



VENTURA COUNTY TRANSPORTATION COMMISSION

LOCAL TRANSPORTATION AUTHORITY

AIRPORT LAND USE COMMISSION

SERVICE AUTHORITY FOR FREEWAY EMERGENCIES

CONSOLIDATED TRANSPORTATION SERVICE AGENCY

CONGESTION MANAGEMENT AGENCY

www.goventura.org

AGENDA* (revised 03/01/2017)

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

CAMARILLO CITY HALL

601 CARMEN DRIVE

CAMARILLO, CA

FRIDAY, MARCH 3, 2017

9:00 AM

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

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

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

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

8A. APPROVE SUMMARY FROM FEBRUARY 3, 2017 VCTC MEETING – PG.5

Recommended Action:

Receive and File

Responsible Staff: Donna Cole

8B. MONTHLY BUDGET REPORT – PG. 11

Recommended Action:

Receive and File

Responsible Staff: Sally DeGeorge

8C. PASSENGER RAIL UPDATE – PG. 19

Recommended Action:

Receive and File

Responsible Staff: Ellen Talbo

8D AUTOMATIC VEHICLE LOCATOR - PASSENGER INFORMATION SYSTEMS - PG.23

Recommended Action:

Approve the release of a Request for Proposals (RFP) for Automatic Vehicle Locator (AVL) and Passenger Information System.

Responsible Staff: Aaron Bonfilio

8E. VENTURA TRANSIT CENTER IMPROVEMENTS GRANTS - PG.25

Recommended Action:

- *Reprogram \$331,580 in Congestion Mitigation and Air Quality (CMAQ) funds from the Ventura Transit Center Improvement Project, with \$179,000 to go to Countywide Transit Marketing and \$152,580 to go to Bus Ticket Vending Machines.*
 - *Amend Fiscal Year 2016/17 Transit Marketing Consultant budget to replace \$23,191 of CMAQ funds with \$23,191 of Local Transportation Funds (LTF) to come from the LTF fund balance within the General Fund.*

Responsible Staff: Peter De Haan

8F. SECTION 13(c) LABOR AGREEMENT - PG.27

Recommended Action:

Approve the attached agreement with the Service Employees International Union (SEIU), Local 721, as required for VCTC's Fiscal Year 2016/17 federal transit grant applications with the Federal Transit Administration.

Responsible Staff: Peter De Haan

8G. DANIEL CARTER APPLICATION FOR LEAVE TO PRESENT LATE CLAIM- PG.43

Recommended Action:

- Grant an application for leave to present a late claim submitted on behalf of Daniel Benjamin Carter
- Deny the underlying claim.

Responsible Staff: Steve Mattas

8H. REGIONAL GOVERNMENT SERVICES AUTHORITY BUDGET AMENDMENT- PG.45

Recommended Action:

Amend the VCTC Fiscal Year 2016/2017 budget by increasing the Professional and Human Resources task by \$15,000 from the General Fund LTF fund balance.

Responsible Staff: Darren Kettle

9. FY 2016/17 LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP) ALLOCATION- PG.47

Recommended Action:

Adopt Resolution 2017-02 in Attachment A to:

1. *Program Ventura County Transportation Commission's (VCTC) FY 2016/17 Low Carbon Transit Operations Program (LCTOP) apportionment as follows:*
 - o \$52,303 for the East/West County Connector Bus Service Project,
 - o \$325,442 for the Oxnard/Camarillo Employment Connector Service Project and
 - o \$28,828 for the Southern California Regional Rail Authority (SCRRA) Metrolink Locomotive Procurement project, and
2. *Authorize the Executive Director to execute all required documents to receive VCTC's FY 2016/17 Low Carbon Transit Operations Program funds.*

Responsible Staff: Judith Johnduff

10. LEGISLATIVE UPDATE AND POSITIONS ON BILLS- PG.57

Recommended Action:

Adopt "Support" position on AB 278 (Steinorth).

Responsible Staff: Peter De Haan

11. CAPITAL PROJECTS MANAGEMENT - PG.73

Recommended Action:

Approve Cooperative Agreement with County of Ventura Public Works Agency Transportation Department to provide Project Management professional services to serve as VCTC Project Manager/representative for the United States Highway 101 and State Route 118 project development phases (preliminary engineering and environmental document development).

Responsible Staff: Darren Kettle, Steve DeGeorge

12. REVIEW DRAFT FINAL COORDINATED HUMAN SERVICES TRANSPORTATION PLAN- PG.77

Recommended Action:

Receive Presentation

Responsible Staff: Martin Erickson, Ellen Talbo

13R. **BICYCLE WAY FINDING PLAN**- PG.79

Recommended Action:

Receive presentation and approve Bicycle Wayfinding Plan.

Responsible Staff: Steve DeGeorge

14. VCTC GENERAL COUNSEL'S REPORT

15. AGENCY REPORTS

16. CLOSED SESSION

1. Public Employee Performance Evaluation
(Pursuant to Government Code Section 54957)
Title: Executive Director and General Counsel
2. Conference with Labor Negotiator
(Pursuant to Government Code Section 54759.6)
Agency Designated Representative: Darren Kettle
Unrepresented Employees: All positions other than Executive Director
3. Conference with Legal Counsel – Existing Litigation
(Pursuant to Government Code Section 54956.9(d)(1))
Fillmore & Western v. VCTC, Case No. 56-2016-00482491
VCTC v. Fillmore & Western, Case No. 56-2014-00449769
4. Closed Session: Conference with Legal Counsel – Anticipated Litigation
(Pursuant to Government Code Section 54956.9(d)(2))
Significant Exposure to Litigation: One Case

17. ADJOURN to 9:00 a.m. Friday, April 7, 2017



Item #8A

Meeting Summary

VENTURA COUNTY TRANSPORTATION COMMISSION

LOCAL TRANSPORTATION AGENCY

AIRPORT LAND USE COMMISSION

SERVICE AUTHORITY FOR FREEWAY EMERGENCIES

CONSOLIDATED TRANSPORTATION SERVICE AGENCY

CONGESTION MANAGEMENT AGENCY

CAMARILLO CITY HALL

601 CARMEN DRIVE

CAMARILLO, CA

FRIDAY, FEBRUARY 3, 2017

9:00 AM

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

ABSENT: Will Berg, City of Port Hueneme

CALL TO ORDER

PLEDGE OF ALLEGIANCE

March 3, 2017
Item #8A
Page #2

ROLL CALL

SELECTION OF VICE CHAIR

Chair MacDonald nominated Commissioner Parks as Vice Chair. Commissioner Parks accepted the nomination and the vote was unanimous.

COMMITTEE APPOINTMENTS

Commissioner Humphrey made the motion to appoint:

Commissioner Judge to SCAG
Commissioner Berg to CalCOG
Commissioner Gherardi as SCRRRA Alternate
Commissioner White as LOSSAN Alternate

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

Yes: Commissioners McDonald, Parks, Foy, Gherardi, Zaragoza, Judge, Long, Humphrey, Simons, Minjares, Andrews, White, Haney, MacDonald
No: None
Absent: Commissioners Berg, Bill-de la Peña and Bennett

PUBLIC COMMENTS

Tim Gallagher, The Ventura County Citizens for Traffic Relief was organized to support Measure AA and raised over \$500,000 for that effort with a lot of local support. The measure lost but was not defeated. The Committee remains intact and intends to build a coalition to get the additional percentage necessary to pass.

Daniel Chavez, Oxnard Resident, Ventura needs a bus system that connects fluidly. Service modifications to decrease the distance between stops and better synchronization of transfer times is very important, as well as clear signage with route number and destination. Riders need to understand where the bus is going.

CALTRANS REPORT

Carrie Bowen reported on efforts to clean up from recent storm damage. Plows are working to stabilize slopes and haul rocks away from the rock slides on SR 33. For the time being, the burn area on 101 at Solimar is holding and stable.

Commissioner Humphrey requested a future discussion regarding Flying Wedge Pavement marking for bike paths.

COMMISSIONER REPORTS

Commissioner Simons reported on the economic forecast meeting. The next few years look pretty good and we may avoid the recession that is predicted in 2 more years. Minimal job growth is projected in Ventura County, as the highest growth rate will be in jobs in Science, Technology, Engineering and Math (STEM).

EXECUTIVE DIRECTOR REPORT

The VCTC May 5 meeting has been pushed to May 12 so that those who wish to attend the SCAG Regional Council may do so.

Darren Kettle announced recent staff changes, Heather Miller has been hired as our new transit analyst and Richard Holzer is leaving to take a position in Minnesota.

ADDITIONS/REVISIONS - Item #12 will be removed from today's agenda as recent developments have caused a change in the recommended action. This item will be brought back at a future meeting.

- 8. CONSENT CALENDAR** - Commissioner Gherardi made a motion to approve all items as recommended on the Consent Calendar. The motion was seconded by Commissioner Zaragoza and passed by the following roll call vote:

Yes: Commissioners McDonald, Parks, Bill-de la Peña, Foy, Gherardi, Zaragoza, Judge, Long, Humphrey, Simons, Minjares, Bennett, Andrews, White, Haney and MacDonald

No: None

Abstain: None

Absent: Commissioner Berg

- 8A. APPROVE SUMMARY FROM JANUARY 6, 2017 VCTC MEETING** – Receive and File

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

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

Commissioner Parks would like to have historical data of ridership over the years included with this report.

- 8D. CASH MANAGEMENT FOR DELAYED FTA GRANTS** - Authorize the Executive Director to continue to utilize State Transit Assistance (STA) fund balance for cash-flow purposes for the General Fund, VCTC Intercity Fund and Valley Express Fund expenditures until the Federal Transit Administration (FTA) grants are approved.

Commissioner Gherardi said she understands the need for requesting additional cash from STA, but expressed concern that, even though the money will eventually be paid back, we must never pay out what we need to keep transit operating.

- 8E. REQUEST FOR PROPOSALS FOR MARKETING SERVICES FOR VALLEY EXPRESS TRANSIT SERVICE**- Authorize Release of Request for Proposals (RFP) for Valley Express Marketing and Outreach Service.

- 8F. VCTC OFFICE SPACE LEASE EXTENSION**- Authorize the Executive Director to execute a 12 month lease extension with Lincoln's Inn, Marina Self Storage Inc. for a term of February 1, 2017 through December 31, 2017 at a lease rate of \$12,100.00 per month (\$1.79/square foot).

- 9. TRANSIT NEEDS PUBLIC HEARING**-

Public Comment:

Maria Vega, uses public transit in Camarillo. The service is good 90% of the time, but if she needs to go to Oxnard a transfer is necessary. This is not easy in inclement weather. If she needs to go to Thousand Oaks same day service is not available. Two days advance notice is required.

Linda Boicourt, Pt. Hueneme, has been riding to Santa Barbara for 2 years to get to the Braille Institute. Service is disjointed coming from Port Hueneme. She takes 2 buses to get to Ventura to transfer to the Coastal Express. It is a ten hours round trip for 4 hours of instruction. She suggested that a comprehensive look be taken at using the system. It is difficult and almost impossible to get to a doctor appointment in Camarillo from Port Hueneme. The current system can be devastating to the visually impaired. Schedules are disjointed and unusable and a consolidated schedule would be preferred. When more than one bus is at a stop she does not know which bus is hers. She requested that drivers announce their route.

Rose Yanez, Camarillo, is visually impaired and has used public transportation since 1996 for school and work. Her main concern is the Dial a Ride transfer point at Del Norte. Sometimes the wait is an hour in an area that isolated and passengers feel very vulnerable. Is there a way to avoid that transfer point?

The public hearing was closed and the following comments were made by Commissioners:

Commissioner Gherardi was concerned about outreach for public input to those who cannot use the internet or travel to this meeting. She requested that special hearings be held in the cities of Santa Paula and Fillmore to give those residents a chance to attend.

Commissioner Bennett would like to see an ombudsman to help those people.

Commissioner Foy encouraged the possibility of exploring the use of Uber or Lyft.

**10. TRANSPORTATION DEVELOPMENT ACT (TDA), LOCAL TRANSPORTATION FUND (LTF),
DRAFT APPORTIONMENT FOR FISCAL YEAR 2017/2018 -**

Commissioner Gherardi made a motion to approve the Local Transportation Fund Draft Apportionment for Fiscal Year 2017/2018 apportioning \$34.1 million as shown in Attachment 1. The motion was seconded by Commissioner Foy and passed by a unanimous roll call vote.

**11. VCTC OFFICE BUILDING UPDATE AND AMENDMENT NO. 1 TO PROPERTY PURCHASE AND
DEVELOPMENT AGREEMENT-**

Commissioner Foy made a motion to:

- *Approve Amendment No. 1 to the Property Purchase and Development Agreement between VCTC and the City of Camarillo*
- *Authorize the Executive Director to execute Amendment No. 1*
- *Ratify one-year extension request to obtain building permit*

The motion was seconded by Commissioner Judge and passed by a unanimous roll call vote.

**12. VCTC INTERCITY COASTAL EXPRESS UPDATE AND FUTURE SERVICE CHANGES -
Removed From Agenda**

13. 2017-2018 LEGISLATIVE PROGRAM & POSITIONS ON BILLS -

Commissioner Bennett made a motion to

- *Adopt 2017-2018 Legislative Program (Attachment A).*
- *Adopt Principles for State Transportation Revenue Legislation (Attachment B).*
- *Adopt "Support" position on AB 17 (Holden).*
- *Adopt "Watch" position on AB 1 (Frazier) and SB 1 (Beall).*

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

*Yes: Commissioners McDonald, Parks, Bill-de la Peña, Gherardi, Zaragoza, Judge,
Long, Humphrey, Simons, Minjares, Bennett, Andrews, White, Haney and MacDonald*

No: Commissioner Foy

Abstain: None

Absent: Commissioner Berg

14. VCTC GENERAL COUNSEL'S REPORT

March 3, 2017
Item #8A
Page #5

15. AGENCY REPORTS

Commissioner Parks reported that the SCAG housing assessment will be finalized this summer. She also requested that VCTC take action on proposed Wildlife Corridor Zoning, aimed at reducing collisions with cars on SR 118.

16. CLOSED SESSION

17. ADJOURN to 9:00 a.m. Friday, March 3, 2017

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Item #8B

March 3, 2017

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: SALLY DEGEORGE, FINANCE DIRECTOR

SUBJECT: MONTHLY BUDGET REPORT

RECOMMENDATION:

- Receive and file the monthly budget report for January 2017

DISCUSSION:

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

The January 31, 2017 budget reports indicate that revenues were approximately 41.32% of the adopted budget while expenditures were approximately 41.56% of the adopted budget. The revenues and expenditures are as expected. Although the percentage of the budget year completed is shown, be advised that neither the revenues nor the expenditures occur on a percentage or monthly basis. Furthermore, revenues are often billed and reimbursed in arrears.

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

March 3, 2017
Item #8B
Page #2

VCTC funds a large portion of its transit activities with Federal Transit Administration (FTA) funds. The grant approval process is long; therefore, VCTC requests (or preprograms) the FTA funds a year before expected use, so that funds will be available when expenditures are made. The grants intended to fund this fiscal year's activities have been delayed due to a number of issues. Due to these unexpected grant delays, the Commission approved a temporary cash-flow loan from the State Transit Assistance (STA) fund to the General Fund, VCTC Intercity Service fund and the Valley Express fund not to exceed \$4,391,000. Through January 2017, the cash-flow STA loan totals \$3,254,434. This amount is reflected as a reserved fund balance on the balance sheet.

