



**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, MAY 12, 2023
9:00 A.M.**

This meeting will also include a teleconference location. *
Teleconference location: 500 Airport Way, Camarillo, CA

****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 speaking to 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 Commission. 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 the 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 REPORTS** - *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 APRIL 7, 2023, MEETING -PG.7](#)**
Recommended Action:
- Approve the summary minutes of April 7, 2023.
- Responsible Staff: Roxanna Ibarra**
- 8B. [MONTHLY BUDGET REPORT-PG.13](#)**
Recommended Action:
- Receive and file the monthly budget report for March 2023.
- Responsible Staff: Sally DeGeorge**
- 8C. [SUBRECIPIENT AGREEMENT WITH CAREGIVERS -PG.21](#)**
Recommended Action:
- Authorize the Chair to execute the attached agreement with Caregivers Volunteers Assisting the Elderly for administration of Federal Transit Administration (FTA) funds by VCTC.
- Responsible Staff: Peter De Haan**
- 8D. [REDISTRIBUTION OF CONGESTION MITIGATION AND AIR QUALITY \(CMAQ\) AND CARBON REDUCTION PROGRAM \(CRP\) FUNDS -PG.35](#)**
Recommended Action:
- Approve redistribution of previously-programmed CMAQ and CRP funds as shown in the Attachment, along with inclusion of \$80,400 of Surface Transportation Program (STP) funds, with the caveat that staff remains authorized to administratively make further adjustments as the situation warrants.
- Responsible Staff: Peter DeHaan**

8E. EXTENSION OF SURFACE TRANSPORTATION PROGRAM (STP) LOAN TO SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY-PG.39

Recommended Action:

- Ratify the Executive Director's action to extend by one year, to Fiscal Year 2023/2024, the repayment of \$14.3 million of STP apportionment funds loaned to the San Bernardino County Transportation Authority (SBCTA).

Responsible Staff: Peter De Haan

8F. REVISION TO THE CITY OF SANTA PAULA CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT (CRRSAA) PROGRAM -PG.41

Recommended Action:

- Approve reprogramming \$380,000 in CRRSAA funds from Santa Paula Street and Roads Program to the Santa Paula Community Bike Trail Connectivity Project.

Responsible Staff: Geiska Velasquez

8G. 2023 ACCESS FOR ALL PROGRAM- SELECTION OF ACCESS PROVIDERS-PG.43

Recommended Action:

- Approve Gold Coast Transit District (GCTD) as a FY 2022/23 Access Provider and award of Access Funds totaling \$131,246 toward the purchase of two (2) wheelchair accessible vans for the Go Now South Oxnard Microtransit pilot project.
- Approve Ventura Transit System, Incorporated (VTS) as a FY 2022/23 Access Provider and award of funds totaling \$118,467 for a countywide on-demand WAV service fare subsidy pilot program.
- Authorize the Executive Director to execute grant agreements with selected Access Providers.

Responsible Staff: Heather Miller

8H. SCAG REGIONAL EARLY ACTION PLANNING COUNTY TRANSPORTATION COMMISSION PARTNERSHIP PROGRAM PROJECT APPLICATIONS -PG.47

Recommended Action:

- Approve submittal of grant applications and project prioritization to the Southern California Association of Governments (SCAG) for the Regional Early Action Planning (REAP) County Transportation Commissions (CTC) Partnership Program.

Responsible Staff: Amanda Fagan

8I. CONTRACT AMENDMENT #2 FOR PROFESSIONAL SERVICES WITH EIDE BAILLY, LLP FOR GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STANDARD 87, LEASES AND GASB 96, SUBSCRIPTION-BASED INFORMATION TECHNOLOGY -PG.51

Recommended Action:

- Approve Contract Amendment #2 (Attachment A) for Professional Consulting Services with Eide Bailly, LLP., to expand the contract scope to include GASB 96 and extend the contract end date to December 31, 2023.
- Amend the Fiscal year 2022/2023 operations budget to increase the operations audit and actuary line item by \$23,000 and associated indirect revenues by the same amount.

