



**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, SEPTEMBER 14, 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**
- 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. APPROVE SUMMARY FROM JULY 13, 2012 VCTC MEETING – PG.7

6. CALTRANS REPORT

This item provides the opportunity for the Caltrans representative to give update and status reports on current projects.

7. 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.

8. 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.*

9. 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.13

Recommended Action:

Receive and file

Responsible Staff: Sally DeGeorge

9B. RAIL OPERATIONS UPDATE – PG.15

Recommended Action:

Receive and file

Responsible Staff: Mary Travis

9C. INSURANCE BROKER SERVICES AGREEMENT - PG.21

Recommended Action:

Information item - consistent with VCTC's procurement procedures, the Executive Director entered into an agreement for Insurance Brokerage Services with Alliant Insurance Services Inc. following a competitive procurement process.

Responsible Staff: Sally DeGeorge

9D. REQUEST FOR PROPOSALS FOR STATE REPRESENTATION- PG.23

Recommended Action:

Authorize release of the attached Request for Proposals (RFP) for State Legislative Advocacy

Responsible Staff: Peter De Haan

9E. EAST COUNTY COMMUTER EXPRESS CMAQ PROJECT SCORE- PG.29

Recommended Action:

Add the East County Commuter Express transit project to the CMAQ shelf list below the shelf list projects received prior to the deadline, but above the Shoreside Power Project.

Responsible Staff: Stephanie Young

9F. REVISION OF TRANSPORTATION TECHNICAL ADVISORY COMMITTEE OPERATING RULES - PG.31

Recommended Action:

- Approve revised TTAC Operating Rules (ATTACHMENT A).
- Approve revision to the VCTC Administrative Code, Section I.2.b. (ATTACHMENT B).

Responsible Staff: Stephanie Young

9G. COMMUTER SERVICES YEAR END/QUARTERLY REPORT – PG.39

Recommended Action:

Receive and file

Responsible Staff: Alan Holmes

9H. REPROGRAMMING OF FUNDS– PG.47

Recommended Action:

- Approve funding Thousand Oaks service vehicle purchase with \$31,015 of Proposition 1B funds instead of with Congestion Mitigation and Air Quality (CMAQ) funds and replacing \$31,015 of Proposition 1B funds for the Thousand Oaks Bus Purchase with CMAQ.
- Approve the attached Cooperative Agreement Amendment with the City of Thousand Oaks to allow for the use of Proposition 1B funds for the service vehicle purchase.
- Approve reprogramming \$133,000 in CMAQ funds from the Piru Bike Path to other projects on the approved CMAQ list as determined by the County.
- Approve the funding of the West Los Angeles Avenue Bike Lanes (Simi Valley) and the Hueneme Road Bike Lanes (Ventura County) with CMAQ instead of Surface Transportation Program (STP) funds.

Responsible Staff: Stephanie Young

9I. BUDGET AMENDMENT FOR INTERN GRANT– PG.51

Recommended Action:

Amend the FY 2012/13 VISTA Fixed Route Service—Salaries, Fringe, and Indirect Costs Line Items, increasing revenues and expenditures in the amount of \$2,375. Funding sources are FTA Section 5304 in the amount of \$2,100 and STA in the amount of \$275.

Responsible Staff: Vic Kamhi

9J. HERITAGE VALLEY SUSTAINABLE TRANSIT PLAN CONSULTANT CONTRACT AMENDMENT– PG.53

Recommended Action:

- Amend the Moore and Associates contract for preparation of a sustainable Heritage Valley Transit Plan, increasing the contract by \$6,500.
- Amend the VCTC Regional Transit Planning budget, including expenditures and revenues in the amount of \$6,500 in State Transit Assistance Funds (STAF).

Responsible Staff: Vic Kamhi

9K. BIENNIAL CONFLICT OF INTEREST CODE REVIEW – (Added after agenda was published and provided as separate attachment)

Recommended Action:

Adopt resolution amending Exhibit 1 of Appendix A deleting the job title of Director of Capital Projects from Conflict of Interest Code

Responsible Staff: Mitch Kahn

10. ROADRUNNER TRANSITION– PG.57

Recommended Action:

- Amend 2012/13 VISTA Fixed Route Budget increasing revenues and expenditures in the amount of \$100,000 to fund the capital purchase of up to 100 “slim” 3 bicycle bike racks for VISTA Intercity buses and other transit systems in the county. Fund Source is State Transit Assistance Fund Balance.
- Authorize the sole source purchase of up to 100 Sportsworks “slim” bike racks in an amount not to exceed \$85,000. (2/3rd vote required)

Responsible Staff: Vic Kamhi

**11. SANTA PAULA BRANCH LINE FEDERAL RAILROAD ADMINISTRATION REQUIRED
RAILROAD BRIDGE INVENTORY REPORT – PG.59**

Recommended Action:

Approve the Santa Paula Branch Line (SPBL) Federal Railroad Administration (FRA) Railroad Bridge Inventory and submit the report to the FRA as required.

Responsible Staff: Mary Travis

12. LEGISLATIVE UPDATE– PG.61

Recommended Action:

Direct staff to monitor status of state legislation to implement provisions of the federal authorization entitled Moving Ahead for Progress in the 21st Century, or MAP-21.

Responsible Staff: Peter De Haan

**13. CONTINUATION OF PUBLIC HEARING ON TRANSFER FEE INCREASE BETWEEN
COASTAL EXPRESS AND SANTA BARBARA METROPOLITAN TRANSIT DISTRICT– PG.71**

Recommended Action:

- 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.

Responsible Staff: Vic Kamhi

14. NAVAL BASE VENTURA COUNTY JOINT LAND USE STUDY– PG.73

Recommended Action:

- Authorize the release of a Request for Proposal (RFP) for Consultant Services for a Joint Land Use Study with Naval Base Ventura County.
- 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.

Responsible Staff: Steve DeGeorge

15. VCTC TRANSIT FUNDING POLICY– PG.89

Recommended Action:

Receive And File.

Responsible Staff: Vic Kamhi

16. CUSA CC, LLC – PARTICULATE TRIPS– PG.97

Recommended Action:

- 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

Responsible Staff: Mitch Kahn

17. 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.

18. AGENCY REPORTS

19. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

(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

20. ADJOURN

The next Commission meeting is scheduled to be held at 9:00 a.m. Friday, **October 5, 2012**, Camarillo City Hall, City Council Chambers, 601 Carmen Drive, Camarillo.

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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, JULY 13, 2012
9:00 AM**

Members Present: John Zaragoza, County of Ventura, Chair
Steve Sojka, City of Simi Valley, Vice Chair
Steve Bennett, County of Ventura
Claudia Bill-de la Peña, City of Thousand Oaks
Jamey Brooks, City of Fillmore
Ralph Fernandez, City of Santa Paula
Peter Foy, City of Simi Valley
Brian Humphrey, Citizen Representative, Cities
Kathy Long, County of Ventura
Jan McDonald, City of Camarillo
Irene Pinkard, City of Oxnard
Mike Miles, Caltrans

Call To Order

Pledge of Allegiance

Roll Call

Public Comments for those items not listed in this agenda

**APPROVE SUMMARY FROM JUNE 1, 2012 VCTC MEETING – Approved
APPROVE SUMMARY FROM JUNE 21, 2012 SPECIAL VCTC MEETING – Approved
(Commissioners Foy and Sojka abstained)**

CALTRANS REPORT

EXECUTIVE DIRECTOR REPORT

1. **101/23 Freeway Interchange TIGER IV Grant Application** – At the March meeting the Commission approved the nomination of the Route 101/23 Interchange Improvement for \$20 million in funding from the federal Transportation Investment Generating Economic Recovery 2012 (TIGER 2012) program. The federal Department of Transportation has announced its selections, and the 101/23 project was not funded. Although this news is disappointing for VCTC, it is not surprising given that there were \$10.2 billion of applications with only \$500 million available. The news is also disappointing to VCTC's regional partners, as there were no projects funded anywhere in Southern California. There were three projects approved for California, two of which were in the Bay Area and one in Sacramento.
2. **101/23 Freeway Interchange Funding Pursuit Part II** - As you will remember, at last month's regular meeting the Commission approved the nomination of the Route 101/23 Improvements project for funds that staff expected to come available from cost savings in the Proposition 1B Congestion Management Improvement Account program. Unfortunately these funds will not be available after all, as the California Transportation Commission CTC at its June 27th meeting decided instead that any remaining funds will be used for eligible projects that were previously funded from the State Highway Operations and Protection Program (SHOPP). VCTC was not the only regional agency that had anticipated these funds would be available for additional projects, and several agencies advocating for various projects spoke at the meeting, including VCTC and Thousand Oaks. However, the CTC is understandably very concerned about state highway maintenance needs and so their action will free up additional resources for that activity. Staff will continue looking for ways to expedite funding for the Route 101/23 project.
3. **Resignation of Commissioner Keith Turner** - Earlier this week it was with great sadness that I advised the Commission that a formal letter of resignation would be forthcoming from Commissioner Turner due to a recent diagnosis of stage 4 pancreatic cancer. On Tuesday afternoon, I received the following email from Keith's wife Clare:

*"Dear Mr. Kettle,
On behalf of my husband, Keith Turner, I'm writing to inform you that Keith must resign from his citizen appointment to the Commission effective immediately. This e-mail serves as Keith's formal written notice of resignation. It is with regret that Keith must resign; however, due to serious health issues he is unable to continue as a Commissioner. Keith wishes to express that it has been a great pleasure and an honor to serve on the Commission and he wishes you and all Commissioners the very best."*

Keith served as the County Board of Supervisors citizen appointee to the Commission since May 2005. The County Board of Supervisors Chairman, County Executive Officer, and the Clerk of the Board have been informed of the Mr. Turner's resignation and will proceed with a selection process to appoint a citizen member to complete Mr. Turner's term ending January 31, 2015.

ADDITIONS/REVISIONS

Item #9C, Legislative Update, was pulled from the Consent Calendar for discussion.

Items #13 Airport Land Use Plan Consistency Review and #14, VISTA Intercity Contract Services will be heard after the Consent Calendar.

CONSENT CALENDAR- *The Following Items were Approved As Recommended:*

- 9A. **MONTHLY BUDGET REPORT** - *Receive and file*

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9B. RAIL OPERATIONS UPDATE - Receive and file

9D. PROP 1B AGREEMENT WITH SCRRA

- *Approve decreasing the Metrolink Grade Crossing Rehabilitation Project by \$200,972 of Proposition 1B California Transit Security Grant Program (CTSGP) funds and increasing the Tunnel 26 Rehabilitation Project by the same amount.*
- *Authorize the Executive Director to sign the attached agreement with Metrolink for CTSGP Funds for the Grade Crossing Rehabilitation Project and the Tunnel 26 Rehabilitation Project.*

9E. VISTA FY 2012/13 COOPERTIVE AGREEMENT – CSUCI-

Approve the FY 2012/2013 Cooperative Agreement for bus service to California State University Channel Islands (CSUCI)

9F. FISCAL YEAR 2012/13 BUDGET AMENDMENT - VISTA HWY 126 FIXED ROUTE

- *Amend the FY 2012/13 VISTA HWY 126 Fixed Route budget, increasing revenues and expenditures in the amount of \$81,380 for additional HWY 126 Service.*
- *Approve the FY 2012/2013 VISTA HWY 126, Fillmore and Santa Paula Cooperative Agreement*

9G. MEMORANDUM OF UNDERSTANDING WITH COUNTY FAIR BOARD FOR SPECIAL 2012 COUNTY FAIR METROLINK TRAIN SERVICE

Approve and authorize the Executive Director to sign a Memorandum of Understanding with the County Fair Board to operate special, Saturday-only Metrolink train service to the County Fair August 4 and 11, 2012.

9C. LEGISLATIVE UPDATE - Approved

Staff was directed to cancel the August 9th meeting with Assemblymembers regarding AB1778 and consider holding the meeting later in the fall.

13. AIRPORT LAND USE COMMISSION REVIEW, CAMPUS PARK, OXNARD– PUBLIC HEARING - Approved (Commissioner Pinkard Opposed) Commissioner Long added to the motion that a Letter be sent to the City of Oxnard calling out specific concerns.

Public Hearing

- **Steve Nash**, spoke in support of staff's recommendation to deny approval of Campus Park due to inconsistency with the Airport Comprehensive Land Use Plan
- **Todd McNamee**, Director of Ventura County Department of Airports was available to answer questions
 - *The Airport Land Use Commission find that the proposed Campus Park project from the City of Oxnard to be inconsistent with the Airport Comprehensive Land Use Plan for Ventura County.*
 - *The Ventura County Airport Land Use Commission authorizes the Executive Director to transmit the Commission's findings and support for the County of Ventura, Department of Airports' recommendations to the City of Oxnard.*

14. VISTA INTERCITY CONTRACT SERVICES - Approved

Public Comments

Amy Aguilera, ASERT Member, spoke in support of the new contract to keep the buses running and asked that fares not be increased and to maintain the same level of service without interruptions. She added a request to consider cyclists and include racks with capacity on the buses.

Cheryl Roberson, Member of Ventura County Bus Riders Union, supports the new contract.

Jamey Muñoz, Fillmore Resident, requested fixed route service between Fillmore and Rancho Sespo and Piru so that riders do not left behind when the vehicles are at capacity.

Leslie Carson, Santa Paula Resident. Concerned that the bus schedule ends too early and creates a hardship for students taking night classes at Ventura College. Please extend service to 9 pm.

Bill Edmonds, Fillmore Resident, also requested later evening service to Piru and Fillmore and fixed route buses with more capacity.

Lynn Edmonds, One Step Program, Fillmore. Supports staff recommendation and providing fixed route services in the Heritage Valley, as well as extended evening service.

Lynn Jay, Santa Clarita Resident, requested service between Fillmore and Santa Clarita so employees can work at Magic Mountain.

Darlene Cochran, Coach America, LLC Thanked VCTC for the opportunity to serce as the VISTA provider and offered support to Roadrunner for a seamless transition to their operation of VISTA service.

- *Approve finding of need for a sole source VISTA transit contract.*
- *Approve an eleven (11) month sole source contract for VISTA transit service and capital with Roadrunner Shuttle beginning on July 30, 2012 and terminating on June 30, 2013.*

Commissioner Bennett added to the motion:

- ***Authorize Staff to consider one time funding sources for expansion.***

10. HUMAN SERVICES TRANSPORTATION STUDY - Approved

Public Comment

Jim White, CTAC Chair, Transportation Director for ARC, thanked staff and planners for putting this plan together. ARC members are using more public transportation and this plan is very helpful for those who are transit dependent.

- *Approve updated Coordinated Public Transit / Human Services Transportation Plan 2012 Revision.*
- *Direct staff to distribute the Plan Revision to all agencies involved with paratransit services in Ventura County, and encourage them to also adopt the recommended actions.*
- *Direct staff to consider the recommendations regarding these programs as the application and guidelines are developed for the next call for projects.*

11. PROPOSED LOAN OF SURFACE TRANSPORTATION PROGRAM (STP) PROGRAMMING CAPACITY TO ORANGE COUNTY TRANSPORTATION AUTHORITY / PROGRAMMING REVISIONS TO AVOID POTENTIAL RESCISSION OR LAPSE - Approved

- *Authorize staff to approve a loan of up to \$12 million of Surface Transportation Program (STP) program capacity to the Orange County Transportation Commission (OCTA), to be repaid by December 31, 2012.*
- *Authorize staff, to the extent necessary to prevent an apportionment lapse should the OCTA loan not occur, to switch ready-to-go Congestion Mitigation and Air Quality (CMAQ) projects to STP.*

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12. PUBLIC HEARING REGARDING POSSIBLE TRANSFER FEE FROM THE SANTA BARBARA METROPOLITAN TRANSIT DISTRICT SERVICE TO THE VISTA COASTAL EXPRESS -

Approved (There were no speakers for the public hearing)

- *Open the Public Hearing and receive any comments regarding a possible transfer fee for trips from the Santa Barbara Metropolitan Transit District Service to the Vista Coastal Express.*
- *Extend the Public Hearing until the September 7, 2012 meeting of the VCTC.*

GENERAL COUNSEL'S REPORT - None

AGENCY REPORTS- None

CLOSED SESSION - None

ADJOURN

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Item #9A

SEPTEMBER 14, 2012

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: SALLY DEGEORGE, FINANCE DIRECTOR

SUBJECT: MONTHLY BUDGET REPORT

RECOMMENDATION:

- Receive and File.

BACKGROUND:

The year-end financial statements for Fiscal Year 2011-2012 are not completed as yet. In order to give the Commission an accurate monthly budget report, the July monthly budget reports will be included as part of a future agenda.

The Commission should note, however, that all revenues, expenditures, and cash flow to date are consistent with the adopted budget.

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Item #9B

September 14, 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 1,890 people who boarded morning peak-hour trains to Los Angeles each weekday in August. This is a slight decrease from the 1,975 morning boardings in July and is typical of the summer dropoff. About 50% of the passengers on the Line, or 945 of the riders in August boarded at Ventura County stations.

Attached to this item is a graph and summary table showing the ridership and boardings at Ventura County stations during the past fiscal year. Overall, the boardings are slowly increasing as the economy continues to recover. Staff will continue working with Metrolink marketing personnel to improve the ridership growth.

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 August, 97% of the inbound trips and 95% of the outbound trips ran on-time.

There was a significant incident that occurred on the Ventura Line. On August 24, Train #102 (departs East Ventura at 5:25 AM) struck a double, long-bed tractor/trailer at a farm crossing near Pleasant Valley Road in south Camarillo. The crossing has stop signs but the tractor driver did not stop and was hit by the train. The driver and his passenger were injured but fortunately, the 38 passengers and two crew members on the train were not injured.

Buses were provided by Gold Coast Transit to take the passengers onto the Moorpark Station or back to Oxnard or East Ventura, and LA Metro buses took passengers from Simi Valley into Los Angeles. Quick work by local law enforcement and Metrolink staff cleared the tracks and service was restored by the time Train # 106 departed East Ventura at 6:42 AM.

Ventura County Fair Train:

For the nineteenth year, the County Fair Board decided to contract with Metrolink to run special County Fair Train service on the two weekends in August when the Fair is held. As was operated last year, the trains just ran on Saturday, in this case, August 4 and 11. Despite an early morning thunderstorm on August 4 and an overall slight drop off in Fair attendance, the train proved popular with one-way boardings totaling just under 1,630 passengers compared to the two Saturdays in 2011 when 1,650 people boarded.