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

**VENTURA COUNTY TRANSPORTATION COMMISSION
BALANCE SHEET
AS OF JANUARY 31, 2017**

ASSETS

Assets:

| | |
|---|--------------|
| Cash and Investments - Wells Fargo Bank | \$ 8,172,104 |
| Cash and Investments - County Treasury | 15,100,903 |
| Petty Cash | 130 |
| Receivables/Due from other funds | 7,271,088 |
| Prepaid Expenditures | 150,037 |
| Deposits | 15,836 |
| Capital Assets, undepreciated | 26,153,437 |
| Capital Assets, depreciated, net | 32,991,740 |

Total Assets: **\$89,855,275**

LIABILITIES AND FUND BALANCE

Liabilities:

| | |
|-------------------------------------|--------------|
| Accrued Expenses/Due to other funds | \$ 5,239,610 |
| Deferred Revenue | 2,403,077 |
| Deposits | 400 |

Total Liabilities: **\$ 7,643,087**

Net Position:

| | |
|--|--------------|
| Invested in Capital Assets | \$59,145,177 |
| Fund Balance Reserved for STA/FTA Loan | 3,254,434 |
| Fund Balance | 19,812,577 |

Total Net Position **\$82,212,188**

Total Liabilities and Fund Balance: **\$89,855,275**

For Management Reporting Purposes Only

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

| | General Fund Actual | LTF Actual | STA Actual | SAFE Actual | VCTC Intercity Actual | Valley Express Actual | Fund Totals Over (Under) | Annual to Date | Variance Actual | % Year Actual |
|---|------------------------|-------------------|----------------|----------------|--------------------------|--------------------------|-----------------------------|-------------------|---------------------|------------------|
| Revenues | | | | | | | | | | |
| Federal Revenues | \$ 2,443,465 | \$ 0 | \$ 0 | \$ 0 | \$ 3,438,843 | \$ 360,870 | \$ 6,243,178 | \$14,922,448 | (8,679,270) | 41.84 |
| State Revenues | 223,610 | 14,246,700 | 685,608 | 328,089 | 89,906 | 0 | 15,573,913 | 41,205,958 | (25,632,045) | 37.80 |
| Local Revenues | 352,564 | 0 | 0 | 627 | 1,659,826 | 1,119,721 | 3,132,738 | 4,311,459 | (1,178,721) | 72.66 |
| Other Revenues | 235 | 0 | 0 | 0 | 0 | 0 | 235 | 0 | 235 | 0.00 |
| Interest | 180 | 13,963 | 32,195 | 13,997 | 59 | 24 | 60,418 | 95,000 | (34,582) | 63.60 |
| Total Revenues | 3,020,054 | 14,260,663 | 717,803 | 342,713 | 5,188,634 | 1,480,615 | 25,010,482 | 60,534,865 | (35,524,383) | 41.32 |
| Expenditures | | | | | | | | | | |
| Administration | | | | | | | | | | |
| Personnel Expenditures | 1,337,957 | 0 | 0 | 0 | 95,577 | 32,704 | 1,466,238 | 2,975,000 | (1,508,762) | 49.29 |
| Legal Services | 6,272 | 0 | 0 | 0 | 0 | 0 | 6,272 | 24,000 | (17,728) | 26.13 |
| Professional Services | 66,477 | 0 | 0 | 0 | 0 | 0 | 66,477 | 106,500 | (40,023) | 62.42 |
| Office Leases | 89,836 | 0 | 0 | 0 | 0 | 0 | 89,836 | 155,300 | (65,464) | 57.85 |
| Office Expenditures | 204,222 | 0 | 0 | 0 | 52,348 | 17,912 | 274,482 | 436,700 | (162,218) | 62.85 |
| Total Administration | 1,704,764 | 0 | 0 | 0 | 147,925 | 50,616 | 1,903,305 | 3,697,500 | (1,794,195) | 51.48 |
| Programs and Projects | | | | | | | | | | |
| Transit & Transportation Program | | | | | | | | | | |
| Senior-Disabled Transportation | 122,615 | 0 | 0 | 0 | 0 | 0 | 122,615 | 257,600 | (134,985) | 47.60 |
| Fare Collection APC Systems | 16,344 | 0 | 0 | 0 | 0 | 0 | 16,344 | 348,800 | (332,456) | 4.69 |
| VCTC Intercity Bus Service | 0 | 0 | 0 | 0 | 5,748,186 | 0 | 5,748,186 | 9,877,942 | (4,129,756) | 58.19 |
| HVT Bus Contract Services | 0 | 0 | 0 | 0 | 0 | 854,674 | 854,674 | 1,969,700 | (1,115,026) | 43.39 |
| Nextbus | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 266,675 | (266,675) | 0.00 |
| Transit Grant Administration | 1,423,229 | 0 | 0 | 0 | 0 | 0 | 1,423,229 | 6,499,300 | (5,076,071) | 21.90 |
| Total Transit & Transportation | 1,562,188 | 0 | 0 | 0 | 5,748,186 | 854,674 | 8,165,048 | 19,220,017 | (11,054,969) | 42.48 |
| Highway Program | | | | | | | | | | |
| Motorist Aid Call Box System | 0 | 0 | 0 | 161,168 | 0 | 0 | 161,168 | 724,000 | (562,832) | 22.26 |
| Highway Project Management | 29 | 0 | 0 | 0 | 0 | 0 | 29 | 502,500 | (502,471) | 0.01 |
| SpeedInfo Highway Speed Sensor | 0 | 0 | 0 | 40,800 | 0 | 0 | 40,800 | 144,000 | (103,200) | 28.33 |
| Total Highway | 29 | 0 | 0 | 201,968 | 0 | 0 | 201,997 | 1,370,500 | (1,168,503) | 14.74 |

| | General Fund Actual | LTF Actual | STA Actual | SAFE Actual | VCTC Intercity Actual | Valley Express Actual | Fund Totals Over (Under) | Annual to Date | Variance Actual | % Year Actual |
|---|------------------------|-------------------|---------------|----------------|--------------------------|--------------------------|-----------------------------|-------------------|---------------------|------------------|
| Rail Program | | | | | | | | | | |
| Metrolink & Commuter Rail | 2,233,501 | 0 | 0 | 0 | 0 | 0 | 2,233,501 | 4,582,170 | (2,348,669) | 48.74 |
| LOSSAN & Coastal Rail | 1,594 | 0 | 0 | 0 | 0 | 0 | 1,594 | 6,100 | (4,506) | 26.13 |
| Santa Paula Branch Line | 152,181 | 0 | 0 | 0 | 0 | 0 | 152,181 | 700,500 | (548,319) | 21.72 |
| Total Rail | 2,387,276 | 0 | 0 | 0 | 0 | 0 | 2,387,276 | 5,288,770 | (2,901,494) | 45.14 |
| Commuter Assistance Program | | | | | | | | | | |
| Transit Information Center | 15,863 | 0 | 0 | 0 | 0 | 0 | 15,863 | 31,500 | (15,637) | 50.36 |
| Rideshare Programs | 24,984 | 0 | 0 | 0 | 0 | 0 | 24,984 | 67,600 | (42,616) | 36.96 |
| Total Commuter Assistance | 40,847 | 0 | 0 | 0 | 0 | 0 | 40,847 | 99,100 | (58,253) | 41.22 |
| Planning & Programming | | | | | | | | | | |
| Transportation Development Act | 115,760 | 13,721,967 | 0 | 0 | 0 | 0 | 13,837,727 | 30,453,618 | (16,615,891) | 45.44 |
| Transportation Improvement Program | 5,884 | 0 | 0 | 0 | 0 | 0 | 5,884 | 47,300 | (41,416) | 12.44 |
| Regional Transportation Planning | 130,529 | 0 | 0 | 0 | 0 | 0 | 130,529 | 684,300 | (553,771) | 19.07 |
| Airport Land Use Commission | 50 | 0 | 0 | 0 | 0 | 0 | 50 | 9,000 | (8,950) | 0.56 |
| Regional Transit Planning | 101,690 | 0 | 0 | 0 | 0 | 0 | 101,690 | 601,600 | (499,910) | 16.90 |
| Freight Movement | 49 | 0 | 0 | 0 | 0 | 0 | 49 | 11,800 | (11,751) | 0.42 |
| Total Planning & Programming | 353,962 | 13,721,967 | 0 | 0 | 0 | 0 | 14,075,929 | 31,807,618 | (17,731,689) | 44.25 |
| General Government | | | | | | | | | | |
| Community Outreach & Marketing | 368,819 | 0 | 0 | 0 | 0 | 0 | 368,819 | 536,900 | (168,081) | 68.69 |
| State & Federal Relations | 49,773 | 0 | 0 | 0 | 0 | 0 | 49,773 | 106,900 | (57,127) | 46.56 |
| Management & Administration | 15,867 | 0 | 0 | 0 | 0 | 0 | 15,867 | 81,000 | (65,133) | 19.59 |
| Office Building Purchase | 26,404 | 0 | 0 | 0 | 0 | 0 | 26,404 | 3,317,001 | (3,290,597) | 0.80 |
| Total General Government | 460,863 | 0 | 0 | 0 | 0 | 0 | 460,863 | 4,041,801 | (3,580,938) | 11.40 |
| Total Expenditures | 6,509,929 | 13,721,967 | 0 | 201,968 | 5,896,111 | 905,290 | 27,235,265 | 65,525,306 | (38,290,041) | 41.56 |

| | General Fund Actual | LTF Actual | STA Actual | SAFE Actual | VCTC Intercity Actual | Valley Express Actual | Fund Totals Over (Under) | Annual to Date | Variance Actual |
|--------------------------------------|------------------------|--------------------|--------------------|--------------------|--------------------------|--------------------------|-----------------------------|---------------------|---------------------|
| Revenues over (under) expenditures | (3,489,875) | 538,696 | 717,803 | 140,745 | (707,477) | 575,325 | (2,224,783) | (4,990,441) | 2,765,658 |
| Other Financing Sources | | | | | | | | | |
| Transfers Into GF from LTF | 4,307,713 | 0 | 0 | 0 | 0 | 0 | 4,307,713 | 4,307,713 | 0 |
| Transfers Into GF from STA | 118,129 | 0 | 0 | 0 | 1,500,000 | 0 | 1,618,129 | 6,918,230 | (5,300,101) |
| Transfers Into GF from SAFE | 13,155 | 0 | 0 | 0 | 0 | 0 | 13,155 | 15,000 | (1,845) |
| Transfers Out LTF into GF | 0 | (4,307,713) | 0 | 0 | 0 | 0 | (4,307,713) | (4,307,713) | 0 |
| Transfers Out of STA into GF | 0 | 0 | (1,618,129) | 0 | 0 | 0 | (1,618,129) | (6,918,230) | 5,300,101 |
| Transfers Out of SAFE into GF | 0 | 0 | 0 | (13,155) | 0 | 0 | (13,155) | (15,000) | 1,845 |
| Total Other Financing Sources | 4,438,997 | (4,307,713) | (1,618,129) | (13,155) | 1,500,000 | 0 | 0 | 0 | 0 |
| Net Change in Fund Balances | 949,122 | (3,769,017) | (900,326) | 127,590 | 792,523 | 575,325 | (2,224,783) | (4,990,441) | 2,765,658 |
| Beginning Fund Balance | 2,469,487 | 8,108,784 | 10,656,447 | 4,048,076 | 0 | 9,000 | 25,291,794 | 17,224,142 | 8,067,652 |
| Ending Fund Balance (see note below) | <u>\$3,418,609</u> | <u>\$4,339,767</u> | <u>\$9,756,121</u> | <u>\$4,175,666</u> | <u>\$792,523</u> | <u>\$584,325</u> | <u>\$23,067,011</u> | <u>\$12,233,701</u> | <u>\$10,833,310</u> |

Note: The STA ending fund balance of \$9,756,121 includes \$3,254,434 loaned to other funds until grant funding is received. The STA fund balance available for expenditures is \$6,501,687.

For Management Reporting Purposes Only

**VENTURA COUNTY TRANSPORTATION COMMISSION
INVESTMENT REPORT
AS OF JANUARY 31, 2017**

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

| Institution | Investment Type | Maturity Date | Interest to Date | Rate | Balance |
|------------------------|------------------------|----------------------|-------------------------|-------------|------------------------|
| Wells Fargo – Checking | Government Checking | N/A | \$ 323.46 | 0.01% | \$ 8,172,103.83 |
| County of Ventura | Treasury Pool | N/A | 60,132.42 | 0.78% | 15,076,803.38 |
| Total | | | \$60,455.88 | | \$23,248,907.21 |

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

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

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

For Management Reporting Purposes Only

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Item #8C

March 3, 2017

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: ELLEN TALBO, TRANSIT PLANNING MANAGER

SUBJECT: PASSENGER RAIL UPDATE

RECOMMENDATION:

- Receive and file.

BACKGROUND:

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

DISCUSSION:

Metrolink

During the month of January, ridership on the Ventura County portion of the VC Line averaged 1,646 total boardings per weekday (inbound and outbound) resulting in a month over month increase of 10% on the line. Systemwide ridership experienced a year over year increase of 8%. In general, morning trains #102 and #104 into Los Angeles Union Station, and evening trains #117 and #119 into East Ventura Station continue to attract the highest number of passengers on the VC Line.

Monthly ridership statistics for the month of January are provided in the attachment for reference. Metrolink on-time performance, which denotes trains arriving within five minutes of scheduled time, for the month of January was 93.7% reflecting little change from the previous monthly average. The Ventura County line experienced several delays related to signal and dispatch operations, which may have accounted for the decrease in ridership from the previous month, however on-time performance on the VC Line continues to perform above the systemwide average.

In February, the Metrolink Board adopted principles for the use of federal funds for preventative maintenance and new transportation services. The principles allow the member agencies, primarily VCTC and the Riverside County Transportation Commission (RCTC) to contribute their share of federal 5307 and 5337 program funds toward its member agency contribution for operations without needing to “swap” or exchange funds with other JPA members. A work group comprised of member agency and Metrolink staff will continue to work on the financial transaction mechanics of this new funding arrangement so that adequate cash flow is available at the beginning of the fiscal year. The Board will meet to preliminarily discuss the 17-18 budget as well as the state of capital rehabilitation in late February.

March 3, 2017
Item #8C
Page #2

LOSSAN

In January, LOSSAN staff met with staff from Amtrak, the California Department of Transportation, and Nomad Digital for an update on the progress of the On-Board Information System (OBIS) project. The state-funded OBIS project will provide automated audio and visual messages onboard Pacific Surfliner trains, including information on next stop, delays, food service, connecting transit, and safety/security-related messages. Amtrak staff visited Los Angeles to make final refinements to screen placement and other technical issues related to the OBIS project, which will include six digital screens on the upper level of each Pacific Surfliner car, and two screens on the lower level, as well as a larger digital menu screen in the Café car. The first OBIS equipped cars are anticipated to be tested on the Capitol Corridor and San Joaquin routes in August 2017 and LOSSAN will work with the State to determine installation on the Pacific Surfliner based on the success of the testing.

