



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

www.goventura.org

AGENDA*

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

**CAMARILLO CITY HALL
601 CARMEN DRIVE
CAMARILLO, CA
FRIDAY, SEPTEMBER 7, 2018
9:00 AM**

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

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

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

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

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

8A. APPROVE SUMMARY FROM JULY 13, 2018 VCTC MEETING – PG. 5

Recommended Action:

Approve

Responsible Staff: Donna Cole

8B. MONTHLY BUDGET REPORT – PG. 9

Recommended Action:

Receive and File

Responsible Staff: Sally DeGeorge

8C. PASSENGER RAIL UPDATE – PG. 11

Recommended Action:

Receive and File

Responsible Staff: Claire Grasty

8D. JOINT RESOLUTION APPROVING THE CONFLICT OF INTEREST CODE PURSUANT TO GOVERNMENT CODE SECTION 87306.5 - PG. 17

Recommended Action:

Approve the attached joint resolution approving the Conflict of Interest Code for the VCTC Agencies.

Responsible Staff: Donna Cole

8E. ADOPTION OF DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL FOR PROJECTS FUNDED BY THE FEDERAL TRANSIT ADMINISTRATION (FTA) - PG. 23

Recommended Action:

Adopt a Disadvantaged Business Enterprise (DBE) annual goal of 5.0% for VCTC contracts funded by the Federal Transit Administration for Federal Fiscal Years (FY) 2018/19 through 2020/21.

Responsible Staff: Peter De Haan

8F. PROCUREMENT POLICY UPDATE- PG.25

Recommended Action:

Adopt Resolution #2018-10 Amending the Ventura County Transportation Commission Procurement Policy and Procedures

Responsible Staff: Judith Johnduff

8G. LEGISLATIVE UPDATE -PG.27

Recommended Action:

Responsible Staff: Peter De Haan

8H. SECTION 5310 FUNDED VAN PURCHASE FOR HELP OF OJAI – PG.39

Recommended Action:

- *Authorize the Chair to execute the attached agreement with HELP of Ojai to provide a paratransit van using \$38,226.21 of Federal Transit Administration (FTA) Section 5310 funds with match provided by HELP of Ojai.*
- *Authorize Executive Director to place order with A-Z Bus Sales to purchase on behalf of HELP of Ojai a Ford Transit 150 lift-equipped paratransit vehicle through the California Association for Coordinated Transportation (CalACT) purchasing schedule, at a total cost of \$45,871.45, contingent the receipt of \$7,645.24 in match from HELP of Ojai.*

Responsible Staff: Peter De Haan

8I VCTC INTERCITY BUDGET AMENDMENT - PG.47

Recommended Action:

Approve amendment to the VCTC Intercity Transit Service FY2017/2018 Budget

Responsible Staff: Aaron Bonfilio

**8K CASH MANAGEMENT FOR PROGRESS PAYMENTS FOR THE US 101 HOV (PAED)
- PG.49**

Recommended Action:

Approve the use of State Transit Assistance (STA) fund balance for cash flow management of the US 101 HOV (PAED) project.

Responsible Staff: Steve DeGeorge

**8L. AUTHORIZE STATE ADVOCACY SERVICES CONTRACT REQUEST FOR PROPOSALS
- PG. 51**

Recommended Action:

Authorize staff to issue a Request for Proposals (RFP) for State Advocacy Services, incorporating the attached Scope of Services, for a base term of four years with two possible two-year extensions, and including provision for a 90-day cancellation clause.

Responsible Staff: Peter De Haan

9. VCTC OWNED TRAIN STATION PARKING ORDINANCE #2018-01- PG. 53

Recommended Action:

Waive reading and adopt Ordinance No. 2018-01 authorizing cities to adopt and enforce parking regulations in VCTC-owned train station parking lots subject to the provisions of the VCTC ordinance.

Responsible Staff: Martin Erickson

10. VCTC INTERCITY FARE PRICING – PUBLIC HEARING - PG. 57

Recommended Action:

- *Receive and file Public Comment Report regarding Draft Fare Change Proposal and Timeline.*
- *Open public hearing and receive testimony regarding Draft Fare Change Proposal and Timeline.*

Responsible Staff: Aaron Bonfilio

11. [RESOLUTION 2018-11 APPROVING VENTURA COUNTY TRANSPORTATION COMMISSION'S
FY 2018-19 STATE OF GOOD REPAIR PROJECT SUBMITTAL - PG. 59](#)

Recommended Action:

- *Approve the use of Ventura County Transportation Commission's (VCTC) estimated FY 2018/19 apportionment of State of Good Repair funds of \$1,132,923 and Southern California Regional Rail Authority's (SCRRA) State of Good Repair revenue formula amount for the portion of the service within Ventura County of \$115,145, for the Metrolink Rehabilitation Project; and*
- *Adopt Resolution 2018-11 (Attachment 2) authorizing the Executive Director to submit all required documents to receive the funds.*

Responsible Staff: Judith Johnduff

12. VCTC GENERAL COUNSEL'S REPORT

13. AGENCY REPORTS

14. CLOSED SESSION –

15. ADJOURN to 9:00 a.m. Friday, October 5, 2018



Item #8A

Meeting Summary

VENTURA COUNTY TRANSPORTATION COMMISSION

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

CAMARILLO CITY HALL
601 CARMEN DRIVE
CAMARILLO, CA
FRIDAY, JULY 13, 2018
9:00 AM

MEMBERS PRESENT: Linda Parks, County of Ventura, Chair
Manuel Minjares, City of Fillmore, Vice Chair
Jan McDonald, City of Camarillo
Ken Simons, City of Moorpark
Randy Haney, City of Ojai
Bryan MacDonald, City of Oxnard
Will Berg, City of Port Hueneme
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 (arrived 9:20)
Peter Foy, County of Ventura
John Zaragoza, County of Ventura
Brian Humphrey, Citizen Rep, Cities
Jim White, Citizen Rep., County
Shirley Choate, Caltrans District 7

ABSENT: Neal Andrews, City of San Buenaventura
Kelly Long, County of Ventura

CALL TO ORDER

PLEDGE OF ALLGIANCE

ROLL CALL

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PUBLIC COMMENTS FOR THOSE ITEMS NOT LISTED ON THIS AGENDA - None

CALTRANS REPORT -

Shirley Choate reported today is Carrie Bowen's last day and she will be acting as the Interim District Director until the position is filled.

COMMISSIONERS REPORTS

Commissioner MacDonald reported he and Commissioner White attended a LOSSAN meeting in San Luis Obispo. The new morning service in cooperation with SBCAG is very well used.

Commissioner Gherardi reported on the first Senior festival held in Santa Paula. More than 300 people attended. She thanked MV transit for providing free transportation to the event. She also noted that The City of Santa Paula will be hosting a community pancake breakfast and badge pinning on July 21 at 8 am at Veterans Park for the fire department transfer to County.

Commissioner Minjares mentioned MV Transit was very responsive to El Dorado Park when they lost power.

ADDITIONS/REVISIONS - None

CONSENT CALENDAR –

Commissioner Gherardi made a motion to approve all items on the Consent Calendar as recommended:

8A. APPROVE SUMMARY FROM JUNE 1, 2018 VCTC MEETING – Approve

8B. MONTHLY BUDGET REPORT - Receive and File

8C. PASSENGER RAIL UPDATE – Receive and File

8D. LEGISLATIVE UPDATE - Receive and File

8E. REVISION TO PROPOSITION 1B TRANSIT CAPITAL PROGRAM –

- *Approve reprogramming Proposition 1B Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) project balances from the City of Simi Valley Paratransit Vehicle Purchase Project totaling \$24,041 to the Simi Valley CNG Fueling Facility Project, and approve Amendment 2 to the CNG Fueling Facility Subrecipient Agreement for the administration of the Proposition 1B funds (Attachment 1), and*
- *Approve Amendment 1 to the City of Simi Valley Replacement Fixed Route Bus Project Subrecipient Agreement for the administration of Proposition 1B PTMISEA funds to extend the performance period of the grant. (Attachment 2)*

8F. AMENDMENT #2 TO REGIONAL RIDEMATCHING SERVICES AGREEMENT WITH LOS ANGELES COUNTY TRANSPORTATION AUTHORITY - Authorize the Executive Director to execute Amendment #2 to the agreement with Los Angeles County Metropolitan Transportation Authority to provide Regional Ridematching Services extending through October 2018 at an Additional cost of \$5,000.

8G. VCTC INTERCITY BUS PURCHASE

Authorize the Executive Director to execute the purchase order for the three new fleet vehicles with bus manufacturer Motor Coach Industries (MCI), and to purchase after-market fleet systems and onboard equipment necessary for revenue service, for a total amount not to exceed \$2,138,100.

8H ADAPTATION PLANNING GRANT –

- *Amend the Fiscal Year 2018/2019 Regional Transit budget by \$250,000 for the Transportation Emergency Preparedness Plan by adding \$221,325 of Public Transportation Account (PTA) funds, \$14,337 of Local Contributions from SBCAG and \$14,338 of STA fund transfer and correspondingly increasing the consultant services line item by \$250,000. Also amend the STA fund budget by increasing the STA Fund Transfers expenditures by \$14,338.*
- *Approve Resolution 2018-09 between VCTC and the California Department of Transportation.*

8I. ALLOCATION OF TRANSPORTATION DEVELOPMENT ACT FISCAL YEAR (FY) 2018/19

ARTICLE 3 BIKE PATH MAINTENANCE FUNDS - *Approve the allocations for FY 2018/19 Transportation Development Act (TDA) Article 3 Bicycle/Pedestrian Maintenance Funds.*

8J. AMENDMENT TO NON-EXCLUSIVE EASEMENT (LIMONEIRA LEWIS COMMUNITY BUILDERS)

Approve an amendment to the September 8, 2017 non-exclusive easement made between Ventura County Transportation Commission (VCTC) and Limoneira Lewis Community builders LLC.

The motion was seconded by Commissioner Zaragoza and passed unanimously.

Commissioner Bennett arrived.

9. GRAND JURY REPORT AND RESPONSE -

Commissioner MacDonald made a motion to receive the Ventura County Grand Jury Report dated April 19, 2018, approve the SAFE's responses and authorize the Executive Director to transit the response to the Ventura County Grand Jury. The motion was seconded by Commissioner Judge and passed unanimously.

10. VCTC INTERCITY FARE PRICING -

Commissioner Humphrey made a motion to

- *Receive and file presentation.*
- *Proceed with Draft Fare Change Proposal and Timeline.*

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

11. COLLEGE RIDE PILOT PROGRAM -

Commissioner Gherardi made a motion to

- *Adopt MOU with Ventura County Community College District (VCCCD), California State University Channel Islands (CSUCI) and California Lutheran University (CLU)*
- *Approve Reimbursement Agreement with Ventura County Operators*

The motion was seconded by Commissioner Zaragoza and passed unanimously.

12. VCTC WEBSITE-

Commissioner Zaragoza made a motion to receive and file the presentation. The motion was seconded by Commissioner Berg and passed unanimously.

13. VCTC GENERAL COUNSEL'S REPORT

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14. AGENCY REPORTS

15. CLOSED SESSION –

16. ADJOURN to 9:00 a.m. Friday, September 7, 2018



Item #8B

September 7, 2018

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: SALLY DEGEORGE, FINANCE DIRECTOR

SUBJECT: MONTHLY BUDGET REPORT

RECOMMENDATION:

- Receive and file.

DISCUSSION:

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

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

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Item #8C

September 7, 2018

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

**FROM: CLAIRE GRASTY, PROGRAM MANAGER – REGIONAL PLANNING
HEATHER MILLER, TRANSIT PLANNER**

SUBJECT: PASSENGER RAIL UPDATE

RECOMMENDATION:

- Receive and file.

BACKGROUND:

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

DISCUSSION:

SCRRA (Metrolink) Commuter Rail

Ridership and On-time Performance

Based on data provided by Metrolink, system-wide ridership on commuter rail increased by 3% compared to last year's average in the same month, averaging 37,896 daily passenger trips for the month of July. The Ventura County Line, which includes both Ventura County and Los Angeles County stations, averaged 3,089 daily passenger trips for July, a 6% decrease from the previous year's average during the same month. A "10 Year Snapshot" of July ridership trends is provided in Attachment A.

Fiscal Year 17/18 concluded in July with an average 3,284 daily passengers on the VC line and 38,041 system-wide for the year. FY 16/17 totaled 3,461 daily passengers on the VC line and 38,549 system-wide. Fiscal Year comparisons yielded a 5% decline on the VC line and a 1% decline in ridership system-wide.

Metrolink ridership originating from Ventura County stations on the Ventura County Line for the month of July averaged 696 total boardings per weekday. This represents a decrease of 8% compared to the same month in the previous year. Ventura County boardings represented approximately 22% of all boardings on the Ventura County line, with LA stations averaging 78%. Since 2014, the Ventura County stations proportion has declined from 25% to 22%, a 1% average annual decrease. Ventura County trips departing or arriving at Ventura County stations averaged 167 peak passengers per trip. With an average

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4 car count per trip and approximate 565 passenger capacity, this represents an average 31% load factor. To address the trend of declining ridership locally, Metrolink has increased marketing efforts with a summer campaign that targets the unique demographics of the Ventura County line.

