



**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*

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

IN-PERSON

**CAMARILLO CITY HALL
COUNCIL CHAMBERS
601 CARMEN DRIVE
CAMARILLO, CA
FRIDAY, JULY 8, 2022
9:00 A.M.**

This meeting will be conducted pursuant to the teleconference procedure authorized in Government Code section 54953.

**Teleconference location:
980 Enchanted Way, Suite 203
Simi Valley, CA 93065**

****The public will have the opportunity to address the legislative body directly at the main meeting location and at this remote meeting location.***

In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if special assistance is needed to participate in a Commission meeting, please contact the Clerk of the Commission at (805) 642-1591 ext. 101 or via email at ribarra@goventura.org. 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 – *Each individual speaker is limited to speak three (3) continuous minutes. The Commission may, either at the direction of the Chair or by majority vote of the Commission, waive this three-minute time limitation. Depending on the number of items on the agenda and the number of*

speakers, the Chair may, at his/her discretion, reduce the time of each speaker to two (2) continuous minutes. In addition, the maximum time for public comment for any individual item or topic is thirty (30) minutes. Also, the Commission may terminate public comments if such comments become repetitious. Speakers may not yield their time to others without the consent of the Chair. Any written documents to be distributed or presented to the Commission shall be submitted to the Clerk of the Board. This policy applies to Public Comments and comments on Agenda Items. Under the Brown Act, the Board should not take action on or discuss matters raised during Public Comment portion of the agenda which are not listed on the agenda. Board members may refer such matters to staff for factual information or to be placed on the subsequent agenda for consideration.

5. **CALTRANS REPORT** - *This item provides the opportunity for the Caltrans representative to give updates and status reports on current projects.*
6. **COMMISSIONERS/EXECUTIVE DIRECTOR REPORT** - *This item provides the opportunity for the commissioners and the Executive Director to report on attended meetings/conferences and any other items related to Commission activities.*
7. **ADDITIONS/REVISIONS** – *The Commission may add an item to the agenda after making a finding that there is a need to take immediate action on the item and that the item came to the attention of the Commission subsequent to the posting of the agenda. An action adding an item to the agenda requires two-thirds vote of the Commission. If there are less than two-thirds 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 OF THE JUNE 3, 2022, MEETING-PG.7**

Recommended Action:

- Approve the summary minutes of June 3, 2022.

Responsible Staff: Roxanna Ibarra

8B. **MONTHLY BUDGET REPORTS- PG.13**

Recommended Action:

- Receive and file the monthly budget report for May 2022.

Responsible Staff: Sally DeGeorge

8C. **TRANSPORTATION DEVELOPMENT ACT (TDA) AUDITS FOR FISCAL YEAR 2020/2021-PG.21**

Recommended Action:

- Receive and file the Transportation Development Act (TDA) Audits for Fiscal year 2020/2021.

Responsible Staff: Sally DeGeorge

8D. **MOTION TO RE-AUTHORIZE REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE VENTURA COUNTY TRANSPORTATION COMMISSION, INCLUDING ALL ASSOCIATED AGENCIES, AUTHORITIES, AND COMMITTEES, DUE TO THE IMMINENT RISKS TO THE HEALTH AND SAFETY OF ATTENDEES AND MAKING RELATED FINDINGS PURSUANT TO AB 361- PG.23**

Recommended Action:

- It is recommended that the Ventura County Transportation Commission ("Commission"), on behalf of itself and in the role as the Local Transportation Authority, ALUC, Service Authority for Freeway Emergencies, Consolidated Transportation Service Agency and CMA, make a motion, pursuant to the authority set forth in AB 361 (Government Code Section 54953[e][1]), to reauthorize remote teleconference meetings of all legislative bodies of the Commission, including all associated agencies, authorities and committees,

due to imminent risk to the health and safety of attendees if the meetings are held in person.

Responsible Staff: Steve Mattas

8E. APPROVE COMBINED CALL-FOR-PROJECTS FOR CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FUNDS, TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 BICYCLE AND PEDESTRIAN FUNDS, AND SENATE BILL (SB) 1 STATE OF GOOD REPAIR (SGR) FUNDS- PG.25

Recommended Action:

- Approve guidelines in Attachment A and application in Attachment B for a new call for projects to program funds available during the period of the Infrastructure Investment and Jobs Act (IIJA), including CMAQ, TDA Article 3 Bicycle & Pedestrian, and SB 1 SGR funds.
- Approve Call for Projects Schedule contained in the agenda item.
- Approve “off-the-top” funding of \$443,000 for Regional Ridesharing (to come from the non-Transit share) for each of four years (FY 23/24-26/27), and \$636,000 for Transit Outreach (to come from the Transit share) for each of the same four years.
- Approve policy for Shelf List (included in Guidelines in Attachment A).

Responsible Staff: Heather Miller

8F. FEHR & PEERS CONTRACT AMENDMENT FOR THE TRANSIT INTEGRATION AND EFFICIENCY STUDY- PG.29

Recommended Action:

- Authorize the Executive Director to execute Amendment 1 to the Fehr & Peers contract for the Transit Integration and Efficiency Study for a time extension through December 31, 2022 and increase the contract amount by \$30,000 to \$330,000.
- Amend the FY 2022-2023 Regional Transit Planning budget by an increase of \$30,000 of STA funds.

Responsible Staff: Claire Grasty

8G. TNC ACCESS FOR ALL PROGRAM FUND ADMINISTRATOR FOR VENTURA COUNTY- PG.33

Recommended Action:

- Consider adopting a resolution (Attachment A) authorizing the Ventura County Transportation Commission (VCTC) to serve as the Ventura County Local Access Fund Administrator (LAFA) of revenue generated by the Access for All Program of the California Public Utilities Commission (CPUC) to support on-demand wheelchair accessible vehicle (WAV) service.
- Consider completing the consent form (Attachment B) ensuring VCTC agrees to comply with all grant terms, conditions, and requirements set forth in the Resolution. This process is required annually from all parties, including current LAFA(s) renewing their status.

Responsible Staff: Erin Kenneally

8H. CSUCI COOPERATIVE AGREEMENT-FISCAL YEAR 2022-2023 EXTENSION- PG.39

Recommended Action:

- Approve Amendment No. 24 to the Cooperative Agreement between California State University Channel Islands (CSUCI) and VCTC for FY2022-2023 bus service to CSUCI.

Responsible Staff: Claire Grasty

8I. VALLEY EXPRESS TRANSIT SERVICE CONTRACT AMENDMENT-PG.43

Recommended Action:

- Authorize Executive Director to execute Amendment No.4. to the Transit Services Agreement with MV Transportation and increase the total not-to-exceed amount by \$181,633 to \$18,481,633; and approve finding of the sole source justification.

Responsible Staff: Claire Grasty

8J. VALLEY EXPRESS BUS SERVICE REQUEST FOR PROPOSALS – PG.51

Recommended Action:

- *Authorize Executive Director to finalize and issue Request for Proposals for Valley Express Bus Service on behalf of the Heritage Valley Transit Service member-agencies as outlined in Attachment A.*

Responsible Staff: Claire Grasty

DISCUSSION CALENDAR:

9. LEGISLATIVE UPDATE-PG.53

Recommended Action:

- *Receive and file.*

Responsible Staff: Darrin Peschka

10. COORDINATED PUBLIC TRANSIT-HUMAN SERVICES TRANSPORTATION PLAN - PG.73

Recommended Action:

- *Receive and file the draft Coordinated Public Transit-Human Services Transportation Plan update.*

Responsible Staff: Claire Grasty

11. TEAL CLUB SPECIFIC PLAN CONSISTENCY REVIEW AND DETERMINATION -PG.75

Recommended Action:

- *The Ventura County Airport Land Use Commission (ALUC) hold a public hearing regarding consistency of the Teal Club Specific Plan with the Ventura County Airport Comprehensive Land Use Plan.*
- *The Ventura County Airport Land Use Commission make a determination that the proposed Teal Club Specific Plan is consistent with the Ventura County ACLUP.*

Responsible Staff: Amanda Fagan

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-SCRRRA)

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. Closed Session: Public Employee Performance Evaluation
(Pursuant to Government Code Section 54957)
Title: Executive Director**

- 15. ADJOURN to 9:00 a.m. Friday, SEPTEMBER 2, 2022.**



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Item #8A

July 8, 2022

**MEETING MINUTES OF JUNE 3, 2022, VCTC COMMISSION MEETING
AT 9:00 A.M.**

CALL TO ORDER:

Chair Trembley called the regular meeting of the Ventura County Transportation Commission to order at 9:00 a.m. at the City of Camarillo, City Hall Chambers, 601 Carmen Drive, CA 93010. And via teleconference location 980 Enchanted Way Suite 203, Simi Valley, CA 93065.

PLEDGE OF ALLEGIANCE was led by Commissioner Sobel.

ROLL CALL/MEMBERS PRESENT:

Tony Trembley, City of Camarillo
Claudia Bill-de la Peña, City of Thousand Oaks
Daniel Chavez, Citizen Rep., Cities
Lynn Edmonds, City of Fillmore
Chris Enegren, City of Moorpark
Mike Johnson, City of Ventura
Mike Judge, City of Simi Valley
Robert Huber, County of Ventura, (**Via Teleconference**)
Matt LaVere, County of Ventura
Kelly Long, County of Ventura
Bryan MacDonald, City of Oxnard
Richard Rollins, City of Port Hueneme
Andy Sobel, City of Santa Paula
Jim White, Citizen Rep., County
William Weirick, City of Ojai
Tony Tavares, Caltrans District 7 Director

ABSENT:

Carmen Ramirez, County of Ventura
Linda Parks, County of Ventura

4. PUBLIC COMMENTS – There were no public comments.

5. CALTRANS REPORT – Caltrans District Director 7 Tony Tavares, gave the June monthly project report update to the commission.

6. COMMISSIONERS/EXECUTIVE DIRECTOR REPORT –

Commissioner Chavez thanked VCTC staff for participating in Oxnard's Leadership Program session regarding land use and transportation on May 20th.

Executive Director Martin Erickson gave his executive director's report to the commission. The following were Mr. Erickson's updates for the month of June:

- Public engagement continues for the Ventura County Comprehensive Transportation Plan (CTP). To date VCTC has received over 1,480 completed surveys, and over 100 contributions to the interactive boards during pop-up events.
- VCTC staff acknowledged and expressed appreciation for the continued partnership with the California Highway Patrol through the Motorist Aid Programs.
- VCTC will be participating in "National Dump the Pump Day" June 17. It will be celebrated by offering free fares on Intercity and Valley Express bus services.
- Mr. Erickson announced the 2022 Updated Ventura County Bikeways Map has been completed, printed and is now available for distribution. Ms. Fagan distributed the 2022 Updated Ventura County Bikeways Map to all commissioners present and maps are available to all at this meeting.
- On June 1st, the City of Ventura hosted a virtual public workshop for the proposed "Ventura Rail Trail". There were over 50 local residents who participated in the workshop to provide input on community connections and trail amenities. If funded through the State's Active Transportation Program Cycle 6, the projects would design and construct a 4-mile section of the Santa Paula Branch Line bike trail from the East Ventura/Montalvo Metrolink station to Saticoy.
- Mr. Erickson introduced VCTC's new program analyst Geiska Velasquez, announced Claire Grasty has been selected as VCTC's new public transit director and noted Darrin Peschka, program manager, government and community relations graduated from the Ventura County Leadership Academy on May 12.
- Mr. Erickson announced he would be on vacation from June 12 through June 25 and Amanda Fagan, director of planning and sustainability would serve as acting executive director during this time.

Commissioners congratulated Ms. Claire Grasty on her new appointment as public transit director, Ms. Geiska Velasquez as the new program analyst and Ms. Darrin Peschka on her graduation from the Ventura County Leadership Academy on May 12th.

7. ADDITIONS/REVISIONS – There were none.

8. CONSENT CALENDAR –

Commissioner Chavez moved to approve consent calendar items 8A through 8D and 8F through 8P. The motion was seconded by **Commissioner Bill-de la Peña** and passed unanimously.

Commissioner Chavez pulled item 8E from the consent agenda during the consent agenda approval for clarification. The item was pulled for commission discussion and clarification. Vice-Chair MacDonald made a motion to move approval of Item 8E. Freeway Service Patrol Memorandum of Agreement with California Highway Patrol and Caltrans. The motion was seconded by **Commissioner Sobel** and passed unanimously.

8A. APPROVE MINUTES OF THE MAY 6, 2022, MEETING-PG.7

Recommendation:

- Approve the summary minutes of May 6, 2022.

8B. MONTHLY BUDGET REPORTS- PG.13

Recommendation:

- Receive and file the monthly budget report for April 2022.

8C. MOTION TO RE-AUTHORIZE REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE VENTURA COUNTY TRANSPORTATION COMMISSION, INCLUDING ALL ASSOCIATED AGENCIES, AUTHORITIES, AND COMMITTEES, DUE TO THE IMMINENT RISKS TO THE HEALTH AND SAFETY OF ATTENDEES AND MAKING RELATED FINDINGS PURSUANT TO AB 361

Recommendation:

- It is recommended that the Ventura County Transportation Commission ("Commission"), on

behalf of itself and in the role as the Local Transportation Authority, ALUC, Service Authority for Freeway Emergencies, Consolidated Transportation Service Agency and CMA, make a motion, pursuant to the authority set forth in AB 361 (Government Code Section 54953[e][1]), to reauthorize remote teleconference meetings of all legislative bodies of the Commission, including all associated agencies, authorities and committees, due to imminent risk to the health and safety of attendees if the meetings are held in person.

8D. INCIDENT RESPONDER GRANT PROGRAM ROUND 2 MODIFICATION OF AWARD TO CALIFORNIA HIGHWAY PATROL

Recommendation:

- Approve a one-time only modification of the Incident Responder Grant Program Round 2 award to the California Highway Patrol to change the award terms to allow reimbursement of expenditures in lieu of an up-front award.
- Amend the Motorist Aid Program Budget for Fiscal Year 2022/2023 to increase the SAFE Revenues and Fund Transfer carry-over revenues line item by \$259,000, and a corresponding \$259,000 increase to the Incident Responder Grant Program expenditures line item.

8E. FREEWAY SERVICE PATROL MEMORANDUM OF AGREEMENT WITH CALIFORNIA HIGHWAY PATROL AND CALTRANS

Recommendation:

- Approve a Memorandum of Understanding with the California Highway Patrol and the California Department of Transportation (Caltrans) regarding the Ventura County Freeway Service Patrol program.
- Authorize the Executive Director to execute the Memorandum of Understanding contingent upon acceptance of any final edits from Caltrans.

8F. GUIDELINES AND SCHEDULE FOR THE 2022 COMBINED CALL-FOR-PROJECTS FOR FTA SECTION 5310 LARGE URBANIZED AREA (SENIORS AND DISABLED) FUNDS AND SECTION 5307 JOBS ACCESS/REVERSE COMMUTE (JARC) FUNDS

Recommendation:

- Approve the Guidelines and Schedule for the 2022 Combined Call-for-Projects for FTA Section 5310 Large Urbanized Area (Seniors and Disabled) funds and Section 5307 Jobs Access/Reverse Commute (JARC) funds.

8G. REQUEST FOR QUALIFICATIONS FOR GRANT WRITING AND TRANSIT MANAGEMENT SUPPORT SERVICES

Recommendation:

- Authorize release of a Request for Qualifications for Grant Writing and Transit Management Support Services.

8H. LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP) TRANSFER OF FY 2018/2019 FUNDS

Recommendation:

- Approve the Ventura County Transportation Commission (VCTC) transfer of \$303,141 of FY 2018/19 Low Carbon Transit Operations Program (LCTOP) funds to Gold Coast Transit District's (GCTD's) Route 23 – Ventura Rd Route LCTOP Project.
- Approve a budget amendment increasing revenue in the FY 2021/22 VCTC Transit Grant Administration budget by \$303,141 and increasing the pass-through expense of LCTOP funds by the same amount.

8I. TRANSPORTATION DEVELOPMENT ACT (TDA), LOCAL TRANSPORTATION FUNDS FINAL APPORTIONMENT FOR FISCAL YEAR 2022/2023

Recommendation:

- Approve the Local Transportation Fund Final Apportionment for Fiscal Year 2022/2023, apportioning \$52.1 million as shown in Attachment A.

8J. RESOLUTION NO. 2022-08 TO CLAIM FISCAL YEAR 2022/2023 TRANSPORTATION DEVELOPMENT ACT LOCAL TRANSPORTATION FUNDS, STATE TRANSIT ASSISTANCE FUNDS AND STATE OF GOOD REPAIR

Recommendation:

- Approve Resolution No. 2022-8 authorizing VCTC's claims for Fiscal Year 2022/2023 Transportation Development Act Local Transportation Funds, State Transit Assistance funds and State of Good Repair funds for transit, planning, and administration.

8K. AMENDMENT TO PASSENGER TRANSFER AGREEMENT FOR LOSSAN AMTRAK PACIFIC SURFLINER

Recommendation:

- Approve Amendment No. 7 to Cooperative Agreement between LOSSAN and VCTC for facilitating passenger transfers between Pacific Surfliner Intercity Rail Service and VCTC Intercity Transit Service.

8L. COASTAL EXPRESS INTERCOUNTY TRANSIT SERVICE FUNDING AGREEMENT

Recommendation:

- Approve Amendment No. 1 (Amendment) to the Intercity Transit Funding Service Agreement between the Ventura County Transportation Commission and the Santa Barbara County Association of Governments and authorize the Commission Chair to execute the Amendment.

8M. BUS AND RAIL RIDERSHIP AND PERFORMANCE MEASURES REPORT

Recommendation:

- Receive and File.

8N. AUTHORIZE REQUEST FOR PROPOSAL (RFP) FOR HUMAN RESOURCES CONSULTING SERVICES

Recommendation:

- Authorize staff to release the attached RFP for Human Resources Consulting Services, with proposals due July 18, 2022.

8O. EDUCATIONAL REIMBURSEMENT POLICY CHANGE

Recommendation:

- Approve changes to the Personnel Policies and Procedures Manual Education Reimbursement Policy.

8P. BUDGET AMENDMENT TO THE VCTC INTERCITY PROGRAM

Recommendation:

- Approve a budget amendment of the VCTC Intercity Transit Service Program Budget by decreasing the FTA revenues line-item by the amount of \$360,400 and increasing the "STA Fund Transfer" revenues line-item by an equal amount.
- Approve a budget amendment to the State Transit Assistance budget to increase the STA transfer out to VCTC Intercity by \$360,400.

DISCUSSION CALENDAR:

9. LEGISLATIVE UPDATE

Recommendation:

- Receive and file.

The commission received and filed Item 9-Legislative Update.

10. VCTC FISCAL YEAR 2022-2023 PROPOSED BUDGET- PUBLIC HEARING

Recommendation:

- Conduct Public Hearing to receive testimony on the Fiscal Year 2022/2023 Budget.
- Adopt the Fiscal Year 2022/2023 Salary Schedule (Attachment 1 of this item and Appendix C in the Fiscal Year 2022/2023 Budget) effective July 1, 2022.
- Adopt, by Resolution No. 2022-07, the proposed Fiscal Year 2022/2023 Budget.

Chair Trembley opened the public hearing of the Fiscal Year 2022/2023 Budget at 9:25 a.m. There were no public comments submitted to VCTC for the VCTC Fiscal Year 2022/2023 Proposed Budget-Public Hearing. Finance Director Sally DeGeorge and Executive Director Martin Erickson gave the Fiscal Year 2022/2023 Budget presentation. Chair Trembley noted there were two amendments to the Fiscal Year 2022-2023 Proposed Budget and Ms. DeGeorge stated the first change was language that was added in the resolution in section 1 "attached hereto as Attachment 1". The second change was removing the \$0 dollar amount to the bottom of the executive director's annual salary range and adding \$221,450 dollar amount for the position which is the actual annual range bottom salary for the executive director position on the Ventura County Transportation Commission Salary Schedule Table for Fiscal Year 2022/2023-effective July 1, 2022. Chair Trembley closed the public hearing at 9:42 a.m.

Commissioner Long moved to approve item 10, the Fiscal Year 2022/2023 Budget as recommended with the amended changes. The motion was seconded by **Commissioner Bill-de la Peña** and passed unanimously.