January 2017 Metrolink Ridership

AVERAGE WEEKDAY PASSENGER TRIPS (INBOUND and OUTBOUND)

January 2017 vs. December 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) |
|--------|---------------------------|------------------------|-----------------------|---|
| Jan-17 | 1,646 | 3,391 | 38,069 | 162 |
| Dec-16 | 1,490 | 3,060 | 34,996 | 141 |
| Change | 10.47% | 10.82% | 8.78% | 14.89% |

AVERAGE WEEKDAY PASSENGER TRIPS (INBOUND and OUTBOUND)

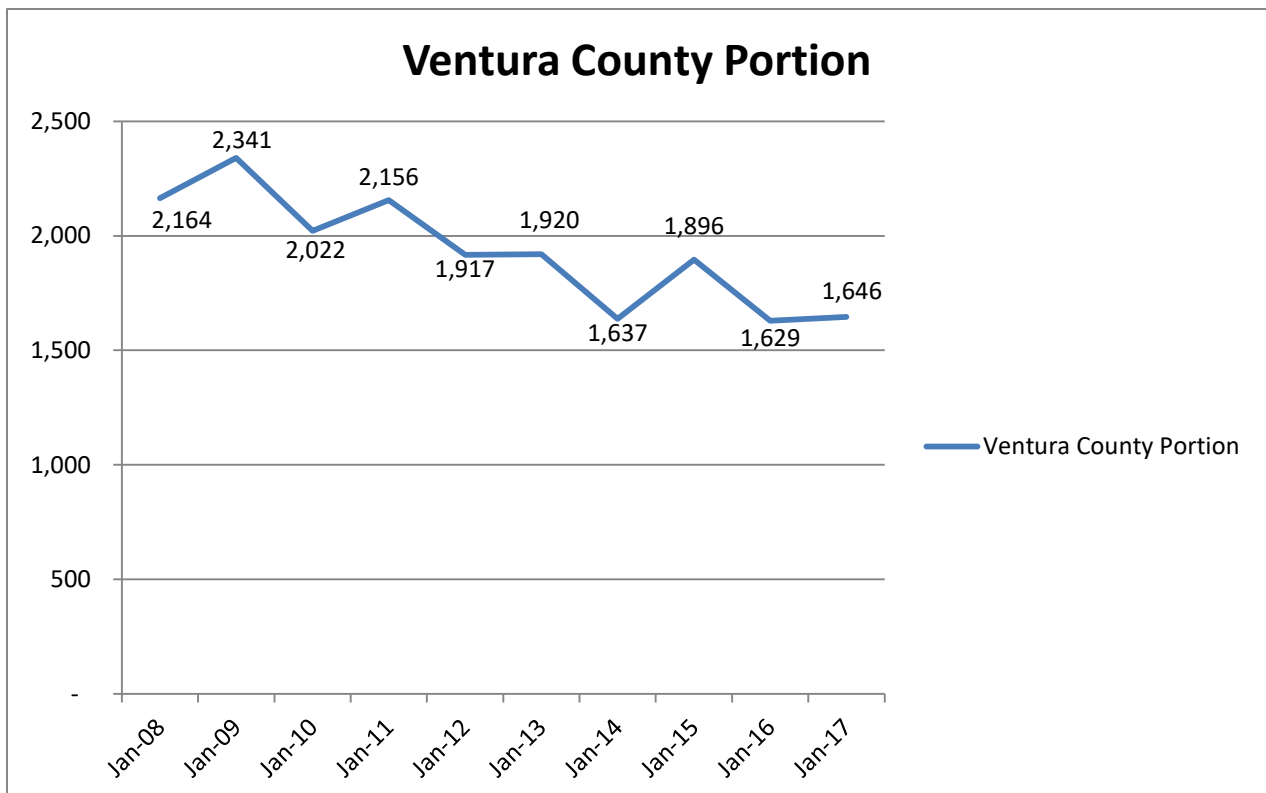
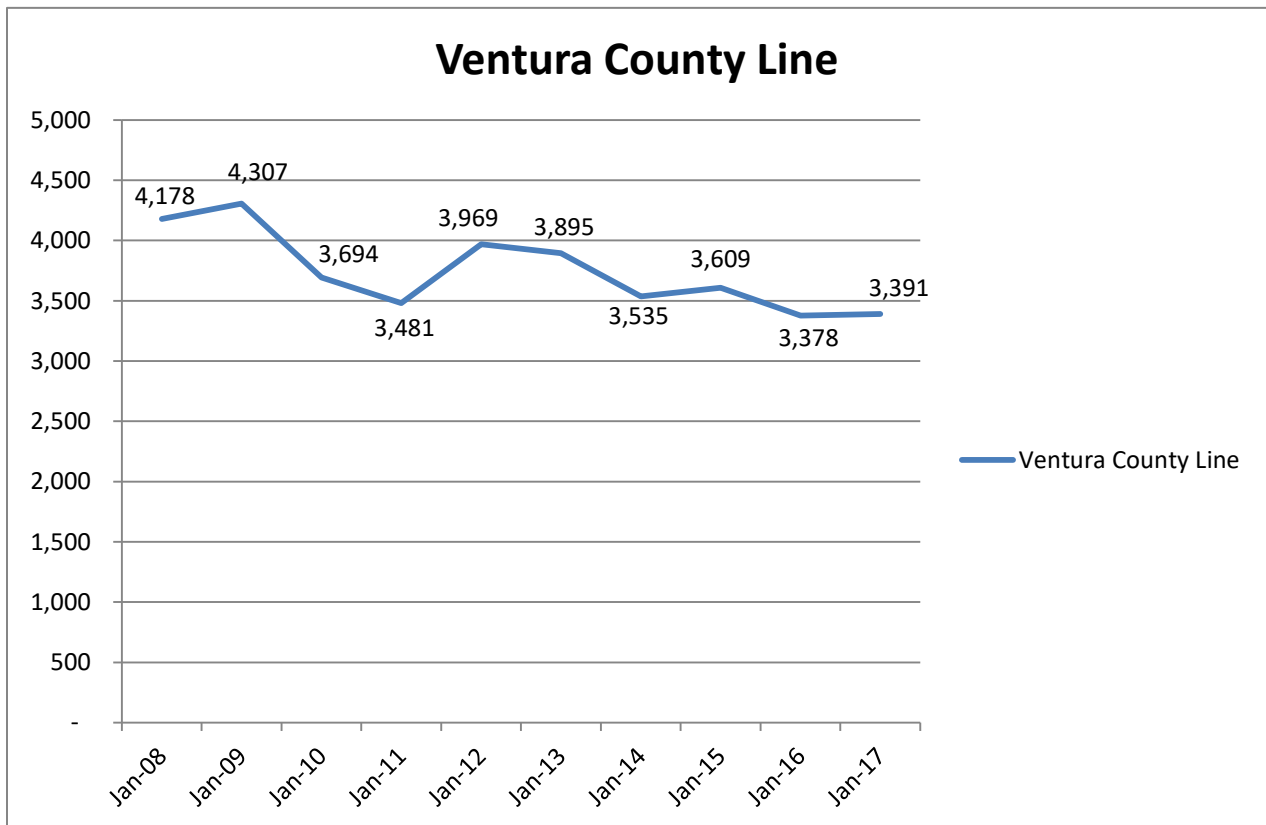
January 2017 vs. January 2016 (YEAR OVER YEAR)

| MO/YR | Ventura County Portion | Ventura County Line | System Grand Total | Metrolink Rail 2 Rail on Amtrak North of LA (weekday) |
|--------|---------------------------|------------------------|-----------------------|---|
| Jan-17 | 1,646 | 3,391 | 38,069 | 162 |
| Jan-16 | 1,629 | 3,378 | 39,354 | 163 |
| Change | 1.04% | 0.38% | -1.19% | -0.61% |

10 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) |
|--------|------------------------|----------------------|-----------------------|---|
| 17-Jan | 3,391 | 1,646 | 38,886 | 162 |
| 16-Jan | 3,378 | 1,629 | 39,354 | 163 |
| 15-Jan | 3,609 | 1,896 | 40,069 | 195 |
| 14-Jan | 3,535 | 1,637 | 40,872 | 152 |
| 13-Jan | 3,895 | 1,920 | 42,148 | 188 |
| 12-Jan | 3,969 | 1,917 | 42,121 | 210 |
| 11-Jan | 3,481 | 2,156 | 39,631 | 259 |
| 10-Jan | 3,694 | 2,022 | 40,765 | 325 |
| 09-Jan | 4,307 | 2,341 | 43,988 | 283 |
| 08-Jan | 4,178 | 2,164 | 43,322 | 264 |

Ten Year Historic Ridership Trend





Item #8D

March 3, 2017

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: AARON BONFILIO, PROGRAM MANAGER
SUBJECT: AUTOMATIC VEHICLE LOCATOR - PASSENGER INFORMATION SYSTEMS

RECOMMENDATION

- Approve the release of a Request for Proposals (RFP) for Automatic Vehicle Locator (AVL) and Passenger Information System.

BACKGROUND

In 2001 the Commission engaged with Nextbus Information Systems, Inc. (Nextbus) to provide what was then described as a “variable message sign and real-time prediction system.” The system was installed on all Ventura County transit vehicles and signs were installed throughout the county.

Today, over fifteen years later, the system continues to be used by passengers, and, transit operation centers, on a daily basis. At the September 2016 meeting, the Commission approved Congestion Mitigation and Air Quality (CMAQ) funding to purchase a replacement system.¹ The current agreement with the technology vendor, Nextbus Inc., expires Oct 31, 2017.

Pursuant to adopted procurement policy and federal funding requirements, staff has developed a Request for Proposals (RFP) to solicit competitive bids for a replacement system (*see Item 8D, Attachment A*). The proposed procurement schedule is outlined below:

| | |
|------------------------|----------------------|
| <i>Release RFP</i> | <i>March 3, 2017</i> |
| <i>Proposals Due</i> | <i>May 2, 2017</i> |
| <i>Oral Interviews</i> | <i>May 30, 2017</i> |
| <i>Contract Award</i> | <i>July 7, 2017</i> |

VCTC has a long-standing tradition of being at the forefront of the public transit industry with its deployment of technology for the passengers of Ventura County. This procurement presents a timely opportunity, as the technology surrounding mobility continues to advance.

¹ In addition to CMAQ, annually VCTC programs FTA 5307 formula funds for the operation and continued maintenance of the system.

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Item #8E

March 3, 2017

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: PETER DE HAAN, PROGRAMMING DIRECTOR
SUBJECT: VENTURA TRANSIT CENTER IMPROVEMENTS GRANTS

RECOMMENDATION:

- Reprogram \$331,580 in Congestion Mitigation and Air Quality (CMAQ) funds from the Ventura Transit Center Improvement Project, with \$179,000 to go to Countywide Transit Marketing and \$152,580 to go to Bus Ticket Vending Machines.
- Amend Fiscal Year 2016/17 Transit Marketing Consultant budget to replace \$23,191 of CMAQ funds with \$23,191 of Local Transportation Funds (LTF) to come from the LTF fund balance within the General Fund.

BACKGROUND:

Over 10 years ago, the Commission approved \$426,662 in CMAQ funds for a City of Ventura project for bus stop improvements including modifications to the Ventura Transit Center. Since the funds were approved the City made numerous changes to the project concept, eventually deciding to install custom-designed bus shelters at the Transit Center along with several standardized bus shelters elsewhere in the City. The City then proceeded to spend \$95,082 to install the standardized bus shelters and \$57,708 to design the custom shelters. The custom shelter contract went out to bid and was recommended to the City Council for award on March 21, 2016. However, the City Council decided at that time to reject all bids and cancel the project. City staff then notified VCTC staff that the City would not be using the federal funds allocated to the Transit Center portion of the project. Under federal requirements, the \$57,708 expended on the custom shelter design must be returned by the City since the expenditure did not lead to implementation of the agreed-upon project. Therefore, the unused funding from the federal CMAQ grant is equal to the \$273,872 unexpended balance plus the \$57,708 owed by the City.

DISCUSSION:

VCTC staff has evaluated alternatives for avoiding a loss of the funds which is made difficult because these CMAQ funds were obligated a very long time ago. If they were to be deobligated, the funds would be lost. VCTC has determined, with FTA concurrence, that up to \$179,000 can be shifted to another previously-completed line item in that same grant, Countywide Transit Marketing, and expended on that activity during FY 2016/17. However, the required local match ratio in that grant, 11.47% of the total cost, must remain, even though VCTC has currently programmed CMAQ funds for Marketing with no match requirement. Therefore, to access the \$179,000 in old CMAQ for the Marketing activity it will be necessary for VCTC to provide \$23,191 of local funds. Staff recommends the Commission amend the budget to provide the required funds from LTF reserve to avoid losing the \$179,000.

March 3, 2017
Item #8E
Page #2

After shifting \$179,000 to Transit Marketing as allowed by FTA, the remainder available in Ventura Transit Center project is \$152,580. Due to the configuration of the grant, these remaining funds will be lost if they cannot be used for the originally-approved project. However, staff believes there may be the opportunity to broaden the scope of this bus stop improvements project to also include automatic Ticket Vending Machines (TVMs) at the Ventura Transit Center and potentially at up to 2 other bus stops. The proposed concept is that these TVMs would be implemented by Gold Coast Transit and would contain capability to sell VCTC bus service fare media as well. The required 11.47% match of \$19,768 would need to be provided by Gold Coast. If FTA is agreeable, Gold Coast Transit would then move forward quickly to obtain the fare machines and get reimbursed prior to the grant being closed by FTA which could occur by September of this year. Staff therefore recommends the Commission approve use of the \$152,580 balance for bus service TVMs, contingent upon FTA approval.



Item #8F

March 3, 2017

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: PETER DE HAAN, PROGRAMMING DIRECTOR

SUBJECT: SECTION 13(c) LABOR AGREEMENT

RECOMMENDATION

- Approve the attached agreement with the Service Employees International Union (SEIU), Local 721, as required for VCTC's Fiscal Year 2016/17 federal transit grant applications with the Federal Transit Administration.

BACKGROUND

VCTC staff will be filing grant applications with the Federal Transit Administration (FTA) to fund VCTC's FY 2016/17 federal transit projects and other local agency projects. As with all federal transit grant applications, we are required to enter into a U.S. Department of Labor certified agreement, commonly referred to as Section 13(c), with the SEIU which represents both Gold Coast Transit and Simi Valley Transit employees. Federal law requires that VCTC protect the jobs of union represented public transit workers and ensure that transit employees be compensated if jobs are lost as a direct result of proposed projects. Specifically, the federal government requires that the protective arrangements include:

- Preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements;
- Continuation of collective bargaining rights;
- Protection of individual employees against worsening of their positions with respect to their employment;
- Assurances of employment and priority of re-employment;
- Paid training or re-training programs.

These protective arrangements are included in the proposed Agreement (attached). The Agreement is identical to the Agreement approved by the Commission for all previous grant applications over the past years.

VCTC staff's analysis indicates that none of the projects to be included in the grant application pose a risk to either Gold Coast Transit or Simi Valley Transit employees. All projects to be included in the grant applications are in VCTC's approved FY 2016/17 Program of Projects (POP).

**AGREEMENT PURSUANT TO SECTION 13 (C) OF THE URBAN MASS
TRANSPORTATION ACT OF 1964, AS AMENDED**

WHEREAS, the Ventura County Transportation Commission ("Public Body"), has filed applications under the Urban Mass Transportation Act of 1964, as amended ("Act"), to contract for new public transportation services on a demonstration basis, as more fully described in the project applications ("Project"); and

WHEREAS, the Public Body's Project services will operate in the vicinity and service area of the regular mass transit route carriers named in Appendix "A" attached hereto, whose potentially affected employees are employed by Gold Coast Transit and the City of Simi Valley, and represented by the Service Employees International Union, AFL-CIO, CLC, Local 721 ("Union"); and

WHEREAS, Sections 3(a), (4), 9(e)(1) and 13 (c) of the Act require, as a condition of any such assistance, that suitable fair and equitable arrangements be made to protect urban mass transportation industry employees affected by such assistance and

WHEREAS, the parties have agreed upon the following arrangements as fair and equitable;

NOW, THEREFORE, it is agreed that the following terms and conditions shall apply and shall be specified in any contract governing such federal assistance to the Public Body;

(1) The Project shall be carried out in such a manner and upon such terms and conditions as will not adversely affect the employees represented by the Union. It shall be an obligation of the Public Body and any other legally responsible party designated by the Public Body to ensure that any and all transportation services assisted by the Project are contracted for and operated in such a manner that they do not impair the rights and interests of the employees represented by the Union. The term "Project", as used in this Agreement, shall not be limited to the particular facility, service, or operation assisted by federal funds, but shall include any changes, whether organizational, operational, technological, or otherwise, which are a result of the assistance provided. The phrase "as a result of the Project" shall, when used in this Agreement, include events occurring in anticipation of, during, and subsequent to the Project including any project which follows this project and any program of efficiencies or economies related thereto or traceable to the assistance provided and shall also include requirements relative to the federal program of assistance under the Act generally which are or may be imposed by or on behalf of the United States Government or any department or agency thereof; provided, however, that the volume rises and falls of business, or changes in volume or character of employment brought about solely by causes other than the Project (including any economies or efficiencies unrelated to the Project) are not within the purview of this Agreement.

The parties agree that the first two sentences of the preceding paragraph shall be interpreted in accordance with the U.S. Department of Labor's Rural Transportation Employees Protection Guidebook, pp. 5-6 (1979), which reads as follows:

The first two sentences of this section express the general requirement that employee rights and interest be protected from effects of a Project. Initially, this means that Recipients and any other legally responsible party in designing and implementing a Project must consider the effects a project may have on employees and attempt to minimize any adverse effects. If objectives can be met without adversely affecting employees it is expected that adverse effects will be avoided. In the context of particular Project events, this paragraph is to be read in conjunction with other provisions or the Warranty. It thereby serves to emphasize the specific statutory requirements that employees be protected against a worsening of their employment conditions, and receive offsetting benefits to make them "whole" when unavoidable impacts occur.

(2)(a) The Public Body or legally responsible party shall provide to the unions representing the employees affected thereby sixty (60) days' notice of intended actions which may result in displacements or dismissals or rearrangement of the working forces. Such notice shall be provided by certified mail to the Union representatives of such employees. The notice shall contain a full and adequate statement of the proposed changes, and the number and classifications of any jobs in the Public Body's employment or the employment of Gold Coast Transit or the City of Simi Valley, or otherwise within its member jurisdictions and/or control, available to be filled by such affected employees.

