



VENTURA COUNTY TRANSPORTATION COMMISSION

LOCAL TRANSPORTATION AUTHORITY

AIRPORT LAND USE COMMISSION

SERVICE AUTHORITY FOR FREEWAY EMERGENCIES

CONSOLIDATED TRANSPORTATION SERVICE AGENCY

CONGESTION MANAGEMENT AGENCY

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AGENDA*

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

CAMARILLO CITY HALL
601 CARMEN DRIVE
CAMARILLO, CA
FRIDAY, SEPTEMBER 9, 2016
9:00 AM

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

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

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

5. **CALTRANS REPORT** - *This item provides the opportunity for the Caltrans representative to give update and status reports on current projects.*
6. **COMMISSIONERS / EXECUTIVE DIRECTOR REPORT** - *This item provides the opportunity for the commissioners and the Executive Director to report on attended meetings/conferences and any other items related to Commission activities.*
7. **ADDITIONS/REVISIONS** – *The Commission may add an item to the Agenda after making a finding that there is a need to take immediate action on the item and that the item came to the attention of the Commission subsequent to the posting of the agenda. An action adding an item to the agenda requires 2/3 vote of the Commission. If there are less than 2/3 of the Commission members present, adding an item to the agenda requires a unanimous vote. Added items will be placed for discussion at the end of the agenda.*
8. **CONSENT CALENDAR** - *All matters listed under the Consent Calendar are considered to be routine and will be enacted by one vote. There will be no discussion of these items unless members of the Commission request specific items to be removed from the Consent Calendar for separate action.*

8A. APPROVE SUMMARY FROM JULY 8, 2016 VCTC MEETING – PG. 5

Recommended Action:

Approve

Responsible Staff: Donna Cole

8B. MONTHLY BUDGET REPORT – PG. 9

Recommended Action:

Receive and file

Responsible Staff: Sally DeGeorge

8C. PASSENGER RAIL UPDATE – PG. 11

Recommended Action:

Receive and file

Responsible Staff: Ellen Talbo

8D. FISCAL YEAR 2016/2017 CARRY-OVER BUDGET AMENDMENTS - PG. 15

Recommended Action:

Amend the VCTC Fiscal Year 2016/2017 budget as stated in Attachment 1 to carry-forward revenues and expenses from Fiscal Year 2015/2016.

Responsible Staff: Sally DeGeorge

8E. AMENDMENT TO THE PROPOSITION 1B SECURITY GRANT AGREEMENT WITH THE SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY - PG. 19

Recommended Action:

Approve the attached Amendment to the Cooperative Agreement with the Southern California Regional Rail Authority to use the remaining approximately \$262,000 balance of funds and any accrued interest from the Metrolink Tunnel 26 Electrical and Security System project for security projects at the Moorpark Layover Yard and Station.

Responsible Staff: Judy Johnduff

8F. LEGISLATIVE UPDATE– PG. 23

Recommended Action:

Receive and File

Responsible Staff: Peter De Haan

8G. JOINT RESOLUTION AMENDING CONFLICT OF INTEREST CODE TO AMEND AND EXPAND THE LIST OF POSITIONS REQUIRED TO FILE DISCLOSURES - PG. 39

Recommended Action:

Approve the attached joint resolution adopting an amended Conflict of Interest Code for the VCTC Agencies.

Responsible Staff: Donna Cole

8H. MOORE & ASSOCIATES CONTRACT AMENDMENT NO. 1 - PG.45

Recommended Action:

Authorize the VCTC Executive Director to execute Contract Amendment No. 1 to the Valley Express marketing and outreach Consulting Services Agreement with Moore & Associates dated June 13, 2016, by amending the not-to-exceed compensation of the Agreement from \$59,000 to \$68,128 to include past work done during the prior fiscal year commencing in May 2016 through June 2016.

Responsible Staff: Martin Erickson

8I. UPDATE ON SENATE BILL 203 REPORT - PG. 49

Recommended Action:

Receive and File.

Responsible Staff: Ellen Talbo

9. LETTER OF AGREEMENT WITH ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) FOR PROPOSITION 1B TRADE CORRIDOR FUNDS - PG. 51

Recommended Action:

Approve attached Letter of Agreement providing to OCTA the \$3,094,000 unexpended balance of VCTC's share of Proposition 1B Trade Corridor funds to count towards repayment of \$3,094,000 advanced by OCTA towards VCTC's share of the Positive Train Control project.

Responsible Staff: Peter De Haan

10. CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROGRAM TRANSIT PROJECTS SELECTION - PG. 83

Recommended Action:

Approve \$1,500,000 of CMAQ funds to purchase a new countywide automatic vehicle locator system; and \$500,000 for the Fiscal Year 2017/18 countywide transit marketing program.

Responsible Staff: Peter De Haan

11. STATE ADVOCACY SERVICES CONTRACT - PG. 85

Recommended Action:

Approve the attached two-year contract extension with Gonzalez, Quintana, Hunter & Cruz, LLC for State Advocacy Services, for a cost of \$4,500 per month plus expenses.

Responsible Staff: Peter De Haan

12. SAFE CALL BOX PERMANENT REMOVAL APPROVAL - PG. 89

Recommended Action:

Approve the permanent removal of 141 call boxes.

Responsible Staff:

13. VCTC GENERAL COUNSEL'S REPORT

14. AGENCY REPORTS

VCTC
September 9, 2016
Page Four

15. CLOSED SESSION

Conference with Legal – Existing Litigation

(Pursuant to Government Code Section 54956.9(d)(1).

VCTC v. Fillmore & Western, Case No. 56-2014-00449769-CL-WM-VTA

Fillmore & Western v. VCTC, Case No. 56-2014-00450239-CU-BC-VTA

Conference with Legal Counsel – Anticipated Litigation

(Pursuant to Government Code Section 54956.9(d).

Significant Exposure to Litigation – One Case

16. ADJOURN to 9:00 a.m. Friday, October 7, 2016



Item #8A

Meeting Summary

VENTURA COUNTY TRANSPORTATION COMMISSION

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

CAMARILLO CITY HALL
601 CARMEN DRIVE
CAMARILLO, CA
FRIDAY, JULY 8, 2016
9:00 AM

MEMBERS PRESENT:

Keith Millhouse, City of Moorpark, Chair
Bryan MacDonald, City of Oxnard, Vice Chair
Steve Bennett, County of Ventura
Claudia Bill - de la Peña, City of Thousand Oaks
Douglas Breeze, City of Port Hueneme
Peter Foy, County of Ventura
Ginger Gherardi, City of Santa Paula
Brian Humphrey, Citizen Rep., Cities
Severo Lara, City of Ojai
Bill Little, City of Camarillo
Kathy Long, County of Ventura

Carl Morehouse, City of San Buenaventura
Linda Parks, County of Ventura
Steve Sojka, City of Simi Valley
Jim White, Citizen Rep., County
John Zaragoza, County of Ventura
Carrie Bowen, Caltrans District 7

ABSENT:

Manuel Minjares, City of Fillmore

CALL TO ORDER

PLEDGE OF ALLGIANCE

ROLL CALL

September 9, 2016
Item #5
Page #2

PUBLIC COMMENTS FOR THOSE ITEMS NOT LISTED ON THIS AGENDA

Steve Maline, Thousand Oaks Resident and Jr. Vice Commander of the Military Order of the Purple Heart in Santa Barbara and Ventura supports the expenditure plan which will help keep fares for veterans low.

Commissioner Parks would like a future agenda item to discuss free rides for Vets on Veterans Day.

CALTRANS REPORT

Carrie Bowen distributed the latest edition of the Mile Marker Quarterly Report, which includes an update on targets and accomplishments for the quarter. This year's budget has decreased by \$800 million, the first time in Ms. Bowen's history with Caltrans that the budget is below \$10 Billion. The budget supports just under 20,000 positions statewide, and has continued to decrease in the past 9 years. The work load has increased while the number of positions has decreased.

COMMISSIONERS REPORTS

Commissioner White recently took his bicycle to LA and reported that Caltrans employees were very helpful in guiding bikers around obstacles

Commissioner Zaragoza commented that today is Kathy Connell's last VCTC meeting, as she will be retiring at the end of July, and wished her well after 26 years of service to Ventura County transit.

EXECUTIVE DIRECTOR REPORT -

Darren Kettle echoed Commissioner Zaragoza's sentiments regarding Kathy Connell's retirement, stating that she has been working with VCTC since it's inception, vigilantly supporting transit concerns.

Commissioner Millhouse will be resigning from the Metrolink board in September because he will not be running for re-election in November. Those commissioners who are interested in filling the position should contact Darren.

7. ADDITIONS/REVISIONS

Commissioner Humphrey requested to pull Item # **8D**, EAST-WEST CONNECTOR BUS PURCHASE / PROPOSITION 1B TRANSIT CAPITAL PROJECT APPROVAL, for discussion.

8. CONSENT CALENDAR

Commissioner MacDonald made a motion to approve all other items as recommended on the Consent Calendar.

8A. APPROVE SUMMARY FROM JUNE 3, 2016 VCTC MEETING – Approve

8B. MONTHLY BUDGET REPORT - Receive and file

8C. PASSENGER RAIL UPDATE – Receive and file

8E. ACTIVE TRANSPORTATION PROGRAM CYCLE 3 CALL FOR PROJECTS – Receive and file.

8F. LEGISLATIVE UPDATE - Receive and file

8G. SANTA PAULA BIKE PATH PROJECT FUNDING INCREASE – Approve programming of \$382,231 in CMAQ funds to cover the unanticipated additional cost to complete the Santa Paula Bike Trail project, increasing total project CMAQ funding to \$5,119,042.

8H. CASH MANAGEMENT FOR VALLEY EXPRESS EXPENDITURES - *Authorize the Executive Director to utilize State Transit Assistance fund balance for cash-flow purposes for Valley Express.*

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

Yes: Commissioners Long, Sojka, MacDonald, Foy, Little, Zaragoza, Gherardi, Morehouse, Bennett, White, Breeze, Lara, Parks, Bill-de la Peña, Humphrey, Millhouse

No: None

Abstain: Commissioner Morehouse abstained on Item 8A

Absent: Commissioner Minjares

8D. EAST-WEST CONNECTOR BUS PURCHASE / PROPOSITION 1B TRANSIT CAPITAL PROJECT APPROVAL

Commissioner Humphrey asked if there were any comments from members of Transcom. Hearing none he commented that he was pleased to see seat belts included on these buses and made the following motion:

- *Adopt Resolution 2016-09 to program \$148,804 of Proposition 1B Transit Capital Funds to purchase vehicles for the East-West Connector Bus Service; and authorize the Executive Director to execute all required documents to receive the Transit Capital funds for the project.*
- *Approve amendment to VCTC Intercity Transit Service budget for FY 2016/2017 by adding \$1,358,000 in expenditures to the Bus Purchase line item, which increases the total program from \$8,680,400 to \$10,038,400; and correspondingly adding new revenue line items for Congestion Mitigation Air Quality (CMAQ) in the amount of \$1,209,196 and Proposition 1B Transit Capital Funds in the amount of \$148,804, for total revenues of \$10,038,400.*
- *Authorize the Executive Director to execute the purchase order for the two new fleet vehicles with bus manufacturer Motor Coach Industries after receiving CMAQ and Proposition 1B funding approvals from the administering agencies.*

The motion as seconded by **Commissioner Sojka** and passed unanimously.

9. VENTURA COUNTY TRANSPORTATION INVESTMENT/EXPENDITURE PLAN AND VENTURA COUNTY LOCAL TRANSPORTATION AGENCY TRANSACTIONS AND USE TAX ORDINANCE – ORDINANCE 2016-1 -

Vanessa Rauschenberger, Gold Coast Transit, submitted a letter of support for the Ventura County Transportation Commission's proposed Transportation Measure Expenditure Plan that would allocate 5.8% of funds generated by a proposed 1/2 cent sales tax toward keeping transit affordable and maintaining and expanding bus service in Ventura County.

Discussion

Commissioner Morehouse - We need to do all that is possible to clarify how we will spend the money.

Darren Kettle - The plan lists eligible projects. However, we could request all city managers to list the first 3 to 5 projects they would put the money toward.

Commissioner Little - People are not sure the money will be spent as intended. We need to stress citizen oversight and checks and balances.

Commissioner Zaragoza - We need to reiterate that the money stays here in Ventura, not Sacramento

Commissioner Sojka - The opposition will cite what has happened with the gas tax. We need to clarify that a key component of this plan is that the money is controlled locally.

Commissioner Parks - Praised the board and cities for their perseverance in moving this forward.

Commissioner Bennett - This is an important moment for Ventura County. It is our job to get out and make the case. We can't underestimate the challenge ahead. It's going to be difficult. We all need to be honest with our citizens and address the challenges with the public. Competing measures make it more difficult as they all impact each other. There are not many opportunities to do this so we should maximize our chances.

Commissioner Long - Likes taxes! They keep us safe and fight wild fires. Everyone wants a clear transparent measure with local oversight. We've come a long way to get to this point. The information clearly illustrates where we are today. Now is the time to do this. It's as perfect a window of opportunity and product as we will get. The Expenditure plan may not be perfect but it has been agreed upon

Commissioner Long called the question.

Commissioner Millhouse thanked the commissioners for all their time and effort.

Commissioner Sojka made a motion to approve Resolution #2016-10 adopting the Ventura County Transportation Investment/Expenditure Plan.

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

Yes: Commissioners Long, Sojka, MacDonald, Foy, Little, Zaragoza, Gherardi, Morehouse, Bennett, White, Breeze, Lara, Bill-da la Peña, Humphrey, Millhouse

No: None

Abstain: Commissioner Parks

Absent: Commissioner Minjares

Commissioner Long made a motion to waive reading, introduce and adopt, subject to voter approval, an Ordinance of the Ventura County Transportation Commission Acting in its Capacity as the Ventura Local Transportation Authority Imposing a One-Half of One Percent Transaction and Use Tax to be Administered by the State Board of Equalization – (Ordinance 2016 – 1) and requesting that the Ventura County Board of Supervisors call a special election on November 8, 2016 to place the transaction and use tax measure before the voters. The motion was seconded by **Commissioner Little** and passed unanimously.

10. VCTC GENERAL COUNSEL'S REPORT - No Report

11. AGENCY REPORTS

12. CLOSED SESSION

13. ADJOURN to 9:00 a.m. Friday, September 2, 2016



Item # 8B

September 9, 2016

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: SALLY DEGEORGE, FINANCE DIRECTOR

SUBJECT: MONTHLY BUDGET REPORT

RECOMMENDATION:

- Receive and file

BACKGROUND:

Staff is still performing the lengthy yearend closing process of the prior fiscal year which historically does not occur until the end of September. In order to give the Commission an accurate monthly budget report, the July and August monthly budget reports will be included as part of a next month's 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 #8C

September 9, 2016

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

**FROM: ELLEN TALBO, TRANSIT PLANNING MANAGER
TREENA GONZALES, TRANSIT PLANNER**

SUBJECT: PASSENGER RAIL UPDATE

RECOMMENDATION:

- Receive and file.

BACKGROUND:

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

DISCUSSION:

Metrolink

During the month of June, ridership on the Ventura County portion of the VC Line averaged 1,629 total boardings per weekday (inbound and outbound) resulting in a year over year decrease of 14.8% on the line. Systemwide ridership experienced a year over year decrease of 5.5%. Monthly ridership statistics for the month of June 2016 are provided in the attachment for reference. During July, ridership on the Ventura County portion of the VC Line averaged 1,546 total boardings per weekday (inbound and outbound) resulting in a year over year decrease of 18.6% on the line. Systemwide ridership experienced a year over year decrease of 8.5%. Staff is working with Metrolink to identify the shift in ridership. Despite the trend in Metrolink ridership, staff has observed that Pacific Surfliner ridership is trending at a historic high, experiencing a 5.1% year-over-year increase. July's Surfliner ridership was the highest of any single month since August 2008. Pacific Surfliner ridership is not provided in this report due to unavailable station data. Staff is working to provide a comprehensive rail and bus ridership report for the October Commission meeting.

Metrolink on-time performance, which denotes trains arriving within five minutes of scheduled time, for the month of June was 95.4% and 94.5% in July, reflecting little change from the monthly average.

In June, Metrolink initiated a public review process for a Title VI analysis of potential cashless station platforms. Since November 2015 the SCRRRA Board has been taking action toward replacing the ticket vending machines (TVMs) throughout the system with a next generation fare collection system. The results of the Title VI analysis will be presented to the Board for consideration on September 9th, and the

September 9, 2016
Item #8C
Page #2

Board will be asked to take action on moving forward toward procuring the new TVM's on September 23rd. Currently, cash sales at the Ventura County station TVM's make up less than 24% of total TVM sales. VCTC staff has asked Metrolink staff to consider keeping a cash payment option available at Oxnard and Moorpark stations as the TVM procurement moves forward.

LOSSAN

LOSSAN staff continues to work on further negotiation of terms for continuance of the Rail2Rail program with Metrolink. The current agreement expired on June 30, 2016 however LOSSAN and Metrolink have agreed to extend the agreement for three months to continue negotiations.

In August, the State announced the list of recipients for Transit and Intercity Rail Capital Program grant funds, and LOSSAN will receive \$82 million in state grant funds for a package of projects that will help expand and improve passenger rail service in Southern California. The grant award includes \$66 million to advance work on a number of high-priority capital improvements, including more than 5 miles of additional double track, replacement of five railway bridges, station and safety enhancements, and signal and switch upgrades. It also includes \$15 million for a five-year capitalized lease of new Talgo passenger rail cars to meet growing travel demand, and \$1 million for planning studies to improve coordination between all trains operating in the LOSSAN rail corridor with a focused effort retiming the run between Santa Barbara and Ventura.