Metrolink on-time performance (OTP), which denotes trains arriving within five minutes of the scheduled time, averaged 95% “on-time” arrival on the Ventura County Line for the month of July, a slight decline in performance from the 96% OTP recorded in June. Of the 420 trains (14 daily) operated in the month of July, 399 arrived “on-time” while 21 were late and 149 arrived early. A total of 64,876 passengers traveled on the Ventura County line for the month. “On-time” performance on the Ventura County Line continues to perform above the 92.5 % system-wide average for July.

Metrolink monthly passholders boarding Amtrak trains dropped 17% year over year from 165 daily passengers utilizing the “Rail to Rail” program in FY16/17 to an average 136 daily passengers in FY17/18.

Metrolink Marketing Campaign

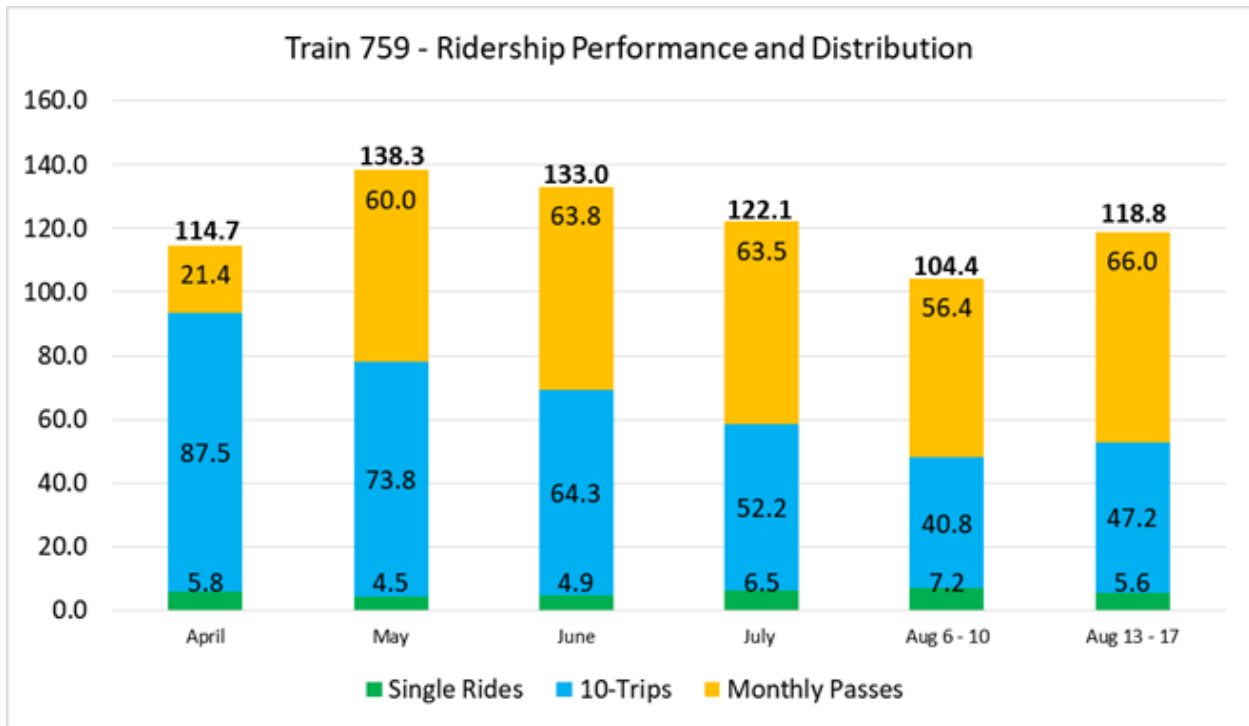
Metrolink recently launched a line specific rider incentive campaign. The plan is designed to target Metrolink’s core consumer audience (defined as college-educated adults aged 25-54 earning an annual household income of \$50,000+) with a free trial ride offer. The campaign utilizes an array of social media outlets including Facebook, Instagram, Spotify and Pandora to geo-target the selected audience within a 3 mile radius of specified rail stations. The goal of the campaign is to introduce train travel as an option to commuters by offering a free trial ride. The following display banner was designed to promote the “Take a Free Ride” campaign for the Ventura County line:



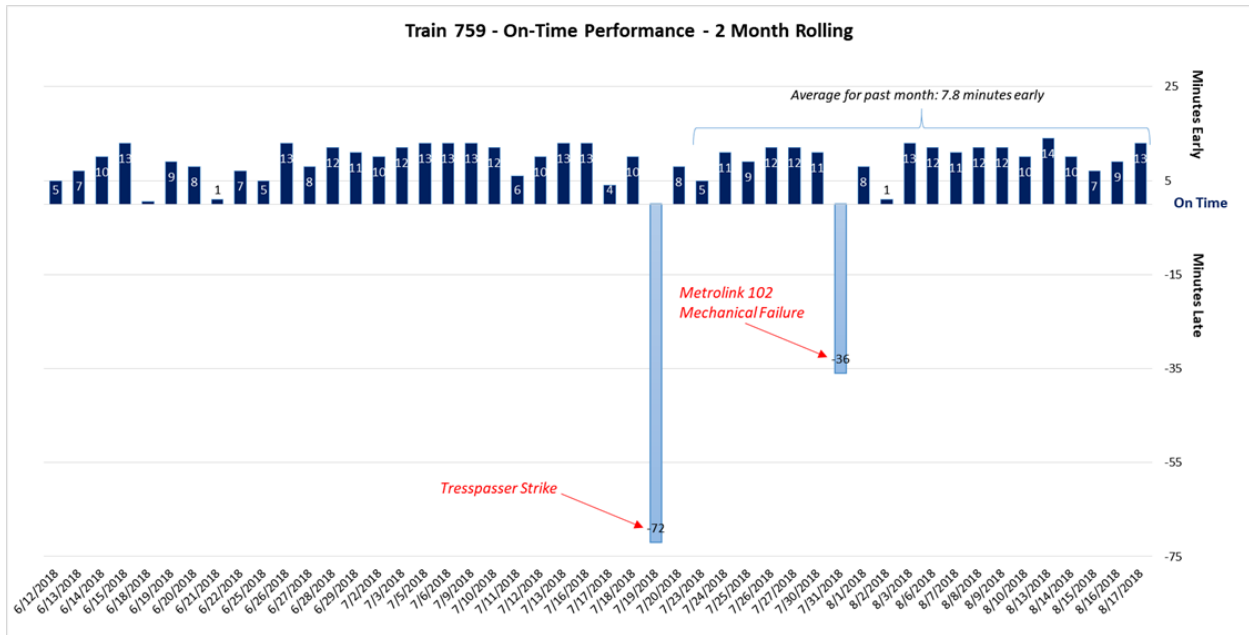
LOSSAN Intercity Rail Corridor (Amtrak Pacific Surfliner)

Performance of Amtrak's peak-period train

The graph below provides ridership of Amtrak's peak period service from Ventura County to Santa Barbara County since its launch in April. Monthly Pass holders have increasingly secured a larger proportion of ticket collection compared to complimentary 10- trip passes which were distributed by SBCAG initially to promote the service and encourage ridership. August 13-17 monthly pass ridership was the strongest weekly performance since the service's launch.



Amtrak Train 759 has improved on-time performance with routine early arrivals in the past month increasing to an average 7 plus minutes. The two delays experienced over the two month period were due to a trespasser incident and a Metrolink train mechanical failure. On-time performance for the last two months is shown in the chart below:



Attachment A

Metrolink Ridership

10 year Snapshot of Monthly Yr over Yr change in Average Weekday Ridership

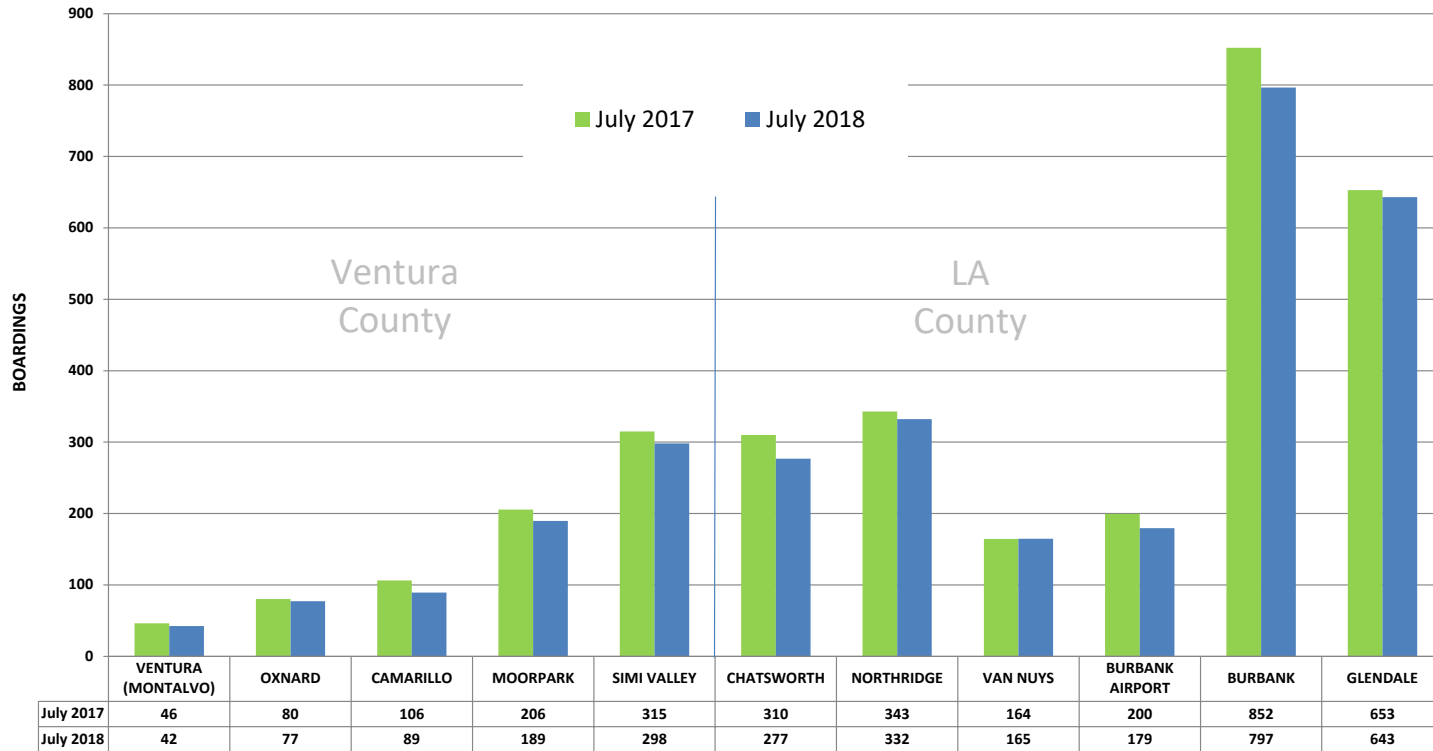
Month Year	Ventura County Station Boardings*	% Change Ventura County Station Boardings	Ventura County Line Passenger Trips	% Change Ventura County Line	Metrolink System Passengers Grand Total	% Change Metrolink System Grand Total
July 2018	696	-8%	3,089	-6%	37,896	3%
July 2017	753	-2%	3,275	3%	36,849	0%
July 2016	766	-16%	3,194	-13%	36,983	-9%
July 2015	909	-3%	3,681	3%	40,420	-1%
July 2014	939	4%	3,570	-3%	40,987	-1%
July 2013	901	-3%	3,672	-1%	41,388	-1%
July 2012	927	0%	3,723	-2%	41,970	2%
July 2011	931	2%	3,803	5%	41,050	6%
July 2010	917	-2%	3,609	-6%	38,709	-4%
July 2009	936	-15%	3,833	-16%	40,313	-17%

* East Ventura, Oxnard, Camarillo, Moorpark and Simi Valley.

Attachment B

Metrolink Ventura County Station Boardings for the month of July

**Ventura County Line
Average Daily Station Boardings
Year over Year Comparison**



Source: SCRR TAC Reporting Portal.



Item # 8D

September 7, 2018

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

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

SUBJECT: JOINT RESOLUTION APPROVING THE CONFLICT OF INTEREST CODE PURSUANT TO GOVERNMENT CODE SECTION 87306.5

RECOMMENDATION:

- Approve the attached joint resolution approving the Conflict of Interest Code for the VCTC Agencies.

BACKGROUND:

Under the Political Reform Act, public entities are required to periodically update their Conflict of Interest Code. Pursuant to this update for 2018, no amendments to the Conflict of Interest Code are required because the current code is less than five years old; no positions have been added, eliminated, or re-named; there have been no substantial changes to the Agencies' organizational structure; and there have been no substantial changes to the duties or responsibilities for any positions since the last Conflict of Interest Code was approved in 2016.