Three round trips were operated each Saturday with stops at Chatsworth, Simi Valley, Moorpark, Camarillo, Oxnard and the Amtrak Station at the Fairgrounds in Ventura. Metrolink field representatives were at all the stations to help passengers and volunteer "conductors" from the Santa Clara River Valley Railroad Historical Society were on board to assist the Metrolink crew. Metrolink also provided an assortment of marketing items such as paper trains, ride-guides, etc. to VCTC which we handed out at the VCTC booth at the Fair.

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 further explore taking over control of the LOSSAN intercity train operations from the State. A similar action was taken on the Capitol Corridor rail service operated between Sacramento and the Bay area in 1998. Clearly there are many details that need to be worked through as this proposal is considered, including State funding guarantees, Board structure and voting, administrative arrangements, etc. The CEO's from the member agencies are finalizing these arrangements for a Memorandum of Understanding to guide the new agency. State legislation (SB 1225) has also been drafted to accomplish this goal under the guidance of the member agency governmental staffs. Staff is continuing to closely monitor this initiative and will be presenting details for the possible rail reorganization to the Commission for review likely at the October meeting.

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

A report on this project is included as Item # 10 in this agenda.

Property Leases

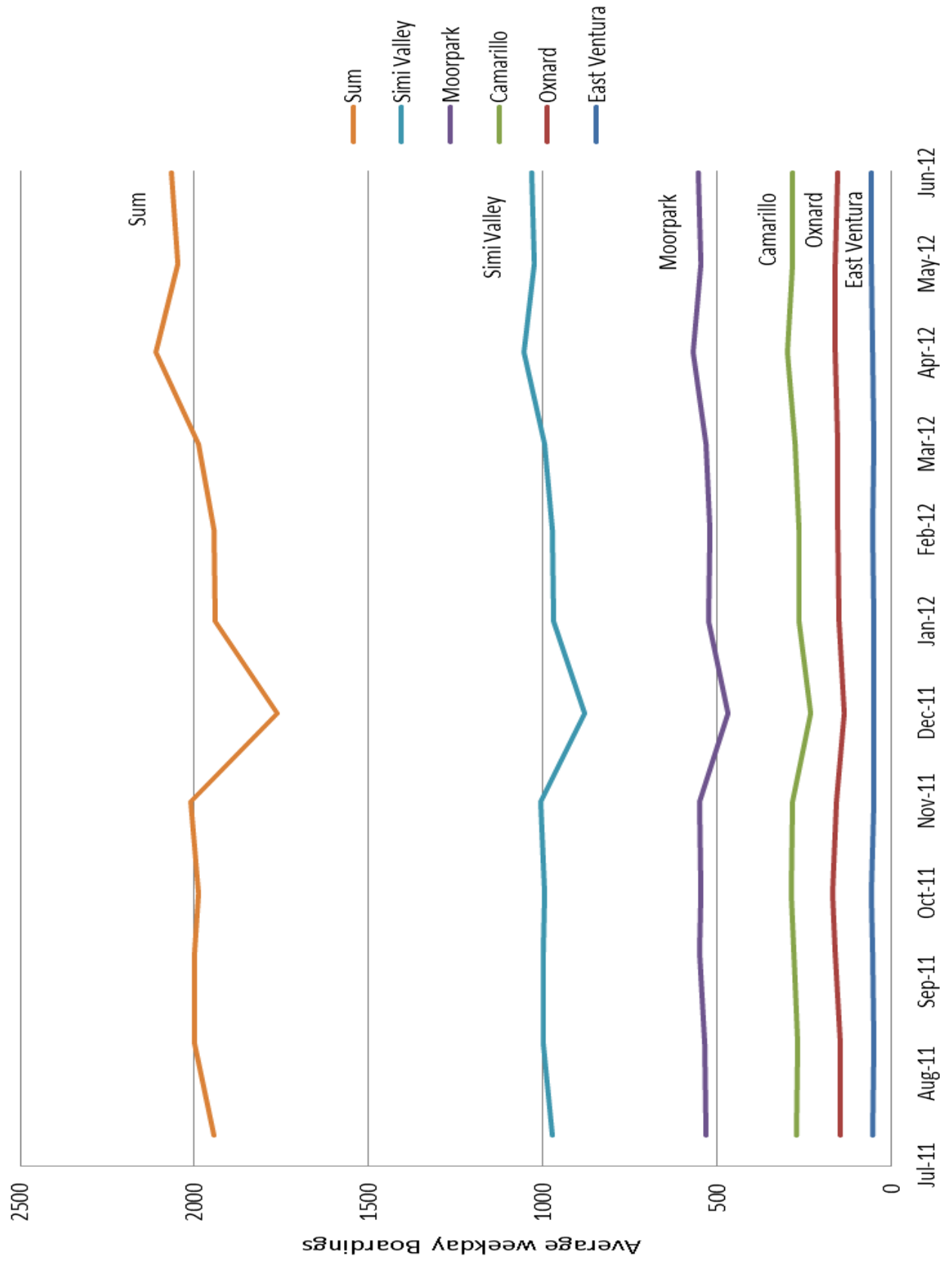
Staff has been working with F&W to review the existing SPBL leases to determine if additional revenues can be generated to offset the ongoing maintenance work. F&W staff is currently following up on letters sent to all leaseholders asking for their cooperation to review their lease agreement, and also, to make sure safe operations are in place for people working near the rail line. 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. Because the International Paper shipments have ceased, it is possible UP will simply allow the transfer to proceed without further delay or objection. After the transfer is arranged, F&W can then actively solicit new freight customers. Staff will continue to strongly advocate for the change consistent with the Commission's goals for the SPBL to become self-sustaining from the revenues generated by SPBL activities.

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VC Line Station's - Average Weekday Boarding's (FY12)



VC Line - Average weekday Boardings (FY12)

	East Ventura	Oxnard	Camarillo	Moorpark	Simi Valley	Sum	Total Line	% VC
Jun-12	57	99	128	269	481	1,034	2025	51%
May-12	57	103	123	265	476	1,024	2114	48%
Apr-12	56	107	135	270	487	1,055	2072	51%
Mar-12	51	103	122	258	461	995	2,070	48%
Feb-12	53	101	112	256	450	972	2,075	47%
Jan-12	52	99	115	260	445	971	2,010	48%
Dec-11	49	88	95	238	412	882	1,814	49%
Nov-11	50	109	124	266	456	1,005	1,938	52%
Oct-11	57	111	121	258	447	994	2,034	49%
Sep-11	54	109	119	270	448	1,000	2,049	49%
Aug-11	52	94	125	264	464	999	1,975	51%
Jul-11	53	93	127	259	441	973	1,900	51%



Item #9C

September 14, 2012

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: SALLY DEGEORGE, FINANCE DIRECTOR
SUBJECT: INSURANCE BROKERAGE SERVICES AGREEMENT

RECOMMENDATION:

- Information item - consistent with VCTC's procurement procedures, the Executive Director entered into an agreement for Insurance Brokerage Services with Alliant Insurance Services Inc. following a competitive procurement process.

BACKGROUND:

In June 2012 the Commission authorized staff to issue a Request for Proposals (RFP) for insurance brokerage services. The RFP was distributed to over thirty brokerage/insurance firms as well as posted on the Ventura County Transportation Commission's (VCTC) website. Following standardized RFP practices for consultant selection, a selection committee was formed consisting of Mr. James Bartholomew, Risk Management - City of Simi Valley, Ms. Theresa Bucci, Risk Management – County of Ventura and Sally DeGeorge, Finance Director – VCTC. There were four responses to the RFP, three proposals were deemed responsive and one was deemed non-responsive and not considered. The committee reviewed and evaluated the three responsive proposals and interviewed the following Brokerage firms:

- Alliant Insurance Services, Inc.
- Aon Risk Insurance Services West, Inc.
- Schrimmer-Cavanagh Insurance Agency, Inc.

Based on the proposal and interview evaluations, the selection committee recommends that the firm Alliant Insurance Services, Inc. be retained to provide brokerage insurance services for VCTC. Alliant's proposal and interview best met the criteria of the RFP and the needs of VCTC. Alliant has significant public entity insurance experience including transit, transportation and rail experience including such agencies as San Francisco County Transportation Authority, San Francisco MUNI, and SANDAG to name a few. Alliant would succeed Schrimmer-Cavanagh Insurance, Inc. as VCTC's insurance broker.

Due to VCTC's management contract with the Ventura Council of Governments (VCOG), staff also included an option for a separate insurance policy for VCOG.

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The insurance brokerage services for work performed by Alliant would received commission fees from the insurance policies placed but with a flat fee restriction of a \$14,000 minimum and \$18,000 maximum. These fees are within the estimated budget for the work required which is included in the indirect costs. General counsel has reviewed the agreement (see attachment 1) and the term is for two years with three one-year extensions.



Item #9D

September 14, 2012

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: PETER DE HAAN, PROGRAMMING DIRECTOR
SUBJECT: AUTHORIZE REQUEST FOR PROPOSALS FOR STATE REPRESENTATION

RECOMMENDATION:

- Authorize release of the attached Request for Proposals (RFP) for State Legislative Advocacy.

BACKGROUND:

Since its inception in 1990, the Commission has utilized a consultant in Sacramento to represent its interests with state officials including the Legislature. The current contract with Tim Egan expires in 2012. Staff believes that it is prudent at this time to release a new Request for Proposals (RFP) since there was only proposal submitted in response to the RFP that led to the current contract. Staff therefore recommends the Commission approve the release of the attached RFP.

DISCUSSION

Staff proposes the following schedule for the state representative selection process. The proposed selection process includes review of the proposals by a committee of legislative staff from transportation entities in the region and local governments in Ventura County, which will make a recommendation to the VCTC Board. Staff anticipates having a recommendation for state representation to the Commission at its December 7, 2012 meeting.

Commission Authorizes RFP Release:	September 14, 2012
Proposal Due Date:	October 25, 2012
Staff Committee Proposal Review:	Week of November 5 th or 12 th
Commission Considers Contract Award:	December 7, 2012

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Ventura County Transportation Commission

REQUEST FOR PROPOSALS

FOR STATE ADVOCACY SERVICES

**Ventura County Transportation Commission
950 County Square Drive, Suite 207
Ventura, Ca. 93003**

(805) 642-1591, Ext. 106

September 17, 2012

**State Advocacy Services Request for Proposals
Ventura County Transportation Commission**

Introduction

The Ventura County Transportation Commission (VCTC) was created by Senate Bill 1880 (Davis), Chapter 1136 of the Public Utilities Code, in September of 1988, and became operational on January 1, 1989. In 2004, Assembly Bill 2784 (Pavley) reorganized the VCTC board by expanding the Commission to its current configuration of a seventeen-member board composed of five Ventura County Supervisors; ten City Council members; and two Citizen Appointees, one representing the cities and one representing the county. In addition to the above membership, the Governor appoints an ex-officio member to the Commission, usually the Caltrans District 7 Director.

The Commission is responsible for establishing transportation policies, setting priorities and coordinating activities between the various transportation operators, agencies, cities and the county. Its mission is to improve mobility within, and to and from, the county, and to increase funding to meet transportation needs. The Commission controls and/or reviews the allocation of federal, state and local funds for highway, transit, rail, bicycle and other transportation projects. The Commission was also designated to act as the Airport Land Use Commission (ALUC), the Consolidated Transportation Service Authority (CTSA) and the Sales Tax Authority by the Ventura County Board of Supervisors and by the City Selection Committee, effective January 13, 1989. In September 1990 VCTC was designated as the Congestion Management Agency (CMA). The Commission became the Service Authority for Freeway Emergencies (SAFE) in the spring of 1991 to manage the operation and expansion of the callbox system. The Commission is the public agency responsible for coordination of transit services in Ventura County. VCTC also operates through contract the VISTA bus service providing intercity service within Ventura County and to adjacent counties; however, based on the recommendations of VCTC's adopted Regional Transit Study, VCTC is to transfer VISTA transit services operational responsibility to local transit operators. It is possible that legislation introduced during the 2013 Session will address issues related to this transfer.

VCTC will make every effort to administer the proposal process in accordance with terms and dates outlined in this RFP; however, VCTC reserves the right to modify the activities, timeline and any other aspect of the process at any time it deems necessary. By requesting proposals VCTC is in no way obligated to award a contract or pay the expenses of proposing firms in connection with the preparation or submission of a proposal.

The awarding of a contract shall be contingent upon the availability of funds and the requisite staff and board approvals. The decision to award any contract to a particular firm shall be based on the criteria listed in this RFP and any other pertinent factors that may come to the attention of the evaluators. No single factor will determine the final award decision.

RFP and Proposal Schedule

VCTC intends to follow the schedule described below during the procurement process for State Advocacy Services, but reserves the right to alter the schedule at any time.

ACTIVITY

DATE

Release of RFP
Questions Due from Firms
Proposal Due Date
Staff Committee Proposal Review
 With Possible Interviews

September 17, 2012
October 4, 2012
October 25, 2012
Week of November 5th or 12th, 2012

As stated above, questions regarding this RFP are due from firms no later than **5:00 p.m. on October 4, 2012**. Proposals are due no later than **5:00 p.m. on October 25, 2012**. The written questions and the proposals must be submitted to the office of the Ventura County Transportation Commission, 950 County Square Drive, Suite 207, Ventura, CA 93003, Attention: Peter De Haan.

Evaluation Process and Criteria

Proposals will be reviewed by a staff evaluation committee composed of legislative affairs staff from transportation entities in the region and local governments in Ventura County. The charge of the evaluation committee will be to review and score every proposal, based on the criteria described in this RFP. Following its evaluation, the committee may develop a short-list of (2-4) firms to be interviewed. The committee shall recommend the firm to be selected for State Advocacy services. This recommendation shall be considered by the VCTC Board for ultimate approval or rejection.

Evaluation Criteria

The primary basis for evaluation will be the qualification of the firm and the firm's understanding of the work required based on the Scope of Services described in this RFP.

To assist in the evaluators' understanding of the firm's qualifications and understanding of the work performed, proposers are requested to respond to the following:

1. List all State legislators in general as well as those on key transportation related committees with whom your firm has worked closely in the past two (2) years;
2. List all clients you presently represent on transportation matters, and for each indicate whether or not you feel there could be a conflict of interest;
3. Describe your firm's familiarity with transportation finance, transportation planning, transit, commuter rail and other areas of VCTC interest;
4. Describe the resources (staff and other means) your firm has to perform the scope of services;
5. Describe how your firm would approach the scope of services described in this RFP;
6. List any political affiliations or professional associations the firm has;
7. Describe the relevant education and experience of key staff to be assigned to this contract;
8. Outline the availability of each key staff, in approximate hours per month, to work on VCTC;
9. For each key staff to be assigned to VCTC work, please list three client references with their telephone numbers.

Cost Proposal

Cost proposals must be submitted with the overall proposal no later than **5:00 p.m. on Wednesday, October 25, 2012**. Cost information will be ranked from highest to lowest and will be considered as part of the overall evaluation process. Please submit a cost proposal for four years of State Advocacy services, for the period from January 1, 2013 to December 31, 2017.

Basis of Award

Any contract resulting from this RFP will be awarded based upon demonstrated competence and on the professional qualifications and capabilities necessary for the performance of services required at a fair and reasonable price to VCTC.

Type of Contract

VCTC intends to award a Fixed Price contract. Under no circumstances will the Not-to-Exceed price be exceeded without the express written consent of VCTC. The contract will be for four years of service and may include a two-year option at its conclusion.



Item #9E

September 14, 2012

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: STEPHANIE YOUNG, PROGRAM ANALYST

SUBJECT: EAST COUNTY COMMUTER EXPRESS CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROJECT SCORE

RECOMMENDATION:

- Add the East County Commuter Express transit project to the CMAQ shelf list below the shelf list projects received prior to the deadline, but above the Shoreside Power Project.

BACKGROUND:

At the April 13, 2012 meeting, the Commission approved the programming of Surface Transportation Program (STP), CMAQ, and Transportation Enhancement (TE) projects from the Mini Call for Projects. The Commission also approved a shelf list containing projects eligible to receive funds should the need arise to avoid loss of funds or of program authority. Upon reviewing the application for East County Fixed Route Transit Service, staff concluded that the project would likely be ineligible for CMAQ since much of the service could supplant the existing VISTA East service. Per the recommendation of the Transit Operators Committee (TRANSCOM), the Commission agreed to allow the City of Simi Valley to be given 60 days to revise an application for East County transit service. The project would then be rescored and recommended for addition to the shelf list if it was in the shelf list scoring range.

On June 5, 2012, the City of Simi Valley resubmitted the CMAQ application for East County Commuter Express transit service. Simi Valley, with the support of Camarillo Area Transit, Moorpark City Transit, and Thousand Oaks Transit, is requesting funding for two years of a three year demonstration project providing connecting public transportation between Simi Valley, Moorpark, Thousand Oaks, and Camarillo. The amount of CMAQ requested is \$3,200,000. The City of Simi Valley will provide a \$415,000 in-kind match. The project cost includes the cost of two buses and operation funds to maintain an approximate 50-minute headway.

As part of Ventura County Transportation Commission's Regional Transit Study, this project focuses on the goal of connecting public transit services within eastern Ventura County. It is estimated that the service will provide approximately 125,000 annual trips between the Simi Valley Town Center, Moorpark College, Thousand Oaks Library, The Oaks Mall, and the Camarillo Metrolink Station. The service will run six days a week, approximately 15 hours a day.

September 14, 2012
Item #9E
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The project was evaluated by VCTC staff and by Ventura County Air Pollution Control District staff according to the Mini Call criteria and was given the following scores:

Improves Mobility: 25/25
Improves Air Quality: 25/25
Multi-modal/HOV: 10/10
Funding Match: 0/10
Project Readiness: 15/15
TOTAL: 75/85

The project's total score is well above the threshold for shelf projects, so staff recommends that it be added to the CMAQ shelf list, to be funded if it becomes necessary for VCTC to obligate funds that are at risk of lapsing. Since this will only occur if currently programmed CMAQ projects are not able to deliver on time, there is no guarantee that the funds will become available for this project and the other projects on the shelf list. Staff recommends the project's position on the shelf list be below the projects that were part of the original scoring, but above the Shoreside Power Project since that project was submitted late and received a lower score. This recommendation was presented to TRANSCOM at its July 12, 2012 meeting and TRANSCOM supports this recommendation.

