



**VENTURA COUNTY TRANSPORTATION COMMISSION
LOCAL TRANSPORTATION AUTHORITY
AIRPORT LAND USE COMMISSION
SERVICE AUTHORITY FOR FREEWAY EMERGENCIES
CONSOLIDATED TRANSPORTATION SERVICE AGENCY
CONGESTION MANAGEMENT AGENCY**
www.goventura.org

AGENDA*
FRIDAY, SEPTEMBER 10, 2021
9:00 A.M.

Regular and Special Meeting

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

The meeting will be held via ZOOM Webinar

Please click the link below to access the webinar:

<https://us02web.zoom.us/j/88289980181?pwd=L1RWempQSnBRN1dSb0VOdGZtMExQUT09>

On March 17, 2020, the Governor issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings completely telephonically or by other electronic means. On June 11, 2021, the Governor subsequently issued Executive Order N-08-21 maintaining the suspension of certain provisions of the Brown Act to continue to allow for local legislative bodies to conduct their meetings completely telephonically or by other electronic means through September 30, 2021. As such, VCTC will continue to conduct its meetings by teleconference, its commissioners will participate in the meeting from individual remote locations, and no physical location will be open to the public for the Commission meeting. Members of the public are encouraged to attend the meeting remotely. Persons who wish to address the commission on an item to be considered at this meeting are asked to submit comments in writing to the commission at ribarra@goventura.org by 4:30 P.M., Thursday, SEPTEMBER 9, 2021. Due to the current circumstances if you would like to participate in a verbal public comment on any item on the agenda during the meeting, please email your public comment to ribarra@goventura.org or via telephone at 805-642-1591 ext. 101. Any public comment received will be read into the record during the public comment portion of this meeting. In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if special assistance is needed to participate in the Commission meeting, please contact VCTC staff (805) 642-1591 ext. 101. Notification of at least 48 hours prior to meeting time will assist staff in assuring those reasonable arrangements can be made to provide accessibility to the meeting.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**

4. **PUBLIC COMMENTS** – *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 updates and status reports on current projects.*
6. **COMMISSIONERS/INTERIM EXECUTIVE DIRECTOR REPORT** - *This item provides the opportunity for the commissioners and the Interim 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 MINUTES FROM JULY 9, 2021, VCTC MEETING- PG.5](#)

Recommended Action:

- Approve the summary minutes of JULY 9, 2021.

Responsible Staff: Roxanna Ibarra

8B. [MONTHLY BUDGET REPORT- PG.9](#)

Recommended Action:

- Receive and file the monthly budget report for 2021.

Responsible Staff: Sally DeGeorge

8C. [CALTRANS DISADVANTAGED BUSINESS ENTERPRISE \(DBE\) AGREEMENT-PG.11](#)

Recommended Action:

- Authorize Interim Executive Director to sign the attached agreement implementing the Caltrans Disadvantaged Business Enterprise (DBE) program.

Responsible Staff: Peter De Haan

8D. [RESOLUTION APPROVING VENTURA COUNTY'S FY 2021/22 STATE OF GOOD REPAIR PROJECT LIST-PG.23](#)

Recommended Action:

- Adopt Resolution 2021-12 (Attachment 1) approving the project list for the FY 2021-2022 State of Good Repair funds for a total of \$1,446,865 and authorizing the Interim Executive Director to submit all required documents to receive the funds.

Responsible Staff: Heather Miller

8E. [SURFACE TRANSPORTATION PROGRAM \(STP\) LOAN TO CALTRANS-PG.29](#)

Recommended Action:

- Ratify approval by the Executive Director of a \$10 million loan from the Ventura County Regional Surface Transportation Program apportionment to the Caltrans Local Bridge Program, with repayment to occur using Surface Transportation Block Grant or other suitable funds in Fiscal Year (FY) 2022/2023, the earliest that funding is expected to be needed for the US 101 final design.

Responsible Staff: Peter De Haan

8F. DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL FOR VCTC AND SUBRECIPIENTS PROJECTS FUNDED BY THE FEDERAL TRANSIT ADMINISTRATION (FTA)- PG.31

Recommended Action:

- *Adopt a Disadvantaged Business Enterprise (DBE) annual goal of 3.57%, with 1.48% to be met through race- and gender-neutral means, and 2.09% through gender – and race-conscious means, for VCTC and subrecipient contracts funded by the Federal Transit Administration for Federal Fiscal Years (FFY) 2021/2022 through 2023/2024.*

Responsible Staff: Peter De Haan

8G. RATIFICATION OF SECOND AMENDMENT TO VCTC COMMUTER TRAIN ACCESS AGREEMENT WITH UNION PACIFIC RAILROAD - PG.33

Recommended Action:

- *Ratify the Second Amendment to the VCTC Commuter Train Access Agreement with Union Pacific Railroad*

Responsible Staff: Claire Grasty

8H. COOPERATIVE AGREEMENT BETWEEN VCTC AND CALIFORNIA STATE UNIVERSITY CHANNEL ISLANDS (CSUCI) - PG.37

Recommended Action:

- *Approve Amendment No. 23 to the Cooperative Agreement between California State University Channel Islands (CSUCI) and VCTC for FY 2021-2022 bus service to CSUCI.*

Responsible Staff: Aaron Bonfilio

8I. INCREASE OF VCTC TRANSIT OUTREACH AND COMMUNITY OUTREACH CONTRACT-PG.41

Recommended Action:

- *Increase the not-to-exceed amount of the transit outreach and community outreach contract with Celtis Ventures by \$50,000 for Fiscal Year 2021/2022.*

Responsible Staff: Darrin Peschka

8J. VENTURA COUNTY FREIGHT CORRIDORS STUDY UPDATE-PG.45

Recommended Action:

- *Receive and file a report on the status of the Ventura County Freight Corridors Study.*

Responsible Staff: Caitlin Brooks

8K. BUS AND RAIL RIDERSHIP AND PERFORMANCE MEASURES REPORT-PG.47

Recommended Action:

- *Receive and File.*

Responsible Staff: Claire Grasty & Jeni F. Eddington

DISCUSSION CALENDAR:

9. LEGISLATIVE UPDATE-PG.55

Recommended Action:

- *Receive and File.*

Responsible Staff: Darrin Peschka

10. AMEND TEMPORARY TRACK AND SIGNAL MAINTENANCE AGREEMENT FOR THE SANTA PAULA BRANCH LINE -PG.71

Recommended Action:

- *Amend the Santa Paula Branch Line program budget by increasing the Revenues (Local Fees-Leases) by \$50,000 and increasing the Expenditures line item for Track Maintenance by \$50,000.*

- *Approve Amendment No. 1 to the Agreement with Sierra Northern Railway to extend the Term of Services for an additional three (3) months through December 31, 2021, increase Compensation by \$50,000 to a total of \$100,000, and update the VCTC Point of Contact for Notices.*

Responsible Staff: Amanda Fagan

11. APPROVE FISCAL YEAR 2021/2022 PROGRAM OF PROJECTS- PUBLIC HEARING-PG.75

Recommended Action:

- *Open a public hearing and receive testimony*
- *Approve the Program of Projects (POP) for federal transit operating, planning and capital assistance for FY 2021/22 (Attachment)*

Responsible Staff: Peter De Haan

12. VCTC GENERAL COUNSEL'S REPORT

13. AGENCY REPORTS:

Southern California Association of Governments (SCAG)

Primary: Commissioner Mike Judge

Southern California Regional Rail Authority (Metrolink-SCRRA)

Primary: Vice-Chair Tony Trembley

Alternate: Daniel Chavez

Los Angeles-San Luis Obispo (LOSSAN) Rail Corridor Agency (Amtrak Pacific Surfliner)

Primary: Commissioner Bryan MacDonald

Alternate: Commissioner Jim White

Coastal Rail Coordinating Council

Primary: Commissioner Bryan MacDonald

Alternate: Commissioner Richard Rollins

California Association of Councils of Governments

Primary: Commissioner Carmen Ramirez

California Vanpool Authority (CalVans)

Primary: Commissioner Jim White

Alternate: Commissioner Lynn Edmonds

14. SPECIAL MEETING - CLOSED SESSION: Public Employment

(Pursuant to Government Code Section 54957)

Title: Executive Director

Responsible Staff: Steve Mattas

15. ADJOURN to 9:00 a.m. Friday, October 1, 2021



Item #8A

September 10, 2021

**MEETING MINUTES OF JULY 9, 2021, VCTC COMMISSION MEETING
AT 9:00 A.M. VIA ZOOM**

CALL TO ORDER:

Acting Chair Bill-de la Peña called the regular meeting of the Ventura County Transportation Commission to order at 9:04 A.M. Via-Zoom.

PLEDGE OF ALLEGIANCE was led by Acting Chair Bill-de la Peña.

ROLL CALL/MEMBERS PRESENT:

Claudia Bill-de la Peña, City of Thousand Oaks
Daniel Chavez, Citizen Rep., Cities
Lynn Edmonds, City of Fillmore
Chris Enegren, City of Moorpark
Robert Huber, County of Ventura
Mike Johnson, City of Ventura
Mike Judge, City of Simi Valley
Bryan MacDonald, City of Oxnard
Linda Parks, County of Ventura
Richard Rollins, City of Port Hueneme
Andy Sobel, City of Santa Paula
Gloria Roberts, Caltrans District 7
Jim White, Citizen Rep., County

ABSENT:

Kelly Long, County of Ventura
Matt LaVere, County of Ventura
Carmen Ramirez, County of Ventura
Tony Trembley, City of Camarillo
William Weirick, City of Ojai

4. PUBLIC COMMENTS FOR THOSE ITEMS NOT LISTED ON THIS AGENDA: There were no public comments.

5. CALTRANS REPORT- Chief Deputy District Director Gloria Roberts gave the update report regarding Caltrans projects. The Caltrans report was distributed via email to the Commission.

6. COMMISSIONERS/EXECUTIVE DIRECTOR REPORT – There were no commissioner or executive director reports.

7. ADDITIONS/REVISIONS – There were none.

8. CONSENT CALENDAR-

Commissioner Sobel made a request to pull item 8E, Delerrok-Cubic Agreement for Contactless Fare Collection Systems and item 8G, College Ride Program Reimbursement Agreement Amendment for discussion. Items 8E and 8G were discussed during the consent calendar by VCTC’s executive director Darren Kettle to the Commission. Commissioner White stated item 8I, Personnel Policies and Procedures Update was well written and inclusive and stated this review should occur on annual basis. Executive Director Darren Kettle concurred and stated all staff had the opportunity to review the personnel policies and procedures update as well.

Commissioner MacDonald moved to approve items 8A thru 8I as recommended. The motion was seconded by **Commissioner Huber** and passed unanimously.

8A. APPROVE MINUTES FROM JUNE 4, 2021, VCTC MEETING

- Approved the summary minutes of JUNE 4, 2021.

8B. MONTHLY BUDGET REPORT-

- Received and filed the monthly budget report for MAY 2021.

8C. FISCAL YEAR 2021/2022 BUDGET AMENDMENT FOR OPERATING INSURANCE INCREASE INSURANCE COSTS

- Amend the VCTC Fiscal Year 2021/2022 operating Insurance line item to increase expenditures by \$74,200 for a total of \$471,200.

8D. INVESTMENT POLICY UPDATE

- Adopted the Investment Policy as shown in the Attachment.

8E. DELERROK-CUBIC AGREEMENT FOR CONTACTLESS FARE COLLECTION SYSTEM

- Approve “Addendum A” to the Master Equipment Software License, and Services Agreement (Addendum between Delerrok Inc., a wholly owned subsidiary of Cubic Transportation Systems, Inc., and the Ventura County Transportation Commission (VCTC); and authorize the Executive Director to execute the Addendum.

8F. SERVICE AUTHORITY FOR FREEWAY EMERGENCIES (SAFE) INCIDENT RESPONDER GRANT PROGRAM-ROUND 2

- Approve program guidelines and initiation of the application process for a second round of grants for the Incident Responder Grant Program to provide up to \$1,000,000 to agencies that respond to highway incidents within Ventura County.

8G. COLLEGE RIDE PROGRAM REIMBURSEMENT AGREEMENT AMENDMENT

- Authorize the Executive Director to Approve Amendment No.1 to the Reimbursement Agreement with Ventura County Operators for the College Ride Program.

8H. PROCUREMENT POLICY UPDATE

- Adopt Resolution No. 2021-10 amending the Ventura County Transportation Commission Procurement Policy and Procedures (separate attachment).

8I. PERSONNEL POLICIES AND PROCEDURES UPDATES

- Approve Updates to the Personnel Policies and Procedures Manual.

DISCUSSION CALENDAR:

9. LEGISLATIVE UPDATE

- Receive and File.

The legislative update was received and filed by the Commission.

10. RIDESHARE UPDATE

- Receive and file Rideshare Update.
- Authorize the Executive Director to execute Amendment #2 with Innovative TDM Solutions (ITS) to exercise the option to include administration and promotion of the Guaranteed Ride Home program and revise the Scope of Work to include Regional Rideshare Database Administration for a not to exceed amount of \$24,470.04. Because this is a sole source procurement, a 2/3 Commission vote is required for approval.

Commissioner Chavez moved to approve item 10; Rideshare Update as recommended. The motion was seconded by **Commissioner Rollins** and passed unanimously.

11. DISTRIBUTION OF FEDERAL COVID RELIEF FUNDS

- Approve distribution of federal relief funds from the Coronavirus Response and Relief Supplemental Apportions (CRSSA) Act and the American Recovery Plan (ARP) Act as shown in the Attachment A table.

Commissioner Johnson moved to approve item 11; Distribution of Federal Covid Relief Funds as recommended. The motion was seconded by **Commissioner Chavez** and passed unanimously.

12. BUDGET AMENDMENT INCORPORATING AMERICAN RELIEF PLAN ACT FUNDS AND CARRYOVER VCTC INTERCITY DEMONSTRATION FUNDS

- Amend Transit Grant Administration Budget by adding \$2,434,953 in Federal Transit Administration (FTA) American Rescue Plan (ARP) funds revenue, and reducing FTA CARES revenues by \$517,253, and increasing pass through expenditures by \$1,917,700.
- Amend VCTC Intercity Transit Budget by adding \$2,211,599 in DTA ARP revenues and \$208,619 in carryover FTA Congestion Mitigation Air Quality (CMAQ) route demonstration revenues, and by reducing \$2,126,448 in State Transit Assistance revenues and by reducing \$293,730 in Local Contribution revenues.

Commissioner Huber moved to approve item 12; Budget Amendment Incorporating American Relief Plan Act Funds and Carryover VCTC Intercity Demonstration Funds as recommended. The motion was seconded by **Commissioner White** and passed unanimously.

13. AGREEMENT FOR ADA TITLE II SURVEY OF THE CAMARILLO METROLINK STATION

- Authorize the Executive Director to sign an Agreement with Psomas to perform an ADA Title II Survey of the Camarillo Metrolink Station for \$57,734.32. This is a sole-source agreement and requires two-thirds of the Commission for approval.

Commissioner Johnson moved to approve item 13; Agreement for ADA Title II Survey of The Camarillo Metrolink Station as recommended. The motion was seconded by **Commissioner Chavez** and passed unanimously.

14. UPDATE ON TRANSIT INTEGRATION AND EFFICIENCY STUDY (TIES)

- Receive Transit Integration and Efficiency Study (TIES) from Fehr and Peers

The update and presentation on the Transit Integration and Efficiency Study (TIES) was received and filed by the commission.

15. VCTC GENERAL COUNSEL'S REPORT- There were none.

16. AGENCY REPORTS:

Southern California Association of Governments (SCAG)

Primary: Commissioner Mike Judge

There were none.

Southern California Regional Rail Authority (Metrolink-SCRRRA)

Primary: Vice-Chair Tony Trembley-Absent

Alternate: Daniel Chavez

Commissioner Chavez- stated Metrolink Vice-Chair Trembley would attending today's special board of directors meeting for Metrolink regarding the recruitment of their vacant position chief executive officer, he also stated Metrolink is looking at new ways to improve its Metrolink service.

Los Angeles-San Luis Obispo (LOSSAN) Rail Corridor Agency (Amtrak Pacific Surfliner)

Primary: Commissioner Bryan MacDonald

Alternate: Commissioner Jim White

Commissioner MacDonald reported there were two Amtrak pedestrian strikes recently. One was a nonfatal strike on Coast Starlight and the other was in Oxnard which unfortunately was a fatal strike along the Pacific Surfliner. Commissioner MacDonald also reported there has been an increase in ridership and things seem to be moving forward.

Executive Director Darren Kettle reported LOSSAN would be submitting a federal grant called the RAISE grant which will continue the efforts to double track the segment of tracks between Camarillo and Oxnard station. The application will be submitted later this month.

Coastal Rail Coordinating Council

Primary: Commissioner Bryan MacDonald

Alternate: Commissioner Richard Rollins

There were none.

California Association of Councils of Governments

Primary: Commissioner Carmen Ramirez

Commissioner Ramirez absent, there was no report at this time.

California Vanpool Authority (CalVans)

Primary: Commissioner Jim White

Alternate: Commissioner Lynn Edmonds

Commissioner White wanted to remind the commission currently there are 81 agricultural vans out in Ventura County picking up and taking people out to the agricultural lands.

17. ADJOURN to 9:00 a.m. Friday, September 10, 2021



Item #8B

September 10, 2021

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.



[This page intentionally left blank.]



Item #8C

September 10, 2021

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: PETER DE HAAN, PROGRAMMING DIRECTOR
SUBJECT: CALTRANS DISADVANTAGED BUSINESS ENTERPRISE (DBE) AGREEMENT

RECOMMENDATION:

- Authorize Interim Executive Director to sign the attached agreement implementing the Caltrans Disadvantaged Business Enterprise (DBE) program.

DISCUSSION:

VCTC, as a subrecipient of Caltrans for Federal Highway Administration (FHWA) funding, is required to participate in the Caltrans DBE program for FHWA-funded contracts. The requirements of the Caltrans DBE program include having a current DBE Program Implementation Agreement with Caltrans. VCTC's current agreement was adopted in 2008. At this time, Caltrans is requiring adoption of an updated DBE Program Implementation Agreement.

Attached is the current version of the Caltrans DBE Agreement. Staff recommends the Commission authorize approval. Unlike the prior version, this agreement reflects that the Caltrans program is now a race-conscious program and therefore contract-specific goals are required. As required by Caltrans, VCTC has in fact for several years been employing contract-specific DBE goals for FHWA-funded contracts.

Exhibit 9-A: DBE IMPLEMENTATION AGREEMENT FOR LOCAL AGENCIES

**CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)
DISADVANTAGED BUSINESS ENTERPRISE (DBE) IMPLEMENTATION
AGREEMENT**

For the Ventura County Transportation Commission, hereinafter referred to as “SUB-RECIPIENT.”

I. Definition of Terms

The terms used in this agreement have the meanings defined in 49 CFR 26.5.