11. VEHICLE MILES TRAVELED ADAPTIVE MITIGATION PROGRAM -PG.107

Recommendation:

- Receive a presentation on the Vehicle Miles Traveled (VMT) Adaptive Mitigation Program (AMP).
- Provide feedback on the Draft Program Framework and the VCTC role within that framework.

Amanda Fagan, director of sustainability and planning, and Sean Daly, senior transportation planner with Iteris, gave a PowerPoint presentation to the commission on the Vehicle Miles Traveled (VMT) Adaptive Mitigation Program (AMP). The presentation and feedback from the commission was received and noted by staff.

12. METROLINK UPDATE

Recommendation:

- Receive and file presentation.

Darren Kettle, chief executive officer for Metrolink gave an update on Metrolink. The commission received and filed the presentation.

13. ZERO-EMISSION BUS FLEET ROLLOUT PLAN AND REQUEST FOR PROPOSALS

Recommendation:

- Approve an Agreement with Stantec Consulting Services Inc. not to exceed \$150,000 for the development of the VCTC ZEB Rollout Plan, and,
- Authorize the Executive Director to execute the Agreement.

Vice-Chair MacDonald moved to approve Item 13-Zero Emission Bus Fleet Rollout Plan and Request for Proposals. **Commissioner Chavez** seconded the motion. The motion passed unanimously.

14. VCTC GENERAL COUNSEL'S REPORT: There were none.

15. AGENCY REPORTS:

Southern California Association of Governments (SCAG)

Primary: Commissioner Mike Judge

Commissioner Judge stated he attended SCAG's 2022 Regional Conference and General Assembly last month. Commissioner Judge congratulated Commission Ramirez on her appointment as SCAG's First Vice-President.

Southern California Regional Rail Authority (Metrolink-SCRRA)

Primary: Vice-Chair Tony Trembley

Alternate: Daniel Chavez

Chair Trembley stated Metrolink had its meeting on May 27th. During their meeting there was an item of discussion and split vote by Metrolink's Board of Directors regarding a proposed MOU between SCAG and Metrolink under a REAP grant program for a regional rail station area housing development implementation plan. The item passed.

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

Primary: Commissioner Bryan MacDonald

Alternate: Commissioner Jim White

Vice-Chair MacDonald stated LOSSAN has transitioned to a pet-friendly ridership service.

Coastal Rail Coordinating Council

Primary: Commissioner Bryan MacDonald

Alternate: Commissioner Richard Rollins

No report.

California Association of Councils of Governments

Primary: Commissioner Carmen Ramirez

No report.

California Vanpool Authority (CalVans)

Primary: Commissioner Jim White

Alternate: Commissioner Lynn Edmonds

No report.

16. CLOSED SESSION:

Conference with Legal Counsel – Existing Litigation

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

Koehler v. Ventura County Transportation Commission et al (Case No. 56-2021-00561709-CU-OR-VTA)

The commission went into closed session at 11:07a.m.

The Commission approved the filing of a disclaimer in the matter of Deanna Koehler v. VCTC et al."

17. The meeting was adjourned to 9:00 a.m. Friday, JULY 8, 2022.



Item #8B

July 8, 2022

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: SALLY DEGEORGE, FINANCE DIRECTOR

SUBJECT: MONTHLY BUDGET REPORT

RECOMMENDATION:

- Receive and file the monthly budget report for May 2022.

DISCUSSION:

The monthly budget report is presented in a comprehensive, agency-wide format on a modified accrual basis. The reports include a combined Balance Sheet, a Statement of Revenues, Expenditures and Changes in Fund Balance detailed by fund and an Investment Report by institution. There are eight funds presented consisting of the General Fund, the Local Transportation Fund (LTF), the State Transit Assistance (STA) fund, the State of Good Repair (SGR) fund, the Service Authority for Freeway Emergencies (SAFE) fund, the Santa Paula Branch Line (SPBL) fund, the VCTC Intercity fund and the Valley Express fund. The Statement of Revenues, Expenditures and Changes in Fund Balance also includes the annual budgeted numbers that are updated as the Commission approves budget amendments or administrative budget amendments are approved by the Executive Director. Staff monitors the revenues and expenditures of the Commission on an on-going basis.

The May 31, 2022, budget report indicates that the revenues were approximately 77.7% of the adopted budget while expenditures were approximately 61.76% of the adopted budget. The revenues and expenditures are as expected at this time. Although the percentage of the budget year completed is shown, be advised that neither the revenues nor the expenditures occur on an even percentage or monthly basis. Furthermore, revenues are often billed and reimbursed in arrears.

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

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

The Commission's deferred outflows, deferred inflows and pension liability are presented on the Balance Sheet. These accounts represent the accrual information for pension accruals with the implementation of the Government Accounting Standards Board (GASB) Statement 68 (pensions) and Statement 75 (other postemployment benefits). This information is based on actuarial information that is provided once a year. The deferred outflows, deferred inflows and pension liability are adjusted annually at the end of the fiscal year.

The Commission's liability for employee vacation accrual is presented on the Balance Sheet. The vacation accrual is adjusted annually at the end of the fiscal year.

**VENTURA COUNTY TRANSPORTATION COMMISSION
BALANCE SHEET
AS OF MAY 31, 2022**

Assets and Deferred Outflows

Cash and Investments	\$ 55,385,524
Receivables/Due from other funds	3,015,071
Prepays and Deposits	321,127
Capital Assets, undepreciated	26,329,395
Capital Assets, depreciated, net	32,669,510
Deferred Outflows	1,948,045
Total Assets and Deferred Outflows	<u>\$ 119,668,672</u>

LIABILITIES, DEFERRED INFLOWS AND FUND BALANCE

Liabilities and Deferred Inflows:

Accrued Expenses and Due to Other	\$ 3,796,262
Deferred Revenue	2,863,854
Deposits	67,059
Accrued Vacation	226,041
Pension Liability	2,406,909
OPEB Liability	334,163
Deferred Inflows	274,655
Total Liabilities and Deferred Inflows:	<u>\$ 9,968,943</u>

Net Position:

Invested in Capital Assets	\$ 58,998,906
Fund Balance	50,700,823
Total Net Position	<u>\$ 109,699,729</u>

For Management Reporting Purposes Only

VENTURA COUNTY TRANSPORTATION COMMISSION
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
FOR THE ELEVEN MONTHS ENDED MAY 31, 2022

	General Fund Actual	LTF Actual	STA Actual	SAFE Actual	SGR Actual	SPBL Actual	VCTC Intercity Actual	Valley Express Actual	Fund Totals	Budgeted Actual	Variance Actual	% Year
Revenues												
Federal Revenues	\$ 7,484,599	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	4,279,236	\$ 772,178	\$ 12,536,013	\$ 24,798,460	(12,262,447)	50.55
State Revenues	1,387,540	33,638,816	6,273,586	1,297,371	1,192,029	0	0	0	43,789,342	47,755,731	(3,966,389)	91.69
Local Revenues	93,823	0	0	0	0	325,964	1,110,811	1,051,348	2,581,946	3,027,990	(446,044)	85.27
Other Revenues	1,904	0	0	60	0	0	89,766	53	91,783	265,460	(173,677)	34.58
Interest	6,049	32,242	33,327	8,523	11,280	143	712	797	93,073	206,000	(112,927)	45.18
Total Revenues	8,973,915	33,671,058	6,306,913	1,305,954	1,203,309	326,107	5,480,525	1,824,376	59,092,157	76,053,641	(16,961,484)	77.70
Expenditures												
Administration												
Personnel Expenditures	2,693,188	0	0	0	0	0	189,098	51,550	2,933,836	4,027,650	(1,093,814)	72.84
Legal Services	35,877	0	0	0	0	0	0	0	35,877	40,000	(4,123)	89.69
Professional Services	108,676	0	0	0	0	0	0	0	108,676	165,600	(56,924)	65.63
Office Leases	176,867	0	0	0	0	0	0	0	176,867	189,400	(12,533)	93.38
Office Expenditures	366,557	0	0	0	0	0	113,251	30,873	510,681	630,100	(119,419)	81.05
Total Administration	3,381,165	0	0	0	0	0	302,349	82,423	3,765,937	5,052,750	(1,286,813)	74.53
Programs and Projects												
Transit and Transportation Program												
Regional Transit Technology	264,464	0	0	0	0	0	0	0	264,464	721,200	(456,736)	36.67
Senior and Disabled Transportation	283,534	0	0	0	0	0	0	0	283,534	401,500	(117,966)	70.62
VCTC Intercity Bus Services	0	0	0	0	0	0	7,121,846	0	7,121,846	11,491,790	(4,369,944)	61.97
Valley Express Bus Services	0	0	0	0	0	0	0	1,166,949	1,166,949	1,962,300	(795,351)	59.47
Transit Grant Administration	4,487,374	0	0	0	0	0	0	0	4,487,374	9,968,180	(5,480,806)	45.02
Total Transit and Transportation	5,035,372	0	0	0	0	0	7,121,846	1,166,949	13,324,167	24,544,970	(11,220,803)	54.28
Highway Program												
Motorist Aid Services	0	0	0	2,616,964	0	0	0	0	2,616,964	3,354,366	(737,402)	78.02
Highway Program Management	1,195,440	0	0	0	0	0	0	0	1,195,440	5,249,557	(4,054,117)	22.77
Total Highway	1,195,440	0	0	2,616,964	0	0	0	0	3,812,404	8,603,923	(4,791,519)	44.31

For Management Reporting Purposes Only

**VENTURA COUNTY TRANSPORTATION COMMISSION
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
FOR THE ELEVEN MONTHS ENDED MAY 31, 2022**

	General Fund Actual	LTF Actual	STA Actual	SAFE Actual	SGR Actual	SPBL Actual	VCTC Intercity Actual	Valley Express Actual	Fund Totals	Budgeted Actual	Variance Actual	% Year
Rail Program												
Metrolink and Commuter Rail	5,865,918	0	0	0	0	0	0	0	5,865,918	15,203,696	(9,337,778)	38.58
LOSSAN and Coastal Rail	8,745	0	0	0	0	0	0	0	8,745	11,800	(3,055)	74.11
Santa Paula Branch Line	0	0	0	0	0	257,107	0	0	257,107	577,000	(319,893)	44.56
Total Rail	5,874,663	0	0	0	0	257,107	0	0	6,131,770	15,792,496	(9,660,726)	38.83
Commuter Assistance Program												
Reg Transit Information Center	7,599	0	0	0	0	0	0	0	7,599	37,400	(29,801)	20.32
Rideshare Programs	234,051	0	0	0	0	0	0	0	234,051	328,900	(94,849)	71.16
Total Commuter Assistance	241,650	0	0	0	0	0	0	0	241,650	366,300	(124,650)	65.97
Planning and Programming												
TDA Administration	110,000	24,877,063	535,312	0	58,996	0	0	0	25,581,371	30,495,259	(4,913,888)	83.89
Transportation Programming	14,147	0	0	0	0	0	0	0	14,147	21,300	(7,153)	66.42
Regional Transportation Planning	256,781	0	0	0	0	0	0	0	256,781	660,084	(403,303)	38.90
Airport Land Use Commission	272	0	0	0	0	0	0	0	272	18,500	(18,228)	1.47
Regional Transit Planning	405,743	0	0	0	0	0	0	0	405,743	1,210,200	(804,457)	33.53
Total Planning and Programming	786,943	24,877,063	535,312	0	58,996	0	0	0	26,258,314	32,405,343	(6,147,029)	81.03
General Government												
Community Outreach	141,976	0	0	0	0	0	0	0	141,976	207,400	(65,424)	68.46
State and Federal Relations	89,709	0	0	0	0	0	0	0	89,709	106,750	(17,041)	84.04
Management and Administration	121,820	0	0	0	0	0	0	0	121,820	168,900	(47,080)	72.13
Total General Government	353,505	0	0	0	0	0	0	0	353,505	483,050	(129,545)	73.18
Total Expenditures	16,868,738	24,877,063	535,312	2,616,964	58,996	257,107	7,424,195	1,249,372	53,887,747	87,248,832	(33,361,085)	61.76

For Management Reporting Purposes Only

VENTURA COUNTY TRANSPORTATION COMMISSION
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
FOR THE ELEVEN MONTHS ENDED MAY 31, 2022

	General	LTF	STA	SAFE	SGR	SPBL	VCTC	Valley	Fund	Budgeted	Variance	
	Fund Actual	Actual	Actual	Actual	Actual	Actual Intercity Actual	Express Actual		Totals	Actual	Actual	% Year
Revenues over (under) expenditures	(7,894,823)	8,793,995	5,771,601	(1,311,010)	1,144,313	69,000	(1,943,670)	575,004	5,204,410	(11,195,191)	16,399,601	(46.49)
Other Financing Sources												
Transfers Into GF From LTF	6,402,476	0	0	0	0	0	0	0	6,402,476	6,921,108	(518,632)	92.51
Transfers Into GF From STA	726,829	0	0	0	0	0	0	0	726,829	2,918,563	(2,191,734)	24.90
Transfers In GF From SGR	117,962	0	0	0	0	0	0	0	117,962	6,285,557	(6,167,595)	1.88
Transfers Into GF From SAFE	27,967	0	0	0	0	0	0	0	27,967	66,600	(38,633)	41.99
Transfers Into GF From SPBL	87,893	0	0	0	0	0	0	0	87,893	167,900	(80,007)	52.35
Transfers Into SPBL From STA	0	0	0	0	0	62,271	0	0	62,271	384,600	(322,329)	16.19
Transfers Into VI From STA	0	0	0	0	0	0	1,448,809	0	1,448,809	3,045,105	(1,596,296)	47.58
Transfers Out of LTF Into GF	0	(6,402,476)	0	0	0	0	0	0	(6,402,476)	(6,921,108)	518,632	92.51
Transfers Out of STA Into GF	0	0	(726,829)	0	0	0	0	0	(726,829)	(2,918,563)	2,191,734	24.90
Transfers Out of STA Into SPBL	0	0	(62,271)	0	0	0	0	0	(62,271)	(384,600)	322,329	16.19
Transfers Out of STA Into VI	0	0	(1,448,809)	0	0	0	0	0	(1,448,809)	(3,045,105)	1,596,296	47.58
Transfers Out of SAFE Into GF	0	0	0	(27,967)	0	0	0	0	(27,967)	(66,600)	38,633	41.99
Transfers Out of SPBL Into GF	0	0	0	0	0	(87,893)	0	0	(87,893)	(167,900)	80,007	52.35
Transfers Out of SGR Into GF	0	0	0	0	(117,962)	0	0	0	(117,962)	(6,285,557)	6,167,595	1.88
Total Other Financing Sources	7,363,127	(6,402,476)	(2,237,909)	(27,967)	(117,962)	(25,622)	1,448,809	0	0	0	0	0.00
Net Change in Fund Balances	(531,696)	2,391,519	3,533,692	(1,338,977)	1,026,351	43,378	(494,861)	575,004	5,204,410	(11,195,191)	16,399,601	(46.49)
Beginning Fund Balance w/o capital assets	3,611,690	15,177,134	17,598,320	4,994,852	5,183,759	25,367	199,014	0	46,790,136	33,572,663	13,217,473	139.37
Long-term Pension/OPEB/Vacation Adjustment*	(1,195,482)	0	0	0	0	0	(98,241)	0	(1,293,723)	0	(1,293,723)	0.00
Ending Fund Balance	\$ 1,884,512	\$ 17,568,653	\$ 21,132,012	\$ 3,655,875	\$ 6,210,110	\$ 68,745	\$ (394,088)	\$ 575,004	\$ 50,700,823	\$ 22,377,472	\$ 28,323,351	226.57

*Government Accounting Standards Board (GASB) Statements 68 and GASB 75 require full accrual of pension and OPEB liabilities, deferred inflows, and deferred outflows on financial statements. These calculations are updated annually.

For Management Reporting Purposes Only

**VENTURA COUNTY TRANSPORTATION COMMISSION
INVESTMENT REPORT
AS OF MAY 31, 2022**

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

Institution	Investment Type	Maturity Date	Interest to Date	Rate	Balance
Wells Fargo	Government Checking	N/A	EAC only	EAC only	\$ 887,485.26
LAIF	State Pool	N/A	\$11,029.12	0.32%	7,776,528.41
County of Ventura	Treasury Pool	N/A	84,379.46	0.32%	46,753,597.50
VCCF Bike Fund	Investment	N/A	Annually	annually	14,393.70
Total			\$95,408.58		\$55,432,004.87

Because VCTC receives a large portion of their state and federal funding on a reimbursement basis, the Commission must keep sufficient funds liquid to meet changing cash flow requirements. For this reason, VCTC maintains checking accounts at Wells Fargo Bank.

The Commission's pooled checking account is not earning interest, instead earns "earnings credits" applied against fees because of the low interest rate environment. Cash balances will vary depending on reimbursements and disbursements. The first \$250,000 of the combined balance is federally insured and the remaining balance is collateralized by Wells Fargo bank.

The Commission's LTF, STA, SGR and a portion of the SAFE funds received from the State are invested in the Ventura County investment pool. Interest is apportioned quarterly, in arrears, based on the average daily balance. The investment earnings are generally deposited into the accounts in two payments within the next quarter. Amounts shown above are not adjusted for fair market value.

The Commission's funds not needed for immediate use are invested in the California Local Agency Investment Fund (LAIF). Interest is apportioned quarterly, in arrears, based on the average daily balance. The investment earnings are generally deposited into the account the month following the quarter end. A small portion of interest earned in the LAIF account is for unearned revenues and the interest is not recognized until the corresponding expenses are recognized.

Amounts shown above are not adjusted for fair value. Wells Fargo Bank, County of Ventura and LAIF statements are the source for provided information.

VCTC receives an annual disbursement from a permanent fund from the Ventura County Community Foundation (VCCF). The funds are invested in a money market account at VCCF and can only be used for bike purposes. Information is posted once a year at yearend.



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Item #8C

July 8, 2022

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: SALLY DEGEORGE, FINANCE DIRECTOR
SUBJECT: TRANSPORTATION DEVELOPMENT ACT (TDA) AUDITS FOR FISCAL YEAR 2020/2021

RECOMMENDATION:

- Receive and file the Transportation Development Act (TDA) Audits for Fiscal Year 2020/2021.

BACKGROUND:

The Ventura County Transportation Commission (VCTC) is the Regional Transportation Planning Agency (RTPA) for Ventura County. As the RTPA, the Commission is responsible for authorizing Transportation Development Act (TDA) funding to local agencies. The Commission is also responsible for ensuring that annual financial and compliance audits are conducted for all TDA claimants including Local Transportation Fund (LTF), State Transit Assistance (STA), State of Good Repair (SGR), Proposition 1B Public Transportation, Modernization, Improvement, and Service Enhancement Account (PTMISEA) and Low Carbon Transit Operation Program (LCTOP) recipients to ensure program compliance. State law requires that the TDA and Proposition 1B PTMISEA and LCTOP fiscal audits be submitted to the State Controller's Office and the Regional Transportation Planning Agency within six months of the close of each fiscal year (unless an extension is granted not to exceed 90-days).

DISCUSSION:

In March 2019, the Commission contracted with Conrad, LLP to perform the TDA, Proposition 1B and LCTOP audits for all TDA claimants except for the Gold Coast Transit District (GCTD) and the City of Moorpark who had their TDA audits performed by their financial auditors. For Fiscal Year 2020/2021, Conrad performed thirty-five audits for local agencies and VCTC, the County of Ventura had one audit prepared, Gold Coast Transit District (GCTD) had ten audit reports prepared, and Moorpark had six audits prepared by their respective auditors for a total of fifty-two audits.

All Fiscal Year 2020/2021 audits received a “clean” audit opinion and “the financial statements were presented fairly in all material respects.” However, there was one management letter issued, one improper application of local match, and five audits that were non-compliant with farebox requirements.

- The City of Simi Valley received a management letter due to a matter involving internal controls and noncompliance with laws and regulations for its TDA Article 3 fund. This issue was a repeat from the prior year.
- The City of Oxnard did not comply with the local match requirement for Article 3 projects and will need to make up the deficient local match in the upcoming year.
- The County of Ventura (Valley Express), VCTC Intercity, Gold Coast Transit district (GCTD), East County Transit Alliance (ECTA) and the cities of Fillmore (Valley Express), Moorpark, Santa Paula (Valley Express), Simi Valley and Thousand Oaks audits reported non-compliance with respect to their farebox recovery ratio requirement; however, there is no finding or penalty as the State has granted relief due to the COVID-19 pandemic for Fiscal Years 2020/2021.