It should be noted that the Commission never defined the shelf list as being eligible for funds that would later become available as has now occurred due to the new federal transportation legislation, Moving Ahead for Progress in the 21st Century (MAP-21). The process for programming those funds will need to be determined by the Commission at a future meeting. Furthermore, there is uncertainty on the eligibility of operations for CMAQ projects under MAP-21, although it appears that this restriction, if it exists, would only apply to projects in large urban areas and not to this project, which serves small urban areas. Staff is waiting for further news regarding this issue, which will eventually be provided in official federal guidance.



Item #9F

September 14, 2012

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: STEPHANIE YOUNG, PROGRAM ANALYST
SUBJECT: REVISION OF TRANSPORTATION TECHNICAL ADVISORY COMMITTEE (TTAC) OPERATING RULES

RECOMMENDATION:

- Approve revised TTAC Operating Rules (ATTACHMENT A).
- Approve revision to the VCTC Administrative Code, Section I.2.b. (ATTACHMENT B).

BACKGROUND:

The original Operating Rules for the Transportation Technical Advisory Committee were approved by the Commission in 1992, when TTAC was created. Since then, only one amendment has been made to the Operating Rules. At its January 7, 2000 meeting, the Commission decreased the TTAC quorum from eight to six members.

At the February 2012 TTAC meeting, members expressed an interest in updating the Operating Rules to better reflect the membership and responsibilities of the TTAC. This would also give TTAC the opportunity to ensure that there is greater consistency in the attendees at each TTAC meeting. The changes approved by the TTAC at its May 17, 2012 meeting allow agencies to appoint their representatives to TTAC by title or by name. They also specify that the representatives should be the public works director, city engineer, transportation director, or equivalent at their agency. Alternates can be appointed if VCTC staff is informed in writing. The revised Operating Rules (ATTACHMENT A) increases the quorum to eight members. The voting membership is to be reduced to specify that only local agencies with elected boards have a vote, with the other agencies still included on the Committee but not voting. These changes will help assure that the Committee's recommendations represent a consensus of local agency technical staff.

In order to enact these changes, the VCTC Administrative Code, Section I.2.b., must be updated as well. The proposed changes can be found in ATTACHMENT B.

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VENTURA COUNTY TRANSPORTATION COMMISSION
TRANSPORTATION TECHNICAL ADVISORY COMMITTEE
OPERATING RULES

I. PURPOSE OF THE TTAC

The Transportation Technical Advisory Committee (TTAC) is a duly constituted transportation advisory committee formed at the direction of the Ventura County Transportation Commission (VCTC). Member agencies shall serve at the pleasure of the Commission. The VCTC is the sole policy board of the TTAC. The purpose of the TTAC is to act as an advisory body to the VCTC for purposes of reviewing countywide transportation issues, preparing the local agency component of the regional transportation improvement program, and making recommendations to the VCTC regarding various transportation issues.

II. MEMBERSHIP

The public agencies who comprise the members of the TTAC shall be as shown on Exhibit A. Member agencies shall each have one representative, and representatives may designate alternates. Representatives must inform VCTC in writing or by e-mail of the designation of alternates.

III. METHOD OF APPOINTMENT

Each member agency's public works director, city engineer, or transportation director, or equivalent, as determined by that agency, shall serve as the agency's representative to TTAC. All representatives shall serve at the pleasure of the appointing entities. At the discretion of the appointing entity, an appointment may specify either a position or an individual currently in the position. The TTAC may recommend additions or deletion of member agencies shown on Exhibit A, but all changes in member agencies are subject to confirmation by the VCTC.

IV. TERM OF OFFICE

The term of office of membership of each agency on the TTAC shall be for an indeterminate period of time at the discretion of the VCTC.

V. OFFICERS OF TTAC

The officers of the TTAC shall be Chairperson and Vice Chairperson who shall be selected from among the representatives by majority vote at the January meeting each year and shall serve in their respective capacities at the pleasure of the TTAC. If the Chairperson or Vice Chairperson resigns, a new officer or officers shall be selected as

soon as possible.

VI. DUTIES OF OFFICERS

Chairperson

The Chairperson of the TTAC shall be responsible for:

1. The calling for meetings.
2. Presiding at the meetings.
3. Assisting with agenda preparation.
4. Reporting to the VCTC when called upon to do so.
5. Establishing subcommittees as necessary.
6. Other duties as he/she may be directed by the VCTC and the TTAC to perform.

Vice Chairperson

The Vice Chairperson of the TTAC shall serve in the absence of the Chair and perform such duties as he/she may be directed by the Chair to perform.

VII. DUTIES AND RESPONSIBILITIES OF THE TTAC

It shall be the duty and responsibility of the TTAC to:

1. Serve as the technical advisory committee for the VCTC.
2. Share any and all pertinent information relating to the field of transportation, including, but not limited to transportation programming.
3. Review documents and make recommendations to the VCTC regarding transportation improvement programs and projects.
4. Serve as a forum to discuss the technical aspects of countywide transportation issues, and formulate recommendations for consideration by VCTC.
5. Review the Congestion Management Program update.
6. Other such duties as may be requested by the VCTC.

VIII. SECRETARY OF THE TTAC

The staff of the VCTC shall serve as the secretary of the TTAC and shall provide staff support, including preparation of the minutes of each meeting.

IX. QUORUM

Eight of the voting representatives appointed to the TTAC shall constitute a quorum for conducting TTAC business.

X. ACTIONS BY THE TTAC

All actions on items before the TTAC shall be determined by a vote of a simple majority of the members present.

XI. MEETINGS

Normal meetings of the TTAC, unless otherwise changed by the TTAC, shall be held the third Thursday of the month at 9:00 A.M., Camarillo City Hall at 601 Carmen Drive in Camarillo, at least six times per year. The TTAC shall conform to the requirements of Section 54950 et seq. of the Government Code, also known as the "Ralph M. Brown Act".

XII. AMENDMENTS TO OPERATING RULES

The TTAC may recommend amendments to these Operating Rules by a majority vote, which recommendation shall be forwarded to VCTC for its consideration.

XIII. VOTING

Each member agency has one vote. In the absence of a representative, the designated alternate may vote in the representative's place.

XIV. POWERS

The TTAC is an advisory committee to, and created by the authority of, the VCTC and shall have no powers of existence separate or apart from that of VCTC.

Approved by Ventura County Transportation Commission _____, 2012.

Chairperson

EXHIBIT A

VENTURA COUNTY TRANSPORTATION COMMISSION (VCTC) TRANSPORTATION
TECHNICAL ADVISORY COMMITTEE (TTAC) LIST OF MEMBER AGENCIES

1. City of Camarillo
2. City of Fillmore
3. City of Moorpark
4. City of Ojai
5. City of Oxnard
6. City of Port Hueneme
7. City of San Buenaventura
8. City of Santa Paula
9. City of Simi Valley
10. City of Thousand Oaks
11. County of Ventura
12. Oxnard Harbor District

Non-voting Members

Gold Coast Transit

Ventura County Air Pollution Control District

Caltrans

California Highway Patrol

ORDINANCE 2012-01

AN ORDINANCE OF THE VENTURA COUNTY TRANSPORTATION COMMISSION ("VCTC"), FOR ITSELF, AND IN ITS CAPACITY AS THE VENTURA COUNTY AIRPORT LAND USE COMMISSION ("ALUC"), THE VENTURA COUNTY SERVICE AUTHORITY FOR FREEWAY EMERGENCIES ("SAFE"), THE CONSOLIDATED TRANSPORTATION SERVICE AGENCY FOR VENTURA COUNTY ("CTSA"), AND THE VENTURA COUNTY CONGESTION MANAGEMENT AGENCY ("CMA"), AMENDING THE ADMINISTRATIVE CODE

- I. VCTC, ALUC, SAFE, CTSA, and CMA (hereinafter, collectively, "VCTC") hereby find as follows:
 - A. Public Utilities Code section 130105, subsection (b), requires the VCTC Administrative Code be adopted by ordinance.
 - B. That portion of the VCTC Administrative Code relating to the membership and quorum of the Transportation Technical Advisory Committee ("TTAC") requires an amendment to bring it in to conformity with proposed TTAC Operating rules.
- II. THEREFORE, VCTC does hereby ordain as follows:
 - A. The VCTC Administrative Code is hereby amended at Article III, Section I, subsection 2.b. as set forth in Exhibit A attached hereto and incorporated by this reference.
 - B. The VCTC Administrative Code, as amended, continues in full force and effect.
 - C. This amendment shall become effective upon the date of the adoption of this Ordinance.
- III. The Chair shall execute this Ordinance and the Clerk of the Commission shall attest to its adoption and the signature of the Chair.

Adopted this _____ day of _____, at Camarillo, California.

JOHN ZARAGOZA, Chair

ATTEST:

DONNA COLE, Clerk of the Commission

Approved as to Form:

By: _____
General Counsel

VCTC Administrative Code, Article III, Section I, subsection 2.b.:

b. Transportation Technical Advisory Committee ("TTAC") shall serve at the pleasure of VCTC and shall have no powers apart from VCTC. TTAC shall be composed of each city in Ventura County, the County of Ventura, ~~Ventura County Department of Airports, and the Oxnard Harbor District, South Coast Area Transit, the Ventura County Air Pollution Control District, the California Highway Patrol, and the California Department of Transportation (District 7).~~ Each agency listed above may appoint one (1) member of TTAC and an alternate to each Committee member. Each member shall have one (1) vote and, in the absence of a member of the Committee, his or her alternate may vote. *Gold Coast Transit, the Ventura County Air Pollution Control District, the California Highway Patrol, and the California Department of Transportation (District 7) shall be non-voting members.*

(1) TTAC shall meet, unless otherwise arranged by TTAC or called by its Chair, on a Thursday of the month at 9:00 a.m. at least six (6) times a year.

(2) A quorum of TTAC shall consist of ~~six~~ *eight* (8) of the representatives appointed to it. Actions on items before TTAC shall be approved by vote of a simple majority of the quorum.

(3) The duties and responsibilities of TTAC shall be to serve as a technical advisory committee for VCTC, share any and all pertinent information relating to the field of transportation with VCTC, review documents and make recommendations to VCTC regarding transportation improvements and projects, serve as a forum to discuss the technical aspects of countywide transportation issues and formulate recommendations for consideration by VCTC, perform an annual review of the Congestion Management Program update and other such duties as requested by VCTC.



Item # 9G

September 14, 2012

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

**FROM: ALAN HOLMES, TRANSPORTATION DEMAND MANGEMENT
PROGRAM MANAGER**

SUBJECT: COMMUTER SERVICES YEAR END/QUARTERLY REPORT

RECOMMENDATION:

- Receive and file

DISCUSSION:

To improve reporting of Ventura County Rideshare activities, staff prepares and submits to the Commission quarterly reports for review, a year-end report summarizing Rideshare activities for the previous fiscal year and will establish annual goals and objectives for the upcoming year. The quarterly and fiscal year-end report, found in Table 1, contains the following information for the Commission's review:

- Total registrants on file
- Current number of Guaranteed Ride Home (GRH) Program registrants and program usage
- Registrants with 'Active' ridematching interest
- Company worksites on file
- Average home to work commute distance
- Number of carpool matches attempted, separated by source
- Number of RideGuides generated that contained at least one match
- Average age of data for matches
- Average number of matches per RideGuide
- Estimated Program benefits
- Marketing activities
- Vanpool activities
- Call volume

The primary focus of the Commuter Services program is to reduce traffic congestion and improve air quality by a voluntary reduction of single occupant vehicle (SOV) commute trips in Ventura County. SOV trips are reduced by offering direct assistance to employers located in Ventura County and through the

provision of services to county residents, promoting carpooling, vanpooling, bus pooling, transit, walking, biking and other Transportation Demand Management (TDM) commute alternatives. The Guaranteed Ride Home Program assures registered users that they will not be stranded at work in case of a personal emergency. Survey assistance is given to employers that comply with the Air Pollution Control District's Rule 211. Information is provided on Commuter Benefits, which allows an employer to offer a pretax deduction of up to \$125/month for vanpools and transit and up to \$20/month for bicyclists.

Table 1 Services by Quarter

Database	1st	2nd	3rd	4th	YTD/ AVG
Commuters on file	32,450	32,331	33,141	33,240	32,791
Commuters active for matching	6,209	6,208	6,358	6,401	6,294
Company worksites on file	381	381	371	369	376
Avg. Home to work distance	13.14	14.24	15.51	15.83	14.68
AVR reports generated	7	9	9	9	34
Matching Transactions					
Number of carpool matches attempted:					
Public (web)	225	222	443	589	1,479
Staff	975	851	1,883	852	4,561
Total	1,200	1,073	2,326	1,441	6,040
Number receiving at least one match	923	775	1,837	1,122	4,657
Average age of matching record (days)	118	106	67	97	97
Average number of matches/RideGuide	7	7	9	9	8
Avg. distance home/work	13.5	12.7	14.7	19	14.98
RideSmart Tips generated	2,513	1,959	4,322	2,193	10,987
Incoming Call Volume	22	29	98	87	236
Guaranteed Ride Home Program Usage					
Rental Car Trips	10	7	10	14	41
Taxi Rides	2	5	7	10	24
Total	12	12	17	24	65
Estimated Program Benefits of the matches performed in the period 07/01/2011 through 06/30/2012:					YTD
Reduction in Vehicles Miles of Travel	1,105,993	867,514	2,459,808	1,884,716	6,318,031
Reduction in Commuting cost (in \$s)	597,212	468,436	1,328,270	1,017,712	3,411,630
Reduction in carbon monoxide (tons)	17.10	13.41	38.04	29.15	97.71
Reduction in volatile organic compounds (tons)	2.24	1.76	4.99	3.82	12.81
Reduction in Oxides of Nitrogen (tons)	2.75	2.16	6.13	4.70	15.74

Marketing Activities:

In the fourth quarter of FY 2011/2012, VCTC's Commuter Services Program focused on updating employer resources while continuing its mission of promoting ridesharing in Ventura County.

Employer Support

- **Commuter eblast** – rideshare-related eblasts were distributed to approximately 135 Employee Transportation Coordinators (ETCs) and other interested parties at the beginning of each month. Topics included "Thought-provoking statistics," "Bike to Work Week," and "Dump the Pump and Save!" A special eblast was sent in May titled "Cut Commute Costs with CalVans."
- **Electronic RideGuide** – The new electronic RideGuide was put in full production this quarter. The interactive RideGuide now enables recipients plot their route, immediately identify potential carpool matches, and locate transit options, in addition to linking their ridesharing profile to their Facebook page and/or Twitter account. A "New Match Alert" system enables users to elect to receive an email or text alert when a new registrant matches up with their commute. The Commute Calendar feature was also added that allows individual commuters to track their savings and pollution reduction gained through ridesharing.
- **10 Steps to Biking to Work** – this end user-directed piece received a facelift and text updates, suggesting that new riders tune up their bikes for safety, using the new online & hardcopy Bikeways Map and promoting the 'Bike Buddy' matching software.

Outreach and Promotion

- **Employer cold calls** – Marketing staff began cold calling employers with 10 to 99 employees in an effort to increase participation in the unregulated market. A packet of VCTC materials was mailed on request. Follow up calls were placed with interested employers.
- **Bike to Work Week** – Outreach efforts included mailing employer kits with pledge cards, posters and bikeways maps, posting materials and contest entry links on GoVentura.org. and an article in the V.C. Star column Eye on the Environment. Events were held at the City of Thousand Oaks Civic Arts Plaza, Amgen and Downtown Ventura. Over 130 entries were received and the grand prize awarded to Jose A. with the County of Ventura.
- **Mud Run-** Marketing staff in conjunction with CalVans sponsored a booth at the annual event held at NBVC. Frisbees, bike gear, beach balls and logoed backpacks were given to the approximate 600 attendees.
- **Radio Advertising-** Several flights of rideshare-related ads were placed on local radio stations KOCF, KVTA, KCAQ, KFYV and KCLU.
- **Diamond Awards-** The annual Rideshare Diamond Awards were held in conjunction with L.A. Metro and Orange County Transportation Authority. Local employers Fiserv, City of Thousand Oaks, WellPoint, City of Simi Valley and the Ojai Valley Hospital were recognized for their achievements and promotion of ridesharing.

Social Media

- **Twitter and Facebook** – promotion of rideshare continued via Facebook and Twitter posts.

1st Quarter FY 12/13 marketing:

The following Commuter Services activities are currently planned to take place during July, August and September 2012:

- Preparation for Rideshare Week
- Regularly scheduled monthly commuter eblasts
- Supplemental commuter eblast promoting Rideshare Week
- Increased social media representation
- Prospecting cold calls

FY 12/13 Goals & Objectives:

Rideshare Matching/AVR Database Migration

Goal- Coordinate with Riverside County Transportation Commission with the transition of the regional ridematching/AVR database from Trapeze Software to BaseTech Systems. Transition is scheduled to occur by January 1, 2013.

Objectives:

Ridematching Functionality- Functionality testing of BaseTech Systems software began in May 2012 with a thorough review of deployed software now operational in the Bay Area of California. Testing was performed as an end user by performing several carpool and vanpool match attempts. Testing will continue when the Southern California beta version of the system is made available.

AVR functionality- At least eight full tests will be performed on the AVR beta when available from RCTC. Testing will utilize employer data collected in FY 2011/2012 for comparison purposes.

Client and General Public Services

Goal- Process surveys from Ventura County employers, generate Average Vehicle Ridership reports for VCAPCD's Rule 211 compliance and produce RideGuides/RideSmart Tips for the purpose of providing commuters rideshare opportunities.

Objectives:

Surveys-	Process 12,000 hardcopy and electronic Transportation Surveys.
RideGuides-	Generate 2,500 RideGuides.
RideSmart Tips-	Produce 9,500 RideSmart Tips
AVR Reports-	Transmit 36 AVR reports to APCD

Guaranteed Ride Home Program

Goal- Maintain database of over 30,000 registered employees while providing GRH services in a timely basis.

Objectives:

Age of data- Maintain registrant age of data at no more than 30 months of age.

Employee registration- Register batch employees in the GRH program within two weeks of receipt of surveys, individual employees within forty eight hours.
Verification- Verify all GRH users are registered and eligible to use the program.

Marketing

Goal- Promotion of rideshare opportunities to employers, employees and the general public

Objectives:

Generate monthly rideshare related emails to employer database.
Promote Rideshare Week, Bike to Work Week, Dump the Pump, worksite promotions and other special events.
Design and refresh marketing pieces as needed.
Contact an average of 5 client prospects monthly.
Generate Facebook & Twitter posts monthly.