II. Objective/Policy Statement (49 CFR 26.1 and 26.23)

SUB-RECIPIENT intends to receive federal financial assistance from the U. S. Department of Transportation (DOT) through the California Department of Transportation (Caltrans), and as a condition of receiving this assistance, SUB-RECIPIENT will sign the California Department of Transportation Disadvantaged Business Enterprise Implementation Agreement (hereinafter referred to as Agreement). SUB-RECIPIENT agrees to implement the State of California, Department of Transportation Disadvantaged Business Enterprise (DBE) Program Plan (hereinafter referred to as the DBE Program Plan) as it pertains to Local Agencies. The DBE Program Plan is based on U.S. Department of Transportation (DOT), 49 CFR 26 requirements.

It is the policy of SUB-RECIPIENT to ensure that DBEs, as defined in 49 CFR 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also SUB-RECIPIENT’s policy:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts.
- To create a level playing field on which DBE’s can compete fairly for DOT-assisted contracts.
- To ensure that the DBE participation percentage is narrowly tailored, in accordance with applicable law.
- To ensure that only firms that fully meet 49 CFR 26 eligibility standards are permitted to participate as DBEs.
- To help remove barriers to the participation of DBEs in Federal-aid contracts.
- To assist the development of firms that can compete successfully in the market place outside the DBE Program.

III. Nondiscrimination (49 CFR 26.7)

SUB-RECIPIENT will never exclude any person from participation in, deny any

person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR 26 on the basis of race, color, sex, or national origin. In administering the Local Agency components of the DBE Program Plan, SUB-RECIPIENT will not, directly, or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program Plan with respect to individuals of a particular race, color, sex, or national origin.

IV. Annual DBE Submittal Form (49 CFR 26.21)

SUB-RECIPIENT will provide to the Caltrans District Local Assistance Engineer (DLAE) a completed Local Agency DBE Annual Submittal Form (Exhibit 9-B), by June 30 of each year for the following Federal Fiscal Year (FFY). This form must include the name, phone number, email address of the designated Disadvantaged Business Enterprise Liaison Officer (DBELO), and the choice of Prompt Pay Provision to be used by SUB-RECIPIENT for the following FFY.

V. Race-Neutral Means of Meeting Caltrans Overall Statewide Annual DBE Goal (49 CFR 26.51(a))

Caltrans expects SUB-RECIPIENT to meet the maximum feasible portion of Caltrans Overall Statewide Annual DBE Goal through race-neutral means of facilitating DBE participation. Race-neutral DBE participation includes when a DBE wins a prime contract through customary competitive procurement procedures, is awarded a subcontract on a prime contract that does not carry a DBE goal, or even if there is a DBE goal, wins a subcontract from a prime contractor that did not consider its DBE status in making the award (e.g., a prime contractor that uses a strict low-bid system to award subcontracts). Race-neutral means include, but are not limited to, the following:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate the participation of DBE and other small businesses (e.g., unbundling large contracts to make them more accessible to small businesses, requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces);
2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs and other small businesses obtain bonding and financing);
3. Providing technical assistance and other services;
4. Carrying out information and communication programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs and other small businesses on SUB-RECIPIENT mailing lists of

bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);

5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;
6. Providing services to help DBEs and other small businesses improve long-term development, increase opportunities to participate in a variety of types of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
7. Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;
8. Ensuring distribution of your DBE directory through print and electronic means to the widest feasible universe of potential prime contractors; and
9. Assisting DBEs and other small businesses to develop their capability to utilize emerging technology and conduct business through electronic media.

VI. Race-Conscious Means of Meeting Caltrans Overall Statewide Annual DBE Goal (49 CFR 26.51(d))

SUB-RECIPIENT must establish DBE contract goals to meet any portion of Caltrans Overall Statewide Annual DBE Goal that cannot be achieved through race-neutral means.

VII. Quotas (49 CFR 26.43)

SUB-RECIPIENT will not use quotas or set-asides in any way in the administration of the Local Agency component of the DBE Program Plan.

VIII. DBE Liaison Officer (DBELO) (49 CFR 26.25)

SUB-RECIPIENT has designated a DBE Liaison Officer. The DBELO is responsible for implementing the DBE Program Plan as it pertains to the SUB-RECIPIENT, and ensures that the SUB-RECIPIENT is fully and properly advised concerning DBE Program Plan matters. The DBELO has a staff of one professional employee assigned to the DBE program on a full-time basis. The name, address, telephone number, email address, and an organization chart displaying the DBELO's position in the organization are found in the Attachment to this Agreement. This information will be updated annually and included on the DBE Annual Submittal Form.

The DBELO is responsible for developing, implementing, and monitoring the SUB-RECIPIENT's requirements of the DBE Program Plan in coordination with other appropriate officials. Duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required.
2. Reviews third party contracts and purchase requisitions for compliance with this program.

3. Works with all departments to determine DBE contract goals.
4. Ensures that bid notices and requests for proposals are made available to DBEs in a timely manner.
5. Analyzes DBE participation and identifies ways to encourage participation through race-neutral means.
6. Participates in pre-bid meetings.
7. Advises the CEO/governing body on DBE matters and DBE race-neutral issues.
8. Provides DBEs with information and recommends sources to assist in preparing bids, obtaining bonding and insurance.
9. Plans and participates in DBE training seminars.
10. Provides outreach to DBEs and community organizations to fully advise them of contracting opportunities.

IX. Federal Financial Assistance Agreement Assurance (49 CFR 26.13)

Each agreement SUB-RECIPIENT signs with Caltrans must include the following assurance:

The SUB-RECIPIENT shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract, or in the administration of its DBE Program, or the requirements of 49 CFR 26. The SUB-RECIPIENT shall take all necessary and reasonable steps under 49 CFR 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The SUB-RECIPIENT's DBE Program, as required by 49 CFR 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the SUB-RECIPIENT of its failure to carry out its approved program, Caltrans may impose sanctions as provided for under 49 CFR 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

Each contract Sub-recipient signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as the Sub-recipient deems appropriate.

X. DBE Financial Institutions (49 CFR 26.27)

SUB-RECIPIENT must investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions.

Information on the availability of such institutions can be obtained from the DBELO. The Caltrans Disadvantaged Business Enterprise Program may offer assistance to the DBELO.

XI. Directory (49 CFR 26.31)

SUB-RECIPIENT will refer interested persons to the Unified Certification Program DBE directory available from the Caltrans Disadvantaged Business Enterprise Program's [website](#).

XII. Required Contract Clauses (49 CFR 26.13 and 26.29)

For the purpose of this section, contractor also means consultant, and subcontractor also includes subconsultant. For prompt payment, the following State regulations are referenced: the California Business and Professions Code (CBPC), California Public Contract Code (CPC) and California Civil Code (CCC).

SUB-RECIPIENT ensures that the following clauses or equivalent will be included in each DOT-assisted prime contract:

A. Contract Assurance

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as SUB-RECIPIENT deems appropriate.

B. Prompt Payment

Prompt Progress Payment to Subcontractors

The Local Agency shall require contractors and subcontractors to pay their subcontractors within seven (7) days for construction contracts, and within fifteen (15) days for consultant contracts, after receiving each progress payment. Any delay or postponement of payment may take place only for good cause and with the Local Agency's prior written approval. Any violation of these

provisions shall subject the violating contractor or subcontractor to the penalties, sanctions and remedies specified in Section 7108.5 of the CBPC and Section 10262 of the CPCC for construction contract, and Section 3321 of the CCC for consultant contract. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

Prompt Payment of Withheld Funds to Subcontractors

The Local Agency shall ensure prompt and full payment of retainage from the prime contractor to the subcontractor within seven (7) days for construction contracts, or within fifteen (15) days for consultant contracts after the subcontractor's work is satisfactorily completed and accepted. This shall be accompanied by including; either (1), (2), or (3) of the following provisions [Local Agency equivalent will need Caltrans approval] in their federal-aid contracts to ensure prompt and full payment of retainage [withheld funds] to subcontractors in compliance with 49 CFR 26.29.

The Local Agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the Local Agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within seven (7) days for construction contracts, or within fifteen (15) days for consultant contracts after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the Local Agency. Any delay or postponement of payment may take place only for good cause and with the Local Agency's prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the CBPC and Section 10262 of the CPCC for construction contracts, and Section 3321 of the CCC for consultant contracts. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of: a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance; and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

Any violation of these provisions shall subject the violating prime contractor or subcontractor to the penalties, sanctions and other remedies specified therein. These requirements shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to the prime contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the prime contractor, deficient subcontract performance, or noncompliance by a subcontractor.

XIII. Local Assistance Procedures Manual (LAPM)

The SUB-RECIPIENT will advertise, award and administer Federal-aid contracts in accordance with the current Local Assistance Procedures Manual (LAPM) including Forms and Exhibits.

XIV. Vehicle Manufacturers/Specialized Equipment (§26.49)

If Federal-aid contracts will include vehicle/specialized equipment procurements, SUB-RECIPIENT will require each vendor, as a condition of being authorized to bid or propose on vehicle/specialized equipment procurements, to certify that it has complied with the requirements of 49 CFR 26.69.

XV. Reporting to the DLAE

SUB-RECIPIENT will promptly submit a copy of the Consultant Proposal DBE Commitment (Exhibit 10-O1) at the time of award of the consultant contract.

SUB-RECIPIENT will promptly submit a copy of Consultant Contract DBE Information (Exhibit 10-O2) or the Local Agency Bidder DBE Commitment (Construction Contracts) (Exhibit 15-G) to the DLAE within 30 days after execution of consultant or construction contract.

SUB-RECIPIENT will promptly submit a copy of the Final Report-Utilization of DBE, First-Tier Subcontractors (Exhibit 17-F) of the LAPM, immediately upon completion of each consultant or construction contract.

XVI. Certification (§26.83(a))

SUB-RECIPIENT ensures that only DBE firms currently certified by the California Unified Certification Program (CUCP) will participate as DBEs on Federal-aid contracts.

XVII. Prompt Payment from the Local Agency to the Contractors (California Public Contract Code §20104.50)

The Local Agency shall make any progress payment within **30 days** after receipt of an undisputed and properly submitted payment request from a contractor on a construction contract. If the Local Agency fails to pay promptly, the Local Agency shall pay interest to the contractor, which accrues at the rate of 10 percent per annum on the principal amount of a money judgment remaining unsatisfied. Upon receipt of a payment request, the Local Agency shall act in accordance with both of the following:

- (1) Each payment request shall be reviewed by the Local Agency as soon as practicable after receipt for the purpose of determining that the payment request is a proper payment request.
- (2) Any payment request determined not to be a proper payment request suitable for payment shall be returned to the contractor as soon as practicable, but not

later than **seven (7) days**, after receipt. A request returned pursuant to this paragraph shall be accompanied by a document setting forth in writing the reasons why the payment request is not proper.

By: _____
(Signature)

Date: _____

_____ Phone #: _____
Mark Watkins
Ventura County Transportation Commission
Interim Executive Director

This California Department of Transportation’s Disadvantaged Business Enterprise Program Implementation Agreement is accepted by:

(Signature of DLAE)

Date: _____

(Print Name of DLAE)

Distribution: (1) Original – DLAE
(2) Signed copy by the DLAE – Local Agency

ATTACHMENT

Disadvantaged Business Enterprise Liaison Officer:

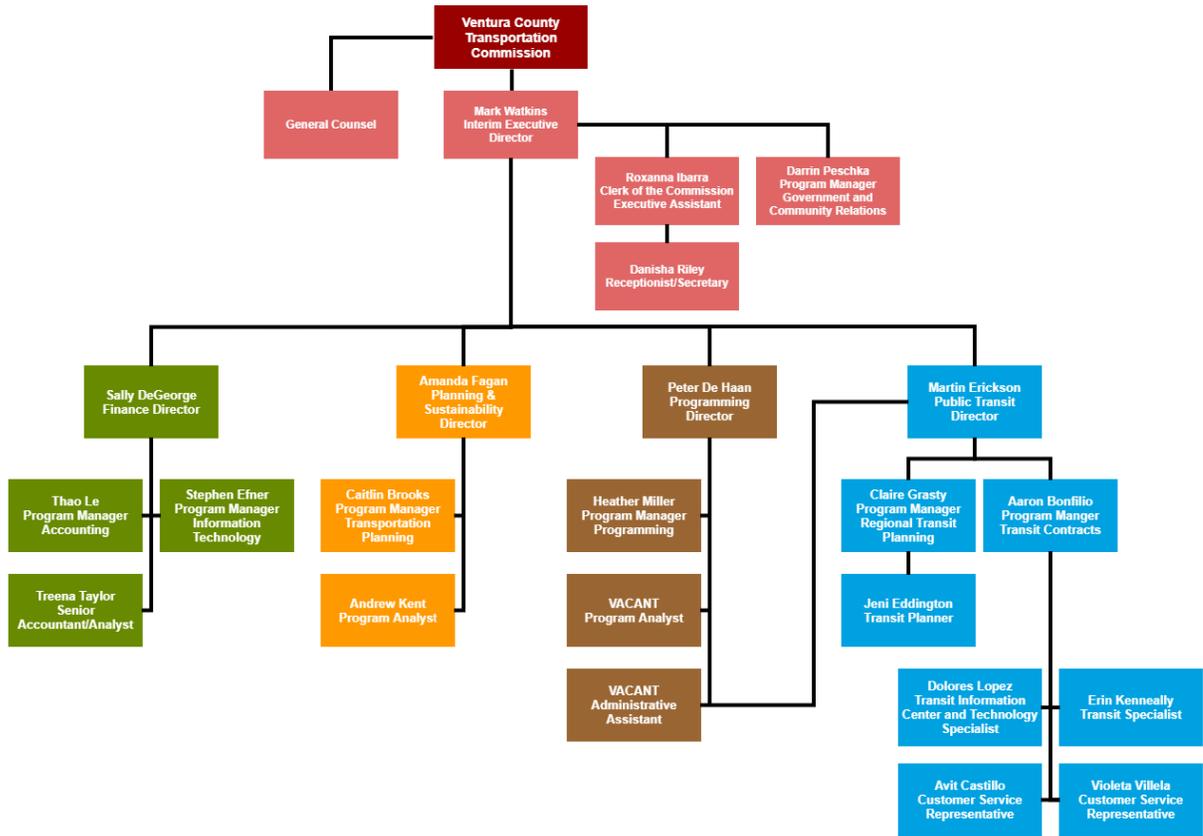
Mark Watkins
Interim Executive Director
Ventura County Transportation Commission
751 E. Daily Drive, Suite 420
Camarillo, CA 93010
(805) 642-1591
mwatkins@goventura.org

Disadvantaged Business Enterprise Program Manager:

Peter De Haan
Ventura County Transportation Commission
751 E. Daily Drive, Suite 420
Camarillo, CA 93010
(805) 642-1591
pdehaan@goventura.org

See the VCTC's current organizational chart on the next page.

VCTC ORGANIZATIONAL CHART





Item #8D

September 10, 2021

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: HEATHER MILLER, PROGRAM MANAGER
SUBJECT: RESOLUTION 2021-12 APPROVING VENTURA COUNTY'S FISCAL YEAR (FY) 2021/2022 STATE OF GOOD REPAIR PROJECT LIST

RECOMMENDATION:

- Adopt Resolution 2021-12 (Attachment 1) approving the project list for the FY 2021/2022 State of Good Repair funds for a total of \$1,446,865 and authorizing the Interim Executive Director to submit all required documents to receive the funds.

BACKGROUND:

Senate Bill 1 (SB1), signed into law in April of 2017, provides a steady source of revenue from the Transportation Improvement Fee on vehicle registrations (approximately \$105 million annually statewide) to rehabilitate and modernize existing local transit systems. This investment in public transit is called the State of Good Repair Program (SGR) and funds are distributed to local agencies using the same formula as State Transit Assistance (STA). Table 1 below provides a breakdown of the available funding for Ventura County for FY 2021/2022:

Table 1. State of Good Repair Fund Estimates for FY 2021/2022

Agency	SGR PUC 99314 ¹ Fund Estimate	SGR PUC 99313 ² Fund Estimate
City of Camarillo	\$ 7,745	
Gold Coast Transit District	\$ 44,060	
City of Moorpark	\$ 3,094	
City of Simi Valley	\$ 12,039	
City of Thousand Oaks	\$ 4,370	
SCRRA (Metrolink)	\$ 130,928	
Ventura County Transportation Commission		\$ 1,244,629
TOTAL	\$ 202,236	\$ 1,244,629

¹ PUC Section 99314 funds are apportioned directly by the State Controller to transit operators based on fare revenue.

² PUC Section 99313 funds are based on population estimates allocated to each transportation planning agency.

DISCUSSION:

As Ventura County’s Regional Transportation Planning Agency (RPTA), the VCTC is required to compile and forward to Caltrans a combined list of eligible projects for the region proposed to be funded with State of Good Repair funds. Should an agency miss the deadline for project submittal, its apportionment would be permanently lost. VCTC will then receive and sub-allocate the SGR funds to transit operators in the amounts claimed according to the SCO estimates (in Table 1).

Project Selection

State of Good Repair funds are made available for capital projects that maintain the public transit system in a “state of good repair” or condition in which a capital asset can operate at a full level of performance. Eligible SGR Projects include:

- transit capital projects or services to maintain or repair existing vehicles, transit or transit maintenance facilities;
- the design, acquisition and construction of new vehicles, transit facilities, maintenance facilities or equipment that improve existing transit services; and
- transit services that complement local efforts for repair and improvement of local transportation infrastructure.

The proposed FY 2021/2022 State of Good Repair projects for Ventura County, as proposed by local operators and meeting with SGR guidelines, are listed in Table 2 below:

Table 2. State of Good Repair Project List for FY 2021/2022

Agency	Project Title	Project Description	Proposed SGR Funding
City of Camarillo	Annual Rolling Stock Replacement	Annual Rolling Stock Replacement per Transit Asset Management (TAM) Plan.	\$ 7,745
Gold Coast Transit District	Nine (9) Replacement CNG Buses	SGR funds to match CMAQ funds for Replacement CNG Bus purchase per TAM.	\$ 44,060
City of Moorpark	Metrolink North Parking Lot Expansion Project	Regrading/repaving and expanding existing North Parking Lot onto City-owned property for a net increase of 31 parking stalls (from 64 to 95); approved in City’s Capital Improvement Plan (CIP).	\$ 3,094
City of Simi Valley	Bus Stop Improvements	Purchase and installation of bus stop signage and amenities, and renovation of existing bus stops; approved in the City’s 5 Year Capital Improvement Plan (CIP).	\$ 12,039
City of Thousand Oaks	Solar Canopies at Municipal Service Center	Installation of solar parking canopies over the bus and Dial-a-Ride parking areas of the Municipal Service Center (MSC). Energy generated by the solar panels will offset the power consumption for the MSC facility as well as the CNG fueling pumps; approved in City’s CIP.	\$ 4,370
SCRRA (Metrolink)	Arroyo Simi Bridges Rehab	The project will design, provide environmental clearance, and construction for the rehabilitation of four (4) bridges that cross the Arroyo Simi River.	\$ 1,375,557
TOTAL			\$ 1,446,865

The SCRRA (Metrolink) project includes both VCTC's PUC 99313 population formula funds of \$1,244,629 and SCRRA's PUC 99314 revenue formula funds of \$130,928 based upon the portion of Metrolink's service within Ventura County. The selected project provides design, environmental clearance, and construction for the rehabilitation of four (4) bridges that cross the Arroyo Simi River. The project would prevent premature failure of the existing bridges and extend their useful life by mitigating scour at the bridge piers through clearing of portions of the channel and protecting the piers with riprap or encasement. The bridges in their current condition would last approximately 20 years. After this project, they are estimated to last 70 years. Project completion is anticipated in June of 2023. The project is also funded with Cal OES Security (CTSGP) grant funds.