Most of the audits were completed and filed on-time with the State Controller’s Office and VCTC by the December 31, 2021 deadline. Extensions were granted (as allowed by TDA regulations) to the Cities of Fillmore, Santa Paula, Simi Valley and Thousand Oaks and the audits were filed within the granted extensions. GCTD was granted an extension through March 31, 2022 (as allowed by TDA regulations). However, five audits were not filed by the deadline and GCTD was then deemed non-compliant for filing. This triggered the TDA requirement that TDA funds be withheld from the agency until it returned to TDA compliance for filing its audits. GCTD filed its last audit in June 2022 and the agency is compliant with respect to audit filing and funding has been restored.

The following TDA, Proposition 1B and LCTOP audits are separate attachments to the agenda:

City of Camarillo – Article 3, Article 8a and SGR

City of Fillmore - Article 3, Article 8a, and Article 8c

City of Moorpark - Article 3, Article 8a, Article 8c, STA, SGR, and Proposition 1B

City of Ojai - Article 3

City of Oxnard - Article 3, Article 8a, and Article 8c

City of Port Hueneme - Article 3

City of San Buenaventura - Article 3

City of Santa Paula - Article 3, Article 8a, and Article 8c

City of Simi Valley - Article 3, Article 4, STA, SGR, and Proposition 1B

City of Thousand Oaks - Article 3, Article 4/8c, Article 8a, ECTA, STA, SGR and Proposition 1B

County of Ventura – Article 3

Gold Coast Transit District – Article 4, Proposition 1B, STA, SGR, LCTOP, and five-member agency (Ojai, Oxnard, Port Hueneme, San Buenaventura and Ventura County)

VCTC-LTF audit from the County of Ventura

VCTC - Article 3, Article 6.5, LCTOP, Valley Express, VCTC Intercity, STA Transfer and SGR

These reports are available upon request from VCTC, the local agency or can be found on the Commission’s website at www.goventura.org as agenda attachments.



Item #8D

July 8, 2022

TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: STEVE MATTAS, GENERAL COUNSEL

SUBJECT: MOTION TO RE-AUTHORIZE REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE VENTURA COUNTY TRANSPORTATION COMMISSION, INCLUDING ALL ASSOCIATED AGENCIES, AUTHORITIES, AND COMMITTEES, DUE TO THE IMMINENT RISKS TO THE HEALTH AND SAFETY OF ATTENDEES AND MAKING RELATED FINDINGS PURSUANT TO AB 361

RECOMMENDATION:

It is recommended that the Ventura County Transportation Commission ("Commission"), on behalf of itself and in the role as the Local Transportation Authority, ALUC, Service Authority for Freeway Emergencies, Consolidated Transportation Service Agency and CMA, make a motion, pursuant to the authority set forth in AB 361 (Government Code Section 54953[e][1]), to re-authorize remote teleconference meetings of all legislative bodies of the Commission, including all associated agencies, authorities, and committees, due to imminent risks to the health and safety of attendees if the meetings are held in person.

BACKGROUND:

On September 24, 2021 the Commission approved a motion to continue conducting Commission meetings, and all associated agency, authority, and committee meetings, remotely due to imminent risks to the health or safety of attendees if the meetings are held in person. The Commission made findings that the requisite conditions exist for the legislative bodies of the Commission to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953.

Pursuant to Government Code Section 54953(e)(3), in order for all legislative bodies to continue meeting remotely, the Board must declare every 30 days that:

1. The legislative body has reconsidered the circumstances of the state of emergency; and
2. Either the state of emergency continues to directly impact the ability of the members to meet safely in person, or State or local officials continue to impose or recommend measures to promote social distancing.

Emergency conditions persist in Ventura County and throughout the state. The Governor's State of Emergency, declared on March 4, 2020, is ongoing. The local proclamation of emergency, made by the Ventura County Board of Supervisors on March 17, 2020, ratifying the Ventura County Health Officer's declaration of a local health emergency due to COVID-19, continues to exist until its termination is proclaimed by the Ventura County Board of Supervisors.

Due to the continued threat of COVID-19, the Commission continues to implement multiple layers of protection against COVID-19, including physical distancing, for the safety of employees and members of the public. The ongoing state of emergency related to COVID-19, as declared by the Governor and the Ventura County Board of Supervisors, continues to directly impact the ability of members of the legislative bodies of the Commission to meet safely in person, due to imminent risks to the health and safety of attendees if the meetings are held in person.

RECOMMENDATION

It is recommended that the Commission, on behalf of itself and in the role as the Local Transportation Authority, ALUC, Service Authority for Freeway Emergencies, Consolidated Transportation Service Agency and CMA, make a motion, pursuant to the authority set forth in AB 361 (Government Code Section 54953[e][1]), to re-authorize remote teleconference meetings of all legislative bodies of the Commission, including all associated agencies, authorities, and committees, due to imminent risks to the health and safety of attendees if the meetings are held in person.



Item #8E

July 8, 2022

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

**FROM: PETER DE HAAN, PROGRAMMING DIRECTOR
HEATHER MILLER, PROGRAM MANAGER**

**SUBJECT: APPROVE COMBINED CALL FOR PROJECTS FOR CONGESTION MITIGATION
AND AIR QUALITY (CMAQ) FUNDS, TRANSPORTATION DEVELOPMENT ACT
(TDA) ARTICLE 3 BICYCLE AND PEDESTRIAN FUNDS, AND SENATE BILL (SB) 1
STATE OF GOOD REPAIR (SGR) FUNDS**

RECOMMENDATION:

- Approve guidelines in Attachment A and application in Attachment B for a new Call for Projects to program funds available during the period of the Infrastructure Investment and Jobs Act (IIJA), including CMAQ, TDA Article 3 Bicycle & Pedestrian, and SB 1 SGR funds.
- Approve Call for Projects Schedule contained in the agenda item.
- Approve “off-the-top” funding of \$443,000 for Regional Ridesharing (to come from the non-Transit share) for each of four years (FY 23/24 – 26/27), and \$636,000 for Transit Outreach (to come from the Transit share) for each of the same four years.
- Approve policy for Shelf List (included in Guidelines in Attachment A).

BACKGROUND:

VCTC’s ongoing policy has been to program 50% of its CMAQ apportionment to transit projects, and 50% of the apportionment to other eligible projects, primarily bicycle and pedestrian improvements. In recent years, VCTC’s call for projects has included both CMAQ and TDA Article 3 Bicycle and Pedestrian funds, to help provide for a robust program to fund non-motorized transportation projects that better address transformative projects on a regional scale. TDA Article 3 funds are provided by the state on an annual basis for bicycle and pedestrian projects, while CMAQ funds are federal funds for transportation projects that contribute to air quality improvement and provide congestion relief. The Infrastructure Investment and Jobs Act (IIJA) reauthorized the CMAQ program through the 2026/27 fiscal year. For the 2022 Call for Projects, staff is proposing to not only continue combining the CMAQ and TDA Article 3 Bicycle and Pedestrian funds, but to also incorporate SB 1 State of Good Repair (SGR) FY 2023/24 – 2026/27 program funds providing additional support for capital projects that maintain the public transit system.

DISCUSSION:

Available Funding for the 2022 Call for Projects

Each year, VCTC has utilized \$443,000 of the non-Transit CMAQ share for the Regional Ridesharing program and \$636,000 out of the Transit CMAQ share for Countywide Transit Outreach based on the respective costs of these two programs. It was decided to take funding “off the top” rather than require

submittal of applications and scoring for these two projects, on grounds that these projects have always scored highly and continue to be a clear regional priority. Staff therefore recommends that the policy continue so that each of four years' worth of funds from FY 2023/24 to FY 2026/27, for both activities, are taken off the top, at \$443,000 per year for Regional Ridesharing and \$636,000 for Countywide Transit Outreach.

The following provides a description of the TDA Article 3 Bicycle & Pedestrian, CMAQ and SGR programs and funding available for the 2022 Call for Projects:

- Transportation Development Act (TDA) Article 3:** In accordance with California PUC Section 99233.3, up to two percent (2%) of Transportation Development Act (TDA) Local Transportation Funds can be set aside by VCTC for planning, construction and/or maintenance of bicycle and pedestrian facilities, with the program policies adopted by VCTC. Additionally, in Ventura County 25% of the TDA Article 3 funds are set aside for bike path maintenance distributed proportionally according to amount of Class I pathways within each jurisdiction. The remainder of the Article 3 funding are allocated on a competitive basis for projects that foster an increase in bicycling and walking and provide improved connectivity. The FY 2022/23 Article 3 apportionment is \$961,115, with \$720,836 of that amount available for this call's improvement projects. In addition, there is a balance of \$1,126,886 in prior year funds, including 75% of the FY 2021/22 apportionment that has not yet been distributed. VCTC can also select FY 2023/24 projects as part of this multi-year call for projects, so assuming FY 2023/24 funds are nearly the same as FY 2022/23, the total amount for the two years' worth of funds plus prior-year carryover will be \$2,570,000.
- Congestion Mitigation and Air Quality (CMAQ):** The IIJA authorizes VCTC to receive an apportionment of approximately \$9.3 million of CMAQ funding per year through FY 2026/27. CMAQ is used for projects which mitigate congestion and reduce vehicle emissions. VCTC's policy is to divide the funds 50/50 between transit and non-transit projects. However, at the February TRANSCOM meeting, TRANSCOM recommended programming \$10,767,000 for bus replacements and supporting infrastructure, thus reducing the available CMAQ for transit to \$13,545,000 for this call. Available CMAQ funding for non-transit projects is \$24,300,000.
- SB 1 State of Good Repair (SGR):** VCTC has elected to also include FY 2023/24 through FY 2026/27 SGR funds in this call for projects. Previously, VCTC's SGR funds were used to fund Metrolink rail maintenance projects within Ventura County. SGR funds can be used for capital projects that maintain the public transit system in a state of good repair (i.e., condition in which an asset is able to operate at a full level of performance). The total amount of SGR funding for this call is approximately \$6,000,000.

Total estimated funds available through this call for projects are summarized as follows:

<ul style="list-style-type: none"> CMAQ for Non-Transit Projects: 50% of Amount Authorized over Five Years of IIJA (FY 22/23 – 26/27) 	\$24.3 million
<ul style="list-style-type: none"> CMAQ for Transit Projects: 50% of Amount Authorized over Five Years of IIJA Minus \$10.8 Million Programmed in March 2022 	\$13.5 million
<ul style="list-style-type: none"> TDA Article 3 Bicycle & Pedestrian FY 21/22 - 23/24: Minus 25% for Bike Path Maintenance 	\$2.57 million
<ul style="list-style-type: none"> SB 1 State of Good Repair FY 23/24 – 26/27: 	\$6.0 million
TOTAL	\$46.37 million

Schedule and Guidelines

Attachment “A” provides the proposed 2022 Call for Projects’ Guidelines for the Commission’s review and approval. The Guidelines were approved by the TRANSCOM and TTAC committees. The guidelines contain more specific information applicable to each of the two categories (Transit and non-Transit) and provide examples of eligible projects. Applications will be evaluated according to the screening and selection criteria also provided in the Guidelines. Attachment “B” provides the draft application.

The following is the proposed schedule for the proposed call for projects with applications due September 23, 2022.:

Call for Projects Proposed Schedule	
TRANSCOM Approval of Call Process	June 8, 2022
TTAC Approval of Call Process	June 15, 2022
VCTC Approval of Call Process	July 8, 2022
Notification of Funding Availability	July 11, 2022
Applications Due to VCTC	September 23, 2022
TRANSCOM Approval of Transit List	November 9, 2022
TTAC Approval of Non-Transit List	November 16, 2022
VCTC Approval of Projects	December 2, 2022
Approval of Amendment to FTIP	March 1, 2023

Shelf List

The prior calls for projects employed a policy that some projects not ranked high enough to be selected for funding were placed on a “shelf list” and could receive funds if needed to avoid a lapse of apportionment. Staff is recommending a continuation of that policy, provided in the Guidelines in Attachment A. The new cycle also adds a provision that provides flexibility for VCTC to fund “shelf list” transit projects by using FTA Section 5339 funds or state Low Carbon Transit Operations Program (LCTOP) funds in certain circumstances and subject to TRANSCOM and Commission approval. Since Section 5339 and LCTOP are relatively small programs with some similarity to CMAQ and SGR, having an approved shelf list that can utilize these funds will help provide needed flexibility to ensure those funds are fully utilized.

Leveraging Funds

The Guidelines and scoring criteria also include a revision for transit projects, awarding points based on the degree to which the application demonstrates the applicant has a competitive plan to use any VCTC awarded funds from this call for projects as leverage for other competitive state or federal grants.

CMAQ Toll Credits

CMAQ has a local match requirement of 11.47% of the total project cost. However, under the federal Toll Credits policy, VCTC has the option of effectively waiving the local match requirement to provide 100% federal funds. Since the match provided through Toll Credits still comes out of VCTC’s apportionment, to the extent that projects receive 100% rather than 88.53% funding, fewer projects can be funded. In past calls for projects VCTC has used differing policies regarding the local match requirement, in some cases requiring match, in other cases, not requiring match, and in some cases providing extra points for additional match. The proposed criteria require that applicants must commit to providing the 11.47% match as required but can also request to be relieved of the match. The intent is that VCTC will decide after prioritizing the projects whether to require local match, recognizing at that time which project or projects will fall “below the line” should the local match requirement be waived for the requesting agency. It is recommended that no points be provided in the transit criteria for local match, but there be up to five points provided for local match for non-transit projects. Neither TDA Article 3 nor State of Good Repair funds require a match.

The Guidelines and Schedule contained herein were approved by TRANSCOM on June 8, 2022, and TTAC on June 15, 2022.



Item #8F

July 8, 2022

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: CLAIRE GRASTY, DIRECTOR OF PUBLIC TRANSIT
SUBJECT: FEHR & PEERS CONTRACT AMENDMENT FOR THE TRANSIT INTEGRATION AND EFFICIENCY STUDY

RECOMMENDATION:

- Authorize the Executive Director to execute Amendment 1 to the Fehr & Peers contract for the Transit Integration and Efficiency Study for a time extension through December 31, 2022 and increase the contract amount by \$30,000 to \$330,000.
- Amend the FY 2022-2023 Regional Transit Planning budget by an increase of \$30,000 of STA funds.

DISCUSSION:

The Ventura County Transportation Commission (VCTC) has contracted with Fehr & Peers to conduct the Transit Integration and Efficiency Study (TIES). The TIES study seeks to improve the public transit network in Ventura County and is an important study initiated at the request of the Commissioners.

The consultant team has been working with Ventura County transit operators, Commissioners and Commission staff for several months to develop and vet about 40 different strategies for the Tier 1 Review and develop the three alternatives. The goal is to choose the best combination of compatible strategies for each alternative and determine which strategies are feasible and potentially have sufficient benefits to be considered for implementation.

At the February 2022 Commission meeting, the Commission heard an update from Fehr & Peers, VCTC's consultant on the Transit Integration and Efficiency Study (TIES) and expressed concern that none of the alternatives would include a single regional transit agency for Ventura County. At the subsequent March 2022 meeting, it was desired that countywide transit consolidation be analyzed to be included as one of the potential strategies. It was also expressed that further outreach to the city managers be conducted.

As such, since the March Commission meeting VCTC has worked with the consultant team, and VCTC finance and programming staff to better understand the financial structure and impacts full consolidation would have. Additionally, VCTC and the consultant team has begun meeting with the city managers as requested and sent out questions regarding the potential impacts of consolidation to be included in the analysis. To complete the work required to do a full analysis on how transit

consolidation would be implemented and potential impacts, the consultant team will continue to conduct more interviews with the city managers, solicit and receive information from the cities and Gold Coast Transit District and finalize the analysis for consolidation and the other two alternatives. To conduct this work, VCTC is requesting a contract extension through the end of December and an increase of \$30,000 (or 10% of the contract amount) to the contract and the same amount of STA funds to be added to the Regional Transit Planning budget. Taking the time to do a thorough, comprehensive analysis of how transit operations and structure are delivered in Ventura County, especially in light of the impact the pandemic has had on transit ridership, is a timely and prudent exercise.

**CONTRACT AMENDMENT NO. 1
CONSULTANT SERVICES AGREEMENT BETWEEN
THE VENTURA COUNTY TRANSPORTATION COMMISSION ("VCTC") AND
FEHR & PEERS CONSULTING ASSOCIATES, INC.**

This Amendment No. 1 ("Amendment") by and between the Ventura County Transportation Commission ("VCTC") and Fehr & Peers., herein referred to as "Consultant," is entered into as of this 8th day of July 2022. VCTC and Consultant shall be referred to collectively herein as "parties."

WHEREAS, on February 5, 2021 VCTC entered into a consultant services agreement ("Agreement") with Consultant; and,

WHEREAS, it is the intention of VCTC to extend by five months the term with the Consultant, beginning July 1, 2022 and ending December 31, 2022;

WHEREAS, VCTC desires to increase the amount of Contractor's contract by \$30,000 for a total not to exceed amount of \$330,000; and,

NOW, THEREFORE, VCTC and Consultant agree as follows:

1. **Compensation:** VCTC hereby agrees to increase the total not to exceed amount set forth in Section 2 of the Agreement by \$30,000 to a total not exceed amount of \$330,000.
2. **Duration of Agreement:** The term of the original agreement shall be extended by five months through December 31, 2022.

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.

[Signatures on the Following Page]

IN WITNESS THEREOF, the parties have executed this Agreement No. 1 on the ____ day of _____ 2022.

VENTURA COUNTY TRANSPORTATION COMMISSION

by: _____
Martin R. Erickson, Executive Director

Approved as to form

by: _____
Steve Mattas, General Counsel

CONSULTANT: Fehr & Peers

by: _____



Item #8G

DATE: JULY 8, 2022

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: ERIN KENNEALLY, TRANSIT SPECIALIST
SUBJECT: TNC ACCESS FOR ALL PROGRAM FUND ADMINISTRATOR FOR VENTURA COUNTY

RECOMMENDATION:

- Consider adopting a resolution (Attachment A) authorizing the Ventura County Transportation Commission (VCTC) to serve as the Ventura County Local Access Fund Administrator (LAFA) of revenue generated by the Access for All Program of the California Public Utilities Commission (CPUC) to support on-demand wheelchair accessible vehicle (WAV) service.
- Consider completing the consent form (Attachment B) ensuring VCTC agrees to comply with all grant terms, conditions, and requirements set forth in the Resolution. This process is required annually from all parties, including current LAFA(s) renewing their status.

BACKGROUND:

In September 2018, Senate Bill (SB) 1376 was signed into California law. It requires the CPUC, as part of its regulation of Transportation Network Companies (TNCs) such as Uber and Lyft, establish a program to improve the accessibility of persons with disabilities to on-demand transportation services requested through online-enabled applications or platforms. The CPUC required LAFA applications for the 2022-2023 funding year to be submitted by April 1, 2022. It also required applicants to submit by July 8, 2022 a Board resolution to serve as the county's LAFA. VCTC would not receive funding until after September 30, 2022 if it did not submit the Board resolution by the CPUC deadline.

Approval of the staff recommendation will allow VCTC to be the LAFA for Ventura County for each CPUC annual funding cycle (through 2027).

The primary focus of the TNC Access for All Act and Access for All Program is to improve accessibility for users who need a Wheelchair Accessible Vehicle (WAV) capable of transporting their non-folding motorized wheelchairs, scooters or other mobility devices. Per the CPUC proceedings approved to date, TNCs now pay a fee of \$0.10 to the CPUC for each trip originating in each county statewide that their providers complete. Also, the CPUC created a TNC Access for All Fund to deposit and distribute the revenue that the fee generates to LAFAs (or Statewide Access Fund Administrators in counties without a LAFA) to pay for their administrative costs and the services of access providers they select annually on a competitive basis.

to operate on-demand WAV service in their counties. The CPUC also approved allowing LAFAs to expend up to 15 percent of the amount allocated to each county each year to cover administrative expenses.

DISCUSSION:

Eligibility to Serve as a LAFA

Decision D.20-03-007 limits the entities that may serve as LAFAs to metropolitan planning organizations (MPOs), regional transportation planning agencies (RTPAs), and county transportation commissions (CTCs). For multi-county MPOs like AMBAG, MTC, SACOG, and SCAG, the individual RTPA (e.g. VCTC) or local CTC with jurisdiction over each member county shall be eligible to apply as a LAFA for that geographic area if the MPO declines to apply. Each geographic area may only be served by a single LAFA.