The VCTC Agencies' Conflict of Interest Code identifies all positions within the Agencies that participate in the making of governmental decisions. These designated individuals are required to disclose certain financial interests under state law. The attached Joint Resolution, if adopted, would approve the Agencies' 2016 Conflict of Interest Code as required by the Political Reform Act. This item has been reviewed by General Counsel.

RESOLUTION NO. 2018-12

**A JOINT RESOLUTION OF THE VENTURA COUNTY
TRANSPORTATION COMMISSION, THE VENTURA COUNTY LOCAL
TRANSPORTATION AUTHORITY, THE VENTURA
COUNTY AIRPORT LAND USE COMMISSION, THE
VENTURA COUNTY SERVICE AUTHORITY FOR FREEWAY
EMERGENCIES, THE CONSOLIDATED TRANSPORTATION
SERVICES AGENCY FOR VENTURA COUNTY, AND THE
VENTURA COUNTY CONGESTION MANAGEMENT
AGENCY APPROVING THE CONFLICT OF INTEREST CODE
FOR SAID ORGANIZATIONS**

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

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

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

NOW, THEREFORE, the VCTC Agencies do hereby resolve as follows:

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

PASSED APPROVED AND ADOPTED this 7th day of September, 2018.

Linda Parks,
Chairperson

ATTEST:

DARREN KETTLE,
Executive Director

APPROVED AS TO FORM:

STEVE MATTAS,
General Counsel

**2018 CONFLICT OF INTEREST CODE FOR
VENTURA COUNTY TRANSPORTATION COMMISSION,
VENTURA COUNTY LOCAL TRANSPORTATION AUTHORITY,
VENTURA COUNTY AIRPORT LAND USE COMMISSION,
VENTURA COUNTY SERVICE AUTHORITY FOR FREEWAY EMERGENCIES,
CONSOLIDATED TRANSPORTATION SERVICES
AGENCY FOR VENTURA COUNTY,
AND VENTURA COUNTY CONGESTION MANAGEMENT AGENCY
(hereafter collectively referred to as, "VCTC AGENCIES")**

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

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

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

APPROVED AND ADOPTED this 7th day of September, 2018:

By: _____
Linda Parks
Chair

APPENDIX A – DESIGNATED POSITIONS AND FILING OFFICERS

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

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

APPENDIX B – DISCLOSURE CATEGORIES

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

Category 1 – BROADEST DISCLOSURE

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

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

Category 2 – REAL PROPERTY

[SEE FORM 700 SCHEDULE B]

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

Category 3 – LAND DEVELOPMENT, CONSTRUCTION AND TRANSACTION

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

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

Category 4 – PROCUREMENT

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

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

Category 5 – REGULATION AND PERMITTING

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

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

Category 6 – FUNDING

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

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



Item #8E

September 7, 2018

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: PETER DE HAAN, PROGRAMMING DIRECTOR

SUBJECT: ADOPTION OF DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL FOR PROJECTS FUNDED BY THE FEDERAL TRANSIT ADMINISTRATION (FTA)

RECOMMENDATION:

- Adopt a Disadvantaged Business Enterprise (DBE) annual goal of 5.0% for VCTC contracts funded by the Federal Transit Administration for Federal Fiscal Years (FY) 2018/19 through 2020/21.

DISCUSSION:

The Ventura County Transportation Commission (VCTC) is required by the FTA to have a DBE program in place for all FTA-funded contracts, and to adopt a new goal every three years. The last DBE three-year DBE goal period for VCTC began in 2015, so VCTC must adopt a new goal to go into effect October 1, 2018. The original goal adopted by VCTC for the prior period was 12.5%, but after receiving feedback from FTA the Commission, in April 2017, lowered the goal to 11.7%.

The annual goal can vary from one three-year period to the next based on the type of contracts and the availability of DBE firms to perform the work. Specifically, the DBE goal is established as follows: (1) Determine the amount of federal funds anticipated to be received for each project (contract) in the next fiscal year (2) Establish the base figure of DBEs as a percentage of all contractors, subcontractors, manufacturers and suppliers in relevant market areas; and (3) Adjust the base figure based on the availability of DBEs.

The goal applies not only to contracts awarded by VCTC but also to contracts awarded by transit operators for which VCTC passes through funds from FTA grants administered by VCTC. As a result, the majority of the past contract dollars have been for transit operations, and for the upcoming three years it is anticipated that the majority of contract funds will continue to be for that same purpose. However, there has been a significant change in the Ventura County transit operations contracting market, due to Airport Connection, a DBE-certified subsidiary of Roadrunner Shuttle, having come under the ownership of RATP-Dev which is not a DBE. To reflect this change in the market, VCTC's goal is proposed to be significantly lowered, from 11.7% to 5.0%.

To the maximum extent feasible, VCTC must make every effort to meet its goal through race-neutral measures. Only in those instances where race neutral measures are inadequate to meet the agency's goal may the agency establish specific contract goals. It is recommended that the entire 5.0% goal be achieved through race neutral measures. Over the past two years the 11.7% goal was met entirely

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through race-neutral measures, in part due to the participation of Airport Connection as a DBE contractor for City of Camarillo and Area Agency on Aging.

As required by FTA, VCTC has undertaken a public consultation process and posted the proposed goal on the VCTC website. The proposed goal has been submitted to FTA for review. Attached is a detailed summary as to how the annual goal was calculated.



Item #8F

September 7, 2018

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: JUDITH JOHNDUFF, PROGRAM MANAGER

SUBJECT: PROCUREMENT POLICY UPDATE

RECOMMENDATION:

- Adopt Resolution #2018-10 Amending the Ventura County Transportation Commission Procurement Policy and Procedures (Separate Attachment).

BACKGROUND:

The Ventura County Transportation Commission (VCTC) administers grants provided by the Federal Transit Administration (FTA), Federal Highway Administration (FHWA) and the State of California for transit services, regional planning, and capital improvements within Ventura County. As a condition of funding, VCTC is responsible for overall grant management including submitting quarterly progress reports, monitoring project status, approving payment of invoices and ensuring compliance with Federal and State requirements including rules and regulations pertaining to the procurement of goods and services and for contract administration.

DISCUSSION:

Periodically, State and Federal rules regarding procurements and contract administration change. The proposed amendments to the VCTC Procurement Policy and Procedures address two such changes:

1. Caltrans has recently adopted several revisions to Chapter 10 of the Caltrans Local Assistance Procedures Manual regarding consultant selection. Caltrans is requesting local agencies using State or FHWA funds for consultant services to follow the consultant selection procedures outlined in Chapter 10 of the Manual.

The Caltrans Local Assistance Procedures Manual is consistent with VCTC's Procurement Policy and provides additional guidance for staff on FHWA or State funded projects. Therefore staff recommends amending the VCTC Procurement Policy and Procedures to follow the procedures outlined in Chapter 10 of the Caltrans Local Assistance Procedures Manual.

2. The FTA has raised the threshold for using the Micro Purchase Procedures from \$3,000 to \$3,500. Micro purchase procedures are informal or convenience purchases and may be made without obtaining competitive quotations if the price is determined to be fair and reasonable, based on recent research, experience, or purchases. The proposed amendment would increase the dollar amount of the threshold to match FTA's new \$3,500 threshold.

Staff recommends the Commission adopt Resolution #2018-10 Amending the Ventura County Transportation Commission Procurement Policy and Procedures (Separate Attachment).

RESOLUTION NO. 2018-10

**A RESOLUTION OF THE
VENTURA COUNTY TRANSPORTATION COMMISSION
APPROVING AMENDMENTS TO ITS PROCURMENT POLICY AND PROCEDURES**

WHEREAS, the Ventura County Transportation Commission (VCTC) administers grants provided by the Federal Transit Administration (FTA), Federal Highway Administration (FHWA) and the State of California for transit services, regional planning, and capital improvements within Ventura County; and,

WHEREAS, as a condition of funding, VCTC is responsible for overall grant management including submitting quarterly progress reports, monitoring project status, approving payment of invoices and ensuring compliance with Federal and State requirements including rules and regulations pertaining to the procurement of goods and services and for contract administration; and,

WHEREAS, On January 6, 2017, the Ventura County Transportation Commission adopted the Procurement Policy and Procedures to ensure that materials and services are obtained in an effective manner and in compliance with state and federal requirements; and,

WHEREAS, the Ventura County Transportation Commission wishes to update its Procurement Policy and Procedures to reflect recent changes in Federal and State procurement procedures.

NOW, THEREFORE, the Ventura County Transportation Commission does hereby approve the amendments to VCTC's Procurement Policy and Procedures as reflected in Exhibit 1, attached hereto and incorporated herein.

PASSED, APPROVED AND ADOPTED this 7th day of September, 2018.

LINDA PARKS, CHAIR, VCTC

ATTEST:

Donna Cole, Clerk of the Commission

APPROVED AS TO FORM:

Steven T. Mattas, General Counsel

Date



Item #8G

September 7, 2018

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: PETER DE HAAN, PROGRAMMING DIRECTOR

SUBJECT: LEGISLATIVE UPDATE

RECOMMENDATION:

- Receive and file.

DISCUSSION:

Federal Issues

On August 1st the Senate approved an appropriations bill which included the provisions from what were previously four separate FY 2019 budget bills, and this consolidated “minibus” bill includes the annual transportation appropriation. As was previously reported to the Commission, the Senate’s version of the transportation budget contains \$46 billion for highways and \$13.6 billion for transit, which is slightly less than the adopted FY 2018 transportation budget, but more than the amount authorized under the Fixing America’s Surface Transportation (FAST) authorization act. There is as of yet no anticipated timeline for the House to consider its version of the FY 2019 transportation budget. The current budget appropriation will expire September 30th.

As part of its action to approve the FY 2019 transportation budget the Senate approved an amendment to prohibit federal funds being used to purchase transit vehicles from companies owned or subsidized by China. This provision would represent a significant change to the existing Buy America requirement whereby foreign firms can compete for contracts, provided the vehicles are assembled in the USA and meet a domestic parts percentage requirement.

State Issues

Attachment A is the monthly report of Delaney Hunter, the Commission’s state lobbyist. The report includes an update on transportation-related bills in currently in the Legislature. Attachment B is a matrix providing the status of the bills being tracked by VCTC.

The measure to repeal Senate Bill 1, the transportation revenue measure passed last year by the Legislature, has qualified for the ballot and has been designated as Proposition 6. This initiative requires that motorist taxes can only be raised by a popular vote, retroactive to January 2017.



CALIFORNIA ADVISORS, LLC

VENTURA COUNTY TRANSPORTATION COMMISSION MONTHLY STATE ADVOCACY REPORT JULY - AUGUST 2018

Legislative Update

Throughout the month of July, the Legislature was on summer recess. The month before consisted of lengthy policy committee hearings, in order for bills to be passed out of the second house policy committee before the June 29 deadline. In addition to the policy related legislation, the budget and subsequent trailer bills were also debated in committees and on the floor of both houses. Ultimately, the budget was passed before the constitutional deadline, and the Governor signed the bill soon after without and line item changes. The budget negotiations and the policy committee deadline resulted in a busy month of June, while July was a time where legislators returned to the district and prepared for the busy, upcoming August schedule. Upon the Legislature's return on August 6, fiscal committees began meeting right away to ensure that bills were passed out of their respective appropriations committees before the August 17 deadline. Finally, August 31 is the end of the two-year legislative session, where all items must be closed out and finalized. As a result, the weeks leading up to the deadline consist of long floor sessions each day in both houses. Since we are in the second year of the legislative session, all legislation must be acted on before the end of August, as bills cannot be continued over into the next year.

Important Legislation

With the legislative session coming to a close in the next few days, California Advisors has continued to advocate VCTC's position on important bill that is continuing to move through the legislative process.

SB 1119 (Beall) which waives the requirement for transit agencies to spend 50% of funds from the Low Carbon Transit Operations Program (LCTOP) on projects or services that benefit disadvantaged communities (DACs), and deems that all applicable DAC and low-income requirements are met, if the funding is spent on certain transit activities, such as reduced fare student transit passes. SB 1119 moved through the Assembly Transportation Committee, and Assembly Appropriations Committee with zero "no" votes. SB 1119 is now on the Senate Floor where California Advisors team continues to advocate VCTC's support.

Upcoming Bill Deadlines and Priority Legislation

August 31 – Last day for any bill to be passed. Interim Recess begins on adjournment

September 30 – Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 1 and in the Governor's possession after Sept. 1

November 6 – General Election

Below is a list of VCTC tracked bills:

AB 1395 (Chu D) State highways: uniform financial plan.

Introduced: 2/17/2017

Status: 8/17/2018-Failed Deadline pursuant to Rule 61(b) (15). (Last location was S. APPR. SUSPENSE FILE on 8/13/2018)

Summary: Would require the Department of Transportation, on or before January 1, 2019, to develop a uniform financial plan to remediate debris to maintain and preserve the state highway and freeway systems. The bill would require the uniform financial plan to include recommendations that allow a municipality to carry out obligations specified in the plan with reimbursement provided by the state. By imposing new duties on local municipalities, the bill would impose a state-mandated local program.