(2)(b) At the request of either the Public Body or the representatives of such employees, negotiations for the purposes of reaching agreement with respect to the application of the terms and conditions of this Agreement shall commence immediately. If no agreement is reached within twenty (20) days from the commencement of negotiations, any party to the dispute may submit the matter to dispute settlement procedures in accordance with paragraph (4) of this Agreement. The foregoing procedures shall be complied with and carried out prior to the institution of the intended action.

(3) For the purpose of providing the statutory required protection, including those specifically mandated by Section 13(c) of the Act², the Public Body agrees to be bound by

² Such protective arrangement shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise; (2) the continuation of collective bargaining rights; (3) the protection of individual employees against a worsening of their positions with respect to their employment; (4) assurances of employment to employees of acquired mass transportation systems and priority of reemployment of employees terminated or laid off; and (5) paid training and retraining programs. Such arrangement shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to Section 5(2) (f) of the Act of February 4, 1987 (24 Stat. 379), as amended, currently codified at Title 49 U.S.C. §11326 (formerly codified at 49 U.S.C. §11347).

this Agreement, including those terms and conditions of Appendix C-1 which are attached hereto as Appendix "B."

(4)(a) Any dispute or controversy arising regarding the Application, interpretation, or enforcement of any of the provisions of this Agreement which cannot be settled by and between the parties at interest within thirty (30) days after the dispute or controversy first arises, may be submitted at the written request of the Public Body, or other party at interest, or the Union to a board of arbitration to be selected as hereinafter provided. One arbitrator is to be chosen by each interested party, and the arbitrators thus selected shall endeavor to select a neutral arbitrator who shall serve as chairman. Each party shall appoint its arbitrator within five (5) days after notice of submission to arbitration has been given. Should the arbitrators selected by the parties be unable to agree upon the selection of the neutral arbitrator within ten (10) days after notice of submission to arbitration has been given, then the arbitrator selected by any party may request the American Arbitration Association to furnish, from among members of the National Academy of Arbitrators who are then available to serve, five (5) arbitrators from which the neutral arbitrator shall be selected. The arbitrators appointed by the parties shall, within five (5) days after the receipt of such list, determine by lot the order of elimination and thereafter each shall, in that order, alternately eliminate one name until only one name remains. The remaining person on the list shall be the neutral arbitrator. If any party fails to select its arbitrator within the prescribed time limit, the highest officer of the Union or of the Public Body, or other party at interest, or their nominees, as the case may be, shall be deemed to be the selected arbitrator, and the board of arbitration shall then function and its decision shall have the same force and effect as though all parties had selected their arbitrators. The board of arbitration shall meet within fifteen (15) days after the selection or appointment of the neutral arbitrator and shall render its decision within forty-five (45) days after the hearing of the dispute has been concluded and the record closed. Awards made pursuant to said arbitration may include full back pay and allowances to employee-claimants and such other remedies as may be deemed appropriate and equitable. In a two-party arbitration, the decision by majority vote of the arbitration board shall be final and binding as the decision of the arbitration board, otherwise, in arbitrations of more than two parties at interest, the decision shall be that of the impartial arbitrator. The salaries and expenses for the impartial arbitrator shall be borne equally by the parties to the proceedings, and other expenses shall be paid by the party incurring them. All conditions of the Agreement shall continue to be effective during the arbitration proceedings.

(4)(b) In the event of any dispute as to whether or not a particular employee was negatively affected by the Project, it shall be the employee's obligation to identify the Project and specify the pertinent facts of the Project relied upon. It shall then be the burden of the Public Body, or other party legally responsible for the application of these conditions, to prove that factors other than the Project affected the employee. The claiming employee shall prevail if it is established that the Project had an effect upon the employee even if other factors may also have affected the employee (Hodson's Affidavit in Civil Action No. 825-71). amended, currently codified at 49 U.S.C. §11326 (formerly codified at 49 U.S.C. § 11347).

(5) The Public Body, or other legally responsible party designated by the public Body, will be financially responsible for the application of these conditions and will make the necessary arrangements so that any employee covered by these arrangements, or the union representative of such employees, may file a claim alleging a violation of these arrangements with the Public Body within sixty (60) days of the date the employee is terminated or laid off as a result of the Project, or within eighteen (18) months of the date the employee's position with respect to his or her

employment is otherwise worsened as a result of the Project. In the latter case, if the events giving rise to the claim have occurred over an extended period, the 18-month limitations shall be measured from the last such event. No benefits shall be payable for any period prior to six (6) months from the date of the filing of any claim.

(6) Nothing in this Agreement shall be construed as depriving any employee of any rights or benefits which such employee may have under existing employment or collective bargaining agreements, nor shall this Agreement be deemed a waiver of any rights of any union or of any represented employee derived from any other agreement or provision of federal, state or local law, nor shall anything in this Agreement be construed as preventing the continuation of collective bargaining rights..

(7) In the event any employee covered by these arrangements is terminated or laid off as a result of the Project, the employee shall be granted priority of employment or reemployment to fill any vacant position within the jurisdictions and/or control of the Public Body for which the employee is, or by training or retraining within a reasonable period can become, qualified. In the event training or retraining is required by such employment or reemployment, the Public Body, or other legally responsible party designated by the Public Body, shall provide for such training or retraining at no cost to the employee.

(8) In the event that the Public Body acquires any public transportation system in connection with the Project, any employee of such acquired transportation system shall be assured employment.

(9) This Agreement shall be binding upon the successors and assigns of the parties hereto, and no provisions, terms, or obligations herein contained shall be affected, modified, altered or changed in any respect whatsoever by reason of the arrangements made by or for the Public Body to manage and operate the system or administer the contract for that purpose.

Any person, enterprise, body, or agency, whether publicly or privately owned, which shall undertake the management, provision and/or operation of the system, or any part or portion thereof, or any mass transportation in the urbanized area of the Project under contractual arrangements of any form with the Public Body, its successors or assigns, shall agree, and as a condition precedent to such contractual arrangements, the Public Body, its successors or assigns, shall require such person, enterprise, body, or agency to agree to abide by the terms of this Agreement.

(10) Any other union which is the collective bargaining representative of urban mass transportation employees in the service area of the Public Body who may be affected by the assistance to the Public Body within the meaning of 49 U.S.C. §1609(c) other than those employed by a service contractor of the Public Body and working on the system, may become a party to this Agreement, by serving written notice of its desire to do so upon the

other union representatives of the employees affected by the Project, the Public Body, and the Secretary of Labor. In the event of any disagreement that such labor organizations should become a party of this Agreement, then the dispute as to whether such labor organization shall participate shall be determined by the Secretary of Labor.

(11) In the event the Project is approved for assistance under the Act, the foregoing terms and conditions shall be made part of the contract of assistance between the federal government and the Public Body or Recipient of federal funds; provided, however, that the arrangement shall not merge into the contract of assistance, but shall be independently binding and enforceable by and upon the parties thereto, and by any covered employee or the employee's representative, in accordance with its terms, nor shall any other employee protective agreement or collective bargaining agreement merge into this arrangement, but each shall be independently binding and enforceable by and upon the parties thereto, in accordance with its terms.

(12) This protective agreement/arrangement shall be effective and in full force according to its terms from year to year during the period of the Federal Contract of Assistance and/or thereafter, for as long as necessary to satisfy its intended purpose to protect potentially affected employees from the impact of Federal assistance.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by their duly authorized representatives this _____ day of _____, 2017.

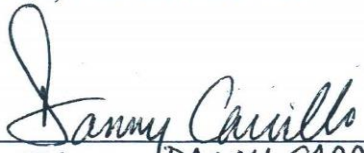
VENTURA COUNTY TRANSPORTATION COMMISSION

By _____ Date: _____
Bryan MacDonald, Chair

APPROVED AS TO FORM:

By _____ Date: _____
Steven T. Mattas, General Counsel

**SERVICE EMPLOYEES INTERNATIONAL UNION,
AFL-CIO, CLC LOCAL 721**

By  Date: 12/29/16
~~Joe Kahraman~~ DANNY CARRILLO
SEIU LOCAL 721

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APPENDIX “A”

Carrier

**Gold Coast Transit
City of Simi Valley**

Union

**SEIU Local 721
SEIU Local 721**

Appendix “B”

EMPLOYEE PROTECTIONS DIGEST

APPENDIX C-1

The scope and purpose of this Appendix are to provide, pursuant to section 405 of the Act, for fair and equitable arrangements to protect the interests of employees of Railroads affected by discontinuances of Intercity Rail Passenger Service subject to section 405 of the Act; therefore, fluctuations and changes in volume or character of employment brought about by other causes are not within the purview of this Appendix.

ARTICLE I

1. **DEFINITIONS** – The definitions in Article I of the Agreement and in the Act apply in this Appendix and in the event of conflict in definitions, those in the Act shall be controlling. In addition, whenever used in this Appendix, unless its context requires otherwise:
 - (a) “Transaction” means a discontinuance of Intercity Rail Passenger Service pursuant to the provisions of the Act.
 - (b) “Displaced employee” means an employee of Railroad who, as a result of a transaction is placed in a worse position with respect to his compensation and rules governing his working conditions, unless changed by future collective bargaining agreements or applicable statutes.
 - (c) “Dismissed employee” means an employee of Railroad who, as a result of a transaction is deprived of employment with Railroad because of the abolition of his position or the loss thereof as the result of the exercise of seniority rights by an employee whose position is abolished as a result of a transaction.
 - (d) “Protective period” means that period of time during which a displaced or dismissed employee is to be provided protection hereunder and extends from

the date on which an employee is displaced or dismissed to the expiration of 6 years therefrom, provided, however, that the protective period for any particular employee shall not continue for a longer period following the date he was displaced or dismissed than the period during which such employee was in the employ of Railroad prior to the date of his displacement or his dismissal. For purposes of this Appendix, an employee's length of service shall be determined in accordance with the provisions of section 7 (b) of the Washington Job Protection Agreement of May, 1936.

2. The rates of pay, rules, working conditions and all collective bargaining and other rights, privileges and benefits (including continuation of pension rights and benefits) of Railroad's employees under applicable laws and/or existing collective bargaining agreements or otherwise shall be preserved unless changed by future collective bargaining agreements or applicable statutes.
3. Nothing in this Appendix shall be construed as depriving any employee of any rights or benefits or eliminating any obligations which such employee may have under any existing job security or other protective conditions or arrangements; provided, that there shall be no duplication or pyramiding of benefits to any employees, and, provided further, that the benefits under this Appendix, or any other arrangement, shall be construed to include the conditions, responsibilities and obligations accompanying such benefits.
4. When Railroad contemplates a transaction after May 1, 1971, it shall give at least twenty (20) days written notice of such intended transaction by posting a notice on bulletin boards convenient to the interested employees of Railroad (including terminal companies and other enterprises covered by Article III of this Appendix) and by sending registered mail notice to the representatives of such interested employees; if Railroad contemplates a transaction on May 1, 1971 it shall give the notice as soon as possible after the signing of this Agreement, prior to May 1, 1971. Such notice shall contain a full and adequate statement of the proposed changes to be effected by such transaction, including an estimate of the number of employees of each class affected by the intended changes.

At the request of either Railroad or representatives of such interested employees, negotiations for the purpose of reaching agreement with respect to application of the terms and conditions of this Appendix shall commence immediately and continue for not more than twenty (20) days from the date of notice. Each transaction which will result in a dismissal or displacement of employees or rearrangement of forces, shall provide for the selection of forces from all employees involved on basis accepted as appropriate for application in the particular case and any assignment of employees made necessary by the transaction shall be made on the basis of an agreement or decision under this section 4. If at the end of the twenty (20) day period there is a failure to agree, the negotiations shall terminate

and either party to the dispute may submit it for adjustment in accordance with the following procedures:

- (a) Within five (5) days from the termination of negotiations, the parties shall select a neutral referee and in the event they are unable to agree within said five (5) days upon the selection of said referee, then the National Mediation Board shall immediately appoint a referee.
- (b) No later than twenty (20) days after a referee has been designated a hearing on the dispute shall commence.
- (c) The decision of the referee shall be final, binding, and conclusive and shall be rendered within thirty (30) days from the commencement of the hearing of the dispute.
- (d) The salary and expenses of the referee shall be borne equally by the parties to the proceeding; all other expenses shall be paid by the party incurring them.

Notwithstanding any of the foregoing provisions of this section, at the completion of the twenty (20) day notice period or on May 1, 1971, as the case may be, Railroad may proceed with the transaction, provided that all employees affected (displaced, dismissed, rearranged, etc.) shall be provided with all the rights and benefits of this Appendix from the time they are affected through to expiration of the seventy-fifth (75th) day following the date of notice of the intended transaction. This protection shall be in addition to the protection period defined in Article I, Paragraph (d). If the above proceeding results in displacement, dismissal, rearrangement, etc. other than as provided by Railroad at the time of the transaction pending the outcome of such proceedings, all employees affected by the transaction during the pendency of such proceedings shall be made whole.

5. DISPLACEMENT ALLOWANCES – (a) So long after a displaced employee's displacement as he is unable, in the normal exercise of his seniority rights under existing agreements, rules and practices, to obtain a position producing compensation equal to or exceeding the compensation he received in the position from which he was displaced, he shall, during his protective period, be paid a monthly displacement allowance equal to the difference between the monthly compensation received by him in the position in which he is retained and the average monthly compensation received by him in the position from which he was displaced.

Each displaced employee's displacement allowance shall be determined by dividing separately by 12 the total compensation received by the employee and the total time for which he was paid during the last 12 months in which he performed services immediately preceding the date of this displacement as a result of the transaction

(thereby producing average monthly compensation and average monthly time paid for in the test period). Both the above “total compensation” and the “total time for which he was paid” shall be adjusted to reflect the reduction on an annual basis, if any, which would have occurred during the specified twelve month period had Public Law 91-169, amending the Hours of Service Act of 1907, been in effect throughout such period (i.e., 14 hours limit for any allowance paid during the period between December 26, 1970 and December 25, 1972 and 12 hours limit for any allowances paid thereafter); provided further, that such allowance shall also be adjusted to reflect subsequent general wage increases.

If a displaced employee’s compensation in his retained position in any month is less in any month in which he performs work than the aforesaid average compensation (adjusted to reflect subsequent general wage increases) to which he would have been entitled, he shall be paid the difference, less compensation for time lost on account of his voluntary absences to the extent that he is not available for service equivalent to his average monthly time during the test period but if in his retained position he works in any month in excess of the aforesaid average monthly time paid for during the test period he shall be additionally compensated for such excess time at the rate of pay of the retained position.

(b) If a displaced employee fails to exercise his seniority rights to secure another position available to him which does not require a change in his place of residence, to which he is entitled under the working agreement and which carries a rate of pay and compensation exceeding those of the position which he elects to retain, he shall thereafter be treated for the purposes of this section as occupying the position he elects to decline.

(c) The displacement allowance shall cease prior to the expiration of the protective period in the event of the displaced employee’s resignation, death, retirement or dismissal for justifiable cause.

6. DISMISSAL ALLOWANCES – (a) A dismissed employee shall be paid a monthly dismissal allowance, from the date he is deprived of employment and continuing during his protective period, equivalent to one-twelfth of the compensation received by him in the last 12 months of his employment in which he earned compensation prior to the date he is first deprived of employment as a result of the transaction. Such allowance shall be adjusted to reflect on an annual basis the reduction, if any, which would have occurred during the specified twelve month period had Public Law 91-169, amending Hours of Service Act of 1907 been in effect throughout such period (i.e., 14 hours limit for any allowance paid during the period between December 1970 and December 25, 1972 and 12 hours limit for any allowances paid thereafter); provided further that such allowance shall also be adjusted to reflect subsequent general wage increases.

(b) The dismissal allowance of any dismissed employee who returns to service with Railroad shall cease while he is so reemployed. During the time of such reemployment, he shall be entitled to protection in accordance with the provisions of Section 5.

(c) The dismissal allowance of any dismissed employee who is otherwise employed shall be reduced to the extent that his combined monthly earnings in such other employment, any benefits received under any unemployment insurance law, and his dismissal allowance exceed the amount upon which his dismissal allowance is based. Such employee, or his representative, and Railroad shall agree upon a procedure by which Railroad shall be currently informed of the earnings of such employee in employment other than with Railroad, and the benefit received.