Staff submitted an application for VCTC to serve as the LAFA for Ventura County on April 1, 2022. On June 24, 2022, VCTC was “conditionally approved” as a LAFA, contingent upon our agreement to accept and fulfill the requirements established by the CPUC for LAFAs in a process described in their Program Requirements document (Attachment C).

Summary of Requirements for Local Access Fund Administrators

The LAFA may develop an Access for All Program that best suits its region’s needs provided it complies with the CPUC’s Access for All Program requirements. Among these requirements, the LAFA cannot use more than 15 percent of the total funds that the CPUC allocates each year to the county to cover its administrative costs. It must also use the funds for countywide WAV services. The LAFA must develop and maintain a webpage dedicated to its county’s Access for All Program, as well as make a good faith effort to reach out to members and representatives of persons with disabilities within the community during the planning process for their Access for All Program. The LAFA must also establish a process for procuring WAV access providers through an annual competitive solicitation that screens applications based on the CPUC’s eligibility requirements. For each Funding Year, the CPUC requires the LAFA to award contracts to access providers by July 1 of the following year (e.g., July 1, 2023 for the 2022 Funding Year). Selected access providers must then liquidate the funds within 12 months. Funds that the LAFA does not award or that access providers do not spend within 12 months are available for the next funding cycle.

Additionally, the LAFA must submit quarterly reports on the administration of its Access for All Program, including discussion of its administrative costs and involvement with members and representatives of persons with disabilities, with the first of such reports due to the CPUC on November 15, 2022. The LAFA must monitor the performance of the access providers it selects and provide quarterly reports to the CPUC. To fulfill this requirement, the LAFA would collect data from access providers and review performance metrics quarterly. The LAFA must also determine whether there is any pattern of non-compliance with the standards established by the CPUC and describe any other challenges it encounters, with the first of such reports due to the CPUC on November 15, 2023. The LAFA determines whether access providers are eligible to receive future funding based on their performance.

Available Funding

SB 1376 requires the CPUC to “allocate moneys in the Access Fund for use in each geographic area in a manner that is proportional to the percent of the Access Fund fees originating in that geographic area.” After taking into account approved TNC offsets and exemptions between Q3 2020 and Q2 2021 (the funding period for Funding Year 2022-23), the remaining balance in the Access Fund was allocated by county. The balance for each county shall be the maximum funding available for the corresponding approved LAFA responsible for that county. Ventura County’s share from the TNC Access for All Fund for this funding cycle is \$293,789.16.

Revenue for future funding cycles is contingent on the demand for TNC services post-pandemic, as well as on TNC offsets and/or exemptions approved by the CPUC for claims for expenses and/or meeting the levels of service specified in the CPUC’s rulemaking, respectively. With the inherent funding volatility from one year to another, VCTC’s Access for All Program must ensure continuity of funding and enhanced on-demand WAV services throughout the term of the provisions of SB 1376 through December 30, 2025 and

the 2027 Funding Year.

NEXT STEPS

With Board approval of the recommendation, staff will submit the Board resolution and the consent form that the CPUC requires from LAFA applicants. Staff will also develop the guidelines for Ventura County's Access for All Program that will be presented to the Commission for approval during the second half of FY 22/23.

ATTACHMENTS

Attachment A - Resolution Authorizing to Serve as the LAFA for Ventura County

Attachment B - Consent Form ensuring VCTC agrees to comply with all grant terms, conditions, and requirements set forth in the Resolution.

RESOLUTION # _____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE

AUTHORIZING THE EXECUTION OF THE CERTIFICATION
TO SERVE AS THE LOCAL ACCESS FUND ADMINISTRATOR (LAFA)
FOR THE ACCESS FOR ALL PROGRAM FOR THE COUNTY OF

WHEREAS, the _____ is an eligible _____ and may receive state funding from the Access For All Program to administer a funding program for local Access Providers for on-demand wheelchair accessible vehicle (WAV) transportation projects; and

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

WHEREAS, Senate Bill 1376 (2018) designated the California Public Utilities Commission (Commission) as the administrative agency for the Access For All Program; and

WHEREAS, the Commission has developed the Access for All Program Overview & Requirements for Access Fund Administrators (AFAs), for the purpose of selecting Local AFAs (LAFAs), and administering and distributing Access Funds to eligible local Access Providers of on-demand WAV transportation; and

WHEREAS, the _____ authorizes _____, to execute required documents and any amendments thereto.

WHEREAS, the _____ wishes to serve as the LAFA for the county of _____

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the _____ that as the Access Fund recipient agrees to comply with all conditions and requirements set forth in the Certification document and applicable statutes, regulations, and Program Requirements for the Access for All Program.

NOW, THEREFORE, BE IT FURTHER RESOLVED that _____ be authorized to execute all required documents of the Program and any amendments thereto with the Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the _____ that it hereby authorizes the _____ to serve as the LAFA of the Access for All Program for the county(ies) of _____

PASSED AND ADOPTED BY the governing board of the _____ on this ____ day of _____ 20__.

_____, Board Chair
(Print Name)

(Signature)

Attest:

_____, Director
(Print Name)

(Signature)

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



ACCESS FOR ALL PROGRAM
LAFA Consent Form

Name of Agency: _____

The LAFA identified above hereby acknowledges receipt of the California Public Utilities Commission Resolution T-_____ or Approval Letter dated _____ and agrees to comply with all grant terms, conditions, and requirements set forth in the Resolution or Approval Letter.

The undersigned representative of _____ (Agency Name) is duly authorized to execute this Consent Form on behalf of the LAFA and to bind the LAFA to the terms, conditions, and requirements set forth in California Public Utilities Commission Resolution T-_____ or Approval Letter.

Dated this _____ day of _____, 20_____.

Signature: _____

Printed Name: _____

Title: _____

Name of Agency: _____

Business Address (street address, suite or apt number, city, state and zip code)

Telephone Number (include area code): _____

Email Address: _____

Submit completed consent form to tncaccess@cpuc.ca.gov.



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Item #8H

July 8, 2022

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: CLAIRE GRASTY, DIRECTOR OF PUBLIC TRANSIT
SUBJECT: CSUCI COOPERATIVE AGREEMENT - FISCAL YEAR 2022-2023 EXTENSION

RECOMMENDATION:

- Approve Amendment No. 24 to the Cooperative Agreement between California State University Channel Islands (CSUCI) and VCTC for FY2022-2023 bus service to CSUCI.

BACKGROUND:

For the past twenty-three 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 American Rescue Plan Act (ARPA) first received in Fiscal Year 2021-2022. For Fiscal Year 2022-2023, total FTA funding will amount to approximately \$464,155 (which includes approximately \$102,952 in ARPA revenues). In addition, because the remaining ARPA allocation for VCTC Intercity will be received over the next two to three 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, 2022, to June 30, 2023). VCTC and CSUCI look forward to resumption of the CSUCI-VCTC routes that previously served the campus as facilitated through our long-standing agreement.

Attachment: Amendment No. 24 to Cooperative Agreement between CSUCI and VCTC

AMENDMENT TWENTY-FOUR 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, 2023

This Twenty-fourth 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 2022/2023 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 2022/2023, 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 \$464,155 for FY 2022/2023; which includes approximately \$361,203 of recurring FTA revenues allocated for FY 2022/2023, \$102,952 of one-time FTA “American Rescue Plan Act” revenues.
- 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, 2022, through June 30, 2023, CSUCI shall provide \$552,895 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 \$552,895 shall be due and payable during FY 2022/2023 according to the following schedule:

Due Sept 15, 2022 (Includes \$35,000 Administration Fee)	\$164,473
Due Dec 15, 2022	\$129,474
Due March 15, 2023	\$129,474
Due May 31, 2023	\$129,474

- 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 2022/2023.
 - 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-fourth 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 to all Parties.

THIS TWENTY-FOURTH AMENDMENT TO THE AGREEMENT HAS BEEN EXECUTED AS OF
_____ 2022.

ATTEST:

TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY

RICHARD YAO, PRESIDENT
CSU CHANNEL ISLANDS

VENTURA COUNTY TRANSPORTATION COMMISSION

TONY TREMBLEY, CHAIR, VCTC

APPROVED AS TO FORM

STEVEN T. MATTAS, GENERAL COUNSEL, VCTC

APPROVED AS TO CONTENT

MARTIN R. ERICKSON, EXECUTIVE DIRECTOR, VCTC



Item #81

JULY 8, 2022

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: CLAIRE GRASTY, DIRECTOR OF PUBLIC TRANSIT

SUBJECT: VALLEY EXPRESS TRANSIT SERVICE CONTRACT AMENDMENT

RECOMMENDATION:

- Authorize Executive Director to execute Amendment No. 4. to the Transit Services Agreement with MV Transportation and increase the total not-to-exceed amount by \$181,633 to \$18,481,633; and approve finding of the sole source justification.

DISCUSSION:

Valley Express service provider, MV Transportation, met with staff to discuss the ongoing national labor shortage and associated driver recruitment and retention efforts. Valley Express, like nearly all transit agencies in the country, was struggling to retain and recruit drivers in addition to other key positions such as in maintenance and dispatch. While significantly exacerbated by the pandemic, the transit industry has long been challenged by a need for highly trained employees.

Throughout the region, Valley Express and other transit agencies in Ventura County and the region, such as VCTC Intercity, Gold Coast Transit District and Thousand Oaks Transit, were on a daily basis having to reassess its available workforce and modify services. Despite reducing dial-a-ride service levels, the acute driver shortage and other labor challenges have continued locally as well as nationally.

To address driver shortages, nearly all of VCTC's neighboring transit providers have increased starting wages to aid recruitment efforts and competitiveness. In addition, some agencies have implemented sign-on bonuses and incentives to further attract new hires and retain a qualified driver workforce. MV Transportation presently offers new drivers \$16 per hour.

The below table reflects current bus operator wages for transit agencies in the geographic region, from Santa Barbara County to Los Angeles.

Transit Agency (Fixed Route)	Location	Starting Wage
Valley Express	Santa Paula, CA	\$19.00
VCTC	Camarillo, CA	\$20.00
Gold Coast Transit District	Oxnard, CA	\$21.75
LA Metro	Various (Los Angeles, CA)	\$20.49
Santa Barbara MTD	Santa Barbara, CA	\$23.33
Santa Clarita Transit	Santa Clarita, CA	\$19.00
Santa Maria Transit	Santa Maria, CA	\$18.60
Simi Valley Transit	Simi Valley, CA	\$20.87
Thousand Oaks Transit	Thousand Oaks, CA	\$19.95

From March 2020 to July 2021, MV Transportation was able to meet demand but as ridership began to resume as businesses started to open in July 2021, meeting service demand became more difficult as 30% of operator positions were vacant. In early 2021, MV Transportation implemented a bonus program to attract new drivers which ran without positive results. After research through other MV divisions, the only positive result was for divisions that implemented wage increases. Additionally, due to the shortage, operators have had to work up to 50 hours per week with little relief.

MV Transportation has made these changes to current recruitment and retention measures, including increasing starting wage to match and/or be more competitive with neighboring agencies. This includes changes to wages for bus operators as well as for other positions that are challenging to fill, such as mechanics, administrative and dispatchers. For example, MV Transportation's proposed starting driver wage is \$19.00. The total additional costs for the proposed changes are approximately \$181,633 for the duration of the contract term, which expires February 2023.

Through negotiations, MV Transportation and VCTC have arrived at a set of proposed contract rate adjustments as noted in the attached contract amendment (Amendment No. 4). The effective date of the Amendment to begin is retroactive June 1, 2022 (MV Transportation shall provide verification of wage increase implementation with backup).

The proposed Amendment and a comparison of the current and proposed rates are attached to this item as attachments "A" and "B", respectively. In addition, Attachment "C" contains the required "Sole Source Justification" as required for such contract amendments, pursuant to FTA regulations. Staff's recommendation is to approve Amendment No. 4. to the Transit Services Agreement with MV Transportation and increase the total not-to-exceed amount by \$181,633 to \$18,481,633; and approve finding of the sole source justification; and authorize the VCTC Executive Director to Execute the Amendment.

Funding for the proposed increase is included in the FY22 and FY23 budgets.

Attachment(s)

- A – Amendment No 4 to the Transit Services Agreement.*
- B – Current rates and proposed rates, per Amendment No. 4.*
- C – Sole Source Justification*

ATTACHMENT A

**CONTRACT AMENDMENT NO. 4 TO
TRANSIT SERVICES AGREEMENT BETWEEN
THE VENTURA COUNTY TRANSPORTATION COMMISSION (“VCTC”) AND
MV TRANSPORTATION**

This Amendment No. 4 (“Fourth Amendment”) by and between the Ventura County Transportation Commission (“VCTC”) and MV Transportation, Inc., herein referred to as “Contractor,” is entered into as of this 8th day of July 2022. VCTC and Contractor shall be referred to collectively herein as “parties.”

WHEREAS, VCTC is party to the Heritage Valley Transit Service Cooperative Agreement, entered into between the City of Santa Paula, City of Fillmore, the County of Ventura (“Member- agencies”), and VCTC, and VCTC is responsible for administration of the transit service; and,

WHEREAS, VCTC desired to contract out daily management, operation and maintenance functions of the Heritage Valley Transit Service, which includes, Fixed-Route, Dial-a-ride and ADA Paratransit Services for the Heritage Valley; and,

WHEREAS, on December 5, 2014, VCTC entered into a transit services agreement (“Agreement”) with Contractor in an amount not to exceed \$12,000,000; and,

WHEREAS, on November 10, 2017, VCTC and Contractor entered into Contract Amendment No. 1 to implement rate adjustments for the Contractor’s fixed hourly rates for compensation; and

WHEREAS, on October 4, 2019, VCTC and Contractor entered into Contract Amendment No. 2 to extend the term of the Agreement for three (3) years and increase the not-to-exceed amount under the Agreement to \$18,264,000; and,

WHEREAS, on May 5, 2020, VCTC and Contractor entered into Contract Amendment No. 3 to increase the maximum compensation payable to Contractor to \$18,300,000 and to provide the Contractor compensation for certain COVID-19 pandemic response activities. Amendment No. 3 is effective for the period of March 1, 2020 through June 30, 2022; and,

WHEREAS, Contractor has identified challenges in the current labor market which are resulting in difficulties in recruiting and retaining qualified employees; and,

WHEREAS, VCTC and Contractor reviewed the current compensation structure for drivers and other positions in light of the ongoing national labor shortage; and,

WHEREAS, due to additional increases in payroll expense for the Contractor's employees covered in the Agreement, Contractor requested that Member-agencies and VCTC consider proposed rate adjustments to the Contractor's fixed hourly rates for compensation; and,

WHEREAS, Member-agencies recommended that VCTC approve Contractor's proposed rate adjustments; and

WHEREAS, VCTC desires to amend the Contractor's hourly rates for compensation; and,

WHEREAS, VCTC has appropriated through Member-agency contributions the funds to increase the compensation to Contractor in the Agreement;

NOW, THEREFORE, VCTC and Contractor hereto agree as follows:

1. The Rate Schedule for the Extension Term set forth in Exhibit A of Amendment No. 2 to the Agreement (amending Section 8 of the Agreement) is hereby deleted and replaced with the amended rates schedules contained in "Exhibit A-Revised," attached hereto and incorporated herein. The amended rates reflected in Exhibit A-Revised shall be effective as of June 1, 2022. VCTC shall pay Contractor the amended rates for all work completed after that date.
2. Section 7 of the Agreement "Maximum Compensation" is hereby amended to increase the total "not to exceed" amount by \$181,633 for a new not to exceed amount of \$18,481,633 for the term.

Except to the extent amended hereby, the Agreement remains in full force and effect.

IN WITNESS THEREOF, the parties have executed this Agreement No. 4 on the ____ day of _____ 2022.

VENTURA COUNTY TRANSPORTATION COMMISSION

by: _____
Martin Erickson, Executive Director

Approved as to form

by: _____
Steven T. Mattas, General Counsel

CONTRACTOR: MV TRANSPORTATION

by: _____

Exhibit A--Revised

Revenue Rate Schedule for Remaining Term June 2022 to February 2023

Valley Express Period (June 1, 2022 to February 28, 2023)

<u>Hourly Rate Schedule, per Revenue Hour</u>			
Base Scenario: 20,000 – 25,000 Annual Revenue Hours	\$ 83.24 / hr		
<i>Decrease Scenario: 15,000 – 19,999 Annual Revenue Hours</i>	\$87.95 / hr		
<i>Increase Scenario: 25,001 – 30,000 Annual Revenue Hours</i>	\$80.42 / hr		

ATTACHMENT B

Scale (Tenure)	Driver Count	Wages	Proposed Wages Min	Proposed Wages Max
Total Driver Rev Wages	16	\$ 16.00	\$ 19.00	\$ 21.00
Non Driver Position	Staff Count	Wages	Proposed Wages Min	Proposed Wages Max
Heritage Valley, CA				
Operations Supvr	1	\$ 21.00	\$ 22.00	\$ 24.00
Auto Tech B	2	\$ 30.00	\$ 31.00	\$ 32.00
Dispatcher(s)	5	\$ 16.00	\$ 19.00	\$ 22.00
Operations Mgr	1	\$ 30.00	\$ 31.00	\$ 33.00
Shop Foreman	1	\$ 33.46	\$ 34.46	\$ 35.46
Total Maintenance Wages	3	\$ 31.15	\$ 32.15	\$ 33.15
Total Support Staff Wages	7	\$ 18.71	\$ 21.14	\$ 23.86

ATTACHMENT "C"

SOLE SOURCE JUSTIFICATION FOR AMENDMENT TO TRANSIT SERVICES AGREEMENT WITH MV TRANSPORTATION

Per the requirements of Federal Transit Administration (FTA) funding as contained in Circular 4220.1F, to enter a sole source procurement VCTC must document that a competitive procurement is infeasible for specified reason(s).

Applicable Sole Source Procurement Factors:

Unusual and Compelling Urgency *(FTA Circular 4220.1F Sec. 3.i(1)(c),)*

The Common Grant Rule for governmental recipients permits the recipient to limit the number of sources from which it solicits bids or proposals when a recipient has such an unusual and urgent need for the property or services that the recipient would be seriously injured unless it were permitted to limit the solicitation. The recipient may also limit the solicitation when the public exigency or emergency will not permit a delay resulting from competitive solicitation for the property or services.

March 13, 2020, the President declared a National Emergency concerning the Novel-Coronavirus (COVID-19). Additionally, the Governor issued a State of Emergency for the state of California on March 4, 2020. As well, local public health officials issued related orders to the general public. Since that time wages have increased substantially including for transit personnel.

As a result of multiple factors triggered by the pandemic, including inflation and wage growth for service sector positions, VCTC's transit service provider for the Valley Express service has been heavily impacted and struggled with staffing beginning late 2020. By the end of calendar year 2021, the service contractor continued to experience employee turnover. At present, an estimated 37% of the service provider's driver positions remain vacant. The proposed Amendment No. 4 addresses the sudden disparity between the contract provider's current wages for new personnel and the market rate for such positions. Staff has conducted an independent cost estimate and reviewed the proposed adjustments which are in line with anticipated rates for a service of similar scope and size.



Item #8J

July 8, 2022

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: CLAIRE GRASTY, DIRECTOR OF PUBLIC TRANSIT
SUBJECT: VALLEY EXPRESS BUS SERVICE REQUEST FOR PROPOSALS

RECOMMENDATION:

- Authorize Executive Director to finalize and issue Request for Proposals for Valley Express Bus Service on behalf of the Heritage Valley Transit Service member-agencies as outlined in Attachment A.

BACKGROUND:

In 2014 the Heritage Valley Transit Service was formed following completion of multiple planning efforts that considered both the organizational structure of Ventura County transit services countywide (VC Regional Transit Study), as well as local services provided within the Santa Clara River Valley (Heritage Valley Transit Study). Subsequently, the Cooperative Agreement for the Heritage Valley Transit Service (HVTs) was formed and as directed, the Ventura County Transportation Commission (VCTC) administered a request for proposals process for the selection for the HVTs contract service provider. The HVTs member-agencies include the City of Santa Paula, City of Fillmore, and the County of Ventura. VCTC is a party to the Cooperative Agreement as well but has ex-officio status on the Transit Committee, which oversees the service and makes recommendations to the Commission when/if formal action is required.

