ports of Los Angeles and Long Beach, state economic stimulus initiatives, and public concerns regarding community, health, and environmental impacts. Before GMAP statewide freight movement planning efforts included the 1998 Statewide Goods Movement Strategy and the Global Gateways Development Program in 2002.

Purpose of the Freight Mobility Plan

According to Caltrans, the Freight Mobility Plan will address current conditions, future trends, and major issues in goods movement across all modes and regions of California. Going further than what the GMAP addressed, the Freight Mobility Plan will devote more attention to community impact issues, take a more in-depth look at trucking, and will more thoroughly identify the freight needs of portions of California that did not receive sufficient attention during development of the GMAP. This update will also benefit from important regional freight mobility planning programs that partner agencies have been engaged in and will utilize recent freight industry plans developed by seaports, railroads and others.

The Freight Mobility Plan will revisit and, as appropriate, renew the underlying GMAP goals to:

- Promote economic growth,
- Encourage job creation,
- Increase mobility,
- Enhance public safety and security and,
- Address environmental challenges.

National Freight Movement Policy

In spite of the importance of domestic and foreign trade to the United States economy, there has been limited engagement at the national level to develop a national freight movement policy. However, for the first time, the federal transportation authorizing law, Moving Ahead for Progress in the 21st Century Act (MAP-21), calls for the development of a national freight movement policy by directing the Secretary of Transportation to encourage States to develop freight plans that are comprehensive and that include both immediate and long-term freight planning activities and investments. This is a positive step in the development of recognizing the importance of moving goods and freight to the national economy. Unfortunately, MAP-21 provided no funding for this new national initiative. If there is a bright spot in the

November 2, 2012
Item #13
Page#3

fact that MAP-21 is only a 2 year authorization law, it is the fact that in a relatively short time frame providing federal funds to the program can be considered.