AB 1756 (Brough R) Transportation funding.

Introduced: 1/4/2018

Status: 1/16/2018 – Referred to Committee on Transportation

Summary: Would repeal the Road Repair and Accountability Act of 2017. This bill contains other related provisions.

AB 1759 (McCarthy D) Public trust lands: City of Sacramento.

Introduced: 1/4/2018

Status: 8/20/2018-Enrolled and presented to the Governor at 3 p.m.

Summary: Would grant and convey in trust in relation to real property known as the Sand Cove Parcels, as described, to the City of Sacramento, in the County of Sacramento, and to its successors, all of the rights, title, and interests of the state, to be held by the city in trust for the benefit of all the people of the state for public trust purposes, as provided. The bill would authorize the city to use the trust lands for the construction, reconstruction, repair, and maintenance of any transportation, utility, or other infrastructure that is incidental, necessary, or convenient to promote or accommodate uses consistent with the public trust doctrine.

AB 1866 (Fong R) Transportation funding.

Introduced: 1/12/2018

Status: 1/29/2018-Referred to Committee on Transportation

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 1912 (Rodriguez D) Public Employees' retirement: joint powers agreements: liability.

Introduced: 1/23/2018

Status: 8/20/2018-Read second time. Ordered to third reading.

Summary: The Joint Exercise of Powers Act generally authorizes 2 or more public agencies, by agreement, to jointly exercise any common power. Under the act, if an agency is not one or more of the parties to the agreement but is a public entity, commission, or board constituted pursuant to the agreement, the debts, liabilities, and obligations of the agency are the debts, liabilities, and obligations of the parties to the agreement, unless the agreement specifies otherwise. The act also authorizes a party to a joint powers agreement to separately contract for, or assume responsibilities for, specific debts, liabilities, or obligations of the agency. This bill would eliminate that authorization, and would specify that if an agency established by a joint powers agreement participates in, or contracts with, a public retirement system, member agencies, both current and former to the agreement, would be required, upon termination or a decision to dissolve or cease operations of the agency, to mutually agree as to the apportionment of the agency's retirement obligations among themselves, within 60 calendar days, provided that the agreement equals the total retirement liability of the agency.

AB 2017 (Chiu D) Public employers: employee organizations.

Introduced: 2/5/2018

Status: 8/17/2018-Failed Deadline pursuant to Rule 61(b) (15). (Last location was S. APPR. on 5/3/2018)

Summary: Current law prohibits a public employer, as defined, from deterring or discouraging public employees from becoming or remaining members of an employee organization. Under current law, a public employer is defined, for these purposes, to include counties, cities, districts, the state, schools, transit districts, the University of California, and the California State University, among others. Existing law grants the Public Employment Relations Board jurisdiction over violations of these provisions. This bill would include in the definition of "public employer" under these provisions those employers of excluded supervisory employees and judicial council employees.

AB 2034 (Kalra D) Human trafficking: notice.

Introduced: 2/6/2018

Status: 8/22/2018-Read third time. Passed. Ordered to the Assembly. In Assembly. Concurrence in Senate amendments pending. May be considered on or after August 24 pursuant to Assembly Rule 77.

Summary: Would require a business or other establishment that operates an intercity passenger rail, light rail, or bus station, on or before January 1, 2020, to train its new and existing employees who are likely to interact with, or to come into contact with, a victim of human trafficking or who are likely to receive a report from another employee about suspected human trafficking, in recognizing the signs of human trafficking and how to report those signs to the appropriate law enforcement agency, as specified.

AB 2061 ([Frazier](#) D) Near-zero-emission and zero-emission vehicles.

Introduced: 2/7/2018

Status: 8/23/2018-Senate amendments concurred in. To Engrossing and Enrolling.

Summary: Current law sets specified limits on the total gross weight imposed on the highway by a vehicle with any group of 2 or more consecutive axles. This bill would authorize a near-zero-emission vehicle or a zero-emission vehicle, as defined, to exceed axle, tandem, gross, or bridge formula weight limits, up to a 2,000 pound maximum, by an amount equal to the difference between the weight of the vehicle attributable to the fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system.

AB 2062 ([Maienschein R](#)) State highways: landscaping.

Introduced: 2/7/2018

Status: 8/20/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 165, Statutes of 2018.

Summary: Would require highway planting projects undertaken or approved by the Department of Transportation to include, when appropriate, California native wildflowers as an integral and permanent part of the planting design, with priority given to those species of wildflower that will help rebuild pollinator populations.

[AB 2127 \(Ting D\)](#) electric vehicle infrastructure: assessment and roadmap.

Introduced: 2/8/2018

Status: 8/21/2018-Ordered to special consent calendar.

Summary: Would require the Energy Commission, in consultation with the State Air Resources Board and the PUC, to create a statewide assessment of electric vehicle charging infrastructure needed to support the levels of electric vehicle adoption needed for the state to reduce emissions of greenhouse gases to 40% below 1990 levels by 2030.

[AB 2249 \(Cooley D\)](#) Public contracts: local agencies: alternative procedure.

Introduced: 2/13/2018

Status: 8/20/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 169, Statutes of 2018.

Summary: Would authorize public projects of \$60,000 or less to be performed by the employees of a public agency, authorize public projects of \$200,000 or less to be let to contract by informal procedures, and require public projects of more than \$200,000 to be let to contract by formal bidding procedures.

[AB 2304 \(Holden D\)](#) Transit pass programs: status report.

Introduced: 2/13/2018

Status: 6/18/2018-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Committee on Rules.

Summary: Current law declares that the fostering, continuance, and development of public transportation systems are a matter of statewide concern. Current law authorizes the Department of Transportation to administer various programs and allocates moneys for various public transportation purposes. This bill would require the department to submit a report to specified committees of the Legislature on or before January 1, 2022, on the status of transit pass programs statewide, as specified.

[AB 2307 \(Frazier D\)](#) High-speed rail.

Introduced: 2/13/2018

Status: 6/1/2018 – Vetoed by Governor.

Summary: The California High-Speed Rail Act creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state, with specified powers and duties. Current law requires the authority to establish an independent peer review group for the purpose of reviewing the planning, engineering, financing, and other elements of the authority's plans and issuing an analysis of the appropriateness and accuracy of the authority's assumptions and an analysis of the viability of the authority's funding plan for each corridor. This bill would correct an inaccurate cross-reference and make a nonsubstantive change in these provisions.

[AB 2353 \(Frazier D\)](#) Construction defects: actions: statute of limitations.

Introduced: 2/13/2018

Status: 8/16/2018-Ordered to inactive file at the request of Senator Galgiani.

Summary: Current law specifies the requirements for actions for construction defects. Current law includes a statute of limitations that, except as specified, prohibits an action from being brought to recover under these provisions more than 10 years after substantial completion of the improvement but no later than the date the notice of completion is recorded. This bill would shorten the 10-year period to 5 years.

[AB 2530 \(Melendez R\)](#) Bonds: transportation.

Introduced: 2/14/2018

Status: 4/16/2018-In committee: Set, first hearing. Failed passage. Reconsideration granted

Summary: Would provide that no further bonds shall be sold for high-speed rail purposes pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, except as specifically provided with respect to an existing appropriation for high-speed rail purposes for early improvement projects in the Phase I blended system. The bill, subject to the above exception, would require redirection of the unspent proceeds received from outstanding bonds issued and sold for other high-speed rail purposes prior to the effective date of these provisions, upon appropriation, for use in retiring the debt incurred from the issuance and sale of those outstanding bonds.

[AB 2543 \(Eggman D\)](#) State agencies: infrastructure project budget and schedule: report.

Introduced: 2/15/2018

Status: 8/22/2018-In Assembly. Ordered to Engrossing and Enrolling.

Summary: Would require each state agency or department authorized to undertake large and complex infrastructure projects to develop and implement a policy for publicly reporting any significant change in the cost or schedule of a large and complex infrastructure project that would result in the project exceeding its projected budget by 10 percent or more or being delayed by 12 months or longer. The bill would require that the report include documentation and an explanation justifying a decision to proceed with the large and complex infrastructure project.

[AB 2615 \(Carrillo D\)](#) Department of Transportation: powers and duties: memoranda of understanding.

Introduced: 2/15/2018

Status: 8/20/2018-Read second time. Ordered to third reading.

Summary: Would require the Department of Transportation to enter into memoranda of understanding with all appropriate public agencies, including the Department of Parks and Recreation and any local public entity, for purposes of providing maximum and safe pedestrian access to state and local parks.

[AB 2629 \(Eggman D\)](#) Department of Transportation: state highways.

Introduced: 2/15/2018

Status: 8/20/2018-Read second time. Ordered to third reading.

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 nonsubstantive changes to these provisions.

[AB 2712 \(Allen, Travis R\)](#) Bonds: Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century.

Introduced: 2/15/2018

Status: 4/16/2018-In committee: Set, first hearing. Failed passage. Reconsideration granted

Summary: Would provide that no further bonds shall be sold for high-speed rail purposes pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, except as specifically provided with respect to an existing appropriation for high-speed rail purposes for early improvement projects in the Phase 1 blended system. The bill, subject to the above exception, would require redirection of the unspent proceeds received from outstanding bonds issued and sold for other high-speed rail purposes prior to the effective date of these provisions, upon appropriation, for use in retiring the debt incurred from the issuance and sale of those outstanding bonds.

[AB 2734 \(Frazier D\)](#) California Transportation Commission.

Introduced: 2/15/2018

Status: 8/20/2018-Enrolled and presented to the Governor at 3 p.m.

Summary: Would exclude the California Transportation Commission from the Transportation Agency, establish it as an entity in state government, and require it to act in an independent oversight role. The bill would also make conforming changes.

AB 2851 (Grayson D) Regional transportation plans: traffic signal optimization plans.

Introduced: 2/16/2018

Status: 8/17/2018-From committee: Do pass. (Ayes 7. Noes 0.) (August 16). Read second time. Ordered to third reading.

Summary: Would require each city located within the jurisdiction of a metropolitan planning organization to develop and implement a traffic signal optimization plan, as prescribed, and would require each metropolitan planning organization to consider and incorporate those plans developed by cities located within its jurisdiction into its regional transportation plan. The bill would create the Traffic Signal Optimization Fund and would require the Department of Transportation, upon appropriation by the Legislature, to award grants from moneys deposited in the fund on a competitive basis to cities that can deliver the greatest per capita reduction in emissions of greenhouse gases through the implementation of their traffic signal optimization plans and that provide matching funds.

AB 3124 (Bloom D) Vehicles: length limitations: busses: bicycle transportation devices

Introduced: 2/16/2018

Status: 6/1/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 22, Statutes of 2018.

Summary: Current law imposes a 40-foot limitation on the length of vehicles that may be operated on the highways, with specified exemptions. Current law exempts from this limitation an articulated bus or articulated trolley coach that does not exceed a length of 60 feet, and authorizes the bus or trolley to be equipped with a folding device attached to the front of the bus or trolley if the device is designed and used exclusively for transporting bicycles. Current law prohibits the above-described device from extending more than 36 inches from the front body of the bus when fully deployed, and prohibits a bicycle that is transported on that device from having the bicycle handlebars extend more than 42 inches from the front of the bus. This bill would additionally authorize an articulated bus or articulated trolley coach that does not exceed a length of 60 feet to be equipped with a folding device attached to the front of the bus or trolley if the device is designed and used exclusively for transporting bicycles as long as the device does not extend more than 40 inches from the front body of the bus when fully deployed.

AB 3135 (Frazier D) High-Speed Rail Authority: rights-of-way: security: Department of the California Highway Patrol.

Introduced: 2/16/2018

Status: 8/22/2018-In Assembly. Concurrence in Senate amendments pending. May be considered on or after August 24 pursuant to Assembly Rule 77.

Summary: Current law, the California High-Speed Rail Act, creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state, with specified powers and duties, including the power to acquire rights-of-way through purchase or eminent domain. This bill would authorize the High-Speed Rail Authority to contract with the Department of the California Highway Patrol to provide any necessary security services for property acquired by the state as a right-of-way for high-speed rail purposes.

AB 3246 (Committee on Transportation) Transportation: omnibus bill.

Introduced: 2/22/2018

Status: 8/14/2018-Enrolled and presented to the Governor at 4 p.m.

Summary: Current law authorizes a county, upon the adoption of a resolution by its board of supervisors, to impose a fee on motor vehicles, as specified, that is paid quarterly to the Controller and continuously appropriated for disbursement to the county, as specified, to be used to fund programs relating to vehicle theft crimes. Existing law requires a county that imposes this fee to issue an annual report to the Controller on or before August 31. Existing law requires the Controller to suspend a county's fee for one year if the county fails to submit the report by November 30 and requires the Controller to inform the Department of Motor Vehicles on or before January 1 that a county's authority to collect the fee is suspended. This bill would instead require the Controller to inform the Department of Motor Vehicles on or before February 1 that a county's authority to collect the fee described above is suspended.