Per the Cooperative Agreement, VCTC acts as the administrator of the HVTs on behalf of the member-agencies. VCTC is responsible for duties related to grant funding, quarterly and annual reporting to the FTA and State, management of fare media and associated farebox reporting, schedule development, marketing/outreach, customer relations, accounting/audit responsibilities, contract administration and "RFP/Contract Preparation."

In its role as HVTs administrator, VCTC has developed a Request for Proposals solicitation package to secure services, which will be released July 2022. The scope of work built on the existing Valley Express bus service framework, with certain foreseeable updates, such as, regarding state-mandated zero-emission bus requirements, and possible integration, collaboration, or consolidation activities stemming from the VCTC Transit Integration and Efficiency Study. Attached to this item is the Valley Express - Request for Proposals (RFP) and proposed contract, which highlights key areas of the proposed RFP and associated scope of work. The proposed schedule anticipates contract award to occur at the VCTC December 2022 or January 2023 Commission meeting, with evaluation of the proposals and recommendation by the RFP evaluation committee in the months preceding.

In May, the HVPAC approved authorizing VCTC to finalize and issue Request for Proposals for Valley Express Bus Service on behalf of the Heritage Valley Transit Service member-agencies. If approved, the action by the would authorize VCTC to proceed to issue an RFP.

DISCUSSION:

TRANSIT INTEGRATION AND THE COOPERATIVE AGREEMENT FOR HVTS

As HVPAC and Commission is aware, VCTC is currently engaged in a countywide planning effort analyzing existing transit services called the Transit Integration and Efficiency Study (TIES). The goal of the TIES is to identify actionable strategies for greater integration of services (ranging from coordination and collaboration to potential service consolidation). The intent for such actions would be to realize efficiencies in service delivery that improve, sustainably expand, and grow transit ridership across the county. As mentioned, a similar process occurred previously, which resulted in the formation of the Heritage Valley Transit Service, as well as the East County Transit Alliance (ECTA). Key among the challenges then was addressing evolving legislation regarding use of TDA revenues (i.e., Local Transportation Fund moneys). The TIES revisits this, including concepts of consolidation as potential strategies, among others, and is expected to be concluded later this year.

In light of the potential reorganization of transit services countywide, the proposed RFP and Scope of Work is being designed to address certain potential outcomes and future changes. As noted recently at an ECTA Committee meeting regarding a possible joint procurement or service consolidation, the horizon for doing so would likely be at least two years following the completion of the TIES project. As noted in the attachment, the proposed term for next Valley Express service contract (including extension options) is designed to match with other contracted services in the county such as VCTC, Camarillo, GCTD, Moorpark and Thousand Oaks, and/or allows for the time needed to properly plan for and potentially consolidate services. Should member-agencies wish to pursue further action such as consolidation stemming from the TIES project, the next Valley Express contract term will be flexible to do so.

Relatedly, the term of the Cooperative Agreement currently mirrors the term of the Valley Express operator agreement. Staff's intention is to bring the item of updating/amending the Cooperative Agreement back to the HVPAC this Fall for consideration. For the purposes of the RFP, it is assumed VCTC will continue to act as administrator of the Valley Express service, pending future changes that may arise following completion of the TIES and/or in accordance with any changes to the Cooperative Agreement.

Staff's recommendation at this time is that the Commission authorize the Executive Director to finalize and issue Request for Proposals for Valley Express Bus Service on behalf of the Heritage Valley Transit Service member agencies as outlined in Attachment A.



Item #9

July 8, 2022

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

2028 Summer Olympics bill

In 2028, the city of Los Angeles will host the Summer Olympic and Paralympic Games, both international events that are expected to draw millions of visitors to Southern California. Although the Games are still six years away, the planning to ensure a smooth transportation experience for athletes and spectators has already begun. Ventura County Congresswoman Julia Brownley, a member of the House Transportation and Infrastructure Committee, recently announced that she has introduced the Transportation Assistance for Olympic Cities Act of 2022 (H.R. 7642) in partnership with California Senators Dianne Feinstein and Alex Padilla. The bill would allow the federal Department of Transportation to prioritize federal transportation grants for projects related to an Olympic, Paralympic or Special Olympics event. It also directs the Department of Transportation to assist with planning efforts for such events. Congress passed similar legislation ahead of the 2002 Winter Olympics in Salt Lake City, Utah, the most recent Olympic Games held in the U.S.

Gas tax holiday proposal

In late June, President Biden introduced a proposal to suspend the federal gas tax for three months, or through the end of September, to provide relief to Americans struggling with high gas prices and inflation. The federal tax is 18 cents per gallon of gasoline and 24 cents per gallon of diesel fuel. That tax revenue goes into the federal Highway Trust Fund and is used to fund highways and public transportation across the country. A pause on the federal gas tax would cost about \$10 billion in lost revenue. The president has asked Congress to ensure that a pause on the gas tax would not negatively impact the Highway Trust Fund. It is unclear at this time what revenues might be used to replace the lost gas tax revenue. The president's proposal requires Congressional approval.

State Issues

Budget deal reached

After weeks of negotiations, leaders of the state Legislature and Gov. Gavin Newsom announced that they had reached an agreement on a \$300 billion state budget package for the 2022-23 fiscal year. The centerpiece of the budget is a \$17 billion inflation relief package that will send tax refunds to most Californians, based on income. The refunds total about \$9.5 billion. The inflation relief package also includes a pause on the general fund portion of the sales tax on diesel fuel. That pause would not impact funds dedicated to transportation. An earlier proposal by the governor would have offered grants to public transit agencies to provide three months of free service. The budget agreement reached by the governor and legislators does not include funding for the free transit proposal.

The budget package includes \$15 billion for transportation infrastructure statewide, including for public transit, active transportation, climate adaptation, and the Clean California program. The breakdown is:

- \$3.65 billion for public transit investments in the current year through the Transit and Intercity Rail Improvement Program (TIRCP). \$2 billion each for 2023-24 and 2024-25. Allocates a minimum of \$300,000 to each eligible entity and the remaining funds distributed by population to each eligible entity.
- \$1 billion in the current year for the Active Transportation Program.
- \$150 million for a pilot program for planning and delivery of projects that will inform the future conversion of underutilized highways into multimodal corridors that serve existing communities.
- \$200 million in funding for local climate adaptation planning and projects.
- \$200 million in federal funds for adaptation projects on the state highway system.
- \$100 million for the Clean California program.

The budget deal also includes \$4.2 billion for the California high-speed rail project.

Legislative committees began meeting the week of June 27 to consider a series of budget trailer bills. The governor signed the budget before the constitutional deadline of June 30, though additional negotiations over budget details will likely continue over the next few months. The Legislature will begin its summer break June 30, and the legislative session will resume Aug. 1.

New Caltrans director named

On June 17, Gov. Gavin Newsom announced the appointment of Tony Tavares as the new director of the California Department of Transportation (Caltrans). Tavares has been the Caltrans District 7 director since 2020. In that role, he also served as one of VCTC's 17 commissioners, attending monthly Commission meetings and sharing news and updates about Caltrans. Tavares succeeds former Director Toks Omishakin, who in February was appointed the new director of the California State Transportation Agency (CalSTA). Gloria Roberts, currently District 7's chief deputy district director, has been named acting director for District 7, which encompasses Ventura and Los Angeles Counties.

Attachment A is the monthly report of Delaney Hunter, the Commission's state lobbyist. Attachment B is the matrix of bills that VCTC is tracking.



CALIFORNIA ADVISORS, LLC

VENTURA COUNTY TRANSPORTATION COMMISSION MONTHLY STATE ADVOCACY REPORT JUNE 2022

Legislative Update

As the month of June ends, we are moving closer to the final legislative deadlines for this session. Throughout the first two weeks of June much of the Legislature was focused on passing the main budget bill before the June 15th deadline. These negotiations involved budget subcommittee hearings broken down by subject, along with full committee meetings to finalize the differences between the Senate and Assembly versions of the budget. Ultimately, the Legislature passed their version of the budget on time, while negotiations with the Governor were still ongoing. For the remainder of June, it consisted of lengthy committee hearings, so that the large number of bills can be moved out of policy committee by the July 1st deadline, where they will then move to their respective Appropriations Committee. California Advisors will continue to track these bills and advocate on behalf VCTC, as the numerous transportation bills make their way through the second house legislative process.

The Legislature will go on a four-week summer recess that begins on June 30th. They will return on August 1st to finish up the last month of session.

Budget Update

After the May Revise was released, the budget subcommittees continued to meet to negotiate the remaining items. The Legislature worked tirelessly throughout the first two weeks of June to pass the budget and as a result California lawmakers approved the state budget on June 13th, but it is far from final as legislative leaders continue to negotiate with Governor Newsom. This year's budget measure, SB 154, totals over 1,000 pages. The 2022-23 budget includes total spending of just over \$300 billion, of which an estimated \$235.5 billion is from the General Fund. The budget includes total reserves of \$37.5 billion in 2022-23, including \$3.2 billion in the regular operating reserve.

The Governor's plan and the legislature's budget blueprint differ in several significant ways:

- *Tax Relief and Cash Assistance*—The Governor wants significant financial relief for California households linked to vehicle ownership; the legislature wants more targeted tax relief to households with under \$250,000 distributed on a per-dependent basis.
- *Climate Change*—The Governor and the legislature disagree on the overall amount and allocation of funding for drought, energy reliability, zero-emission vehicles and wildfires.
- *Housing and Homelessness*—The legislature wants more money for housing development and significantly more money to be spent at local government discretion.
- *High-Speed Rail*—The Governor wants continued spending for high-speed rail, but legislative leaders have expressed concern about whether regional transportation needs should be a higher priority.
- *Money to Spend on Member Requests*—The legislature is seeking to set aside some funding to respond to local priorities from individual legislators who want their districts to benefit directly from the huge surplus in revenues fueling this year’s spending plan.

The legislative budget provides nearly \$10 billion in fiscal relief to Californians, small businesses, and nonprofits. It provides \$8 billion for the Better for Families (BFF) Rebates plan to provide relief to Californians from the impacts of high gas prices and other growing costs due to inflation. The budget expands tax credits for working Californians, including the following: \$400 million ongoing beginning in 2023-24 to increase the minimum CalEITC to \$255. This will ensure every Californian receiving a CalEITC will receive a meaningful tax credit. \$200 million to begin the Workers Tax Fairness Credit. This tax credit will turn union dues from being tax deduction into a tax credit. The legislative budget also provides \$1.3 billion in fiscal relief to small businesses and non-profits.

In regard to transportation, the budget includes \$1.2 billion over two years for freight-related infrastructure at and around the state’s ports. This funding will support port specific high priority projects that increase goods movement capacity on rail and roadways at port terminals, including railyard expansions, new bridges, and zero emission equipment modernization and deployment. It also provides \$40 million through 2025-26 for the Department of Motor Vehicles to improve its ability to issue commercial driver licenses. This includes \$34 million to fund leasing costs to establish dedicated commercial drive test centers in the Bay Area and Northern Los Angeles County, and one-time funding of \$6 million in 2022-23 to fund additional staffing for commercial driver license exams. The budget includes \$176 million per year for two years from the State Highway Account for Caltrans to begin the process of replacing its fleet of service vehicles and construction equipment with newer zero-emission or low emission equipment. It includes \$6 million General Fund annually through 2024-25, \$10.5 million in 2025-26, and \$15 million in 2026-27 and ongoing for the CHP to expand and make permanent its Organized Retail Crime Taskforce. In addition, the legislature included \$5.5 billion through 2022-23, \$1.85 billion in 2023-24, \$1.45 billion in 2024-25, and \$2.1 billion in 2025-26 for a comprehensive transportation infrastructure package, including funding for transit, freight, active transportation, climate adaptation, and other purposes. This represents the first steps towards fully funding a multi-year transportation infrastructure package in the coming budget years.

The budget includes placeholder trailer and budget bill language related to the appropriation of Proposition 1A bond funds for the state's high-speed rail project. Also, it includes \$5.5 million in 2022-23 for the establishment of a sideshow task force within the California Highway Patrol.

On June 26th, the Governor and Legislative leaders announced a \$300 billion dollar budget agreement. The centerpiece of the agreement includes a \$17 billion inflation relief package which sees 23 million Californians receiving payments up to \$1,050. The package will also include a suspension of the state's sales tax on diesel and \$47 billion multi-year infrastructure and transportation package.

They intend to take this budget framework up before the July 1st break. However, they still have over \$2.5 billion dollars to negotiate, and we expect them to continue budget conversations into August.

California Advisors will continue to monitor the negotiations between the Administration and the Legislature.

Upcoming Bill Deadlines and 2 Year Bills

July 1 – Last day for policy committees to meet and report bills.

July 1 -August 1 – Summer Recess

August 12 – Last day for fiscal committees to meet and report bills to the Floor

August 15-31 – Floor Session only

August 25 – Last day to amend bills on the Floor

August 31 – Last day for each house to pass bills

September 30 – Last day for Governor to sign or veto bills

Below is a list of VCTC tracked bills:

AB 1154 (Patterson R) California Environmental Quality Act: exemption: egress route projects: fire safety.

Introduced: 2/18/2021

Status: 6/16/2022-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Committee on Appropriations. In committee: Set, first hearing. Hearing canceled at the request of author.

Summary: Would, until January 1, 2029, exempt from CEQA egress route projects undertaken by a public agency to improve emergency access to and evacuation from a subdivision without a secondary egress if the State Board of Forestry and Fire Protection has recommended the creation of a secondary access to the subdivision and certain conditions are met. The bill would require the lead agency to hold a noticed public meeting to hear and respond to public comments before determining that a project is exempt. The bill would require the lead agency, if it determines that a project is not subject to CEQA and approves or carries out that project, to file a notice of exemption with the Office of Planning and Research and with the clerk of the county in which the project will be located.

AB 1626 (Nguyen R) Motor Vehicle Fuel Tax Law: limitation on adjustment.

Introduced: 1/10/2022

Status: 1/11/2022-From printer. May be heard in committee February 10.

Summary: Existing law, the Motor Vehicle Fuel Tax Law, administered by the California Department of Tax and Fee Administration, imposes a tax upon each gallon of motor vehicle fuel removed from a refinery or terminal rack in this state, entered into this state, or sold in this state, at a specified rate per gallon. Existing law requires the department to annually adjust the tax imposed by increasing the rates based on the California Consumer Price Index, as specified. This bill would limit the above-described annual adjustment to a maximum of 2% for rate adjustments made on or after July 1, 2023. This bill contains other related provisions.

AB 1638 (Kiley R) Motor Vehicle Fuel Tax Law: suspension of tax.

Introduced: 1/12/2022

Status: 4/7/2022-Stricken from file.

Summary: Would suspend the imposition of the tax on motor vehicle fuels for 6 months. The bill would direct the Controller to transfer a specified amount from the General Fund to the Motor Vehicle Fuel Account in the Transportation Tax Fund. By transferring General Fund moneys to a continuously appropriated account, this bill would make an appropriation.

AB 1680 (Lee D) Transit operators: ticket machines: access for visually impaired persons.

Introduced: 1/24/2022

Status: 6/15/2022-From committee: Do pass and re-refer to Committee on Public Safety (Ayes 13. Noes 0.) (June 14). Re-referred to Committee on Public Safety

Summary: Current law authorizes the Sacramento Regional Transit District, the Los Angeles County Metropolitan Transportation Authority, the Fresno Area Express, and the San Francisco Bay Area Rapid Transit District (BART) to issue a prohibition order to any person who is cited 3 times within a period of 90 days for specified infractions committed in or on a vehicle, bus stop, or train or light rail station of a transit district or a property, facility, or vehicle upon which BART owes policing responsibilities, or to any person who is arrested or convicted for a misdemeanor or felony committed in or on a vehicle, bus stop, or light rail station of the transit district for acts involving violence, threats of violence, lewd or lascivious behavior, or possession for sale or sale of a controlled substance. Current law makes those prohibition orders subject to an automatic stay and prohibits a prohibition order from taking effect until the latest of 11 calendar days after delivery of the prohibition order, 11 calendar days after delivery of the results of a timely requested initial review of the prohibition order, or the date a hearing officer's decision is delivered if an administrative hearing was timely requested, as specified. This bill would instead prohibit a prohibition order from taking effect until the latest of 12, rather than 11, calendar days after delivery of the prohibition order, 12, rather than 11, calendar days after delivery of the results of a timely requested initial review of the prohibition order, or the date a hearing officer's decision is delivered if an administrative hearing was timely requested.

AB 1778 (Garcia, Cristina D) State transportation funding: freeway widening: poverty and pollution: Department of Transportation.

Introduced: 2/3/2022

Status: 6/20/2022-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Committee on Transportation

Summary: Current law authorizes the Department of Transportation to do any act necessary, convenient, or proper for the construction, improvement, maintenance, or use of all highways that are under its jurisdiction, possession, or control. Current law requires the department to prepare and submit to the Governor a proposed budget, as provided. This bill would require the department to consult the California Healthy Places Index, as defined, as a condition of using state funds or personnel time to fund or permit freeway projects, as provided. The bill would require the department to analyze housing and environmental variables through the index, as provided, and would prohibit any state funds or personnel time from being used to fund or permit freeway projects in areas that fall within the zero to 50th percentile on the housing and environmental variables analyzed through the index, as provided.

AB 1833 (Ward D) San Diego Metropolitan Transit Development Board: North County Transit District: consolidated agency: public contracting.

Introduced: 2/7/2022

Status: 6/16/2022-Read second time. Ordered to Consent Calendar.

Summary: The Mills-Deddeh Transit Development Act establishes the San Diego Metropolitan Transit Development Board, also known as the San Diego Metropolitan Transit System, with specified powers and duties related to the operation of public transit services in a portion of the County of San Diego. Current law requires the board, North County Transit District, and consolidated agency to follow specified procedures when contracting for certain services, the acquisition or lease of materials, supplies, or equipment, architectural, landscape architectural, engineering, environmental, land surveying, or construction project management services. Existing law requires those entities to follow different procedures when the amount of the contract exceeds specified thresholds. This bill would increase those thresholds from \$100,000, or \$50,000 in certain instances, to \$150,000, and would make other clarifying changes, as specified.

AB 1919 (Holden D) Transportation: free student transit passes.

Introduced: 2/9/2022

Status: 6/14/2022-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Committee on Transportation

Summary: Current law authorizes the Department of Transportation to administer various programs and allocates moneys for various public transportation purposes. Upon the appropriation of moneys by the Legislature, this bill would create the Youth Transit Pass Pilot Program, administered by the department, for purposes of awarding grants to transit agencies for the costs of creating, designing, developing, advertising, and distributing free youth transit passes to persons 25 years of age and under, providing free transit service to holders of those passes, and administering and participating in the program, as specified. The bill would require the department to submit an interim report to specified committees of the Legislature on or before January 1, 2027, on, among other things, the outcomes of the program and the funding conditions associated with offering free youth transit passes, the status of transit pass programs statewide, and whether these provisions led to reductions in the emissions of greenhouse gases and vehicle miles traveled, as provided.

AB 1938 (Friedman D) Local transportation funds.

Introduced: 2/10/2022

Status: 6/16/2022-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Committee on Transportation

Summary: Current law provides for the funding of public transit and intercity rail, including under the Transportation Development Act. This bill would require the Secretary of Transportation, on or before July 1, 2023, to establish and convene the Transit and Intercity Rail Recovery Task Force to include representatives from the department and various local agencies, academic institutions, and nongovernmental organizations. The bill would require the task force to develop a structured, coordinated process for early engagement of all parties to develop policies to grow transit and intercity rail ridership and improve transit and intercity rail operations for users of those services.

AB 1944 (Lee D) Local government: open and public meetings.

Introduced: 2/10/2022

Status: 6/22/2022-In committee: Set, first hearing. Hearing canceled at the request of author. In committee: Hearing postponed by committee.

Summary: The Ralph M. Brown Act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would require the agenda to identify any member of the legislative body that will participate in the meeting remotely.

AB 2039 (Rivas, Luz D) Los Angeles Metropolitan Transportation Authority: contracting.