June 2016 Metrolink Ridership

AVERAGE WEEKDAY PASSENGER TRIPS (INBOUND and OUTBOUND)
 JUNE 2016 vs. MAY 2016 (MONTH OVER MONTH)

MO/YR	Ventura County Portion	Ventura County Line	System Grand Total	Metrolink Rail 2 Rail on Amtrak North of LA (weekday)
Jun-16	1,629	3,187	38,841	153
May-16	1,743	3,557	39,678	161
Change	-6.54%	-10.40%	-2.11%	-4.97%

AVERAGE WEEKDAY PASSENGER TRIPS (INBOUND and OUTBOUND)
 JUNE 2016 vs. JUNE 2015 (YEAR OVER YEAR)

MO/YR	Ventura County Portion	Ventura County Line	System Grand Total	Metrolink Rail 2 Rail on Amtrak North of LA (weekday)
Jun-16	1,629	3,187	38,841	153
Jun-15	1,907	3,682	41,109	142
Change	-14.58%	-13.44%	-5.52%	7.75%

5 YEAR SNAPSHOT OF AVERAGE DAILY TOTAL BOARDINGS (INBOUND and OUTBOUND)

MO/YR	Ventura County Line	VC County Portion	System Grand Total	Average Daily Metrolink Monthly Passholders on Amtrak (weekday)
Jun-16	3,187	1,629	38,841	153
Jun-15	3,682	1,907	41,109	142
Jun-14	3,679	1,600	41,401	175
Jun-13	3,847	1,869	41,614	207
Jun-12	3,897	1,990	43,396	204

July 2016 Metrolink Ridership

AVERAGE WEEKDAY PASSENGER TRIPS (INBOUND and OUTBOUND)
JULY 2016 vs. JUNE 2016 (MONTH OVER MONTH)

MO/YR	Ventura County Portion	Ventura County Line	System Grand Total	Metrolink Rail 2 Rail on Amtrak North of LA (weekday)
Jul-16	1,546	3,194	36,983	155
Jun-16	1,629	3,187	38,841	153
Change	-5.10%	0.22%	-4.78%	1.31%

AVERAGE WEEKDAY PASSENGER TRIPS (INBOUND and OUTBOUND)
JULY 2016 vs. JULY 2015 (YEAR OVER YEAR)

MO/YR	Ventura County Portion	Ventura County Line	System Grand Total	Metrolink Rail 2 Rail on Amtrak North of LA (weekday)
Jul-16	1,546	3,194	36,983	155
Jul-15	1,901	3,681	40,420	144
Change	-18.67%	-13.23%	-8.50%	7.64%

5 YEAR SNAPSHOT OF AVERAGE DAILY TOTAL BOARDINGS (INBOUND and OUTBOUND)

MO/YR	Ventura County Line	VC County Portion	System Grand Total	Average Daily Metrolink Monthly Passholders on Amtrak (weekday)
Jul-16	3,194	1,546	36,983	155
Jul-15	3,681	1,901	40,420	144
Jul-14	3,570	1,849	40,987	138
Jul-13	3,672	1,837	41,388	180
Jul-12	3,723	1,897	41,970	189



Item #8D

September 9, 2016

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: SALLY DEGEORGE, FINANCE DIRECTOR

SUBJECT: FISCAL YEAR 2016/2017 CARRY-OVER BUDGET AMENDMENTS

RECOMMENDATION:

- Amend the VCTC Fiscal Year 2016/2017 budget as stated in Attachment 1 to carry-forward revenues and expenses from Fiscal Year 2015/2016.

DISCUSSION

The Fiscal Year 2016/2017 budget was in part prepared on estimates for projects that occurred in Fiscal Year 2015/2016. Some projects experienced delays and/or all funds weren't expended as anticipated. Therefore, staff is recommending the following budget amendments of carry-over revenues and fund balance from prior years to increase the Fiscal Year 2016/2017 budget as stated in Attachment 1.

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<u>Budget</u>	<u>Attachment 1</u>	<u>Funding</u>	<u>Explanation</u>
Transit Stop Enhancement			
- Consultant Service	\$35,175	\$28,140 FTA \$7,035 LTF	Funds unexpended for Consultant Services carried-over to be used for new procurement.
VCTC Intercity Services			
- Consultant Service	\$16,000	\$12,800 FTA \$3,200 STA	Funds unexpended for Consultant Services carried-over to be used for maintenance services evaluation.
- Legal	\$15,000	\$12,000 FTA \$3,000 STA	Funds unexpended for Legal carried-over to be used for on-going legal expenditures.
- Onboard Video System	\$143,642	\$143,642 Prop 1B	Funds unexpended for Video System carried-over to complete the project.
Callbox System			
- Consultant Services	\$276,000	\$276,000 SAFE	Funds unexpended for CHP/Consultant Services carried-over to be used on callbox removals.
Regional Transit Planning			
- Consultant Services	\$40,600	\$32,480 FTA \$8,120 LTF	Funds unexpended for Consultant Services to be carried-over for countywide trip planning.
- Consultant Services	\$100,000	\$80,000 FTA \$20,000 LTF	Funds unexpended in the Transit Grant budget -Consultant Services for coordinated human services plan carried-over to the Regional Transit Planning budget – Consultant Services to complete the plan.
Regional Transportation Planning			
- Consultant Services	\$80,000	\$80,000 LTF	Funds unexpended for Consultant Services carried-over to complete the modeling update.
- Printing	\$14,800	\$14,800 LTF	Funds unexpended for Printing carried-over as the bike map was printed in this fiscal year instead.

Attachment 1 (continued)			
<u>Budget</u>	<u>Increase</u>	<u>Funding</u>	<u>Explanation</u>
Transportation Development Act			
- Pass-Through PUC 99314	\$30,638	\$30,638 STA	Funds unexpended for pass-through carried-over to pass-through to Gold Coast Transit District.
VCTC Office Building			
- General Consultant Services	\$10,000	\$10,000 STA	Funds unexpended for general consultant services carried-over to complete the project.
- Project/Construction Mgmt	\$120,000	\$120,000 STA	Funds unexpended for general consultant services carried-over to complete the project.
- Architectural Consultant	\$70,000	\$70,000 STA	Funds unexpended for general consultant services carried-over to complete the project.



Item # 8E

September 9, 2016

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: JUDITH JOHNDUFF, PROGRAM ANALYST

**SUBJECT: AMENDMENT TO THE PROPOSITION 1B SECURITY GRANT AGREEMENT WITH
THE SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY**

RECOMMENDATION:

- Approve the attached Amendment to the Cooperative Agreement with the Southern California Regional Rail Authority to use the remaining approximately \$262,000 balance of funds and any accrued interest from the Metrolink Tunnel 26 Electrical and Security System project for security projects at the Moorpark Layover Yard and Station.

BACKGROUND:

The Southern California Regional Rail Authority (SCRRA) has completed the work funded with Proposition 1B Transit Safety, Security & Disaster Response bond funds, to improve Tunnel 26 security through enhanced fencing and upgrading the tunnel's electric system. The improvements were completed with a balance of approximately \$262,000. SCRRA has identified additional projects to use the remaining balance of funds, primarily to provide added security features for the Moorpark layover yard and to replace pedestrian crossing panels at the Moorpark Station, as these panels have exceeded their anticipated useful life. The Ventura County Transportation Commission (VCTC) approved the additional work on September 11, 2015. VCTC has now received CalOES approval of the request to reallocate the funds as requested by VCTC. The attached Agreement will amend the VCTC/SCRRA Cooperative Agreement to include the additional work.

**Amendment No. 2 to the Cooperative Agreement
Between
Ventura County Transportation Commission
And
Southern California Regional Rail Authority**

THIS AMENDMENT No. 2 to the Cooperative Agreement between the Ventura County Transportation Commission and the Southern California Regional Rail Authority regarding the administration of funds from the Proposition 1B California Transit Security Grant Program (CTSGP) ("the Agreement") is entered into between Ventura County Transportation Commission (VCTC) and the Southern California Regional Rail Authority (SCRRA), this 9th day of September, 2016.

WHEREAS, at its July 13, 2012 meeting, the VCTC authorized the programming of \$709,972 of Fiscal Year 2010/11 CTSGP funds, plus any interest on the funds which may have accrued, for the Tunnel 26 Electrical and Security System project; and,

WHEREAS, the Tunnel 26 Electrical and Security System Project has been completed with a balance of approximately \$262,000 including earned interest; and,

WHEREAS, on September 11, 2015 the VCTC approved using the approximate \$262,000 balance of the Metrolink Tunnel 26 Security Improvement project to construct a block wall and fencing around the perimeter of the Moorpark Layover Yard and install entrance improvements including a security gate, access control system and video surveillance system, and replace pedestrian grade crossing panels which have exceeded their anticipated useful life; and,

WHEREAS, on July 22, 2016 the State of California Governors' office of Emergency Services approved VCTC's request for use of the unexpended balance;

NOW THEREFORE THE PARTIES DO AGREE TO AMEND THE AGREEMENT AS FOLLOWS:

1. Additional Work: SCRRA shall use the \$262,000 balance plus any additional accrued interest, of the Metrolink Tunnel 26 Security Improvement project to construct a block wall and fencing around the perimeter of the Moorpark Layover Yard and install entrance improvements including a security gate, access control system and video surveillance system, and replace pedestrian grade crossing panels at the Moorpark Station;
2. No Other Changes: There are no other changes to the agreement made by this amendment.

**SOUTHERN CALIFORNIA REGIONAL
RAIL AUTHORITY**

**VENTURA COUNTY TRANSPORTATION
COMMISSION**

Michael P. DePallo
Chief Executive Officer

Darren M. Kettle
Executive Director

Approved as to Form

Don O. Del Rio
General Counsel

Approved as to Form

Steven T. Mattas
General Counsel

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Item #8F

September 9, 2016

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

RECOMMENDATION:

- Receive and file.

DISCUSSION

Federal Issues

Congress has now returned from its summer recess but has yet to act on appropriations bills to keep the government operating beyond September 30th.

The federal government has released for public review and comment the interim draft of the National Multimodal Freight Network, which is to be designated under the requirements established in the Moving Ahead for Progress in the 21st Century (MAP-21) Act. The document is currently under review by the VCTC and Port of Hueneme staff with the expectation that the two agencies will submit joint comments by the September 6th deadline. Also, staff is preparing letters in support of the Port's request to Congress to address an inequity in the distribution of federal Harbor Maintenance Trust Fund revenues.

State Issues

Attachment A provides the monthly report of Delaney Hunter, the Commission's state lobbyist. This report includes an update on the status of bills approaching the August 31st end of the regular legislative session. As shown in Attachment B, two bills tracked by VCTC died in the Senate Appropriations Committee, namely AB 2090 to allow use of cap-and-trade funds to fund existing transit serviced when a fiscal emergency is declared, and AB 2222 (Holden) to fund student transit pass programs from cap-and-trade funds.

Senate Transportation & Housing Committee Chair Jim Beall (D – San Jose) and Assembly Transportation Chair Jim Frazier (D – Oakley) have unveiled a joint proposal for transportation funding, which is summarized on the Attachment C Fact Sheet. As the Commission will recall, both committee chairs had previously introduced similar, yet separate, proposals.

September 9, 2016
Item #8F
Page #2

In mid-August the State Transportation Agency released its project selection for \$390 million from the cap-and-trade Transit and Intercity Capital Program (TIRCP) program. Unfortunately, the state did not select Gold Coast Transit's application for its new operations facility. The list includes \$82 million to LOSSAN, for that agency's recommended program featuring \$15 million for lease of 31 rail cars, \$1 million for planning studies to improve operations, and \$66 million for capital projects in Orange and San Diego counties. VCTC staff has noted that all of the approved county-specific projects are located in self-help counties, with an average match rate of 82%, meaning that TIRCP is paying for only 18% towards the cost of the single-county projects.

On the final day of the Legislative session the Administration announced a deal for distribution of cap-and-trade funds. The Governor's press release is shown as Attachment D. It is important to note the addition of \$135 million to the TIRCP program.

AB 2170, which the Commission supported, was amended to include language providing a significant role to the Air Resources Board in developing the guidelines for selecting projects to be funded from the new Federal Formula Freight program. There was an attempt by the regional agencies to add language stipulating that regional agencies have a corresponding role to the Air Resources Board but these amendments did not make it into the bill that went to the Governor. There was a commitment by Legislative leadership to introduce cleanup legislation next year. Due to this amendment the California Transportation Commission at its August 17th meeting withdrew its support, but as of this writing the southern California regional agencies have not changed their support position.



**VENTURA COUNTY TRANSPORTATION COMMISSION
MONTHLY STATE ADVOCACY REPORT
JULY 2016**

Legislative Update

Throughout the month of July, the Legislature was on summer recess. The month before consisted of lengthy policy committee hearings, in order for bills to be passed out of the second house policy committee before the June 30 deadline. In addition to the policy related legislation, the budget and subsequent trailer bills were also debated in committees and on the floor of both houses. Ultimately, the budget was passed before the constitutional deadline, and the Governor signed the bill soon after without and line item changes. The budget negotiations and the policy committee deadline resulted in a busy month of June, while July was a time where legislators returned to the district and prepared for the busy, upcoming August schedule. Upon the Legislature's return on August 1, fiscal committees began meeting right away to ensure that bills were passed out of their respective appropriations committees before the August 12 deadline. Finally, August 31 is the end of the two-year legislative session, where all items must be closed out and finalized. As a result, the weeks leading up to the deadline consist of long floor sessions each day in both houses. Since we are in the second year of the legislative session, all legislation must be acted on before the end of August, as bills cannot be continued over into the next year.

Special Session

The Legislature has continued to prioritize regular session legislation, the budget related negotiations, and campaigning for the upcoming election. As a result, the Transportation and Infrastructure Special Session has received relatively little attention. The three funding proposals – Governor Brown's \$3.1 billion plan, Senator Beall's \$6 billion plan, and Assembly Member Frazier's \$7 billion plan – are all on the table as the negotiations move forward. While momentum was gained at the end of April when SBX1-1 (Beall) was amended, the discussions have taken a backseat to other legislative priorities. The amendments to Senator Beall's vehicle incorporated some oversight and accountability measures requested by Republican leaders. Paralleling this track, it was rumored that Assembly Member Frazier would be amending his bill for similar purposes. However, the negotiations and amendments were ultimately not inserted into AB 1591. Instead, Assembly Member Frazier and Senator Beall released a new \$7.4 billion transportation funding proposal to repair and maintain state and local roads, improve trade corridors, and support public transit and active transportation. Specifically, the proposal would direct \$2.9 billion to the state and \$2.5 billion to

the locals. The funding sources for this package include: 17 cent gasoline excise tax increase, 30 cent increase in the diesel excise tax, \$38 increase in the vehicle registration fee, \$165 per year zero emission vehicle registration fee, \$1 billion from returning truck weight fees, among a few others.

A few of the other highlights of this proposal include:

- A \$706 million repayment of outstanding transportation loans for state and local roads.
- Eliminates the BOE “true up” & indexes taxes and fees to account for the CPI.
- Restores the independence of the CTC & creates the Office of Transportation Inspector General to oversee state spending on transportation.
- One-time repayment of outstanding loans from transportation programs over two years.
- Permanently extends existing CEQA exemption for improvements in the existing roadway.
- Constitutional amendment to ensure new funding cannot be diverted for non-transportation uses.

This funding proposal was just amended into SBX1-1 (Beall), which is sitting in the Appropriations Committee, and the package was also then introduced into ABX1-26 (Frazier). The vehicles are in special session, so that they can extend beyond the regular session deadlines. It is rumored that Legislators may want to take action on a funding package during the lame duck session (after the August 31 deadline, but before the November 3rd sine die deadline). Although rarely used, this window of time can technically be used to call back Legislators to Sacramento to take action on a tax levy, urgency measure, or special session item. It remains to be seen whether a transportation funding package could garner the necessary votes and what the timeline for passage would entail, but GQHC will continue to keep VCTC apprised of any developments or compromises that arise.

Budget Update

The Legislature passed the budget before the June 15th deadline, and the Governor signed it on June 27th without any line item vetoes. The total 2016-17 budget package was \$167 billion and included both long-term savings and one-time infrastructure spending. Specifically, the Governor’s proposal to augment the Proposition 2 “Rainy Day Fund” by an additional \$2 billion dollars was also included in the budget, which brings total reserves to \$8.5 billion. While the main budget bill (SB 826) and a number of the trailer bills – health, homelessness, education – were also signed by the Governor, the two transportation trailer bills (AB 1610 and SB 838) still need to be passed by the Legislature. Both of these trailer bills include the State Transit Assistance fix that reverts back the allocation formula to the previous methodology for the 3rd and 4th quarter allocations of 2015-16, and for all four quarters of 2016-17 and 2017-18. The Legislature will be working in August and throughout the next legislative session to develop a policy plan for a permanent STA fix, with input from transportation stakeholders. Additionally, SB 838 also includes an expansion of the Green and White Sticker Programs. If this trailer bill passes, it would eliminate the cap and extend both the Green and White Sticker Programs to 2019. AB 1610, on the other hand, makes no change to this section. While the Legislature and Administration negotiate which trailer bill will move forward, SB 838 is on the Senator Floor awaiting a concurrence vote, and AB 1610 is similarly back on the Assembly Floor, where a final floor vote is needed. GQHC will keep VCTC updated on which version makes it to the Governor for signature.

VCTC Supported Bills

A number of VCTC supported bills passed through the Transportation policy committee but were then referred to the Environmental Quality Committee for hearing before the policy deadline. GQHC registered support at the hearing, and AB 2090 (Alejo), AB 2222 (Holden), and AB 2170 (Frazier) all passed out of this second committee. These bills, along with SB 824 by Senator Beall which moved out of the Assembly Transportation Committee, then moved to their respective Appropriations Committees, where the state fiscal tag caused them to be moved to the suspense file. The suspense file was taken up right before the August 12th fiscal committee deadline. While GQHC delivered VCTC's position letters to the Committee and urged for their passage, no public testimony is taken at suspense file hearings. Ultimately, SB 824 and AB 2170 passed out of committee, while AB 2090 and AB 2222 unfortunately did not advance off of the suspense file. There were amendments to AB 2170 coming out of the committee, which caused consternation amongst the stakeholders. The negotiations between the supporters, the author's office, and the Administration will continue on this bill, and it is likely that no action will be taken until the very end of session. On the other hand, SB 824 was recently passed on the Assembly Floor and then quickly returned to the Senate for a concurrence vote. The bill is now on the way to the Governor for signature, where he will have until September 30 to act. GQHC has delivered our request for signature letter and will soon be meeting with the Governor's Legislative Deputy to express VCTC's support.

Upcoming Bill Deadlines and Priority Legislation

July 1 Last day for policy committees to meet and report bills. Summer Recess begins upon adjournment

Aug. 1 Legislature reconvenes from Summer Recess

Aug. 12 Last day for fiscal committees to meet and report bills

Aug. 15-31 Floor Session only. No committee may meet for any purpose except Rules Committee

Aug. 19 Last day to amend on the Floor

Aug. 31 Last day for each house to pass bills. Final Recess begins upon adjournment

Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1

Oct. 2 Bills enacted on or before this date take effect January 1, 2017

Nov. 8 General Election

Nov. 30 Adjournment sine die at midnight

AB 197 (Garcia, Eduardo D) State Air Resources Board: greenhouse gases: regulations.

Introduced: 1/28/2015

Status: 8/24/2016-Enrolled and presented to the Governor at 5:45 p.m.