(d) The dismissal allowance shall cease prior to the expiration of the protective period in the event of the employee's resignation, death, retirement, dismissal for justifiable cause under existing agreements, failure to return to service after being notified in accordance with the working agreement, or failure without good cause to accept a comparable position which does not require a change in his place of residence for which he is qualified and eligible with the Railroad from which he was dismissed after being notified, or with the National Railroad Passenger Corporation after appropriate notification, if his return does not infringe upon employment rights of other employees under a working agreement.

7. SEPARATION ALLOWANCE – A dismissed employee entitled to protection under this Appendix, may, at his option within 7 days of his dismissal, resign and (in lieu of all other benefits and protections provided in this Appendix) accept a lump sum payment computed in accordance with Section 9 of the Washington Job Protection Agreement of May, 1936.
8. FRINGE BENEFITS – No employee of Railroad who is affected by a transaction shall be deprived during his protective period of benefits attached to his previous employment, such as free transportation, hospitalization, pensions, relief, et cetera, under the same conditions and so long as such benefits continue to be accorded to other employees of Railroad, in active service or on furlough as the case may be, to the extent that such benefits can be so maintained under present authority of law or corporate action or through future authorization which may be obtained.
9. MOVING EXPENSES – Any employee retained in the service of Railroad or who is later restored to service after being entitled to receive a dismissal allowance, and who is required to change the point of his employment as a result of the transaction, and who within his protective period is required to move his place of residence, shall be reimbursed for all expenses of moving his household and other personal effects, for the traveling expenses of himself and members of his family, including living expenses for himself and his family and for his own actual wage loss, not to exceed

three working days, the exact extent of the responsibility of Railroad during the time necessary for such transfer and for a reasonable time thereafter and the ways and means of transportation to be agreed upon in advance by Railroad and the affected employee or his representatives; provided, however, that changes in place of residence which are not a result of the transaction, which are made subsequent to the initial change or which grow out of the normal exercise of seniority rights, shall not be considered to be within the purview of this Section; provided further, that the Railroad shall, to the same extent provided above, assume the expenses, etc. for any employee furloughed within three (3) years after changing his point of employment as a result of a transaction, who elects to move his place of residence back to his original point of employment. No claim for reimbursement shall be paid under the provisions of this Section unless such claim is presented to Railroad within 90 days after the date on which the expenses were incurred.

10. Should Railroad rearrange or adjust its forces in anticipation of a transaction with the purpose or effect of depriving an employee of benefits to which he otherwise would have become entitled under this Appendix, this Appendix will apply to such employee.
11. ARBITRATION OF DISPUTES – (a) In the event Railroad and its employees or their authorized representatives cannot settle any dispute or controversy with respect to the interpretation, application or enforcement of any provision of this Appendix, except Section 4 and 12 of this Article I, within 20 days after the dispute arises, it may be referred by either party to an arbitration committee. Upon notice in writing served by one party to refer a dispute or controversy to an arbitration committee, each party shall, within 10 days, select one member of the committee and the members thus chosen shall select a neutral member who shall serve as chairman. If any party fails to select its member of the arbitration committee within the prescribed time limit, the general chairman of the involved labor organization or the highest officer designated by Railroad, as the case may be, shall be deemed the selected member, and the committee shall then function and its decision shall have the same force and effect as though all parties had selected their members. Should the members be unable to agree upon the appointment of the neutral member within 10 days, the parties shall then within an additional 10 days endeavor to agree to a method by which a neutral member shall be appointed, and, failing such agreement, either party may request the National Mediation Board to designate within 10 days the neutral member whose designation will be binding upon the parties.

(b) In the event a dispute involves more than one labor organization, each will be entitled to a representative on the arbitration committee, in which event Railroad will be entitled to appoint additional representatives so as to equal the number of labor organization representatives.

(c) The decision, by majority vote, of the arbitration committee shall be final, binding, and conclusive and shall be rendered within 45 days after the hearing of the dispute or controversy has been concluded and the record closed.

(d) The salaries and expenses of the neutral member shall be borne equally by the parties to the proceeding and all other expenses shall be paid by the party incurring them.

(e) In the event of any dispute as to whether or not a particular employee was affected by a transaction, it shall be his obligation to identify the transaction and specify the pertinent facts of that transaction relied upon. It shall then be the Railroad's burden to prove that factors other than a transaction affected the employee.

12. LOSSES FROM HOME REMOVAL – (a) the following conditions shall apply to the extent they are applicable in each instance to any employee who is retained in the service of Railroad (or who is later restored to service after being entitled to receive a dismissal allowance) who is required to change the point of his employment within his protective period as a result of the transaction and is therefore required to move his place of residence:

- (i) If the employee owns his own home in the locality from which he is required to move, he shall at his option be reimbursed by Railroad for any loss suffered in the sale of his home for less than its fair value. In each case the fair value of the move in question shall be determined as of a date sufficiently prior to the date of the transaction so as to be unaffected thereby. Railroad shall in each instance be afforded an opportunity to purchase the home at such fair value before it is sold by the employee to any other person.
- (ii) If the employee is under a contract to purchase his home, Railroad shall protect him against loss to the extent of the fair value of any equity he may have in the home and in addition shall relieve him from any further obligation under his contract.
- (iii) If the employee holds an unexpired lease of a dwelling occupied by him at his home, Railroad shall protect him from all loss and cost in securing the cancellation of said lease.

(b) Changes in place of residence which are made subsequent to the initial changes caused by the transaction and which grow out of the normal exercise of seniority rights, shall not be considered to be within the purview of this Section.

(c) No claim for loss shall be paid under the provisions of this Section unless such claim is presented to Railroad within 1 year after the date the employee is required to move.

(d) Should a controversy arise in respect to the value of the home, the loss sustained in its sale, the loss under a contract for purchase, loss and cost in securing termination of a lease, or any other question in connection with these matters, it shall be decided through joint conference between the employees, or their representatives and Railroad. In the event they are unable to agree, the dispute or controversy may be referred by either party to a board of competent real estate appraisers, selected in the following manner: One to be selected by the representatives of the employees and one by Railroad, and these two, if unable to agree within 30 days upon a valuation, shall endeavor by agreement within 10 days thereafter to select a third appraiser shall be selected, and, failing such agreement, either party may request the National Mediation Board to designate within 10 days a third appraiser whose designation will be binding upon the parties. A decision of a majority of the appraisers shall be required and said decision shall be final and conclusive. The salary and expenses of the third or neutral appraiser, including the expenses of the appraisal board, shall be borne equally by the parties to the proceedings. All other expenses shall be paid by the party incurring them, including the compensation of the appraiser selected by such party.

ARTICLE II

1. Any employee who is terminated or furloughed as a result of a transaction shall, if he so requests, be granted priority of employment or reemployment to fill a position comparable to that which he held when terminated or furloughed, even though in a different craft or class, on Railroad which he is, or by training or retraining physically and mentally can become, qualified, not however, in contravention of collective bargaining agreements relating thereto.
2. In the event such training or retraining is requested by such employee, Railroad shall provide for such training or retraining at no cost to the employee.
3. If such a terminated or furloughed employee who has made a request under sections 1 or 2 of this Article II fails without good cause within 10 calendar days to accept an offer of a position comparable to that which he held when terminated or furloughed for which he is qualified, or for which he has satisfactorily completed such training, he shall, effective at the expiration of such 10 day training, forfeit all rights and benefits under this Appendix.

ARTICLE III

Subject to this Appendix, as if employees of Railroad, shall be employees, if affected by a transaction, of separately incorporated terminal companies which are owned (in whole or in art) or used by Railroad and employees of any other enterprise within the definition of common

carrier by railroad in Section 1(3) of Part I of the Interstate Commerce Act, as amended, in which Railroad has an interest, to which Railroad provided facilities, or with which Railroad contracts for use of facilities, or the facilities of which Railroad otherwise uses; except that the provisions of this Appendix shall be suspended with respect to each such employee until and unless he applies for employment with each owning carrier and each using carrier and to the National Railroad Passenger Corporation; provided that said carriers and the National Railroad Passenger Corporation shall establish one convenient central location for each terminal or other enterprise for receipt of one such application which will be effective as to all said carriers and the Corporation and Railroad shall notify such employees of this requirement and of the location for receipt of the application. Such employees shall not be entitled to any of the benefits of this Appendix in the case of failure, without good cause, to accept comparable employment, which does not require a change in place of residence, under the same conditions as apply to other employees under this Appendix, with the National Railroad Passenger Corporation or any carrier for which application for employment has been made in accordance with this section.

ARTICLE IV

Employees of Railroad who are not represented by a labor organization shall be afforded substantially the same levels of protection as are afforded to members of labor organizations under these terms and conditions.

In the event any dispute or controversy arises between Railroad and an employee not represented by a labor organization with respect to the interpretation, application or enforcement of any provision hereof which cannot be settled by the parties within 30 days after the dispute arises, either party may refer the dispute to the Secretary of Labor for determination. The determination of the Secretary of Labor, or his designated representative, shall be final and binding on the parties.

ARTICLE V

1. It is the intent of this Appendix to provide employee protections which meet the requirements of Section 405 of the Act and are not less than the benefits established pursuant to Section 5(2)(f) of the Interstate Commerce Act. In so doing, changes in wording and organization from arrangements earlier developed under section 5(2)(f) have been necessary to make such benefits applicable to contemplated discontinuances of intercity rail passenger service affecting a great number of railroads throughout the nation. In making such changes it is not the intent of this Appendix to diminish such benefits. Thus, the terms of this Appendix are to be resolved in favor of this intent to provide employee protections and benefits no less than those established pursuant to Section 5(2)(f) of the Interstate Commerce Act.
2. In the event any provision of this Appendix is held to be invalid or otherwise unenforceable under applicable law, the remaining provisions of this Appendix shall not be affected, and such provision shall be renegotiated and resubmitted to the Secretary of Labor for certification pursuant to Section 405 of the Act.



Item #8G

March 3, 2017

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: STEVE MATTAS, GENERAL COUNSEL

SUBJECT: DANIEL CARTER APPLICATION FOR LEAVE TO PRESENT LATE CLAIM

RECOMMENDATION:

- It is recommended that the Ventura County Transportation Commission ("VCTC") (1) grant an application for leave to present a late claim submitted on behalf of Daniel Benjamin Carter ("Mr. Carter") and (2) deny the underlying claim.

BACKGROUND:

On December 21, 2016, VCTC received a claim from Mr. Carter for personal injuries stemming from a collision between Mr. Carter's vehicle and a construction truck on U.S. 101 near the Route 101-Route 23 Interchange Improvement Project ("Project") on February 23, 2016. Due to the fact that the claim was not presented within six (6) months after the event, the claim was returned to Mr. Carter on December 29, 2016 and no action was taken on the claim. Subsequently, on January 20, 2017, VCTC received an Application for Leave to Present Late Claim on behalf of Mr. Carter, asserting that Mr. Carter was unaware of VCTC's possible connection to the Project until notified by the County of Ventura after the six-month time limit had already run. Because Mr. Carter made a diligent effort to present a claim the public entities most likely involved in the Project, including the City of Thousand Oaks and Caltrans, and only became aware of VCTC's possible involvement in November 2016, such an assertion would likely qualify as "excusable neglect" under Government Code section 911.6. Due to this fact, it is recommended that VCTC grant the application for leave to present the late claim.

If VCTC grants the late claim application, the underlying claim would immediately be considered presented and VCTC would be required to either accept or reject the underlying claim within 45 days. Based on the circumstances of the claim and the fact that VCTC's only role in the Project was to provide funding, if VCTC grants the late claim application, it is recommended that VCTC also deny Mr. Carter's claim.

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Item #8H

March 3, 2017

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: DARREN M. KETTLE, EXECUTIVE DIRECTOR
SUBJECT: REGIONAL GOVERNMENT SERVICES AUTHORITY BUDGET AMENDMENT

RECOMMENDATION:

- Amend the VCTC Fiscal Year 2016/2017 budget by increasing the Professional and Human Resources task by \$15,000 from the General Fund LTF fund balance.

DISCUSSION:

In July 2009, VCTC entered into a professional services contract with Regional Government Services (RGS) Authority for human resources assistance. Prior to the RGS staff assistance the agency's human resources functions were divided between the Finance Director, the Executive Director, and, at times, with outside legal counsel. Since that time, having the professional consulting assistance has allowed this agency to remain in compliance with the myriad of labor laws and restrictions and has greatly modernized our policies and procedures to stay current with the law, and our labor market.

In February 2016, the Commission approved an agreement with Regional Government Services Authority for human resources management and administrative services not to exceed \$100,000 for the time period of 16 months from March 1, 2016 – June 30, 2017. The Fiscal Year 2016/2017 budget included \$55,000 for professional and human resource services. This line item includes RGS services, recruitment expenses and other professional and human resource expenditures. Due to a greater than expected number of recruitments, the line item needs to be increased by \$15,000 to cover estimated expenditures through the remainder of the fiscal year. The expenditures will be funded from the General Fund LTF fund balance. The contract amount is sufficient to cover this budgetary amendment.

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Item #9

March 3, 2017

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: JUDITH JOHNDUFF, PROGRAM ANALYST
SUBJECT: FY 2016/17 LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP) ALLOCATION

RECOMMENDATION:

- Adopt Resolution 2017-02 in Attachment A to:
 3. Program Ventura County Transportation Commission's (VCTC) FY 2016/17 Low Carbon Transit Operations Program (LCTOP) apportionment as follows:
 - \$52,303 for the East/West County Connector Bus Service Project,
 - \$325,442 for the Oxnard/Camarillo Employment Connector Service Project and
 - \$28,828 for the Southern California Regional Rail Authority (SCRRA) Metrolink Locomotive Procurement project, and
 4. Authorize the Executive Director to execute all required documents to receive VCTC's FY 2016/17 Low Carbon Transit Operations Program funds.

BACKGROUND:

As part of the approval of the FY 2014/15 state budget, the Legislature passed a budget trailer bill directing the distribution of cap-and-trade funds. There are several transit-related programs including LCTOP (Transit Operations), Transit Capital, Affordable Housing, and Sustainable Communities. All of the programs are competitive grant programs with the exception of LCTOP which provides ongoing apportionments based on the State Transit Assistance formula. Although the LCTOP program emphasizes expanded transit operations, funds can also be spent on capital costs that can be shown to facilitate enhanced or expanded transit service or reduce greenhouse gas emissions. It should be noted that at least half of the funds to a jurisdiction must be spent on service benefitting economically disadvantaged communities as defined by the California Air Resources Board (CARB) using a method that takes into account economic as well as pollution factors.

The amount of FY 16/17 LCTOP funds to be programmed at VCTC's discretion is \$406,573. This amount includes the Ventura County population formula funds which is \$377,745 as well as the Metrolink revenue formula amount which is \$28,828. Allocation requests for FY 16/17 LCTOP funds are due to Caltrans by March 31, 2017.

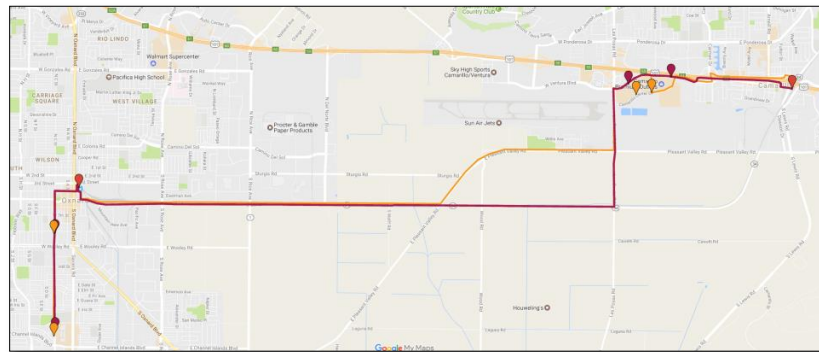
DISCUSSION:

At prior VCTC Commission meetings, the Commission approved programming a total of \$1,099,072, equal to VCTC's apportionments for the first two years of LCTOP (FY 14/15 and FY 15/16) for the purchase of a bus and operation of the Oxnard/Camarillo Employment Connector Service. In April of 2016, in order to pay for the Oxnard/Camarillo bus in advance of receiving the FY 15/16 LCTOP funds, the Commission approved using \$334,959 of CMAQ funds planned for East/West Connector project. To keep the East – West Connector project whole, the Commission approved shifting an equal amount (\$334,959) of FY 15/16 LCTOP funds (that would have been used for the Oxnard/Camarillo project) for the East/West Connector project.