California Vanpool Authority (CalVans):

CalVans provided the following Ventura County update:

CalVans Quarterly Update **April – June 2012**

Farm Labor

During the last quarter there were between 14 and 16 agricultural vans working in Ventura County. A total of 42,940 miles were driven, up from 29,808 in the previous quarter. There were 15,548 vanpool passengers, up from 11,578 the previous quarter. And passenger lane mile totals were 512,882, a jump of more than 144,000 from last quarter's total. May was the busiest month last quarter, with June's numbers lower as the result of a slowing in available agricultural work. Most vans continue to work locally, in Santa Paula, Piru, Somis and Oxnard. A few vans are travelling to Goleta and the north coast south of Gaviota. We continue active outreach throughout Ventura County.

Commuter Vanpools

In August we launched our first Ventura County-based commuter vanpool which travels from the Government Center to the Santa Barbara County Complex. We offered free rides to commuters the first week of the new bus service and found a fair amount of interest in vanpooling, particularly for the commute from Ventura to Santa Barbara. As noted, one vanpool has been formed—a 15-passenger van with 8 riders currently. We collected names and commute information from those who rode in the free van, and are working to assemble additional vanpool groups. We continue active outreach with companies and organizations large and small.

CalVans provided the information on the following tables detailing monthly passenger boardings, miles traveled and passenger lane miles as provided to NTD. The NTD-approved system was brought online during the second quarter of FY 2011-2012.

	Passengers			
Month	Weekdays	Sat	Sun	Total
October	3,827	581	327	4,735
November	2,785	264	49	3,098
December	2,395	156	28	2,579
Quarterly Total	9,007	1,001	404	10,412
January	2,359	18	13	2,390
February	4,175	239	20	4,434
March	4,222	425	107	4,754
Quarterly Total	10,756	682	140	11,578
Month	Weekdays	Sat	Sun	Total
April	4,224	430	60	4,714
May	4,997	719	160	5,876
June	3,890	844	224	4,958
Quarterly Total	13,111	1,993	444	15,548
TOTALS TO DATE	32,874	3,676	988	37,538

	Miles			
Month	Weekdays	Sat	Sun	Total
Oct. 11	11,625	1,345	565	13,535
Nov. 11	12,530	644	37	13,211
Dec. 11	9,725	760	124	10,608
Quarterly Total	33,880	2749	726	37,355
January	6,803	157	5	6,965
February	11,391	949	21	12,361
March	9,061	1,239	182	10,482
Quarterly Total	27,255	2,345	208	29,808
April	10,992	994	100	12,086
May	16,071	1,731	155	17,957
June	10,884	1,709	304	12,897
Quarterly Total	37,947	4,434	559	42,940
TOTALS TO DATE	99,082	9,528	1,493	110,103

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Passenger Lane Miles				
Month	Weekdays	Sat	Sun	Total
Oct. 11	130,130	14,917	5,996	151,044
Nov. 11	155,275	7,944	434	163,652
Dec. 11	133,584	10,198	1,736	145,517
Quarterly Total	418,988	33,059	8,166	460,213
January	85,139	1,414	29	86,582
February	148,262	12,857	58	161,177
March	104,638	13,827	2,329	120,794
Quarterly Total	338,039	28,098	2,416	368,553
April	131,217	10,775	945	142,937
May	186,125	20,782	1,647	208,554
June	136,458	21,432	3,501	161,391
Quarterly Total	453,800	52,989	6,093	512,882
TOTALS TO DATE	1,210,827	114,956	16,675	1,341,648

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Item #9H

September 14, 2012

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: STEPHANIE YOUNG, PROGRAM ANALYST

SUBJECT: REPROGRAMMING OF FUNDS

RECOMMENDATION:

- Approve funding Thousand Oaks service vehicle purchase with \$31,015 of Proposition 1B funds instead of with Congestion Mitigation and Air Quality (CMAQ) funds and replacing \$31,015 of Proposition 1B funds for the Thousand Oaks Bus Purchase with CMAQ.
- Approve the attached Cooperative Agreement Amendment with the City of Thousand Oaks to allow for the use of Proposition 1B funds for the service vehicle purchase.
- Approve reprogramming \$133,000 in CMAQ funds from the Piru Bike Path to other projects on the approved CMAQ list as determined by the County.
- Approve the funding of the West Los Angeles Avenue Bike Lanes (Simi Valley) and the Hueneme Road Bike Lanes (Ventura County) with CMAQ instead of Surface Transportation Program (STP) funds.

BACKGROUND:

The City of Thousand Oaks was previously awarded \$31,015 in Congestion Mitigation and Air Quality (CMAQ) funds by VCTC for the purchase of a transit service vehicle. However, based on a recent clarification by the Federal Highway Administration, only the incremental cost of clean fuel service vehicles is eligible to receive CMAQ. Full purchase of the vehicle is not eligible for CMAQ. In order to move forward with the purchase of the vehicle, staff recommends that the purchase be made using Proposition 1B Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) funds from the Thousand Oaks PTMISEA Bus Purchase project. Thousand Oaks would receive \$31,015 in CMAQ toward the bus purchase and \$31,015 PTMISEA would then be used for the service vehicle purchase. This recommendation was concurred with by TRANSCOM at its August 9, 2012 meeting.

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The County of Ventura has received obligation of funds for the final phase of the Piru Bike Path project approved by VCTC as part of the TEA-21 program. The project, which is administered out of the County Executive Office, was programmed to receive both CMAQ and TE funds, but \$133,000 in CMAQ funds were left unobligated in the County's submittal. Meanwhile, the County committed \$133,000 in local match which was to come from redevelopment funds, which are no longer available.

To provide the required local funding for the project, the County Public Works Agency can provide Road Fund money. The \$133,000 in remaining CMAQ for the Piru Bike Path can then be made available as Toll Credits to reduce the local match on other County CMAQ projects that have not yet been authorized, effectively paying back the Road Fund. Due to the lack of this match, the County missed a July 31st deadline for awarding the construction contract, but the California Transportation Commission approved an eight month extension based on the assurance that the match would be forthcoming. This recommendation was approved by TTAC at its August 16, 2012 meeting.

In FY 2012/13, the loan of CMAQ to the San Diego Association of Governments will be paid back, and the amount added to the county apportionment. Since the unobligated balance in FY 2012/13 is large and there is more than enough CMAQ to fund all programmed projects through FY 2013/14, staff recommends that the West L.A. Avenue Bike Lanes (Simi Valley) and Hueneme Road Bike Lanes (Ventura County) be funded with CMAQ instead of STP. These bike lane projects were approved during the recent Mini Call for Projects and were programmed with STP rather than CMAQ because at that time there appeared to be insufficient CMAQ available. Since CMAQ eligibility is more restricted, but bike lanes are eligible, staff recommends that the West L.A. Avenue Bike Lanes be funded with \$2,213,250 of CMAQ instead of STP and that the Hueneme Road Bike Lanes be funded with \$168,000 of CMAQ instead of STP. This change in fund type will not affect the standing of projects on the CMAQ shelf list since the Commission will retain its future ability to shift other CMAQ projects to STP if it is later decided to fund the CMAQ shelf.

AMENDMENT TO THE COOPERATIVE AGREEMENT
BETWEEN
THE VENTURA COUNTY TRANSPORTATION COMMISSION
AND
THE CITY OF THOUSAND OAKS

WHEREAS, the Ventura County Transportation Commission (VCTC) and the City of Thousand Oaks (City) entered into an agreement on February 22, 2011 (the "Agreement") regarding the administration of funds from the Proposition 1B Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA); and,

WHEREAS, VCTC and the City had planned to use \$31,015 in federal Congestion Mitigation and Air Quality funds towards purchase of a transit service vehicle, but this project was determined to be an ineligible use of those funds.

WHEREAS, VCTC at its September 14, 2012 meeting approved the funding of the transit service vehicle project with \$31,015 in PTMISEA funds instead, using funds previously programmed for purchase of buses, since the service vehicle purchase is eligible for PTMISEA funds.

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NOW THEREFORE, the Agreement dated February 22, 2011 is hereby amended as follows:

- 1) The PTMISEA Thousand Oaks transit bus purchase project funding is reduced by \$31,015, from \$571,601 to \$540,586.
- 2) A project is added for purchase of one transit service vehicle for \$31,015 using PTMISEA funds.
- 3) This amendment shall become effective when VCTC notifies the City that it has received Caltrans approval of its request to reprogram PTMISEA funds as described herein.
- 4) Except as modified hereby, the Agreement remains in full force and effect.

CITY OF THOUSAND OAKS

VENTURA COUNTY TRANSPORTATION
COMMISSION

Jacqui V. Irwin
Mayor

John Zaragoza
Chairman

ATTEST:

Linda D. Lawrence, City Clerk

Donna Cole, Clerk of the Board

APPROVED AS TO FORM:

Scott Mitnick
City Manager

Darren M. Kettle
Executive Director

Christopher G. Norman
Assistant City Attorney

Mitchel B. Kahn
General Counsel



Item # 91

September 14, 2012

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: VICTOR KAMHI, DIRECTOR OF BUS SERVICES
SUBJECT: BUDGET AMENDMENT FOR INTERN GRANT

RECOMMENDATION:

- Amend the FY 2012/13 VISTA Fixed Route Service—Salaries, Fringe, and Indirect Costs Line Items, increasing revenues and expenditures in the amount of \$2,375. Funding sources are FTA Section 5304 in the amount of \$2,100 and STA in the amount of \$275.

BACKGROUND:

In FY 2010/11, the Commission approved a Federal transportation planning grant from Caltrans (administered by SCAG) to hire a transit planning intern. The intern has been very helpful in assisting the Transit staff in the transition of the VISTA fixed route services, and it is anticipated that the existing funding will allow VCTC to continue to focus additional resources on the transition through the end of the calendar year.

Although funds for the intern are already included in the Fiscal Year 12/13 budget, there is additional grant money that was not expended in Fiscal Year 2011/12; therefore, it is recommended that the full remaining amount of the grant and match be amended into the FY 2012-13 budgets.

The specific amendment will be the addition of \$1,400 in salaries, \$219 in fringe and taxes, and \$755 in overhead, for a total cost of \$2,375. The revenue will come from FTA Section 5304 in the amount of \$2,100 and STA in the amount of \$275.

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Item # 9J

September 14, 2012

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: VICTOR KAMHI, BUS TRANSIT DIRECTOR

SUBJECT: HERITAGE VALLEY SUSTAINABLE TRANSIT PLAN CONSULTANT CONTRACT AMENDMENT

RECOMMENDATION:

- Amend the Moore and Associates contract for preparation of a sustainable Heritage Valley Transit Plan, increasing the contract by \$6,500.
- Amend the VCTC Regional Transit Planning budget, including expenditures and revenues in the amount of \$6,500 in State Transit Assistance Funds (STAF).

BACKGROUND

In July 2010, the VCTC awarded a contract to Caltrans to develop a sustainable Heritage Valley Transit Plan, using a Caltrans Community-Based Transportation Planning grant. The planning efforts were based on assumptions not reflective of the developments which were adopted as part of the VCTC Regional Transit Study. These changes, which occurred after a preliminary draft of the Plan was developed, will require additional analysis and refinement of the Heritage Valley Transit Plan in order to keep the efforts relevant to the overall transit policies approved by the VCTC. For that reason, staff is recommending that the attached scope of work, budget amendment, and contract amendment be approved.

Attachments: Contract amendment
Amended scope of work

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CONTRACT AMENDMENT NO. 1

VENTURA COUNTY TRANSPORTATION COMMISSION (VCTC)

Heritage Valley Transit Plan

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 September, 2012.

WHEREAS, on July 9th, 2010, VCTC entered into a consulting contract ("Contract") for development of a sustainable Heritage Valley Transit Plan; and

WHEREAS, as a result of actions taken by the VCTC in the adoption of a Regional Transportation Plan, staff is recommending that an adjustment to the scope of work and budget identified in Exhibit C of the Contract.

NOW, THEREFORE, VCTC and CONTRACTOR agree as follows:

1. Section 3 of the Contract is hereby amended to increase the total compensation payable to CONTRACTOR to an amount not to exceed \$000,000.00 instead of \$67,800 for the life of the Contract.
2. The scope of work appended to the Contract as Exhibit C is amended to accommodate the additional work in connection with modifying the draft plan to reflect VCTC policy changes and the implications of those changes.
3. Except to the extent amended hereby, the Contract remains in full force and effect.

APPROVED AS TO FORM:

By: _____
General Counsel

CONTRACTOR: MOORE AND ASSOCIATES

By: _____
Jim Moore, *Managing Partner*

VENTURA COUNTY
TRANSPORTATION COMMISSION

By: _____
John Zaragoza Chair

AMENDED SCOPE OF WORK

The consultant will revise the draft Heritage Valley Transit Study to develop the service alternatives in response to the need to address organizational the recommendation from the Ventura County Regional Transit Plan. The analysis will also address the funding implications of changes in Federal Transportation funding and regulations. The options will address the potential impacts of the proceeding with the preferred recommendation from the different Ventura County Regional Transit Plan, or of considering options allowed in the Ventura County Regional Transit Plan. This would include the comparative costs of the options, the potential benefits to the users under different options, and how best to maximize the quality of service while maintaining mobility and service levels.

The Study will be completed by the end of CY2012, including presentation and receiving community input at a public meeting with the Santa Paula and Fillmore City Councils, and the Piru Municipal Advisory Council.



Item # 10

September 14, 2012

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: VICTOR KAMHI, BUS TRANSIT DIRECTOR

SUBJECT: ROADRUNNER TRANSITION

RECOMMENDATION:

- Receive status report
- Amend 2012/13 VISTA Fixed Route Budget increasing revenues and expenditures in the amount of \$100,000 to fund the capital purchase of up to 100 "slim" 3 bicycle bike racks for VISTA Intercity buses and other transit systems in the county. Fund Source is State Transit Assistance Fund Balance.
- Authorize the sole source purchase of up to 100 Sportworks "slim" bike racks in an amount not to exceed \$85,000. (2/3rd vote required)

BACKGROUND

On July 30, VISTA transferred operations from Coach (CUSA) to Roadrunner. The transfer, that saw operations ending Sunday evening, and staff moving to Roadrunner's facility to begin service before 4 am on Monday morning went virtually without incident. While there were minor delays in some of the buses leaving the yard, due to the challenge of moving fare boxes from Coach buses to Roadrunner buses overnight, the overall transition was smooth and provided a virtually seamless process. This was due in no small part to the extraordinary efforts on the part of all parties involved, including the Roadrunner management, the VISTA staff (drivers, mechanics, dispatchers, and supervisors), as well as the VCTC transit information center staff, and our public outreach efforts.

As noted at the Commission meeting when the contract was approved with Roadrunner, the transit buses are not as large or fast as the over-the-road coaches VISTA has operated for a number of years, which has caused some adjustments in the schedules which will go into effect on October 1, 2012. This need to modify the schedules was anticipated, and VCTC postponed its traditional mid-August modifications until after the new operator was able to establish a performance baseline.

One of the greatest concerns raised by VISTA riders has been the lack of ability to carry more than 2 bikes at a time. VISTA had a number of runs every day with as many as 5 bikes being carried by a bus at a time (mostly using the bus bays). State law prohibited standard 40 foot transit buses from using the triple bike racks which have been on the market. The use of the triple bike racks would allow a 50% increase in the capacity of the buses. Sportworks, the largest manufacturer of bus bike racks, has

responded to the challenges of the California Motor Vehicle Code, and introduced a triple bike rack which complies with the Code. The California Highway Patrol has reviewed the new “slimmer” bike rack, and informed us that it does comply with the State Motor Vehicle code. To help to mitigate the impacts of the changed VISTA fleet, and support people who use both buses and bicycles, it is recommended that VCTC authorize the sole source purchase up to 30 of the slim bike racks and have them installed on the VISTA fleet immediately. The cost of the racks is \$799 per rack, plus shipping. Existing brackets can be used to mount the triple bike racks as replacements for the doubles in use. At this time, Sportworks is the only bus bike rack manufacturer with a triple bike rack that complies with the California Motor Vehicle Code.

Sportworks has just introduced this product, and if we order by the end of this month, we can get a 20% discount from the list price.

Because the problem of full bike racks has impacted all of the fixed route providers in the county, and the opportunity to get a lower unit cost, VCTC has discussed this issue with staff from Gold Coast Transit, Simi Valley Transit, and Thousand Oaks Transit, and is recommending that VCTC also authorize the use of State Transit Assistance funds to purchase an additional 70 of the Sportworks “slimmer” bike racks to equip all of the large transit buses in the county should those operators desire to install new racks.

The unit cost during the introduction sale is \$799 for each bike rack, plus \$2,085 for shipping of 100 bike racks.

VCTC was able to transfer the NEXTBUS system to the Roadrunner fleet within the first week of service, continuing to provide VISTA customers with real time bus locations and arrival information. While we were not able to transition the GO VENTURA SMARTCARD to the new fleet in August, we were able to engineer a relatively low cost way to install the card readers on the VISTA buses. Given the significant input received from riders and our partner agencies, we are pleased to report that the GO VENTURA SMARTCARD went back into VISTA service on September 1.

VCTC had included in the Fiscal Year 2011-12 budget the installation of Wi-Fi on all VISTA intercity buses. While the services were not installed in the Fiscal Year, VCTC has continued to move ahead with the project, and it is expected that sometime in September, all VISTA buses will have Wi-Fi.



Item # 11

September 14, 2012

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

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

SUBJECT: SANTA PAULA BRANCH LINE FEDERAL RAILROAD ADMINISTRATION REQUIRED RAILROAD BRIDGES INVENTORY REPORT - PHASE ONE

RECOMMENDATION:

- Approve the Santa Paula Branch Line (SPBL) Federal Railroad Administration (FRA) Railroad Bridge Inventory and submit the report to the FRA as required.

DISCUSSION:

In 2011, the Federal Railroad Administration (FRA) published its Final Rule requiring railroad track owners to adopt and follow specific procedures to protect the safety of their bridges and to strengthen federal oversight of railroad bridge maintenance programs. The rule is a requirement under the Rail Safety Improvement Act of 2008 and VCTC, as owner of the Santa Paula Branch Line (SPBL) railroad, was subject to this requirement. Phase One of the requirement is completion of an inventory of the railroad bridges, which must be finished in September 2012. VCTC must then complete Phase Two of the FRA inventory requirement within five years after Phase One is finished or no later than September 2018. In Phase Two, the Agency must schedule a load capacity evaluation for the inventoried railroad bridges. Because Phase Two is not required to be completed until FY 2018/19, there is no reason at this time to proceed with Phase Two.