Staff has reviewed the projects submitted by local transit operators for their revenue formula funds (PUC 99313) and determined the projects are consistent with the requirements of the SGR program. Therefore, staff recommends the Commission adopt Resolution #21-12 approving the list of SGR projects for FY 2021/2022 State of Good Repair funds and authorizing the Interim Executive Director to submit all required documents to receive the funds.

RESOLUTION #2021-12

**A RESOLUTION OF THE VENTURA COUNTY TRANSPORTATION COMMISSION
APPROVING THE PROJECT LIST TO RECEIVE
FY 2021/2022 CALIFORNIA STATE OF GOOD REPAIR PROGRAM FUNDS**

WHEREAS, Senate Bill 1 (SB1), the Road Repair and Accountability Act of 2017, established the State of Good Repair (SGR) program to fund eligible transit maintenance, rehabilitation and capital projects to maintain the public transit system in a state of good repair; and

WHEREAS, to be eligible for State of Good Repair funding, each year all potential recipient agencies are required to provide the Regional Transportation Planning Agency a list of projects proposed to be funded with their State of Good Repair apportionment, and

WHEREAS, the Ventura County Transportation Commission, as the Regional Transportation Planning Agency, is required to compile and submit the list of eligible projects for the region to Caltrans for their approval allowing the State Controller's Office to release the funds, and

WHEREAS, the Ventura County Transportation Commission receives and distributes State of Good Repair funds to project sponsors for eligible transit capital projects; and

WHEREAS, local transit operators have submitted their proposed project lists to the Ventura County Transportation Commission; and

WHEREAS, VCTC has determined the projects listed in Exhibit A are consistent with the adopted 2021 SGR Program Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Ventura County Transportation Commission approves the region's State of Good Repair project list in Exhibit A for Fiscal Year 2021/2022 State of Good Repair Program Funds.

NOW, THEREFORE, BE IT RESOLVED the Ventura County Transportation Commission agrees to comply with the requirements of the SGR Program.

NOW THEREFORE, BE IT FURTHER RESOLVED that the Interim Executive Director of the Ventura County Transportation Commission is authorized to execute all required documents to receive the funds.

PASSED AND ADOPTED on this 10th day of September 2021 by VCTC action.

Kelly Long, Chair

ATTEST:

Roxanna Ibarra, Clerk of the Board

APPROVED AS TO FORM:

Steve Mattas, General Counsel

Exhibit A

Table 2. State of Good Repair Project List for FY 2021/2022

Agency	Project Title	Project Description	Proposed SGR Funding
City of Camarillo	Annual Rolling Stock Replacement	Annual Rolling Stock Replacement per Transit Asset Management (TAM) Plan.	\$ 7,745
Gold Coast Transit District	Nine (9) Replacement CNG Buses	SGR funds to match CMAQ funds for Replacement CNG Bus purchase per TAM.	\$ 44,060
City of Moorpark	Metrolink North Parking Lot Expansion Project	Regrading/repaving and expanding existing North Parking Lot onto City-owned property for a net increase of 31 parking stalls (from 64 to 95); approved in City's Capital Improvement Plan (CIP).	\$ 3,094
City of Simi Valley	Bus Stop Improvements	Purchase and installation of bus stop signage and amenities, and renovation of existing bus stops; approved in the City's 5 Year Capital Improvement Plan (CIP).	\$ 12,039
City of Thousand Oaks	Solar Canopies at Municipal Service Center	Installation of solar parking canopies over the bus and Dial-a-Ride parking areas of the Municipal Service Center (MSC). Energy generated by the solar panels will offset the power consumption for the MSC facility as well as the CNG fueling pumps; approved in City's CIP.	\$ 4,370
SCRRA (Metrolink)	Arroyo Simi Bridges Rehab	The project will design, provide environmental clearance, and construction for the rehabilitation of four (4) bridges that cross the Arroyo Simi River.	\$ 1,375,557
TOTAL			\$ 1,446,865



[This page intentionally left blank.]



Item #8E

September 10, 2021

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: PETER DE HAAN, PROGRAMMING DIRECTOR
SUBJECT: SURFACE TRANSPORTATION PROGRAM (STP) LOAN TO CALTRANS LOCAL BRIDGE PROGRAM

RECOMMENDATION:

- Ratify approval by the Executive Director of a \$10 million loan from the Ventura County Regional Surface Transportation Program apportionment to the Caltrans Local Bridge Program, with repayment to occur using Surface Transportation Block Grant or other suitable funds in Fiscal Year (FY) 2022/2023, the earliest that funding is expected to be needed for the US 101 final design.

BACKGROUND:

Under federal law, Surface Transportation Block Grant (STBG) funds apportioned to California lapse if not used within three years. By state law, California distributes a part of its STBG apportionment to counties by formula under the Regional Surface Transportation Program (STP). State law also applies the three-year lapse rule to the STP apportionments of each county.

VCTC's policy is that the US 101 improvement early action items project is the priority for STP and State Transportation Improvement Program (STIP) funds. The STP fund balance must therefore be carefully managed, to build up a balance of funds that can be used when needed by the project, while at the same time avoiding a lapse of funds. The common practice used by a county wishing to build up an STP balance is to provide loans to other counties that are ready to use the funds, so it has been anticipated that VCTC would need to participate in such loans. Besides avoiding a lapse of funds to a county, this loan procedure also has the advantage of helping ensure that California as a state maximizes its use of federal apportionments on an annual basis.

VCTC has already made four STP loans to facilitate future use for the US 101 project without lapsing funds. These are as follows:

Orange County: \$21.5 million
San Bernardino County: \$14.3 million
San Joaquin County: \$3 million
Sacramento Area Council of Governments (SACOG): \$14,555,000

Although VCTC has drawn down its balance substantially through loans, this year the State as a whole has had difficulty fully utilizing all of the federal highway funds appropriated to California for the current fiscal year which ends September 30, 2021. Therefore, in July Caltrans approached VCTC to request an additional loan of its STP balance. The intent of the loan is to help enable the State as a whole to fully utilize its annual apportionment.

DISCUSSION

Typically several large regions have been able to over-obligate funds to ensure that the State can fully utilize its overall highway program apportionment. This year has been unusual in that those large regions, with the exception of SACOG, are unable to over-obligate their share. As a result, Caltrans very recently developed a plan to use loans of STP apportionment balances to expedite a backlog of local bridge repair projects that it normally funds from a federal program specifically for local bridges. Caltrans will repay these loans in future years using STBG or other funds that it controls, depending on the purpose for which the regional agency needs the funds.

It is in VCTC's best interest that California receives the maximum available federal funding. Therefore, VCTC worked with Caltrans to develop a loan to Caltrans of \$10 million from VCTC's STP apportionment balance, with the repayment to occur in FY 2022/2023, when VCTC is anticipated to need the funds for the US 101 project design phase. This loan will eliminate most of VCTC's current STP balance. Caltrans will repay the funds with STBG or other funds that it controls, provided that the type of funds to be repaid will be eligible for use on US 101. Due to the tight federal timeframe required for Caltrans to obligate funds prior to the fiscal year end, and given the benefit to VCTC, the Executive Director approved the loan in late July, without waiting for the September Commission meeting.

As with the prior loans, the only risk to VCTC would be that in the event of a severe federal cutback, Caltrans's apportionments would be cut, and the repayment from Caltrans delayed. It is difficult to predict what federal changes could occur between now and 2023. However, since Caltrans receives a large amount of funding overall, in the unlikely event of a federal cutback it should still be possible for Caltrans to repay the \$10 million to VCTC on schedule.

Staff presented this approved loan to TTAC as an information item at its August 18th meeting, and TTAC members had no comment.



Item #8F

September 10, 2021

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: PETER DE HAAN, PROGRAMMING DIRECTOR

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

RECOMMENDATION:

- Adopt a Disadvantaged Business Enterprise (DBE) annual goal of 3.57%, with 1.48% to be met through race- and gender-neutral means, and 2.09% through gender- and race-conscious means, for VCTC and subrecipient contracts funded by the Federal Transit Administration for Federal Fiscal Years (FFY) 2021/22 through 2023/24.

BACKGROUND:

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 three-year DBE goal period for VCTC began in 2018, so VCTC must adopt a new goal to go into effect October 1, 2021.

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 large majority of the past contract dollars has been for transit operations, a situation that is anticipated to continue in the upcoming three years. Since DBE goals are often met through subcontracting, it has generally been difficult to obtain a significant amount of overall DBE participation, since contract proposals for transit operations in the county have for many years not included any subcontracts.

For the prior period, VCTC set its goal to 5.0%. As in past years, VCTC approved meeting this goal through 100% race-neutral methods, meaning that there were to be no contract-specific

goals for DBE participation. For the first two years, VCTC has fallen short of the goal, having achieved 0.4% in Fiscal Year (FY) 2018/19 and 0% in FY 2019/20.

DISCUSSION:

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. For many years VCTC had been able to meet its goals through race-neutral measures because Roadrunner as a local transit operations contractor was certified as a DBE. Now that Roadrunner has become a subsidiary of RATP-DEV, that DBE certification is no longer valid, and since that time VCTC has had extremely low DBE participation.

Although VCTC's goal was set at 5% for the three-year period ending in 2021, the updated analysis shows that based on the number of DBEs in the local market for the type of work to be performed by VCTC and subrecipients, the goal for the next three years should be reduced to 3.57%. A key issue is whether contract-specific goals will now be required to achieve this overall goal. The analysis found that in the past several years with no contract goals and with Roadrunner no longer counting as a DBE, VCTC only experienced DBE participation in consultant contracts. Assuming the same percentage participation in upcoming consultant contracts, and no DBEs in other contracts, the contract awards for the current year are anticipated to achieve only 1.48% DBE participation. Therefore, it will be necessary to employ race-conscious measures, otherwise referred to as contract-specific DBE goals, to provide a 2.09% increase in DBE participation to achieve the 3.57% overall goal.

Although VCTC and local jurisdictions have experience with contract-specific DBE goals as subrecipients of Caltrans, this revised FTA goal represents the first time that VCTC will be required to employ contract goals for work where it is the direct FTA recipient. The policy will apply not only to VCTC but also to VCTC subrecipients including Camarillo, Moorpark, Ojai, and Thousand Oaks. The process for employing the contract goal through VCTC will be similar to the Caltrans procedure. The race-conscious goal was set such that transit operations contracts will not be included, but other contract types, such as consulting and construction, will generally require goals.

As required by FTA, VCTC has undertaken a public consultation process and posted the proposed goal on the VCTC website. The public consultation process is described in more detail in the report. The proposed DBE goal calculation has been submitted to FTA for review.

At its September 8th meeting, TRANSCOM received the DBE goal calculation as an information item.



Item #8G

September 10, 2021

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: CLAIRE GRASTY, PROGRAM MANAGER

SUBJECT: RATIFICATION OF THE SECOND AMENDMENT TO THE VCTC COMMUTER TRAIN ACCESS AGREEMENT WITH UNION PACIFIC RAILROAD

RECOMMENDATION:

- Ratify the Second Amendment to the VCTC Commuter Train Access Agreement with Union Pacific Railroad

BACKGROUND:

VCTC has worked diligently with Metrolink to implement Saturday Service on the Ventura County Line. After being delayed due to the pandemic, service was implemented on May 29, which included one round trip from Moorpark to Union Station, departing in the morning and returning in the afternoon/evening.

DISCUSSION:

As VCTC only owns the rail tracks from the Los Angeles County line to the Moorpark Station, VCTC and Metrolink had to amend the agreement with Union Pacific, who owns the tracks north of Moorpark. Metrolink, on behalf of VCTC, negotiated with Union Pacific to run a round trip between Moorpark and East Ventura every Saturday of the year. Additionally, the fees for operating the service on UP's ROW were negotiated and included in the amendment. The service is paid for by state Low Carbon Transit Operating Program funds, including the fees, which were anticipated to increase.

The Amendment to the Agreement was signed on August 3 and service was extended on August 14. Passengers can now board at the East Ventura, Oxnard and Camarillo stations. The amendment is included as an attachment.

It is VCTC's goal to continue to work with Union Pacific and Metrolink to extend service to the Ventura Station at the Fairgrounds as well as negotiate for more slots to increase and improve service over time.

**SECOND AMENDMENT TO
COMMUTER TRAIN ACCESS AGREEMENT
BETWEEN
VENTURA COUNTY TRANSPORTATION COMMISSION
AND
UNION PACIFIC RAILROAD COMPANY**

This SECOND AMENDMENT TO THE COMMUTER TRAIN ACCESS AGREEMENT (this "Second Amendment") is made and entered into as of the 3rd day of August, 2021 ("Effective Date"), by and between UNION PACIFIC RAILROAD COMPANY, a Delaware corporation ("UP"), and the VENTURA COUNTY TRANSPORTATION COMMISSION, a county transportation commission organized under the laws of the State of California ("VCTC").

RECITALS

- A. WHEREAS, the parties entered into the Commuter Train Access Agreement as of March 6, 1998 (the "Original Agreement," and as amended by the First Amendment (as defined below), the "Existing Agreement"); and
- B. WHEREAS, the VCTC, through its designee, the Southern California Regional Rail Authority, a California joint powers agency of the State of California ("SCRRA"), began operations of two (2) round-trip commuter rail passenger trains Monday-Friday between Moorpark and Oxnard on January 1, 1998, as provided for in the Agreement; and
- C. WHEREAS, the parties entered into the First Amendment to the Commuter Train Access Agreement as of January 26, 2004 (the "First Amendment"); and
- D. WHEREAS, the First Amendment authorized VCTC to:
 - 1. Extend its operation of revenue service for its commuter rail passenger service to and from Montalvo effective as of November 11, 2002; and
 - 2. Operate one (1) additional scheduled commuter rail passenger service train five (5) days each week (Monday through Friday) in each direction between Moorpark and Montalvo; and
- E. WHEREAS, VCTC desires to operate one additional Ventura County Line roundtrip train between Metrolink Ventura – East Station and Los Angeles Union Station ("LAUS") each week on Saturdays, which service is described in more detail herein; and
- F. WHEREAS, the parties desire to further amend the Existing Agreement to reflect the changes described herein. The Existing Agreement, as amended by this Second Amendment, is referred to herein as the "Agreement."

WITNESSETH:

NOW, THEREFORE, in consideration of the foregoing and the mutual promises set forth herein, the Parties agree as follows:

1. Effective August 7, 2021, VCTC shall be authorized to operate one (1) additional roundtrip passenger revenue train service each week, on Saturdays, along the Line Segment, as defined in the Existing Agreement ("Saturday Service").
2. VCTC shall continue to pay, or will arrange for the payment by SCRRA, to UP the train mile fee as set forth in Section 2(e) of the Original Agreement and adjusted annually as set forth in Section 2(f) of the Original Agreement, provided that the parties acknowledge that (i) the train mile rate as of July 1, 2020 is \$10.45 per train mile, and (ii) the adjustment to the train mile rate pursuant to Section 2(f) of the Original Agreement shall become effective on July 1 of each year, provided that if the relevant updated CPI numbers have not been published by July 1 of a particular year, the adjustment to the train mile rate will be retroactive to July 1 of the applicable year at such time as the updated CPI numbers are published. The train mile rate shall apply to all Commuter Rail Services on the Line Segment, including deadhead operations to Montalvo for storage and including the additional trains associated with the Saturday Service. The actual amount that VCTC, or SCRRA, shall pay to UP will be based on the actual number of train miles operated.
3. Section 4 of the First Amendment is deleted in its entirety. The second sentence of Section 2(a), of the Original Agreement, is deleted in its entirety and replaced with the following: "Commencing on July 1, 2021, VCTC will now pay, or will arrange for the payment by SCRRA to UP, during the term of this Agreement, the sum of Two Hundred and Thirty-Four Thousand and Five Hundred Dollars (\$234,500). annually as interest rental, which said sum shall be payable in two (2) equal installments of One Hundred and Seventeen Thousand Two Hundred and Fifty Dollars (\$117,250.00) each, due no later than thirty (30) days after July 1 and January 1 of each year."

The adjustment to the Interest Rental rate pursuant to Section 2(f) of the Original Agreement shall become effective on July 1 of each year, provided that if the relevant updated CPI numbers have not been published by July 1 of a particular year, the adjustment to the train mile rate will be retroactive to July 1 of the applicable year at such time as the updated CPI numbers are published.

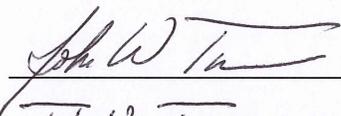
4. UP acknowledges that the Saturday Service also will travel between CP Las Posas in Moorpark and LA Union Station.
5. Except as specifically amended hereinabove, all terms and provisions of the Existing Agreement shall remain in full force and effect.

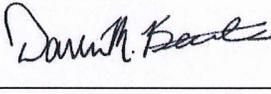
[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the parties have signed below, effective as of the Effective Date, by their duly authorized representatives.

UP:
Union Pacific Railroad Company

VCTC:
Ventura County Transportation Commission

By: 

By: 

Name: John W. Turner

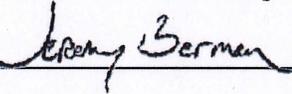
Name: Darren M. Kettle

Title: Vice-President Network Planning + Operations

Title: Executive Director

Approved as to Form and Legality

Approved as to Form and Legality

By: 

By: 



Item #8H

September 10, 2021

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: AARON BONFILIO, PROGRAM MANAGER

SUBJECT: CSUCI COOPERATIVE AGREEMENT - FISCAL YEAR 2021-2022 EXTENSION

RECOMMENDATION:

- Approve Amendment No. 23 to the Cooperative Agreement between California State University Channel Islands (CSUCI) and VCTC for FY2021-2022 bus service to CSUCI.

BACKGROUND:

For the past twenty-two years, VCTC has operated bus service to and from California State University Channel Islands (CSUCI). The service is governed by an agreement which VCTC and CSUCI extend annually. The service initially qualified as a CMAQ (Congestion Management and Air Quality) demonstration project and received federal funding for 80% of the total cost. Beginning 2002-2003, the routes became a regular VCTC service and, as such, generate FTA revenues. This includes generating additional FTA revenues from the Coronavirus, Aid Relief, and Economic Security (CARES Act) and most recently the American Rescue Plan Act (ARPA). For Fiscal Year 2021-2022, total FTA funding will amount to approximately \$888,002. In addition, because the ARPA allocation for VCTC Intercity will be received over the next three to four fiscal years, additional ARPA revenues are anticipated for CSUCI's routes in the upcoming years as well. FTA funding offsets the use of local revenues provided by CSUCI, which are primarily derived from on-campus parking revenues and fees.