Summary: Current law establishes the State Air Resources Board consisting of 14 members and vests the state board with regulatory jurisdiction over air quality issues. This bill would add 2 Members of the Legislature to the state board as ex officio, nonvoting members. The bill would provide that the voting members of the state board are appointed for staggered 6-year terms and upon expiration of the term of office of a voting member, the appointing authority may reappoint that member to a new term of office, subject to specified requirements. The bill would require the state board to establish the initial staggered terms.

AB 326 (Frazier D) Public works: prevailing wage rates: wage and penalty assessments.

Introduced: 2/13/2015

Status: 8/24/2016-Enrolled and presented to the Governor at 11:45 a.m.

Summary: Current law provides that there is no liability for liquidated damages if a contractor, subcontractor, or surety deposits the full amount of the assessment or notice, including penalties, with the Department of Industrial Relations to hold in escrow pending administrative or judicial review. This bill would require the department to release the funds deposited in escrow plus interest earned to those persons and entities within 30 days following either the conclusion of all administrative and judicial review or upon the department receiving written notice from the Labor Commissioner or his or her designee of a settlement or other final disposition of an assessment issued, as specified, or from the authorized representative of the awarding body of a settlement or other final disposition of a notice issued, as specified.

AB 779 (Garcia, Cristina D) Local government: financial disclosures.

Introduced: 2/25/2015

Status: 8/25/2016-From committee: That the Senate amendments be concurred in. (Ayes 8. Noes 0.) .

Summary: Would require a city, county, city and county, or special district, on or before April 30 of each year, to post compensation information in a conspicuous location on its Internet Web site that contains the names, positions, and total compensation, including a breakdown of the types of compensation provided, of each elected official within that entity for the previous calendar year. By increasing the duties of local officials, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

AB 1591 (Frazier D) Transportation funding.

Introduced: 1/6/2016

Status: 2/1/2016-Referred to Coms. on TRANS. and REV. & TAX.

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

AB 1943 (Linder R) Parking: county transportation commissions.

Introduced: 2/12/2016

Status: 8/24/2016-Enrolled and presented to the Governor at 11:45 a.m.

Summary: Would authorize the Riverside County Transportation Commission to enter into contracts with private vendors for the enforcement of parking regulations and the removal of vehicles parked in violation of parking regulations adopted by the commission. This bill contains other related provisions and other existing laws.

AB 1964 (Bloom D) High-occupancy vehicle lanes: vehicle exceptions.

Introduced: 2/12/2016

Status: 8/17/2016-Read second time and amended. Ordered to third reading.

Summary: Current authorizes super ultra-low emission vehicles, ultra-low emission vehicles, partial zero-emission vehicles, or transitional zero-emission vehicles, as specified, that display a valid identifier issued by the Department of Motor Vehicles to use these HOV lanes until January 1, 2019, or until the date federal authorization expires, or until the Secretary of State receives a specified notice, whichever occurs first. This bill would extend the operation of the provisions allowing specified vehicles to use HOV lanes until the date federal authorization expires, or until the Secretary of State receives a specified notice, whichever occurs first.

AB 2090 (Alejo D) Low Carbon Transit Operations Program.

Introduced: 2/17/2016

Status: Failed Deadline pursuant to Joint Rule 61(b)(14). (Last location was APPR. on 8/11/2016)

Summary: Current law continuously appropriates specified portions of the annual proceeds in the Greenhouse Gas Reduction Fund to various programs, including 5% for the Low Carbon Transit Operations Program, which provides operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility, with a priority on serving disadvantaged communities. This bill would additionally authorize moneys appropriated to the program to be expended to support the operation of existing bus or rail service if the governing board of the

requesting transit agency declares a fiscal emergency and other criteria are met, thereby expanding the scope of an existing continuous appropriation.

Position: Support

AB 2170 (Frazier D) Trade Corridors Improvement Fund: federal funds.

Introduced: 2/18/2016

Status: 8/17/2016-Read second time and amended. Ordered to third reading.

Summary: The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Proposition 1B) created the Trade Corridors Improvement Fund and provided for allocation by the California Transportation Commission of \$2 billion in bond funds for infrastructure improvements on highway and rail corridors that have a high volume of freight movement, and specified categories of projects eligible to receive these funds. Current law continues the Trade Corridors Improvement Fund in existence in order to receive revenues from sources other than the bond act for these purposes. This bill would require revenues apportioned to the state from the National Highway Freight Program established by the federal Fixing America's Surface Transportation Act to be allocated for trade corridor improvement projects approved pursuant to these provisions.

Position: Support

AB 2222 (Holden D) Greenhouse Gas Reduction Fund: Transit Pass Program.

Introduced: 2/18/2016

Status: 8/12/16 Failed Deadline pursuant to Joint Rule 61(b)(14). (Last location was APPR. on 8/11/2016)

Summary: Would establish the Transit Pass Program to be administered by the Department of Transportation with moneys from the Greenhouse Gas Reduction Fund, upon appropriation, to support transit pass programs that provide free or reduced-fare transit passes to specified pupils and students. The bill would require the department, in coordination with the state board, to develop guidelines that describe the criteria that eligible transit providers are required to use to make available free or reduced-fare transit passes to eligible participants and the methodologies that eligible participants would use to demonstrate that the proposed expenditures will reduce greenhouse gas emissions.

Position: Support

AB 2374 (Chiu D) Construction Manager/General Contractor method: regional transportation agency: County of Placer: bridges.

Introduced: 2/18/2016

Status: 8/25/2016-Senate amendments concurred in. To Engrossing and Enrolling.

Summary: Current law authorizes regional transportation agencies to use the Construction Manager/General Contractor project delivery method, as specified, to design and construct certain expressways that are not on the state highway system if: (1) the expressways are developed in accordance with an expenditure plan approved by voters, (2) there is an evaluation of the traditional design-bid-build method of construction and of the Construction Manager/General Contractor method, and (3) the board of the regional transportation agency adopts the method in a public meeting. This bill would authorize the use of the Construction Manager/General Contractor method for the construction of 2 specified bridges that are not on the state highway system. For the purposes only of this authorization, the bill would include the County of Placer within the definition of a regional transportation agency.

AB 2542 (Gatto D) Streets and highways: reversible lanes.

Introduced: 2/19/2016

Status: 8/25/2016-Enrolled and presented to the Governor at 5 p.m.

Summary: Would require the Department of Transportation or a regional transportation planning agency, when submitting a capacity-increasing project or a major street or highway lane realignment project to the California Transportation Commission for approval, to demonstrate that reversible lanes were considered for the project.

AB 2620 (Dababneh D) Passenger rail projects: funding.

Introduced: 2/19/2016

Status: 8/25/2016-Re-referred to Com. on RLS.

Summary: Would reallocate funds allocated pursuant to the Clean Air and Transportation Improvement Act of 1990 that are not expended or encumbered by July 1, 2020, to any other existing passenger rail project with existing rail service. The bill would require the California Transportation Commission to determine the projects pursuant to this reallocation. By reallocating unexpended or unencumbered funds to any other existing passenger rail project, the bill would make an appropriation.

AB 2741 (Salas D) Long-range transportation planning: California Transportation Plan.

Introduced: 2/19/2016

Status: 8/24/2016-Read third time. Passed. Ordered to the Assembly.

Summary: Would, beginning in 2020, require updates to the California Transportation Plan to be approved by the California Transportation Commission prior to submission to the Legislature and the Governor. The bill would require the department to submit a draft of its proposed update to the commission for its comments by June 30, 2020, and every 5 years thereafter.

AB 2843 (Chau D) Public records: employee contact information.

Introduced: 2/19/2016

Status: 8/25/2016-Senate amendments concurred in. To Engrossing and Enrolling.

Summary: The California Public Records Act excepts from public inspection the home addresses and home telephone numbers of state employees and employees of a school district or county office of education, provided that disclosure can be made in specified instances, including to an employee organization. This bill would, with certain exceptions, extend the limitation on the disclosure of the personal information described above to all employees of a public agency and would extend the limitation to include personal cellular telephone numbers and birth dates.

AB 2847 (Patterson R) High-Speed Rail Authority: reports.

Introduced: 2/19/2016

Status: 8/22/2016-Senate amendments concurred in. To Engrossing and Enrolling.

Summary: Current law requires the High-Speed Rail Authority, on a biennial basis, to prepare a business plan containing specified elements and also requires the preparation of various other reports. This bill would require the business plan to identify projected financing costs for each segment or combination of segments of the high-speed rail system, if financing is proposed by the authority. The bill, in the business plan and in another report, would require the authority to identify any significant changes in scope for segments of the high-speed rail system identified in the previous version of each report and to provide an explanation of adjustments in cost and schedule attributable to the changes.

AB 2853 (Gatto D) Public records.

Introduced: 2/19/2016

Status: 8/22/2016-Senate amendments concurred in. To Engrossing and Enrolling.

Summary: Would authorize a public agency that posts a public record on its Internet Web site to refer a member of the public that requests to inspect the public record to the public agency's Internet Web site where the public record is posted. This bill would require, if a member of the public requests a copy of the public record due to an inability to access or reproduce the public record from the Internet Web site where the public record is posted, the public agency to promptly provide a copy of the public record to the member of the public, as specified. This bill contains other related provisions and other existing laws.

AB 2906 (Committee on Transportation) Transportation: omnibus bill.

Introduced: 3/7/2016

Status: 8/18/2016-Enrolled and presented to the Governor at 3 p.m.

Summary: Current law authorizes the Treasurer and the California Transportation Commission to pledge amounts deposited in the State Highway Account from federal transportation funds for the purposes of issuing federal highway grant anticipation notes, commonly known as GARVEE bonds, to fund transportation projects selected by the

commission. Current law requires the commission to prepare an annual analysis of the bonding capacity of those federal transportation funds. This bill would instead require the commission to prepare this analysis when the Department of Transportation anticipates the issuance of new notes and makes a written request in that regard, but not more than once annually.

SB 32 (Pavley D) California Global Warming Solutions Act of 2006: emissions limit.

Introduced: 12/1/2014

Status: 8/24/2016-Assembly amendments concurred in. (Ayes 25. Noes 13.) Ordered to engrossing and enrolling.

Summary: Would require the State Air Resources Board to ensure that statewide greenhouse gas emissions are reduced to 40% below the 1990 level by 2030. This bill contains other related provisions.

SB 321 (Beall D) Motor vehicle fuel taxes: rates: adjustments.

Introduced: 2/23/2015

Status: 6/27/2016-Ordered to inactive file on request of Senator Beall.

Summary: Would, for the 2016- 17 fiscal year and each fiscal year thereafter, require the State Board of Equalization on March 1 of the fiscal year immediately preceding the applicable fiscal year, as specified, to adjust the rate in a manner as to generate an amount of revenue equal to the amount of revenue loss attributable to the exemption, based on estimates made by the board that reflect the combined average of the actual fuel price over the previous 4 fiscal years and the estimated fuel price for the current fiscal year, and continuing to take into account adjustments required by existing law to maintain revenue neutrality for each year. This bill contains other existing laws.

SB 824 (Beall D) Low Carbon Transit Operations Program.

Introduced: 1/7/2016

Status: 8/25/2016-Assembly amendments concurred in. (Ayes 25. Noes 10.) Ordered to engrossing and enrolling.

Summary: Current law continuously appropriates specified portions of the annual proceeds in the Greenhouse Gas Reduction Fund to various programs, including 5% for the Low Carbon Transit Operations Program, for expenditures to provide transit operating or capital assistance consistent with specified criteria. Current law provides for distribution of available funds under the program by a specified formula to recipient transit agencies by the Controller, upon approval of the recipient transit agency's proposed expenditures by the Department of Transportation. This bill would require a recipient transit agency to demonstrate that each expenditure of program moneys allocated to the agency does not supplant another source of funds.

Position: Support

SB 838 (Committee on Budget and Fiscal Review) Transportation.

Introduced: 1/7/2016

Status: 8/22/2016-Assembly amendments concurred in. (Ayes 25. Noes 13.) Ordered to engrossing and enrolling.

Summary: The net proceeds of the sale of the compact assets are required to be deposited into certain transportation funds in a specified order. This bill would instead provide that after the amounts described have been fully paid to the transportation funds named, or in any year during which any portion of these amounts are repaid from the General Fund pursuant to specified provisions of the California Constitution in an amount greater than or equal to the amount of tribal gaming revenues remitted pursuant to the amended tribal compacts in that year, the revenues received by the state from the compact would be required to be remitted to the California Gambling Control Commission for deposit in the General Fund.

SB 903 (Nguyen R) Transportation funds: loan repayment.

Introduced: 1/21/2016

Status: 2/4/2016-Referred to Com. on T. & H.

Summary: Would acknowledge, as of June 30, 2015, \$879,000,000 in outstanding loans of certain transportation revenues, and would require this amount to be repaid from the General Fund by June 30, 2016, to the Traffic Congestion Relief Fund for allocation to the Traffic Congestion Relief Program, the Trade Corridors Improvement

Fund, the Public Transportation Account, and the State Highway Account, as specified. The bill would thereby make an appropriation. This bill contains other related provisions and other existing laws.

SB 940 (Vidak R) High-Speed Rail Authority: eminent domain: right of first refusal.

Introduced: 2/3/2016

Status: 8/22/2016-Chaptered by Secretary of State - Chapter No. 169, Statutes of 2016

Summary: Under current law, if the High-Speed Rail Authority determines that real property or an interest therein acquired by the state for high-speed rail purposes is no longer necessary for specified purposes, the authority is authorized to sell or exchange the real property or interest therein at fair market value as specified. This bill would require the authority, if selling the real property or interest therein, to send notification by certified mail to the last known owner of the real property or interest therein at his or her last known address, advising him or her that the real property or interest therein will be offered for sale. The bill would require the authority to wait at least 30 days after the notification has been sent to sell the real property or interest therein.

SB 1216 (Hueso D) Trade Corridors Improvement Fund: federal funds.

Introduced: 2/18/2016

Status: 8/19/2016-Assembly Rule 69 suspended. Read third time and amended. Ordered to third reading. Re-referred to Com. on RLS. pursuant to Assembly Rule 97.

Summary: Would require revenues apportioned to the state from the National Highway Freight Program established by the federal Fixing America's Surface Transportation Act to be allocated for trade corridor improvement projects approved pursuant to specified provisions. This bill contains other related provisions and other existing laws.

Position: Support

SBX1 1 (Beall D) Transportation funding.

Introduced: 6/22/2015

Status: 8/24/2016-From committee with author's amendments. Read second time and amended. Re-referred to Com. on APPR.

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

Position: Support

SCAX1 1 (Huff R) Motor vehicle fees and taxes: restriction on expenditures.

Introduced: 6/19/2015

Status: 9/9/2015-From committee: Be adopted and re-refer to Com. on APPR. (Ayes 13. Noes 0. Page 72.) (September 8). Re-referred to Com. on APPR.

Summary: Would prohibit the Legislature from borrowing revenues from fees and taxes imposed by the state on vehicles or their use or operation, and from using those revenues other than as specifically permitted by Article XIX. The measure would also prohibit those revenues from being pledged or used for the payment of principal and interest on bonds or other indebtedness. This bill contains other related provisions and other existing laws.

VENTURA COUNTY TRANSPORTATION COMMISSION STATE LEGISLATIVE MATRIX BILL SUMMARY August 31, 2016			
BILL/AUTHOR	SUBJECT	POSITION	STATUS
AB 1591 Frazier	Increases fuel taxes and vehicle fees to raise \$7 billion annually for transportation.	Support	Died in Assembly Transportation and Revenue & Taxation Committees.
AB 2034 Salas	Makes permanent the legal provisions allowing delegation of NEPA authority to Caltrans.	Support	Died in Senate Transportation & Housing Committee.
AB 2090 Alejo	Amends LCTOP program to allow use of funds to avoid reducing transit services that would otherwise be cut due to a fiscal emergency, where cutting the service will increase greenhouse gas emissions.	Support	Passed Senate Environmental Quality Committee 4-0. Died in Senate Appropriations Committee.
AB 2170 Frazier	Provides that National Highway Freight Program funds be distributed within California through the Transportation Corridor Improvement Fund (TCIF) program. Amended to require CTC to consult with Air Resources Board on project selection guidelines.	Support	Passed Senate Environmental Quality Committee 7-0. Passed Senate Appropriations Committee 7-0. Passed Senate 21-13. To Governor.
AB 2222 Holden	Allocates cap-and-trade funds to support university student bus pass programs. Amended to provide formula allocation of funds to county commission and transit operators.	Support	Passed Senate Environmental Quality Committee 6-0. Died in Senate Appropriations Committee.
ACR 142 Williams	Designates Route 33 from West Ojai Avenue to Fairview Road as the Ventura County Sheriff Deputy Peter Aguirre Jr. Memorial Highway.	Support	Passed Senate 37-0. Signed by Governor.

VENTURA COUNTY TRANSPORTATION COMMISSION
STATE LEGISLATIVE MATRIX BILL SUMMARY
August 31, 2016

BILL/AUTHOR	SUBJECT	POSITION	STATUS
ACA 4 Frazier	Places before the voters a Constitutional Amendment to reduce to 55% the approval threshold for local transportation funding measures.	Support	Died in Assembly Appropriations Committee.
AB X1-1 Alejo	Provides various transportation revenue enhancements including a prohibition on spending truck weight fees on transportation bond debt service.	Support	No action.
SB 824 Beall	Allows LCTOP recipients to carry over their apportionments. Amended to provide for expenditure on approved projects prior to receipt of funds.	Support	Passed Assembly Transportation Committee 12-1. Passed Assembly Appropriations Committee 14-2. Passed Assembly 60-11. To Governor.
SB X1-1 Beall	Increases fuel taxes and vehicle fees to raise \$6.5 billion annually for transportation.	Support	In Senate Appropriations Committee.

Frazier – Beall Transportation Funding Package

- A \$7.4 billion annual funding package to repair and maintain our state and local roads, improve our trade corridors, and support public transit and active transportation.
- A \$706 million repayment of outstanding transportation loans for state and local roads.
- Eliminates the BOE “true up” that causes funding uncertainty and is responsible for drastic cuts to regional transportation projects.
- Indexes transportation taxes and fees to the California CPI to keep pace with inflation.
- Reforms and accountability for state and local governments to protect taxpayers.
- Streamlines transportation project delivery to help complete projects quicker and cheaper.
- Protects transportation revenue from being diverted for non-transportation purposes. *
- Helps local governments raise revenue at home to meet the needs of their communities.*

New Annual Funding

- **State** -- \$2.9 billion annually for maintenance and rehabilitation of the state highway system.
- **Locals** -- \$2.5 billion annually for maintenance and rehabilitation of local streets and roads.
- **Regions** -- \$534 million annually to help restore the cuts to the State Transportation Improvement Program (STIP).
- **Transit** -- \$516 million annually for transit capital projects and operations.
- **Freight** -- \$900 million annually for goods movement.
- **Active Transportation** -- \$80 million annually, with up to \$150 million possible through Caltrans efficiencies, for bicycle and pedestrian projects.
- Constitutional Amendment to help locals raise funding at home by lowering the voter threshold for transportation tax measures to 55 percent.*

Reforms and Accountability

- Restores the independence of the California Transportation Commission (CTC).
- Creates the Office of Transportation Inspector General to oversee all state spending on transportation.
- Increases CTC oversight and approval of the State Highway Operations and Protection (SHOPP) program.
- Requires local governments to report streets and roads projects to the CTC and continue their own funding commitments to the local system.