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

Introduced: 2/17/2017

Status: 6/29/2018-Failed Deadline pursuant to Rule 61(b)(13). (Last location was A. TRANS. on 4/19/2018)

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

SB 957 ([Lara D](#)) Vehicles: high-occupancy vehicle lanes.

Introduced: 1/30/2018

Status: 8/21/2018-Read second time. Ordered to third reading.

Summary: Current law makes identifiers for ULEVs valid until January 1, 2019, and makes identifiers for SULEVs, enhanced AT PEZEVs, and TZEVs valid until January 1, 2019, January 1, 2022, or January 1 of the 4th year after the year in which they were issued, as specified. Current law, except as specified, prohibits a vehicle from being issued an identifier more than once. This bill would authorize an identifier to be issued to SULEVs, enhanced AT PEZEVs, and TZEVs for a vehicle that had previously been issued an identifier and would make that identifier valid until January 1 of the 4th year after the year in which the identifier was issued if the applicant for the identifier has a household income at or below 80% of the statewide median income, or at or below a specified threshold designated as low income.

[SB 980 \(Cannella R\)](#) High-occupancy vehicle lanes.

Introduced: 2/1/2018

Status: 2/14/2018-Referred to Committee on Rules

Summary: Under current law, the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, may authorize or permit exclusive or preferential use of highway lanes for high-occupancy vehicles, as specified, and are required to place and maintain signs and other traffic control devices to designate those exclusive or preferential lanes, the applicable vehicle occupancy levels, and the hours of high-occupancy vehicle use, as specified. This bill would make technical, nonsubstantive changes to those provisions.

[SB 993 \(Hertzberg D\)](#) Sales tax: services.

Introduced: 2/5/2018

Status: 5/16/2018-May 16 hearing: Heard for testimony only.

Summary: Would, on and after January 1, 2019, expand the Sales and Use Tax Law to impose a tax on the purchase of services by businesses in California at a specified percentage of the sales price of the service. The bill would require the tax to be collected and remitted by the seller of the purchased services. The bill would exempt certain types of services, including health care services, from the tax and would exempt from the tax a business with gross receipts of less than \$100,000 in the previous 4 quarters.

[SB 1000 \(Lara D\)](#) Charging stations: zero-emission vehicles.

Introduced: 2/5/2018

Status: 8/21/2018-Read second time. Ordered to third reading.

Summary: Current law provides that it is the policy of the state to promote and encourage the use of electric vehicle charging stations and to limit obstacles to their use. This bill would state the intent of the Legislature to enact legislation to promote neutrality and interoperability in charging stations and zero-emission vehicles.

[SB 1037 \(Cannella R\)](#) State government finance: Road Maintenance and Rehabilitation Program.

Introduced: 2/8/2018

Status: 2/22/2018-Referred to Committee on Rules

Summary: Prior to receiving an apportionment of funds under the Road Maintenance and Rehabilitation Program from the Controller in a fiscal year, current law requires a city or county to submit to the California Transportation Commission a list of projects proposed to be funded with these funds. Current law requires the commission to report to the Controller the cities and counties that have submitted a list of projects and requires the Controller, upon receipt of an initial or subsequent report, to apportion funds to cities and counties included in the report, as specified. This bill would make nonsubstantive changes to the provisions requiring the commission to submit the specified reports to the Controller.

[SB 1077 \(Wilk R\)](#) Construction contracts: wrap-up insurance and indemnification.

Introduced: 2/12/2018

Status: 8/21/2018-Read second time. Ordered to third reading.

Summary: Current law regulates the use of wrap-up insurance or other consolidated insurance programs in connection with specified construction projects. Current law distinguishes, in this regard, between residential construction projects, private residential works of improvement, as specified, and public works and other projects that are not residential, as specified. This bill would recast the wrap-up insurance or other consolidated insurance program requirements, as specified, into a single provision regulating all contracts for public and private works of improvement, entered into or amended on and after January 1,

2019, for which a wrap-up insurance policy or consolidated insurance program is applicable. The bill would provide that, notwithstanding any other law, any waiver of its provisions is contrary to public policy and void.

[SB 1117 \(Beall D\)](#) Department of Transportation: highway engineers.

Introduced: 2/13/2018

Status: 2/22/2018-Referred to Committee on Rules

Summary: Current law provides that the Department of Transportation has full possession and control of the state highway system. Current law specifies certain powers and duties of the department relative to the recruitment and retention of highway engineers, including participation by the department in student loan repayment, offering of salaries above the lowest salary step, and various other provisions. This bill would make a nonsubstantive change to these provisions.

[SB 1119 \(Newman D\)](#) Low Carbon Transit Operations Program.

Introduced: 2/13/2018

Status: 8/20/2018-Read second time. Ordered to third reading.

Summary: Current law requires, for recipient transit agencies whose service areas include disadvantaged communities, as specified, that those recipient transit agencies expend at least 50% of the total moneys they received as part of the Low Carbon Transit Operations Program on projects or services that meet specified requirements and benefit those disadvantaged communities. This bill would authorize a recipient transit agency to satisfy the above-stated requirement by expending at least 50% of program funds received on transit fare subsidies, specified transit connections, or technology improvements that reduce emissions of greenhouse gases.

[SB 1153 \(Stern D\)](#) Local initiatives: review.

Introduced: 2/14/2018

Status: 7/20/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 155, Statutes of 2018.

Summary: Would require the county counsel for county initiative measures and the city attorney for municipal initiative measures to initiate a public review process for a period of 30 days by (1) posting the text of the proposed initiative measure on its Internet Web site and (2) inviting, and providing for the submission of, written public comments on the proposed initiative measure. By imposing new duties on local county counsels and city attorneys, the bill would impose a state-mandated local program

[SB 1172 \(Beall D\)](#) High-Speed Rail Authority.

Introduced: 2/14/2018

Status: 8/23/2018-Read third time and amended. Ordered to third reading.

Summary: Current law, the California High-Speed Rail Act, creates the High-Speed Rail Authority to develop and implement a high-speed train system in the state, with specified powers and duties. Current law authorizes the authority, among other things, to keep the public informed of its activities. This bill would revise that provision to instead authorize the authority to keep the public informed through activities, including, but not limited to, community outreach events, public information workshops, and newsletters posted on the authority's Internet Web site.

SB 1262 ([Newman](#) D) Construction Manager/General Contractor project delivery method: Department of Transportation.

Introduced: 2/15/2018

Status: 8/23/2018-Read third time. Passed. Ordered to the Senate. In Senate. Concurrence in Assembly amendments pending.

Summary: Would remove the cap on the number of projects for which the Department of Transportation is authorized to use the CM/GC method, eliminate the minimum construction costs limitation, and make conforming changes to existing provisions. The bill would impose the requirement to use department employees or consultants to perform project design and engineering services on at least 2/3 of the projects delivered by the department utilizing the CM/GC method. The bill would delete the existing report requirements. This bill contains other related provisions and other existing laws.

SB 1328 ([Beall](#) D) Mileage-based road usage fee.

Introduced: 2/16/2018

Status: 8/20/2018-Read second time. Ordered to third reading.

Summary: Current law requires the Chair of the California Transportation Commission to create a Road Usage Charge (RUC) Technical Advisory Committee in consultation with the Secretary of the Transportation Agency. Under current law, the purpose of the technical advisory committee is to guide the development and evaluation of a pilot program to assess the potential for mileage-based revenue collection as an alternative to the gas tax system. Current law requires the technical advisory committee to study RUC alternatives to the gas tax and to make recommendations to the Secretary of the Transportation Agency on the design of a pilot program, as specified. Current law repeals these provisions on January 1, 2019. This bill would extend the operation of these provisions until January 1, 2023.

SB 1427 ([Hill](#) D) Discrimination: veteran or military status.

Introduced: 2/16/2018

Status: 8/21/2018-In Senate. Concurrence in Assembly amendments pending. Assembly amendments concurred in. (Ayes 30. Noes 3.) Ordered to engrossing and enrolling.

Summary: Current law declares that housing discrimination on the basis of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, or genetic information is against public policy. This bill would state findings and declarations of the Legislature regarding the importance of housing for veterans and its priority and declare that housing discrimination on the basis of veteran or military status is against public policy.

SB 1434 ([Leyva](#) D) Transportation electrification: electricity rate design.

Introduced: 2/16/2018

Status: 8/17/2018-Failed Deadline pursuant to Rule 61(b)(15). (Last location was A. APPR. SUSPENSE FILE on 8/8/2018)

Summary: Would require the PUC to direct electrical corporations with more than 100,000 service connections in California to file rate design applications, specific to transit agencies as commercial customers, that support and accelerate the deployment of zero-emission transit buses to reduce dependence on petroleum, meet air quality standards, and reduce emissions of greenhouse gases to 40% below 1990 levels by 2030 and to 80% below 1990 levels by 2050. The bill would authorize an electrical corporation with 100,000 or fewer service connections in California to file rate design applications for those purposes.

VENTURA COUNTY TRANSPORTATION COMMISSION STATE LEGISLATIVE MATRIX BILL SUMMARY August 23, 2018			
BILL/AUTHOR	SUBJECT	POSITION	STATUS
AB 1912 Rodriguez	Requires joint powers authority members to accept CalPERS pension liability for authority employees.	Oppose	Passed Senate Public Employment Committee 3-1. Passed Senate Retirement and Judiciary Committee 5-1. Passed Senate Appropriations Committee 5-2. In Senate.
SB 1119 Beall	Simplifies the administration and tracking of the requirement to spend 50% of LCTOP apportionment to benefit disadvantaged communities.	Support	Passed Assembly Transportation Committee 13-0. Passed Assembly Appropriations Committee 17-0. In Assembly.



Item #8H

September 7, 2018

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: PETER DE HAAN, PROGRAMMING DIRECTOR
SUBJECT: SECTION 5310 FUNDED VAN PURCHASE FOR HELP OF OJAI

RECOMMENDATION:

- Authorize the Chair to execute the attached agreement with HELP of Ojai to provide a paratransit van using \$38,226.21 of Federal Transit Administration (FTA) Section 5310 funds with match provided by HELP of Ojai.
- Authorize Executive Director to place order with A-Z Bus Sales to purchase on behalf of HELP of Ojai a Ford Transit 150 lift-equipped paratransit vehicle through the California Association for Coordinated Transportation (CalACT) purchasing schedule, at a total cost of \$45,871.45, contingent the receipt of \$7,645.24 in match from HELP of Ojai.

BACKGROUND:

The FTA Section 5310 program funds eligible projects that provide transportation targeted to serve seniors and persons with disabilities. VCTC is designated to select projects to be funded from the Section 5310 apportionments to large urban areas. At the March 2018 meeting the Commission approved the Section 5310 Program of Projects including \$50,000 for a replacement van for HELP of Ojai, a non-profit organization which provides rides to the senior and disabled population in the Ojai Valley. As in the past VCTC will be administering the vehicle purchase on behalf of the applicant, through the bid schedule managed by CalACT, of which VCTC is a dues-paying member.

DISCUSSION:

HELP of Ojai has obtained quotes from A-Z Bus Sales and Creative Bus Sales, both for vehicles on the CalACT procurement schedule. Based on this information provided in the quotes, HELP selected A-Z Bus Sales on the grounds that it could best deliver the product to meet HELP's requirements on the desired schedule. The proposed price, \$45,871.45, is significantly less than the approved budget of \$60,000. Under the terms of the agreement with VCTC, HELP will pay VCTC the local match share and VCTC will then order the vehicle on HELP's behalf, obtaining reimbursement of the federal share from FTA. HELP will be the registered owner of the vehicle and VCTC will be the lienholder until the vehicle reaches the end of its useful life as defined by FTA.

COOPERATIVE AGREEMENT**BETWEEN****VENTURA COUNTY TRANSPORTATION COMMISSION****AND****HELP OF OJAI**

THIS AGREEMENT is entered into on this 7th day of September (“Effective Date”) between Ventura County Transportation Commission (hereinafter referred to as VCTC) and HELP of Ojai (hereinafter referred to as RECIPIENT) regarding the provision of a vehicle funded in part by the Federal Transit Administration (FTA) for transportation service of the RECIPIENT.

WHEREAS Chapter 53 of Title 49, United States Code, as amended, authorizes the Secretary of Transportation to apportion funds for public transportation projects for planning, capital, and operating assistance purposes; and,

WHEREAS, VCTC serves as the administrator of federal funds apportioned by FTA to Ventura County; and,

WHEREAS, VCTC authorized VCTC staff to apply for FTA funds on behalf of transportation providers including RECIPIENT, with the provision that the local match funds be provided by RECIPIENT; and

WHEREAS, it is the intention of VCTC to enter into this Cooperative Agreement with the RECIPIENT for the purchase of a vehicle as described in the attached Scope of Work (VEHICLE).