The attached amendment to the agreement between VCTC and CSUCI covers the term for the current fiscal year (July 1, 2021, to June 30, 2022). While typically an extension agreement is reviewed by the Commission prior to the beginning of the fiscal year, VCTC and CSUCI were awaiting the approval of the latest ARPA funding allocation, which was approved at the July 2021 Commission meeting. During Fiscal Year 2021-2022 VCTC and CSUCI look forward to resumption of the pre-pandemic schedule that previously served the campus as facilitated through our long-standing agreement.

Attachment: Amendment No. 23 to Cooperative Agreement between CSUCI and VCTC

**AMENDMENT TWENTY-THREE TO
COOPERATIVE AGREEMENT
BETWEEN
TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY
ON BEHALF OF CALIFORNIA STATE UNIVERSITY
CHANNEL ISLANDS
AND
THE VENTURA COUNTY TRANSPORTATION COMMISSION
FOR THE REVISED TERM APRIL 1, 1999 - JUNE 30, 2022**

This Twenty-third Amendment to the COOPERATIVE AGREEMENT is entered into by and between the Trustees of the California State University, on behalf of California State University Channel Islands, hereinafter referred to as CAMPUS or CSUCI, and the Ventura County Transportation Commission, hereinafter referred to as VCTC, for fiscal year 2021/2022 and is based on the following facts which are material to its execution by the parties:

- I. As a part of its certification of the Environmental Impact Report for the development, the CAMPUS agreed to develop an alternative transportation system to move employees and students at CSUCI to and from the campus. This provision was designed to reduce the negative impacts of increased traffic from development of CSUCI and promote improved air quality.
- II. As a central element in the development of a "Green Campus" university dedicated to the enhancement of the environment in Ventura County, shuttle bus service has been implemented at key transfer points to increase transportation alternatives available to students, staff members and visitors to and from the CAMPUS. The objectives are to reduce traffic congestion, protect air quality, mitigate noise and protect agriculture.
- III. For the first three years (August 1999 through June 2002) VCTC provided a grant of federal Congestion Management and Air Quality (CMAQ) Funds to the CAMPUS for the development and operation of a shuttle bus system. The CMAQ Grant was managed by VCTC on behalf of the Trustees of the California State University.

- IV. The CMAQ program provided funds for a maximum of three years, which was considered a "demonstration period." The demonstration period ended in August 2002. Therefore, the CAMPUS shuttle bus service no longer qualifies for CMAQ funds but does qualify for partial funding from the Federal Transportation Administration (FTA). During the following years, FY 2002/2003 through 2021/2022, VCTC obtained FTA funds to pay for a portion of the cost of providing CAMPUS shuttle bus service.
- V. It is expected that FTA funds, obtained by VCTC on behalf of the CAMPUS, will total approximately \$888,002 for FY 2021/2022, which includes approximately \$307,235 of recurring FTA revenues allocated for FY 2021/2022, \$304,443 of one-time FTA "American Rescue Plan Act" revenues, and \$276,324 of one-time carryover FTA revenues from FY 2020/2021.
- VI. VCTC and CSUCI agree to work together to develop a plan which will enhance revenue through increased ridership resulting in a self-sustaining shuttle bus service. CAMPUS recognizes that it may need to subsidize the shuttle bus pass for the students, faculty, and staff.
- VII. VCTC and CSUCI agree to work together in the development of emergency preparedness and disaster response transportation planning activities related to the VCTC transit bus system and potential evacuation scenarios.

NOW, THEREFORE, in consideration for the foregoing material facts and other consideration by and between the parties, CSUCI and VCTC agree as follows:

- A. During the period from July 1, 2021, through June 30, 2022, CSUCI shall provide \$50,246 to VCTC to maintain, operate, and manage the CAMPUS shuttle bus system. This amount consists of the Trustees of the California State University local matching cost, which, together with FTA payments will provide full funding for this bus service and VCTC administrative and other operating costs. CSUCI may choose to apply accrued credit from prior year payments towards current amount due. The amount of \$50,246 shall be due and payable during FY 2021/2022 according to the following schedule:

Due Sept 15, 2021	\$ 25,123
Due Dec 15, 2021	\$ 25,123

- B. VCTC will continue to provide to CSUCI a variety of analytical, technical and management services designed to facilitate the operation of the system from designated points in Oxnard and Camarillo to the CAMPUS for use by students, employees, and visitors. The specific services to be provided by VCTC to CSUCI are as follows:
 - 1. Management and coordination of all CAMPUS shuttle bus service and park and ride locations throughout FY 2021/2022.
 - 2. Continued identification of future CAMPUS shuttle bus service route opportunities, service adjustments and/or additional park and ride locations with a focus toward promoting and advancing the CSUCI "Green Campus" concept.

3. Provide analytical and technical expertise in support of the CSUCI Transit Twenty Year Plan and the CSUCI Parking and Transportation Demand Management Study and participate as an ex-officio member of the CSUCI Transportation Subcommittee.
4. Provide input to CSUCI for its emergency preparedness planning activities related to transit services and disaster response and coordinate applicable transit service adjustments during extreme weather events and exigent circumstances.
5. Maintain CAMPUS ridership data and trends.
6. Facilitate access to CAMPUS shuttle bus service during special events at the CAMPUS.
7. VCTC will provide a fiscal year financial statement listing actual cost and revenue for operating the CSUCI service and provide information on any adjustment necessary.

THIS TWENTY-THIRD AMENDMENT TO THE AGREEMENT HAS BEEN EXECUTED AS OF
 2021.

ATTEST:

TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY

RICHARD YAO, INTERIM PRESIDENT
CSU CHANNEL ISLANDS

VENTURA COUNTY TRANSPORTATION COMMISSION

KELLY LONG, CHAIR, VCTC

APPROVED AS TO FORM

STEVEN T. MATTAS, GENERAL COUNSEL, VCTC

APPROVED AS TO CONTENT

MARK WATKINS, INTERIM EXECUTIVE DIRECTOR, VCTC



Item #81

September 10, 2021

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: DARRIN PESCHKA, PROGRAM MANAGER, GOVERNMENT AND COMMUNITY RELATIONS

SUBJECT: INCREASE OF VCTC TRANSIT OUTREACH AND COMMUNITY OUTREACH CONTRACT

RECOMMENDATION:

- Increase the not-to-exceed amount of the transit outreach and community outreach contract with Celtis Ventures by \$50,000 for Fiscal Year 2021/2022.

DISCUSSION:

VCTC entered into a new contract with Celtis Ventures in December 2020 to provide transit outreach and community outreach services. Celtis has provided outreach services for VCTC since 2015, and VCTC has been satisfied with the firm's work.

The contract covers outreach work for several VCTC programs, including Intercity Services, Regional Transit Planning, Metrolink, Pacific Surfliner (LOSSAN), Rideshare, Regional Transit Technology, and Community Outreach.

The past few months have been particularly busy ones at VCTC. Outreach campaigns have included the introduction of the VCbuspass contactless payment system, reintroduction of Intercity bus fares and promotion of half-price fares through December, the launch of Metrolink Saturday service, the return of Intercity bus service to pre-pandemic schedules, the College Ride program, and the 20th anniversary of the Coastal Express. Working with VCTC staff, Celtis has done a remarkable job managing and promoting outreach campaigns for each of these initiatives, reaching existing and potential new customers through organic and paid social media posts, digital and print ads in local news publications, e-blasts, and car cards on Intercity buses.

The contract has a not-to-exceed of amount \$500,000 for Fiscal Year 2021/2022. Of that, \$50,000, or 10 percent, is dedicated to Metrolink Saturday service and College Ride promotions, both of which are funded by Low-Carbon Transit Operations Program grants received in 2019 that carried over into this fiscal year. The remainder of \$450,000 has been carefully programmed through the rest of the fiscal year, made up primarily with recurring CMAQ and other FTA revenues. Looking ahead, VCTC staff believes the not-to-exceed amount in the contract could potentially limit opportunities for new outreach campaigns that might arise. For example, in the past few years, new campaigns have been

necessary to alert the public to changes in service due to wildfires and COVID-19. In addition, outreach is one of the means VCTC will be utilizing to restore transit ridership to pre-pandemic levels, while also connecting with potential new customers. Thus, it is imperative that VCTC be able to leverage available resources to adapt to changing conditions.

The related budgets for Intercity Services, Regional Transit Planning, Rideshare, Regional Transit Technology, and Community Outreach were approved in the full 2021/2022 VCTC budget and will not change. The recommended contract increase is fully budgeted with available revenues noted above. The only change is the not-to-exceed amount of the contract.

With the contract increase, the new not-to-exceed cost of the Celtis contract will be \$550,000 for Fiscal Year 2021/2022. The June 30, 2024, contract expiration date will not change. Staff recommends increasing the contract.

AMENDMENT TO CONSULTING SERVICES AGREEMENT BETWEEN THE VENTURA COUNTY
TRANSPORTATION COMMISSION (VCTC) AND CELTIS VENTURES, INC.

This Amendment to the Consulting Services Agreement (“Amendment”) by and between the Ventura County Transportation Commission (“VCTC”), herein referred to as “VCTC” and Celtis Ventures, hereinafter referred to as “CONTRACTOR”, is entered into as of this 10th day of September, 2021.

WHEREAS, on January 1, 2021, VCTC entered into a consulting services agreement with Celtis Ventures, Inc. for development of a Transit Outreach and Community Outreach Program; and

WHEREAS, the Parties desire to amend the Agreement to increase the not-to-exceed amount for Fiscal Year 2021/2022 by \$50,000.

NOW, THEREFORE, VCTC and CONTRACTOR agree as follows:

1. Section 2 of the Contract is hereby amended to increase the not-to-exceed amount for Fiscal Year 2021/2022 by \$50,000 for a new not-to-exceed amount of Five Hundred Fifty Thousand (\$550,000) for Fiscal Year 2021/22.
2. Except to the extent amended hereby, the Contract remains in full force and effect.

VENTURA COUNTY TRANSPORTATION COMMISSION

By: _____

Kelly Long, Chair

APPROVED AS TO FORM

By: _____

Steve Mattas, General Counsel

CONTRACTOR: CELTIS VENTURES

By:  _____

Matt Raymond

3858634.1



Item #8J

September 10, 2021

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: CAITLIN BROOKS, PROGRAM MANAGER-TRANSPORTATION PLANNING

SUBJECT: VENTURA COUNTY FREIGHT CORRIDORS STUDY UPDATE

RECOMMENDATION:

- Receive and file a report on the status of the Ventura County Freight Corridors Study.

BACKGROUND:

VCTC, the Port of Hueneme, and Caltrans have partnered with the Southern California Association of Governments to develop the Ventura County Freight Corridors Study, which will identify and prioritize the most significant freight corridors for safer, more efficient, and sustainable freight connections. The project team worked with community and industry groups and the general public to refine the project objectives, focus analysis efforts, and develop solutions with the greatest benefit to both the County's economic competitiveness and environmental health.

The identification of critical freight corridors and mitigations through the Ventura County Freight Corridors Study is essential. Generators of freight movement in Ventura County include production through the manufacturing and agricultural sector, imports and exports passing through the Port of Hueneme, local household and business consumption, and interregional commerce between Los Angeles and Santa Barbara Counties.

The purpose of this Study is to establish a better understanding of the freight corridors in Ventura County to inform future investment decisions by:

- Identifying opportunities to support cleaner freight movement, while promoting Ventura County's industries and agricultural economy, as well as regional and State economic growth;
- Assisting the Port of Hueneme and Ventura County to achieve State and regional emission reduction goals; and,
- Increase social equity by planning for an efficient transportation system not centralized around disadvantaged communities.

The Study will also position Ventura County to apply for future state and federal funding opportunities, including Senate Bill 1 Trade Corridor Enhancement Program funding. For anyone who missed the first two virtual public workshops, recorded videos and project fact sheets are available on the project website: www.goventura.org/vcfreight.

The Ventura County Freight Corridors Study project team is currently refining the comprehensive draft for a planned release to VCTC's Transportation Technical Advisory Committee (TTAC) and the public in early September 2021. The release of the draft study will be followed by a presentation to TTAC on September 15th and the third public workshop on September 16th. The team then plans to incorporate feedback from the public, stakeholders, and TTAC into the final draft study for Commission review in October 2021, with approval planned for November 2021.

Registration and additional information for the upcoming September 16th public workshop is available at: <https://www.goventura.org/vcfreight/#public-input>.



Item #8K

September 10, 2021

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION (VCTC)

**FROM: CLAIRE GRASTY, REGIONAL TRANSIT MANAGER
JENI F. EDDINGTON, TRANSIT PLANNER**

SUBJECT: BUS AND RAIL RIDERSHIP AND PERFORMANCE MEASURES REPORT

RECOMMENDATION:

- Receive and File.

BACKGROUND:

As a data driven and transparent organization, VCTC staff provide quarterly and annual reports that include ridership data, performance measures, and goals for VCTC Intercity Transit as well as Metrolink and Pacific Surfliner. This report compares the 4th quarter of Fiscal Year (FY) 2021 with the 4th quarter of both FY 2020 and FY 2019.

DISCUSSION:

In simple terms, a more “open” economy due to availability of vaccinations and a lower incidence of cases led to increases on both VCTC Intercity (bus) and local rail services (Metrolink Ventura County Line and the Pacific Surfliner). The Coronavirus pandemic gave us an opportunity to get some baseline data on our ‘essential rider’ or individuals that work in industries that ensure that the United States continues to function. Below are a few highlights and clarifications corresponding to the attached dashboards.

Fiscal Year 2021 | 4th Quarter

VCTC Intercity’s quarterly ridership increased by 58% over FY 2020 Q4 as operating costs increased 9% due to contractual increases. However, ridership is still down 62% from January 2020 (pre-pandemic). The number of passengers per service hour has increased over the last quarter but is far from reaching the goals of 10 and 15 riders for commuter and trunk routes, respectively. It should also be noted that the Channel Islands Route Guarantee for FY 2021 is the budget amount and will be adjusted based on service levels.

The Metrolink Ventura County Line launched Saturday service between Moorpark and Los Angeles this quarter with 130 riders on the first day of service. Metrolink’s fourth quarter ridership has increased by 64% over last year with station boardings increasing by 324 percent. However, overall Metrolink ridership is still down 76% since the pandemic began (March 2020).

Fiscal Year 2021 | Full Year

VCTC Intercity's annual ridership is down 56.7% over FY 2020 and 66.3% over FY 2019. As ridership and service levels decreased, we were able to see that the percent of VCTC Intercity riders using bicycles as part of their commute increased from 3% to 7% and on-time performance has an inverse relationship with service levels. It should also be noted that the Conejo Connection between Ventura County and Los Angeles County has not been in service since March 2020. As ridership declines and operating costs increase, VCTC Intercity's cost per passenger has more than doubled between FY 2019 and FY 2021.

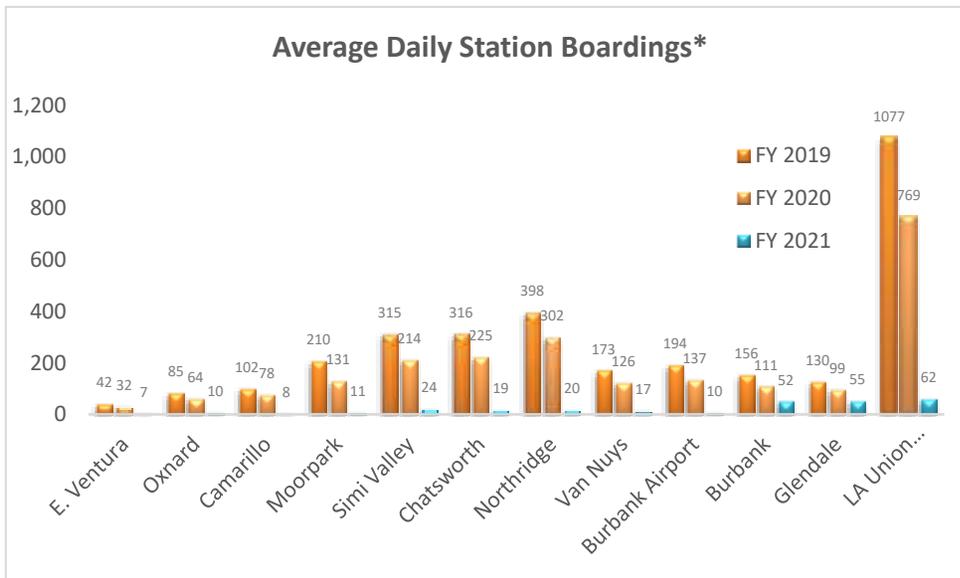
The Metrolink Ventura and LOSSAN summary of highlights can be found on the Metrolink & LOSSAN Ventura County Corridor annual dashboard (attached).

METROLINK & LOSSAN | Ventura County Corridor

Annual Ridership Report | Fiscal Year 2021

FISCAL YEAR 2021 HIGHLIGHTS

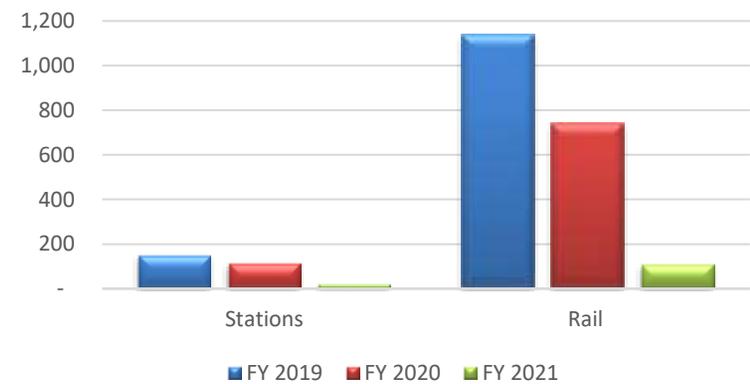
Fiscal Year 2021 marks the first full fiscal year affected by the coronavirus pandemic and although ridership has been increasing over the last several months, the Metrolink Ventura County Line ridership was down 85% over FY 2019. Station Boardings along the Ventura County line were down 84% as well when compared to Q4 FY 2019. LOSSAN ridership along the Ventura corridor has also experienced steep declines in ridership over the last fiscal year. The number of boardings and alightings has declined by as much as 95% at individual stations and 78% over FY 2019 and 70% over FY 2020.