Streamlining Project Delivery

- Permanently extends existing CEQA exemption for improvements in the existing roadway.
- Permanently extends existing federal NEPA delegation for Caltrans.
- Creates an Advance Mitigation program for transportation projects to help plan ahead for needed environmental mitigation.

New Annual Funding Sources

- Gasoline Excise Tax -- \$2.5 billion (17 cents per gallon increase)
- End the BOE “true up” -- \$1.1 billion
- Diesel Excise Tax -- \$900 million (30 cents per gallon increase)
- Vehicle Registration Fee -- \$1.3 billion (\$38 per year increase)
- Zero Emission Vehicle Registration Fee -- \$16 million (\$165 per year starting in 2nd year)
- Truck Weight Fees -- \$1 billion (Return to transportation over five years)
- Diesel Sales Tax -- \$216 million (3.5% increase)
- Cap and Trade -- \$300 million (from unallocated C&T funds)
- Miscellaneous transportation revenues -- \$149 million

Keeping Promises and Protecting Revenues

- One-time repayment of outstanding loans from transportation programs over two years. (\$706 million)
- Return of truck weight fees to transportation projects over five years. (\$1 billion)
- Constitutional amendment to ensure new funding cannot be diverted for non-transportation uses.

**These provisions will be in companion bills.*

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FOR IMMEDIATE RELEASE:
Wednesday, August 31, 2016

Contact: Governor's Press Office
(916) 445-4571

Governor Brown, Legislative Leaders Announce Cap-and-Trade Expenditure Plan Agreement

SACRAMENTO – Governor Edmund G. Brown Jr., Senate President pro Tempore Kevin de León and Assembly Speaker Anthony Rendon today announced an agreement on an expenditure plan for unallocated cap-and-trade proceeds that will reduce greenhouse gas emissions through programs that benefit disadvantaged communities, support clean transportation, reduce short-lived climate pollutants and protect natural ecosystems.

Under current law, 60 percent of annual auction proceeds are allocated on an ongoing basis to public transit, affordable housing, sustainable communities and high-speed rail. This agreement invests \$900 million of the remaining unallocated funds for fiscal year 2016-17, and reserves approximately \$462 million for appropriation in future years.

“California’s combatting climate change on all fronts and this plan gets us the most bang for the buck,” said Governor Brown. “It directs hundreds of millions where it’s needed most – to help disadvantaged communities, curb dangerous super pollutants and cut petroleum use – while saving some for the future.”

“This agreement is the latest example of how the legislature has been both progressive and prudent this session,” said Assembly Speaker Rendon. “With this agreement, we take an aggressive approach to investing cap-and-trade funds that provides tangible results for cleaner air and helps lower income Californians benefit from emission reduction programs. At the same time, we are also maintaining a responsible reserve to provide for the future.”

“Communities across our state are already experiencing the harmful effects of climate change and air pollution and we have met this challenge with the urgency it deserves,” said Senate President pro Tempore De León. “Whether it’s the lingering effects of a historic drought on drinking water and our agricultural sector; ferocious wildfires that have left devastation in their wake; extreme heat and heightened ozone levels that are sending children and other vulnerable groups to the emergency room; there is no shortage in our need for funding to make our communities healthier and more resilient. That’s why it’s so imperative that we put the Greenhouse Gas Reduction Fund to work immediately. I’m pleased that we’ve reached a deal to bring relief and access to clean energy to the communities that need it most, and I look forward to getting this funding out the door as soon as possible so it can begin to make a difference.”

This agreement aligns with the state’s climate strategies to reduce emissions, petroleum consumption and short-lived climate pollutants, while bolstering renewable energy and energy efficiency programs. It also targets investment in disadvantaged communities disproportionately impacted by dirty air and carbon pollution and transportation-related programs, as transportation represents the largest source of greenhouse gas emissions.

In addition, given the uncertainty associated with recent auctions of carbon credits, the agreement prudently reserves one-third of the total amount for future allocation.

The agreement includes the following appropriations:

- \$368 million to the Air Resources Board, including:
 - \$133 million to the Clean Vehicle Rebate Program.
 - \$80 million to the Enhanced Fleet Modernization Program, Plus-Up Pilot Project and up to \$20 million of this amount may be used for other light-duty equity pilot projects.
 - \$150 million for heavy-duty vehicles and off-road equipment investments.
 - \$5 million for black carbon wood smoke programs.
- \$140 million to the Office of Planning and Research for the Strategic Growth Council to provide transformative climate communities grants.
- \$135 million to the Transportation Agency for the Transit and Intercity Rail Program.
- \$80 million to the Natural Resources Agency for the Urban Greening program.
- \$65 million to the Department of Food and Agriculture, including:
 - \$50 million for the early and extra methane emissions reductions from dairy and livestock operations.
 - \$7.5 million for the Healthy Soils Program.
 - \$7.5 for the State Water Efficiency and Enhancement Program (SWEEP).
- \$40 million to the Department of Forestry and Fire Protection, including:
 - \$25 million for the Healthy Forest Program.
 - \$15 million for urban forestry programs.
- \$40 million to the Department of Resources Recycling and Recovery for waste diversion and greenhouse gas reduction financial assistance.
- \$20 million to the Department of Community Services and Development for weatherization and renewable energy projects.
- \$10 million to the Department of Transportation for the Active Transportation Program.
- \$2 million to the Office of Planning and Research for the Strategic Growth Council to provide technical assistance to disadvantaged communities.

Cap-and-trade investments in California, including expenditures in today's agreement, total \$3.2 billion.



Item # 8G

September 9, 2016

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: DONNA COLE, CLERK OF THE BOARD/PUBLIC INFORMATION OFFICER

SUBJECT: JOINT RESOLUTION AMENDING CONFLICT OF INTEREST CODE TO AMEND AND EXPAND THE LIST OF POSITIONS REQUIRED TO FILE DISCLOSURES

RECOMMENDATION:

- Approve the attached joint resolution adopting an amended Conflict of Interest Code for the VCTC Agencies.

BACKGROUND:

Under the Political Reform Act, public entities are required to periodically update their Conflict of Interest Codes. Pursuant to this update for 2016, one (1) additional position (Program Manager, Highway Capital) is being added to the list of positions required to file disclosures. Further, two (2) position titles have been updated to reflect their current designation (Program Manager, Regional Transit Planning and Director of Transit).

The VCTC Agencies' Conflict of Interest Code identifies all positions within the Agencies that participate in the making of governmental decisions. These designated individuals are required to disclose certain financial interests under state law. The attached Joint Resolution, if adopted, would amend the Agencies' Conflict of Interest Code as required by the Political Reform Act. This item has been reviewed by General Counsel.

RESOLUTION NO. 2016-11

**A JOINT RESOLUTION OF THE VENTURA COUNTY
TRANSPORTATION COMMISSION, THE VENTURA COUNTY LOCAL
TRANSPORTATION AUTHORITY, THE VENTURA
COUNTY AIRPORT LAND USE COMMISSION, THE
VENTURA COUNTY SERVICE AUTHORITY FOR FREEWAY
EMERGENCIES, THE CONSOLIDATED TRANSPORTATION
SERVICES AGENCY FOR VENTURA COUNTY, AND THE
VENTURA COUNTY CONGESTION MANAGEMENT
AGENCY RESCINDING RESOLUTION 2014-10 AND
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE
FOR SAID ORGANIZATIONS**

THE VENTURA COUNTY TRANSPORTATION COMMISSION ("VCTC"), THE VENTURA COUNTY LOCAL TRANSPORTATION AUTHORITY ("VCLTA"), THE VENTURA COUNTY AIRPORT LAND USE COMMISSION ("ALUC"), THE VENTURA COUNTY SERVICE AUTHORITY FOR FREEWAY EMERGENCIES ("SAFE"), THE CONSOLIDATED TRANSPORTATION SERVICES AGENCY FOR VENTURA COUNTY ("CTSA") AND THE VENTURA COUNTY CONGESTION MANAGEMENT AGENCY ("CMP") (hereafter, collectively referred to as "VCTC Agencies"), do hereby resolve as follows:

WHEREAS, the Fair Political Practices Commission has adopted a regulation (Cal. Code Regs., tit. 2, § 18730) which contains the terms of a standard Conflict of Interest Code which may be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearing; and

WHEREAS, the VCTC Agencies wish to continue to operate with a Conflict of Interest Code which incorporates the standard conflict of interest code approved by the Fair Political Practices Commission;

NOW, THEREFORE, THE VCTC AGENCIES HEREBY DECLARE, DETERMINE AND RESOLVE AS FOLLOWS:

- I. To the extent amended on Appendix A to Exhibit 1 hereto, the standard Conflict of Interest Code attached to this Resolution and incorporated herein as Exhibit 1 is hereby re-adopted.
- II. To the extent amended on Appendix B to Exhibit 1 hereto, the disclosure category definitions attached to this Resolution and incorporated herein as Exhibit 1 are hereby re-adopted.
- III. The Chair of the VCTC Agencies is hereby authorized to execute this Resolution adopting the Conflict of Interest Code incorporated herein.
- IV. The Executive Director of the VCTC Agencies shall certify the adoption of this Resolution and shall be the designated person to receive and file statements of economic interests for VCTC. Upon receipt of such statements, the Executive Director is directed to retain a copy for a period of not less than 10 years and forward the originals to the County Clerk.
- V. The Secretary of the VCTC Agencies is authorized to forward a copy of the adopted Conflict of Interest Code to the Board of Supervisors for approval and adoption.

PASSED APPROVED AND ADOPTED this 9th day of September, 2016

KEITH MILLHOUSE,
Chair

ATTEST:

DARREN KETTLE,
Executive Director

APPROVED AS TO FORM:

STEVE MATTAS,
General Counsel

**2016 CONFLICT OF INTEREST CODE FOR
VENTURA COUNTY TRANSPORTATION COMMISSION,
VENTURA COUNTY LOCAL TRANSPORTATION AUTHORITY,
VENTURA COUNTY AIRPORT LAND USE COMMISSION,
VENTURA COUNTY SERVICE AUTHORITY FOR FREEWAY EMERGENCIES,
CONSOLIDATED TRANSPORTATION SERVICES
AGENCY FOR VENTURA COUNTY,
AND VENTURA COUNTY CONGESTION MANAGEMENT AGENCY
(hereafter collectively referred to as, "VCTC AGENCIES")**

The Political Reform Act, Government Code sections 81000 et seq., requires local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation (Cal. Code Regs., tit. 2, § 18730) which contains the terms of a standard Conflict of Interest Code, which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings.

The terms of California Code of Regulations, Title 2, Section 18730, and any amendment to the regulations duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference as the Conflict of Interest Code for the VCTC AGENCIES and along with the attached Appendix A, which designates positions requiring disclosure and Appendix B, which sets forth disclosure categories for each designated position, constitute the Conflict of Interest Code of the VCTC AGENCIES holding positions designated in Appendix A shall file Form 700 Statements of Economic Interests with the Filing Officer specified for that position in Appendix A.

IN PREPARING THE FORM 700, DESIGNATED FILERS NEED ONLY DISCLOSE THOSE FINANCIAL INTERESTS FALLING WITHIN THE DISCLOSURE CATEGORIES DESIGNATED FOR THAT FILER'S POSITION AS STATED IN APPENDICES A AND B.

APPROVED AND ADOPTED this 9th day of September, 2016:

By: _____

Keith Millhouse
Chair

APPENDIX A – DESIGNATED POSITIONS AND FILING OFFICERS

# of POSITIONS	POSITION TITLE	DISCLOSURE CATEGORIES (From Appendix B)	FILING OFFICER (Designate County Clerk of Board [COB] or Local Agency's Clerk [AC])
17	Commissioner	1	COB
1	Executive Director	1	COB
1	Finance Director	1	COB
1	Director of Programming	1	COB
1	Director of Planning and Technology	1	COB
1	Director of Transit	1	COB
1	Clerk of the Board/Public Information Officer	1	COB
1	Program Manager, TDM	1	COB
1	Program Manager, Transit Contracts	1	COB
1	Program Manager, Regional Transit Planning	1	COB
1	Program Manager, Highway Capital	1	COB
1 (Consultant)¹	General Counsel	1	COB

APPENDIX B – DISCLOSURE CATEGORIES

The terms *italicized* below have specific meaning under the Political Reform Act. In addition, the financial interests of a spouse, domestic partner and dependent children of the public official holding the designated position may require reporting. Consult the instructions and reference pamphlet of the Form 700 for explanation.

Category 1 – BROADEST DISCLOSURE

[SEE FORM 700 SCHEDULES A-1, A-2, B, C, D and E]

- (1) All sources of *income, gifts, loans and travel payments*;
- (2) All *interests in real property*; and
- (3) All *investments and business positions in business entities*.

¹ The disclosure, if any, required of a consultant will be determined on a case-by-case basis by the head of the agency or designee. The determination of whether a consultant has disclosure requirements should be made in writing on a Fair Political Practices Commission Form 805. The determination should include a description of the consultant's duties and based upon that description, a statement of the extent, if any, of the disclosure requirements. Each Form 805 is a public record and should be retained for public inspection either in the same manner and location as the Conflict of Interest Code, or with appropriate documentation at the location where the Conflict of Interest Code is maintained, cross-referencing to the Form 805.

Category 2 – REAL PROPERTY

[SEE FORM 700 SCHEDULE B]

All *interests in real property*, including *interests in real property* held by *business entities* and trusts in which the public official holds a business position or has an *investment* or other financial interest.

Category 3 – LAND DEVELOPMENT, CONSTRUCTION AND TRANSACTION

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All *investments, business positions* and sources of *income, gifts, loans* and *travel payments*, from sources which engage in land development, construction, or real property acquisition or sale.

Category 4 – PROCUREMENT

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All *investments, business positions* and sources of *income, gifts, loans* and *travel payments*, from sources which provide services, supplies, materials, machinery or equipment which the designated position procures or assists in procuring on behalf of their agency or department.

Category 5 – REGULATION AND PERMITTING

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All *investments, business positions* and sources of *income, gifts, loans* and *travel payments*, from sources which are subject to the regulatory, permitting or licensing authority of, or have an application or license pending before, the designated position's agency or department.

Category 6 – FUNDING

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All *investments, business positions* and sources of *income, gifts, loans* and *travel payments*, from sources which receive grants or other funding from or through the designated position's agency or department.



Item #8H

September 9, 2016

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: MARTIN ERICKSON, DIRECTOR OF PUBLIC TRANSIT
AARON BONFILIO, PROGRAM MANAGER – TRANSIT SERVICES

SUBJECT: MOORE & ASSOCIATES CONTRACT AMENDMENT NO. 1

RECOMMENDATION:

- Authorize the VCTC Executive Director to execute Contract Amendment No. 1 to the Valley Express marketing and outreach Consulting Services Agreement with Moore & Associates dated June 13, 2016, by amending the not-to-exceed compensation of the Agreement from \$59,000 to \$68,128 to include past work done during the prior fiscal year commencing in May 2016 through June 2016.

BACKGROUND:

On July 1, 2015 VCTC and Moore & Associates entered into a one-year Consulting Services Agreement to provide marketing and community outreach for the Valley Express bus service. The term of the agreement was July 1, 2015 through June 30, 2016, with a total not-to-exceed amount of \$85,000. On June 3, 2016, the Commission approved continuing its relationship with Moore & Associates and entered into an additional one-year agreement, with a term of July 1, 2016 through June 30, 2017. The not-to-exceed for which is \$59,000.

Due to additional unanticipated expenses related to increased promotional activity in March, April, May and June of 2016, including onboard “ridecheck” work requested by the Heritage Valley Policy Advisory Committee to study the service utilization, the total marketing costs generated by Moore & Associates exceeded the FY15/16 total by \$9,128.16.

Staff recommends that the Commission authorize the Executive Director to execute the attached amendment to the existing Valley Express marketing and community outreach agreement by amending the term of the agreement to incorporate the scope of work and outstanding charges incurred for the months of May and June 2016. Staff also consulted with the Chair of the Heritage Valley Technical Advisory Committee (HVTAC).

The draft amendment is attached to this item for review. The General Counsel’s office has prepared Contract Amendment No. 1 and has approved it as to form.

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CONTRACT AMENDMENT NO. 1

**CONSULTING SERVICES AGREEMENT BETWEEN
THE VENTURA COUNTY TRANSPORTATION COMMISSION ("VCTC") AND
MOORE & ASSOCIATES**

This Amendment No. 1 ("Amendment") by and between the Ventura County Transportation Commission("VCTC") and Moore & Associates, herein referred to as "Consultant," is entered into as of this ____ day of September 2016.

WHEREAS, on July 1, 2015, VCTC entered into a consulting services agreement ("2015 Agreement") with Consultant in an amount not to exceed \$50,000; and

WHEREAS, on June 3, 2016, VCTC entered into Amendment No. 1 to the 2015 Agreement with Consultant, which increased the compensation set forth in Section 2 from \$50,000 to a new not-to-exceed total cost of \$85,000; and

WHEREAS, due to additional unanticipated expenses related to increased promotional activity in March-June of 2016, including onboard "ridecheck" work requested by the Heritage Valley Policy Advisory Committee, Consultant exceeded its not-to-exceed costs of \$85,000 for the 2015 Agreement by a total of \$9,128.16; and

WHEREAS, on June 13, 2016, VCTC entered into another consulting services agreement ("2016 Agreement") with Consultant for marketing in outreach services for the Valley Express Program in an amount to exceed \$59,000; and

WHEREAS, VCTC desires to amend the 2016 Agreement to increase the compensation by another \$9,128.16 in order to pay for the cost overruns in the 2015 Agreement, as amended; and

WHEREAS, VCTC has appropriated the funds to increase the compensation to Consultant in the 2016 Agreement by an additional \$9,128.16;

NOW, THEREFORE, VCTC and Consultant agrees as follows:

1. Section 2 of the 2016 Agreement is hereby amended to increase the total "not to exceed" amount by \$9,128.16, for a new not-to-exceed total compensation of \$68,128.16. Said amount is expressly intended to compensate Consultant for additional costs incurred in the 2015 Agreement, as amended.
2. By accepting this amendment, Consultant releases and waives any and all claims to additional compensation related to the 2015 Agreement, as amended, and any and all claims, whether known or unknown and further expressly waives and relinquishes all rights and benefits afforded by Section 1542 of the Cal. Civil Codes and does so understanding and acknowledging the significance and consequences of such a specific waiver of Section 1542, which states:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his settlement with the debtor."