In October 2011, the Commission approved a contract with the consulting firm of JL Patterson to complete the Phase One inventory report, and they finished the document in late May, 2012; copies are available by request to the staff. Included in the Phase One report are details about the 39 bridges along the SPBL; these bridges are of varying sizes between East Ventura and Piru. The draft report was presented to the Santa Paula Branch Line Advisory Committee (SPLAC) for consideration in May.

In summary, there are four bridges 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 a 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. However, if future freight opportunities occur, the bridge will need to be repaired before those 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 – repair cost \$20,192 (note: repairs on this bridge have already been completed by F&W to allow their tourist trains to operate)
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 and span one on the right side stringers need replacement and the cross beams reinforced. Bridge is open with monthly inspections and slow orders.
Estimated repair cost: \$25,000 - \$30,000

During the SPBLAC discussion of the report, the estimated cost of repairs was discussed and possible funding. The VCTC/F&W operating lease agreement specifically states that F&W – not VCTC - is responsible for making any bridge repairs necessary for F&W's operations.

Because F&W is valued partner to the Commission on the track to make the SPBL self-supporting, staff will continue working with them to identify funds F&W could use for the bridge repair work. One example that the F&W could apply for is the federal Railroad Improvement Fund (RRIF) low-interest loan program which was established for just this type of purpose. Staff is also researching federal grant programs such as Transportation Enhancement (TE), an Economic Development Administration Public Works grant, and the Community Development Block Grant (CDBG) program. The concern with federal grant programs is the time required to access these funds and also if the bridge repairs would be eligible. Alternatively, VCTC could facilitate short term, low interest financing using the current balance of State Transit Assistance (STA) funds.



Item #12

September 14, 2012

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

RECOMMENDATION:

- Direct staff to monitor status of state legislation to implement provisions of the federal authorization entitled Moving Ahead for Progress in the 21st Century, or MAP-21.

BACKGROUND:

Federal Issues

As was reported at the last meeting, the federal government has now passed a two-year federal transportation authorization, entitled Moving Ahead for Progress in the 21st Century, or MAP-21. This bill authorizes the federal transportation program through September, 2014. Attachment A provides a summary of the bill's provisions most likely to affect transportation programs in Ventura County. In general, MAP-21 provides more flexibility in the various funding categories, and makes changes which could streamline delivery, especially for larger projects. There is a significant increase for rail funds in Ventura County (estimated to be over \$4 million per year), while other funds categories remain about the same. There are new requirements for developing transit safety plans and asset management plans which could require significant staff resources. In the coming months staff will come to the Commission with recommended fund programming policies based on MAP-21, after discussion with TRANSCOM and TTAC.

Prior to the summer recess there was an agreement among Congressional leadership and the Administration to put through a six month Continuing Resolution to fund federal operations through March 31, 2013. It is uncertain whether this Continuing Resolution will extend the transportation appropriation at the prior level, or will instead incorporate the slight increases authorized by MAP-21, in recognition of this recent expression of Congressional intent.

State Issues

Attachment B provides the monthly report of Tim Egan, the Commission's state lobbyist. The report includes information on the status of AB 2488 (Williams) which was to address bike racks on Gold Coast Transit but was recalled from the Governor after eleventh-hour concerns from Caltrans and the Highway Patrol. Attachment C provides the status of bills being tracked by VCTC.

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As described in the Attachment A MAP-21 summary, there could be state legislation to address issues related to implementing the provisions of MAP-21, especially with regard of the apportionment of funds to regions. Assembly Speaker John A. Perez has provided SB 1027 as a vehicle to provide such implementing legislation during the current legislative session. Due to the end of the session this bill is not expected to pass, but another bill could be introduced next year.

**MOVING AHEAD FOR THE 21ST CENTURY
SUMMARY OF PROVISIONS AFFECTING VENTURA COUNTY**

On July 6th, President Obama signed HR 4348, the Moving Ahead for Progress in the 21st Century Act (MAP-21), extended the current transportation authorization through September 30th, and then authorizes \$105 billion for transportation over the next two years. Unlike the recent highway authorization extensions, MAP-21 as of October 1st makes significant changes to the federal transportation program.

Funding Authorization

For the two new years of authorized transportation funding, MAP-21 provides an average of \$54.6 billion per year, approximately the same as the \$50.1 billion annual average for SAFETEA-LU, adjusting for inflation. The highway programs are funded at approximately \$40.4 billion in Fiscal Year (FY) 2012/13, and \$41 billion in FY 2013/14, while the transit programs are funded at about \$10.5 billion in FY 2012/13 and \$10.7 billion in FY 2013/14. The federal fuel tax, which absent Congressional action would have expired on June 30, 2012, has been extended through September 30, 2016. The law also transfers \$21.2 billion of other funds into the Highway Trust Fund, thus keeping the fund solvent until around the time MAP-21 ends in 2014.

Program Restructuring

The attached matrix summarizes changes to some of the programs of significance to VCTC and the Southern California region. Probably the most significant impact on VCTC is a change to the formula for calculating rail funds, which is estimated to increase by over \$4 million per year the funds generated due to Metrolink operations in the county. There have been significant changes to the Transportation Enhancement (TE) and Safe Routes to School programs which will apparently reduce available funds for these types of projects, and could also affect TE projects which were previously programmed by VCTC, but not yet obligated. There is also an uncertain interpretation regarding possible CMAQ eligibility changes, which could affect CMAQ projects programmed but not yet obligated.

Freight Program

The Southern California transportation agencies had strongly advocated for the inclusion of a freight program in the federal transportation authorization. MAP-21 calls for development of federal and state freight movement plans, but does not provide freight program funding. The U.S. Department of Transportation is tasked with defining a national freight network.

Performance Measurement

MAP-21 mandates significantly increased use of performance measures for states and regions. Performance measures must be adopted for safety, pavement condition, and bridge condition, and the actual performance relative to the standards must be reported to the federal government. If the performance objectives are not achieved for certain specified items, including interstate highway pavement condition, bridge condition on the national highway system, fatalities, and serious injuries, then states must transfer sufficient funds from other transportation programs to achieve the goals. Under this provision it is conceivable that funds anticipated for local road improvements could be less dependable than in the past due to the requirement to meet the specified standards for other programs.

There are also specific performance-based features for the Congestion Mitigation and Air Quality (CMAQ) program, to require a regional performance plan to achieve air quality and congestion reduction targets. A federal CMAQ outcomes assessment study is also required. Another requirement is that all transit agencies develop an asset management system to track capital asset condition, reliability, and performance.

Streamlining

Project delivery acceleration provisions are included based on the Breaking Down Barriers initiative which was supported by VCTC and the other Southern California transportation agencies. More specifically, MAP-21 provides for accelerated project approval under the National Environmental Policy Act (NEPA), with earlier coordination, consolidated environmental documents, deadlines for agency review, and penalties for federal agencies that fail to make a decision. The list of Categorical Exclusions, which are presumed to have no impact based on the type of project, is expanded. The ability to acquire right-of-way for a project prior to NEPA approval is enhanced.

Transit Safety

The MAP-21 legislation for the first time establishes an FTA role in overseeing transit safety. All recipients of federal transit funds are required to establish and have certified a comprehensive safety plan based on set criteria. FTA will first develop the safety program and rules before it is applied to transit operators. For commuter rail systems such as Metrolink, the safety oversight responsibility remains with the Federal Railroad Administration and not FTA.

Commuter Tax Benefits

The Southern California transportation agencies had advocated for a restored tax credit for transit and vanpool commuters. Up to \$240 per month can be deducted from tax returns for employer-provided parking, but only \$125 in employer provided transit or rideshare benefits are allowed. The Senate version of the authorization would have restored an earlier law that had expired, to make the transit credit equal to the parking credit, but this provision was dropped from the final version of MAP-21.

Veterans' Preference

MAP-21 contains a provision requiring veterans' preference for some procurements. There is little information yet on how this requirement will be implemented, but might be structured similar to Disadvantaged Business Enterprise requirements.

Implementation

Many of the MAP-21 provisions, including the transit safety program, transit asset management system, and the project delivery streamlining, will not become effective until implementing regulations are adopted by the various federal agencies. MAP-21 provides a timeline by which these various regulations will be developed. The Southern California transportation agencies are developing a joint letter to the Secretary of Transportation, offering assistance in developing these regulations. It appears that the transit safety and asset management programs, and possibly veterans' preference, are likely to require significant additional transit agency staff effort to develop and administer.

MATRIX OF MAP-21 CHANGES TO EXISTING PROGRAMS

CURRENT PROGRAM	CHANGES IN MAP-21
Surface Transportation Program (STP)	• Program continues to provide highway and transit capital funding, with eligibility broadened to include electric vehicle charging equipment at park and ride lots, and congestion pricing and demand management programs. • Nationwide funding level increased slightly. • Caltrans has proposed retention of the existing split between the state and local governments. However, there has been regional agency interest in urgency state legislation to increase the regional share, in recognition of earlier changes that had increased the state share.
Congestion Mitigation and Air Quality (CMAQ)	• Funding levels are slightly reduced. • 100% federal share for all projects eliminated, although Toll Credits are still available to cover the match. • There is uncertainty regarding possible project eligibility changes.
Transportation Enhancements (TE) Safe Routes to Schools (SRTS)	• The Transportation Enhancements program has been combined with Safe Routes to Schools and Recreational Trails to form a Transportation Alternatives Program. • In FY 2011, the combined funding for these three programs was \$1.22 billion, but MAP-21 provides FY 2013 funding of only \$808 million for the consolidated program, representing a significant decrease. • TE was previously programmed 75% by regions and 25% by state, while SRTS was programmed by the state. MAP-21 says half is to be programmed by regions and half by state. State implementing legislation could address distribution method. • There have been some eligibility changes, including replacement of the “landscaping enhancement” category with “vegetation management.” • MAP-21 does not impact the state funds committed by law in California for Safe Routes to Schools.
Urban Area Formula (Section 5307) Jobs Access Reverse Commute (Section 5316)	• The JARC program is added to Section 5307, with the JARC funding formula (number of low income persons) included in the overall formula, and with JARC projects being an eligible use of the funds. • Funding level of the combined programs appears to be comparable to prior totals. • Eligibility broadened to include 50% of operating subsidy for any bus operator with fewer than 100 buses.
Fixed Guideway Modernization (Section 5309a)	• This program previously provided formula funding based on rail systems and buses in carpool lanes or busways. It is now redesignated as Section 5337 and split into separate apportionments for the two modes. • Overall funding level increased by nearly 30%, and formula changed to eliminate extra weighting for “historic rail” cities. • As result, Ventura County apportionment due to Metrolink operations expected to increase significantly, from \$2.6 million Fiscal Year 11/12 to \$7 million in 12/13. •

Bus and Bus Facilities (Section 5309c)	• Previous discretionary program replaced with a formula program available for bus capital purposes, redesignated as Section 5339. • Ventura County apportionment estimated at \$1.3 million in Fiscal Year 12/13.
Rural Transit (Section 5311)	• Authorization is significantly increased, by nearly 10% for FY 2013 and by another 15% in FY 2014. This change should directly affect Ventura County's apportionment for rural transit operations. • Apportionment will include a small amount to each state representing JARC formula for rural areas.
Senior and Disabled (Section 5310)	• The New Freedom program is added to Section 5310. • Slight overall funding increase of the combined programs, relative to the two prior programs. • Previously, Section 5317 Large Urban funds programmed by Designated Recipients, Section 5317 Small Urban / Rural and all Section 5310 programmed by state; revised so that all Section 5310 Large Urban to be programmed by Designated Recipients, and Section 5310 Small Urban / Rural programmed by state.
New Freedoms (Section 5317)	
Transportation Infrastructure Financing and Innovation Act (TIFIA)	• This infrastructure loan program is significantly increased, from \$122 million to \$1 billion annually. Loans can be provided for up to 49% of project cost. As a result, neighboring counties with local funding streams will likely see significantly expedited project delivery.



August 31, 2012

To: Ventura County Transportation Commission
Darren Kettle
Peter DeHaan

From: Tim Egan

Subject: **LEGISLATIVE REPORT**

The State Legislature is set to adjourn the two-year Legislative Session tonight and will convene the 2013-14 Regular Session on December 3, 2012. During the waning hours of the Session the Legislature will be considering a significant number of bills including public pension reform AB 340, as well as a measure to reform the workers' compensation system SB 863.

STATE LEGISLATION

AB 1532 (John Perez) – **SB 1572** (Pavley) – Cap & Trade Fund

The California Global Warming Solutions Act of 2006 (AB 32) designates the State Air Resources Board (CARB) as the lead state agency to monitor and regulate sources of emissions that may lead to greenhouse gases. The CARB is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations to achieve the maximum, technologically feasible and cost-effective greenhouse gas emissions reductions. AB 32 authorizes CARB to include use of market-based compliance mechanisms. As such, the CARB has adopted regulations to establish a new cap-and-trade program to cap greenhouse gas emissions statewide. CARB plans to sell 66 million allowances in FY 2012-13, generating an estimated \$660 million to \$3.3 billion (depending upon the auction price per ton, which would range between a minimum of \$10 to a maximum of \$50). Two bills have been introduced and before the Legislature to allocate a portion of the cap-and-trade revenues.

A Cap & Trade Coalition consisting of the League of Cities, the California State Association of Counties, the California Alliance for Jobs, California Transit Association and Transportation California was formed earlier this year and have developed a set of principles to ensure that an equitable portion of the Cap-and-Trade revenues be dedicated for transportation. So far the Coalition has achieved some success in including language in the two primary cap-and-trade bills now before the Legislature, which are:

AB 1532 (John Perez)

As proposed to be amended on the Senate Floor today, AB 1532 would create the Greenhouse Gas Reduction Account (GGRA) within the Greenhouse Gas Reduction Fund (GHGRF) and requires that all monies excluding penalties and fines collected pursuant to the California Global Warming Solutions Act be deposited in the GGRA and available upon appropriation by the Legislature for the purposes of carrying out the Act.

AB 1532 would provide that monies appropriated from the fund may be allocated for purposes of reducing greenhouse gas emissions through investments that may include, but not limited to, any of the following:

(1) Funding to reduce greenhouse gas emissions through energy efficiency, clean and renewable energy, distributed renewable energy generation, transmission and storage, and other related actions, including, but not limited to, at public universities, state and local public buildings, and industrial and manufacturing facilities.

(2) Funding to reduce greenhouse gas emissions through the development of state-of-the-art systems to move goods and freight, advanced technology vehicles and vehicle infrastructure, advanced biofuels, and low-carbon and efficient public transportation. (Emphasis added)

(3) Funding to reduce greenhouse gas emissions associated with water use and supply, land and natural resource conservation and management, forestry, and sustainable agriculture.

(4) Funding to reduce greenhouse gas emissions through strategic planning and development of sustainable infrastructure projects, including, but not limited to, transportation and housing. (Emphasis added)

(5) Funding to reduce greenhouse gas emissions through increased in-state diversion of municipal solid waste from disposal through waste reduction, diversion, and reuse.

AB 1532 passed the Assembly on a 49-27 vote and is now on the Senate Floor.

SB 1572 (Pavley)

This measure would specify expenditures of funds derived from the auction of greenhouse gas (GHG) allowance under the cap-and-trade program adopted by CARB pursuant to AB 32. Specifically, SB 1572 would:

a) Require a specified record be prepared regarding use of the funds.

b) Requires funds benefit “disadvantaged communities,” as defined by CalEPA, to the maximum extent feasible.

c) Requires CARB to allocate 60 percent of the funds for GHG reduction projects undertaken by industries covered by the cap-and-trade program. Authorizes CARB to allocate any of these funds to the Treasurer for use in accordance with his or her authority under the California Pollution Control Financing Authority (CPCFA) Act and authorizes CPCFA to provide rebates in the amount of the sales and use tax paid on qualifying equipment.

d) Requires CARB to allocate 10 percent to the Strategic Growth Council (SRC) to be awarded to metropolitan planning organizations or councils of governments for regional and local GHG reduction plans and to local governments and non-profits for local climate innovation projects according to specified criteria. (Emphasis added)

SB 1572 passed the Senate on a 23-13 vote and is now on the Assembly Floor.

STATE BUDGET

SB 1029 – High-Speed Rail Budget Trailer Bill

The Legislature passed before the summer recess in July the controversial bill to fund the initial development of the High-Speed Rail system. Besides providing initial funding for High-Speed Rail, SB 1029 includes funding for various “Connectivity” Intercity Rail and Local Transit Projects statewide of approximately \$819 million. The California Transportation Commission subsequently approved at its August meeting an initial allocation of \$60 million to Metrolink for positive train control and increase horsepower for 30 locomotives or purchase of 21 new locomotives. SB 1029 also provides \$500 million to SCAG as matching funds to fund the Southern California Memorandum of Understanding with the High-Speed Rail Authority for projects on the Metrolink Antelope Valley line to improve travel times for Metrolink providing service for high-speed rail as part of a blended system in Southern California.

VENTURA COUNTY TRANSPORTATION COMMISSION STATE LEGISLATIVE MATRIX BILL SUMMARY September 7, 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	Passed Senate 23-14. To Governor.
AB 1229 Feuer	Authorizes issuance Grant Anticipation Notes through the California Transportation Financing Authority.	Support	Died in Senate Appropriations Committee.
AB 2488 Williams	Allows three-bicycle racks on Gold Coast Transit buses.	Support	Was with Governor, but then recalled to the Legislature. Amended and passed by Senate 36-0 and Assembly 80-0. To Governor.
SB 1189 Hancock	Appropriates \$523.4 million in Proposition 1A High Speed Rail Connectivity funds.	Support	Funds were appropriated instead through budget trailer bill SB 1029.
SB 1225 Padilla	Implements LOSSAN corridor agency local governance recommendation.	Support In Concept	Passed Assembly Appropriations Committee 12-5. Passed Assembly 51-25. Further amendments approved by Assembly Transportation Committee and passed by Assembly and Senate. To Governor.



Item # 13

September 14, 2012

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: VICTOR KAMHI, BUS TRANSIT DIRECTOR

SUBJECT: CONTINUATION OF PUBLIC HEARING ON TRANSFER FEE INCREASE BETWEEN COASTAL EXPRESS AND SANTA BARBARA METROPOLITAN TRANSIT DISTRICT

RECOMMENDATION

- 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.