*Based on Conductor Counts

DAILY PASSENGER TRIPS

Weekday Averages



Time Period	Stations	Rail	System Total
FY 2019	151	1,139	38,386
FY 2020	114	739	28,980
FY 2021	22	109	6,876
% Change over FY 2019	-85%	-90%	-82%

Pacific Surfliner VC Ons & Offs

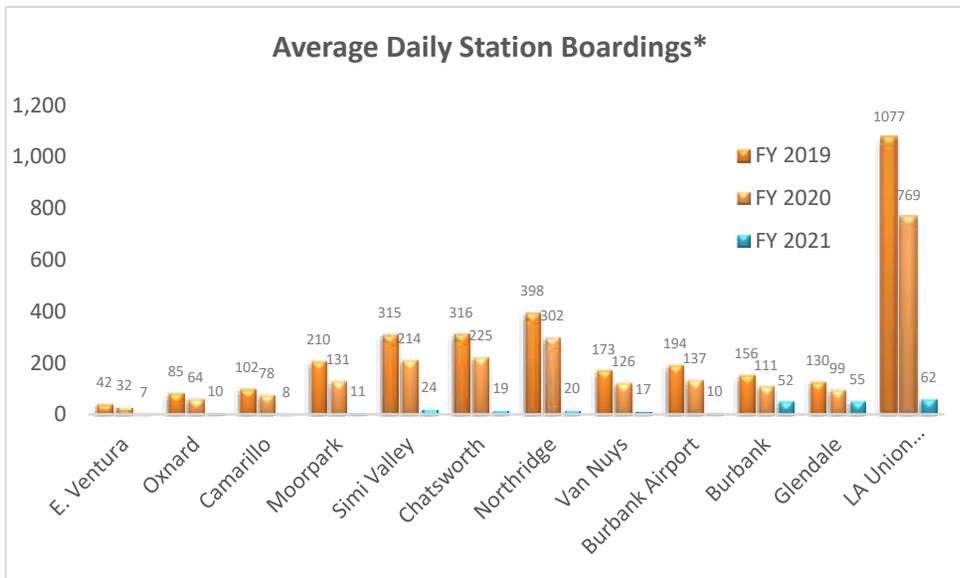


METROLINK & LOSSAN | Ventura County Corridor

Annual Ridership Report | Fiscal Year 2021

FISCAL YEAR 2021 HIGHLIGHTS

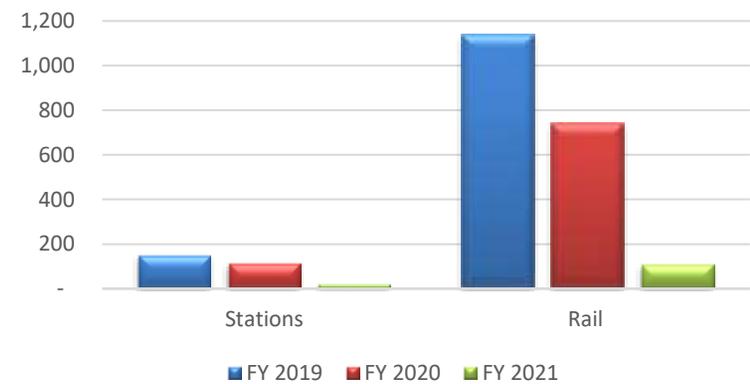
Fiscal Year 2021 marks the first full fiscal year affected by the coronavirus pandemic and although ridership has been increasing over the last several months, the Metrolink Ventura County Line ridership was down 85% over FY 2019. Station Boardings along the Ventura County line were down 84% as well when compared to Q4 FY 2019. LOSSAN ridership along the Ventura corridor has also experienced steep declines in ridership over the last fiscal year. The number of boardings and alightings has declined by as much as 95% at individual stations and 78% over FY 2019 and 70% over FY 2020.



*Based on Conductor Counts

DAILY PASSENGER TRIPS

Weekday Averages



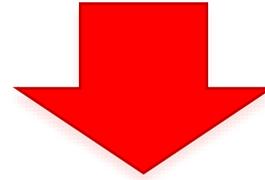
Time Period	Stations	Rail	System Total
FY 2019	151	1,139	38,386
FY 2020	114	739	28,980
FY 2021	22	109	6,876
% Change over FY 2019	-85%	-90%	-82%

Pacific Surfliner VC Ons & Offs



VCTC INTERCITY

Annual Ridership Report | Fiscal Year 2021



FY 2019	9.8	0.39	651,595
FY 2020	9.2	0.33	507,268
FY 2021	4.0	0.18	219,218

Passengers: Per Hour Per Mile Per Year

RIDERSHIP

Due to the Coronavirus pandemic, all VCTC Intercity bus lines experienced steep declines in ridership year-over-year. FY2021 ridership declined by 66% when compared to FY 2019.

CUSTOMER SERVICE

Of the 44 complaints received, 34% were valid (less than 1% of ridership). This was a 60% and 65% decrease in complaints compared with FY 2020 and FY2019, respectively.

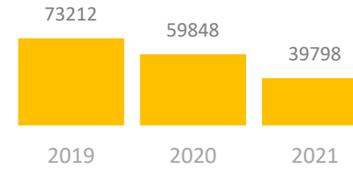
COMMUTER BOARDINGS

Based on the percent of annual ridership, boarding with mobility devices declined while riders boarding with bicycles increased significantly and the use of train transfers was directly related to the service levels of Metrolink's Ventura County Line.

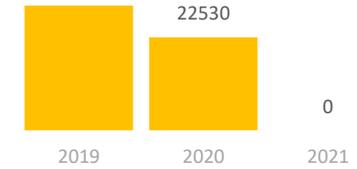
	FY 2019	FY 2020	FY 2021
Mobility Device	0.41%	0.53%	0.23%
Bicycle Loaded	3.12%	4.24%	7.36%
Train Transfers	1.55%	2.41%	1.64%

VCTC INTERCITY BUS ANNUAL RIDERSHIP BY LINE

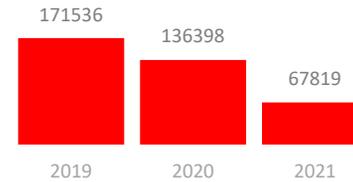
Highway 101 (50-53)



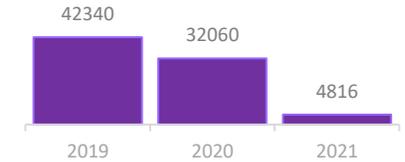
Conejo Connection 54-55



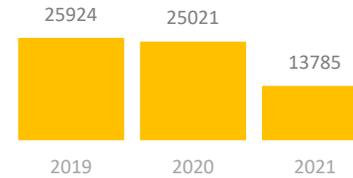
Highway 126 (60-62)



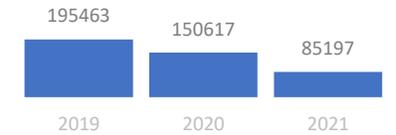
East County (70-73)



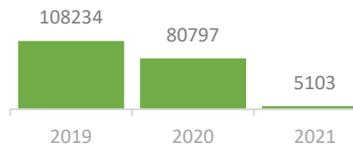
Cross County Ltd. (77)



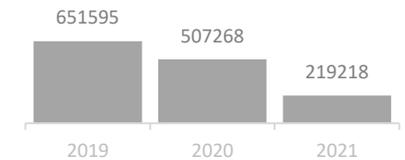
Coastal Express (80-89)



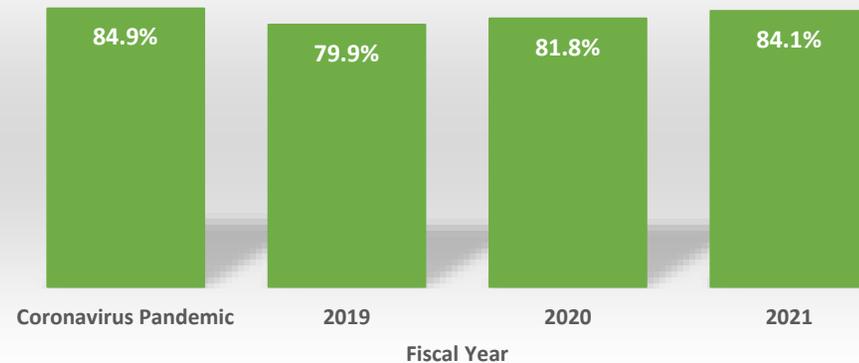
Channel Islands (90-99)



Systemwide (50-99)



On Time Performance (Less than 5 1/2 minutes late)

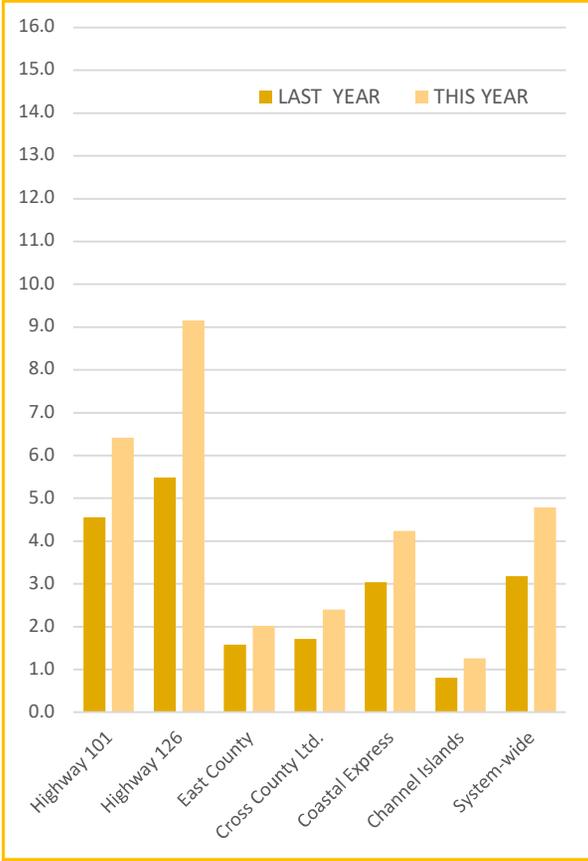


VCTC INTERCITY

Quarterly Ridership Report | FY 2021 Q4

Apr - Jun 2021	0.20	4.79	\$0
	Passengers/Mile	Passengers/Hour	Fare Revenue*
Apr - Jun 2020	0.13	3.17	\$0

PASSENGERS PER SERVICE HOUR



COST AND REVENUE PER PASSENGER

	Q4 FY20	Q4 FY21	% Change
Operating Cost	\$ 1,601,365	\$ 1,752,076	9%
Passenger Revenue	\$ -	\$ -	0%
Passenger Revenue including Budgeted Route Guarantees^	\$ 350,750	\$ 208,225	-41%
Passengers	37,777	59,962	59%
Cost per Passenger	\$ 42.39	\$ 29.22	-31%
Farebox Recovery Ratio not including route guarantees	0%	0%	0.0%
Farebox Recovery Ratio including route guarantees	22%	12%	-46%

EXTERNAL RIDERSHIP FACTORS



*Fares suspended through June 2021. Half-priced fares effective July 1 through December 31, 2021

^ Based on service levels and adjusted at year-end.

VCTC INTERCITY

Quarterly Ridership Report | FY 2021 Q4

Apr - Jun 2021

59,962

Boardings



Apr - Jun 2020

37,777

58.7%

FOURTH QUARTER 2021 HIGHLIGHTS

Total ridership has increased by 58.7% from last year but is still 61% below Q4 FY19. All VCTC Intercity transit lines experienced ridership increases this quarter.

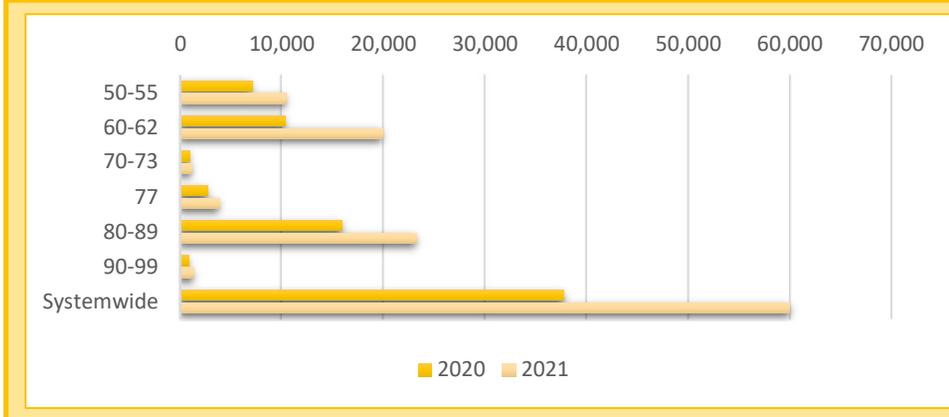
CUSTOMER SERVICE GOALS (No more than 10/100,000 riders each month)

VCTC Intercity received 5 valid complaints in April (0), May (3), and June (2). These complaints were related to customer service, health, and safety. When analyzed against monthly ridership, VCTC Intercity did not meet the goal for the month of May.

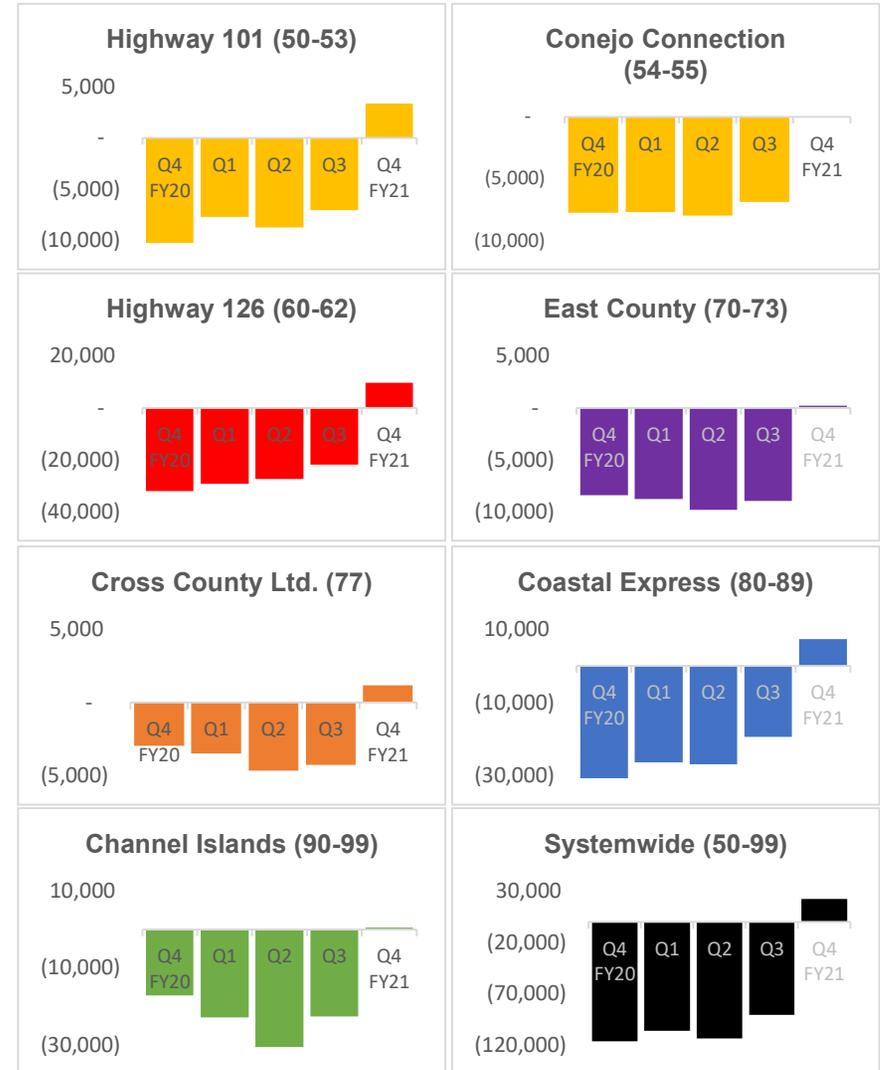
The following table provides information on VCTC Intercity Transit's commuter boardings to better understand ridership composition; and identify customer needs, factors to on-time performance and other potential service improvements.

	Boardings	% of Ridership	% Change
Wheelchair Boardings	119	0.20%	23%
Bicycle Boardings	4,412	7.36%	-2%
Train Transfers	518	0.86%	5339%

Fourth Quarter Comparison Year-Over-Year



RIDERSHIP CHANGE FROM PRIOR YEAR - LAST 15 MONTHS

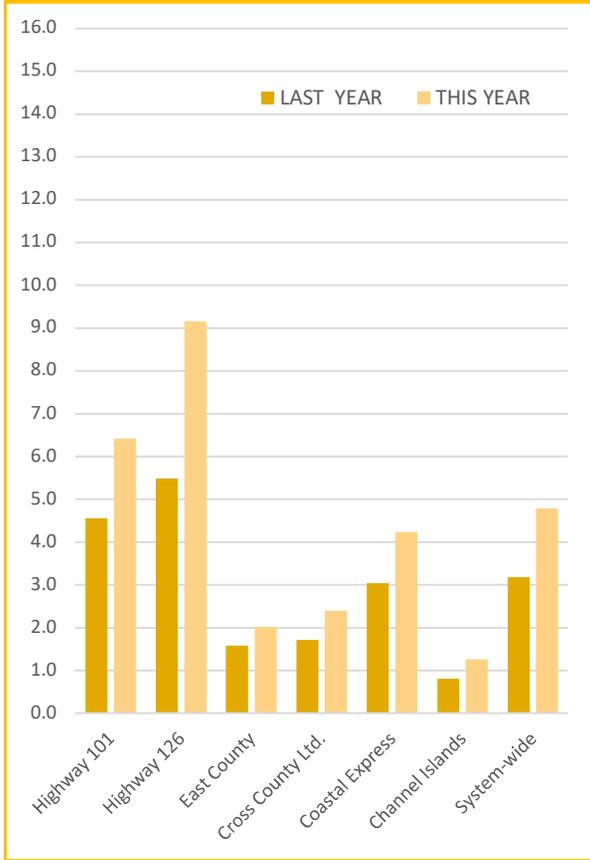


VCTC INTERCITY

Quarterly Ridership Report | FY 2021 Q4

Apr - Jun 2021	0.20	4.79	\$0
	Passengers/Mile	Passengers/Hour	Fare Revenue*
Apr - Jun 2020	0.13	3.17	\$0

PASSENGERS PER SERVICE HOUR



COST AND REVENUE PER PASSENGER

	Q4 FY20	Q4 FY21	% Change
Operating Cost	\$ 1,601,365	\$ 1,752,076	9%
Passenger Revenue	\$ -	\$ -	0%
Passenger Revenue including Budgeted Route Guarantees^	\$ 350,750	\$ 208,225	-41%
Passengers	37,777	59,962	59%
Cost per Passenger	\$ 42.39	\$ 29.22	-31%
Farebox Recovery Ratio not including route guarantees	0%	0%	0.0%
Farebox Recovery Ratio including route guarantees	22%	12%	-46%

EXTERNAL RIDERSHIP FACTORS



*Fares suspended through June 2021. Half-priced fares effective July 1 through December 31, 2021

^ Based on service levels and adjusted at year-end.



Item #9

September 10, 2021

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: DARRIN PESCHKA, PROGRAM MANAGER, GOVERNMENT AND COMMUNITY RELATIONS

SUBJECT: LEGISLATIVE UPDATE

RECOMMENDATION:

- Receive and file.

DISCUSSION:

Federal Issues

At the Commission's regular meeting in July, Commissioners were briefed about a significant infrastructure deal reached between President Biden and a bipartisan group of senators. Over the following several weeks, that deal became a Senate bill called the Infrastructure Investment and Jobs Act (IIJA), and on Aug. 10, the full Senate passed the five-year, \$1.2 trillion bill that represents record levels of infrastructure investment.

The IIJA consists of two pieces: reauthorization of the Fixing America's Surface Transportation (FAST) Act, and supplemental funding above current FAST Act levels. After passing the Senate, the IIJA was sent to the House of Representatives, where it is awaiting consideration.