NOW THEREFORE THE PARTIES DO AGREE AS FOLLOWS:I. FUNDING/PROGRAM MANAGEMENT

1. Assignments of Participants: VCTC hereby agrees to purchase the VEHICLE on behalf of RECIPIENT, and provide \$38,226.21 in FTA Section 5310 funds towards its cost. Prior to VCTC placing the order for the VEHICLE, RECIPIENT will pay VCTC \$7,645.24, towards the purchase price, for a total cost of \$45,871.45.
2. Scope of Services:
 - a. Grant Administration: VCTC agrees to carry out the administrative requirements necessary to reserve, apply for and receive FTA funds.
 - b. Use of VEHICLE: RECIPIENT shall operate the VEHICLE in its transportation service targeted towards persons with disabilities. Should the vehicle be removed from service, RECIPIENT shall return the VEHICLE to VCTC or another agency that VCTC shall designate, or shall reimburse VCTC for federal share of the depreciated value of the VEHICLE based on a straight-line depreciation from \$38,226.21 of the useful life defined as 5 years in service or 150,000 miles whichever occurs first (hereinafter “useful life of the VEHICLE”).
3. Duration of Agreement: The term of this Agreement shall commence upon the Effective Date, and shall continue until the VEHICLE purchased with the funds has reached the end of the useful life of the VEHICLE, except the language in Section III-1 regarding disposal of the VEHICLE with proceeds of over \$5,000 shall remain in effect until the VEHICLE is sold.

4. Amendments to the Agreement: The provisions of this Agreement may be amended upon written acceptance and ratification of any such amendment by both VCTC and RECIPIENT.
5. Method of Payment: Subsequent to the Effective Date, RECIPIENT shall pay VCTC \$7,645.24. Upon receipt of these funds, VCTC shall purchase the VEHICLE on behalf of RECIPIENT through the California Association for Commuter Transportation purchasing program, and shall arrange for the delivery of the VEHICLE to the RECIPIENT. VCTC shall receive the FTA funds directly from FTA and apply those funds to the cost of the VEHICLE.

II. FEDERAL REQUIREMENTS

RECIPIENT shall note that the following provisions apply to grants-in-aid from the United States Department of Transportation (US DOT), and RECIPIENT must take all necessary action to ensure their compliance as though they were the grantee directly.

1. Equal Employment Opportunity: During the performance of this Agreement the RECIPIENT agrees as follows: RECIPIENT shall not discriminate against any employee or applicant for employment on the basis of race, color, religion, political belief, marital status, age, national origin, sex, or handicap. RECIPIENT shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, marital status, religion, political belief, age, national origin, sex, or any handicap not limiting the ability of the person to perform the job contemplated. Such action shall include but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection of training, including apprenticeship. Such shall be in compliance with Executive Order 11246 amended by Executive Order 11375 and as supplemented in United States Department of Labor regulations (41 CFR, Part 60). RECIPIENT agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of the Equal Opportunity Clause.
2. Audit and Inspection: RECIPIENT shall permit, and shall require that its contractors permit, the authorized representatives of VCTC, the US DOT and the Controller General of the United States to inspect and audit all data and records of RECIPIENT relating to its performance under this Agreement, as required in FTA Circular 9030.1C, Chapter VI, Application Instruction, Section 9(d), Oversight.

RECIPIENT also agrees, and shall require that its contractor(s) agree, to maintain all required records relating to this project for at least three (3) years after the VEHICLE purchased under this agreement has reached the end of the useful life of the VEHICLE.

3. Title VI of the Civil Rights Act of 1964

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

- a. Compliance with Regulations: RECIPIENT shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of the US DOT Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
- b. Nondiscrimination: RECIPIENT with regard to the use of the VEHICLE, shall not discriminate on the grounds of race, color or national origin in the selection and retention of contractors, including procurement of materials and leases of equipment. The

contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.56 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulation.

- c. Solicitation for Subcontractors, Including Procurement of Materials and Equipment: In all solicitations related to the use of the VEHICLE either by competitive bidding or negotiation made by RECIPIENT for work to be performed under a contract, including procurement of materials or leases of equipment, each potential contractor or supplier shall be notified by RECIPIENT of the contractor's obligations under this contract and regulations relative to non-discrimination on the grounds of race, color or national origin.
 - d. Information and Reports: RECIPIENT shall require that subcontractor provide all information and reports required by the Regulations or directives issued pursuant thereto, and permit access to its books, record, accounts, other sources of information, and its facilities as may be determined by FTA to be pertinent to ascertain compliance with such regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to VCTC or FTA as appropriate, and shall set forth what efforts it has made to obtain the information.
 - e. Sanctions for Noncompliance: In the event of the contractor's noncompliance with nondiscrimination provisions of this contract, VCTC shall impose contract sanctions as it or the FTA may determine to be appropriate, including, but not limited to cancellation, termination, or suspension of the contract, in whole or in part.
 - f. Incorporation of Provisions: RECIPIENT shall include the provisions of paragraphs "a" through "e" of this section 3 of Part II in every contract funded through this Agreement, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. RECIPIENT shall take such reasonable action with respect to any contract or procurement as VCTC or FTA may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, RECIPIENT may request VCTC, and in addition, RECIPIENT may request the United States to enter into such litigation to protect the interest of the United States.
4. Rolling Stock Requirements: RECIPIENT shall maintain VEHICLE purchased with FTA funds in conformance with FTA rolling stock guidelines outlined in FTA Circular 9030 and further detailed in FTA Circular 5010, as incorporated herein by this reference, including the development and utilization of a vehicle maintenance plan, minimum insurance requirements, maintaining a written log of all maintenance work, as well as additional requirements. VCTC and FTA shall have the right to conduct periodic inspections for the purpose of confirming proper maintenance.
 5. Quarterly Reporting: RECIPIENT shall submit a quarterly report of its use of the VEHICLE within thirty (30) calendar days after the close of each quarter. The report shall contain information requested by VCTC to indicate the extent to which RECIPIENT is utilizing the VEHICLE for service targeted to persons with disabilities.

III. MISCELLANEOUS PROVISIONS

1. Legal Title to VEHICLE, Inventory and Disposition

RECIPIENT shall become and remain the registered, legal owner of VEHICLE purchased with FTA funds. VCTC shall hold the title to the VEHICLE as the lienholder, and shall transfer title to RECIPIENT upon the VEHICLE reaching the end of the useful life of the

VEHICLE. VCTC will have no liability or responsibility for the VEHICLE either for its use, operation or maintenance. RECIPIENT shall participate in VCTC's biennial inventory of equipment as required by FTA. Should a VEHICLE be lost or damaged by fire, casualty, or natural disaster, the fair market value shall be calculated based on the condition of the VEHICLE immediately before the fire, casualty, or natural disaster, irrespective of the extent of insurance coverage, and the amount resulting from the calculation shall be provided by HELP to offset the cost of replacing the lost or damaged VEHICLE. If a VEHICLE is sold for more than \$5,000 subsequent to reaching end of the useful life of the VEHICLE, RECIPIENT shall remit to VCTC a proportional share of the VEHICLE's net proceeds of the sale based on the original 80% FTA share of the VEHICLE's purchase price.

2. Insurance

A. LIABILITY INSURANCE

Before beginning any operation of the VEHICLE purchased pursuant to this Agreement, RECIPIENT, at its own cost and expense, unless otherwise specified below, shall procure the types and amounts of insurance listed below against claims for injuries to persons or damages to property that may arise from or in connection with the operation of the VEHICLE provided hereunder by the RECIPIENT and its agents, representatives, employees, and subcontractors. Consistent with the following provisions, RECIPIENT shall provide proof satisfactory to VCTC of such insurance that meets the requirements of this section and under forms of insurance satisfactory in all respects, and that such insurance is in effect prior to taking delivery of the VEHICLE. RECIPIENT shall maintain the insurance policies required by this section throughout the term of this Agreement. RECIPIENT shall not allow any subcontractor to commence work on any subcontract funded through this agreement until RECIPIENT has obtained all insurance required herein for the subcontractor(s). RECIPIENT shall maintain all required insurance listed herein for the duration of this Agreement.

B. COMMERCIAL GENERAL AND AUTOMOBILE LIABILITY INSURANCE

Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than **\$2,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

Automobile Liability: ISO Form Number CA 00 01 covering **VEHICLE** (Code 1), with limit no less than **\$2,000,000** per accident for bodily injury and property damage.

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

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

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

Additional Insured Status VCTC, its officers, officials, employees, and volunteers are to be covered as additional insureds on the auto policy with respect to liability arising out of VEHICLE purchased under this agreement; and on the CGL policy with respect to liability

arising out of work or operations performed by or on behalf of RECIPIENT including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the RECIPIENT's insurance (at least as broad as ISO Form CG 20 10, 11 85 or both CG 20 10 and CG 23 37 forms if later revisions used).

C. AUTOMOBILE COLLISION INSURANCE

RECIPIENT will provide collision coverage for partial and total repair/replacement for the VEHICLE, as per FTA requirements set forth in FTA Circular 5010. This shall be noted by the equipment inventory/management certification which must be filed with VCTC at least once every two years.

D. WORKERS' COMPENSATION INSURANCE

RECIPIENT will provide Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than **\$1,000,000** per accident for bodily injury or disease.

E. ALL POLICIES REQUIREMENTS

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

Verification of coverage. Prior to beginning operations of the VEHICLE purchased under this Agreement, RECIPIENT shall furnish VCTC with complete copies of all policies delivered to RECIPIENT by the insurer, including complete copies of all endorsements attached to those policies. All copies of policies and certified endorsements shall show the signature of a person authorized by that insurer to bind coverage on its behalf. If VCTC does not receive the required insurance documents prior to RECIPIENT beginning VEHICLE operation, this shall not waive RECIPIENT's obligation to provide them. VCTC reserves the right to require complete copies of all required insurance policies at any time.

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

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

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

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

During the period covered by this Agreement, only upon the prior express written authorization of Agreement Administrator, RECIPIENT may increase such deductibles or self-insured retentions with respect to VCTC, its officers, employees, agents, and volunteers. The Agreement Administrator may condition approval of an increase in deductible or self-insured retention levels with a requirement that RECIPIENT procure a bond, guaranteeing payment of losses and related investigations, claim administration, and defense expenses that is satisfactory in all respects to each of them.

Subcontractors. RECIPIENT shall include all subcontractors as insureds under its policies or shall furnish separate certificates and certified endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

Wasting Policy. No insurance policy required by Section 4 shall include a "wasting" policy limit.

Variation. VCTC may approve a variation in the foregoing insurance requirements, upon a determination that the coverage, scope, limits, and forms of such insurance are either not commercially available, or that VCTC's interests are otherwise fully protected.

Remedies. In addition to any other remedies VCTC may have if RECIPIENT fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, VCTC may, at its sole option exercise any of the following remedies, which are alternatives to other remedies VCTC may have and are not the exclusive remedy for RECIPIENT's breach:

Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;

Order RECIPIENT to stop work under this Agreement or withhold any payment that becomes due to RECIPIENT hereunder, or both stop work and withhold any payment, until RECIPIENT demonstrates compliance with the requirements hereof; and/or terminate this Agreement.

Waiver of Subrogation. RECIPIENT hereby grants to VCTC a waiver of any right to subrogation which any insurer of said RECIPIENT may acquire against VCTC by virtue of the payment of any loss under such insurance. RECIPIENT agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not VCTC has received a waiver of subrogation endorsement from the insurer.

3. Indemnification

To the fullest extent permitted by law, RECIPIENT shall defend, indemnify and hold harmless the Ventura County Transportation Commission, from all liability costs, damages, or expenses, including attorneys' fees arising out of or incurred in connection with the RECIPIENT and its employees'/agents' and subcontractors' acts or omissions arising out of the acquisition and operation of the VEHICLE and/or the performance of the activities contemplated pursuant to this Agreement, and agrees at its own cost, expense and risk to defend any and all resulting actions, suits, or other legal proceedings brought or instituted against VCTC arising out of the RECIPIENT's acquisition and operation of the VEHICLE and/or performance of any of the activities contemplated under this Agreement, and to pay and satisfy any resulting judgments, claims, damages and costs.

HELP OF OJAI

VENTURA COUNTY TRANSPORTATION
COMMISSION

Teresa Wolfe
Executive Director

Linda Parks
Chair

Approved as to Content:

Darren M. Kettle
Executive Director

APPROVED AS TO FORM:

Steven T. Mattas
General Counsel



Item #81

September 7, 2018

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: AARON BONFILIO, PROGRAM MANAGER

SUBJECT: VCTC INTERCITY FISCAL YEAR 2017/2018 BUDGET AMENDMENT

RECOMMENDATION:

- Amend the Fiscal Year 2017/2018 VCTC Intercity Transit Service Budget to include additional revenues from the Santa Barbara County Association of Governments, by increasing the *Local Contribution-route Guarantee* line-item by \$247,706 and correspondingly increase the *Contract Services* expenditure line-item by an equal amount.

DISCUSSION:

At the June 2017 meeting, the Commission approved a Memorandum of Understanding (MOU) with the Santa Barbara County Association of Governments (SBCAG) to fund and manage the VCTC Coastal Express service. Through a long-standing arrangement the two agencies have jointly funded the Coastal Express for almost nineteen years.

Each year a budget is developed which identifies at the outset the projected revenues for FTA 5307 funds and passenger fare revenues. The two agencies then agree to provide the remaining revenues necessary for service operations not covered by FTA funds or passenger fares.