Consultant Representative initial []

3. Except to the extent amended hereby, the 2016 Agreement remains in full force and affect.

IN WITNESS THEREOF, the parties have executed this Agreement No. 1 on the ____ day of September 2016.

VENTURA COUNTY TRANSPORTATION COMMISSION

By _____
Darren Kettle, Executive Director

Approved as to form

By _____
Steven T. Mattas, General Counsel

CONSULTANT: MOORE & ASSOCIATES

By _____
Jim Moore, Vice President



Item #81

September 9, 2016

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: ELLEN TALBO, TRANSIT PLANNING MANAGER

SUBJECT: UPDATE ON SENATE BILL 203 REPORT

RECOMMENDATION:

- Receive and file.

BACKGROUND:

In 2013, Senator Fran Pavely authored Senate Bill 203 (SB 203) as a response to Ventura County's opposition to Senate Bill 716 – Wolk (SB 716). The main requirement of SB 203 is for VCTC to provide an online report that describes transit route changes, changes to service levels on transit routes, and ridership numbers for all transit routes operating within the County. The report shall also include annual budget numbers for transit services provided by VCTC, Gold Coast Transit, other multi-agency operators, and individual operators. This requirement remains in effect until January 1, 2019.

In July 2015, Commissioner Breeze requested to see budget information on transit services provided by non-profit organizations and/or health & social service organizations. When these organizations receive federal or state funding through VCTC, it is often through a grant cycle process. In response to Commissioner Breeze's request, the SB 203 report also includes grant cycle funding amounts for their term as a VCTC subrecipient.

Presented in the attachment is the SB 203 report. The Commission may receive and file this item, provide comments to staff, or decide to take action(s) as appropriate based on the information presented in the report. Once the State Controller's Office releases the fiscal year (FY) 15-16 Transit Operators Financial Transactions Report, which is anticipated in November 2016, staff will plan to update the SB 203 report again and post to the VCTC website at: www.goventura.org/about-vctc/publications.

DISCUSSION:

In 2009, Senate Bill 716 – Wolk (SB 716), enacted a series of reforms to the Transportation Development Act, the most significant being that all counties with populations over 500,000 as of the 2010 federal decennial census, would generally have to allocate all TDA revenues to public transit services by 2014. Cities within these counties with populations of 100,000 or less would be allowed to use their monies for either transit or streets and roads if they conformed to the unmet needs test.

At the time of the Wolk legislation, Ventura County was granted a temporary exemption to the law in an effort to provide the County additional time to address current transportation challenges and develop its Countywide Transit Plan. In 2013 Ventura County's transportation plan was being finalized and follow up legislation, Senate Bill 203 - Pavely (SB 203) was passed, giving Ventura County the same local funding flexibility afforded other small cities in the state.

While retaining the SB 716 requirement that cities with populations over 100,000 be required to use all TDA funds for transit purposes, SB 203 allows cities in Ventura County under 100,000 in population to use TDA funds for local streets and roads as long as transit needs were addressed. Currently, 6 out of the 10 cities in Ventura County have populations under 100,000. These include: Moorpark, Santa Paula, Fillmore and Camarillo. Ojai and Port Hueneme are less than 100,000 and contribute to the Gold Coast Transit District.

SB 203 requires the Ventura County Transportation Commission to annually report online the County's efforts to address transit service between 2014 and 2019. In compliance with SB 203, the attached report discusses transit service & route changes that have occurred since 2013 in an ongoing effort to improve service coordination among transit operations throughout the County. The annual budget numbers presented in this report are sourced from the Operating Revenues, Operating Expenses, and Revenues for Capital Expenses as reported by each TDA recipient in their annual Transit Operators Financial Transactions Reports submitted to the State Controller's Office (SCO) every fiscal year. The SB 203 report also lists an overview of each transit provider and their baseline service as of January 2013 including the then-current service levels, system descriptions, and fare policies.



Item #9

September 9, 2016

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: PETER DE HAAN, PROGRAMMING DIRECTOR

**SUBJECT: LETTER OF AGREEMENT WITH ORANGE COUNTY TRANSPORTATION
AUTHORITY (OCTA) FOR PROPOSITION 1B TRADE CORRIDOR FUNDS**

RECOMMENDATION:

- Approve attached Letter of Agreement providing to OCTA the \$3,094,000 unexpended balance of VCTC's share of Proposition 1B Trade Corridor funds to count towards repayment of \$3,094,000 advanced by OCTA towards VCTC's share of the Positive Train Control project.

BACKGROUND:

Proposition 1B Trade Corridor Funds

Proposition 1B, approved by the voters in 2006, provided \$2 billion statewide for port-related goods movement projects under the Trade Corridor Infrastructure Fund (TCIF) program. The ballot proposition stated that normally a 50% match would be required for TCIF. Under subsequently-established policies, the California Transportation Commission (CTC) was given the lead responsibility for distributing these funds, and the CTC divided up the funds based on goods-movement corridors. A committee of corridor transportation agencies, the Southern California Consensus Group, is tasked with recommending to the CTC the priorities for corridor funds.

The initial Southern California TCIF program as recommended by the Consensus Group and adopted by CTC included \$30,449,000 for the Rice/101 Interchange project. When the Rice/101 Interchange construction contract was awarded significantly under budget, the CTC reduced the project's TCIF funding, and the Consensus Group then looked to VCTC to identify other eligible Ventura County projects to receive the deallocated funds. Based on VCTC's recommendation supported by the Consensus Group, the CTC programmed \$1,462,000 to the Hueneme Road Widening in Oxnard and \$13,118,000 to the 101/23 Interchange project. However, the 101/23 construction contract was then awarded significantly under budget, resulting in the CTC deallocating funds from that project as well. As a result of this deallocation as well as some smaller balance adjustments for various reasons by the Consensus Group, there is now a \$3,094,000 unprogrammed balance in Ventura County's TCIFshare.

Positive Train Control

In 2011 when SCRRA and its member agencies were seeking funds to begin design of the Positive Train Control project, the OCTA had a significant balance of Proposition 116 rail bond funds that were in danger of lapsing, so OCTA allocated the funds for PTC, thus providing a significant portion of that project's initial design cost. The member agencies agreed to use the Metrolink "all share" formula to distribute project costs, and an accounting was completed which showed that due to its Proposition 116 contribution early in the project, OCTA has overpaid relative to the other four SCRRA member agencies.

DISCUSSION:

The Proposition 1B TCIF program eligibility is limited to projects that improve the landside freight access corridors to ports. Furthermore, the state has a 50% matching requirement for the funds, which in particular limits VCTC's ability to identify projects for the funding due to the lack of local match. The CTC has indicated its strong preference that regions quickly identify ready-to-go projects to use up the balance of Proposition 1B funds. For these reasons, VCTC staff has been unable to identify another Ventura County project that can use the remaining \$3,094,000 in TCIF money. At the same time, since VCTC has no source of local funds to repay OCTA for its contribution to the Metrolink PTC project, the two agency staffs have worked together to develop an exchange whereby the TCIF funds will be used for a ready-to-go project on the Metrolink Orange County Line (which serves to access the Port of San Diego), thus freeing up \$3,094,000 of OCTA's local measure Metrolink funding. The proposed swap is contingent upon CTC approval of the TCIF allocation request. After the exchange is completed there will remain a \$905,199 unpaid balance of VCTC's share in the PTC project, which VCTC will likely repay in small installments through future Metrolink budgets.

LETTER OF AGREEMENT

BETWEEN

VENTURA COUNTY TRANSPORTATION COMMISSION

AND

ORANGE COUNTY TRANSPORTATION AUTHORITY

THIS LETTER OF AGREEMENT (LOA) is effective this _____ day of _____, 2016, by and between the Orange County Transportation Authority, 550 South Main Street, P.O. Box 14184, Orange, California 92863-1584, a public corporation of the State of California (hereinafter referred to as "OCTA"), and the Ventura County Transportation Commission, 950 County Square Drive, Suite 207, Ventura, CA 93003, a public corporation of the State of California (hereinafter referred to as "VCTC") mutually referred to herein as "PARTIES".

RECITALS:

WHEREAS, the PARTIES desire to enter into a LOA to recognize each agency's respective transportation funding shares; and

WHEREAS, California voters in November, 2006, approved the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Proposition 1B), which authorizes state general obligation bonds for transportation infrastructure, including the Trade Corridors Improvement Fund (TCIF); and

WHEREAS, the California Transportation Commission (CTC) programs and allocates the Proposition 1B TCIF funds on behalf of the State of California; and

WHEREAS, based on the policy of the Southern California Consensus Group and approval of the CTC, VCTC was assigned a share of \$30,449,000 million for Proposition 1B TCIF projects in Ventura County; and

WHEREAS, due to cost reductions the allocations of TCIF funding for eligible Ventura County projects have been completed with an unallocated balance of \$3,094,000 remaining; and

WHEREAS, the TCIF Southern California Consensus Group approved the use of \$3,094,000 in TCIF made available from VCTC for the San Juan Creek Bridge Replacement Project and submitted the confirmation of this approval for CTC consideration on July 11, 2016; and

WHEREAS, by Cooperative Agreement C-0-1797 dated June 30, 2011, OCTA and Southern California Regional Rail Authority (SCRRA) entered into an agreement for the planning, design, construction and implementation of a Positive Train Control (PTC) system on the Metrolink system; and

WHEREAS, Exhibit No. 1 in Cooperative Agreement C-0-1797 documented that OCTA overpaid on its share of the PTC project by \$18,040,970 and VCTC underpaid its share by \$3,999,199; and

NOW THEREFORE, the PARTIES enter into this LOA to memorialize their mutual understanding regarding the use of the VCTC TCIF balance and the reconciliation of PTC project funding shares.

3. Allocation of TCIF: VCTC supports the proposed allocation by the CTC of \$3,094,000 in TCIF from the funds previously identified as part of the VCTC share, for the San Juan Creek Bridge Replacement Project (Project) in Orange County. It will be OCTA's responsibility to provide the required 50% TCIF match.
4. Positive Train Control Repayment: In consideration for the ability to use \$3,094,000 from the Ventura County TCIF share for the Project, and contingent upon the allocation of these funds to the Project by the CTC, the PARTIES agree that VCTC no longer has an obligation to repay \$3,094,000 previously provided by OCTA towards VCTC's share of the Positive Train Control project.

This Letter of Agreement shall be effective upon execution by all PARTIES.

IN WITNESS WHEREOF, the PARTIES hereto have caused this Letter of Agreement to be executed on the date first above written.

ORANGE COUNTY TRANSPORTATION
AUTHORITY

VENTURA COUNTY TRANSPORTATION
COMMISSION

Darrell Johnson
Executive Director

Darren M. Kettle
Executive Director

Attachment:

PTC Funding: Exhibit No. 1 from Agreement No. C-0-1797

Distributed: 7/5/11
Accounting
CMM
FPA
PM A. Cagelos / M. Liza
Vendor
CA R. Hashem

COOPERATIVE AGREEMENT NO. C-0-1797

BETWEEN

ORANGE COUNTY TRANSPORTATION AUTHORITY

AND

SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY

FOR

POSITIVE TRAIN CONTROL PROJECT

THIS AGREEMENT is effective this 30th day of JUNE 2011, by and between the Orange County Transportation Authority, 550 South Main Street, P.O. Box 14184, Orange, California 92863-1584, a public corporation of the State of California (hereinafter referred to as "AUTHORITY"), and the Southern California Regional Rail Authority, 700 South Flower Street, Suite 2600, Los Angeles, California 90017, a joint powers authority (hereinafter referred to as "SCRRA").

RECITALS:

WHEREAS, AUTHORITY and the SCRRA desire to enter into a Cooperative Agreement to define the roles and responsibilities related to funding between the AUTHORITY and SCRRA for the planning, design, construction, and implementation of a Positive Train Control system along the Metrolink system (hereinafter referred to as "PROJECT"); and

WHEREAS, SCRRA agrees to act as lead agency for the planning, preliminary engineering, environmental clearance, right-of-way, construction, implementation, and oversight of the PROJECT; and

WHEREAS, SCRRA and AUTHORITY agree that the total not-to-exceed budget for the PROJECT including planning, preliminary engineering, environmental clearance, right-of-way, construction and implementation shall be Two Hundred One Million Six Hundred Thousand Dollars (\$201,600,000.00), current funding plan is provided in Exhibit No. 1 of which the AUTHORITY's contribution to the PROJECT shall not exceed Thirty Eight Million Four Hundred Forty One

1 Thousand Nine Hundred Fifty Five Dollars (\$38,441,955.00) in accordance with the funding
2 schedule attached herein as Exhibit No. 2 – Positive Train Control Funding; and

3 **WHEREAS**, the AUTHORITY's Board of Directors, on August 23, 2010, approved a funding
4 plan providing Thirty Two Million Seven Hundred Fifteen Thousand Seven Hundred Seventy Eight
5 (\$32,715,778.00) of Proposition 116 funds, Four Million One Hundred Forty Seven Thousand Four
6 Hundred Twenty Seven Dollars (\$4,147,427.00) of Federal Transit Administration 5307 funds, One
7 Million Two Hundred Thirty Four Thousand Dollars (\$1,234,000.00) of American Recovery and
8 Reinvestment Act (ARRA) funds, Two Hundred Seventy Five Thousand Eight Hundred
9 (\$275,800.00) of Federal Transit Administration (FTA) Section 5309 funds, and Sixty Eight
10 Thousand Nine Hundred Fifty Dollars (\$68,950.00) of Local Funds for the PROJECT; and

11 **Whereas**, the California Department of Transportation (Caltrans) administers the
12 Proposition 116 funding program on behalf of the California Transportation Commission
13 (CTC) and the CTC approves funding for projects. OCTA is responsible for programming the
14 funds to specific projects within Orange County. Caltrans is responsible for SCRRA
15 compliance with requirements and reimbursement of Proposition 116 funds to SCRRA for
16 project activities.

17 **Whereas**, the SCRRA receives the ARRA funds and the FTA Section 5309 funds
18 directly from the FTA. OCTA is responsible for programming the funds to specific projects
19 within Orange County. The FTA is responsible for SCRRA compliance with requirements and
20 reimbursement of ARRA and FTA Section 5309 funds to SCRRA for project activities.

21 **WHEREAS**, the AUTHORITY's Board of Directors approved the allocation of Four Million
22 One Hundred Forty Seven Thousand Four Hundred Twenty Seven Dollars (\$4,147,427.00) of
23 Federal Transit Administration 5307 funding to the PROJECT at its July 12, 2010 meeting; and

24 **WHEREAS**, AUTHORITY shall directly provide or reimburse no more than Four Million One
25 Hundred Forty Seven Thousand Four Hundred Twenty Seven Dollars (\$4,147,427.00); and

26 /

1 **WHEREAS**, this Cooperative Agreement defines the specific terms and conditions and
2 funding responsibilities between AUTHORITY and SCRRA for completion of the PROJECT.

3 **WHEREAS**, the AUTHORITY's Board of Directors approved this Agreement on May 23,
4 2011.

5 **NOW, THEREFORE**, it is mutually understood and agreed by AUTHORITY and SCRRA as
6 follows:

7 **ARTICLE 1. COMPLETE AGREEMENT**

8 A. This Agreement, including any exhibits and documents incorporated herein and made
9 applicable by reference, constitute the complete and exclusive statement of the terms and conditions
10 of this Agreement between AUTHORITY and SCRRA concerning funding of PROJECT.

11 B. The above-referenced Recitals are true and correct and are incorporated by
12 reference herein.

13 C. AUTHORITY'S failure to insist on any instance(s) of SCRRA's performance of any
14 term(s) or condition(s) of this Agreement shall not be construed as a waiver or relinquishment of
15 AUTHORITY's right to such performance or to future performance of such term(s) or condition(s),
16 and SCRRA's obligation in respect thereto shall continue in full force and effect. Changes to any
17 portion of this Agreement shall not be binding upon AUTHORITY except when specifically confirmed
18 in writing by an authorized representative of AUTHORITY by way of a written amendment to this
19 Agreement and issued in accordance with the provisions of this Agreement.

20 D. SCRRA's failure to insist on any instance(s) of AUTHORITY's performance of any
21 term(s) or condition(s) of this Agreement shall not be construed as a waiver or relinquishment of
22 SCRRA's right to such performance or to future performance of such term(s) or condition(s), and
23 AUTHORITY's obligation in respect thereto shall continue in full force and effect. Changes to any
24 portion of this Agreement shall not be binding upon SCRRA except when specifically confirmed in
25 writing by an authorized representative of SCRRA by way of a written amendment to this Agreement
26 and issued in accordance with the provisions of this Agreement.

ARTICLE 2. RESPONSIBILITIES OF AUTHORITY

AUTHORITY agrees to the following responsibilities for PROJECT:

A. AUTHORITY shall program PROJECT funding into the Federal Transportation Improvement Program and make any necessary amendments.

B. AUTHORITY shall designate the SCRRA as the direct recipient for FTA Section 5309, American Recovery and Reinvestment Act, and Proposition 116 funds.

C. AUTHORITY shall develop and execute a team grant for the Federal Transit Administration (herein after referred to as FTA) 5307 funds.

D. AUTHORITY shall, reimburse to SCRRA, not more frequently than quarterly, for FTA eligible and allowable PROJECT expenditures. Such reimbursements shall not exceed the sum of Four Million One Hundred Forty Seven Thousand Four Hundred Twenty Seven Dollars (\$4,147,427.00). AUTHORITY will not be obligated to pay for any amount beyond what has been identified in this Article.

E. AUTHORITY shall verify that such reimbursable expenditures are eligible for FTA funds prior to requesting reimbursement from FTA. No requests for payments from SCRRA shall be processed by AUTHORITY after the federal grant termination date.

F. AUTHORITY understands the complex funding of this project and will allow specific funds to be drawn down faster than other to facilitate cashflow and to meet grant expiration date concerns.

G. AUTHORITY shall indemnify, defend and hold harmless SCRRA, its officers, directors, employees and agents from and against any and all claims (including attorney's fees and reasonable expenses for litigation or settlement) for any loss or damages, bodily injuries, including death, worker's compensation subrogation claims, damage to or loss of use of property caused by the negligent acts, omissions or willful misconduct by AUTHORITY, its officers, directors, employees or agents in connection with or arising out of the performance of this Agreement.