Introduced: 2/14/2022

Status: 6/20/2022-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Committee on Transportation

Summary: Would establish a pilot program to authorize the Los Angeles County Metropolitan Transportation Authority to use job order contracting as a procurement method. The bill would impose a \$5,000,000 cap on awards under a single job order contract and a \$1,000,000 cap on any single job order. The bill would limit the term of an initial contract to a maximum of 12 months, with extensions as prescribed. The bill would establish various additional procedures and requirements for the use of job order contracting under this authorization. The bill would require the authority, on or before January 1, 2027, to submit to the appropriate policy and fiscal committees of the Legislature a report on the use of job order contracting under the bill. These provisions would be repealed on January 1, 2028.

AB 2120 (Ward D) Transportation finance: federal funding: bridges.

Introduced: 2/14/2022

Status: 5/20/2022-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 4/27/2022)

Summary: Under current law, the purpose of the Bridge Reconstruction and Replacement Act is to implement the federal Special Bridge Replacement Program in California. The act authorizes boards of supervisors, city councils, and the Department of Transportation to do all things necessary and proper to secure federal aid under that federal program. The act authorizes the department to allocate to counties and cities federal funds received for approved bridge reconstruction or replacement projects in accordance with procedures promulgated by the Director of Transportation, as specified. Current law requires the California Transportation Commission, in allocating funds, and the department, in expending funds, for bridge replacement projects, to follow federal design standards, except as specified. This bill would instead provide that the purpose of the act is to implement the federal Highway Infrastructure Program. The bill would authorize the above-described entities to do all things necessary and proper to secure federal funds instead under the federal Highway Infrastructure Program.

AB 2237 (Friedman D) Regional transportation plan: Active Transportation Program.

Introduced: 2/16/2022

Status: 6/16/2022-Re-referred to Committee on Transportation

Summary: Current law requires certain transportation planning agencies to prepare and adopt regional transportation plans directed at achieving a coordinated and balanced regional transportation system. Existing law requires each regional transportation plan to also include a sustainable communities strategy prepared by each metropolitan planning organization. Current law requires each regional transportation planning agency or county transportation commission to biennially adopt and submit to the California Transportation Commission and the Department of Transportation a 5-year regional transportation improvement program that includes, among other things, regional transportation improvement projects and programs proposed to be funded, in whole or in part, in the state transportation improvement program. This bill would require that those projects and programs included in each regional transportation improvement program also be consistent with the most recently prepared sustainable communities strategy of the regional transportation planning agency or county transportation commission and the state's climate goals, as defined. The bill would require each regional transportation planning agency or county transportation commission to rank all transportation projects and prioritize projects based on adherence to its most recently adopted sustainable communities strategy and the state's climate goals, prioritize funding and implementing projects in the order of prioritization, and submit the prioritized list to the state board and the California Transportation Commission.

AB 2254 (Muratsuchi D) State highways: permits.

Introduced: 2/16/2022

Status: 6/1/2022-Referred to Committee on Transportation

Summary: Current law requires the California Transportation Commission to relinquish to local agencies state highway portions that have been deleted from the state highway system by legislative enactment, and authorizes relinquishment in certain other cases. This bill would authorize the commission to relinquish to the City of Redondo Beach the portion of

State Route 107 within the city limits and prescribe conditions that apply upon relinquishment.

AB 2344 (Friedman D) Wildlife connectivity: transportation projects.

Introduced: 2/16/2022

Status: 6/20/2022-From committee: Do pass and re-refer to Committee on Transportation (Ayes 6. Noes 0.) (June 20). Re-referred to Committee on Transportation

Summary: Current law authorizes the Department of Fish and Wildlife (DFW) to approve compensatory mitigation credits for wildlife connectivity actions taken under specified programs. Current law vests the Department of Transportation (Caltrans) with full possession and control of the state highway system. Current law requires Caltrans to complete assessments of potential barriers to anadromous fish prior to commencing any project using state or federal transportation funds and requires projects to be constructed without presenting barriers to fish passage. This bill would require DFW, in coordination with Caltrans, to establish a wildlife connectivity action plan on or before January 1, 2024, and to update the plan at least once every 5 years thereafter. The bill would require the plan to include, among other things, maps that identify the locations of certain areas, including connectivity areas and natural landscape areas, as defined.

AB 2419 (Bryan D) Environmental justice: federal Infrastructure Investment and Jobs Act: Justice40 Oversight Committee.

Introduced: 2/17/2022

Status: 6/22/2022-From committee: Do pass and re-refer to Com. on G.O. (Ayes 5. Noes 2.) (June 22). Re-referred to Committee on Governmental Organizations

Summary: Current law establishes the Strategic Growth Council consisting of specified state agency members and members of the public. Current law requires the council, among other things, to recommend policies and investment strategies and priorities to the Governor, the Legislature, and to appropriate state agencies to encourage the development of sustainable communities, such as those communities that promote equity, strengthen the economy, protect the environment, and promote public health and safety. The federal Infrastructure Investment and Jobs Act (IIJA) provides additional federal funds to rebuild the nation's infrastructures. Executive orders issued by President Biden established the federal Justice40 Initiative with the goal that 40% of the overall federal benefits flow to disadvantaged communities and stating that the implementation of the IIJA should prioritize investing public dollars equitably, including through the Justice40 Initiative. This bill would require a minimum of 40% of funds received by the state under the IIJA and certain other federal funds to be allocated to projects that provide direct benefits to disadvantaged communities and, except as specified, a minimum of an additional 10% be allocated for projects that provide direct benefits to low-income households and low-income communities, as provided.

AB 2438 (Friedman D) Transportation projects: alignment with state plans.

Introduced: 2/17/2022

Status: 6/16/2022-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Committee on Transportation

Summary: Current law provides for the funding of projects on the state highway system and other transportation improvements, including under the state transportation improvement program, the state highway operation and protection program, the Solutions for Congested

Corridors Program, the Trade Corridor Enhancement Program, and the program within the Road Maintenance and Rehabilitation Program commonly known as the Local Partnership Program. This bill would require the agencies that administer those programs to revise the guidelines or plans applicable to those programs to ensure that projects included in the applicable program align with the California Transportation Plan, the Climate Action Plan for Transportation Infrastructure adopted by the Transportation Agency, and specified greenhouse gas emissions reduction standards.

AB 2441 (Kalra D) Public employment: local public transit agencies: new technologies.

Introduced: 2/17/2022

Status: 6/2/2022-Read second time and amended. Ordered to third reading.

Summary: Current law creates various transit districts and prescribes requirements applicable to their labor relations, including those that address the recognition and certification of exclusive employee representatives, unit determinations, and procedures for meeting and conferring on matter subject to collective bargaining. This bill would prescribe requirements for public transit employers in connection with the introduction of new technologies for public transit services that introduce new products, services, or type of operation, as specified, or that eliminate jobs or job functions of the workforce to which they apply. The bill would require a public transit employer to provide notice, as specified, to the applicable exclusive employee representative of its intention to begin any procurement process or a plan to acquire or deploy to new technologies for public transit services, as described above, not less than 12 months before commencing the process, plan, or deployment.

AB 2449 (Rubio, Blanca D) Open meetings: local agencies: teleconferences.

Introduced: 2/17/2022

Status: 6/22/2022-From committee: Do pass and re-refer to Committee on Judiciary (Ayes 5. Noes 0.) (June 22). Re-referred to Committee on Judiciary

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. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would revise and recast those teleconferencing provisions and, until January 1, 2028, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction.

AB 2453 (Bennett D) Transactions and use taxes: County of Ventura.

Introduced: 2/17/2022

Status: 6/15/2022-From committee: Do pass and re-refer to Committee on Governance and Finance (Ayes 11. Noes 3.) (June 14). Re-referred to Committee on Governance and Finance

Summary: Current law authorizes various local governmental entities, subject to certain limitations and approval requirements, to levy a transactions and use tax for general purposes, in accordance with the procedures and requirements set forth in the Transactions and Use Tax Law, including a requirement that the combined rate of all taxes that may be imposed in accordance with that law in the county not exceed 2%. This bill would authorize the Ventura County Transportation Commission to impose a transactions and use tax for the support of countywide transportation programs at a rate of no more than 0.5% that would, in combination other transactions and use taxes, exceed the above-described combined rate limit of 2%, if the ordinance proposing the tax is approved by the voters, subject to applicable voter approval requirements, as specified. The bill would provide that a transactions and use tax rate imposed pursuant to the bill will not be considered for purposes of that combined rate limit described above.

AB 2462 (Valladares R) Department of Transportation: state highways.

Introduced: 2/17/2022

Status: 6/14/2022-In committee: Set, first hearing. Hearing canceled at the request of author.

Summary: Current law imposes certain restrictions on the use of low-speed vehicles on public streets and highways, and generally requires an operator of a low-speed vehicle to have a driver's license. A low-speed vehicle is also known as a neighborhood electric vehicle (NEV). A violation of the Vehicle Code is an infraction, unless otherwise specified. Current law authorizes certain local agencies to establish a NEV transportation plan subject to certain requirements. A person operating a NEV in a plan area in violation of certain provisions is guilty of an infraction punishable by a fine not exceeding \$100. This bill would authorize the County of Los Angeles to establish a similar NEV transportation plan for the Westside Planned Communities in that county, subject to the same penalties. The bill would require a report to the Legislature by August 31, 2028, containing certain information and recommendations related to the NEV transportation plan. The bill would repeal these provisions on January 1, 2040.

AB 2496 (Petrie-Norris D) Department of Transportation.

Introduced: 2/17/2022

Status: 6/20/2022-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Committee on Transportation

Summary: Current law requires every motor vehicle subject to registration to be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise and prohibits a muffler or exhaust system from being equipped with a cutout, bypass, or similar device. Current law further prohibits the modification of an exhaust system of a motor vehicle in a manner that will amplify or increase the noise emitted by the motor of the vehicle so that the vehicle exceeds existing noise limits when tested in accordance with specified standards. Current law authorizes a court to dismiss any action in which a person is prosecuted for operating a vehicle in violation of the requirements mentioned above if a certificate of compliance has been issued or if the defendant had reasonable grounds to believe that the exhaust system was in good working order and had

reasonable grounds to believe that the vehicle was not operated in violation of the requirements mentioned above. Current law also prohibits a person from modifying the exhaust system of a vehicle with a whistle-tip, operating a vehicle that has been so modified, or engaging in the business of installing a whistle-tip onto the vehicle's exhaust system. This bill would require a court to require a certificate of compliance for a violation of the requirements mentioned above. The bill would require the court to notify the Department of Motor Vehicles to place a hold on the vehicle registration until the certificate of compliance is received by the court if the certificate is not provided to the court within 3 months of the violation date.

AB 2514 (Dahle, Megan R) Department of Transportation: highway safety.

Introduced: 2/17/2022

Status: 6/8/2022-Referred to Committee on Transportation

Summary: Current law requires the Department of Transportation to prepare a State Highway System Management Plan that consists of both a 10-year state highway rehabilitation plan and a 5-year maintenance plan. Current law requires the department to make a draft of its proposed plan available to regional transportation agencies for review and comment, and requires the department to submit the draft plan to the California Transportation Commission for review and comment by February 15 of each odd-numbered year. Current law requires the department to transmit the final plan to the Governor and the Legislature by June 1 of each odd-numbered year. This bill would require the State Highway System Management Plan prepared by the department to also include a comprehensive evaluation of the current state of transportation in underserved rural communities and a transportation needs assessment of the cost to operate, maintain, and provide for the transportation system in underserved rural communities, as specified.

AB 2537 (Gipson D) California Transportation Commission.

Introduced: 2/17/2022

Status: 6/15/2022-From committee: Do pass and re-refer to Committee on Public Safety with recommendation: To Consent Calendar. (Ayes 15. Noes 0.) (June 14). Re-referred to Committee on Public Safety

Summary: Would require the Department of Justice, in conjunction with the Department of Motor Vehicles and the Commission on Peace Officer Standards and Training, to develop and create a video demonstrating the proper conduct by a peace officer and an individual during a traffic stop and to post the video on its internet website.

AB 2622 (Mullin D) Sales and use taxes: exemptions: California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project: transit buses.

Introduced: 2/18/2022

Status: 6/20/2022-In committee: Set, first hearing. Hearing canceled at the request of author.

Summary: The Sales and Use Tax Law provides various exemptions from those taxes, including, until January 1, 2024, 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, specified zero-emission technology transit buses sold to specified public agencies that are eligible for specified incentives from the State Air Resources Board. This bill would extend the exemption for specified zero-emission technology transit buses until January 1, 2026.

AB 2647 (Levine D) Local government: open meetings.

Introduced: 2/18/2022

Status: 6/20/2022-In committee: Set, first hearing. Hearing canceled at the request of author.

Summary: Current law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. Current law requires a local agency to make those writings distributed to the members of the governing board less than 72 hours before a meeting available for public inspection, as specified, at a public office or location that the agency designates. Current law also requires the local agency to list the address of the office or location on the agenda for all meetings of the legislative body of the agency. Current law authorizes a local agency to post the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting. This bill would instead require a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates and list the address of the office or location on the agenda for all meetings of the legislative body of the agency unless the local agency meets certain requirements, including the local agency immediately posts the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

AB 2731 (Ting D) Department of Transportation.

Introduced: 2/18/2022

Status: 6/22/2022-VOTE: Do pass as amended, but first amend, and re-refer to the Committee on [Appropriations] (PASS)

Summary: Would require, by January 1, 2035, 100% of all newly purchased, contracted, or operated school buses of a school district, county office of education, or charter school to be zero-emission vehicles. To the extent this requirement imposes additional duties on local educational agencies in connection with federally required pupil transportation services that go beyond the requirements in federal law, the bill would impose a state-mandated local program.

AB 2952 (Gabriel D) Department of Transportation.

Introduced: 2/18/2022

Status: 5/20/2022-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 5/11/2022)

Summary: Would allow an applicant for a driver's license or identification card, who served for another country in military operations that supported the United States during the Vietnam War and later became a naturalized citizen, to request a "NON-US VIETNAM VETERAN" designation on their driver's license or identification card, subject to certain requirements, including verification of military service for a foreign country during the Vietnam War and payment of a \$5 fee, which the department is authorized to increase by regulation, in an amount not to exceed \$15, as specified. This bill would authorize the Department of Motor Vehicles to consult with the Department of Veterans Affairs to determine the proof necessary to verify an applicant's veteran status.

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 542 (Limon D) Sales and use taxes: exemption: medium- or heavy-duty zero-emission trucks.

Introduced: 2/18/2021

Status: 6/22/2022-From committee with author's amendments. Read second time and amended. Re-referred to Committee on Revenue & Taxation

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 922 (Wiener D) California Environmental Quality Act: exemptions: transportation-related projects.

Introduced: 2/3/2022

Status: 6/14/2022-From committee: Do pass and re-refer to Committee on Appropriations (Ayes 8. Noes 1.) (June 13). Re-referred to Committee on Appropriations

Summary: The California Environmental Quality Act (CEQA) until January 1, 2030, exempts from its requirements bicycle transportation plans for an urbanized area for restriping of streets and highways, bicycle parking and storage, signal timing to improve street and highway intersection operations, and related signage for bicycles, pedestrians, and vehicles under certain conditions. This bill would delete the requirement that the bicycle transportation plan is for an urbanized area. The bill would extend the exemption to an active transportation plan or pedestrian plan. The bill would define “active transportation plan” and “pedestrian plan.” The bill would specify that individual projects that are a part of an active transportation plan or pedestrian plan remain subject to the requirements of CEQA unless those projects are exempt by another provision of law.

SB 942 (Newman D) Low Carbon Transit Operations Program: free or reduced fare transit program.

Introduced: 2/8/2022

Status: 6/9/2022-Coauthors revised.

Summary: Current law continuously appropriates specified portions of the annual proceeds in the Greenhouse Gas Reduction Fund to various programs, including 5% for the Low Carbon Transit Operations Program, which is administered by the Department of Transportation and provides operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility. Current law requires each of those transit agencies to demonstrate that each expenditure of program moneys allocated to the transit agency reduces the emissions of greenhouse gases and does not supplant another source of funds, to use those moneys to provide transit operating or capital assistance, to use at least 50% of those moneys to benefit disadvantaged communities, and to submit specified information to the department before seeking a disbursement of those program moneys, as specified. This bill would authorize a transit agency that uses program moneys to fund a free or reduced fare transit program and that demonstrates compliance with the above-described requirements in its initial program application to continue to use those moneys to maintain that program on an ongoing basis without demonstrating continued compliance with those requirements.

SB 1049 (Dodd D) Transportation Resilience Program.

Introduced: 2/15/2022

Status: 6/2/2022-Referred to Committee on Transportation

Summary: Would establish the Transportation Resilience Program in the Department of Transportation, to be funded in the annual Budget Act from 15% of the available federal National Highway Performance Program funds and 100% of the available federal Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation program funds. The bill would provide for funds to be allocated by the California Transportation Commission for climate adaptation planning and resilience improvements, as defined, that address or mitigate the risk of recurring damage to, or closures of, the state highway system, other federal-aid roads, public transit facilities, and other surface transportation assets from extreme weather events, sea level rise, or other climate change-fueled natural hazards. The

bill would establish specified eligibility criteria for projects to receive funding under the program and would require the commission to prioritize projects that meet certain criteria.

SB 1100 (Cortese D) Open meetings: orderly conduct.

Introduced: 2/15/2022

Status: 6/22/2022-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. Current law requires every agenda for regular meetings of a local agency to provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body. Current law authorizes the legislative body to adopt reasonable regulations to ensure that the intent of the provisions relating to this public comment requirement is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Current law authorizes the members of the legislative body conducting the meeting to order the meeting room cleared and continue in session, as prescribed, if a group or groups have willfully interrupted the orderly conduct of a meeting and order cannot be restored by the removal of individuals who are willfully interrupting the meeting. This bill would authorize the presiding member of the legislative body conducting a meeting to remove an individual for disrupting the meeting.

SB 1121 (Gonzalez D) Transportation funding: plan.

Introduced: 2/16/2022

Status: 6/21/2022-From committee: Do pass and re-refer to Committee on Appropriations with recommendation: To consent calendar. (Ayes 14. Noes 0.) (June 20). Re-referred to Committee on Appropriations

Summary: Would require the California Transportation Commission to prepare a needs assessment of the cost to operate, maintain, and provide for the necessary future growth of the state and local transportation system for the next 10 years, as provided. As part of the needs assessment, the bill would require the commission to forecast the expected revenue, including federal, state, and local revenues, to pay for the cost identified in the needs assessment, any shortfall in revenue to cover the cost, and recommendations on how any shortfall should be addressed. The bill would require the commission to submit the needs assessment to the Legislature on or before January 1, 2024, and biennially thereafter.

SB 1156 (Grove R) Motor Vehicle Fuel Tax: Diesel Fuel Tax: inflation adjustment.

Introduced: 2/17/2022

Status: 5/4/2022-May 4 set for first hearing. Failed passage in committee. (Ayes 2. Noes 2.) Reconsideration granted.

Summary: Current law, the Motor Vehicle Fuel Tax Law and Diesel Fuel Tax Law, impose a tax upon each gallon of motor vehicle fuel or diesel fuel removed from a refinery or terminal rack in this state, entered into this state, or sold in this state, at a specified rate per gallon. Current law annually adjusts the rates of the taxes imposed by those laws based on

inflation. This bill would remove the requirement for future inflation adjustments of those taxes. This bill contains other related provisions.

SB 1175 (McGuire D) Transportation.

Introduced: 2/17/2022

Status: 6/2/2022-Referred to Committee on Transportation

Summary: Current law authorizes the Department of Transportation to construct, acquire, or lease, and improve and operate, rail passenger terminals and related facilities that provide intermodal passenger services along specified corridors. This bill would expand that authorization to include the Sacramento-Larkspur-Novato-Cloverdale corridor.

SB 1410 (Caballero D) California Environmental Quality Act: transportation impacts.

Introduced: 2/18/2022

Status: 6/21/2022-From committee: Do pass and re-refer to Committee on Appropriations with recommendation: To consent calendar. (Ayes 9. Noes 0.) (June 20). Re-referred to Committee on Appropriations

Summary: The California Environmental Quality Act (CEQA) requires the Office of Planning and Research to prepare and develop proposed guidelines for the implementation of CEQA by public agencies and requires the Secretary of the Natural Resources Agency to certify and adopt those guidelines. CEQA requires the office to prepare, develop, and transmit to the secretary for certification and adoption proposed revisions to the guidelines establishing criteria for determining the significance of transportation impacts of projects within transit priority areas, as defined, that promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Current law requires the office to recommend potential metrics to measure transportation impacts, as specified. CEQA authorizes the office to adopt guidelines establishing alternative metrics to the metrics used for traffic levels of service for transportation impacts outside transit priority areas. This bill would require the office, by January 1, 2025, to conduct and submit to the Legislature a study on the impacts and implementation of the guidelines described above relating to transportation impacts. The bill would require the office, upon appropriation, to establish a grant program to provide financial assistance to local jurisdictions for implementing those guidelines.