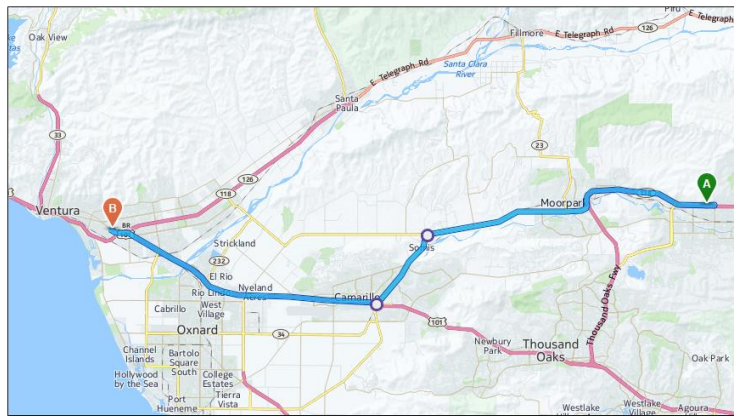
VCTC's CMAQ application for the East/West Bus Line proposed a local match for operations of \$52,303 for the first year of service, with the match to be shared among East County cities. Staff recommends that \$52,303 of the FY 2016/17 LCTOP apportionment be used to relieve these cities of the need to provide that match. Staff recommends that the remainder of Ventura County's formula funds for FY 2016/17 funds, \$325,442, be programmed for continuing the Oxnard/Camarillo line.

The buses have been purchased for both routes. VCTC began operating the Oxnard/Camarillo Employment Connector Service in October of 2016 and the East/West County Connector Service is anticipated to begin service this summer. The two routes are described below:

Oxnard/Camarillo Employment Connector Service: This service provides access from the state designated disadvantaged communities in South and East Oxnard to employment centers in Camarillo. The service provides 4 round trips a day 7 days a week originating in South Oxnard (at the "C" Street Transfer Center) and the Oxnard Transportation Center (OTC), and then to the Camarillo Outlet mall. From there the service goes to the Camarillo Metrolink Station.



East/West County Connector Service: This project would establish a new route that provides a direct connection from East Ventura County to West Ventura County, using the Highway 118-Highway 34 corridor. The route is will utilize two buses and traverse Simi Valley, Moorpark, Somis, Camarillo, Oxnard and Ventura. The requested funding will enable the provision of weekday service from 6:00 am to 7:00 pm, with 90 minute headways or 8 round trips per day.



RECOMMENDATION:

LCTOP was created to provide operating and capital assistance to transit agencies with the goal of funding new, enhanced, or expanded service that reduces greenhouse gas (GHG) emissions and improves mobility. The East/West County Connector project, the Oxnard/Camarillo Employment Connector project and the SCRRRA Metrolink Locomotive Procurement project meet the goals of the LCTOP program. On February 9th, 2017, the Transit Operators Committee (TRANSCOM) reviewed the projects recommended for the county population formula funds and recommends the Commission approve programming the funds for these projects as presented.

Therefore, staff recommends the Commission program \$52,303 of VCTC's FY 2016/17 LCTOP apportionment for the East/West County Connector Bus Service Project, \$325,442 for the Oxnard/Camarillo Employment Connector Service Project, and \$28,828 for the SCRRRA Metrolink Locomotive Procurement project and adopt Resolution 2017-02 in Attachment A authorizing the Executive Director to execute all required documents to receive VCTC's FY 2016/17 LCTOP funds.

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RESOLUTION NO. 2017-02

**A RESOLUTION AUTHORIZING THE SUBMITTAL OF
ALLOCATION REQUESTS FOR THE VENTURA COUNTY
TRANSPORTATION COMMISSION FY 16/17 LOW CARBON
TRANSPORTATION OPERATIONS PROGRAM FUNDS FOR THE
EAST/WEST BUS SERVICE CONNECTOR PROJECT, THE
OXNARD/CAMARILLO EMPLOYMENT CONNECTOR SERVICE
PROJECT AND THE SCRRA METROLINK LOCOMOTIVE
PROCUREMENT PROJECT AND
AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE ALL
REQUIRED GRANT DOCUMENTS**

WHEREAS, the Ventura County Transportation Commission (“VCTC”) is an eligible project sponsor and may receive state funding from the Low Carbon Transit Operations Program (“LCTOP”) now or sometime in the future for transit projects; and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

WHEREAS, Senate Bill 862 (2014) named the Department of Transportation (“Department”) as the administrative agency for the LCTOP; and

WHEREAS, the Department has developed guidelines for the purpose of administering and distributing LCTOP funds to eligible project sponsors (local agencies); and

WHEREAS, these guidelines include a Certification and Assurances document (Exhibit 1) that must be executed in order to receive funds.

NOW THEREFORE BE IT RESOLVED that, VCTC hereby authorizes the submittal allocation requests for FY 16/17 LCTOP funds for the following projects:

- \$52,303 for the East/West County Connector Bus Service Project,
- \$325,442 for the Oxnard/Camarillo Employment Connector Service Project and,
- \$28,828 for the Southern California Regional Rail Authority (SCRRA) Metrolink Locomotive Procurement project.

BE IT FURTHER RESOLVED that VCTC approves of and agrees to comply with all conditions and requirements set forth in the Certification and Assurances attached hereto as Exhibit 1 and all applicable statutes, regulations and guidelines for all LCTOP funded transit projects and authorizes the Executive Director to execute the Certifications and Assurances and all required documents of the LCTOP program and any amendments thereto with the California Department of Transportation.

PASSED AND ADOPTED by the VCTC at its regular meeting this 3rd day of March 2017.

Bryan MacDonald, Chair

ATTEST:

Donna Cole, Clerk

APPROVED AS TO FORM:

Steven Mattas, General Counsel



FY 2016-2017 LCTOP Certifications Assurances

Lead Agency: 0

Project Name: 0

Prepared by: 0

The California Department of Transportation (Caltrans) has adopted the following Certifications and Assurances for the Low Carbon Transit Operations Program (LCTOP). As a condition of the receipt of LCTOP funds, project lead must comply with these terms and conditions.

A. General

1. The project lead agrees to abide by the current LCTOP Guidelines and applicable legal requirements.
2. The project lead must submit to Caltrans a signed Authorized Agent form designating the representative who can submit documents on behalf of the project sponsor and a copy of the board resolution appointing the Authorized Agent.

B. Project Administration

1. The project lead certifies that required environmental documentation is complete before requesting an allocation of LCTOP funds. The project lead assures that projects approved for LCTOP funding comply with Public Resources Code § 21100 and § 21150.
2. The project lead certifies that a dedicated bank account for LCTOP funds only will be established within 30 days of receipt of LCTOP funds.
3. The project lead certifies that when LCTOP funds are used for a transit capital project, that the project will be completed and remain in operation for its useful life.
4. The project lead certifies that it has the legal, financial, and technical capacity to carry out the project, including the safety and security aspects of that project.
5. The project lead certifies that they will notify Caltrans of pending litigation, dispute, or negative audit findings related to the project, before receiving an allocation of funds.
6. The project lead must maintain satisfactory continuing control over the use of project equipment and facilities and will adequately maintain project equipment and facilities for the useful life of the
7. Any interest the project lead earns on LCTOP funds must be used only on approved LCTOP
8. The project lead must notify Caltrans of any changes to the approved project with a Corrective Action Plan (CAP).
9. Under extraordinary circumstances, a project lead may terminate a project prior to completion. In the event the project lead terminates a project prior to completion, the project lead must (1) contact Caltrans in writing and follow-up with a phone call verifying receipt of such notice; (2) pursuant to verification, submit a final report indicating the reason for the termination and demonstrating the expended funds were used on the intended purpose; (3) submit a request to reassign the funds to a new project within 180 days of termination.
10. Funds must be encumbered and liquidated within the time allowed



**FY 2016-2017 LCTOP
Certifications Assurances**

C. Reporting

1. The project lead must submit the following LCTOP reports:
 - a. Semi-Annual Progress Reports by May 15th and November 15th each year.
 - b. A Final Report within six months of project completion.
 - c. The annual audit required under the Transportation Development Act (TDA), to verify receipt and appropriate expenditure of LCTOP funds. A copy of the audit report must be submitted to Caltrans within six months of the close of the year (December 31) each year in which LCTOP funds have been received or expended.
2. Other Reporting Requirements: ARB is developing funding guidelines that will include reporting requirements for all State agencies that receive appropriations from the Greenhouse Gas Reduction Fund. Caltrans and project sponsors will need to submit reporting information in accordance with ARB's funding guidelines, including reporting on greenhouse gas reductions and benefits to disadvantaged communities.

D. Cost Principles

1. The project lead agrees to comply with Title 2 of the Code of Federal Regulations 225 (2 CFR 225), Cost Principles for State and Local Government, and 2 CFR, Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
2. The project lead agrees, and will assure that its contractors and subcontractors will be obligated to agree, that:
 - a. Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allow ability of individual project cost items and
 - b. Those parties shall comply with Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Every sub-recipient receiving LCTOP funds as a contractor or sub-contractor shall comply with Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
3. Any project cost for which the project lead has received funds that are determined by subsequent audit to be unallowable under 2 CFR 225, 48 CFR, Chapter 1, Part 31 or 2 CFR, Part 200, are subject to repayment by the project lead to the State of California (State). All projects must reduce greenhouse gas emissions, as required under Public Resources Code section 75230, and any project that fails to reduce greenhouse gases shall also have its project costs submit to repayment by the project lead to the State. Should the project lead fail to reimburse moneys due to the State within thirty (30) days of demand, or within such other period as may be agreed in writing between the Parties hereto, the State is authorized to intercept and withhold future payments due the project lead from the State or any third-party source, including but not limited to, the State Treasurer and the State Controller.



**FY 2016-2017 LCTOP
Certifications Assurances**

A. Record Retention

1. The project lead agrees, and will assure that its contractors and subcontractors shall establish and maintain an accounting system and records that properly accumulate and segregate incurred project costs and matching funds by line item for the project. The accounting system of the project lead, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles (GAAP), and enable the determination of incurred costs at interim points of completion. All accounting records and other supporting papers of the project lead, its contractors and subcontractors connected with LCTOP funding shall be maintained for a minimum of three (3) years after the "Project Closeout" report or final Phase 2 report is submitted (per ARB Funding Guidelines, Vol. 3, page 3.A-16), and shall be held open to inspection, copying, and audit by representatives of the State and the California State Auditor. Copies thereof will be furnished by the project lead, its contractors, and subcontractors upon receipt of any request made by the State or its agents. In conducting an audit of the costs claimed, the State will rely to the maximum extent possible on any prior audit of the project lead pursuant to the provisions of federal and State law. In the absence of such an audit, any acceptable audit work performed by the project lead's external and internal auditors may be relied upon and used by the State when planning and conducting additional ..
2. For the purpose of determining compliance with Title 21, California Code of Regulations, Section 2500 et seq., when applicable, and other matters connected with the performance of the project lead's contracts with third parties pursuant to Government Code § 8546.7, the project sponsor, its contractors and subcontractors and the State shall each maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts. All of the above referenced parties shall make such materials available at their respective offices at all reasonable times during the entire project period and for three (3) years from the date of final payment. The State, the California State Auditor, or any duly authorized representative of the State, shall each have access to any books, records, and documents that are pertinent to a project for audits, examinations, excerpts, and transactions, and the project lead shall furnish copies thereof if requested.
3. The project lead, its contractors and subcontractors will permit access to all records of employment, employment advertisements, employment application forms, and other pertinent data and records by the State Fair Employment Practices and Housing Commission, or any other agency of the State of California designated by the State, for the purpose of any investigation to ascertain compliance with this document.

F. Special Situations

Caltrans may perform an audit and/or request detailed project information of the project sponsor's LCTOP funded projects at Caltrans' discretion at any time prior to the completion of the LCTOP.

I certify all of these conditions will be met.

0
(Print Authorized Agent)

0
(Title)

(Signature)

(Date)

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Item #10

March 3, 2017

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: PETER DE HAAN, PROGRAMMING DIRECTOR

SUBJECT: LEGISLATIVE UPDATE & POSITIONS ON BILLS

RECOMMENDATION:

- Adopt "Support" position on AB 278 (Steinorth).

DISCUSSION

Federal Issues

On January 31st the Senate confirmed Elaine Chao as Secretary of Transportation. Secretary Chao previously served as Transportation Deputy Secretary in the George H.W. Bush Administration, and as Secretary of Labor in the George W. Bush Administration.

At last month's meeting staff informed the Commission of the exercise to provide the Trump Administration with a listing of "Priority Infrastructure Projects." VCTC submitted a list of three projects to the State Transportation Agency, which then submitted a list of selected projects to the National Governors Association. The Transportation Agency's submittal (Attachment A) did not include any of the projects submitted by VCTC. Staff is of the understanding that the lists to be submitted by states were only intended to be illustrative of the projects can be built should the federal government launch an expanded infrastructure program.

State Issues

Attachment A provides the monthly report of Delaney Hunter, the Commission's state lobbyist. Attachment B is an analysis on AB 278 (Marc Steinorth, R – Rancho Cucamonga), a bill to provide expedited environmental approval of bikeways and freeway auxiliary lanes (also known as acceleration/deceleration lanes) by providing an exemption for these projects if certain requirements are met. Staff recommends the Commission adopt a "Support" position on this bill as these projects are typically of minimal impact yet in recent years have been subject to significant delays in obtaining approval. This bill falls under the section of the adopted VCTC Legislative Program to "support legislation to extend CEQA streamlining provisions to transportation projects that are consistent with the Sustainable Communities Strategy." Attachment C provides the status of bills being tracked by VCTC.



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

Legislative Update

While the 2017-18 legislative session began in early January, the new legislators were mostly getting acquainted and committee assignments were still being delegated. The focus of the first few months of 2017 has been on federal efforts and responding to President Trump's new administration, including the uncertainty of funding being allocated to California. There have been a host of bills introduced in response to the recent Executive Orders, and legislators have spent significant resources on immigration, healthcare, and other federal driven issues. While the legislative focus has been on federal concerns, there have been numerous measures introduced on important state issues – including transportation funding, park bonds, affordable housing, and water regulations. The bill introduction deadline was February 17th, and the Assembly and Senate ultimately put forward about 2,000 bills. Most of these measures were introduced days before the deadline, and bills must be in print for 30 days before action can be taken. As a result, policy committee hearings will begin in earnest in mid to late March and continue through April. Bills must be out of the first house policy committee process by April 28th, where the Appropriations Committee will take the front stage. GQHC will continue to keep VCTC updated on the host of bills and budget related issues moving through the legislative process.

Transportation Funding

As previously reported, Assembly Member Frazier and Senator Beall have reintroduced transportation funding bills in the new legislative session (AB 1 and SB 1), since no action was taken in the Special Session last year. These new bills would generate almost \$6 billion a year and include several revenue raising mechanisms – a gas tax increase, restoring gas excise tax rates, increasing the diesel excise tax, increasing the vehicle registration fee, implementing a fee on zero-emission vehicles, among others changes. There are a few differences between these two packages, and Governor Brown has proposed a smaller, \$4.3 billion package. SB 1 was scheduled for a hearing in the Senate Transportation & Housing Committee, where it passed on an 8 to 3 vote. Senator Beall presented about the need for transportation funding - specifically with recent events surrounding public safety and infrastructure. He highlighted the \$58 billion backlog and argued that SB 1 provides necessary funding, restores weight fees, and implements a number of reforms and efficiencies. The California Transit Association, Transportation California, the State Council of Laborers, the League of Cities, CSAC, and multiple other transportation agencies and local

governments testified in support, while WSPA, the Bicycle Coalition, Howard Jarvis, and a few other groups registered in opposition. The bill will now move to the Senate Environmental Quality Committee but a hearing date has not been confirmed.

AB 1 has not been set for a policy committee hearing yet, and it also remains to be seen whether the Legislature will vote to keep the Governor's funding proposal in the budget. Furthermore, the Assembly Republican Caucus released a version of their ideal transportation funding plan (AB 496 by Assembly Member Fong). Their legislation is a \$5.6 billion package, but it contains no new tax proposals. Instead, AB 496 would take \$4.6 billion from the general fund for transportation, and it would redirect \$1.1 billion in truck weight fee revenue and would take \$550 million of vehicle insurance fee revenue that currently goes to the general fund. This bill has not been set for hearing yet, but all proposals remain viable options. GQHC will remain engaged on the transportation funding issue and will continue to keep VCTC updated if any additional action is taken.