The IIJA is a bipartisan replacement amendment to the INVEST in America Act, the surface transportation reauthorization bill passed by the House in July. The IIJA incorporates language from three Senate committees working on reauthorization of the FAST Act and likely will serve as the final vehicle for reauthorization legislation.

In addition to regular spending on transportation, the IIJA would authorize \$550 million in new spending over current FAST Act levels, including:

- \$106.9 billion for public transit, a 63 percent increase over current funding levels;
- \$102.15 billion for rail programs, a 561 percent increase over current funding levels; and
- At least \$9.5 billion for California transit agencies for purposes including transitioning to zero-emission fleets, capital projects, and building resiliency to extreme weather events.

Almost since its inception, the infrastructure bill has been expected to move in parallel with a \$3.5 billion budget reconciliation bill that would support expansion of so-called social infrastructure programs such as childcare and Medicare.

On Aug. 24, the House approved a budget resolution that cleared the way for the budget reconciliation deal to move forward, a process that could take months. However, the agreement reached in the House sets a Sept. 27 deadline for the House to pass the IIJA, which is three days before the FAST Act is set to expire. If the IIJA is not passed by Sept. 30, Congress may have to authorize an extension of the FAST Act.

One important item of note is the status of community-designated projects, or earmarks, that were included in the reauthorization legislation passed by the House. Among the projects is \$6 million for the Leesdale passing extension and upgrade, a project submitted by VCTC and the Los Angeles-San Diego-San Luis Obispo Rail Corridor Agency (LOSSAN). The bipartisan IIJA bill does not include earmarks. Many legislative analysts, however, believe that the projects might still be incorporated into a separate appropriations bill. House Transportation & Infrastructure Chair Peter DeFazio has indicated that he sees value in earmarks and would like to see them included in other legislation.

State Issues

On July 12, Gov. Gavin Newsom signed AB 129, which amended the “placeholder” state budget passed in June. The \$262.2 billion budget deal reached between the governor and state legislators sets aside billions of dollars for transportation, including for the Transit and Intercity Rail Capital Program (TIRCP), for zero-emission vehicles and infrastructure, and for the state’s Active Transportation Program (ATP). It is important to note that the funding for some programs, including TIRCP and ATP, will require that additional legislation be passed and signed before the funding can be expended. The deadline to do so is Oct. 10, 2021. If additional legislation is not passed and signed by the governor, that funding will return to the state’s General Fund.

For transit agencies in California, the governor’s signing of budget trailer bill AB 149 on July 16 was even more welcome news. The bill extends and expands upon regulatory relief first passed in 2020 that is intended to help transit agencies offset the impacts of the pandemic on ridership and revenue.

Among other things, the bill will:

- Extend the “hold harmless” provision for the calculation and allocation of State Transit Assistance Program, Low Carbon Transit Operations Program, and STA-State of Good Repair allocations (Local Revenue Basis Only) by one year to fiscal year 2022-2023. This is an extension of AB 90, which passed in 2020.
- Extend the suspension of the financial penalties associated with the Transportation Development Act’s requirements that transit agencies obtain specified fixed percentages of their operating budgets from passenger fares (TDA farebox recovery requirements) by two years to fiscal year 2022-23. This is an extension of AB 90.
- Extend the flexibility for the use of State Transit Assistance – State of Good Repair funds by one year to fiscal year 2022-23. This is an extension of AB 107, which passed in 2020.
- Institute a review of TDA performance audit requirements to identify opportunities for streamlining and identification of more effective measures.

The Legislature has until Sept. 10 to pass bills. The last day for the governor to act is Oct. 10.

Attachment A is the monthly report of Delaney Hunter, the Commission’s state lobbyist.



CALIFORNIA ADVISORS, LLC

VENTURA COUNTY TRANSPORTATION COMMISSION MONTHLY STATE ADVOCACY REPORT AUGUST 2021

Legislative Update

The Legislature was on summer recess from July 16th to August 16th, so legislators were able to stay home and focus on their districts. Right before commencement of the break, the Assembly and Senate held lengthy policy committee hearings to meet the deadline for all bills to be moved through their respective policy committees. As a result, the early part of July saw several lengthy hearings that often lasted five or six hours.

Now that the recess has concluded, the past two weeks were mostly centered around appropriations committee hearings for all the bills that were tagged fiscal. A majority of the bills – those generating a significant state cost – were placed on the appropriations committee suspense files. There were just over 300 bills in the Senate committee and 200 in the Assembly committee that were on placed on the file. The fate of these bills was taken up during the final fiscal committee hearing (on August 26th) where they either advanced or were held for this legislative year. The bills that moved out of the appropriations committee proceeded to the Senate or Assembly Floor for a full vote of their respective house.

If there were any amendments while the bill was in the second house, the legislation must then go back for a concurrence vote in their house of origin. This will all take place in the final weeks of the 2021 legislative session, where there will be lengthy floor session hearings before the deadline. All bills must be passed by the Legislature by September 10th, and the Governor then has until October 10th to sign or veto legislation. If bills are not passed, they will ultimately become two-year bills and will be subjected to an expedited deadline schedule in January when the Legislature returns. As always, California Advisors will continue to keep VCTC updated on relevant legislation and important upcoming deadlines.

Additionally, there continues to be ongoing negotiations on the remaining budget items, including the cap-and-trade spending plan and the final transportation package that still have not been finalized. Furthermore, the California Air Resources Board released a summary of the results from the most recent quarterly cap-and-trade auction held on August 18, 2021. Based on the preliminary results, the state will receive an estimated \$1.14 billion in revenue from the auction—the highest amount for any quarterly auction in the program’s history.

Based on these estimates, that would mean \$203 million will be available for discretionary spending, which can be appropriated by the Legislature as part of its remaining 2021-22 budget discussions or allocated in future years. The Assembly Budget Committee has already scheduled hearings for the last week of session. This likely means the conversation around the budget will continue all the way through the final nights of the session.

LAO California Spending Plan

Each year, LAO publishes the California Spending Plan to summarize the annual state budget. This publication provides an overview of the 2021-22 Budget Act, then highlights major features of the budget approved by the Legislature and signed by the Governor. In addition to this report, they plan to release a series of issue-specific, online posts that would give more detail on the major actions in the budget package. In this plan, LAO noted that the budget package assumes that 2021-22 will end with nearly \$21 billion in total reserves. This consists of: (1) \$15.8 billion in the Budget Stabilization Account (BSA), (2) \$4 billion in Special Fund for Economic Uncertainties, and (3) \$900 million in the Safety Net Reserve, which is available for spending on the state's safety net programs, like Medi-Cal. In addition, the Proposition 98 Reserve (dedicated to school and community college spending) would reach \$4.5 billion under the spending plan. LAO also stated that the state revenue is not expected to exceed appropriations limit and that the budget commits a \$47 billion general fund surplus.

Transportation is among the major features of the 2021-22 spending plan. The spending plan provides a total of \$4.5 billion in new, discretionary General Fund monies in 2021-22, which is entirely one time or temporary, for transportation infrastructure. This includes \$1 billion for transit and rail projects throughout the state, \$1 billion to complete transit projects in advance of the 2028 Olympics, \$500 million for active transportation projects, \$500 million for grade separation and other safety improvements, \$400 million for projects to address the impacts of climate change on state and local transportation infrastructure, and \$280 million for improvements at the Port of Oakland. The budget also includes \$475 million in 2021-22 (\$1.1 billion over three years) for litter abatement and beautification projects on state highways and local roads.

Upcoming Bill Deadlines and 2 Year Bills

- August 30 – September 10** – Floor Sessions only.
- September 3** – Last day to amend bills on the Floor.
- September 10** – Last day for each house to pass bills.
- October 10** – Last day for Governor to sign or veto bills.

Below is a list of VCTC tracked bills:

AB 43 (Friedman D) Traffic Safety.

Introduced: 12/7/2020

Status: 8/24/2021-Read second time. Ordered to third reading.

Summary: Current law establishes various default speed limits for vehicles upon highways, as specified. Current law authorizes state and local authorities to adjust these default speed limits, as specified, based upon certain findings determined by an engineering and traffic survey. Current law defines an engineering and traffic survey and prescribes specified factors that must be included in the survey, including prevailing speeds and road conditions. This bill would require local authorities to consider other factors, including pedestrian and bicycle safety, that are allowed but not required to be considered under existing law. The bill would also allow local authorities to consider additional factors, including the current or immediately prior speed limit, as specified.

AB 339 (Lee D) State and local government: open meetings.

Introduced: 1/28/2021

Status: 8/26/2021-Read second time. Ordered to third reading.

Summary: The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Under existing law, a member of the legislative body who attends a meeting where action is taken in violation of this provision, with the intent to deprive the public of information that the member knows the public is entitled to, is guilty of a crime. This bill would require local agencies to conduct meetings subject to the act consistent with applicable state and federal civil rights laws, as specified.

AB 361 (Rivas, Robert D) Open meetings: local agencies: teleconferences.

Introduced: 2/1/2021

Status: 7/15/2021-Read second time. Ordered to third reading.

Summary: Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

AB 464 (Mullin D) Enhanced Infrastructure Financing Districts: allowable facilities, projects, and costs.

Introduced: 2/8/2021

Status: 6/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 25, Statutes of 2021.

Summary: Current law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district to finance public capital facilities or other specified projects of communitywide significance that provide significant benefits to the district or the surrounding community, including, but not limited to, the acquisition, construction, or repair of industrial structures for private use. This bill would include, in the list of facilities and projects the district may fund, the acquisition, construction, or repair of commercial structures by the small business, as defined, occupant of such structures, if certain conditions are met, and facilities in which nonprofit community organizations provide health, youth, homeless, and social services.

AB 473 (Chau D) California Public Records Act.

Introduced: 2/8/2021

Status: 8/17/2021-Read second time. Ordered to third reading.

Summary: The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. This bill would recodify and reorganize the provisions of the act. The bill would include provisions to govern the effect of recodification and state that the bill is intended to be entirely nonsubstantive in effect. The bill would contain related legislative findings and declarations. The bill would become operative on January 1, 2023.

AB 474 (Chau D) California Public Records Act: conforming revisions.

Introduced: 2/8/2021

Status: 8/17/2021-Read second time. Ordered to third reading.

Summary: Would enact various conforming and technical changes related to another bill that recodifies and reorganizes the California Public Records Act. The bill would only become operative if the related bill recodifying the act is enacted and becomes operative on January 1, 2023. The bill would also specify that any other bill enacted by the Legislature during the 2021 calendar year that takes effect on or before January 1, 2022, and that affects a provision of this bill shall prevail over this act, except as specified.

AB 604 (Daly D) Road Maintenance and Rehabilitation Account: apportionment of funds: accrued interest.

Introduced: 2/11/2021

Status: 8/26/2021-From committee: Do pass. (Ayes 7. Noes 0.) (August 26). Read second time. Ordered to third reading.

Summary: Would continuously appropriate interest earnings derived from revenues deposited in the Road Maintenance and Rehabilitation Account to the Department of Transportation for maintenance of the state highway system or for purposes of the State Highway Operation and Protection Program.

AB 713 (Garcia, Cristina D) State Air Resources Board: greenhouse gas emissions scoping plan: comprehensive health analysis.

Introduced: 2/16/2021

Status: 8/26/2021-In committee: Held under submission.

Summary: The State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to approve a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to ensure that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level by 2030. The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse This bill would require the state board to conduct a comprehensive health analysis in conjunction with the development of each update of the scoping plan that includes a framework to provide an overview of the breadth of health impacts and health benefits that may accrue from the outcomes in the scoping plan, as specified.

AB 773 (Nazarian D) Street closures and designations.

Introduced: 2/16/2021

Status: 8/26/2021-In Assembly. Concurrence in Senate amendments pending. May be considered on or after August 28 pursuant to Assembly Rule 77.

Summary: Would authorize a local authority to adopt a rule or regulation by ordinance to implement a slow street program, which may include closures to vehicular traffic or through vehicular traffic of neighborhood local streets with connections to citywide bicycle networks, destinations that are within walking distance, or green space. The bill would require the local authority to meet specified conditions to implement a slow street, including a determination that closure or traffic restriction is necessary for the safety and protection of persons using the closed or restricted portion of the street, conducting an outreach and engagement process, and clearly designating the closure or traffic restriction with specific signage.

AB 811 (Rivas, Luz D) Los Angeles County Metropolitan Transportation Authority: contracting.

Introduced: 2/16/2021

Status: 6/30/2021-Read second time. Ordered to third reading.

Summary: Current law authorizes the Los Angeles County Metropolitan Transportation Authority to enter into contracts with private entities that combine into a single contract all or some of the planning, design, permitting, development, joint development, construction, construction management, acquisition, leasing, installation, and warranty of some or all components of transit systems and certain facilities. Current law authorizes the authority to award a contract under these provisions after a finding, by a 2/3 vote of the members of the authority, that awarding the contract will achieve for the authority, among other things, certain private sector efficiencies in the integration of design, project work, and components. This bill would eliminate the requirement to make the above-described finding by a 2/3 vote of the members of the authority in order to award contracts under these provisions and would instead apply this requirement to contracts that include operation and maintenance elements.

AB 819 (Levine D) California Environmental Quality Act: notices and documents: electronic filing and posting.

Introduced: 2/16/2021

Status: 7/16/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 97, Statutes of 2021.

Summary: CEQA requires, if an environmental impact report is required, the lead agency to mail a notice of determination to each responsible agency, the Office of Planning and Research, and public agencies with jurisdiction over natural resources affected by the project. CEQA requires the lead agency to provide notice to the public and to organizations and individuals who have requested notices that the lead agency is preparing an environmental impact report, negative declaration, or specified determination. CEQA requires notices for an environmental impact report to be posted in the office of the county clerk of each county in which the project is located. This bill would instead require the lead agency to mail or email those notices, and to post them on the lead agency's internet website. The bill would also require notices of an environmental impact report to be posted on the internet website of the county clerk of each county in which the project is located.

AB 950 (Ward D) Department of Transportation: sales of excess real property: affordable housing.

Introduced: 2/17/2021

Status: 8/16/2021-In committee: Set, first hearing. Hearing canceled at the request of author.

Summary: Would authorize the Department of Transportation to sell its excess real property to the city, county, or city and county where the real property is located if the city, county, or city and county agrees to use the real property for the sole purpose of implementing affordable housing, emergency shelters, or feeding programs, as specified. The bill would exempt these sales from the California Environmental Quality Act, except the department would be required to file a notice of exemption with the Office of Planning and Research and the county clerk of the county in which the real property is located.

AB 955 (Quirk D) Highways: encroachment permits.

Introduced: 2/17/2021

Status: 8/26/2021-From committee: Amend, and do pass as amended. (Ayes 7. Noes 0.) (August 26). Read second time and amended. Ordered returned to second reading.

Summary: This bill would establish additional procedures for the Department of Transportation's review of an application for an encroachment permit for a broadband facility. Under the bill, these procedures would require the department, among other things, to notify an applicant in writing whether the application is complete within 30 days of receiving an application, to take certain actions if it deems an application incomplete, and to approve or deny an application that requires supplemental information within 30 days after receiving that information. If the department fails to notify the applicant that the application is incomplete or denied, as applicable, within those 30-day time periods, the bill would deem the department's failure to notify to constitute approval of the permit.

AB 1035 (Salas D) Transportation: Road Maintenance and Rehabilitation Program: recycled material standards.

Introduced: 2/18/2021

Status: 8/26/2021-From committee: Do pass. (Ayes 7. Noes 0.) (August 26). Read second time. Ordered to third reading.

Summary: Would require the Department of Transportation and a local agency that has jurisdiction over a street or highway, to the extent feasible and cost effective, to use advanced technologies and material recycling techniques that reduce the cost of maintaining and rehabilitating streets and highways and that exhibit reduced levels of greenhouse gas emissions through material choice and construction method. The bill would require, on and after January 1, 2025, a local agency that has jurisdiction over a street or highway, to the extent feasible, to apply standard specifications that allow for the use of recycled materials in streets and highways, as specified. By increasing the duties of local agencies, this bill would impose a state-mandated local program.

AB 1037 (Grayson D) Infrastructure construction: digital construction technologies.

Introduced: 2/18/2021

Status: 8/23/2021-Ordered to inactive file at the request of Senator Hertzberg.

Summary: Would require the Department of General Services to develop guidance, policies, and procedures for the integration and development of digital construction technologies for use on a civil infrastructure project, as defined, that is developed by specified state entities and has a state project cost of greater than \$50,000,000. The bill would require the guidance, policies, and procedures to be published in the State Administrative Manual and the State Contracting Manual, as appropriate, by January 1, 2023. The bill would require the guidance, policies, and procedures to include, among other things, the method for a state department to implement a requirement that a bid or proposal for a civil infrastructure project contract include a digital construction management plan, as specified.

AB 1049 (Davies R) Public Transportation Account: loan repayment.

Introduced: 2/18/2021

Status: 3/4/2021-Referred to Committee on Transportation.

Summary: Current law requires the transfer of a specified portion of the sales tax on diesel fuel to the Public Transportation Account, a trust fund in the State Transportation Fund. Current law requires funds in the account to be allocated to various public transportation and transportation planning purposes, with specified revenues in the account to be allocated by the Controller to specified local transportation agencies for public transportation purposes, pursuant to the State Transit Assistance (STA) Program. Current law provides for each STA-eligible operator within the jurisdiction of the allocating local transportation agency to receive a proportional share of the revenue-based program funds based on the qualifying revenues of that operator, as defined. The Budget Act of 2013 and the Budget Act of 2014 require the Controller, upon the order of the Director of Finance, to transfer specified amounts totaling up to \$55,515,000 as loans from the Public Transportation Account to the High-Speed Passenger Train Bond Fund. This bill would require \$54,000,000 from these loans to be repaid to the Public Transportation Account and would provide that these repaid funds are available, upon appropriation by the Legislature, to help offset the loss of revenues incurred by transit operators during the COVID-19 pandemic.

AB 1147 (Friedman D) Regional transportation plan: electric bicycles.

Introduced: 2/18/2021

Status: 8/26/2021-From committee: Do pass. (Ayes 5. Noes 2.) (August 26). Read second time. Ordered to third reading.

Summary: Current law requires the Strategic Growth Council, by January 31, 2022, to complete an overview of the California Transportation Plan and all sustainable communities strategies and alternative planning strategies, an assessment of how implementation of the California Transportation Plan, sustainable communities strategies, and alternative planning strategies will influence the configuration of the statewide integrated multimodal transportation system, and a review of the potential impacts and opportunities for coordination of specified funding programs. This bill would require the council to convene key state agencies, metropolitan planning agencies, and local governments to assist the council in completing the report.

AB 1157 (Lee D) Local transportation funds: State Transit Assistance Program: reports.

Introduced: 2/18/2021

Status: 8/16/2021-Read second time. Ordered to Consent Calendar.

Summary: Current law, for purposes of the State Transit Assistance Program, requires local transportation agencies to report to the Controller by June 15 of each year the public transportation operators within its jurisdiction that are eligible to claim specified local transportation funds. This bill would instead require local transportation agencies to report this information within 7 months after the end of each fiscal year.

AB 1238 (Ting D) Transportation.

Introduced: 2/19/2021

Status: 8/26/2021-From committee: Do pass. (Ayes 5. Noes 2.) (August 26). Read second time. Ordered to third reading.