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.

VENTURA COUNTY TRANSPORTATION COMMISSION STATE LEGISLATIVE MATRIX BILL SUMMARY July 8, 2022			
BILL/AUTHOR	SUBJECT	POSITION	STATUS
AB 1778 Garcia	Prohibits state funds or personnel time from being used to fund or permit freeway widening projects in areas with high rates of poverty or pollution.	Monitor	Referred to the Senate Transportation Committee. Hearing scheduled for June 28.
AB 1909 Friedman	Bicycle omnibus bill. Use of Class 1, 2 and 3 electric bicycles on a bicycle path or trail, bicycle lane, equestrian trail, or hiking or recreational trail.	Monitor	Passed by Senate Transportation Committee. Referred to Senate Appropriations Committee.
AB 1919 Holden	Would require transit agencies to offer free transit passes to all persons 25 years and younger. Would create Youth Transit Pass Pilot Program.	Monitor	Referred to Senate Transportation Committee. Hearing scheduled for June 28.
AB 1944 Lee, Garcia	Would relax rules on posting addresses of teleconference locations that are not public when an elected body allows its members to teleconference.	Monitor	Referred to Senate Governance and Finance Committee. Hearing scheduled for June 22 postponed.
SB 922 Weiner	Would exempt some transit and active-transportation projects from CEQA. Makes permanent CEQA exemptions allowed in SB 288.	Monitor	Passed Assembly Committee on Natural Resources. Referred to Committee on Appropriations. Hearing set for June 29.
SB 942 Newman	Would give transit agencies flexibility in using Low Carbon Transit Operations Program (LCTOP) for free or reduced-fare transit programs.	Support	Passed Assembly Transportation Committee. Referred to Assembly Appropriations Committee.



Item #10

July 8, 2022

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: CLAIRE GRASTY, DIRECTOR OF PUBLIC TRANSIT
SUBJECT: COORDINATED PUBLIC TRANSIT-HUMAN SERVICES TRANSPORTATION DRAFT PLAN

RECOMMENDATION:

- Receive and file the draft Coordinated Public Transit-Human Services Transportation Plan update.

DISCUSSION:

The Ventura County Transportation Commission (VCTC) has contracted with Nelson\Nygaard to conduct the updated of the Coordinated Public Transit-Human Services Transportation Plan. Federal transit law requires that projects selected to receive funding under the Enhanced Mobility for Seniors and Individuals with Disabilities (Section 5310) Program are “included in a locally developed, coordinated public transit-human services transportation plan,” and that the plan be “developed and approved through a process that includes participation by seniors, individuals with disabilities, representation from the public, private, and nonprofit transportation and human service providers and other members of the public” utilizing transportation services. The overarching goal for the previous plan update was to enhance the mobility of the target populations: individuals with disabilities, older adults, people with low incomes, and military populations.

Over the course of the project, the team has conducted outreach using a variety of engagement methods including interviews, affinity group discussions, and surveys to address potential barriers to public participation, including presenting to Citizen’s Transportation Advisory Committee/Social Services Transportation Advisory Council (CTAC/SSTAC). Input from nearly 100 representatives of transportation, health, and human services organizations has been received through interviews, affinity group discussions, and a stakeholder survey distributed online.

A gap and needs analysis particular to the critical Ventura County populations served by this Plan (people with disabilities, older adults, and people with low incomes) was conducted as part of the efforts for this plan. It also includes demographics for Ventura County, particularly for the target populations and an inventory of transit providers and services, both public and private/nonprofit.

Finally, the plan identifies goals, strategies and implementation recommendations. It outlines projects, policies, programs and services that are eligible for funding through federal funds distributed by VCTC to regional partners, as well as other funds from state and county agencies. Strategies build

from recommendations from the previous Coordinated Plan and feedback received from public stakeholder outreach and engagement. The draft plan has also been reviewed by CTAC/SSTAC and Transcom. Staff anticipates bringing the final plan to the Commission in the fall.



Item #11

July 8, 2022

MEMO TO: VENTURA COUNTY AIRPORT LAND USE COMMISSION

FROM: AMANDA FAGAN, DIRECTOR OF PLANNING AND SUSTAINABILITY

SUBJECT: TEAL CLUB SPECIFIC PLAN CONSISTENCY REVIEW AND DETERMINATION

RECOMMENDATION:

- The Ventura County Airport Land Use Commission (ALUC) hold a public hearing regarding consistency of the Teal Club Specific Plan with the Ventura County Airport Comprehensive Land Use Plan (ACLUP).
- The Ventura County ALUC make a determination that the proposed Teal Club Specific Plan is consistent with the Ventura County ACLUP.

BACKGROUND:

The Ventura County Transportation Commission (VCTC) serves as the ALUC for Ventura County. The Commission adopted the Ventura County ACLUP on July 7, 2000, which serves as the airport land use compatibility plan (ALUCP) as required by state law for the Ventura region. The ACLUP covers the Camarillo, Santa Paula and Oxnard Airports, Naval Air Station Point Mugu, and the surrounding areas. For the Oxnard Airport, the County and City have also adopted the Oxnard Airport Master Plan (OAMP), which serves as the planning document for development within the airport's boundaries consistent with the ACLUP.

The State Aeronautics Act (SAA) requires that a general plan amendment or adoption of a zoning ordinance within the airport influence area must first be referred to the ALUC for a determination as to whether the proposed action is consistent with the airport land use compatibility plan. The California Airport Land Use Compatibility Planning Handbook notes that, in accordance with the SAA, County and City General Plans and applicable specific plans "shall be consistent" with an adopted ALUCP, and:

"any local agency seeking to amend its general plan, a specific plan, or adopt zoning ordinance or building regulation within the airport influence area must first refer its proposed amendments to the ALUC for a determination if the proposed action is consistent with the airport land use compatibility plan. If the ALUC determines that the amendment is not consistent, the local agency may not enact the plan or regulation unless a two-thirds of the local agency's governing body votes to overrule the ALUC's inconsistency determination and the local government makes specific findings [that its action is consistent with the SAA]."

Airports in the United States are part of a national system regulated and supported by the Federal Aviation Administration (FAA) known as the National Plan of Integrated Airport Systems (NPIAS). Airports within the NPIAS receive financial support from the FAA to operate and must meet grant assurances that include maintaining free and fair public access and taking reasonable action to prevent incompatible land uses surrounding the airport. Airport Land Use Commission review of proposed development is part of the process to prevent incompatible land uses.

Oxnard Airport currently has approximately 70,000 annual aircraft operations, and Camarillo Airport has approximately 140,000 annual operations, for a combined total of approximately 220,000 annual operations. Oxnard Airport has an annual economic impact of \$51 million, supports 310 jobs, is home to seven aeronautical businesses and 8 non-aeronautical businesses, and results in over \$2 million in State, local, and school tax revenues.

DISCUSSION:

In a letter dated May 19, 2022, the City of Oxnard referred the Teal Club Specific Plan (TCSP) to the ALUC for a consistency review. The proposed action includes the Specific Plan, General Plan Amendment, Pre-Zoning, and Annexation. The Specific Plan covers 161.12 total acres and includes 990 new residential units on 73 acres, with the remaining area dedicated to Parks & Open Space, Commercial/Mixed Use, Light Industrial, Manufacturing/Warehouse, and associated infrastructure, including roadways. The project is located north of the Oxnard Airport, bounded by Ventura Boulevard to the east, Patterson Road to the west, Doris Avenue to the north, and Teal Club Road to the south. The area is currently used for agriculture and five of the seven Specific Plan area parcels are unincorporated, but within the Oxnard City Urban Restriction Boundary (CURB), subject to annexation. The proposed project also includes 11.4 acres (9 parcels) south of Teal Club Road that have existing uses, such as outdoor storage, and would be pre-zoned Light Manufacturing and subject to annexation.

The Teal Club Specific Plan is located within the Oxnard Airport influence area, which requires an analysis of the proposed land use according to Noise and Safety standards of the Ventura County Airport Comprehensive Land Use Plan. From a Noise perspective, the southern boundary of the Specific Plan area is roughly contiguous with the airport noise contours, and only the parcels south of Teal Club Road are within the airport high noise contours. From a Safety standpoint, the Specific Plan is located entirely within the Traffic Pattern Zone (TPZ), and the southern half of the Specific Plan area is located within the Height Restriction Zone (HRZ) for Oxnard Airport. The following provides additional background and analysis of the proposed Specific Plan relative to the Ventura County ACLUP.

School Site. The Teal Club Specific Plan, as originally proposed in 2012, included an approximately 25-acre school site located at the corner of Patterson Road and Doris Avenue that would serve 400 Kindergarten through 8th grade public school students. On behalf of the ALUC, during review of the TCSP Draft Environmental Impact Report (DEIR), VCTC staff identified the proposed school site as an unacceptable land use within the Oxnard Airport TPZ. The proposed school site was included despite a May 14, 2010, determination from the ALUC that a proposed middle school located on Doris Avenue was an “Unacceptable” land use within the TPZ and therefore inconsistent with the ACLUP. In a letter to the City of Oxnard dated September 24, 2015, VCTC explained, “It is important to note that the safety zones designated in the CLUP are identified because they, by definition, are at higher risk of incident due to the specific aircraft movements above the area.” The letter continued, “Schools are an unacceptable land use within the TPZ because of the consequences of an incident involving an aircraft and the congregation of hundreds of children within a confined geographic space.” Based on a subsequent and separate CEQA review by the Oxnard Elementary School District, the School District elected in 2018 to proceed with an elementary and middle school at the site. The School District website currently indicates that the site is “planned to accommodate construction of a new grade 6-8 middle school for 1,200 students with 48 teaching stations and requisite support facilities and a grade K-5 elementary school for 700 students with 28 teaching stations and requisite support facilities.” According to minutes of the School District’s Measure D Oversight Committee from October 19, 2020, construction was delayed “due to decreased enrollment. The district is going to wait for a new development to be built and generate more students. The land has been leased out to a farmer in the interim.”

In December 2021, the City of Oxnard published a Notice of Availability of a Recirculated DEIR to inform the public and agency decision makers about changes to the Specific Plan to remove the 25-acres school site, fire station, and park from the Specific Plan boundaries. Based on the Recirculated DEIR and the City of Oxnard referral letter, the Teal Club Specific Plan now subject to a consistency review by the ALUC **does not include the school site within its boundaries**, and a resulting ALUC consistency determination **does not** include the school site or school construction.

Noise Compatibility. Airport land use compatibility with respect to Noise is measured in decibels (dB) and evaluated based on modeled Community Noise Equivalent Level (CNEL) contours. Figure 1 depicts the CNEL contours as blue lines. All but the southernmost portion of the proposed Specific Plan area is located beyond (outside of) the 60-65 dB CNEL contour. For the small portion of the Specific Plan area within the 60-65 dB CNEL contour, the proposed Multi-Family residential use is considered Conditionally Acceptable provided that an analysis of noise reduction requirements and necessary noise insulation is included in the design. The parcels south of Teal Club Road are located within the 60-65 dB or 65-70 dB CNEL contours. Manufacturing and Light Industrial land uses are considered Acceptable within the 60-65 dB and 65-70 dB CNEL ranges (ACLUP, Table 6A). Overall, the proposed project is considered compatible with the ACLUP from a noise perspective. It should be noted that CNEL contours are average weighted noise levels, and single incident noise levels (notably helicopter overflights of the Specific Plan area) may exceed those of the modeled CNEL contours.

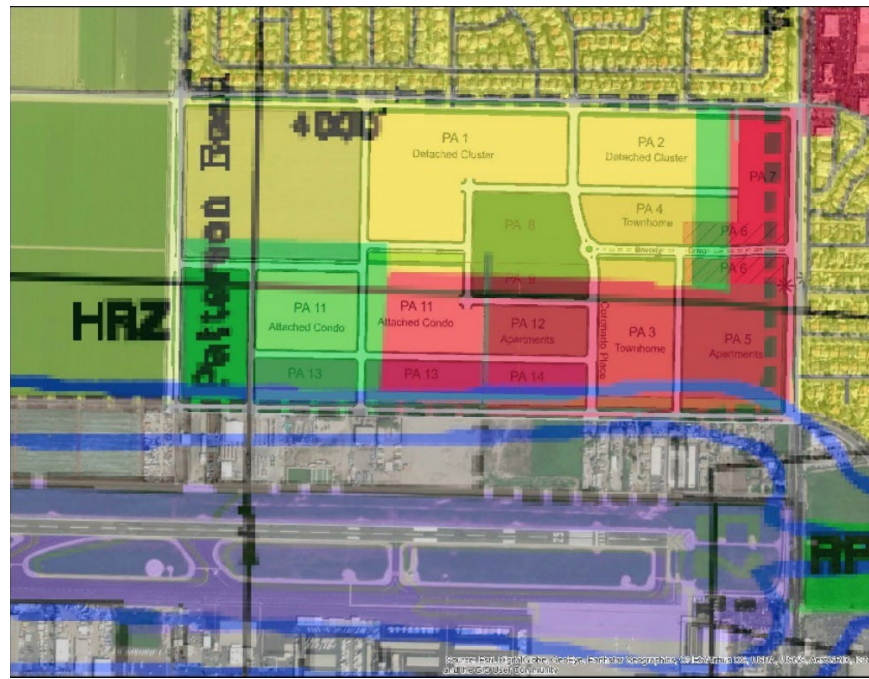
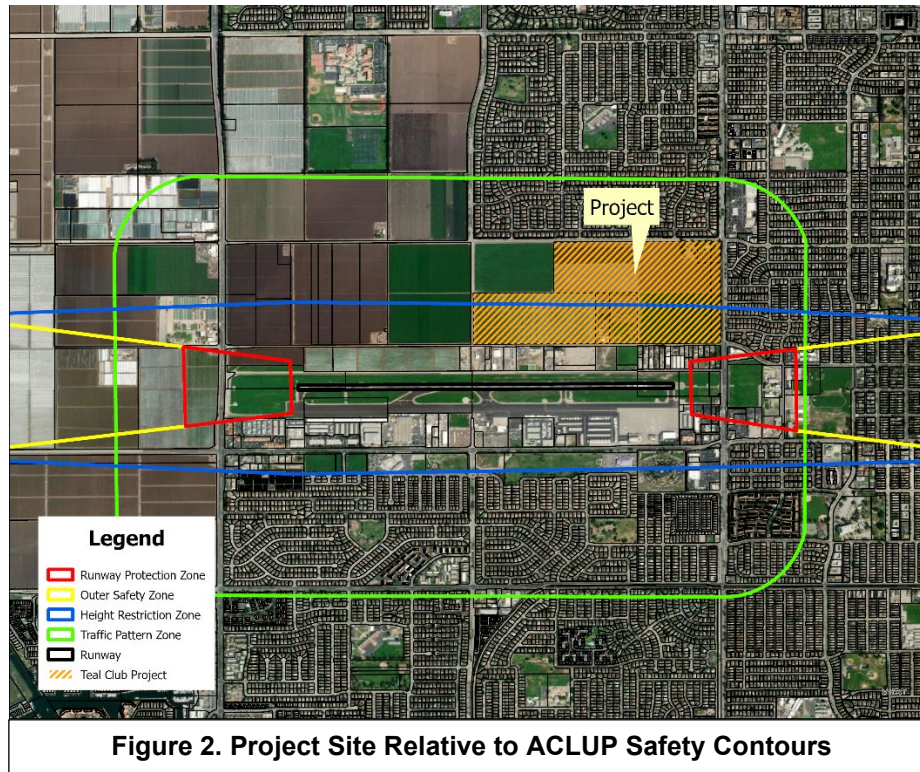


Figure 1. Project Site Relative to ACLUP Noise Contours

Safety Compatibility. Figure 2 depicts the Safety Contours for Oxnard Airport, including the Traffic Pattern Zone (TPZ) and Height Restriction Zone (HRZ). The Specific Plan area is located entirely within the TPZ. Per the ACLUP, Single Family and Multi-Family Residential land uses are considered Conditionally Acceptable within the TPZ provided that the maximum structural coverage of the site is not more than 25 percent. Commercial and Industrial land uses are considered Conditionally Acceptable provided that structural coverage is not more than 50 percent. Structural coverage is defined as the percent of building footprint area relative to the total land area, including streets and greenbelts.

As part of the TCSP DEIR preparation, an Aircraft Hazard and Land Use Risk Assessment was prepared by an Aviation Planning consultant. The Risk Assessment notes that the site “should be relatively free of direct overflights by fixed-wing aircraft,” but helicopter arrival and departure routes “would take helicopters directly over the project site.” The Risk Assessment also addresses the “imaginary surfaces” surrounding the airport runway and helicopter landing areas and establishes a maximum height of any structures near the runway to ensure safety of flight operations. Imaginary surfaces define an airport’s airspace and extend outward and upward at a defined slope from the airport’s runway. The Risk Assessment concludes that the proposed building elevations for the TCSP area would be well below heights that would impact the imaginary surfaces. As such, structures would not reach the thresholds of the Height Restriction Zone.



The Teal Club Specific Plan includes conditions of approval to ensure compatibility with the ACLUP as follows:

1. Residential structural coverage of no more than 25 percent.
2. Commercial/Industrial structural coverage of no more than 50 percent.
3. Grant an Avigation Easement to the County of Ventura.
4. Fair Disclosure agreement and covenant.
5. File FAA Form 7460-1 (and adhere to any recommendations).

These conditions of approval address structural coverage limits, avigation easements and fair disclosure agreements and covenants address overflights and any residual noise concerns from future residents, and the FAA filing addresses building and structural heights and other hazards to aviation.

Agency Reviews. In addition to this review by the ALUC, the Teal Club Specific Plan has been reviewed by the Oxnard Airport Authority. On May 12, 2022, the Oxnard Airport Authority determined that the proposed Specific Plan as conditioned is consistent with the adopted Ventura County Airport Comprehensive Land Use Plan. The Specific Plan will next be considered by the Oxnard Planning Commission and the Oxnard City Council, with future consideration by the Ventura Local Agency Formation Commission.

The Teal Club Specific Plan, Notice of Availability, Recirculated DEIR, Aircraft Hazard and Land Use Risk Assessment and other source documents used in this review are available online through the City of Oxnard at: <https://www.oxnard.org/city-department/community-development/planning/environmental-documents/>.

RECOMMENDATION:

Given that the Specific Plan and proposed land uses meet noise compatibility standards, meet the structural coverage limits to align with land use standards, and include appropriate compatibility measures (avigation easements and disclosure) as conditions of approval, staff recommends that the ALUC determine that the proposed project is consistent with the ACLUP.

**AIRPORT COMPREHENSIVE LAND USE PLAN
CONSISTENCY REVIEW APPLICATION**

FILING DATE: May 17, 2022

APPLICANT INFORMATION

NAME OF APPLICANT: Borchard Family, Tenants in Common

ADDRESS: c/o Development Planning Services, Inc.

211 Village Commons Blvd. Suite #15, Camarillo, CA 93012

CONTACT PERSON: Dennis Hardgrave **PHONE:** (805) 402-1589

PROJECT INFORMATION

PROJECT NAME: Teal Club Specific Plan

PROJECT LOCATION: Oxnard area, north of Oxnard Airport

boundary streets: Ventura Rd, Doris Ave, Patterson Rd, Teal Club Rd.