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ARTICLE 3. RESPONSIBILITIES OF SCRRA

SCRRA agrees to the following responsibilities for PROJECT:

A. SCRRA will act as the lead agency for the planning, preliminary engineering, environmental clearance, right-of-way, construction, implementation, and oversight of the PROJECT.

B. SCRRA agrees to provide One Million Four Hundred Seventy Four Thousand Three Hundred Ninety Five Dollars (\$1,474,395.00) of Proposition 1A funds for the PROJECT for final portion of Authority's share of project.

C. SCRRA agrees to provide the 20% required match to the FTA funds through local and state project revenues and to clearly define the project match in the reimbursement requests.

D. SCRRA agrees to complete PROJECT in accordance with the funding schedule in Exhibit No. 2 – Positive Train Control Funding of this Agreement.

E. SCRRA agrees to abide by all FTA guidelines in the performance of this PROJECT including, but not limited to, those guidelines included in Exhibit No. 3 of this Agreement. SCRRA shall provide certification that it is in compliance, or will comply, with all FTA requirements.

F. SCRRA will use funds provided by AUTHORITY only for Federal Transit Administration eligible and reimbursable activities only as described in the federal grant and in the FTA guidelines. If any amounts paid to SCRRA are disallowed, or not reimbursable by the FTA for any reason, SCRRA shall be allowed to provide documentation for other allowable, reimbursement costs or shall remit to AUTHORITY the disallowed or non-reimbursed amount(s) within thirty (30) days from receipt of AUTHORITY invoice. Total reimbursements for federally eligible and reimbursable activities shall not exceed Four Million One Hundred Forty Seven Thousand Four Hundred Twenty Seven Dollars (\$4,147,427.00). No requests for payments shall be submitted by SCRRA to AUTHORITY with costs incurred after the federal grant has been closed.

G. SCRRA agrees to accept funds recipient designation for Proposition 116, FTA Section 5309, and American Recovery and Reinvestment Act (hereinafter ARRA) funds and will meet the funding requirements for these funds including but not limited to any match, procurement or timely use

of funds requirements.

H. SCRRA shall provide AUTHORITY a credit of 19.8% of project funding that derives from prior, current or future sources of funds other than a Southern California Regional Rail Authority member agency directed fund source to be used toward OCTA's funding share on various projects and/or operations with the approval of OCTA and concurrence of TAC representative from other impacted Member Agency.

I. SCRRA is responsible for immediately notifying the AUTHORITY in writing of any changes to the PROJECT schedule that would jeopardize funding of the PROJECT.

J. SCRRA will comply with all federal, state and local laws and regulations.

K. SCRRA agrees to comply with all FTA, third party contracting laws and regulations pursuant to FTA Circular 4220.1F, including but not limited to federal, state and local laws.

L. SCRRA agrees to provide AUTHORITY with a quarterly invoice (sample invoice is provided in Exhibit No. 4) and summary report of the PROJECT by the Fifteenth (15th) day of the month following the end of the quarter, as directed in ARTICLE 6. Such annual quarters will begin on January 1, April 1, July 1, and October 1 of each year. An additional copy of each invoice will be submitted to AUTHORITY's Accounts Payable Department. A sample report is provided in Exhibit No. 5 and is to contain, at a minimum, the following information:

1. Agreement Number C-0-1797;
2. The time period covered by the report;
3. Quarterly Progress Report which includes a detailed description of the progress of the PROJECT;
4. Summary of expected PROJECT delays including discussion of reason for each delay;
5. Total quarterly invoice amount;
6. Financial summary of the PROJECT by fund source including accounting for quarterly expenditures of each fund source;
7. Quarterly preview report that details expenditures expected to be realized in

1 the coming quarter; and

2 8. Such other information as requested by AUTHORITY.

3 M. SCRRA shall indemnify, defend and hold harmless AUTHORITY, its officers,
4 directors, employees and agents from and against any and all claims (including attorney's fees and
5 reasonable expenses for litigation or settlement) for any loss or damages, bodily injuries, including
6 death, worker's compensation subrogation claims, damage to or loss of use of property caused by
7 the negligent acts, omissions or willful misconduct by SCRRA, its officers, directors, employees or
8 agents in connection with or arising out of the performance of this Agreement.

9 **ARTICLE 4. DELEGATED AUTHORITY**

10 The actions required to be taken by SCRRA in the implementation of this Agreement are
11 delegated to its Chief Executive Officer, or his designee, and the actions required to be taken by
12 AUTHORITY in the implementation of this Agreement are delegated to its Chief Executive Officer.

13 **ARTICLE 5. AUDIT AND INSPECTION**

14 SCRRA shall maintain a complete set of records in accordance with generally accepted
15 accounting principles. Upon reasonable notice, SCRRA shall permit the authorized representatives
16 of AUTHORITY to inspect and audit all work, materials, payroll, books, accounts and other data and
17 records of SCRRA for a period of four (4) years after final payment, or until any on-going audit is
18 completed. AUTHORITY shall also have the right to reproduce any such books, records and
19 accounts. Contracts with SCRRA's contractors shall include the above provision with respect to
20 audits.

21 **ARTICLE 6. TERMS OF AGREEMENT**

22 All parties agree to the following mutual responsibilities regarding PROJECT:

23 A. This Agreement shall continue in full force and effect through June 30, 2018 or final
24 acceptance of PROJECT and credit per Article 3, Paragraph H, by AUTHORITY whichever is later.
25 This Agreement may only be extended upon mutual written agreement by both parties.

26 B. This Agreement may be terminated by either party after giving thirty (30) days written
notice. This Agreement shall not be terminated without mutual written agreement of both parties.

C. This Agreement may be amended in writing at any time by the mutual consent of both parties. No amendment shall have any force or effect unless executed in writing by both parties.

D. The persons executing this Agreement on behalf of the parties hereto warrant that they are duly authorized to execute this Agreement on behalf of said parties and that, by so executing this Agreement, the parties hereto are formally bound to the provisions of this Agreement.

E. All notices hereunder and communications regarding the interpretation of the terms of this Agreement, or changes thereto, shall be effected by delivery of said notices in person or by depositing said notices in the U.S. mail, registered, or certified mail and addressed as follows:

To SCRRA:	To AUTHORITY:
Southern California Regional Rail Authority	Orange County Transportation Authority
P. O. Box 531776 Los Angeles, CA 90053-1776	550 South Main Street P. O. Box 14184 Orange, CA 92863-1584
Attention: Gray Crary Chief, Strategy Officer Cc Anne Louise Rice	Attention: Reem Hashem Principal Contract Administrator cc: Dinah Minter, Rail Program Adriann Cardoso, Programming
Tel: 213 452-0275	Tel: (714) 560-5446; Fax: (714) 560-5792
Email: craryg@scrra.net	Email: rhashem@octa.net

F. The headings of all sections of this Agreement are inserted solely for the convenience of reference and are not part of and not intended to govern, limit or aid in the construction or interpretation of any terms or provision thereof.

G. The provision of this Agreement shall bind and inure to the benefit of each of the parties hereto and all successors or assigns of the parties hereto.

H. If any term, provision, covenant or condition of this Agreement is held to be invalid, void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the remainder to this Agreement shall not be affected thereby, and each term, provision, covenant or condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

I. This Agreement may be executed and delivered in any number of counterparts, each of which, when executed and delivered shall be deemed an original and all of which together shall constitute the same agreement. Facsimile signatures will be permitted.

J. Either party shall be excused from performing its obligations under this Agreement during the time and to the extent that it is prevented from performing by an unforeseeable cause beyond its control, including but not limited to: any incidence of fire, flood; acts of God; commandeering of material, products, plants or facilities by the federal, state or local government; national fuel shortage; or a material act or omission by the other party; when satisfactory evidence of such cause is presented to the other party, and provided further that such nonperformance is unforeseeable, beyond the control and is not due to the fault or negligence of the party not performing.

This AGREEMENT shall be made effective upon execution by both parties

IN WITNESS WHEREOF, the parties hereto have caused this Agreement No. C-0-1797 to be executed on the date first above written.

**SOUTHERN CALIFORNIA REGIONAL
RAIL AUTHORITY**

By: 
John E. Fenton
Chief Executive Officer

ORANGE COUNTY TRANSPORTATION AUTHORITY

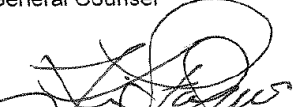
By: 
Will Kempton
Chief Executive Officer

APPROVED AS TO FORM:

By: 
Kennard R. Smart, Jr.
General Counsel

APPROVED AS TO FORM:

By: 
Andrea Sheridan Ordin
County Counsel

By: 
Kia Mortazavi
Executive Director, Planning

Dated: 6/6/2011

Dated: 6-27-2011

PTC Funding

Grant	Amount	LCMTA	OCTA	RCTC	SBAG	VCCTC	Federal	State
Local	\$3,310,587	\$3,310,587						
Federal Formula Funds/Local Match	\$789,220		\$344,760	\$193,611	\$280,759			
State STIP	\$125,993					\$125,993		
ARRA Formula	\$17,825,530	\$5,015,498	\$1,234,450	\$4,785,612	\$4,310,000	\$2,490,000		
Prop 18 TSGP (Safety/Security) (SCRR, VCCTC)	\$7,065,024					\$82,954		\$6,982,070
Prop 18 PTMISEA (SCRR)	\$199,668							\$199,668
OCTA Prop 116 programming approved at 12/09 CTC mtg	\$15,215,778		\$15,215,778					
OCTA Prop 116 requested at 5/10 CTC meeting	\$2,000,000		\$2,000,000					
OCTA Prop 116 requested at 5/10 CTC meeting	\$15,500,000		\$15,500,000					
Prop 1A Intercity to SCRR	\$46,550,000							\$46,550,000
MTA Measure R	\$20,000,000	\$20,000,000						
FY 09-10 Prop 18 TSGP (VCCTC)	\$709,972					\$709,972		
Prior Year 07-08 VCCTC Prop 18 TSGP	\$21,366					\$21,366		
Prop 18 08-09 PTMISEA per SBAG MOU	\$3,309,525				\$3,309,525			
OCTA FTA Sec 5307	\$4,147,427		\$4,147,427					
FY 09-10 Prop 18 TSGP (SCRR)	\$3,356,923							\$3,356,923
Prop 1A SCRR	\$12,200,000							\$12,200,000
FY 10/11 Prop 18 SLPP	\$10,000,000	\$10,000,000						
FRA Technology Grant SCRR	\$6,605,446						\$6,605,446	
FY 09-10 Prop 18 TSGP (SCRR from Caltrans DOR)	\$1,800,000						\$1,800,000	
Federal Rail Research and Development Funds (SCRR)	\$487,000					\$487,000		
Prop 1A SCRR	\$9,019,215							\$9,019,215
FY 11/12 Prop 18 SLPP	\$10,000,000	\$10,000,000						\$4,362,126
FY 09-10 Prop 18 PTMISEA (SCRR)	\$4,362,126						\$7,000,000	
FRA High Speed Intercity Passenger Rail (HSIPR) via CT Rnd 3	\$7,000,000							
TOTAL PTC	\$201,600,000	\$46,326,055	\$38,442,405	\$4,979,223	\$7,870,284	\$3,419,585	\$14,092,446	\$84,470,002
Communications related to PTC								
FRA Technology Grant SCRR	\$0						\$0	
Prop 1A SCRR match for both FRA grants	\$6,500,000							\$6,500,000
FRA High Speed Intercity Passenger Rail (HSIPR) via Caltrans Rnd 3	\$6,500,000						\$6,500,000	
Balance	\$13,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$6,500,000
Total Communications related to PTC								

Balance of \$35m in Prop 1A programmed to PTC to be reprogrammed (needs 1:1 match)
Prop 1A SCRR

Member Agency Share of PTC and Funding Shortfall	Estimated Funding Share:	Member Funds Programmed (1)	State and Federal SCRR Funding Contribution	Share Due or Share Credit
Metro	\$ 95,760,000	\$ 48,326,055	\$46,817,163	\$ 616,782
OCTA	\$ 39,216,800	\$ 36,442,405	\$19,515,365	\$ (18,049,570)
RCTC	\$ 22,377,600	\$ 4,979,223	\$10,940,432	\$ 6,457,945
SANBAG	\$ 29,030,400	\$ 7,870,284	\$14,197,993	\$ 6,967,123
VCCTC	\$ 14,515,200	\$ 3,419,585	\$7,096,496	\$ 3,999,119
TOTAL	\$ 201,600,000	\$ 103,037,552	\$96,562,448	\$ -

1. Credit due OCTA (resulting from external fund sources in accordance with Article 3, paragraph H) listed in "Share due or share credit" column.

Positive Train Control Funding

OCTA's PTC Funding		
	Proposition 1A (SCRRA)	OCTA Funding
Proposition 116 ¹ (Approved October 26, 2009 and March 22, 2010)		\$32,715,778
Federal Transit Administration, Section 5307 ² (Approved July 12, 2010)		\$4,147,427
Proposition 1A Provided by SCRRA. ¹	\$1,474,395	
American Recovery and Reinvestment Act ¹ (Approved March 9, 2010)		\$1,234,450
Federal Transit Administration, Section 5309 ³ (Amended from funds provided through OCTA's fiscal year 2008-09 annual budget)		\$275,800
Local funds ³ (Match to Federal Transit Administration, Section 5309) (Amended from funds provided through OCTA's fiscal year 2008-09 annual budget)		\$68,950
TOTAL	\$1,474,395	\$38,442,405

1 – Funding is not reimbursed through this agreement #C-0-1797. Metrolink is the direct recipient of the funds.

2 – Funding is reimbursed through agreement #C-0-1797.

3 – Funding has already been paid to Metrolink through the annual budget and Master Agreement #C-7-0371.

REQUIRED FEDERAL CLAUSES

DEFINITIONS

The Orange County Transportation Authority, (hereinafter referred to as "AUTHORITY").
Southern California Regional Rail Authority, (hereinafter referred to as "AGENCY").

The following provisions apply to all agreements regardless of its value:

ARTICLE 1. FEDERAL CHANGES

AGENCY shall at all times comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the agreement between the AUTHORITY and FTA, as they may be amended or promulgated from time to time during this Agreement. AGENCY's failure to comply shall constitute a material breach of contract.

ARTICLE 2. NO FEDERAL GOVERNMENT OBLIGATION TO THIRD PARTIES

AUTHORITY and AGENCY acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying Agreement, absent the express written consent by the Federal Government, the Federal Government is not a party to this Agreement and shall not be subject to any obligations or liabilities to the AUTHORITY, AGENCY, or any other party (whether or not a party to this Agreement) pertaining to any matter resulting from the underlying Agreement. AGENCY agrees to include these requirements in all of its subcontracts.

ARTICLE 3. PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS AND RELATED ACTS

A. AGENCY acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. §§3801 et seq. and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 C.F.R. Part 31, apply to its actions pertaining to this project. Accordingly, by signing this Agreement, AGENCY certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying Agreement of the FTA assisted project for which this Agreement's work is being performed. AGENCY also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose penalties of the Program Fraud Civil Remedies Act of 1986 on the AGENCY to the extent the Federal Government deems appropriate.

B. AGENCY also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government under an agreement connected with a project that is financed in whole or part with Federal assistance awarded by FTA under the authority of 49 U.S.C. §5307 et seq., the Government reserves the right to impose the penalties of 18 U.S.C. §1001 and 49 U.S.C. §5307(n) (1) et seq. on the AGENCY, to the extent the Federal Government deems appropriate. AGENCY agrees to include this requirement in all of its subcontracts.

ARTICLE 4. CIVIL RIGHTS ASSURANCE

During the performance of this Agreement, AGENCY, for itself, its assignees and successors in interest agree as follows:

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

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

C. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the AGENCY for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the AGENCY of the AGENCY's obligations under this Agreement and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

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

E. Sanctions for Noncompliance: In the event of the AGENCY's noncompliance with nondiscrimination provisions of this Agreement, the AUTHORITY shall impose Agreement sanctions as it may determine to be appropriate, including, but not limited to:

1. Withholding of payments to the AGENCY under the Agreement until the AGENCY complies; and/or

2. Cancellation, termination, or suspension of the Agreement, in whole or in part.

F. Title VI of the Civil Rights Act. In determining the types of property or services to acquire, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance in violation of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Sections 2000d et seq. and DOT regulations, "Nondiscrimination in Federally Assisted Programs of the Department of

Transportation—Effectuation of Title VI of the Civil Rights Act of 1964,” 49 CFR Part 21. In addition, FTA Circular 4702.1, “Title VI and Title VI-Dependent Guidelines for FTA Recipients,” 05-13-07, provides FTA guidance and instructions for implementing DOT’s Title VI regulations.

G. The Americans with Disabilities Act of 1990, as amended (ADA), 42 U.S.C. Sections 12101 *et seq.*, prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities, as well as imposes specific requirements on public and private providers of transportation.

H. Incorporation of Provisions: AGENCY shall include the provisions of paragraphs (A) through (H) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The AGENCY shall take such action with respect to any subcontract or procurement as the AUTHORITY may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a AGENCY becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the AGENCY may request the AUTHORITY to enter into such litigation to protect the interests of the AUTHORITY, and, in addition, the AGENCY may request the United States to enter into such litigation to protect the interests of the United States.

ARTICLE 5. DISADVANTAGED BUSINESS ENTERPRISES

A. In accordance with federal financial assistance agreements with the U.S. Department of Transportation (U.S. DOT), the Orange County Transportation Authority (AUTHORITY) has adopted a Disadvantaged Business Enterprise (DBE) Policy and Program, in conformance with Title 49 CFR Part 26, “Participation by Disadvantaged Business Enterprises in Department of Transportation Programs”. The project is subject to these stipulated regulations. In order to ensure that the Authority achieves its overall DBE Program goals and objectives, the Authority encourages the participation of DBEs as defined in 49 CFR 26 in the performance of contracts financed in whole or in part with U.S. DOT funds. Pursuant to the intent of these Regulations, it is also the policy of the Authority to:

1. Fulfill the spirit and intent of the Federal DBE Program regulations published under U.S. DOT Title 49 CFR, Part 26, by ensuring that DBEs have equitable access to participate in all of Authority’s DOT-assisted contracting opportunities.
2. Ensure that DBEs can fairly compete for and perform on all DOT-assisted contracts and subcontracts.
3. Ensure non-discrimination in the award and administration of AUTHORITY’s DOT-assisted contracts.
4. Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts.
5. Ensure that only firms that fully meet 49 CFR, Part 26 eligibility standards are permitted to participate as DBEs.
6. Help remove barriers to the participation of DBEs in DOT-assisted contracts.
7. Assist in the development of firms that can compete successfully in the marketplace outside the DBE Program.