The year-end reconciliation for the Coastal Express service Fiscal Year 2017-2018 is now complete, and an invoice has been issued by VCTC to SBCAG for the balance due related to their share. This agenda item formally amends in those additional outside funds to the VCTC Intercity transit service program budget. No additional revenues are required, and the VCTC share of Coastal Express costs does not increase.

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Item # 8J

September 7, 2018

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: STEVE DEGEORGE, PLANNING AND TECHNOLOGY DIRECTOR

SUBJECT: CASH MANAGEMENT FOR PROGRESS PAYMENTS FOR THE U.S. 101 HOV (PAED)

RECOMMENDATION:

- Approve the use of State Transit Assistance (STA) fund balance for cash flow management of the U.S. 101 HOV (PAED) project.

DISCUSSION:

In the spring of 2018 the Commission approved a contract for \$15,195,162 with WSP USA Inc. to conduct the U.S. 101 HOV Project Approval and Environmental Document (PAED) phase of the project. This phase of the project, scheduled to take approximately 42 months, is funded through the federal Surface Transportation Program (STP). Like most state and federal funding sources, STP, is a reimbursement program, meaning that VCTC must pay for expenditures when they occur and then submit for reimbursement from the federal program, which Caltrans manages. Typically this process can take upwards of 90 days for VCTC to receive reimbursement by the federal government.

VCTC has limited resources to meet the cash flow demands placed upon the agency by the various state and federal reimbursement programs that it must manage. Historically VCTC has utilized the State Transit Assistance (STA) fund balance to facilitate the heavier demands on VCTC's cash flow replenishing the STA funds when reimbursed by the state and federal programs. After reviewing the projected costs of the U.S. 101 HOV PAED project, staff is recommending the Commission approve the use of the STA fund balance to for cash flow management of the project.

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Item #8K

September 7, 2018

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

RECOMMENDATION:

- Authorize staff to issue a Request for Proposals (RFP) for State Advocacy Services, incorporating the attached Scope of Services, for a base term of four years with two possible two-year extensions, and including provision for a 90-day cancellation clause.

BACKGROUND:

VCTC has a contract with Gonzales, Quintana, Hunter & Cruz, LLC, for State Advocacy Services. The contract expires at the end of December, and contains no extension provision. Under the contract the principal staff person for VCTC is Delaney Hunter. This past year, the firm changed its name to California Advisors, LLC.

DISCUSSION:

VCTC staff remains very pleased with the service provided by Ms. Hunter and California Advisors. However, to enter into a new consulting contract the Commission is compelled by its Administrative Code to conduct a competitive selection process. Staff therefore requests that the Commission authorize issuance of a RFP for State Advocacy Services. It is also recommended that the contract include a longer term than was previously provided. However, to provide additional Commission flexibility staff plans to include a ninety-day termination clause in the new contract. Staff anticipates returning to the December meeting with a recommendation for contract award.

Scope of Services
Ventura County Transportation Commission
State Advocacy Services

Overall Goal

Successfully achieve the intended results of the Ventura County Transportation Commission (VCTC) State Legislative Program. Continue to establish and maintain positive working relationships with the Ventura County State Legislative delegation and members of the gubernatorial administration.

Required Tasks/Activities

Tasks will include, but not be limited to the following:

Routinely communicate with delegation members, and members of related Assembly or Senate Committees on legislation sponsored by VCTC and legislative positions adopted in response to specific legislative or budget proposals. This will occur through both written and oral communication.

Provide information, copies of introduced legislation, relevant testimony and any analysis of legislation relative to VCTC.

Coordinate advocacy efforts which may include testimony by the selected firm's representatives, and/or VCTC Board members and/or staff.

Advise and assist VCTC in developing strategy on legislation, regulations and actions contemplated at any government level.

Provide a written monthly update to the VCTC Board of Directors which summarizes the firm's most recent efforts on behalf of VCTC, including but not limited to: testimony before committee, individual meetings with Legislators, and written correspondence on behalf of VCTC. This report shall also contain any relevant information regarding the Legislature's activities/progress on moving legislation, adopting a budget, and general activities or action of State government that could impact VCTC's interests.

Provide oral reports to the VCTC Board of Directors which offer insight into the activities of the Legislature as they relate to the VCTC Legislative Program. The dates of these visits will be determined at a later date, based upon the Legislative Session Calendar.



Item #9

September 7, 2018

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: MARTIN R. ERICKSON, PUBLIC TRANSIT DIRECTOR
STEVE MATTAS, GENERAL COUNSEL
SUBJECT: VCTC OWNED TRAIN STATION PARKING ORDINANCE #2018-01

RECOMMENDATION:

- Waive reading and adopt Ordinance No. 2018-01 authorizing cities to adopt and enforce parking regulations in VCTC-owned train station parking lots subject to the provisions of the VCTC ordinance.

BACKGROUND:

VCTC is the owner of the train stations (including the parking lots) in the cities of Moorpark, Camarillo, and Ventura (Montalvo station). Over the past several years parking has not generally been an issue of concern, with these train stations providing parking for rail patrons. However, in the last year representatives from the City of Camarillo have raised concerns about vehicles being parked in the lots for days at a time and for overnight parking. The cars may impair the utilization of the lots for other transit users and in some instances have a blighting effect in that the cars may appear to be abandoned in the lots. In order to be responsive to our City partners, and also take a comprehensive approach to this issue, VCTC staff and General Counsel have prepared a draft parking ordinance that would delegate authority to adopt and enforce parking regulations at VCTC-owned train station parking lots in the cities of Camarillo, Moorpark, and Ventura. The Commission is authorized to enforce parking regulations at these stations and to designate local law/parking enforcement agencies in those cities to enforce parking laws and regulations pursuant to Sections 21113 and 22519 of the California Vehicle Code.

The proposed parking ordinance permits the cities to adopt objective non-discriminatory regulations, developed in consultation with VCTC staff, regarding overnight parking and parking of oversized vehicles, at parking lots owned by VCTC to ensure proper use and better provide for public health and safety. Cities must install proper signs giving notice of such parking regulations and keep available a written statement of parking regulations available for inspection pursuant to Section 21113 of the Vehicle Code. To the extent that the local regulations impose maximum hour and overnight stay prohibitions on the parking lots, the cities and VCTC will work together to provide transit users the ability to obtain longer term parking permits which could accommodate transit users who are either traveling for extended periods or who may commute to work and stay overnight as part of their work pattern. The proposed ordinance also reserves the right of VCTC to modify its authorizing ordinance at any time and requires the cities to comply with the amended VCTC ordinance if the cities desire to continue to enforce the parking restrictions.

ORDINANCE NO. 2018-01

**AN ORDINANCE OF THE VENTURA COUNTY TRANSPORTATION COMMISSION
DELEGATING AUTHORITY TO ENFORCE PARKING REGULATIONS AT VCTC-OWNED MASS
TRANSIT STATIONS**

Section 1. PREAMBLE.

A. Ventura County Transportation Commission ("Commission") is authorized as a county transportation commission to impose conditions or regulations on parking facilities under their control pursuant to Section 21113(a)(2) of the California Vehicle Code.

B. The Commission as a public transportation commission is authorized to enforce parking regulations directly or designate regularly employed and salaried employees, who are engaged in directing traffic or enforcing parking laws and regulations, for the purpose of removing parked and abandoned vehicles, pursuant Section 21113(d) of the California Vehicle Code.

C. Local authorities may by ordinance or resolution regulate parking in any publicly-owned or operated off street parking facility pursuant to Section 22519 of the California Vehicle Code.

D. The Commission owns commuter rail parking lots for Metrolink stations in various cities. The cities have historically provided law enforcement oversight over these parking lots but have not had express authority to adopt and enforce parking restrictions such as the maximum parking time allowed or the overnight parking limitations.

E. The primary purpose of the commuter rail parking lots is for commuters using the Metrolink stations to travel to other destinations.

F. The Commission finds that it is appropriate to authorize applicable local jurisdictions to establish and enforce time limits on parking including overnight parking restrictions, developed in consultation with VCTC staff, for the primary purpose of promoting utilization of the parking lots by mass transit users and minimizing potential blighting impacts associated with cars that appear to be or may be abandoned at the parking lots and that impair the effective functioning of the parking lots for mass transit patrons. The Commission further finds that any locally adopted and enforced parking restrictions must include objective non-discriminatory regulations related to: (1) overnight parking with or without a permit which may include prohibition unless a long term parking permit has been obtained, (2) daily hour limits for parking, and (3) restricting the parking of oversized vehicles. A city or county that contains a VCTC-owned parking lot at or adjacent to a transit station may enforce the authorized city-adopted parking restrictions set forth herein.

G. Oversized vehicles shall mean any vehicle, as defined by Section 670 of the Vehicle Code, or a vehicle or combination of vehicles, which exceeds the defined parameters for an oversized vehicle as set forth in the respective municipal code for each City in which a VCTC-owned transit station is located. The determination of the size of the vehicle shall be exclusive of projecting lights or devices allowed by Sections 35109 or 35110 of the Vehicle Code, as may be amended.

Section 2. TITLE. This ordinance shall be known as the Parking Regulation Ordinance, and may also be referenced herein as the "ordinance." This ordinance shall be applicable in the incorporated and unincorporated territory of the County of Ventura, which shall be referred to herein as "District."

Section 3. OPERATIVE DATE. This ordinance shall take effect thirty days after adoption.

Section 4. PURPOSE. This ordinance is adopted to permit applicable local jurisdictions to update and establish new parking restrictions at VCTC-owned mass transit stations to ensure proper usage of the parking lots, to minimize blight and to better provide for public health and safety.

Section 5. AUTHORITY. A city may adopt, modify and enforce objective non-discriminatory parking restrictions, developed in consultation with VCTC staff, at VCTC-owned mass transit stations (including specifically Metrolink commuter rail stations) hourly, daily and overnight parking restrictions applicable to VCTC-owned parking lots as set forth herein wherein such restrictions relate to: (1) overnight parking of vehicles provided that such regulations include a process whereby persons who utilize the mass transit facilities may park for an extended period of time if that person first obtains a long term parking permit from respective City Manager from that City or her/his designee, (2) daily hour limits for parking, and (3) restricting the parking of oversized vehicles. The implementation of such parking restrictions is subject to noticing requirements set forth in Section 8 of this ordinance.

Section 6. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this ordinance, the provisions of Article 3 of Chapter 1 of Division 11 of the Vehicle Code (commencing with Section 21000) and all applicable provisions of the Vehicle Code related to traffic upon such parking facilities are hereby adopted and made a part of this ordinance as though fully set forth herein.

Section 7. AMENDMENTS. All amendments subsequent to the effective date of this ordinance to Article 3 of Chapter 1 of Division 11 of the Vehicle Code relating to local regulation of parking shall automatically become a part of this ordinance.

Section 8. NOTICE. Any City that elects to adopt and enforce parking restrictions at VCTC-owned parking lots as authorized herein shall install and maintain any signage required by the Vehicle Code that is necessary to enforce the parking restrictions authorized herein.

Section 9. STATEMENT OF PARKING REGULATIONS. A written statement of all special parking conditions and regulations adopted pursuant to the authority granted herein shall be available for review at the principal administrative office of the City/County and VCTC pursuant to Section 21113(b) of the California Vehicle Code.

Section 10. AUTHORITY OF VCTC TO MODIFY ORDINANCE. VCTC may modify this ordinance. Any city or county that has adopted restrictions pursuant to this ordinance must modify its restrictions as necessary to comply with any amendments to this ordinance approved by VCTC.

Section 11. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT. The approval of this ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines"). This ordinance constitutes general policy and procedure making; it is not a commitment to any particular action. As such, under CEQA Guidelines section 15378(b)(2), the ordinance is not a project within the meaning of CEQA because it creates a policy and procedure mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. Therefore, pursuant to CEQA Guidelines section 15060, CEQA analysis is not required.

Section 12. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 13. EFFECTIVE DATE. This ordinance shall take effect thirty days after adoption.

PASSED AND ADOPTED by the Members of the Ventura County Transportation Commission, State of California, on September 7, 2018, by the following vote:

AYES:

NOES:

ABSENT:

Manuel Minjares, Vice-Chair

Attest:

Donna Cole, Clerk



Item #10

September 7, 2018

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: AARON B. BONFILIO, PROGRAM MANAGER

SUBJECT: VCTC INTERCITY FARE PRICING PUBLIC HEARING

RECOMMENDATION:

- Receive and file Public Comment Report regarding Draft Fare Change Proposal and Timeline.
- Open public hearing and receive testimony regarding Draft Fare Change Proposal and Timeline.

DISCUSSION:

At the July 2018 Commission meeting, the Commission received a presentation which detailed the VCTC Intercity fare structure, historic and current farebox revenue trends and the set of proposed changes to the current fare structure with an associated timeline of events. The Commission approved proceeding with a Draft Fare Change Proposal and Timeline. As part of the VCTC public participation process regarding significant service reductions or fare changes, public comment shall be solicited and reviewed by the Commission, prior to taking further related actions.