BACKGROUND

The VCTC has been operating the Coastal Express service, jointly funded by the VCTC and Santa Barbara County Association of Governments (SBCAG) since FY 2001/02. In December 2003 VCTC and the SBMTD began a short free transfer system trial demonstration. Based on the positive results of the demonstration, in January 2004, VCTC and the SBMTD executed an agreement to provide free, two way transfers. The agreement was renewed in 2007 and has been in effect since then. The transfer system has been popular, and VISTA receives approximately 26,400 transfers from SBMTD (annual boardings from the SBMTD service area are approximately 155,000), while SBMTD receives about the same amount of transfers from riders boarding in Ventura County. This represents about 17% of all Coastal Express trips.

In the same manner, in 2011 VCTC, along with our partners in Ventura County, initiated a transfer system, which provides (with some exceptions) free transfers between community transit systems and VISTA services inside Ventura County. Transfers from Ventura County community transit services and in-county VISTA services to intercounty services (VISTA Conejo Connection and VISTA Coastal Express) are counted as one-half (1/2) of the fare for those persons using the transfers. However, the transfers to and from SBMTD have remained free. VCTC has credited transfers in Ventura County to the Coastal Express as a half fare (\$1.50 for standard fares, \$.75 for seniors and disabled fares) from both Gold Coast Transit and the VISTA 101 and VISTA 126 services. By imposing a similar transfer fee on trips from SBMTD buses to the VISTA Coastal Express, the Commission would be creating a uniform fee on both ends of the trip.

On June 1, 2012, the Commission authorized the staff to survey and analyze the 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, in compliance with Federal Title VI (Civil Rights Analysis). A copy of the analysis is attached to this item. Due to the changes in the contractor, and uncertainties regarding the service delivery, the Commission continued the public hearing on the possible change from its July 13, 2012 to its September 7, 2012 meeting.

Based on the VCTC rider weekday surveys, approximately 42% of the riders self identified themselves as Hispanic, 42% as White and the remaining 16% were Asian, African American, American Indian, or declined to state. The following responses were received on the question of whether or not the passenger would ride the VISTA service if a \$1.50 transfer fee were implemented: 9% of Whites stated they would no longer ride, while 15% of the Hispanic and 20% of the Asian riders stated they would no longer use the Coastal Express. The ethnic make-up of weekend riders is very similar to that reported for weekdays, although the number of respondents was smaller. For weekend riders, the responses were somewhat different, with 22% of Whites stating they would no longer ride, while 15% of the Hispanic riders stated they would no longer use the Coastal Express.

While there was some difference in responses between those weekday riders with incomes over and under \$49,000 per year, income levels did not appear to be significantly different for lower and higher income riders. In contrast, low income riders were twice as likely to stop riding the VISTA Coastal Express on weekends as high income individuals (7% versus 14%), however, 29% of the high income riders did not state if they would continue to ride the Coastal Express.

Because the survey indicates there would not be undue impact, VCTC staff recommends the Commission adjust the transfers on the VISTA Coastal Express to be consistent with the transfer policy which exists in Ventura County for other community services transferring to the VISTA intercounty services, and that beginning in October 2012 VISTA consider a transfer from SBMTD as a one-half (1/2) fare on the Coastal Express. Note that SBMTD is also preparing an addendum to the existing agreement with VCTC to reflect the modification of their transfer fee, which began on August 27, 2012, when SBMTD began to charge \$1.00 for transfers from VISTA riders with a transfer (the SBMTD base fare is \$1.75).



Item # 14

September 14, 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 release of a Request for Proposal (RFP) for Consultant Services for a Joint Land Use Study with Naval Base Ventura County.
- 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.

BACKGROUND:

In April of 2012, 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) and to submit a grant application to the Department of Defense Office of Economic Adjustment (DoD, OEA) for Department of Defense Community Planning Assistance Funds.

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:

On August 21, 2012 staff received a Grant Award Notification that VCTC had been awarded \$225,000 of Department of Defense Community Planning Assistance Funds for consultant assistance to conduct a Joint Land Use Study for Naval Base Ventura County. The total cost of the proposed JLUS is \$250,096 with VCTC contributing \$25,096 in "in-kind" services as the required ten percent local match over the estimated eighteen (18) month life of the project.

The application process revealed a highly complex relationship between the three naval installations that comprise Naval Base Ventura County, Naval Air Station Point Mugu, and Naval Base Ventura County, Port Hueneme, and San Nicholas Island and the surrounding communities. The JLUS must consider a very wide scope of issues that could impact land use compatibility around the military installations including, air traffic (both civilian and military), noise, sea lane traffic, port access, and mobilization corridors. The JLUS must also consider diverse community issues and ensure that the City of Camarillo, the City of Oxnard, the City of Port Hueneme, the County of Ventura, California State University, Channel Islands and a number of other agencies and special districts are engaged in this study. Given the highly specialized areas of study required and the large amount of public outreach that will be required, staff has prepared a Request for Proposal (RFP) for consultant services to conduct the JLUS effort.

The Scope of Work for the JLUS includes extensive public outreach and community oversight, detailed mapping, issue identification and resolution, and concludes with an action and monitoring plan conceived of and approved by the participating communities to ensure a continued successful relationship with NBVC. The RFP can be found in Attachment A of this agenda item and has been reviewed by General Counsel.

Staff proposes to convene a consultant selection panel comprised of representatives of the City of Camarillo, the City of Oxnard, the City of Port Hueneme, the County of Ventura, and California State University, Channel Islands and the Navy to evaluate proposals submitted. It is anticipated that the recommendation from the Consultant Selection Committee will be brought to the Commission for approval at the November meeting.

The funding for the JLUS was not yet approved when the Fiscal Year 2012/2013 Budget was adopted therefore, the project was not included. To accommodate the JLUS and the additional funds, staff is recommending that the Fiscal Year 2012/2013 Airport Land Use Commission Task Budget be amended to include, \$225,000 in Department of Defense Community Planning Assistance Funds, \$29,000 in staff time funded through Local Transportation Funds (LTF) and Planning, Programming, and Monitoring funds (PPM) transferred from the Regional Transportation Planning Task Budget, as well as \$1,000 in mileage funded through LTF transferred from the Regional Transportation Planning Task Budget bringing the total Fiscal year 2012/2013 ALUC Task Budget to \$264,300. The detailed staff time transfer from the Regional Transportation Planning Task Budget is shown in Table 1 below.

Table 1, Staff Time Detail

Staff	Funding Source	Hours	Salary	Fringe and Tax Allocation	Indirect Cost Allocation	Total
Executive Director	PPM	40	\$4,400	\$1,500	\$2,700	\$8,600
Planning Director	LTF	110	\$6,600	\$2,600	\$4,300	\$13,500
Analyst 1	LTF	70	\$2,700	\$2,000	\$2,200	\$6,900
Total		220	\$13,700	\$6,100	\$9,200	\$29,000

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Correspondingly, staff is recommending that the Regional Transportation Planning Task Budget be amended, decreasing it by \$30,000 reflecting the transfer of \$29,000 in staff hours funded through LTF and PPM as well as \$1,000 in mileage funded through LTF to the ALUC Task Budget. The total remaining in the Regional Transportation Planning Budget is \$634,100.

In conclusion, staff is recommending three actions by the Commission; to authorize the release of a Request for Proposal for consultant services to conduct a Joint Land Use Study with Naval Base Ventura County; a budget amendment increasing the Fiscal Year 2012/2013 Airport Land Use Task Budget to \$264,300 and; a budget amendment decreasing the Fiscal Year 2012/2013 Regional Transportation Planning Task Budget to \$634,100.

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**VENTURA COUNTY TRANSPORTATION COMMISSION
REQUEST FOR PROPOSAL (RFP)
FOR
CONSULTANT SERVICES TO CONDUCT A JOINT LAND USE STUDY IN CONJUNCTION WITH
NAVAL BASE VENTURA COUNTY**

INTRODUCTION

The Ventura County Transportation Commission (VCTC) is seeking proposals from qualified consultants to conduct and complete a Joint Land Use Study (JLUS), funded by the Department of Defense, Office of Economic Adjustment (DoD, OEA) and in conjunction with Naval Base Ventura County (NBVC), the cities of Camarillo, Oxnard, Port Hueneme, the County of Ventura and other interested parties.

Naval Base Ventura County has been part of the fabric of life in Ventura County, California for seventy-one years. The relationship between the NBVC and the communities of Ventura County has been extraordinarily positive with NBVC contributing to the County's social and economic well being. Preserving and enhancing that relationship through a JLUS is critical to the combined futures of NBVC and Ventura County.

As the various communities of Ventura County surrounding the installations of NBVC continue to grow, development should be directed in such a way that it does not inhibit the operational viability or the ability to meet future missions of the military installations while at the same time protecting the health and safety of the communities that surround the installations. The purpose of this JLUS effort is to achieve those dual goals of protecting both NBVC and the residents of Ventura County.

The VCTC as a public entity created in 1988 pursuant to California Senate Bill 1880 (Davis), an act to amend Section 99233.2 of, and to add Sections 130050.1, 130054.1, and 130109.1 to, the Public Utilities Code, was established as a regional planning agency in Ventura County with its authority defined within the PUC including the ability to receive and administer funds and contract for services and goods. As the agency charged with regional planning on multiple levels, the VCTC is designated as the Ventura County Airport Land Use Commission and the managing entity for the Ventura Council of Governments. It is therefore appropriate for the VCTC to take on the role of study sponsor for this JLUS. The VCTC is staffed by a small number of highly skilled individuals but given the wide ranging areas of study that will necessarily comprise the scope of this JLUS, VCTC requires consultant assistance.

BACKGROUND

Ventura County

Ventura County lies on California's coast roughly sixty-five miles north of downtown Los Angeles. Ventura County's 1,843 square miles encompass a diverse geography from rugged mountain terrain to coastal plains and offshore islands. Ventura County's population of 832,970 largely resides within the ten incorporated cities in the southern portion of the County. Land use policies put in place in the late 1960s have directed growth within city boundaries resulting in large expanses of open space or land under cultivation separating the cities. While Ventura County's annual growth has hovered around 1% for many years, according to the 2010 U.S. Census, Ventura County grew 9.3% between 2000 and 2010 making it faster growing than either Los Angeles or Orange Counties.

Ventura County has proven forward thinking when it comes to land use policies and has two unique controls in place to guide development. The first, the Guidelines for Orderly Development originally adopted in 1969, encourages urban development to occur within the incorporated cities or through the

annexation of land within a city's sphere of influence. These guidelines have been effective at preventing urban sprawl and maintaining the open space between the cities.

The second, Save Our Open Space and Agricultural Resources (SOAR), requires, through a ballot initiative, a simple majority of voters to approve changes in specified general plan land use categories. Typically SOAR initiatives focus on protecting open space, agriculture, rural and park lands. SOAR initiatives have passed in the County unincorporated area and in most of the cities but the SOAR initiatives have sunset dates attached to them and must be renewed. These two land use policies have shaped Ventura County's built environment but many cities are nearing their general plan build out capacity and the question will become how to direct growth and development beyond the adopted general plans.

Naval Base Ventura County, Point Mugu Mission and the relationship to Ventura County

Naval Air Station, Point Mugu was established in August of 1949 to support the U.S. Naval Air Missile Test Center. Today Point Mugu maintains two runways (11,000 feet and 5,500 feet long) able to handle the Air Force's largest aircraft, the C-5 Galaxy. Point Mugu is home to the Airborne Command Control Logistics Wing, four E-2C Hawkeye Squadrons, a Test and Evaluation Squadron, a Fleet Logistics Support Squadron, and an aerial combat training group. NAS Point Mugu provides a training environment for active and reserve aviation units of the Navy, California Air National Guard, and United States Air Force. Point Mugu provides direct connectivity to the Point Mugu Sea Range, a 36,000 square mile maritime range used extensively by the Naval Air Warfare Center Weapons Division for weapons testing and research.

Point Mugu is located on the coastline of Ventura County with the Santa Barbara Channel immediately to the south and southwest. Flowing through Point Mugu to the sea is Callegus Creek creating a highly sensitive wetlands area known as Mugu Lagoon. Mugu Lagoon is home to several threatened or endangered species of flora and fauna. Recognizing the unique eco-system of Mugu Lagoon, the Navy has undertaken several restoration projects to protect this unique environment. Careful consideration must be given to this sensitive area.

Surrounding the remainder of Point Mugu, in the unincorporated County, are agricultural fields under active cultivation. The agricultural surrounds provide a compatible land use buffer between Point Mugu and its nearest neighbors: Oxnard approximately three miles to the northwest is Ventura County's largest city, population 200,390; Camarillo approximately six miles to the north, population 66,407; and, California State University Channel Islands (CSUCI) approximately three and one half miles to the northeast. Each of the cities has experienced growth over the past decade and CSUCI is still in its infancy as an institution but slated for near term growth. It is important to note that the E2C – Hawkeye squadrons are carrier based and conduct Field Carrier Landing Practice at NBVC Point Mugu which include low-level flights and can affect the noise footprint. Both CSUCI and the city of Camarillo lie under the flight path of arriving and departing aircraft at NBVC Point Mugu and careful planning must be applied to future development, especially concerning exposure to unacceptable noise levels for additional development in those areas.

Adding complexity to the land uses surrounding Point Mugu are two general aviation airports. Camarillo Airport, approximately five and one half miles north of Point Mugu, has one 6,010 foot runway and supports 186,476 annual operations. Camarillo Airport is home to more than twenty aviation businesses as well many as non-aviation businesses. Oxnard Airport, approximately seven miles from Point Mugu, is classified as a non-hub commercial service airport. Oxnard Airport has one 5,950 foot runway and supports 88,277 annual operations. The air traffic and associate traffic patterns surrounding Point Mugu are often described as a mixing bowl. As the communities grow and air traffic increases, there is a greater need to coordinate planning efforts between the County's civilian airports and the NBVC, Point Mugu.

Naval Base Ventura County, Port Hueneme Mission and the relationship to Ventura County

Port Hueneme was established and began operating in May of 1942 as the Advance Base Depot and in 1945 was renamed the Naval Construction Battalion Center. Like Point Mugu, Port Hueneme's mission and structure has evolved across time. Port Hueneme is a deep water port and one of the few military ports on the west coast. The Port has over 300 acres of lay-down space and sixteen miles of rail road with portside access. Port Hueneme is home to the U.S. Naval Construction Force, the AVSEA Port Hueneme Surface Warfare Center Division, Naval Facilities Engineering Service Center; and the Center for Seabees and Facilities Engineering, and the Naval Facilities Engineering Logistics Center as well as other tenants.

Port Hueneme is located approximately seven miles to the northwest of Point Mugu on the coast. The cities of Oxnard and Port Hueneme abut Naval Base Ventura County, Port Hueneme on the western, northern and eastern perimeters. To the south lie the deep water port and the Santa Barbara Channel. Oxnard is Ventura County's largest city, population 200,390 and the city of Port Hueneme has a population of 21,682. NBVC Port Hueneme is surrounded by urban land use with the fence line separating the military and civilian uses. While the city of Oxnard continues to grow and has developable land, the city of Port Hueneme is land locked and has little opportunity for additional significant growth.

NBVC Port Hueneme's deep water port is a shared facility. The Oxnard Harbor District as an independent special district owns and operates the commercial Port of Hueneme in the south eastern portion of the installation. Over \$7 billion in cargo value moves through the Port each year. The Port of Hueneme is one of the nation's busiest banana importing ports and is included in the nation's top ten automobile importing ports. NBVC Port Hueneme is surrounded by urban uses and the movement of personnel and supplies must move across city street systems competing with local traffic and goods movement from the commercial port. Mobility corridors for Naval Base Ventura County are often overlooked and deserve close attention.

Naval Base Ventura County, San Nicholas Island Mission and the relationship to Ventura County

San Nicholas Island, located some sixty five miles south of Point Mugu, is one of eight off shore islands comprising the Channel Islands. San Nicholas Island is located within the 36,000 square mile NAVAIR Sea Range. The range provides sea and airspace to conduct controlled test and operational training. San Nicholas Island maintains a 10,000 foot concrete and asphalt runway that can accommodate an aircraft the size of a C-5. The island is host to a number of facilities that include radar tracking instrumentation; electro optical devices, communications equipment, missile and target launch areas. San Nicholas Island has two primary functions, a launch platform for short and medium missile testing and an observation facility.

The island is home to two protected species: the Island Fox and the Island Night Lizard. San Nicholas Island is also a major breeding ground for harbor seals, northern elephant seals and California sea lions. A small population of southern sea otters lives offshore. It also includes hundreds of Native American archeological dig sites. While traditional land use issues are not a source of conflict, there are areas of concern generated by nearby shipping lanes and commercial fishing areas that can impinge on the Navy's operations.

JLUS Goals

The overarching goal of the proposed JLUS is to ensure the long term viability of Naval Base Ventura County as well as health and safety of Ventura County residents, workers and visitors. In order to achieve this goal the JLUS should:

- ❖ Identify all planning areas of common concern between Naval Base Ventura County and the surrounding communities, agencies, and institutions within Ventura County.
- ❖ Develop a tool box of acceptable and effective short and long term solutions to the conflicts identified.

- ❖ Develop an action plan to implement the solutions identified including a prioritized list of actions and critical timing.
- ❖ Develop a monitoring plan to ensure the action plan and associated solutions are implemented across time.
- ❖ Through the JLUS process, educate civilian and military policymakers so that they consider the critical relationship between Naval Base Ventura County and Ventura County when taking future actions.

SCOPE OF WORK

To achieve the afore mentioned goals the Consultant shall conduct a Joint Land Use Study to identify conflicts in land uses, plans and policies between NBVC and the surrounding communities and identify consensus-based implementable resolutions to those conflicts. The Consultant shall, at a minimum, include in the JLUS the following work elements:

1. Public Participation Plan

The Consultant shall develop a Public Participation Plan enabling ongoing dialogue between NBVC, the surrounding communities, including but not limited to, the general public, city governments, public agencies, special districts, educational facilities and other stakeholders. The strategy for public participation shall include a multimedia outreach effort including consultant facilitated public meetings, a JLUS project website and periodic project publications.

The Participation Plan must include the development of policy and technical oversight committees to guide and inform the study. The Consultant shall consider the benefits of formulating committees specific to each of naval facilities and an overall oversight Committee. The participation plan shall include provisions for a number of Consultant facilitated committee meetings appropriate to the scale and scope of the project.