PROJECT DESCRIPTION: SEE ATTACHMENT PROJECT DESCRIPTION

EXISTING DESIGNATION: Agriculture and Residential

PROPOSED DESIGNATION: Specific Plan: Residential, Mixed Use, Industrial, Parks

ATTACHMENTS

- ☐ **LOCAL AGENCY REFERRAL LETTER**
 - ☐ **PROJECT MAPS** (submitted digitally)
 - ☐ **BUILDING ELEVATIONS** (not applicable)
 - ☐ **AIRCRAFT HAZARD & RISK ASSESSMENT** (submitted digitally)
 - ☐ **ENVIRONMENTAL DOCUMENTATION** (submitted digitally)
 - ☐ **APPLICATION FEE** (attached)
-

ALUC USE ONLY

APPLICATION COMPLETION DATE: **INITIALS:**

ATTACHMENT TO AIRPORT COMPREHENSIVE LAND USE PLAN CONSISTENCY REVIEW APPLICATION

PROJECT NAME: Teal Club Specific Plan Project Description

DATE: May 17, 2022

PROJECT DESCRIPTION:

The applicant seeks approval for the Teal Club Specific Plan (TCSP), which would allow for a 161-acre mixed use development consisting of residential and commercial uses north of Teal Club Road, west of Ventura Road, east of Patterson Road, and South of Doris Road. An additional 11.4 acres of airport-compatible development is proposed south of Teal Club Road and adjacent to Oxnard Airport. The TCSP area is located north of the Oxnard Airport.

The future development includes 990 new residential units constructed on approximately 73 acres of the total planned area with the remaining area to be Parks & Open Space, Commercial/Mixed, Light Industrial, Manufacturing/Warehouse, and associated infrastructure/roadways. The land is currently agricultural and a majority of it requires annexation to the City of Oxnard. The property is located within the City of Oxnard Sphere of Influence and within the City of Oxnard "City Urban Restriction Boundary" (CURB).

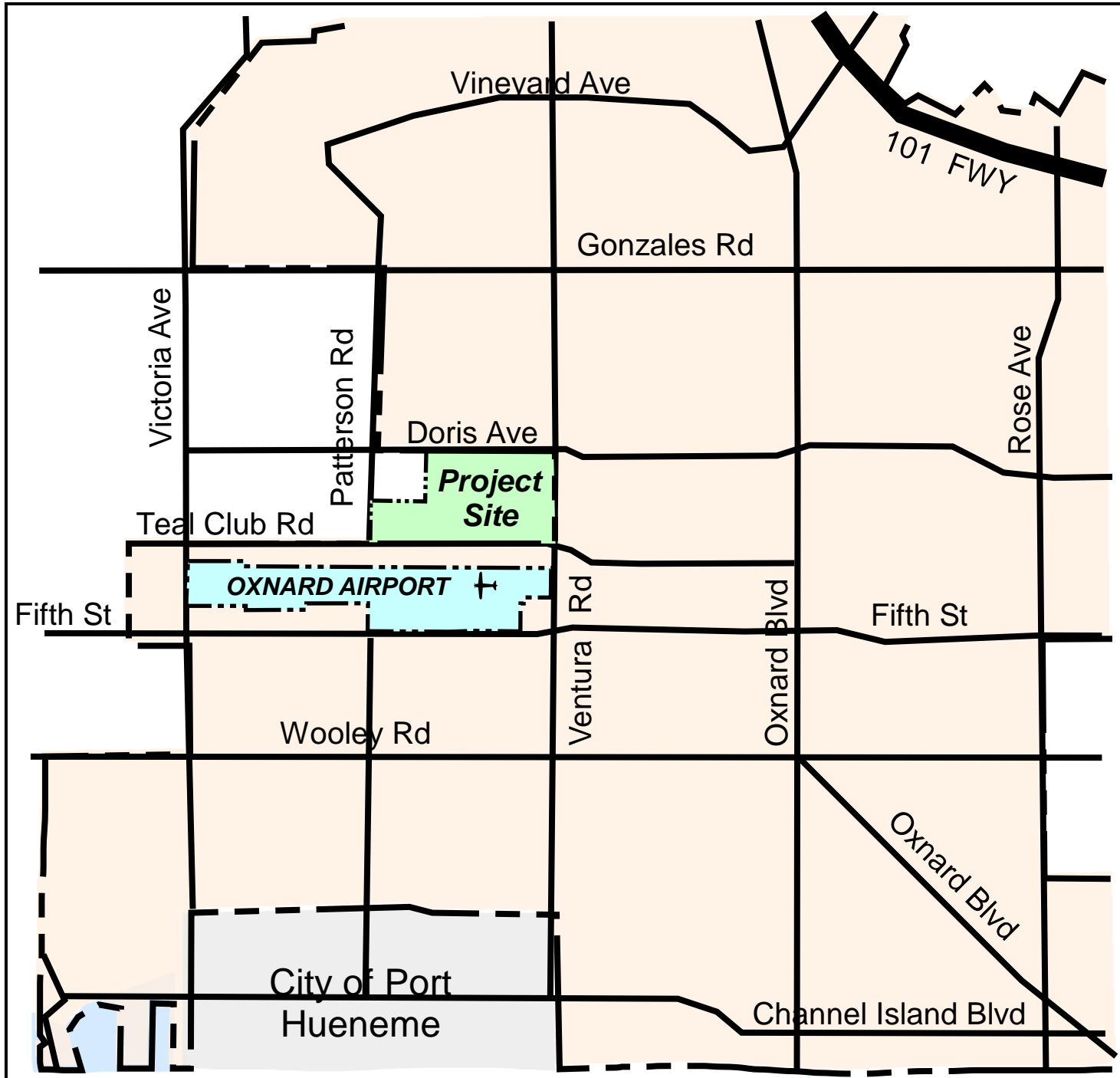
The TCSP has been recognized as a future development site by the State of California, Department of Housing & Community Development (HCD) within the HCD-approved City of Oxnard 6th Cycle 2013-2021 Housing Element. The TCSP is also listed as a future development site in the Draft Amended 2021-2029 City of Oxnard Housing Element, currently under review by HCD.

The TCSP is located within the Oxnard Airport Sphere of Influence. On May 12, 2022 the Oxnard Airport Authority voted to confirm that the TCSP is compatible, as conditioned, with the Oxnard Airport adopted Airport Comprehensive Land Use Plan (ACLUP). The proposed project does not contain any schools or other uses determined to be incompatible with the ACLUP.

The Applicant has accepted the following recommended conditions as contained in the ACLUP and provided by the County of Ventura Department of Airports staff in their staff report, dated May 12, 2022:

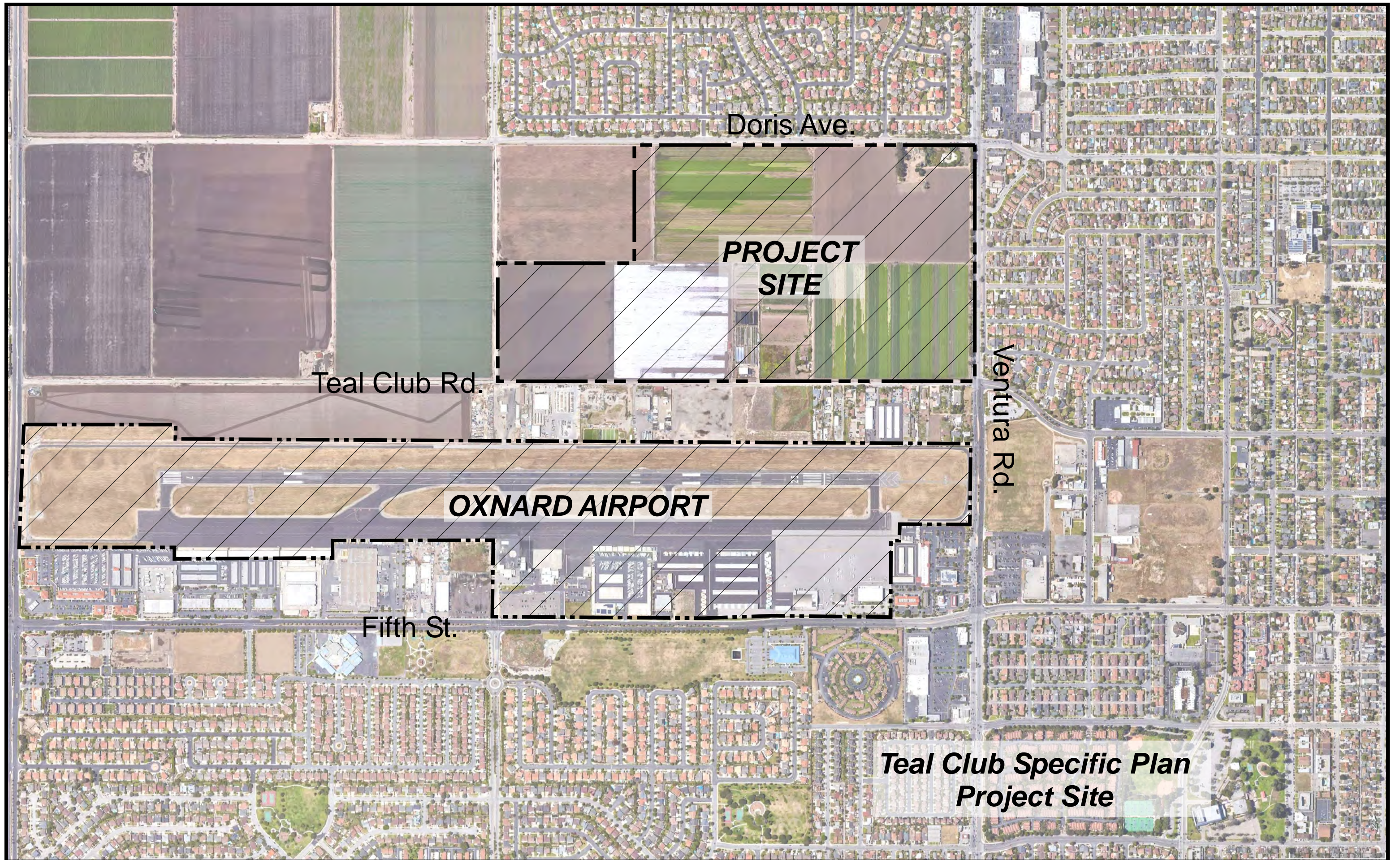
1. Residential structural coverage no more than 25 percent – Footnote [a]
2. Commercial/Industrial coverage no more than 50 percent – Footnote [c]
3. Grant an Avigation Easement to County – Footnote [e]
4. Fair Disclosure agreement and covenant – Footnote [e]
5. File FAA Form 7460-1 (and adhere to any recommendations)

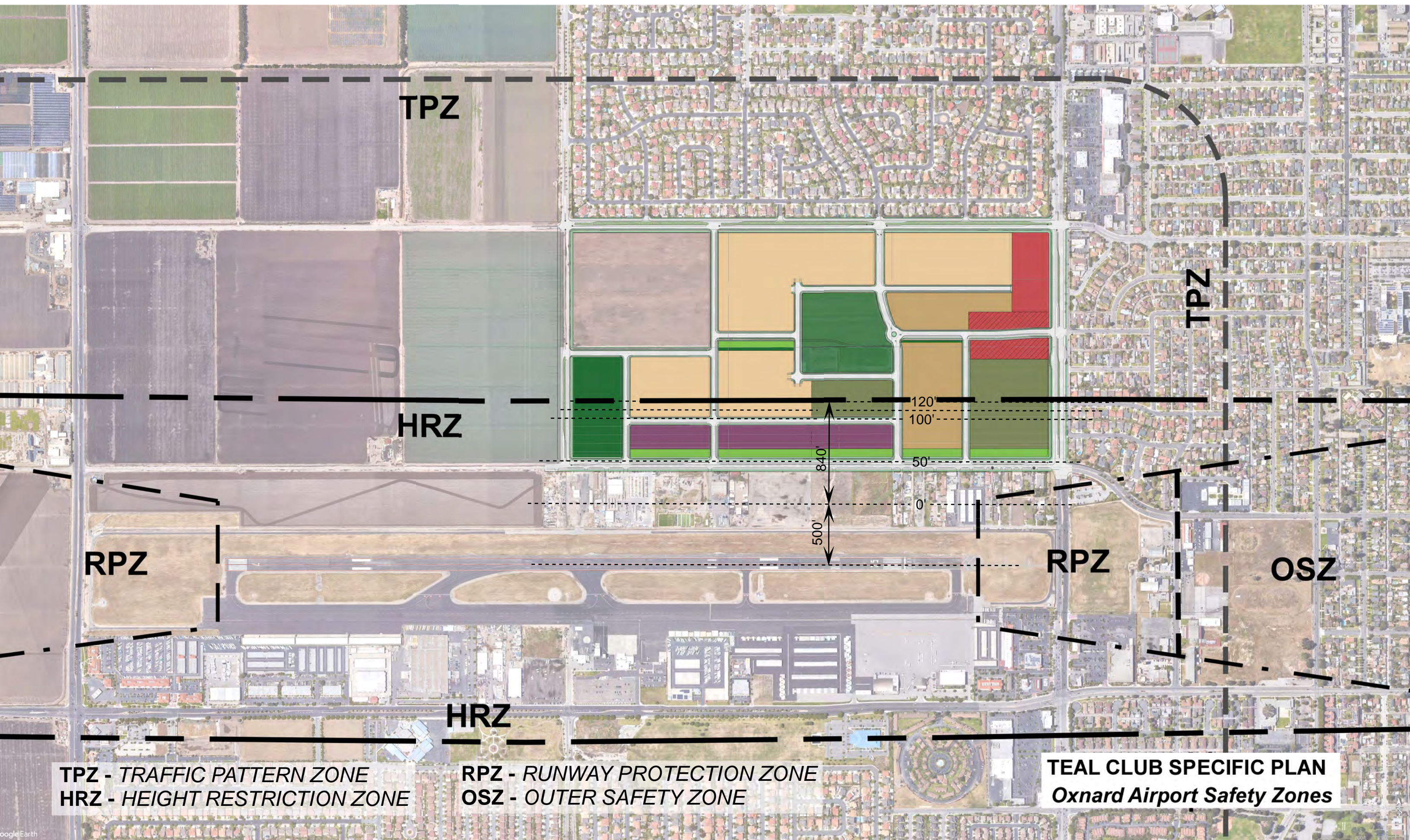
(See attached location maps)



Teal Club Specific Plan Vicinity Map

- Project Site 
- Oxnard Airport 





TPZ - TRAFFIC PATTERN ZONE
HRZ - HEIGHT RESTRICTION ZONE

RPZ - RUNWAY PROTECTION ZONE
OSZ - OUTER SAFETY ZONE

TEAL CLUB SPECIFIC PLAN
Oxnard Airport Safety Zones



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030



May 19, 2022

Amanda Fagan
Director of Planning and Sustainability
Ventura County Transportation Commission
751 E. Daily Drive, Suite 420
Camarillo, CA 93010

RE: Teal Club Specific Plan - Referral to Ventura County Airport Land Use Commission Project & Zoning Permit Numbers: 15-640-01 (Specific Plan); 15-620-03 (General Plan Amendment); 15-560-01 (Pre-Zoning); and 15-610-01 (Annexation)
Project Location: 161.12-acre site located generally at the northwest corner of Teal Club Road and North Ventura Road (north of Oxnard Airport)
APNs: 183-0-070-06, -07, -11, -12, -13, 14, -24, 183-0-110-03, -04, -05, -25, -26, -27, -40, -55, -56

Dear Ms. Fagan:

With this letter, the City of Oxnard refers the Teal Club Specific Plan (TCSP) project to the Ventura County Transportation Commission – acting in its role as the Airport Land Use Commission (ALUC) – for a consistency determination. City of Oxnard staff have determined that the project being considered by the formal application is consistent with the Airport Comprehensive Land Use Plan (ACLUP). The City previously referred this project to the Oxnard Airport Authority (OAA) for review and recommendation. On May 12, 2022, the OAA reviewed the TCSP and made a recommendation to the Oxnard City Council that the proposed TCSP is an acceptable land use and is consistent with the ACLUP. Per state law, the project consistency with the ACLUP is determined by the ALUC.

The Ventura County Transportation Commission (VCTC) has informed the City of Oxnard that the proposed project may be scheduled for review by the ALUC on July 8, 2022.

During the past several years, the City of Oxnard has been processing the application for the proposed TCSP. In 2015, the City of Oxnard circulated an Environmental Impact Report (EIR) for public review. In 2019, the Oxnard School District acquired a 25 acre portion of the TCSP area for future development with school facilities. In response, the proposed TCSP was revised to remove that 25-acre area from the TCSP area. In 2021, a revised EIR was circulated for public review.

During the 2021 public review period, the City of Oxnard received comment letters from the County of Ventura Department of Airports (DOA) (dated February 15, 2022) and Ventura County Transportation Commission (VCTC) (dated February 14, 2022). In the DOA letter, the Director of Airports states that the mitigation measures in the 2021 Draft EIR are sufficient for the proposed TCSP to be a conditionally acceptable land use per the ACLUP. All development constructed

within the TCSP area will be subject to the mitigation measures identified in the EIR. The mitigation measures include the following:

- HAZ-5(a) FAA Notification.** For all development in the TCSP area and the additional annexation area, the applicant shall notify the FAA via online application at FAA's <https://oeaaa.faa.gov/oeaaa/external/portal.jsp> website. The FAA will determine if the structure is an "obstruction" or "hazard" to aviation, and if so, will make recommendations to reduce the obstruction or hazard. Prior to issuance of building permits, the applicant shall forward the FAA determination and recommendations to the City of Oxnard and the City shall require that the applicant implement the recommendations provided by the FAA. Recommendations may include the use of red obstruction lighting on new construction.
- HAZ-5(b) Structural Coverage in the TCSP Area.** Structures within the TCSP area shall conform to the following guidelines:
- Residential uses: Maximum structural coverage of the residential planning areas must be no more than 25%. "Structural coverage" is defined as the percent of building footprint area to total land area, including streets and greenbelts
 - Commercial uses: Maximum structural coverage of the commercial planning areas must not exceed 50%. "Structural coverage" is defined as the percent of building footprint area to total land area, including streets and greenbelts.
- HAZ-5(c) Structural Coverage in the Additional Annexation Area.** Structures within the additional annexation area shall conform to the following guidelines:
- Commercial and industrial uses: Maximum structural coverage must not exceed 50%. "Structural coverage" is defined as the percent of building footprint area to total land area, including streets and greenbelts. Where development is proposed immediately adjacent to the airport property, site plans shall be designed to locate structures as far as practical from the runway.
- LU-3(a) FAA Notification.** For all development in the TCSP area and the additional Annexation area, the applicant shall notify the FAA via online application at FAA's <https://oeaaa.faa.gov/oeaaa/external/portal.jsp> website. The FAA will determine if the structure is an "obstruction" or "hazard" to aviation, and if so, will make recommendations to reduce the obstruction or hazard. Prior to issuance of building permits, the applicant shall forward the FAA determination and recommendations to the City of Oxnard and the City shall require that the applicant implement the recommendations provided by the FAA. Recommendations may include the use of red obstruction lighting on new construction.

LU-3(b) Structural Coverage in the TCSP Area. Structures within the TCSP area shall conform to the following guidelines:

- Residential uses: Maximum structural coverage of the residential planning areas must be no more than 25%. "Structural coverage" is defined as the percent of building footprint area to total land area, including streets and greenbelts
- Commercial uses: Maximum structural coverage of the commercial planning areas must not exceed 50%. "Structural coverage" is defined as the percent of building footprint area to total land area, including streets and greenbelts.

LU-3(c) Structural Coverage in the Additional Annexation Area. Structures within the additional Annexation area shall conform to the following guidelines:

- Commercial and industrial uses: Maximum structural coverage must not exceed 50%. "Structural coverage" is defined as the percent of building footprint area to total land area, including streets and greenbelts. Where development is proposed immediately adjacent to the airport property, site plans shall be designed to locate structures as far as practical from the runway.

LU-3(d) Avigation Easement. Prior to issuance of final tract maps for development pursuant to the proposed Specific Plan or rezone of additional Annexation areas, the project applicant shall grant an avigation easement to the County of Ventura to record that the property owner(s) acknowledge that their properties are in an area subject to frequent aircraft overflights and that such overflights may result in noise, exhaust emissions and vibrations.

In the VCTC letter, the Executive Director states that the VCTC serves as the Airport Land Use Commission (ALUC) for Ventura County. The ALUC adopted an Airport Comprehensive Land Use Plan (ACLUP), which serves as the airport land use compatibility plan as required by law for the Ventura region. Since the TCSP project is located within the land use planning area for the Oxnard Airport, the project is subject to review by the ALUC. The ALUC is to provide a determination if the General Plan Amendment and / or Zone Change is or is not consistent with the ACLUP.

For further information regarding this letter, do not hesitate to contact me via email at jay.dobrowalski@oxnard.org or via telephone at (805) 385-3948.

Sincerely,



Jay Dobrowalski
Senior Planner



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