Summary: Current law prohibits a pedestrian from entering the roadway if the pedestrian is facing a steady circular yellow or yellow arrow warning signal unless otherwise directed by a pedestrian control signal, as specified. This bill would eliminate that prohibition until January 1, 2029.

AB 1291 (Frazier D) State bodies: open meetings.

Introduced: 2/19/2021

Status: 7/9/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 63, Statutes of 2021.

Summary: Current law provides that, subject to certain exceptions and reasonable regulations, the state body shall provide members of the public an opportunity to directly address the state body on agenda items. Current law authorizes the state body to limit the amount of time allotted for each member of the public to speak, but specifies that members of the public who use translators shall be given twice that allotted amount of time. This bill would also require a state body, when it limits time for public comment, to provide at least twice the allotted time to a member of the public who utilizes translating technology to address the state body. The bill would additionally make technical, nonsubstantive changes.

AB 1337 (Lee D) Transportation: transit district policing responsibilities.

Introduced: 2/19/2021

Status: 8/26/2021-From committee: Amend, and do pass as amended. (Ayes 7. Noes 0.) (August 26). Read second time and amended. Ordered returned to second reading.

Summary: Under current law, a person who enters or remains upon any land, facilities, or vehicles owned, leased, or possessed by specified transit entities that are used to provide public transportation by rail or passenger bus, or are directly related to that use, without permission, or whose entry, presence, or conduct upon the property interferes with, interrupts, or hinders the safe and efficient operation of the transit-related facility, is guilty of a misdemeanor. This bill would specify that a person who enters or remains upon any property, facilities, or vehicles upon which the applicable transit entity owes policing responsibilities to a local government pursuant to an operations and maintenance agreement or similar interagency agreement without permission, or whose entry, presence, or conduct upon that property interferes with, interrupts, or hinders the safe and efficient operation of the transit-related facility, is guilty of a misdemeanor.

AB 1499 (Daly D) Transportation: design-build: highways.

Introduced: 2/19/2021

Status: 8/23/2021-Ordered to special consent calendar.

Summary: Current law authorizes regional transportation agencies, as defined, to utilize design-build procurement for projects on or adjacent to the state highway system. Current law also authorizes those regional transportation agencies to utilize design-build procurement for projects on expressways that are not on the state highway system, as specified. Current law repeals these provisions on January 1, 2024, or one year from the date that the Department of Transportation posts on its internet website that the provisions described below related to construction inspection services for these projects have been held by a court to be invalid. This bill would extend the operation of these provisions until January 1, 2034. The bill would require the department to submit a report to specified committees of the Legislature on or before January 1, 2033, on its experience with design-build procurement.

ACA 1 (Aguiar-Curry D) Local government financing: affordable housing and public infrastructure: voter approval.

Introduced: 12/7/2020

Status: 4/22/2021-Referred to Committees on Local Government and Appropriations.

Summary: The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements.

ACA 5 (Voepel R) Motor vehicles: fuel taxes, sales and use taxes, and fees: expenditure restrictions.

Introduced: 2/19/2021

Status: 4/22/2021- Referred to Committee on Transportation

Summary: The California Constitution restricts the expenditure of revenues from taxes imposed by the state on fuels used in motor vehicles upon public streets and highways to street and highway and certain mass transit purposes. These restrictions do not apply to revenues from taxes or fees imposed under the Sales and Use Tax Law or the Vehicle License Fee Law. This measure would explicitly restrict the expenditure of all interest earned and other increment derived from the investment of those tax revenues and any proceeds from the lease or sale of real property acquired using those tax revenues only for the purposes described above.

SB 7 (Atkins D) Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2021.

Introduced: 12/7/2020

Status: 5/20/2021- Approved by the Governor. Chaptered by Secretary of State. Chapter 19, Statutes of 2021.

Summary: Would enact the Jobs and Economic Improvement Through Environmental Leadership Act of 2021, which would reenact the former leadership act, with certain changes, and would authorize the Governor, until January 1, 2024, to certify projects that meet specified requirements for streamlining benefits related to CEQA. The bill would additionally include housing development projects, as defined, meeting certain conditions as projects eligible for certification. The bill would, except for those housing development projects, require the quantification and mitigation of the impacts of a project from the emissions of greenhouse gases, as provided. The bill would revise and recast the labor-related requirements for projects undertaken by both public agencies and private entities. The bill would provide that the Governor is authorized to certify a project before the lead agency certifies the final EIR for the project.

SB 44 (Allen D) California Environmental Quality Act: streamlined judicial review: environmental leadership transit projects.

Introduced: 12/7/2020

Status: 8/26/2021- From committee: Do pass as amended. (Ayes 12. Noes 0.) (August 26). (Amended 8/30/2021)

Summary: Would, until January 1, 2025, establish specified procedures for the administrative and judicial review of the environmental review and approvals granted for an environmental leadership transit project, as defined, proposed by a public or private entity or its affiliates that is located wholly within the County of Los Angeles or connects to an existing transit project wholly located in that county and that is approved by the lead agency on or before January 1, 2024. The bill would require the project applicant of the environmental leadership transit project to take certain actions in order for those specified procedures to apply to the project. The bill would require the Judicial Council, on or before January 1, 2023, to adopt rules of court establishing procedures requiring actions or proceedings seeking judicial review pursuant to CEQA or the granting of project approvals, including any appeals to the court of appeal or the Supreme Court, to be resolved, to the

extent feasible, within 365 calendar days of the filing of the certified record of proceedings with the court to an action or proceeding seeking judicial review of the lead agency's action related to an environmental leadership transit project.

SB 66 (Allen D) California Council on the Future of Transportation: advisory committee: autonomous vehicle technology.

Introduced: 12/7/2020

Status: 8/26/2021-August 26 hearing: Held in committee and under submission.

Summary: Would require the Secretary of Transportation to establish an advisory committee, the California Council on the Future of Transportation, to provide the Governor and the Legislature with recommendations for changes in state policy to ensure that as autonomous vehicles are deployed, they enhance the state's efforts to increase road and transit safety, promote equity, and meet public health and environmental objectives. The bill would require the council to be chaired by the secretary and consist of 22 additional members, selected by the chair or designated, as specified.

SB 274 (Wieckowski D) Local government meetings: agenda and documents.

Introduced: 1/29/2021

Status: 8/26/2021-In Senate. Ordered to engrossing and enrolling.

Summary: The Ralph M. Brown Act, requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Current law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. This bill would require a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by mail or by other electronic means, the bill would require the legislative body or its designee to send by mail a copy of the agenda or a website link to the agenda and to mail a copy of all other documents constituting the agenda packet, as specified.

SB 339 (Wiener D) Vehicles: road usage charge pilot program.

Introduced: 2/8/2021

Status: 8/26/2021-From committee: Do pass as amended. (Ayes 12. Noes 4.) (August 26). (Amended 8/30/2021)

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 Transportation. Under existing 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, gather public comment on issues and concerns related to the pilot program, and make recommendations to the Secretary of Transportation on the design of a pilot program, as

specified. Existing law repeals these provisions on January 1, 2023. This bill would extend the operation of these provisions until January 1, 2027.

SB 542 (Limon D) Zero-emission vehicles: fees.

Introduced: 2/18/2021

Status: 6/1/2021-Ordered to inactive file on request of Senator Limón.

Summary: Current sales and use tax laws impose taxes on retailers measured by gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state, measured by sales price. The Sales and Use Tax Law provides various exemptions from those taxes. This bill would provide an exemption from those taxes with respect to the sale in this state of, and the storage, use, or other consumption in this state of, a qualified motor vehicle. The bill would define “qualified motor vehicle” as a specified zero-emission truck. The bill would disallow the exemption for sales or uses made on or after January 1, 2025, if the purchaser also received other specified benefits.

SB 606 (Gonzalez D) Workplace safety: citations: employer retaliation.

Introduced: 2/18/2021

Status: 8/26/2021-From committee: Do pass as amended. (Ayes 11. Noes 4.) (August 26). (Amended 8/30/2021)

Summary: Current law requires the Division of Occupational Safety and Health to issue a citation for a violation of provisions relating to the spraying of asbestos, or any standard, rule, order, or regulation established pursuant to specified provisions of the California Occupational Safety and Health Act of 1973 if, upon inspection or investigation, the division believes that an employer has committed a violation. Existing law imposes penalties of certain maximum amounts depending on whether the violation is serious, uncorrected, or willful or repeated. Current law authorizes the division to seek an injunction restraining certain uses or operations of employment that constitute a serious menace to the lives or safety of persons, as specified. This bill, instead, would require the division to issue a citation for a violation of provisions relating to the spraying of asbestos, certain employment safety related provisions of the Labor Code, or any standard, rule, order or regulation established pursuant to specified provisions of the California Occupational Safety and Health Act of 1973 or other safety related provisions of the Labor Code if, upon inspection or investigation, the division believes that an employer has committed a violation.

SB 640 (Becker D) Transportation financing: jointly proposed projects.

Introduced: 2/19/2021

Status: 7/16/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 108, Statutes of 2021.

Summary: Current law provides for the deposit of various funds, including revenues from certain increases in fuel taxes and vehicle fees, for the program into the Road Maintenance and Rehabilitation Account. After certain allocations for the program are made, existing law requires the remaining funds available for the program to be continuously appropriated 50% for allocation to the department for maintenance of the state highway system or for the State Highway Operation and Protection Program and 50% for apportionment to cities and

counties by the Controller pursuant to a specified formula. Current law requires a city or county to submit to the California Transportation Commission a list of proposed projects, as specified, to be eligible for an apportionment of those funds. This bill would authorize cities and counties to jointly propose projects to be funded by the cities and counties' apportionments of those funds, as specified.

SB 657 (Ochoa Bogh R) Employment: electronic documents.

Introduced: 2/19/2021

Status: 7/16/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 109, Statutes of 2021.

Summary: Current law regulates the wages, hours, and working conditions of any worker employed in any occupation, trade, or industry, whether compensation is measured by time, piece, or otherwise, except as specified. This bill would provide that, in any instance in which an employer is required to physically post information, an employer may also distribute that information to employees by email with the document or documents attached. The bill would specify that this does not alter the employer's obligation to physically display the required posting.

SB 671 (Gonzalez D) Transportation: Clean Freight Corridor Efficiency Program.

Introduced: 2/19/2021

Status: 8/26/2021-From committee: Do pass. (Ayes 16. Noes 0.) (August 26).

Summary: Would establish the Clean Freight Corridor Efficiency Assessment, to be developed by the California Transportation Commission, in coordination with other state agencies. In developing the assessment, the bill would require the commission to identify freight corridors, or segments of corridors, throughout the state that would be priority candidates for the deployment of zero-emission medium- and heavy-duty vehicles. The bill would require the commission to submit a report containing the assessment's findings and recommendations to certain committees of the Legislature by December 1, 2023. The bill would require the assessment's findings and recommendations to be incorporated into the development of the California Transportation Plan. The bill would require the state freight plan to include a description of needed infrastructure, projects, and operations for the deployment of zero-emission medium- and heavy-duty vehicles and the development of freight corridors identified in the assessment.

SB 674 (Durazo D) Public Contracts: workforce development: transportation-related contracts.

Introduced: 2/19/2021

Status: 8/26/2021-From committee: Do pass as amended. (Ayes 12. Noes 4.) (August 26). (Amended 8/30/2021)

Summary: Would require the Labor and Workforce Development Agency to create 2 programs, to be known as the California Jobs Plan Program and the United States Jobs Plan Program. The bill would require the programs to meet specified objectives, including supporting the creation and retention of quality, nontemporary full-time jobs, as specified, and the hiring of displaced workers and individuals facing barriers to employment. The bill would require, as a component of applications for covered public contracts, as defined, the creation of forms for each program that state the minimum numbers of proposed jobs that are

projected to be retained and created if the applicant wins the covered public contract. These components of the application would be known as the California Jobs Plan and the United States Jobs Plan, which the bill would define.

SB 790 (Stern D) Advance Mitigation Program: wildlife connectivity barriers.

Introduced: 2/19/2021

Status: 8/26/2021-From committee: Do pass as amended. (Ayes 12. Noes 0.) (August 26). (Amended 8/30/2021)

Summary: Would authorize the Department of Fish and Wildlife to approve compensatory mitigation credits for wildlife connectivity actions taken under the conservation and mitigation banking program or the regional conservation investment strategy program. In order to receive compensatory mitigation credits from the department under this authority, the bill would require the wildlife connectivity action to meet specified requirements. The bill would authorize a compensatory mitigation credit created under this authority to be used to fulfill, in whole or in part, compensatory mitigation requirements established under any state or federal environmental law, as determined by the applicable local, state, or federal regulatory agency.

SB 798 (Wieckowski D) Trade Corridor Enhancement Account.

Introduced: 2/19/2021

Status: 3/3/2021-Referred to Committee on Rules

Summary: Current law creates the Trade Corridor Enhancement Account to receive revenues attributable to 50% of a \$0.20 per gallon increase in the diesel fuel excise tax imposed by the Road Repair and Accountability Act of 2017 for corridor-based freight projects nominated by local agencies and the state. Current law makes these funds and certain federal funds apportioned to the state available upon appropriation for allocation by the California Transportation Commission for trade infrastructure improvement projects that meet specified requirements. This bill would make nonsubstantive changes to this provision.

SCA 4 (Wilk R) Legislature: 2-year budget.

Introduced: 2/17/2021

Status: 4/7/2021-Referred to Committees on Budget and Fiscal Review and Elections and Constitutional Amendments

Summary: Would limit the Legislature, in the first year of the regular session, to considering or acting upon only the Budget Bill and related bills, and up to 5 bills introduced by each of the standing committees of the Legislature, as specified. The measure would require the Governor to submit to the Legislature a budget for the ensuing 2 fiscal years within the first 10 days of the first calendar year of the biennium of the legislative session, and would require the Legislature to adopt by June 15 of the first calendar year of the biennium of the legislative session a Budget Bill that appropriates funds to support state government for the next 2-year fiscal period commencing on July 1. The measure, in the second year of the regular session, would limit the Legislature to considering or acting upon only legislation other than the Budget Bill and related bills. The Legislature, by a 2/3 vote of each house, would be authorized, however, to amend an enacted Budget Bill and related bills in both calendar years of the biennium.



Item #10

September 10, 2021

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: AMANDA FAGAN, DIRECTOR OF PLANNING AND SUSTAINABILITY
SUBJECT: AMENDMENT NO. 1 TO SANTA PAULA BRANCH LINE TRACK AND SIGNAL MAINTENANCE AGREEMENT

RECOMMENDATION:

- Amend the Santa Paula Branch Line program budget by increasing the Revenues (Local Fees - Leases) by \$50,000 and increasing the Expenditures line item for Track Maintenance by \$50,000.
- Approve Amendment No. 1 to the Agreement with Sierra Northern Railway to extend the Term of Services for an additional three (3) months through December 31, 2021, increase Compensation by \$50,000 to a total of \$100,000, and update the VCTC Point of Contact for Notices.

BACKGROUND:

Anticipating the expiration of the 20-year operating lease for the Santa Paula Branch Line (SPBL) on June 30, 2021, VCTC issued on October 2, 2020, a Request for Proposals for an Operator of Rail Services, with proposals due in December 2020. VCTC received two proposals, which were reviewed by a team of VCTC Staff and short line rail experts. VCTC entered into negotiations with the highest rated proposer and has worked to reach agreement on the terms and conditions of a long-term lease for operations and maintenance of the SPBL.

On June 30, 2021, the 20-year lease and operating rights to the Santa Paula Branch Line held by Fillmore & Western Railway expired, at which time Fillmore & Western would no longer conduct rail maintenance and inspections, nor respond to emergency calls. Though substantial progress had been made toward agreement between VCTC and the prospective rail operator, no formal contract had been approved by the Commission prior to the June 30th expiration of the operating lease with Fillmore & Western Railway.

To ensure continuity of necessary rail maintenance and inspections and responsiveness to emergency calls on the SPBL while negotiations continue, VCTC entered into an Agreement with Sierra Northern Railway for Track and Signal Maintenance for a period of three (3) months from July 1 – September 30, 2021 at a rate of \$15,000 per month plus up to \$5,000 in related expenses. The cost of maintaining the line at this rate is commensurate with the cost of taking the line out of service when considering required costs associated with transload service to an existing freight customer, and avoids costs associated with a future return to service.

DISCUSSION:

At this time, VCTC Executive Director, Staff and General Counsel, and representatives of Sierra Northern Railway continue to negotiate in good faith toward an agreement for long-term operations and maintenance

of the SPBL. However, additional time is needed to reach agreement on the final terms of the Rail Operator Lease.

Section 1.1 of the Track and Signal Maintenance Agreement provides for an extension of the Term of Services by mutual written consent. Amendment No. 1 extends the Term through December 31, 2021. This date is chosen to align with the 180 days period during which Fillmore & Western Railway must remove its equipment and assets from SPBL property in accordance with the lease that expired in June.

Amendment No. 1 also carries forward a \$15,000 per month compensation amount and increases the total amount of allowed expenses an additional \$5,000, for a total of \$10,000 for expenses. The total contract amount not to exceed is amended to \$100,000. The Amendment also updates the Notices section to remove outgoing Executive Director Darren Kettle's name from the Agreement.

On the Expenditures side, the Fiscal Year 2021/2022 Santa Paula Branch Line Program Budget originally included \$0 for Track Maintenance and \$100,000 for Non-Rail Maintenance. An administrative budget amendment approved by the Executive Director increased the Track Maintenance Budget to \$50,000 and reduced the Non-Rail Maintenance Budget to \$50,000. With approval of the budget amendment proposed herein, the resulting task budgets will be \$100,000 for Track Maintenance and \$50,000 for Non-Rail Maintenance.

On the Revenues side, the Fiscal Year 2021/2022 Santa Paula Branch Line Program Budget originally included \$274,400 of Local Fee – Leases, leaving approximately \$65,000 in Local Fees collected from Santa Paula Branch Line Lease revenues unallocated and available to apply towards the proposed expenditure. The recommended action increases the Local Fees – Leases line item by \$50,000, for a total of \$324,400.

AMENDMENT NO. 1
TO AGREEMENT BETWEEN
VENTURA COUNTY TRANSPORTATION COMMISSION
AND
SIERRA NORTHERN RAILWAY
FOR TRACK AND SIGNAL MAINTENANCE

This Amendment No. 1 (“Amendment”) by and between the Ventura County Transportation Commission (“VCTC”), and SIERRA NORTHERN RAILWAY (“Contractor”), (together sometimes referred to as the “Parties”) as of the _____th day of September, 2021.

WHEREAS, on July 1, 2021, VCTC entered into an Agreement (“Agreement”) with CONTRACTOR to provide track and signal maintenance on the Santa Paula Branch Line, a true and correct copy of which is attached hereto and incorporated herein as Exhibit A; and,

WHEREAS, the Parties continue to negotiate in good faith toward an agreement for long-term operations and maintenance of the Santa Paula Branch Line, but require additional time to reach agreement on the final terms of the Agreement; and,

WHEREAS, Section 1.1 of the Agreement provides for an extension of the Term of Services by mutual written consent; and,

WHEREAS, Exhibit B – Cost of Services and Invoicing, provides for CONTRACTOR compensation in an amount of \$15,000 per month and price of materials with a maximum of \$5,000; and,

WHEREAS, Section 10.10 lists Darren Kettle as the VCTC point of contact for written notices under the Agreement; and,

WHEREAS, Darren Kettle terminated employment with VCTC effective September 7, 2021, and an Interim Executive Director has been named by the Commission.