This work element shall at a minimum include the following tasks and specific deliverables:

Public Participation Plan	Deliverables
A Identify stakeholders	Stakeholder list
B Create policy and technical committees	Committee formation
C Develop public outreach strategy	
D Refine technical approach	Public Participation Plan
E Develop JLUS project information pamphlet	Initial Fact Sheet/Template
F Develop JLUS project website	Project website
G Introductory public participation session	Project Kickoff meeting

2. Data Collection and Mapping

The Consultant shall collect, collate and digitize relevant data, including but not limited to, demographics, population forecasts, land use, land use policy, general plans, air traffic, noise contours, airport safety zones, sea lanes, port access, mobilization corridors and surface transportation. The Consultant should consider foreseeable future development scenarios as well as foreseeable expansion or evolution of military operations. The Consultant shall not assume that all required data can be accessed from a single source or exists in a digital or consistent format. The source for base maps to be determined with the assistance of the technical committee.

4. **Conflict/Compatibility Analysis**

The Consultant shall identify, categorize, and analyze current and future areas of compatibility and/or conflict for land, sea and air uses surrounding the naval facilities in the study area. The Consultant should consider the impacts and timing of foreseeable future development scenarios as well as foreseeable expansion or evolution of military operations.

The Consultant shall conduct sufficient policy and technical committee meetings to ensure that stakeholders have had an opportunity to review material, report to decision makers and respond to the analysis presented. The Consultant shall also conduct a facilitated public participation session inviting public comment on the analysis portion of the study.

This work element shall at a minimum include the following tasks and specific deliverables:

Conflict/Compatibility Analysis	Deliverables
A Identify areas of current land use conflict, type of conflict and impact	Comprehensive set of maps, tables, charts, graphics and documents illustrating current and future areas of conflict and/or compatibility conditions in the study area as defined by the Technical Committee.
B Identify areas of future potential conflict, type of conflict and impact	
C Identify areas where land use is compatible, test sustainability, assess risk	
D Identify both land and sea mobility corridor conflicts, type of conflict and impact	
E Identify conflicts relating to potential off-shore development such as energy production, natural gas storage, oil drilling or commercial fishing ventures.	
F Map conflict areas	General Public Meetings Committee meetings Website update
G Public participation session	
H Policy/Technical oversight committee review	
I Publish project information updates to website	

5. **Conflict Resolution Strategies**

The Consultant working with both the policy and technical committees shall develop implementable resolution strategies and a toolbox including but not limited to policies, regulations, ordinances, agreements and/or other specific actions by which the neighboring communities, cities, agencies, and institutions can protect their constituents as well as preserve the operational viability of the naval facilities. The Consultant working with both the policy and technical committees shall develop a monitoring plan that would enable all stakeholders to monitor plan progress and future actions to ensure the compatibility of land uses and the naval facilities.

The Consultant shall conduct sufficient policy and technical committee meetings to ensure that stakeholders have had an opportunity to review material, report to decision makers and respond to the conflict resolution strategies. The Consultant shall also conduct a facilitated public participation session inviting public comment on the conflict resolution strategies.

This work element shall at a minimum include the following tasks and specific deliverables:

Conflict Resolution Strategies	Deliverables
- A Identify model land use regulations - (local, state and federal) - B Develop resolution strategies for current conflict areas - C Develop resolution strategies and a timeline for future conflict areas - D Develop resolution strategies to support compatible land uses - E Develop a monitoring plan and organizational structure that would allow JLUS project partners to continue to work on compatibility and viability issues with NBVC beyond the conclusion of the JLUS. - F Develop a local process for the cities and the County to work with the State of California, Naval Base Ventura County, the DoD, and other Federal agencies to support compatibility between development of regional renewable energy resources and military training and testing activities. The DoD Siting Clearinghouse requirements and standards published in Title 32, Code of Federal Regulations, and Part 211 shall advise and guide the process to facilitate the early submission of renewable energy project proposals to the Clearinghouse for military mission compatibility review. - G Develop toolbox of policies, and regulations, ordinances, agreements to avoid land use conflicts - H Policy/Technical oversight committee review - I City/Agency/Institution review of potential solutions - J Public participation - K Publish project information updates to website	Comprehensive set of implementable conflict resolution strategies complimented with a monitoring plan to track compatibility for the study area as defined by the technical and policy committees. Committee meetings General Public Meeting Website update

6. Draft Study

The Consultant working with both the policy and technical committees shall develop a Draft Joint Land Use Study which identifies (1) the existing and future land, sea and air conflicts, (2) the short and long term priorities, and (3) strategies, and (4) monitoring plan.

The Consultant shall conduct facilitated policy and technical committee meetings as well as public meetings to gather comments on the draft Study. The Consultant shall present the draft Study to key stakeholders including but not limited to, the participating cities/county, NBVC, regional planning entities and California State University Channel Islands.

The Draft Joint Land Use Study shall be made available through electronic copies posted to and downloadable from to the study web site as well as on CD-ROM.

This work element shall at a minimum include the following tasks and specific deliverables:

Draft Study	Deliverables
- A Compile resolution strategies - B Develop long and short term priorities - C Develop implementation plan and schedule - D Develop metrics for measuring plan effectiveness - E Policy/Technical oversight committee review - F Release Draft Study, visit each City/Agency/Institution - G Publish project information updates to website	Draft Joint Land Use Study for public review Stakeholder meetings Website update

- H Public participation session
- I Compile responses to draft Study and edit as required

General Public Meeting
Update to Draft Joint Land Use Study

7. **Final Study**

The Consultant shall compile all comments received and changes to the Draft Joint Land Use Study into a Final Study for presentation to study stakeholders and the general public.

The Consultant shall conduct facilitated policy and technical committee meetings as well as public meetings to present the Final Study. The Consultant shall present the Final Study to key stakeholders including but not limited to, the participating cities/county, NBVC, regional planning entities and California State University Channel Islands.

The Final Joint Land Use Study shall be made available through one (1) hard copy delivered to each major stakeholder, electronic copies posted to and downloadable from the study web site, and CD-ROM.

This work element shall at a minimum include the following tasks and specific deliverables:

Final Study	Deliverables
A Develop Final Study	Final Joint Land Use Study
B Policy/Technical oversight committee review	Committee meetings
C Public participation	General Public Meeting
D Publish project information updates to website	Website update
E Present Final Study to each City/Agency/Institution for adoption	Stakeholder meetings
F Deliver completed Study to Department of Defense, OEA	Final Study

Joint Land Use Study Project Schedule

It is estimated that the Consultant shall complete the Joint Land Use Study within eighteen (18) months of Notice to Proceed. The Consultant shall include a draft study schedule in their proposal and a final schedule within thirty (30) days of Notice to Proceed.

PROPOSAL REQUIREMENTS

Proposal Deadline

Eight hardcopies (one stamped and signed original and seven copies) of the proposal shall be submitted **Tuesday, October 16, 2012** no later than **4:00 P.M.** (electronic submissions will not be accepted). **Proposals delivered after the stated date and time will not be considered and returned to the proposing firm unopened.** Proposals shall be delivered to the VCTC offices at:

Ventura County Transportation Commission
Joint Land Use Study
950 County Square Drive, Suite 207
Ventura, CA 93003

There is no expressed or implied obligation for the VCTC to reimburse responding firms for any expenses incurred in the preparation or delivery of proposals in response to this request. The VCTC reserves the right to retain all proposals submitted and use any idea in a proposal regardless of whether that proposal is selected. All submissions are considered a matter of public record.

VCTC Contact Information

All questions, comments and proposals should be directed to:

Steve DeGeorge, Planning Director
Ventura County Transportation Commission
950 County Square Drive, Suite 207
Ventura, CA 93003
Phone: (805) 642-1591 (ext. 103)
Email: sdegeorge@goventura.org

Required Proposal Content

Proposals shall include the following required elements. Any proposal not containing the required elements will be deemed to be incomplete and removed from any further consideration.

1. **Title Page** - Indicate RFP subject, name of proposer's firm, local address, telephone number, name of contact person, and date of proposal as well as the names and contact information of any subcontractors.

Provide the names and titles of individuals authorized to represent the proposer.

2. **Table of Contents** - Identify the material in the RFP by section and page number.
3. **Letter of Transmittal** - Briefly state the proposer's understanding of the work to be done and commit to perform the work within the specified time period.
4. **Profile of the Proposer** – Describe the firm's resources and provide evidence that it has the ability to complete the work solicited by this RFP in the time frame proposed.
5. **Summary of Proposer's Qualifications** - Provide a brief statement of similar projects performed. Provide a list of references for whom similar work has been performed, as well as references for any proposed subcontractors. Include sample reports or sample materials produced.
6. **Proposed Staffing** – Provide a list of proposed staff, their qualifications and backgrounds identifying the proposed project manager and staff positions for the study.
7. **Technical Approach** – Describe how the study is proposed to be conducted, including public outreach, data collection and compilation, analysis, consensus building and stakeholder approvals.
8. **Preliminary Schedule** - Provide a draft schedule for study completion.
9. **Cost Structure** - Provide a detailed cost breakdown, including estimated time by task, hourly rates, estimated travel time and travel expenses and materials cost.
10. **Federal Compliance** – Describe the firm's experience complying with Title 32 Code of Federal Regulations (CFR).

Proposal Evaluation

Proposals will be reviewed by a consultant selection committee comprised of study stakeholders selected by the VCTC. Interviews, if required, will be held at VCTC office in Ventura during the week of October 22 – 26, 2012. Each proposal will be scored according to the criteria below and the proposal receiving the highest score will be invited to negotiate an agreement for consultant services. If an agreement for

consultant services cannot be reached, VCTC reserves the right to enter into negotiations with the next highest scoring proposer.

Proposals will be evaluated according to the following criteria:

<u>SCORE</u>	<u>CRITERIA</u>
5%	Demonstrated financial resources to perform work specific to this RFP and the ability to meet the schedule.
25%	Experience with similar projects/portfolio.
20%	Evidence of full understanding of the work to be performed including the importance of stakeholder participation and public outreach.
30%	Technical approach, how the firm proposes to conduct the JLUS, including public outreach, data collection and compilation, analysis, consensus building and stakeholder approvals.
5%	Assigned personnel qualifications and availability;
10%	Cost
5%	Compliance with Title 32 Code of Federal Regulations (CFR) requirements.

Request for Proposal Schedule

Proposal schedule is subject to change. Firms considering responding to the RFP should monitor VCTC's website for changes. Firms that submit a proposal will be notified by email of any change in dates or times.

Date	Activity
September 14, 2012	- RFP Published
October 3, 2012	- Pre-Proposal Meeting
October 10, 2012	- Question & Response Period Ends
October 16, 2012	- Proposals Due (no later than 4:00 P.M.)
October 22 - 26, 2012	- Interviews
October 26, 2012	- Proposal Ranking
November 2, 2012	- Board Approval
November 5, 2012	- Notice To Proceed Issued

Additional Information

The complete Request for Proposal, questions and responses and the proposal results will be posted on VCTC's website at: <http://www.goventura.org/?q=about-vctc/working-with-vctc>

Relationship to Final Agreement

This Request for Proposal shall be included in its entirety in any agreement that is reached through the RFP process.

Governing Federal Procedures

The funding for this JLUS is being provided by Department of Defense Community Planning Assistance Funds administered by the Department of Defense, Office of Economic Adjustment. This Request for Proposal and any ensuing agreement shall be compliance with Title 32 Code of federal Regulations (CFR) and all applicable Federal, State, interstate and local laws and regulations.

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Item # 15

September 14, 2012

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: VICTOR KAMHI, BUS TRANSIT DIRECTOR

SUBJECT: VCTC TRANSIT FUNDING POLICY

RECOMMENDATION

- Receive status report

BACKGROUND

As a result of five separate events, VCTC will need to adopt a comprehensive transit funding strategy to allow transit to smoothly function beyond FY 2012-13. The events, impacting transit funding, create the need for a comprehensive policy which are:

1. The approval in 2008 of a VCTC policy, which has been partially implemented, that says funding which is generated by a specific service be returned to that service.
2. The adoption of the VCTC Countywide Transit Plan, which includes the policy that VCTC transition out of transit operations and that regional resources (i.e., funding sources not generated by a specific transit operation) be used to maintain the existing service levels or fund replacements which provide service to the people and communities currently being served.
3. Continuing VISTA services will require a VCTC funding policy which addresses discretionary funding and funding priorities. VISTA will have used up all the discretionary carry-over federal funds by FY 2013-14 and a funding plan must be established to continue intercommunity transit as well as community transit in the Heritage Valley. Historically, VISTA has been funded, either directly or indirectly, from discretionary funds. VCTC has never adopted a policy to address the allocation of "population based" Federal Transit Administration (FTA) funds or the use of discretionary funds.
4. The state adoption of SB 716, which requires all Transportation Development Act (TDA) funds in Ventura County to be used for transit services, and its anticipated implementation of the legislation beginning on July 1, 2014. While the adopted VCTC policy is to have the legislation repealed, at this point it is the enacted law.
5. Passage of Proposition 22 protecting the State Transit Assistance funds – which establish a strong likelihood of stable funding levels in the foreseeable future.

ACTIONS FOR VCTC TO ADDRESS

There are major policies which VCTC needs to consider to implement the Ventura Countywide Transit Plan, and to continue to comply with state transit laws. These include:

1. Reaffirmation of VCTC's policy that transit funds generated by a transit operator are returned to the operator.
2. Adoption of funding priorities for transit services.
3. Adoption of allocation priorities and policies for VCTC discretionary transit funds.

These actions and the issues are discussed in this report.

1. VCTC POLICY FUNDS GENERATED BY A TRANSIT OPERATOR BE RETURNED TO THE OPERATOR AND IMPLICATIONS

There are a number of federal and state transit funding categories that support transit programs in Ventura County, some tied to specific agencies or geographic areas, others to the VCTC to be distributed at the agency's discretion, subject to state and federal regulation. The federal programs are urban transit capital and operating, including both bus and rail (Section 5307), non-urban transit capital and operating (Section 5311), rail "Mod" or maintenance funds (Section 5309), Jobs Access/Reverse Commute "JARC" (Section 5316), services above and beyond required Americans with Disabilities Act required services "New Freedoms" (Section 5317), and capital grants for Social Service Agencies Transportation (Section 5310). Most of these funding sources are programmed by the VCTC, although the state also programs the Section 5310 funds and the small urban and rural portions of the JARC and New Freedoms Funds. MAP-21, the newly enacted Federal Transportation Authorizing legislation makes some changes and consolidates some of the programs. Specific information regarding MAP-21 is provided in a separate item on this agenda.

VCTC has a long established practice of returning Section 5307 federal funds to the transit operators in large urban areas which generate the funds as a result of transit service, or based on the jurisdiction's population. Rail generated federal funds have been provided to Metrolink. The remainder of the federal transit funds has been distributed based on a competitive process as required by Federal law. VCTC receives State Transit Assistance (STA) funds, State Proposition 1B PTMISEA (capital) funds, and Federal Congestion Management and Air Quality (CMAQ), which may be used for some transit activities. The use of these funds is determined by the VCTC (with the exception of a small amount of STA which goes directly to Gold Coast Transit and Metrolink). VCTC also receives Transportation Development Act (TDA) funds, which, after some off-the-top programs are funded, are distributed by population to each city and the County.

METROLINK FUNDING. As a result of the 2008 policy to return funds to the transit agency which generated them, VCTC shifted all of the Federal rail generated funds to Metrolink. Until that time, part of the Section 5307 (capital) funds generated by the commuter rail service had been used to provide the capital funding for VISTA, and Metrolink had received VCTC State Transit Assistance (STA) funds, which were used to provide VCTC's share of the Metrolink operating costs. This would have resulted in a need to identify a new source of funding for VISTA, however, at that time there were unused Section 5307 funds in some of the urbanized areas and VISTA had a significant unused VISTA FTA grant carryover, which allowed funding to continue through FY 2012-13. Beginning in 2013-14, most of the unused FTA urban funds and all of the grant carryover will be gone.

VCTC can continue with its policy of directing the Section 5307 rail capital funds, and the Section 5309 rail maintenance funds (which have been modified and greatly increase in MAP-21 as Section 5337-State of Good Repair rail funds), supplemented by amounts of Transportation Development Act (TDA) and/or STA funds. Funds not exchanged for "operations funds" under this alternative would be used for additional rail capital and maintenance needs.

RURAL FUNDING - Section 5311 non-urban transit funds, are provided based on the rural population of each state, and within the California state sub-allocated to each county based on the population living outside of the urbanized area(s). While Ojai has been shifted into the Oxnard urbanized area by the Census Bureau, the State has allowed VCTC to continue to program the Section 5311 funds for the Ojai Trolley. The funds may be used for both capital and operating of non-urban ("rural") transit services. MAP-21 has also modified the formula to include the rural revenue vehicle miles of service and rural low income population. While the funds have been used to provide funding for the Ojai Trolley, they have been "generated" by the non-urban population, primarily in the Heritage Valley communities of Santa Paula, Fillmore, and Piru.

VCTC has provided the local transit services in the Heritage Valley with Section 5307 Urban funds and local TDA contributions. Without the use of the commuter rail Section 5307 funds or other unused urban funds there is not an ongoing source of funding. As part of the Ventura County Transit Plan, VCTC adopted a policy that, to the extent possible, existing transit services should be made whole using regional discretionary funds. Options VCTC has to implement the policy include whether to continue to use Section 5311 funds for Ojai as long as the state allows, or to shift those funds to the Heritage Valley. If the funds are shifted to the Heritage Valley, then VCTC will need to address how it provides discretionary funding to maintain service levels of the Ojai Trolley.

Completely shifting of both VISTA Heritage Valley Dial-a-Rides to Section 5311 funding from Section 5307 funding would likely cause a reduction in funding of approximately \$200,000 to the County since Ventura County receives its allocation of Section 5311 funds based on rural population, numbers of rural low income, etc., and its Section 5307 partially based on the amount of service we provide and report to FTA. VISTA has always reported data for the Heritage Valley Dial-a-Rides, while some other small operators, such as Ojai have not. Federal regulations prohibit VCTC from funding a service with Section 5311 funds AND claiming credit for attributable Section 5307 funds. Ventura County overall receives the most Section 5307 funds if both VISTA Dial-a-Rides (DAR) are operated using Section 5307 funds, and the Section 5311 funds are used elsewhere in the county. Assuming we are not able to continue to fund the Ojai trolley with Section 5311 funds, the optimal alternative would be to fund Fillmore DAR with the Section 5311 funds, and the Santa Paula DAR exclusively with Section 5307 funds. This will provide approximately an additional \$80,000 Section 5307 funds annually to Ventura County.