B. AGENCY shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of subcontracts. Any terms used in this section that are defined in 49 CFR Part 26, or elsewhere in the Regulations, shall have the meaning set forth in the Regulations. In the event of any conflicts or inconsistencies between the Regulations and the Authority’s DBE Program with respect to DOT-assisted contracts, the Regulations shall prevail.

C. AUTHORITY’s New Race-Neutral DBE Policy Implementation Directives:

Pursuant to recently released Race-Neutral DBE policy directives issued by the U.S. DOT in response to the Ninth Circuit U.S. Court of Appeals decision in *Western States Paving Co. v. Washington State Department of Transportation*, the Authority has implemented a wholly Race-Neutral DBE Program.

A Race-Neutral DBE Program is one that, while benefiting DBEs, is not solely focused on DBE firms. Therefore, under a Race-Neutral DBE Program, AUTHORITY does not establish numeric race-conscious DBE participation goals on its DOT-assisted contracts. AGENCY shall not be required to achieve a specific level of DBE participation as a condition of contract compliance in the performance of this DOT-assisted contract. However, AGENCY shall adhere to race-neutral DBE participation commitment(s) made at the time of contract award.

D. Definitions: The following definitions apply to the terms as used in these provisions:

1. "Disadvantaged Business Enterprise (DBE)" means a small business concern: (a) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals or, in the case of any publicly-owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and (b) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

2. "Small Business Concern" means a small business as defined pursuant to Section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto, except that a small business concern shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has annual average gross receipts in excess of \$19.57 million over the previous three fiscal years.

3. "Socially and Economically Disadvantaged Individuals" means those individuals who are citizens of the United States (or lawfully admitted permanent residents) and who are Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, or Asian-Indian Americans, women and any other minorities or individuals found to be disadvantaged by the Small Business Administration pursuant to Section 8(a) of the Small Business Act, or by the Authority pursuant to 49 CFR part 26.65. Members of the following groups are presumed to be socially and economically disadvantaged:

a. "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;

b. "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

c. "Native Americans," which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;

d. "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the U.S. Trust Territories of the Pacific, and the Northern Marianas;

e. "Asian-Indian Americans," which includes persons whose origins are from India, Pakistan, and Bangladesh; and

f. Women, regardless of ethnicity or race.

4. "Owned and Controlled" means a business: (a) which is at least 51 percent owned by one or more "Socially and Economically Disadvantaged Individuals" or, in the case of a publicly-owned business, at least 51 percent of the stock of which is owned by one or more "Socially and Economically Disadvantaged Individuals"; and (b) whose management and daily business operations are controlled by one or more such individuals.

5. "Manufacturer" means a firm that operates or maintains a factory or establishment that produces on the premises the materials or supplies obtained by the AGENCY.

6. "Regular Dealer" means a firm that owns, operates or maintains a store, warehouse, or other establishment in which the materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business. The firm must engage in, as its principal business, and in its own name, the purchase and sale of the product in question. A regular dealer in such bulk items as steel, cement, gravel, stone and petroleum products need not keep such products in stock if it owns or operates distribution equipment.

7. "Other Socially and Economically Disadvantaged Individuals" means those individuals who are citizens of the United States (or lawfully admitted permanent residents) and who, on a case-by-case basis, are determined by Small Business Administration or AUTHORITY to meet the social and economic disadvantage criteria described below.

a. Social Disadvantage: The individual's social disadvantage must stem from his/her color, national origin, gender, physical handicap, long-term residence in an environment isolated from the mainstream of American society, or other similar cause beyond the individual's control.

i. The individual must demonstrate that he/she has personally suffered social disadvantage.

ii. The individual's social disadvantage must be rooted in treatment, which he/she has experienced in American society, not in other countries.

iii. The individual's social disadvantage must be chronic, longstanding and substantial, not fleeting or insignificant.

iv. The individual's social disadvantage must have negatively affected his/her entry into and/or advancement in the business world.

v. A determination of social disadvantage must be made before proceeding to make a determination of economic disadvantage.

b. Economic Disadvantage

i. The individual's ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities, as compared to others in the same line of business and competitive market area that are not socially disadvantaged.

ii. The following criteria will be considered when determining the degree of diminished credit and capital opportunities of a person claiming social and economic disadvantage:

With respect to the individual:

- availability of financing
- bonding capability
- availability of outside equity capital
- available markets

With respect to the individual and the business concern:

- personal and business assets
- personal and business net worth
- personal and business income and profits

E. Race-Neutral DBE Submission and Ongoing Reporting Requirements (Post-Award).

AGENCY shall complete and submit the following DBE exhibits (forms) at the times specified: "Monthly Race-Neutral DBE Subcontractors Paid Report Summary and Payment Verification" (Form 103). If AGENCY is a DBE firm and/or has proposed to utilize DBE firms, AGENCY will be required to complete and submit a Form 103 to AUTHORITY by the 10th of

each month until completion of the contract to facilitate reporting of race-neutral DBE participation, following the first month of contract activity. AGENCY shall report the total dollar value paid to DBEs for the applicable reporting period. AGENCY shall also report the DBE's scope of work and the total subcontract value of commitment for each DBE reported. AGENCY is advised not to report the participation of DBEs toward AGENCY's race-neutral DBE attainment until the amount being counted has been paid to the DBE. Upon completion of the contract, AGENCY will be required to prepare and submit to the Authority a "Race-Neutral DBE Subcontractors Paid Report Summary and Payment Verification" (Form 103) clearly marked "Final" to facilitate reporting and capturing actual DBE race-neutral attainments. AGENCY shall complete and submit a Final Form 103 whether or not DBEs were utilized in the performance of the contract.

F. DBE Eligibility and Commercially Useful Function Standards: A DBE must be a small business concern as defined pursuant to Section 3 of the U.S. Small Business Act and relevant regulations promulgated pursuant thereto. A DBE may participate as a prime contractor, subcontractor, joint venture partner with a prime or subcontractor, AGENCY of material or supplies, or as a trucking company. A DBE joint venture partner must be responsible for specific contract items of work, or clearly defined portions thereof. Responsibility means actually performing, managing and supervising the work with its own forces. The DBE joint venture partner must share in the capital contribution, control, management, risks and profits of the joint venture commensurate with its ownership interest. A DBE must perform a commercially useful function in accordance with 49 CFR 26.55 (i.e., must be responsible for the execution of a distinct element of the work and must carry out its responsibility by actually performing, managing and supervising the work). A DBE should perform at least thirty percent (30%) of the total cost of its contract with its own workforce to presume it is performing a commercially useful function. DBEs must be certified by the California Unified Certification Program (CUCP). Listings of DBEs certified by the CUCP are available from the following sources: The CUCP web site, which can be accessed at <http://www.californiaucp.com>; or the Caltrans "Civil Rights" web site at <http://www.dot.ca.gov/hq/bep>. The CUCP DBE Directory, which may be obtained from the Department of Transportation, Material Operations Branch, Publication Distribution Unit, 1900 Royal Oaks Drive, Sacramento, California 95815; Telephone: (916) 445-3520.

G. DBE Crediting Provisions: When a DBE is proposed to participate in the contract, either as a prime AGENCY or Subcontractor, only the value of the work proposed to be performed by the DBE with its own forces may be counted towards race-neutral DBE participation. If AGENCY is a DBE joint venture participant, only the DBE proportionate interest in the joint venture shall be counted. If a DBE intends to subcontract part of the work of its subcontract to a lower tier Subcontractor, the value of the subcontracted work may be counted toward race-neutral DBE participation only if the DBE Subcontractor is a certified DBE and actually performs the work with their own forces. Services subcontracted to a non-DBE firm may not be credited toward the prime Contractor's race-neutral DBE attainment. AGENCY is to calculate and credit participation by eligible DBE AGENCYS of equipment, materials, and suppliers toward race-neutral DBE attainment, as follows: Sixty percent (60%) of expenditure(s) for equipment, materials and supplies required under the Contract, obtained from a regular dealer; or One hundred percent (100%) of expenditure(s) for equipment, materials and supplies required under the Contract, obtained from a DBE manufacturer. The following types of fees or commissions paid to DBE Subcontractors, Brokers, and Packagers may be credited toward the prime AGENCY's race-neutral DBE attainment, provided that the fee or commission is reasonable, and not excessive, as compared with fees or commissions customarily allowed for similar work, including: Fees and commissions charged for providing bona fide professional or technical services, or procurement of essential personnel, facilities, equipment, materials, or supplies required in the performance of the Contract; Fees charged for delivery of material and

supplies (excluding the cost of materials or supplies themselves) when the licensed hauler, trucker, or delivery service is not also the manufacturer of, or a regular dealer in, the material and supplies; Fees and commissions charged for providing any insurance specifically required in the performance of the Contract. AGENCY may count the participation of DBE trucking companies toward race-neutral DBE attainment, as follows: The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract. The DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the Contract. The DBE receives credit for the total value of the transportation services it provides on the contract using trucks it owns, insures, and operates using drivers it employs. The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract. The DBE may also lease trucks from a non-DBE firm, including an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit only for the fee or commission it receives as a result of the lease arrangement. The DBE does not receive credit for the total value of the transportation services provided by the lessee, since these services are not provided by a DBE. For purposes of this paragraph, a lease must indicate that the DBE has exclusive use of and control over the truck. This does not preclude the leased truck from working for others during the term of the lease with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE. If AGENCY listed a non-certified DBE 1st tier subcontractor to perform work on this contract, and the non-certified DBE subcontractor subcontracts a part of its work or purchases materials and/or supplies from a lower tier DBE certified Subcontractor or AGENCY, the value of work performed by the lower tier DBE firm's own forces can be counted toward race-neutral DBE participation on the contract.

H. Performance of DBE Subcontractors: DBE subcontractors listed by AGENCY in its "DBE Race-Neutral Participation Listing" (Exhibit D-2) submitted at the time of proposal submittal shall perform the work and supply the materials for which they are listed, unless the AGENCY has received prior written authorization from the Authority to perform the work with other forces or to obtain the materials from other sources. AGENCY shall provide written notification to the AUTHORITY in a timely manner of any changes to its anticipated DBE participation. This notice should be provided prior to the commencement of that portion of the work.

I. Additional DBE Subcontractors: In the event AGENCY identifies additional DBE subcontractors or suppliers not previously identified by AGENCY for race-neutral DBE participation under the contract, AGENCY shall notify the Authority by submitting "Request for Additional DBE Firm" to enable AGENCY to capture all race-neutral DBE participation. AGENCY shall also submit, for each DBE identified after contract execution, a written confirmation from the DBE acknowledging that it is participating in the contract for a specified value, including the corresponding scope of work (a subcontract agreement can serve in lieu of the written confirmation).

J. DBE Certification Status: If a listed DBE subcontractor is decertified during the life of the project, the decertified subcontractor shall notify AGENCY in writing with the date of decertification. If a non-DBE subcontractor becomes a certified DBE during the life of the project, the DBE subcontractor shall notify AGENCY in writing with the date of certification. AGENCY shall furnish the written documentation to AUTHORITY in a timely manner.

K. AGENCY's Assurance Clause Regarding Non-Discrimination: In compliance with State and Federal anti-discrimination laws, AGENCY shall affirm that they will not exclude or discriminate on the basis of race, color, national origin, or sex in consideration of contract

award opportunities. Further, AGENCY shall affirm that they will consider, and utilize subcontractors and AGENCYs, in a manner consistent with non-discrimination objectives.

ARTICLE 6. ACCESS TO RECORDS AND REPORTS

AGENCY shall provide AUTHORITY, the U.S. Department of Transportation (DOT), the Comptroller General of the United States, or other agents of AUTHORITY, such access to AGENCY's accounting books, records, payroll documents and facilities of the AGENCY which are directly pertinent to this Agreement for the purposes of examining, auditing and inspecting all accounting books, records, work data, documents and activities related hereto. AGENCY shall maintain such books, records; data and documents in accordance with generally accepted accounting principles and shall clearly identify and make such items readily accessible to such parties during AGENCY's performance hereunder and for a period of four (4) years from the date of final payment by AUTHORITY. AUTHORITY's right to audit books and records directly related to this Agreement shall also extend to all first-tier subcontractors identified in this Agreement. AGENCY shall permit any of the foregoing parties to reproduce documents by any means whatsoever or to copy excerpts and transcriptions as reasonably necessary.

ARTICLE 7. INCORPORATION OF FTA TERMS

All contractual provisions required by Department of Transportation (DOT), whether or not expressly set forth in this document, as set forth in Federal Transit Administration (FTA) Circular 4220.1F, as amended, are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all FTA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. AGENCY shall not perform any act, fail to perform any act, or refuse to comply with any requests, which would cause AUTHORITY to be in violation of the FTA terms and conditions.

ARTICLE 8. ENERGY CONSERVATION REQUIREMENTS

AGENCY shall comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy Conservation Act.

ARTICLE 9. FLY AMERICA REQUIREMENTS

AGENCY agrees to comply with 49 U.S.C. 40118 (the "Fly America" Act) in accordance with the General Services Administration's regulations at 41 CFR Part 301-10, which provide that recipients and sub-recipient of Federal funds and their contractors are required to use U.S. Flag air carriers for U.S. Government-financed international air travel and transportation of their personal effects or property, to the extent such service is available, unless travel by foreign air carrier is a matter of necessity, as defined by the Fly America Act. AGENCY shall submit, if a foreign air carrier was used, an appropriate certification or memorandum adequately explaining why service by a U.S. flag air carrier was not available or why it was necessary to use a foreign air carrier and shall, in any event, provide a certificate of compliance with the Fly America requirements. CONTRACTOR agrees to include the requirements of this section in all

subcontracts that may involve international air transportation.

ARTICLE 10. TRANSPORTATION OF EQUIPMENT, MATERIALS OR COMMODITIES BY OCEAN VESSEL

A. AGENCY shall utilize privately owned United States-flag commercial vessels to ship at least 50% of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners and tankers) involved, whenever shipping any equipment, materials or commodities pursuant to this section, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels.

B. AGENCY shall furnish within twenty (20) working days following the date of loading for shipments originating within the United States, or within thirty (30) working days following the date of loading for shipping originating outside the United States, a legible copy of a rated, "on-board" commercial ocean bill-of lading in English for each shipment of cargo described in paragraph A of this Article to AUTHORITY (through the AGENCY's prime CONTRACTOR in the case of subcontractor bills-of-lading) and to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590, marked with appropriate identification of the project.

ARTICLE 11. PROHIBITED INTERESTS

A. AGENCY covenants that, for the term of this Agreement, no director, member, officer or employee of AUTHORITY during his/her tenure in office or for one (1) year thereafter, shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

B. No member of or delegate to, the Congress of the United States shall have any interest, direct or indirect, in this Agreement or to the benefits thereof.

ARTICLE 12. ALCOHOL AND DRUG POLICY

A. AGENCY agrees to establish and implement an alcohol and drug program that complies with 41 U.S.C sections 701-707, (the Drug Free Workplace Act of 1988), which is attached to this Agreement as Exhibit B, and produce any documentation necessary to establish its compliance with sections 701-707.

B. Failure to comply with this Article may result in nonpayment or termination of this Agreement.

ARTICLE 13. PRIVACY ACT

AGENCY shall comply with, and assures the compliance of its employees with, the information restrictions and other applicable requirements of the Privacy Act of 1974, 5 U.S.C. §552a. Among other things, AGENCY agrees to obtain the express consent of the Federal Government before the AGENCY or its employees operate a system of records on behalf of the Federal Government. AGENCY understands that the requirements of the Privacy Act, including the civil and criminal penalties for violation of that Act, apply to those individuals involved, and that failure to comply with the terms of the Privacy Act may result in termination of the underlying Agreement.

ARTICLE 14. CONFLICT OF INTEREST

AGENCY agrees to avoid organizational conflicts of interest. An organizational conflict of interest means that due to other activities, relationships or contracts, the AGENCY is unable, or potentially unable to render impartial assistance or advice to the Authority; AGENCY's objectivity in performing the work identified in the Scope of Work is or might be otherwise impaired; or the AGENCY has an unfair competitive advantage. AGENCY is obligated to fully disclose to the AUTHORITY in writing Conflict of Interest issues as soon as they are known to the AGENCY. AGENCY is obligated to fully disclose to the AUTHORITY in writing Conflict of Interest issues as soon as they are known to the AGENCY. All disclosures must be submitted in writing to AUTHORITY pursuant to the Notice provision herein. This disclosure requirement is for the entire term of this Agreement.

ARTICLE 15. CODE OF CONDUCT

AGENCY agrees to comply with the AUTHORITY's Code of Conduct as it relates to Third Party contracts which is hereby referenced and by this reference is incorporated herein. AGENCY agrees to include these requirements in all of its subcontracts.

ARTICLE 16. PROTEST PROCEDURES

The Authority has on file a set of written protest procedures applicable to this solicitation that may be obtained by contacting the Contract Administrator/Buyer responsible for this procurement. Any protest filed by the AGENCY in connection with this solicitation must be submitted in accordance with the Authority's written procedures.

The following additional provisions apply to all agreements over \$10,000

ARTICLE 17. TERMINATION

A. AUTHORITY may terminate this Agreement for its convenience at any time, in whole or part, by giving AGENCY written notice thereof. Upon termination, AUTHORITY shall pay AGENCY its allowable costs incurred to date of that portion terminated. Said termination shall be construed in accordance with the provisions of CFR Title 48, Chapter 1, Part 49, of the Federal Acquisition Regulation (FAR) and specific subparts and other provisions thereof applicable to termination for convenience. If AUTHORITY sees fit to terminate this Agreement for convenience, said notice shall be given to AGENCY in accordance with the provisions of the FAR referenced above. Upon receipt of said notification, AGENCY agrees to comply with all applicable provisions of the FAR pertaining to termination for convenience.

B. AUTHORITY may terminate this Agreement for AGENCY's default if a federal or state proceeding for the relief of debtors is undertaken by or against AGENCY, or if AGENCY makes an assignment for the benefit of creditors, or for cause if AGENCY fails to perform in accordance with the scope of work or breaches any term(s) or violates any provision(s) of this Agreement and does not cure such breach or violation within ten (10) calendar days after written notice thereof by AUTHORITY. AGENCY shall be liable for any and all reasonable costs incurred by AUTHORITY as a result of such default or breach including, but not limited to, reprocurement

costs of the same or similar services defaulted by AGENCY under this Agreement. Such termination shall comply with CFR Title 48, Chapter 1, Part 49, of the FAR.