THEREFORE, the Agreement is amended to extend the Term of Services, increase Compensation, and update the point of contact for Notices, as follows:

“1.1 Term of Services. The term of this Agreement shall begin on July 1, 2021, the Effective Date and shall end on December 31, 2021, unless otherwise extended by mutual written consent.”

“2. COMPENSATION. VCTC hereby agrees to pay Contractor a sum not to exceed one hundred thousand dollars (\$100,000) notwithstanding any contrary indications that may be contained in Contractor’s proposal, for services to be performed and reimbursable costs incurred under this Agreement. VCTC shall pay Contractor for services rendered pursuant to this Agreement at the time and in the manner set forth herein and as described in Exhibit B. The payments specified below shall be the only payments from VCTC to Contractor for services rendered pursuant to this Agreement. Contractor shall submit all invoices to VCTC in the manner specified herein.

Contractor and VCTC acknowledge and agree that compensation paid by VCTC to Contractor under this Agreement is based upon Contractor’s proposed costs of providing the services required hereunder, including salaries and benefits of employees and subcontractors of Contractor. Consequently, the Parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities to which Contractor and its employees, agents, and subcontractors may be eligible. VCTC therefore has no responsibility for such contributions beyond compensation required under this Agreement.”

“10.10 Notices. All notices and other communications which are required of may be given under this Agreement shall be in writing and shall be deemed to have been duly given (i) when received if personally delivered; (ii) when received if transmitted by telecopy, if received during normal business hours on a business day (or if not, the next business day after delivery) provided that such facsimile is legible and that at the time such facsimile is sent the sending Party receives written confirmation of receipt, if sent by certified or registered mail, return receipt requested. In each case notice shall be sent to the respective Parties as follows:

Contractor
Sierra Northern Railway
1745 Enterprise Blvd.
West Sacramento, CA 95691

VCTC
Interim Executive Director
Ventura County Transportation Commission
751 E. Daily Drive, Suite 420
Camarillo, CA 93010”

All terms which are defined in the Agreement shall have the same meaning when used in this Amendment, unless specifically provided herein to the contrary. Except to the extent amended herein, all other provisions of the Agreement remain in full force and effect.

This Amendment may be executed in counterparts and/or by facsimile or other electronic means, and when each Party has signed and delivered at least one such counterpart, each counterpart shall be deemed an original, and, when taken together with other signed counterpart, shall constitute one original, which shall be binding upon and effective as to all Parties.

IN WITNESS THEREOF, the parties have executed this Amendment No. 1 on the _____th day of September, 2021.

VENTURA COUNTY TRANSPORTATION COMMISSION

By: _____
Kelly Long, Chair

Approved as to form

By: _____
Steve Mattas, General Counsel

CONTRACTOR: SIERRA NORTHERN RAILWAY

By: _____
Kennan H. Beard, III, President



Item #11

September 10, 2021

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: PETER DE HAAN, PROGRAMMING DIRECTOR
SUBJECT: APPROVE FISCAL YEAR 2021/22 PROGRAM OF PROJECTS – PUBLIC HEARING

RECOMMENDATION:

- Open public hearing and receive testimony.
- Approve the Program of Projects (POP) for federal transit operating, planning and capital assistance for FY 2021/22 (Attachment).

BACKGROUND:

The Federal Transit Administration (FTA) requires that the public be provided an opportunity to review transit projects proposed to be funded with federal dollars. As the designated recipient of federal transit funds, the VCTC is required to hold a public hearing and adopt a POP which lists projects to be funded with federal funds in each of the four urban areas in Ventura County. Thus, VCTC prepares the POP using separate programs for the Oxnard/Ventura, Thousand Oaks/Moorpark, Simi Valley, and Camarillo urbanized areas, as defined by the U.S. Census Bureau.

With regard to the FY 20/21/22 federal transit funding assumed in the POP, it is important to mention that the federal transportation program authorization law, the Fixing America's Surface Transportation (FAST) Act, is scheduled to expire on September 30th, and no reauthorization bill has passed. Therefore, the POP is based on the conservative assumption that FY 2021/22 federal transit funding will be the same as the amount authorized for FY 2021/22 under FAST. Should the adopted FY 2022 Federal transportation budget be lower than these estimates, it will be necessary to make changes to the Program of Projects.

DISCUSSION:

The attached Program of Projects table shows the recommended projects for each of the urbanized areas. The cities of Moorpark, Thousand Oaks, Camarillo, and Simi Valley, as well as Gold Coast Transit District, were asked to submit projects to use the funds available to them based on the revenues they generate. These projects have been submitted and were then incorporated into the attached POP.

The Commission will note that this POP includes the transit funds provided to Ventura County from the American Recover Plan (ARP) Act. The distribution of these funds was approved by the Commission at its July meeting. The POP also includes transit-related CMAQ funds approved in the recent CMAQ call for projects, and the second years' worth of Section 5310 Senior/Disabled and Section 5307 JARC funds approved in the most recent JARC/5310 call for projects.

This year, as in the past, the Countywide Planning costs are taken from the 5307 population-based revenue on a formula basis. Under VCTC's adopted policy, the estimated amount to be generated under the FTA formula by each transit operator's service provides the target amount for that operator's program. For agencies providing local bus service, the programming target includes the amount generated under the formula for the jurisdiction's population, after subtracting out a share of costs for countywide planning activities.

The attached POP is being provided to the Transit Operators Committee (TRANSCOM) for review on September 8th. The POP notice was published in the Ventura County Star on September 7th.

Program of Projects

The Ventura County Transportation Commission (VCTC) will hold a public hearing on the Program of Projects (POP) for the Oxnard, Thousand Oaks, Camarillo and Simi Valley Urbanized Areas (UAs) for projects to be funded with Federal Transit Administration funds in the 2021/22 Fiscal Year (FY 2022). The funds available in FY 2022 are estimated to be \$740,000 in Section 5310 funds and \$31,576,000 in other funds for the Oxnard UA, \$330,000 in Section 5310 funds and \$9,550,000 in other funds for the Thousand Oaks UA, \$2,835,000 for the Camarillo UA, and \$7,815,000 for the Simi Valley UA, based on anticipated FY 2020 funds, prior year carry-over funds, and federal discretionary funds. The public hearing will be held at 9:00 a.m. on Friday, September 10, 2021, in the Camarillo City Council Chamber, 601 Carmen Drive, in Camarillo. The POP is available for public inspection at 751 E. Daily Drive, Suite 420, Camarillo CA 93010. Unless a subsequent list is published, this list will become the final Program of Projects for inclusion in the Southern California Association of Governments Federal Transportation Improvement Program.

FY 2021/22 Federal Transit Program of Projects

	Total Cost	Federal Share	Local Share & Other
OXNARD/VENTURA URBANIZED AREA			
Gold Coast Transit			
<u>Operating Assistance</u>			
Operating Assistance (FY 22/23)	\$ 3,000,000	\$ 1,500,000	\$ 1,500,000
Operating Assistance (FY 21/22) (CARES Act funds reprogramming)	\$ 236,456	\$ 236,456	\$ -
Operating Assistance (ARP Act)	\$ 3,201,368	\$ 3,201,368	\$ -
Late Night Safe Rides Project (ARP Act)	\$ 236,456	\$ 236,456	\$ -
South Oxnard Micro-Transit (JARC)	\$ 318,845	\$ 273,400	\$ 45,445
	<u>\$ 6,993,125</u>	<u>\$ 5,447,680</u>	<u>\$ 1,545,445</u>
<u>Capital Assistance</u>			
Preventive Maintenance (FY 22/23)	\$ 2,095,658	\$ 1,676,526	\$ 419,132
Preventive Maintenance (ARP Act)	\$ 2,827,518	\$ 2,827,518	\$ -
Replace 3 Buses Cost Increase (CMAQ)	\$ -	\$ 77,000	\$ -
Replace 9 Buses (CMAQ)	\$ 5,181,380	\$ 4,587,076	\$ 594,304
Operations and Maintenance Facility Debt Service	\$ 602,500	\$ 482,000	\$ 120,500
Operations and Maintenance Facility Debt Service (5339 Funds)	\$ 636,034	\$ 636,034	\$ -
ADA Paratransit Service (FY 22/23)	\$ 1,195,415	\$ 956,332	\$ 239,083
ADA Paratransit Service (ARP Act)	\$ 1,886,258	\$ 1,886,258	\$ -
	<u>\$ 12,538,505</u>	<u>\$ 13,128,744</u>	<u>\$ 1,373,019</u>
Total Gold Coast	\$ 19,531,629	\$ 18,576,424	\$ 2,918,463
Ventura County Transportation Commission			
<u>Operating Assistance</u>			
VCTC Intercity Operating Assistance (FY 22/23)	\$ 2,534,052	\$ 1,267,026	\$ 1,267,026
VCTC Intercity Operating Assistance (ARP Act)	\$ 1,497,397	\$ 1,497,397	\$ -
VCTC Countywide Transit Functions (CARES Act)	\$ 800,466	\$ 605,517	\$ -
Ventura County Human Services Agency RAIN TLC Work Reliability Transport (JARC)	\$ 74,947	\$ 62,456	\$ 12,491
	<u>\$ 4,906,862</u>	<u>\$ 3,432,396</u>	<u>\$ 1,279,517</u>
<u>Planning Assistance</u>			
Transit Planning and Prioritization (FY 22/23)	\$ 301,601	\$ 241,281	\$ 60,320
Regional Transit Information Center (FY 22/23)	\$ 131,250	\$ 105,000	\$ 26,250
Countywide Outreach Activities (FY 22/23) (CMAQ Funds)	\$ 636,000	\$ 636,000	\$ -
	<u>\$ 1,068,851</u>	<u>\$ 982,281</u>	<u>\$ 86,570</u>
<u>Capital Assistance</u>			
Regional Transit Tech Equipment (FY 22/23)	\$ 537,500	\$ 430,000	\$ 107,500
VCTC Intercity Preventive Maintenance (FY 22/23)	\$ 447,295	\$ 357,836	\$ 89,459
VCTC Intercity Rehab / Facility Lease (FY 22/23) (Sec 5339)	\$ 195,047	\$ 195,047	\$ -
Metrolink Preventive Maintenance (FY 22/23)	\$ 1,848,773	\$ 1,848,773	\$ -
Metrolink Capital Rehab (FY 22/23)(Sec 5337)	\$ 3,307,780	\$ 3,307,780	\$ -
Metrolink Prev Maintenance (FY 22/23)(Sec 5337)	\$ 1,779,139	\$ 1,779,139	\$ -
	<u>\$ 8,115,534</u>	<u>\$ 7,918,575</u>	<u>\$ 196,959</u>
Total VCTC	\$ 14,091,247	\$ 12,333,252	\$ 1,563,046

Valley Express			
<u>Operating Assistance</u>			
Operating Assistance (FY 22/23)	\$ 1,326,448	\$ 663,224	\$ 663,224
Total Valley Express	\$ 1,326,448	\$ 663,224	\$ 663,224
TOTAL	\$ 34,949,325	\$ 31,572,900	\$ 5,144,734
THOUSAND OAKS/MOORPARK URBANIZED AREA			
Ventura County Transportation Commission			
<u>Operating Assistance</u>			
VCTC Intercity Operating Assistance (ARP Act)	\$ 714,162	\$ 714,162	\$ -
VCTC Countywide Operations Functions (CARES)	\$ 194,949	\$ 194,949	\$ -
	\$ 909,111	\$ 909,111	\$ -
<u>Planning Assistance</u>			
Transit Planning and Prioritization (FY 22/23)	\$ 17,329	\$ 13,863	\$ 3,466
Bus Service Planning (FY 22/23)	\$ 531,250	\$ 425,000	\$ 106,250
	\$ 548,579	\$ 438,863	\$ 109,716
<u>Capital Assistance</u>			
VCTC Intercity Preventive Maintenance (FY 22/23)	\$ 484,041	\$ 387,233	\$ 96,808
VCTC Intercity Rehab / Facility Lease (FY 22/23) (Sec 5339)	\$ 118,491	\$ 94,793	\$ -
Metrolink Preventive Maintenance (FY 22/23)	\$ 741,462	\$ 741,462	\$ -
Metrolink Capital Rehab (FY 22/23)(Sec 5337)	\$ 2,281,910	\$ 2,281,910	\$ -
Metrolink Prev Maintenance (FY 22/23)(Sec 5337)	\$ 1,227,360	\$ 1,227,360	\$ -
	\$ 4,853,265	\$ 4,732,758	\$ 96,808
Total VCTC	\$ 6,310,954	\$ 6,080,732	\$ 206,524
City of Thousand Oaks			
<u>Operating Assistance</u>			
Operating Assistance (ARP Act)	\$ 1,488,135	\$ 1,488,135	\$ -
ECTA Saturday Senior/ADA Service (JARC)	\$ 25,000	\$ 20,000	\$ 5,000
ECTA Sunday Senior/ADA Service (JARC)	\$ 25,000	\$ 20,000	\$ 5,000
Summer Beach Bus	\$ 100,000	\$ 50,000	\$ 50,000
	\$ 1,638,135	\$ 1,578,135	\$ 60,000
<u>Capital Assistance</u>			
EV Charging Infrastructure	\$ 375,000	\$ 300,000	\$ 75,000
EV Charging Infrastructure (Sec 5339)	\$ 125,000	\$ 100,000	\$ 25,000
Bus Washer	\$ 64,209	\$ 51,367	\$ 12,842
Bus Washer (Sec 5339)	\$ 262,500	\$ 210,000	\$ 52,500
Inter-City ADA	\$ 187,500	\$ 150,000	\$ 37,500
	\$ 1,014,209	\$ 811,367	\$ 202,842
Total Thousand Oaks	\$ 2,652,344	\$ 2,389,502	\$ 262,842
City of Moorpark			
<u>Operating Assistance</u>			
Operating Assistance (FY 22/23)	\$ 250,000	\$ 125,000	\$ 125,000
Operating Assistance (ARP Act)	\$ 475,000	\$ 429,565	\$ -
Pilot On-Demand Rideshare Program	\$ 108,000	\$ 54,000	\$ 54,000
	\$ 833,000	\$ 608,565	\$ 179,000
<u>Capital Assistance</u>			
Preventive Maintenance (FY 22/23)	\$ 150,000	\$ 120,000	\$ 30,000
Dial-a-Ride Capital Leases (FY 22/23)	\$ 68,242	\$ 34,121	\$ 34,121
	\$ 218,242	\$ 154,121	\$ 64,121
Total Moorpark	\$ 1,051,242	\$ 762,686	\$ 243,121
TOTAL	\$ 10,014,540	\$ 9,232,920	\$ 712,487
CAMARILLO URBANIZED AREA			
Ventura County Transportation Commission			
<u>Planning Assistance</u>			
Transit Planning and Prioritization (FY 22/23)	\$ 227,881	\$ 182,305	\$ 45,576
Total VCTC	\$ 227,881	\$ 182,305	\$ 45,576

City of Camarillo			
<u>Planning Assistance</u>			
Transit Planning	\$ 80,000	\$ 64,000	\$ 16,000
	\$ 80,000	\$ 64,000	\$ 16,000
<u>Operating Assistance</u>			
Operating Assistance (FY 22/23)	\$ 1,053,514	\$ 526,757	\$ 526,757
Operating Assistance (ARP Act)	\$ 517,253	\$ 517,253	\$ -
	\$ 1,570,767	\$ 1,044,010	\$ 526,757
<u>Capital Assistance</u>			
One Large Cutaway (Sec 5339)	\$ 150,000	\$ 120,000	\$ 30,000
ADA Paratransit Service (FY 21/22)	\$ 178,556	\$ 142,845	\$ 35,711
Bus Preventive Maintenance (FY 22/23)	\$ 756,000	\$ 604,800	\$ 151,200
	\$ 328,556	\$ 867,645	\$ 65,711
	\$ 1,979,323	\$ 1,975,655	\$ 608,468
Total Camarillo	\$ 1,979,323	\$ 1,975,655	\$ 608,468
TOTAL	\$ 2,207,205	\$ 2,157,960	\$ 654,045
SIMI VALLEY URBANIZED AREA			
Ventura County Transportation Commission			
<u>Planning Assistance</u>			
Transit Planning and Prioritization (FY 22/23)	\$ 340,689	\$ 272,551	\$ 68,138
	\$ 340,689	\$ 272,551	\$ 68,138
City of Simi Valley			
<u>Operating Assistance</u>			
Operating Assistance	\$ 2,068,228	\$ 1,034,114	\$ 1,034,114
Operating Assistance (ARP Act)	\$ 2,225,515	\$ 2,225,515	\$ -
	\$ 4,293,743	\$ 3,259,629	\$ 1,034,114
<u>Capital Assistance</u>			
12 Paratransit Vans (CMAQ)	\$ 2,761,247	\$ 2,444,532	\$ 316,715
Preventive Maintenance	\$ 357,300	\$ 285,840	\$ 71,460
Two Electric Vans & Infrastructure (Sec 5339)	\$ 450,000	\$ 360,000	\$ 90,000
Non Fixed-Route ADA Paratransit Capital	\$ 351,106	\$ 280,885	\$ 70,221
	\$ 3,919,653	\$ 3,371,257	\$ 548,396
	\$ 8,213,396	\$ 6,630,886	\$ 1,582,510
Total Simi Valley	\$ 8,213,396	\$ 6,630,886	\$ 1,582,510
TOTAL	\$ 8,554,085	\$ 6,903,437	\$ 1,650,648
FY 21/22 SECTION 5310 PROGRAM OF PROJECTS			
	Total Cost	Federal Share	Local Share & Other
OXNARD/VENTURA URBANIZED AREA			
<u>Planning Assistance</u>			
<u>Program Administration</u>	\$ 29,701	\$ 29,701	\$ -
<u>Operating Assistance</u>			
Area Agency on Aging MediRide Program	\$ 218,400	\$ 182,000	\$ 36,400
<u>Capital Assistance</u>			
One-Call/One Click Mobility Management	\$ 160,214	\$ 128,171	\$ 32,043
TOTAL	\$ 408,315	\$ 339,872	\$ 68,443
THOUSAND OAKS/MOORPARK URBANIZED AREA			
<u>Planning Assistance</u>			
Program Administration	\$ 19,974	\$ 19,974	\$ -
<u>Operating Assistance</u>			
Thousand Oaks Free Senior Nutrition Rideshare	\$ 93,750	\$ 75,000	\$ 18,750
<u>Capital Assistance</u>			
One-Call/One Click Mobility Management	\$ 96,435	\$ 77,148	\$ 19,287
ECTA Intercity Senior ADA Service Vehicle Lease	\$ 93,750	\$ 75,000	\$ 18,750
TOTAL	\$ 303,909	\$ 247,122	\$ 56,787



[This page intentionally left blank.]