2. FUNDING PRIORITY POLICIES FOR VCTC

VCTC is faced with a constrained transit funding future, although the constraints are not equally distributed through the county and the operators. The County is also faced with different types of communities and different service demands (both in terms of types and level of service). In addition to the policy discussed above regarding returning funding to the transit agency which generates the funds, there are a number of possible other policies which may be considered by the Commission to guide its use of discretionary transit funds. These include policies that:

1. Require the use of all available local transit funding before VCTC provides a transit operator with discretionary VCTC funding. This would include full use of both FTA and TDA funds.
2. Prioritize maintaining existing transit services, which meet VCTC [to be established] transit performance criteria. Existing successful services will be given priority for VCTC discretionary funding over funding for new services.
3. Provide discretionary transit funds to services identified as an unmet transit need, in locations where there are no other transit funds available to provide the service.
4. Use [to be established] performance criteria to determine where to provide discretionary funding – MAP-21 specifically calls for the use of performance criteria in the allocation of transportation funds.

3. POLICY TO GUIDE ALLOCATION OF DISCRETIONARY FUNDS

VCTC has not developed or adopted a comprehensive funding process or policies to address the use of discretionary funding. The countywide transit plan and process of transitioning VCTC's operation of VISTA has created recognition of the need to establish an easily understood process to provide funds to maintain service, as well as to guide future expansion using VCTC discretionary funding. Because Ventura County is made up of a number of dramatically different types of communities, and provides many different types of transit service, VCTC should consider using a tiered system of performance measures, with separate measures for intercity/commute route, large area transit, small operator/community circulator, and Senior and Disabled transit. Depending on the criteria used to evaluate them, each of these systems performs differently. For example, an intercity/commute service should perform well using criteria like passenger miles of service or passenger costs per mile. Large urban transit should perform well in boardings per mile, cost per passenger trip, etc. At the same time, services in small urban/rural areas do not have the numbers and concentrations of people or destinations to compare directly with larger urban areas. And finally, the senior and disabled transit services, especially the mandated "ADA complementary paratransit", by its very nature and ridership, are going to need a different set of performance measures.

The specific performance measures should be developed with assistance from TRANSCOM, but it is expected that they will include one or more of the following:

- Passengers per revenue hour*
- Passengers per revenue mile*
- Vehicle Revenue miles per capita*
- Vehicle Revenue hours per capita*
- Passenger miles per capita*
- Passenger trips per capita*
- Operating Cost per revenue passenger trip
- Operating Cost per revenue passenger mile
- Revenues per revenue passenger
- Revenues per revenue hour
- Revenues per revenue passenger trip
- Revenues per revenue passenger mile
- Farebox Recovery Ratio per route
- Local subsidy (could include TDA funds, non-transportation funds, and attributable funds)

*criteria used by FTA to determine incentive funding for "transit intensive cities".

These criteria would not be used to determine services to be operated, but to determine where discretionary funds programmed or distributed by VCTC should be targeted.

Some of these criteria are already in use in the County. For example, Gold Coast Transit uses a standard of 20 passengers per revenue hour for "trunk" routes, and 10 passengers per revenue hour for "local" routes. The "tiering" or use of different standard for different systems will provide fairness by looking at standards for different situation.

THE 2013-14 FUNDING OUTLOOK

Ventura County created and operated VISTA under the situation where there was more federal Section 5307 funds apportioned to the county than the transit operators needed or were able to efficiently use. That situation has steadily changed, although to some degree it has been "camouflaged" by the past use of State Transit Assistance (STA) funds to operate Metrolink and the use of rail generated Section 5307 funds for VISTA. The continued growth in demand for the FTA Section 5307 funds by the local transit

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agencies has reduced the amount of funds available for VISTA. In addition, providing Metrolink with all of the "rail" generated Section 5307 funds instead the STA funds historically used creates a situation where both VISTA and the local transit services will be looking for the same discretionary funds to continue existing services.

VCTC allowed local agencies to use all the Section 5307 FTA funds generated by their population, as well as the Section 5307 funds in the large urban areas generated and "attributed to" the transit operations. VISTA, Gold Coast Transit, and Thousand Oaks Transit all have completed the FTA reporting processes required to gain the additional "attributed" funds in large urban areas for Ventura County, while Moorpark did not. Recently, Moorpark has begun to submit to the Federal Transit Administration the reports needed to get additional "attributable" funds for the county.

Currently VISTA has an annual budget of approximately \$7.7 million, including operations, capital, and VCTC management of the service. It collects about \$1.5 million in fares annually for both the Intercity and Heritage Valley Community Dial-a-Rides.

FY11/12					
Service	Attributable FTA	FY10/11 Fares	Local Match	Shortfall	Total Cost
Highway 126	\$ 175,000	\$ 263,550	\$ 241,000	\$ 178,450	\$ 858,000
Highway 101	\$ 154,000	\$ 128,640	\$ 306,000	\$ 210,360	\$ 799,000
East County	\$ 133,000	\$ 93,370	\$ 278,000	\$ 194,630	\$ 699,000
Coastal Express	\$ 432,000	\$ 752,265	\$ 343,000	\$ 248,735	\$ 1,776,000
Conejo Connection	\$ 74,000	\$ 82,170	\$ 97,000	\$ 82,830	\$ 336,000
CSUCI Camarillo	\$ 86,000	\$ 14,150	\$ 184,000	\$ 68,850	\$ 353,000
CSUCI Oxnard	\$ 78,000	\$ 12,850	\$ 209,000	\$ 103,150	\$ 403,000
Santa Paula DAR*	\$ 11,000	\$ 81,900	\$ 608,000	\$ 554,100	\$ 1,255,000
Fillmore DAR*	\$ 12,000	\$ 91,670	\$ 557,000	\$ 516,330	\$ 1,177,000
	\$ 1,155,000	\$ 1,520,565	\$ 2,823,000	\$ 2,157,435	\$ 7,656,000

**FTA has determined that if no Section 5311 funds are used for this service, the attributable Section 5307 funds will be approximately \$90,000 for the Fillmore-Piru DAR and \$100,000 for the Santa Paula DAR.*

In the coming year the attributable and population shares for Section 5307 are projected to be reduced slightly based on the amount authorized by MAP-21. It should be recognized that in MAP-21, Section 5307 also includes funds generated by the low income population factor of the Jobs Access and Reverse Commute (JARC) program (formerly Section 5316), and JARC is made an eligible use of 5307, so based on the policy that funds are programmed where they are generated, the JARC portion of the 5307 formula would go to JARC projects. The reduction in the non-JARC 5307 funds will be more than offset by the addition of Section 5339 Bus Facility funds which are also attributable based on population and transit service. However, the discretionary FTA Bus/Bus Capital, which Gold Coast was counting on to help fund their bus maintenance facility and offices is no longer available.

In addition to VISTA, both Gold Coast Transit and Thousand Oaks Transit generate and receive attributable Section 5307 funds. In FY2013-14, Gold Coast is expected to generate approximately \$1.35 million in attributable funds, while Thousand Oaks Transit is expected to generate approximately \$380,000. In the small urban areas (Simi Valley and Camarillo), the FTA funds are strictly allocated on population and density, while in the larger areas, revenue miles of service are added to the criteria used to generate the urban area's formula funding.

The Federal funding picture based on MAP-21 overall appears to include a minor increase in overall transit funding, and a relatively large increase in rail maintenance and construction. While the exact dollar amounts available to Ventura County for 2013-14 are not available, overall it appears that the funding levels from all sources will be available is shown in the table below.

VCTC TRANSIT FUNDING RESOURCES

	2012/13	2013/14
Oxnard-Ven UZA pop	\$ 3,188,100	\$3,094,700
Oxnard-Ven attributable	\$2,932,000	\$2,642,900*
Oxnard-Ven UZA Bus/Facility Capital (5339)	-	\$661,300
Oxnard-Ven UZA JARC	\$240,387	\$190,000
TO UZA pop	\$ 1,857,500	\$1,760,000
TO UZA attrib	\$392,300	\$372,300
TO UZA Bus/Facility Capital (5339)	-	\$236,100
TO UZA JARC	\$60,837	44,100
Simi Valley UZA pop	\$2,308,990	\$2,456,600
Simi Valley UZA Bus/Facility Capital (5339)	-	\$291,600
Simi Valley UZA JARC	Statewide only	48,800
Camarillo UZA pop	\$ 2,722,900	\$1,245,000
Camarillo UZA Bus/Facility Capital (5339)	-	\$146,900
Camarillo UZA JARC	Statewide only	24,000
Rural (Sec 5311)	\$272,000	\$300,000**
Senior/ADA Section 5310	NA	NA
Metrolink 5307	\$2,767,000	\$2,589,884
Metrolink 5309 (replaced with 5337)	\$2,344,000	\$7,045,100
TOTAL FUNDING ANNUAL	\$19,086,014	\$20,206,384
TDA		
Camarillo	\$2,150,547	-
Fillmore	\$490,461	-
Moorpark	\$1,127,817	-
Ojai	\$244,016	-
Oxnard	\$6,489,500	-
Port Hueneme	\$702,157	-
San Buenaventura	\$3,470,501	-
Santa Paula	\$967,709	-
Simi Valley	\$4,058,310	-
Thousand Oaks	\$4,146,202	-
Ventura County - Unincorporated	\$3,127,972	-
TDA ANNUAL (total, after off the top funding)	\$26,975,192	-
State Transit Assistance (VCTC)	\$5,123,200	-
State Transit Assistance (GCT)	\$200,000	-
State Transit Assistance (Metrolink)	\$481,600	-
STA ANNUAL	5,804,800	
TOTAL ANNUAL	\$51866,006	
NON-RECURRING FUNDING BALANCES		
State Transit Assistance current balance	\$11,000,000	One time only
PROP 1B PTMISEA	\$18,554,000	One time only

* Includes all VISTA attributable; actual apportionment may shift some funds to Thousand Oaks UZA

** Estimate based on overall national and state increase in MAP21. Final amount to be determined by the State.

This year there is approximately \$51.5 million available for transit from state and federal programs, not including non-recurring grants and programs (Prop 1B, CMAQ, STA fund balance). In addition, transit riders provide over \$5 million in fare revenue, not including fares collected by Metrolink. Transit also receives other funds to support the services, including support from Santa Barbara County, California State University Channel Islands, and Moorpark College. Not all Transportation Development Act (TDA) funds are used for transit; however some of the transit operations are supported by other local funds instead of TDA funds.

The challenge which the Commission faces is to determine how best to use its discretionary funds to maintain and expand existing services, especially the both the VISTA Intercity and VISTA Heritage Valley Community services, as it transitions out of transit operations. It is the expectation of staff that at the October 2012 meeting, specific policies and programming direction be addressed by the Commission. We will also be seeking input from TRANSCOM on the overall strategy and the transit service metrics as part of the input for the Commissions considerations.

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Item #16

September 14, 2012

TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: GENERAL COUNSEL

SUBJECT: CUSA CC, LLC – PARTICULATE TRAPS

RECOMMENDATION:

- Ratify securing local bankruptcy counsel in Delaware Coach America proceeding; and
- Authorize pursuit of performance surety bond supplied by Platte River Insurance Company.

BACKGROUND:

In connection with a 3-year VISTA extension of the equipment lease and operating agreements with CUSA CC, LLC, VCTC applied for and was granted \$238,563.00 in federal FTA funds and state Proposition 1B funds in the amount of \$90,000.00 to reimburse CUSA CC, LLC for its purchase and installation of diesel exhaust particulate traps required by CARB on passenger buses. VCTC also allocated the sum of \$49,069.04 of STA funds toward those purchases. The condition of providing those funds is contained in the Amended and Restated Agreement (FY 2009-10, FY 2010-11, FY 2011-12) for Lease of Fully Maintained Buses and Miscellaneous Equipment, etc.

The language of the Agreement reads in two places:

"The CONTRACTOR . . . agrees to uninstall the traps and return them to COMMISSION or purchase the devices from COMMISSION, at the agreed depreciated value, if the buses are no longer used by COMMISSION/VISTA within the 'useable life' of the particulate traps, in compliance with Federal Transit Administration regulations and state laws dealing with public property."

Following the expiration of the extension agreement on or about July 30, 2012, CUSA CC, LLC made no effort to the return of the traps or pay for them as the Agreement required. Communications following the July 30, 2012 expiration of the service has not succeeded in bringing about compliance with the Agreement.

The Proposition 1B funding required VCTC to maintain control of the traps during their useful life. Nothing about depreciation is mentioned. That could mean the entire \$90,000.00 grant is at risk.

Therefore, applying the depreciation schedule to the FTA portion of the particulate trap expense and not to the other two funding sources, means that CUSA CC, LLC owes VCTC the amount of \$372,189.00.

1. VCTC staff, with my approval, has withheld the final payments for the July 2012 VISTA service in the amount of slightly more than \$204,000.00 as an offset. Bankruptcy counsel for Coach America, the parent company, has threatened to seek recourse in the Delaware bankruptcy proceeding for our failure to make those payments. Because the Commission would not meet until September 7, 2012, your General Counsel took the necessary step to seek out and employ a bankruptcy specialist on the East Coast to protect VCTC's interest as may be required. The bankruptcy specialist is Mr. Richard Lear of the Washington, D.C. law firm of Holland & Knight. His hourly rate is \$585.00, but he uses an appearance counsel in Delaware whose hourly rate is \$450.00. Your Executive Director and I have specified a "not-to-exceed" in the retainer agreements of \$18,000.00 total.

2. Platte River Insurance Company provided VCTC with a performance surety bond as required of CUSA CC, LLC, in connection with its operating agreement and the extension of that agreement. Your General Counsel has filed a claim with the surety company seeking the funds for the loss of the particulate traps or the payment for them from CUSA CC, LLC. I seek your authority to pursue the payment under the surety bond as may be required.

Holland & Knight



Richard E. Lear

Partner

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[Profile](#) | [Publications](#) | [Speaking Engagements](#)

Practices

Bankruptcy,
Restructuring and
Creditors' Rights
Litigation and
Dispute Resolution

Education

Washington and Lee
University School of
Law, J.D.

University of New
Hampshire, B.A.,
magna cum laude

Bar Admissions

District of Columbia
Virginia
New Hampshire
Maryland

Court Admissions

U.S. Court of
Appeals for the
Fourth Circuit
U.S. District Court
for the Eastern
District of Virginia
U.S. District Court
for the Western
District of Virginia
U.S. District Court

Richard E. Lear practices primarily in the litigation area emphasizing insolvency, Chapter 11, and creditors' rights and bankruptcy issues. For 25 years, Mr. Lear has served as counsel for institutional lenders, franchisors, leasing companies, and landlords in connection with individual and business Chapter 11 cases and in workouts. He has also counseled clients regarding the effect of bankruptcy and insolvency on proposed bond refundings, conventional loan refinancings and other transactions. He also has substantial experience advising clients with respect to transactional insolvency issues, such as bankruptcy-remote structures, substantive consolidation, true sales, preference and fraudulent transfer analysis and with drafting and reviewing reasoned legal opinions on bankruptcy issues, including in connection with the securitization of financial assets.

Mr. Lear has lectured on several occasions on bankruptcy issues at various seminars sponsored by local, regional, and state bar associations.

Mr. Lear's reported decisions include:

Robbins v. Chase Manhattan Bank, N. A. (In re Robbins), 1994 WL 149597 (W. D. Va. 1994)

Robbins v. Chase Manhattan Bank, N.A. (In re Robbins), 1993 WL 310632 (W.D. Va. 1993)

Consolidated Rail Corporation v. Dicello (In re Delaware & Hudson Railway Co.), 121 B. R. 406 (Sp. Ct. R. R. R. A. 1990)

In re Fay Assocs. L. P., 225 B.R. 1 (Bankr. D.D. C. 1998)

for the Eastern
District of Michigan
U.S. District Court
for the District of
Maryland
U.S. Bankruptcy
Court for the District
of Columbia
All State Courts in
Virginia
All State Courts in
New Hampshire
U.S. District Court
for the District of
Columbia
U.S. Bankruptcy
Court for the District
of Maryland
U.S. Bankruptcy
Court for the
Western District of
Virginia

In re 1560 Wilson Blvd. L. P., 206 B. R. 819 (Bankr. E.D. Va. 1996)

In re 1550 Wilson Blvd. L. P., 206 B. R. 812 (Bankr. E.D. Va. 1996)

Since 2009, Mr. Lear has been an adjunct faculty member at Georgetown University School of Continuing Studies where he teaches a course in real estate bankruptcy in Georgetown's Master of Professional Studies in Real Estate Program.

Over the past 20 years, Mr. Lear has authored numerous articles and seminar outlines addressing bankruptcy issues. He also founded in 1998 and is the editor of, and a regular contributor to, the Holland & Knight national *Bankruptcy and Creditors' Rights* newsletter.

Mr. Lear served as law clerk to The Honorable Martin V. B. Bostetter, Jr., Chief Judge, United States Bankruptcy Court for the Eastern District of Virginia from 1983-85.

Honors & Awards

The Best Lawyers in America guide, Bankruptcy and Creditor-Debtor Rights Law/Insolvency and Reorganization, 2001-2012

Top Washington Lawyer Nominee, *Washington Business Journal*, Bankruptcy, 2004

Top Washington Lawyer Finalist, *Washington Business Journal*, Bankruptcy, 2006

Who's Who in America

Who's Who in American Law

Martindale-Hubbell AV Rated

Phi Beta Kappa

Pi Sigma Alpha

Memberships

American Bankruptcy Institute

New Hampshire Bar Association

Virginia Bar Association

Northern Virginia Bankruptcy Bar Association, Director, 2005-2006, Secretary, 2006-2007, Treasurer, 2007-2010, President-Elect, 2009-2010

District of Columbia Bar Association

Local Bankruptcy Rules Standing Committee of the Eastern District of Virginia, 2006-2007

U.S. Bankruptcy Court for the Eastern District of Virginia, Member, Alexandria Division, Bar Liason Committee, 2005-2009

Alexandria Division of the Eastern District of Virginia, Bankruptcy Mediation Panel

Alexandria Division of the Eastern District of Virginia, Bar Liaison Committee

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