Other Legislation

National Environmental Policy Act Extension

AB 28 by Assembly Member Frazier indefinitely extends the federal National Environmental Policy Act (NEPA) delegation to Caltrans to expedite and streamline the delivery of transportation projects throughout the state. In order to have the bill on the Governor's desk in early March, the Legislature has acted quickly to move AB 28 forward. Additionally, the bill contains an urgency clause, which allows it to take effect immediately upon passage. GQHC has continued to voice VCTC's support for AB 28 as it moves through the legislative process. It was first set for hearing in the Assembly Transportation Committee and then the Appropriations Committee, where it received unanimous votes in both hearings. We testified in support, along with the Self-Help Counties Coalition, Caltrans, the California Transportation Commission, and a myriad of other transportation agencies and local governments. AB 28 then advanced to the Assembly Floor. After receiving overwhelming passage, it will now head to the Senate for a similar, expedited process in the second house. GQHC will continue to advocate VCTC's support and will keep the Commission updated as the bill progresses.

Cap and Trade Related Legislation

In his January budget, Governor Brown proposed legislation to confirm the Air Resources Board's authority, through a two-thirds urgency vote, to administer Cap and Trade auctions beyond 2020. The Budget proposes a \$2.2 billion expenditure plan to be allocated after legislation is approved, and some of this money is for transportation related purposes. Since this direction, the Legislature has introduced a few bills related to cap and trade. Specifically, Assembly Member Burke introduced AB 151 with the intent of extending cap and trade beyond the 2020 deadline. This bill has not been set for policy committee hearing yet and will need to be amended to include more substantive language in the coming weeks. Similarly, the Governor and Administration just released cap and trade trailer bill language that removes the sunset and extends the cap and trade program, so we will inform VCTC of any progress on the legislation or budget.

Additionally, Assembly Member's Eduardo Garcia, Cristina Garcia, and Chris Holden have introduced an alternative cap and trade extension proposal (AB 378). This bill requires the ARB to account for the social costs of GHG emissions particularly in the most disadvantaged communities, and it would authorize ARB to continue the cap and trade program to meet the statewide greenhouse gas reduction target of 40% by 2030. AB 378 was just recently introduced, so it will need to sit for 30 days before advancing through

committee. Lastly, Assembly Member Gipson introduced a spot bill on the GGRF (AB 302), which will likely detail how GGRF money is spent, once substantive language is put in. GQHC will keep VCTC updated on the status of these cap and trade measures and any funding being allocated toward transportation purposes.

Committee Membership

While the Senate announced their committee assignments in December, the Assembly did not release their new committee posts until much later. With over 30 new legislators serving in both houses, many committee compositions have been significantly changed. Despite the shake ups, the transportation committees in the Assembly and Senate remain fairly familiar. Senator Beall and Assembly Member Frazier still Chair these committees, and the remaining Assembly Transportation Committee Members include:

| Assembly Transportation & Housing Committee | |
|--|-------------------------------|
| <i>Member</i> | <i>District Number</i> |
| Aguilar-Curry, Cecilia | 4 |
| Baker, Catharine | 16 |
| Berman, Marc | 24 |
| Bocanegra, Raul | 39 |
| Chu, Kansen | 25 |
| Daly, Tom | 69 |
| Fong, Vince (Vice-Chair) | 34 |
| Frazier, Jim (Chair) | 11 |
| Friedman, Laura | 43 |
| Harper, Matthew | 74 |
| Mathis, Devon | 26 |
| Medina, Jose | 61 |
| Nazarian, Adrin | 46 |
| O'Donnell, Patrick | 70 |

Upcoming Bill Deadlines and Newly Introduced Legislation

Feb. 17 Last day for bills to be introduced

Apr. 6 Spring Recess begins upon adjournment

Apr. 17 Legislature reconvenes from Spring Recess

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

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

AB 1 (Frazier D) Transportation funding.

Introduced: 12/5/2016

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

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

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

Introduced: 12/5/2016

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

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

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

Introduced: 12/5/2016

Status: 2/13/2017-Read third time. Urgency clause adopted. Passed. Ordered to the Senate. In Senate. Read first time. To Com. on RLS. for assignment.

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

AB 33 (Quirk D) Greenhouse gases from transportation: reduction: fees and rebates on new vehicle purchases.

Introduced: 12/5/2016

Status: 12/6/2016-From printer. May be heard in committee January 5.

Summary: Would state the intent of the Legislature to enact legislation to reduce net emissions from greenhouse gases from transportation by imposing fees and granting rebates on sales of new automobiles and light trucks.

AB 65 (Patterson R) Transportation bond debt service.

Introduced: 12/13/2016

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

Summary: Current law provides for transfer of certain vehicle weight fee revenues to the Transportation Debt Service Fund to reimburse the General Fund for payment of current year debt service on general obligation bonds issued for transportation purposes, including bonds issued for high-speed rail and associated purposes pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st

Century (Proposition 1A of 2008). This bill would specifically exclude from payment under these provisions the debt service for Proposition 1A bonds.

AB 66(Patterson R) High-Speed Rail Authority: reports.

Introduced: 12/13/2016

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

Summary: Would require the business plan of the High-Speed Rail Authority 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 would require the authority to identify in the business plan and in another report 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 91(Cervantes D) High-occupancy vehicle lanes.

Introduced: 1/9/2017

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

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

AB 151(Burke D) California Global Warming Solutions Act of 2006: market-based compliance mechanisms.

Introduced: 1/11/2017

Status: 1/12/2017-From printer. May be heard in committee February 11.

Summary: Would state the intent of the Legislature to enact legislation that authorizes the State Air Resources Board to utilize a market-based compliance mechanism after December 31, 2020, in furtherance of the statewide greenhouse gas emissions limit of at least 40% below the 1990 level by 2030. This bill contains other existing laws.

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

Introduced: 1/17/2017

Status: 1/30/2017-Referred to Com. on TRANS.

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

AB 179 (Cervantes D) California Transportation Commission.

Introduced: 1/18/2017

Status: 2/14/2017-From committee chair, with author's amendments: Amend, and re-refer to Com. on TRANS. Read second time and amended.

Summary: Current law creates the California Transportation Commission Current law provides that the commission consists of 13 members: 11 voting members, of which 9 are appointed by the Governor subject

to Senate confirmation, one is appointed by the Senate Committee on Rules, and one is appointed by the Speaker of the Assembly, and 2 Members of the Legislature who are appointed as nonvoting ex officio members. This bill would require that 7 of those voting members have specified qualifications

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

Introduced: 2/2/2017

Status: 2/13/2017-Referred to Coms. on NAT. RES. and TRANS.

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

AB 302 (Gipson D) Greenhouse Gas Reduction Fund: 3-year investment plan.

Introduced: 2/6/2017

Status: 2/7/2017-From printer. May be heard in committee March 9.

Summary: Current law requires all moneys, except for fines and penalties, collected by the State Air Resources Board from a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature. Current law requires the Department of Finance, in consultation with the state board and any other relevant state agency, to develop, as specified, a 3-year investment plan for the moneys deposited in the Greenhouse Gas Reduction Fund. Current law requires appropriations from the fund to be made in the annual Budget Act. This bill would make technical, nonsubstantive changes to those provisions.

AB 330(Cooley D) Highway safety.

Introduced: 2/7/2017

Status: 2/8/2017-From printer. May be heard in committee March 10.

Summary: Current law requires the Department of Transportation to submit to the California Transportation Commission an estimate of state and federal funds reasonably expected to be available for future programming over the 5-year period in each state transportation improvement program, and requires the California Transportation Commission to adopt a fund estimate in that regard. This bill would require the fund estimates prepared by the department and the commission to identify and include federal funds derived from apportionments made to the state under the Fixing America's Surface Transportation (FAST) Act of 2015.

AB 344(Melendez R) Toll evasion violations.

Introduced: 2/7/2017

Status: 2/8/2017-From printer. May be heard in committee March 10.

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

AB 351(Melendez R) Transportation funding.

Introduced: 2/8/2017

Status: 2/9/2017-From printer. May be heard in committee March 11.

Summary: Current law provides for loans of revenues from various transportation funds and accounts to the General Fund, with various repayment dates specified. This bill, with respect to any loans made to the General Fund from specified transportation funds and accounts with a repayment date of January 1, 2019, or later, would require the loans to be repaid by December 31, 2018.

AB 378(Garcia, Cristina D) California Global Warming Solutions Act of 2006: regulations.

Introduced: 2/9/2017

Status: 2/10/2017-From printer. May be heard in committee March 12.

Summary: Would require the State Air Resources Board to consider and account for the social costs of the emissions and greenhouse gases when adopting those rules and regulations. The bill would authorize the state board to adopt or subsequently revise new regulations that establish a market-based compliance mechanism, applicable from January 1, 2021, to December 31, 2030, to complement direct emissions reduction measures in ensuring that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level by 2030.

AB 398(Garcia, Eduardo D) Greenhouse Gas Reduction Fund: report.

Introduced: 2/9/2017

Status: 2/10/2017-From printer. May be heard in committee March 12.

Summary: Current law requires the Department of Finance to annually submit a report to the appropriate committees of the Legislature on the status of the projects funded with moneys from the Greenhouse Gas Reduction Fund. This bill would require the department to include additional information in its annual report to the Legislature, including, among other things, the greenhouse gas emissions reductions attributable to each project and the geographic location, industry sector, and number of employees of the business entities, as defined, receiving moneys from the fund.

AB 419 (Salas D) Greenhouse Gas Reduction Fund: report.

Introduced: 2/9/2017

Status: 2/10/2017-From printer. May be heard in committee March 12.

Summary: Current law continuously appropriates 60% of the annual proceeds of the Greenhouse Gas Reduction Fund for transit, affordable housing, sustainable communities, and high-speed rail purposes. Current law requires the Department of Finance to report annually to the Legislature on the status of projects funded from the Greenhouse Gas Reduction Fund. This bill would require the Department of Finance to prepare the report in consultation with the State Air Resources Board, and would require the report to be prominently posted on the Internet Web sites of both agencies.

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

Introduced: 2/13/2017

Status: 2/14/2017-From printer. May be heard in committee March 16.

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

AB 468(Santiago D) Assault: transit operator: transit vehicle in motion.

Introduced: 2/13/2017

Status: 2/14/2017-From printer. May be heard in committee March 16.

Summary: Current law establishes the crime of assault committed against any person on the property of, or on a motor vehicle of, a public transportation provider, as defined. This bill would express the intent of the Legislature to enact legislation establishing the crime of assault against a transit operator while a transit vehicle is in motion.

AB 496(Fong R) Transportation funding.

Introduced: 2/13/2017

Status: 2/14/2017-From printer. May be heard in committee March 16.

Summary: Would create the Traffic Relief and Road Improvement Program to address traffic congestion and deferred maintenance on the state highway system and the local street and road system. The bill would provide for the deposit of various existing sources of revenue in the Traffic Relief and Road Improvement Account, which the bill would create in the State Transportation Fund, including revenues attributable to the sales and use tax on motor vehicles, revenues attributable to automobile and motor vehicle insurance policies from the insurer gross premiums tax, revenues from certain diesel fuel sales and use taxes, revenues from certain vehicle registration fees, and certain miscellaneous State Highway Account revenues.

AB 503(Lackey R) Vehicles: parking violations.

Introduced: 2/13/2017

Status: 2/14/2017-From printer. May be heard in committee March 16.

Summary: Current law requires, except as specified, the Department of Motor Vehicles to refuse to renew the registration of a vehicle if the registered owner or lessee has been mailed a notice of a delinquent parking violation relating to standing or parking, the processing agency has filed or electronically transmitted to the department an itemization of unpaid parking penalties, and the owner or lessee has not paid the parking penalties. This bill would make a technical, nonsubstantive change to one of those provisions.

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

Introduced: 2/13/2017

Status: 2/14/2017-From printer. May be heard in committee March 16.

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

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

Introduced: 2/13/2017

Status: 2/14/2017-From printer. May be heard in committee March 16.

Summary: Current state law authorizes the Department of Transportation to designate certain lanes for the exclusive use of high-occupancy vehicles (HOVs). Current law also 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. This bill would make a technical, nonsubstantive change to these provisions.

AB 548(Steinorth R) State highways.

Introduced: 2/14/2017

Status: 2/14/2017-Read first time. To print.

Summary: Current law establishes the Department of Transportation and the California Transportation Commission and provides that the department has full possession and control of all state highways and all property and rights in property acquired for state highway purposes and authorizes and directs the department to lay out and construct all state highways between the termini designated by law and on the locations as determined by the commission. This bill would make technical, nonsubstantive changes to these provisions.

AB 577(Caballero D) Disadvantaged communities.

Introduced: 2/14/2017

Status: 2/14/2017-Read first time. To print.

Summary: Current law defines a disadvantaged community as a community with an annual median household income that is less than 80% of the statewide annual median household income for various purposes, that include, but are not limited to, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, eligibility for certain entities to apply for funds from the State Water Pollution Cleanup and Abatement Account, and authorization for a community revitalization and investment authority to carry out a community revitalization plan. This bill would instead define a disadvantaged community as a community with an annual per capita income that is less than 80% of the statewide annual per capita income.

AB 633(Harper R) Traffic control devices.

Introduced: 2/14/2017

Status: 2/14/2017-Read first time. To print.

Summary: Current law requires the Department of Transportation to place and maintain appropriate signs, signals, and other traffic control devices along highways under its jurisdiction. Current law authorizes the department, with the consent of local authorities, to place and maintain appropriate signs, signals, and other traffic control devices along city streets and county roads as may be necessary or desirable to control or direct traffic, or to facilitate traffic flow, to or from state highways. This bill would make technical, nonsubstantive changes to this provision.

SB 1(Beall D) Transportation funding.

Introduced: 12/5/2016

Status: 2/14/2017-VOTE: Do pass, but first be re-referred to the Committee on [Environmental Quality]

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

SB 4(Mendoza D) Goods Movement: allocation of federal funds: Goods Movement and Clean Trucks Bond Act. Introduced: 12/5/2016

Status: 1/12/2017-Referred to Coms. on T. & H., EQ., and GOV. & F.

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

SB 185(Hertzberg D) Vehicles: violations.

Introduced: 1/25/2017

Status: 2/2/2017-Referred to Coms. on T. & H. and PUB. S.

Summary: Would require the court, in any case involving an infraction under the Vehicle Code, to determine whether the defendant is indigent for purposes of determining what portion of the statutory amount of any associated fine, fee, assessment, or other financial penalties the person can afford to pay. The bill would provide that the defendant can demonstrate that he or she is indigent by providing specified information, including attesting to his or her indigent status under penalty of perjury. Because a violation thereof would be a crime, the bill would impose a state-mandated local program.

SB 264(Nguyen R) High-occupancy toll lanes.

Introduced: 2/8/2017

Status: 2/9/2017-From printer. May be acted upon on or after March 11.

Summary: Existing law authorizes a regional transportation agency or the Department of Transportation to apply to the California Transportation Commission to develop and operate high-occupancy toll (HOT) lanes or other toll facilities. Current law defines "regional transportation agency" for these purposes to include, among other agencies, a county transportation commission established under the County Transportation Commissions Act. This bill would instead refer to a county transportation commission or authority established under that act.

SB 389(Roth D) State highways.

Introduced: 2/14/2017

Status: 2/14/2017-Introduced. Read first time. To Com. on RLS. for assignment. To print.

Summary: Current law establishes the Department of Transportation and the California Transportation Commission and provides that the department has full possession and control of all state highways and all property and rights in property acquired for state highway purposes and authorizes and directs the department to lay out and construct all state highways between the termini designated by law and on the locations as determined by the commission. This bill would make technical, nonsubstantive changes to these provisions.

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

Introduced: 1/18/2017

Status: 1/26/2017-Referred to Coms. on T. & H. and E. & C.A.

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 prohibit those vehicle revenues and fuel tax revenues from being pledged or used for the payment of principal and interest on general obligation bonds issued by the

state, except that vehicle weight fee revenues would be authorized to be pledged or used for the payment of principal and interest on general obligation transportation bonds approved prior to January 1, 2017. This bill contains other related provisions and other existing laws.

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

Introduced: 2/13/2017

Status: 2/14/2017-From printer. May be acted upon on or after March 16.