ARTICLE 18. RECYCLED PRODUCTS

AGENCY shall comply with all the requirements of Section 6002 of the Resource Conservation and Recovery Act (RCRA), as amended (42 U.S.C. 6962), including but not limited to the regulatory provisions of 40 CFR Part 247, and Executive Order 12873, as they apply to the procurement of the items designated in subpart B of 40 CFR Part 247. AGENCY agrees to include this requirement in all of its subcontracts.

The following additional provisions apply to all agreements over \$25,000

ARTICLE 19. DEBARMENT & SUSPENSION:

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER
RESPONSIBILITY MATTERS - PRIMARY PARTICIPANT AND LOWER-TIER PARTICIPANTS**

Unless otherwise permitted by law, any person or firm that is debarred, suspended, or voluntarily excluded, as defined in the Federal Transit Administration (FTA) Circular 2015.1, dated April 28, 1989, may not take part in any federally funded transaction, either as a participant or a principal, during the period of debarment, suspension, or voluntary exclusion. Accordingly, the Authority, acting on behalf of the District, may not enter into any transaction with such debarred, suspended, or voluntarily excluded persons or firms during such period.

A certification process has been established by 49 CFR Part 29, as a means to ensure that debarred suspended or voluntarily excluded persons or firms do not participate in Federally assisted projects. The inability to provide the required certification will not necessarily result in denial of participation in a covered transaction. A person or firm that is unable to provide a positive certification as required by this solicitation must submit a complete explanation attached to the certification. FTA will consider the certification and any accompanying explanation in determining whether or not to provide assistance for the project. Failure to furnish a certification or an explanation may disqualify that person or firm from participating in the project.

The following additional provisions apply to all agreements over \$100,000:

ARTICLE 20. DISPUTES

A. Except as otherwise provided in this Agreement, any dispute concerning a question of fact arising under this Agreement which is not disposed of by supplemental agreement shall be decided by AUTHORITY's Director, Contracts Administration and Materials Management (CMM), who shall reduce the decision to writing and mail or otherwise furnish a copy thereof to AGENCY. The decision of the Director, CMM, shall be final and conclusive.

B. The provisions of this Article shall not be pleaded in any suit involving a question of fact arising under this Agreement as limiting judicial review of any such decision to cases where fraud by such official or his representative or board is alleged, provided, however, that any such decision shall be final and conclusive unless the same is fraudulent or capricious or arbitrary or

so grossly erroneous as necessarily to imply bad faith or is not supported by substantial evidence. In connection with any appeal proceeding under this Article, AGENCY shall be afforded an opportunity to be heard and to offer evidence in support of its appeal.

C. Pending final decision of a dispute hereunder, AGENCY shall proceed diligently with the performance of this Agreement and in accordance with the decision of AUTHORITY's Director, CAMM. This "Disputes" clause does not preclude consideration of questions of law in connection with decisions provided for above. Nothing in this Agreement, however, shall be construed as making final the decision of any AUTHORITY official or representative on a question of law, which questions shall be settled in accordance with the laws of the state of California.

ARTICLE 21. CLEAN WATER REQUIREMENTS

AGENCY shall comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq. AGENCY shall report each violation to AUTHORITY and understands and agrees that the AUTHORITY who will in turn, report each violation as required to assure notification to FTA and appropriate EPA Regional Office. AGENCY agrees to include this requirement in all of its subcontracts.

ARTICLE 22. CLEAN AIR

AGENCY shall comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. §§ 7401 et seq. AGENCY shall report each violation to AUTHORITY, who will in turn, report each violation as required to assure notification to FTA and the appropriate EPA Regional Office. AGENCY agrees to include this requirement in all of its subcontracts.

ARTICLE 23. LOBBYING

AGENCYs who apply or bid for an award of \$100,000 or more shall file the certification required by 49 CFR part 20, "New Restrictions on Lobbying". Each tier certifies to the above that it will not or has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. 1352. Such disclosures are forwarded from tier to tier up to the recipient.

ARTICLE 24. BUY AMERICA

A. AGENCY is directed to the "Buy America" requirements of the Surface Transportation Assistance Act of 1982 (Section 165) and the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) Sections 1041(a) and 1048(a) and the regulations adopted pursuant thereto. In

conformance with the law and regulations, all manufacturing processes for steel and iron materials furnished for incorporation into the work on this Project shall occur in the United States, with the exception that pig iron and processed, pelletized and reduced iron ore manufacture outside of the United States may be used in domestic manufacturing process for such steel and iron materials. The application of coatings, such as epoxy coating, galvanizing, painting, and other coating that protects or enhances the value of steel or iron materials shall be considered manufacturing process subject to the "Buy America" requirements.

B. A Certificate of Compliance, conforming to the provisions of this Article shall be furnished for steel and iron materials. The certificates, in addition to certifying that the materials comply with the specifications, shall specifically certify that all manufacturing processes for the materials occurred in the United States, except for the exceptions listed herein.

C. The requirements imposed by law and regulations do not prevent a minimal use of foreign steel and iron materials if the total combined cost of the materials used does not exceed one-tenth of one percent (0.1 percent) of the total contract cost or \$2,500, whichever is greater. The AGENCY shall furnish the AUTHORITY acceptable documentation of the quantity and value of the foreign steel and iron prior to incorporating the materials in the work.

Project Title:

Agency:

Date:

Invoice Number

Invoice Date

Contract Number

Approved FTA 5307

Actual Local Match

0%

Date	Qty	Description	Unit Price	Total	FTA 5307	Local Match

Invoice Number	Date	Expended FTA 5307	Cumulative FTA 5307
			\$ 4,147,427
1		\$ -	\$ 4,147,427
2		\$ -	\$ 4,147,427
3		\$ -	\$ 4,147,427

I hereby certify that the statements provided here are true and correct regarding the _____ Project.

The invoice is a true, complete and correct statement of work performed, reimbursable costs and progress;

The backup information included with the invoice is true, complete and correct in all material respects.

Signed

Date _____

* This is a template. Metrolink may develop its own form as long as all the relevant information is present.



EXHIBIT 5: FTA 5307 QUARTERLY PROJECT REPORT FORM

Date _____

Time Period for Report: _____

Agreement Number: _____

Instructions

The responsible agency should fill out the following: 1) Final Project Form, 2) Final Cost, 3) Certificate of Completion. Page 4, the photographs of the project site and the address or location of the site under the location and scope of work section.

Agency

Project

Location and Scope of Work

Verification of Match
(Actual Expenditures)

Phase	Local Match			FTA 5307 Grant	Other OCTA Funding	Total	Match Rate
	(ENTER SOURCE)	(ENTER SOURCE)	(ENTER SOURCE)				
Engineering	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Right-of-Way	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0%

Project Schedule

Phase	Proposed	Actual
Draft Environmental Document		
Final Environmental Document		
Begin Design Engineering		
Plans, Specifications, and Cost Estimates complete		
Start Right-of-Way Acquisition		
Right-of-Way Certification		
Ready to Advertise		
Award Construction		
Project Completion (open for use)		

 Req. By: REEM HASHEM
 Run on: 07/05/11 at: 08:23:09
 OCTA PROD
 ***** PURCHASE REQUISITION REPRINT *****

Page: 2
 Report: MSR23CA
 Version: 5.2.37.AA9

Req. No Requested By: 0000002811 Priority: Date Entered Required Date Material Group W/H Reg. By Date Value
 009196 MARIA GONZALEZ 06/23/10 07/01/10 0000004059 06/30/10 4147427.00

Delivery Instruction:
 Suggested Supplier:

Purchasing Question Purchasing Answer
 Budget Year FY 10/11
 Encumbered No
 Grant Funded Yes
 Budget Xfer (FF&A USE ONLY)

Purchasing Instructions:
 Funding Source: FTA 5307 Formula Grant
 Federal Funding #: CA-90-Y782
 Participation: 80%
 Incl'd appropriate Federal Lang on procurement Docs
 Revenue Account: 0093-6042-D4815-LNW

-----Default Costing Details-----
 Equipment Reference Project/Work Order Account Code %
 0093D4815T8H7831 100.00

Item	Quantity	UOM	Est. Price	Description/Mnemonic and Part Number	Order No.	Supplier	Time	Frt	Dlv	Act. Price
1	1.00	EA	4147427.00	PM Adriann Cardoso and M. Litschi FY-11						
				Funding COOP agreemnt with Metrolink to						0.00
				provide \$4,147,427 for the FTC						
				project pending Board. 4 yr term.						
				approval on July 18, 2010. Funding is						
				being provided through FTA, section 5307						
				funds. Term of agreement two (2) years.						

Status: Not Ordered



Item #10

September 9, 2016

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: PETER DE HAAN, PROGRAMMING DIRECTOR

SUBJECT: CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROGRAM TRANSIT PROJECTS SELECTION

RECOMMENDATION:

- Approve \$1,500,000 of CMAQ funds to purchase a new countywide automatic vehicle locator system; and \$500,000 for the Fiscal Year 2017/18 countywide transit marketing program.

BACKGROUND:

VCTC receives an apportionment equal to about \$7 million per year of federal CMAQ funds. These funds can be used for many types of projects that improve air quality, including clean fuels bus fleets and support equipment; improved public transit; bicycle/pedestrian improvements; and traffic flow improvements. The federal transportation authorization law, Fixing America's Surface Transportation (FAST) has authorized funds from Fiscal Years 2015/16 to 2019/20, and shortly after the passage of FAST, VCTC programmed the first year's worth of funds by approving the "Shelf List" that had been developed from the previous CMAQ call for projects.

Under the policy that was first established at the completion of the Comprehensive Transportation Plan, the Commission's policy is to program the transit projects separately from the other, primarily bicycle/pedestrian, projects, with half of the funds being set aside for transit under separate prioritization criteria. With regard to the transit projects, staff recommends that the Commission not move forward at this time with a call for projects. Based on discussions at TRANSCOM, the general priority at this time for CMAQ funds is to use the funds for bus replacement and expansion projects as well as for electronic transit equipment improvements addressing fare equipment and other items. However, there is some uncertainty with regard to the direction to take given recent developments in transit technology, and there is also the potential for significant bus purchase funds to become available from discretionary state and federal programs. The developments in these areas over the next year could significantly change the transit operators' priorities for these projects.

For these reasons, staff recommends that at this time the Commission only approve funding for two projects which have countywide benefits and are time-critical. First, VCTC plans to continue providing CMAQ funds for the ongoing countywide transit marketing program, so staff recommends the Commission at this time program \$500,000 to continue this program during FY 2017/18. Second, VCTC's current contract with Nextbus for the countywide bus vehicle locator system will expire in October, 2017, and staff has determined that there is now sufficient competition in this industry to warrant a competitive procurement for a new GPS-based locator system for the county's buses. To allow staff to

September 9, 2016
Item #10
Page #2

move forward with this project in time to implement a potentially new system by October, 2017, staff recommends that the Commission program \$1,500,000 in CMAQ funds. The recommendation to fund these two projects has been submitted to TRANSCOM for approval at its September 8th meeting.

With regard to the CMAQ funding for bicycle and pedestrian projects, staff will be preparing in consultation with TTAC and CTAC a consolidated call for projects to move forward in the next few months utilizing the half of the CMAQ apportionment not set aside for transit, along with VCTC's TDA Article 3 program.



Item #11

September 9, 2016

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: PETER DE HAAN, PROGRAMMING DIRECTOR
SUBJECT: STATE ADVOCACY SERVICES CONTRACT

RECOMMENDATION:

- Approve the attached two-year contract extension with Gonzalez, Quintana, Hunter & Cruz, LLC for State Advocacy Services, for a cost of \$4,500 per month plus expenses.

BACKGROUND:

In December, 2012, based on a competitive solicitation process, the Commission awarded a contract to Gonzalez, Quintana & Hunter for State Advocacy Services. The contract also provided for a base fee of \$4,000 per month plus expenses for the first two years, increasing to \$4,500 per month for the second two years. Under the contract the principal staff person for VCTC is Delaney Hunter.

DISCUSSION:

VCTC's lobbyist has worked effectively over the past 4-year contract, with particularly notable accomplishments being the passage during 2013 of SB 203, the bill sponsored by VCTC to modify and broaden the TDA eligibility within Ventura County, and of AB 664, the bill sponsored by Gold Coast Transit to establish a transit district in western Ventura County. Since 2013 there have not been any Ventura County specific transportation bills but Ms. Hunter and her firm have effectively worked in tandem with other transportation agencies on several significant issues, including: the establishment of new transportation programs funded from the state's cap-and-trade auctions (providing funds for the new Oxnard/Camarillo bus service); support for AB 2170 (Frazier) to require distribution of new federal freight formula funds through the state's Trade Corridor Infrastructure Fund (TCIF) program; and support for AB 2090 (Alejo) and SB 824 (Beall) to increase flexibility for use of cap-and-trade funds. Staff has continued to find Ms. Hunter and her firm to be very effective and responsive, providing excellent support to the advocacy efforts of the staff including the preparation of bill analyses for the Commission's agenda.

Due to staff's current significant efforts to disseminate Measure AA educational information prior to the November election, it would be difficult to provide the required staff time to conduct a state advocacy contract competitive procurement. For this reason and given the incumbent contractor's excellent work, staff recommends extending the existing contract from December 2017 to December 2019, to coincide with the legislative session. Ms. Hunter's firm has agreed to continue working under contract to VCTC for \$4,500 per month, the same rate as the past two years.

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**AMENDMENT NO. 2 TO
AGREEMENT BETWEEN VENTURA COUNTY TRANSPORTATION COMMISSION
AND GONZALEZ, QUINTANA, HUNTER & CRUZ, LLC FOR PROFESSIONAL SERVICES**

THIS AMENDMENT NO. 2 to the Agreement dated _____, 2016, is entered into between Ventura County Transportation Commission (hereinafter referred to as VCTC) and Gonzalez, Quintana & Hunter & Cruz, LLC (previously Gonzalez, Quintana & Hunter, LLC; hereinafter referred to as CONSULTANT) to extend the contract term by two years.

WHEREAS, it is the intention of VCTC to extend by two years the term for the State Advocacy Services with the CONSULTANT, beginning January 1, 2017 and ending December 31, 2018, with no change in the contract price;

NOW, THEREFORE, the parties hereto agree as follows:

5. **Statement of Agreement:** VCTC hereby agrees to retain CONSULTANT and CONSULTANT hereby agrees to perform the work described in connection with the original Agreement, which commenced December 10, 2012, and was amended on December 7, 2014, on the same terms and conditions. The CONSULTANT hereby warrants that it has the qualifications, experience and facilities to properly perform said services and hereby agrees to undertake and complete the performance thereof as an independent CONSULTANT.
6. **Duration of Agreement:** The term of the original Agreement shall be extended to by two years through December 31, 2018.
7. **Compensation:** As provided in the Section 4 of the Agreement, for each calendar month of work performed by CONSULTANT, VCTC shall pay CONSULTANT \$4,500. In addition to the monthly fee VCTC shall reimburse CONSULTANT for extraordinary expenses incurred upon prior VCTC staff approval, including special printing of brochures or other similar goods, and travel to meetings out of the greater Sacramento region.
8. **Notices:** The notice section of the Agreement is hereby amended to provide that CONSULTANT shall send a copy of notice issued by consultant to:

Steve Mattas, General Counsel
Meyers Nave
575 Market Street, Suite 2080
San Francisco, CA 94105
9. **Amendment:** Except as hereby extended, the Agreement as originally approved remains in full force and effect.

10. **Signatures:** IN WITNESS WHEREOF, the parties hereto have caused this amended Agreement to be executed by their duly authorized representatives. Each party represents to the other party that this amended Agreement has been executed by a duly authorized agent of the party so representing.

Dated: _____

VENTURA COUNTY
TRANSPORTATION COMMISSION

By _____
Keith Millhouse, Chairperson

Dated: _____

CONSULTANT: GONZALEZ, QUINTANA,
HUNTER & CRUZ LLC

By _____
Delaney Hunter, Managing Partner

ATTEST:

Donna Cole,
Clerk of the Ventura County Transportation Commission

APPROVED AS TO FORM:

Steven T. Mattas, General Counsel
Ventura County Transportation Commission



Item #12

September 9, 2016

MEMO TO: SERVICE AUTHORITY FOR FREEWAY EMERGENCIES (SAFE)
FROM: RICHARD HOLZER, PLANNING ANALYST
SUBJECT: SAFE CALL BOX PERMANENT REMOVAL APPROVAL

RECOMMENDATION:

- Approve the permanent removal of 141 call boxes.

Background:

The Service Authority for Freeway Emergencies (SAFE) manages the County's 560 highway call boxes and is funded through the imposition of a one dollar fee on vehicles registered in Ventura County. VCTC utilizes two contractors in managing the call box system: CASE Systems Inc. to provide installation, removals, and repairs of call boxes and T-Cubed to monitor system usage and recover costs of knocked down call boxes.

As a result of the proliferation of personal cellular phones, call box usage has declined from a high of 17,000 calls per year in 2000 to the annual average of 3000 calls per year starting in 2010, resulting in many call boxes going unused over long periods of time. In addition to the decline in call box usage, AT&T, the call box cellular carrier, announced in 2013 that they will discontinue providing 2G service at the end of December 2016.

In response to these issues and the requirement to ensure call boxes are compliant with the Americans with Disabilities Act (ADA), staff working with the SAFE consultants prepared a call box modernization plan to address all of these issues (See Attachment A).

Discussion:

In June of 2015, the Commission authorized the upgrade of 420 call boxes – 75 percent of the system – to 3G service. The upgrades have been completed and were based on the siting study included in the Modernization Plan. It was envisioned at the time of the upgrade that the remaining 25 percent of the call boxes would be removed, similar to the SAFEs in Los Angeles, San Diego, Riverside, and Orange County. Removals are based on the siting study which identified call boxes with little or no use or posed the least impact to motorists. Due to proposed changes in SAFE legislation the removals were postponed until the process was clarified. Call box removals must be coordinated with both Caltrans and California Highway Patrol; staff has discussed the removals with both agencies and has prepared the formal notification required.

Staff is requesting that the Commission authorize the removal of 141 call boxes or 25 percent of the system at a total cost of \$79,600 utilizing CASE Systems Inc. as specified in the current agreement. This amount was anticipated and the cost to remove the call boxes is fully funded under the adopted Fiscal Year 2016/2017 Budget. The reduction will result in substantial savings in both AT&T cellular service and CASE call box management, with a total cost savings of over \$380,000 over the next five years. These savings can be used to complete the ADA upgrades which will be brought back to the Commission at a later date. In the long run, savings from the call box reduction can be used for a variety of other motorist aid activities, such as freeway service patrol, information services, or other services to inform motorists. Staff will present future uses for the money from cost savings to the Commission at a later date.