Following the meeting, the process was initiated to solicit public input regarding the Draft Fare Change Proposal and Timeline. These activities included issuance of legal notices published the first week of August in both the VC Star and the La Vida newspapers. Additionally, a press release was disseminated to media outlets, “eblasts” were sent to the network of registered VCTC Intercity bus riders and interested parties, such as social service agencies, and feedback was requested through social media, posted notices onboard buses, at major bus stops, and terminals and transfer points.

Through these notices the public was informed of and encouraged to contact VCTC via a number of different ways, including an online survey, by phone to the VCTC call-center, online via email, traditional written mail, or by attending the Public Hearing at the September 7, 2018 Commission meeting. While a public hearing is not technically required by the Commission, this voluntary “hearing” provides and final opportunity for the public should there be any additional comment or “testimony” regarding the Draft Fare Change Proposal and Timeline prior to the next Commission scheduled for October 2018.

Provided as a separate attachment is the *Public Comment Report*. This includes the feedback received thus far (August 1 – August 29, 2018), as well as an overview of the process and proposal. Any comments received after August 29, 2018 will be provided at the September 7, 2018 VCTC Meeting.

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Item #11

September 7, 2018

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: JUDITH JOHNDUFF, PROGRAM MANAGER
SUBJECT: RESOLUTION 2018-11 APPROVING VENTURA COUNTY TRANSPORTATION COMMISSION'S FY 2018-19 STATE OF GOOD REPAIR PROJECT SUBMITTAL

RECOMMENDATION:

- Approve the use of Ventura County Transportation Commission's (VCTC) estimated FY 2018/19 apportionment of State of Good Repair funds of \$1,132,923 and Southern California Regional Rail Authority's (SCRRA) State of Good Repair revenue formula amount for the portion of the service within Ventura County of \$115,145, for the Metrolink Rehabilitation Project; and
- Adopt Resolution 2018-11 (Attachment 2) authorizing the Executive Director to submit all required documents to receive the funds.

BACKGROUND:

On April 28, 2017 Governor Brown signed Senate Bill 1 (SB 1), known as the Road Repair and Accountability Act of 2017. SB 1 will provide over \$50 billion in new transportation funding over the next decade to repair highways, bridges, local roads, and improve transit service.

SB1 provides new revenues (approximately \$105 million statewide annually) to rehabilitate and modernize existing local transit systems. This investment in public transit is called the State of Good Repair Program and funds are distributed to local agencies using the same formula as State Transit Assistance (STA). The State of Good Repair funds available to Ventura County eligible agencies for FY 2018/19 is provided in the table below:

Estimated FY 18/19 State of Good Repair Allocation	
City of Camarillo	\$8,876
Gold Coast Transit	\$41,979
City of Moorpark	\$3,625
City of Simi Valley	\$5,303
City of Thousand Oaks	\$6,810
SCRRA	\$115,145
VCTC	\$1,132,923
Total	\$1,314,661

Eligible State of Good Repair Projects

:

- Transit capital projects or services to maintain or repair a transit operator's existing transit vehicle fleet or transit facilities;
- The design, acquisition and construction of new vehicles or facilities that improve existing transit services; and
- Transit services that complement local efforts for repair and improvement of local transportation infrastructure.

Submittal Requirements: To avoid permanently losing the FY 2018/19 apportioned funds, eligible recipients must submit their proposed projects to Caltrans for confirmation of eligibility at this time, along with a Board resolution approving the project(s). The cost of each project need not be constrained to the amount of available funds and agencies are allowed to add projects at a later date.

Ventura County Priority Projects: Attachment 1 provides a list of priority projects identified by Ventura County Transit Agencies for FY 18/19 State of Good Repair Funds. It should be noted that this is only a partial list of rehabilitation and maintenance needs throughout the County. These projects are eligible to receive State of Good Repair funds under the program guidelines and are anticipated to receive funds in the coming years provided Proposition 6 does not pass.

It should be also be noted that the State of Good Repair (SGR) Program is one of two programs that allocates SB 1 funds to transit agencies through the State Transit Assistance formula. The second program augments the base of the State Transit Assistance (STA) program. SB 1 will add an estimated \$274 million statewide for FY 2018/19 (\$3,738,249 for Ventura County agencies). These funds are also placed at risk by Proposition 6.

DISCUSSION:

VCTC's FY 18/19 State of Good Repair Project Submittal:

In developing their Asset Management Plan, SCRRA has identified a list of critical repairs needed on the Metrolink rail line in Ventura County including extensive track, bridge, and signal work. This list of critical repairs is included in Attachment 1.

As part of the budget process, the Commission approved using VCTC's FY 18/19 State of Good Repair allocation for Metrolink rehabilitation projects to address the needed improvements. The Arroyo Simi Scour Protection Project is SCRRA's top priority project on the list for the FY 18/19 State of Good Repair funds. The project will rehabilitate the bridge abutments on the first of four Arroyo Simi bridges. SCRRA is also proposing to use the \$115,145 which is SCRRA's State of Good Repair revenue formula amount for portion of the service within Ventura County, for these repairs.

Staff recommends the Commission Adopt Resolution 2018-11 in Attachment 2 authorizing the Executive Director to submit all required documents to Caltrans to receive the FY 18/19 State of Good Repair funds totaling \$1,248,068 for the Metrolink Rehabilitation Project.

NEXT STEPS:

- VCTC's FY 18/19 State of Good Repair Submittal is forwarded to Caltrans
- Caltrans forwards the approved Statewide list of FY 18/19 projects to the State Controller's Office by October 1, 2018.
- It is anticipated that the State Controller's Office will begin releasing the FY 18/19 funds to transit agencies starting in November 2018.

FY 18/19 STATE OF GOOD REPAIR PRIORITY PROJECTS

Lead Agency	Project Description
City of Camarillo	Station Maintenance
Gold Coast Transit	14 Near-Zero Engine Replacement (14 of 26 buses)
Gold Coast Transit	12 Near Zero Engine Replacement (12 of 26 buses)
Gold Coast Transit	Preventative Maintenance
Gold Coast Transit	Service Vehicles (6)
City of Moorpark	Various improvements at the Metrolink Station located in Moorpark. Can include improvements along the Station or the North and/or South Parking Lots.
City of Simi Valley	Remodel and Modernization of 33 Bus Stop Amenities (i.e. shelters, benches, trash receptacles)
City of Thousand Oaks	Municipal Service Center(MSC) Fuel Island
Bombardier Gen 1 Rail Car Mid-Life Overhaul	Refurbish the original 1992 Metrolink rail cars to replace and upgrade running gear, hardware, systems and components extending the useful life by 15 years.
Rolling Stock Rehabilitation	Progressive overhaul of Metrolink rolling stock including door motor overhaul, pushback coupler overhaul, HVAC overhaul, and rubber window gasket replacement.
Grade Crossing Component Rehabilitation	Add crossing Gate Savers, rehab entrance gates, rehab predictor units, batteries, and other miscellaneous crossing equipment.
Signal & Communication System Rehabilitation	Replace Signal System back-up battery banks, replace worn electrologic units, Eletrocode units, changeable message signage, communication system components, and other miscellaneous signal rehabilitation.
Metrolink Capital Maintenance / Rehabilitation	Rehabilitation, reconstruction or replacement of Metrolink structures, track, trackbed, communication systems, facilities, stations, platforms, signage, equipment, and system, to ensure state of good repair.

RESOLUTION #2018-11

**AUTHORIZATION FOR THE EXECUTION OF THE
CERTIFICATIONS AND ASSURANCES FOR THE
2018/19 CALIFORNIA STATE OF GOOD REPAIR PROGRAM**

WHEREAS, the Ventura County Transportation Commission is an eligible project sponsor and is designated to receive State Transit Assistance funding from the State of Good Repair Account (SGR); 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 1 (2017) named the Department of Transportation (Department) as the administrative agency for the SGR funds; and

WHEREAS, the Department has developed guidelines for the purpose of administering and distributing SGR funds to eligible project sponsors (Local Agencies); and

WHEREAS, the Ventura County Transportation Commission (VCTC) wishes to delegate authorization to execute these documents and any amendments thereto to the Executive Director; and,

WHEREAS, the VCTC is required to submit a list of eligible projects to use the funds apportioned from the SGR account.

NOW THEREFORE, BE IT RESOLVED by the VCTC that the fund recipient agrees to comply with all conditions and requirements set forth in the Certification and Assurances (Exhibit A) document and applicable statutes, regulations and guidelines for all SGR funded projects.

BE IT FURTHER RESOLVED that the Executive Director be authorized to execute all required documents of the SGR program and any Amendments thereto with the California Department of Transportation.

BE IT FURTHER RESOLVED that the VCTC hereby approves the Metrolink Rehabilitation Project and authorizes the submittal of the project to potentially receive SB1 State of Good Repair funds for FY 2018/19.

PASSED AND ADOPTED by the VCTC at its regular meeting this 7th day of September 2018.

Linda Parks, Chair

ATTEST:

Donna Cole, Clerk

APPROVED AS TO FORM:

Steven T. Mattas, General Counsel

State Transit Assistance State of Good Repair Program

Recipient Certifications and Assurances

Recipient: Darren Kettle .

Effective Date: September 7, 2018 .

In order to receive State of Good Repair Program (SGR) funds from the California Department of Transportation (Department), recipients must agree to following terms and conditions:

A. General

- (1) The recipient agrees to abide by the State of Good Repair Guidelines as may be updated from time to time.
- (2) The potential recipient must submit to the Department a State of Good Repair Program Project List annually, listing all projects proposed to be funded by the SGR program. The project list should include the estimated SGR share assigned to each project along with the total estimated cost of each project.
- (3) The recipient must submit a signed Authorized Agent form designating the representative who can submit documents on behalf of the recipient and a copy of the board resolution authorizing the agent.

B. Project Administration

- (1) The recipient certifies that required environmental documentation will be completed prior to expending SGR funds. The recipient assures that each project approved for SGR funding comply with Public Resources Code § 21100 and § 21150.
- (2) The recipient certifies that SGR funds will be used for transit purposes and SGR funded projects will be completed and remain in operation for the estimated useful lives of the assets or improvements.
- (3) The recipient certifies that it has the legal, financial, and technical capacity to deliver the projects, including the safety and security aspects of each project.
- (4) The recipient certifies that there is no pending litigation, dispute, or negative audit findings related to any SGR project at the time an SGR project is submitted in the annual list.
- (5) Recipient agrees to notify the Department immediately if litigation is filed or disputes arise after submission of the annual project list and to notify the Department of any negative audit findings related to any project using SGR funds.
- (6) The recipient must maintain satisfactory continuing control over the use of project equipment and/or facilities and will adequately maintain project equipment and/or facilities for the estimated useful life of each project.

- (7) Any and all interest the recipient earns on SGR funds must be reported to the Department and may only be used on approved SGR projects or returned to the Department.
- (8) The recipient must notify the Department of any proposed changes to an approved project list by submitting an amended project list.
- (9) Funds will be expended in a timely manner.

C. Reporting

- (1) Per Public Utilities Code § 99312.1 (e) and (f), the recipient must submit the following SGR reports:
 - a. Annual Expenditure Reports within six months of the close of the fiscal year (by December 31st) of each year.
 - b. The annual audit required under the Transportation Development Act (TDA), to verify receipt and appropriate expenditure of SGR funds. A copy of the audit report must be submitted to the Department within six months of the close of each fiscal year in which SGR funds have been received or expended.

D. Cost Principles

- (1) The recipient agrees to comply with Title 2 of the Code of Federal Regulations Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
- (2) The recipient 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 allowability 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.
- (3) Any project cost for which the recipient has received payment that are determined by subsequent audit to be unallowable under 2 CFR, Part 200, are subject to repayment by the recipient to the State of California (State). Should the recipient 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 recipient from the State or any third-party source, including but not limited to, the State Treasurer and the State Controller.

E. Record Retention

- (1) The recipient 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 recipient, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles (GAAP), enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices. All accounting records and other supporting papers of the recipient, its contractors and subcontractors connected with SGR funding shall be maintained for a minimum of three (3) years from the date of final payment 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 recipient, 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 recipient pursuant to the

provisions of federal and State law. In the absence of such an audit, any acceptable audit work performed by the recipient's external and internal auditors may be relied upon and used by the State when planning and conducting additional audits.

- (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 recipient's contracts with third parties pursuant to Government Code § 8546.7, the recipient, its contractors and subcontractors and the Department 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 recipient shall furnish copies thereof if requested.
- (3) The recipient, 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

- (1) Recipient acknowledges that if a project list is not submitted timely, the recipient forfeits its apportionment for that fiscal year.
- (2) Recipients with delinquent expenditure reports may risk future eligibility for future SGR funding.
- (3) Recipient acknowledges that the Department shall have the right to perform an audit and/or request detailed project information of the recipient's SGR funded projects at the Department's discretion from SGR award through 3 years after the completion and final billing of any SGR funded project.. Recipient agrees to provide any requested project information.

I certify all of these conditions will be met.

BY: _____

Darren Kettle, Executive Director
Ventura County Transportation Commission