Summary: Would require that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for transportation purposes, as specified, be submitted to the electorate and approved by 55% of the voters voting on the proposition. The measure would also make conforming and technical, nonsubstantive changes.

AB 278 (Steinorth)**Summary:**

AB 278 by Assembly Member Steinorth would provide a California Environmental Quality Act (CEQA) exemption for projects that inspect, maintain, repair, replace, or remove existing highways and roads.

Purpose:

California's transportation system is in dire need of repair and maintenance, and the total cost of the state's transportation infrastructure needs have been tallied at \$59 billion. While a comprehensive transportation funding package is still being developed among the Legislature and Administration, there are other efficiency related steps that can be taken to help advance the state's transportation needs in the meantime. Specifically, CEQA exemptions can help streamline and move forward important transportation projects. CEQA litigation is notorious for causing significant and costly delays to projects under its review. If a project is simply repairing an existing highway or road, advocates argue that it should be exempt from CEQA review to eliminate the potential for the repair to get sidetracked or halted entirely, especially when there are negligible environmental impacts. Furthermore, the longer California waits to repair its roads, the more expensive the projects and maintenance will become. As a result, AB 278 proposes to exempt certain projects from CEQA, in an existing highway or roadway, in order to keep projects moving forward and ultimately helping address California's transportation funding needs.

Author's Statement:

AB 278 solves an important problem – while CEQA is well-intentioned – it is often abused by persons/organizations who oppose a project for any myriad of reasons. Beyond litigation delays, the nature of bureaucracy and government approval processes naturally subjects any project that must undergo a CEQA review to an unpredictable timeline, increasing project costs, and delaying action. AB 278 will streamline the environmental review and permitting processes for transportation projects to avoid potentially duplicative analysis, while still maintaining environmental protections. While there is significant debate regarding how to fund transportation projects, the Legislature must also consider how to complete projects efficiently. Securing billions of dollars in funding will be a futile effort if transportation projects are not acted upon once that time comes.

Existing Law:

Currently, CEQA requires lead agencies with the principal responsibility for carrying out or approving a proposed project to prepare a negative declaration, mitigated negative declaration, or environmental impact report for the project, unless it is exempt. Current exemptions exist for any emergency project to maintain, repair, or restore an existing highway, except for a state-designated scenic highway, within the existing right-of-way of the highway, and there are also specific transportation projects that have been exempted from CEQA – including the Highway 101 interchange modification, HOV lanes on I-805 from I-5, among a few other identified projects.

In addition to statutory exemptions, current law requires the CEQA Guidelines to include categories of projects, which have been determined that they do not have a significant effect on the environment and are not subject to CEQA. The categorical exemptions include work on existing facilities where there is negligible expansion of an existing use.

Related Legislation:

AB 1569 (Steinorth) from 2016 – This bill mirrors the CEQA exemption proposed in AB 278. AB 1569 was double referred but did not advance out of the Assembly Natural Resources Committee.

AB 1589 (Mathis) from 2016 – AB 1589 exempts from CEQA specified projects to mitigate drought conditions for which a state of emergency has been proclaimed by the Governor, while the state of emergency is in effect. Similar to AB 1569, this bill stalled in the Assembly Natural Resources Committee.

SB 240 (Stone) from 2015 – This bill exempts from CEQA specified renewable energy projects of limited duration on disturbed land that meet specified requirements. SB 240 did not advance out of the Senate Environmental Quality Committee in the first house.

Support/Opposition:

Support: None received as of February 12, 2017.

Opposition: None received as of February 12, 2017.

| VENTURA COUNTY TRANSPORTATION COMMISSION STATE LEGISLATIVE MATRIX BILL SUMMARY February 22, 2017 | | | |
|---|--|-----------------|--|
| BILL/AUTHOR | SUBJECT | POSITION | STATUS |
| AB 1 Frazier | Increases fuel taxes and vehicle fees to raise \$6 billion annually for transportation. | Watch | In Assembly Transportation Committee. |
| AB 17 Holden | Provides funds to transit operators by formula in support of student bus pass programs. | Support | In Assembly Transportation Committee. |
| AB 28 Frazier | Makes permanent the legal provisions allowing delegation of NEPA authority to Caltrans. | Support | Passed Assembly Transportation Committee 13-0. Passed Assembly Appropriations Committee 11-0. Passed Assembly 73-0. To Senate. |
| AB 278 Steinorth | Provides for CEQA exemption category for bike paths and freeway auxiliary lanes if certain requirements are met. | Support | In Assembly Natural Resources Committee. |
| SB 1 Beall | Increases fuel taxes and vehicle fees to raise \$6 billion annually for transportation. | Support | Passed Senate Transportation & Housing Committee 8-3. In Senate Environmental Quality Committee. |

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

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Item #11

March 3, 2017

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

**FROM: DARREN KETTLE, EXECUTIVE DIRECTOR
STEVE DEGEORGE, DIRECTOR OF PLANNING**

SUBJECT: CAPITAL PROJECTS PROJECT MANAGEMENT

RECOMMENDATION:

- Approve Cooperative Agreement with County of Ventura Public Works Agency Transportation Department to provide Project Management professional services to serve as VCTC Project Manager/representative for the United States Highway 101 and State Route 118 project development phases (preliminary engineering and environmental document development).

BACKGROUND:

The Commission has approved using federal Surface Transportation Program funds to initiate the project development work, and eventual implementation, for the priority Highway 101 and Route 118 freeway improvements. As part of this new initiative, VCTC will for the first time be assuming direct management for state highway project development work, in this case for the Route 101 project. VCTC staff effort will also be required for the Route 118 project even though Caltrans will remain the project lead. In order to initiate this substantial long-term project management undertaking the Commission's FY 2016/17 annual budget included a new position of Capital Projects Manager to lead the project management efforts. The position was classified at Manager level with a licensed civil engineer requirement. The Manager salary range is \$70,132 - \$104,069.

The position is to be responsible for developing a Request for Proposal (RFP) and consultant selection process for the preliminary engineering and environmental document development for the US 101 freeway corridor improvement project followed by managing the consultant team on contract for the project. The time frame for this phase of the project is estimated to be 5 years. The position will also serve as VCTC's primary interface and advocate with Caltrans as the project team proceeds through the environmental and preliminary engineering approval process. Additionally the position will represent VCTC with Caltrans and other agencies as Caltrans moves forward on the State Route 118 project development phases of preliminary engineering and environmental approvals by providing assistance and guidance as required on the various project studies.

VCTC conducted a recruitment for the position and received applications from a half-dozen candidates that met the minimum qualifications. Following an interview process a preferred candidate was identified but terms of employment could not be agreed upon. The panel that participated in the interview process concluded that the remaining candidates, while meeting the minimum qualifications, had limited experience in the highway corridor project development field.

At this point the November 8th election was just weeks away so further staffing decisions were postponed so that we could better assess VCTC's need in light of the election results. Had Measure AA passed the position may have been upgraded to a Director level to manage a more robust capital project program with a higher salary range making the position more attractive.

As VCTC staff was considering how best to staff this function following the unsuccessful recruitment process and the workload that is now limited to two projects, County of Ventura Public Works Agency Transportation Department staff informed the VCTC Executive Director that the County Transportation Department was also looking at staffing issues in light of some recent staff departures. The County PWA Transportation Department Director participated on the interview panel for VCTC's Capital Projects Manager and was familiar with VCTC needs and suggested that since the County had similar workload limitations that the County and VCTC recruit a civil engineer/project manager who would be employed by the County and provide project management services for VCTC. The position would be an employee of the County and by way of cooperative agreement VCTC would utilize approximately 1/3rd – ½ of the time of a full-time employee and incidental time from other County PWA Transportation Department staff. VCTC will be charged on an hourly basis in accordance with the County's current adopted fee schedule for the employee(s) performing the service for VCTC. VCTC budgeted approximately \$152,000 in salary and benefit costs for the Capital Projects Manager position in the FY2016/17 budget. The expense to VCTC in FY 2016/17 is estimated at \$40,000 and in future budget years in the range of \$125,000. In the first 12 months there is substantial upfront work of the US 101 Freeway Corridor project consultant team selection process and lesser amounts in following years providing ongoing project and contract management. This function is fully funded from Federal Surface Transportation Program Block Grant and State Transportation Improvement Program funds already approved by the Commission.

This type of arrangement satisfies VCTC's need for project management while not unduly burdening the agency with a full-time position at this time. VCTC has a similar arrangement with the Public Works Agency Engineering Services Division to provide project management services for VCTC's relocation and building remodel project for the new office site at 2220 Ventura Boulevard, Camarillo (Old Town Camarillo) which is working well.

Overall 101 Project Update

At the request of Commissioner McDonald, staff is providing a brief update of the status of the U.S. 101 improvements. The Project Study Reports (PSR) for U.S. 101 was completed in December of 2013 and sets out four alternatives, as shown below, for improvements from S.R. 23 in Thousand Oaks to S.R. 33 in Ventura, or approximately 28 miles of mainline freeway corridor improvements. The PSR also estimates cost for the next phase of the project, Project Approval and Environmental Document (PAED) at approximately \$14 million.

| Alt. | Description | Structures | Estimated Cost |
|-------------|---|---------------------------------------|--|
| 1 | No Build | | |
| 2 | Add 1 non-standard HOV lane in each direction | 17 structures widened, 1 replaced | \$600–\$700 million plus \$15 million right of way costs |
| 3 | Add 1 standard HOV lane in each direction | 23 structures widened, 14 replaced | \$1.3-\$1.6 billion plus \$100 million in right of way costs |
| 4 | Add 2 standard HOV lanes in each direction | 23 structures widened, 16 replaced | \$1.6-\$2 billion\$100 million in right of way costs |

To meet the goal of having U.S. 101 shovel ready should funding become available, the Commission has laid the groundwork to move the preliminary engineering and environmental work forward. Beginning in May of 2015 the Commission approved programming \$14 million in federal Surface Transportation Program (STP) funds for the PAED Phase that includes preliminary engineering and a final environmental document for U.S. 101. The preliminary engineering phase moves the project to approximately 30-35% designed so that environmental issues can then be analyzed and mitigation plans developed. In December the Commission approved a cooperative agreement with Caltrans detailing VCTC's role as project lead in the Project Approval and Environmental Document (PAED) phase for U.S. 101. Lastly in the spring of 2017, approximately \$500,000 in repurposed earmark will be added to this effort. Through the cooperative agreement with the County that is recommended above, staff anticipates this work to begin in late spring of 2017.

The PAED phase is expected take approximately five (5) years with the primary determining factor being the level of environmental document necessary. Once the PAED phase is complete final engineering/design will proceed, likely in a phased or segmented approach as funds are available. The cost for final engineering/design will be better estimated once the scope of the project is better defined through the preliminary engineering phase. Depending on the complexity of a project phase final engineering/design can take several years. Should right of way be required for the improvements that activity can take place concurrent with final engineering/design.

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Item #12

March 3, 2017

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

**FROM: MARTIN R. ERICKSON, PUBLIC TRANSIT DIRECTOR
ELLEN TALBO, TRANSIT PLANNING MANAGER**

SUBJECT: REVIEW OF DRAFT FINAL COORDINATED HUMAN SERVICES TRANSPORTATION PLAN

RECOMMENDATION:

- Receive Presentation

DISCUSSION:

Federal legislation in 2005 first required the preparation of a locally developed plan that establishes a “unified comprehensive strategy for public transportation service delivery” through a coordinated planning process. This “Coordinated Plan” will address the unmet transportation needs and mobility gaps of:

- Persons with disabilities
- Older adults, and
- Individuals of low income

Populations also of interest to this process are veterans and persons with limited English proficiency.

In April 2016 the Commission approved an agreement with AMMA consulting to prepare the Coordinated Plan update, and they will be providing a presentation of the Draft Coordinated Plan at the March meeting for the Commission’s review. Staff plans to present a Final Coordinated Plan for the Commission’s consideration for adoption in April. It is important to note that a key objective of the Coordinated Plan is to identify “gaps” in the transportation needs of seniors, persons with disabilities and persons of low income. Through the mobility goals, strategies and projects identified it provides direction to the numerous Ventura County stakeholders including the Commission, the county’s public transit providers, human services agencies, cities, and the County.

Since August 2016, VCTC staff has been leading the effort to update the Coordinated Human Services Transportation Plan (Coordinated Plan). This plan is prepared every five years in response to Federal statute in the Fixing America’s Surface Transportation Act (FAST Act) with the last update in 2012. Coordinated Plans outline a set of regional goals and strategies to improve mobility for specialized transit user populations, and in turn the regional goals and strategies are designed to position projects for federal 5310 program funding.

In addition to the existing transit operators, there are non-profit organizations and social service entities that provide mobility services to senior, disabled, and low income population. In many cases it can be challenging for the user of these specialized populations to decipher the difference among service options because:

- 1) Eligibility requirements to ride vary amongst providers (e.g. age eligibility vs. patient/client eligibility)
- 2) There are multiple transit operators with specific service area geographies
- 3) Social service agencies that provide mobility services are typically limited to serve their patient/clientele only.

Both public operators and social service entities recognize that coordinating the efforts to deliver and provide user-friendly mobility options between these providers is an issue for their rider that needs to be addressed. To address this, VCTC staff and its consultant hosted six public outreach activities to invite public feedback from Ventura County transit operators, social service entities, and the general public. The feedback was used to develop the update of the Coordinated Plan, and prioritize a group of strategies to address service gaps. The Draft Coordinated Plan was also discussed at the Transit Operators Advisory Committee (TRANSCOM) meeting of February 9, and the Citizens Transportation Advisory Committee/Social Services Transportation Advisory Committee (CTAC/SSTAC) at the meeting of February 14. The Plan was also sent in advance to members of both committees for review.

The Draft Final Coordinated Plan is included as a separate attachment to this agenda for the Commission's review.



Item #13R

March 3, 2017

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: STEVE DEGEORGE, DIRECTOR OF PLANNING
SUBJECT: BICYCLE WAYFINDING PLAN (REVISED)

RECOMMENDATION:

- Receive presentation on Bicycle Wayfinding Plan and provide comments.

DISCUSSION:

Although staff had hoped to have the Wayfinding Plan for Commission approval, the technical chapters of the plan based on TTAC's recommendation concerning sign selection and placement are not yet completed and cannot be provided for Commission consideration. Staff will be presenting the Plan results for Commission comment and will return to the Commission in April with the completed effort.

With consultant assistance from Alta Planning + Design, the Bicycle Wayfinding Plan was undertaken to identify, and prioritize intercounty and intercity bicycle routes as well as develop common signage. In recognition of the fact that most bike riding occurs on streets and roads without any lane designations, this plan reflects where people are currently riding and where they want to ride as opposed to simply tying together lanes that already exist.

The Wayfinding Plan is regional in nature and not designed to replace local bicycle plans, safe routes to school or other local efforts, rather it should be viewed as a layer on top of the local plans to provide needed connections. The plan is designed to inform jurisdictions and does not dictate what type of lane is most appropriate for any location or that a lane must be developed, local jurisdictions are best suited to make those decisions.

Routes were identified through a number of outreach efforts, some of them nontraditional or through newer technologies in order to capture real information about riders and routes. The outreach efforts included the development of a bike wiki, an online tool which allowed the public to draw routes on the existing network and make comments on where they want to ride and what is of interest along the way. On-line surveys were conducted and VCTC along with Alta

March 3, 2017
Item #13R
Page #2

staffed booths at local events to gather public input. For each of these efforts direct outreach was made to bike clubs and other organizations to solicit participation, both bicycle tourism efforts in the County contributed significantly to the outreach effort.

In addition, data from electronic apps that track bicycle rides, such as Strava and MapMyRide was included in the source material and added to the analytical tools used. Bike rides were then organized to analyze differences between parallel routes or to look at specific decision points on a route to determine the best alternative. Once all data was collected, weighting criteria was applied to the public input to come up with the recommended routes, ranking, and sign recommendations.

A subcommittee of the Transportation Technical Advisory Committee (TTAC) oversaw the project throughout its life and provided direction for the selection of the routes, ranking, sign design and sign placement, it is their expertise that is reflected in this plan and staff appreciates their effort in this work. On February 16, 2017 the Wayfinding Plan recommendation were presented to the full TTAC and received their endorsement.

Ms. Emily Duchon, the Project Manager from Alta Planning + Design and will be presenting the results of the study for the Commission's consideration and comment. The completed Bicycle Wayfinding Plan will be brought back to the Commission in April.