Responsible Staff: Sally DeGeorge

8J. FISCAL YEAR (FY) 2022/2023 BUDGET AMENDMENT FOR TRANSPORTATION PROGRAMMING AND TRANSIT GRANT ADMINISTRATION PROGRAMS- PG.57

Recommended Action:

- Amend the FY 2022/23 budget to increase by \$43,700 the Transportation Programming and Reporting expenditures for Salaries/Fringe and Indirect Cost Allocation, and also increase revenues by \$43,700 with 80% funded from Federal Transit Administration (FTA) Section 5307 funds and 20% funded from Local Transportation Funds (LTF) as broken down in this agenda item.

- Amend the FY 2022/23 budget to increase by \$25,800 the Transit Grant Administration expenditures for Salaries/Fringe and Indirect Cost Allocation, and also increase revenues by \$25,800 with 80% funded from Federal Transit Administration (FTA) Section 5307 funds and 20% funded from Local Transportation Funds (LTF) as broken down in this agenda item.

Responsible Staff: Peter De Haan

8K. FIRST AMENDMENT TO EXECUTIVE DIRECTOR EMPLOYMENT AGREEMENT WITH MARTIN ERICKSON -PG.59

Recommended Action:

- It is recommended that the Ventura County Transportation Commission ("Commission") adopt a resolution approving the First Amendment to the Employment Agreement ("First Amended Agreement") between the Commission and Martin Erickson to serve as Executive Director of VCTC and its related agencies and authorizing Chairperson MacDonald to execute the First Amended Agreement.

Responsible Staff: Steve Mattas

DISCUSSION CALENDAR:

9. FREEWAY SERVICE PATROL TWO YEAR ANNIVERSARY REPORT AND 2022 DRIVER OF THE YEAR RECOGNITION -PG.65

Recommended Action:

- Receive and file a report on the second year of Ventura County Freeway Service Patrol (FSP) operations.
- Recognize Richard Henderson as the Ventura County FSP Driver of the Year for providing outstanding service to the motorist public.

Responsible Staff: Andrew Kent

10. FISCAL YEAR (FY) 2023/2024 TRANSPORTATION DEVELOPMENT ACT (TDA) UNMET TRANSIT NEEDS (UTN) FINDINGS -PG.71

Recommended Action:

- Review and Approve the Fiscal Year 2023/2024 Unmet Transit Needs Findings and determination that there are no Unmet Transit Needs that are reasonable to meet.
- Adopt Resolution No. 2023-03

Responsible Staff: Claire Grasty & Dolores Lopez

11. UPDATE ON US 101 HIGH OCCUPANCY VEHICLE (HOV)/EXPRESS BUS WIDENING PROJECT APPROVAL / ENVIRONMENTAL DOCUMENT (PAED) IMPROVEMENT PROJECT PRESENTATION – PG.75

Recommended Action:

- Receive and file presentation.

Responsible Staff: Peter De Haan

12. FISCAL YEAR 2022/2023 LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP) ALLOCATION -PG.77

Recommended Action:

- Approve the Ventura County Transportation Commission (VCTC) FY 2022/23 Low Carbon Transit Operations Program (LCTOP) Total Allocation Request of \$2,090,915 to fund the following two projects:
 - Free Fare Programs (\$1,200,000 includes Cities of Camarillo, Moorpark, Simi Valley, and Thousand Oaks Local Shares).
 - Battery Electric Charging Infrastructure (\$890,915).
- Adopt Resolution 2023-04 (Attachment A) authorizing the Executive Director to execute all required documents including the Certifications and Assurances and Authorized Agent Form to receive VCTC's FY 2022/23 LCTOP funds.

- *Approve programming Southern California Regional Rail Authority's (SCRRA) LCTOP revenue formula amount for the portion of the rail service within Ventura County totaling \$214,375 to fund Metrolink's free college/youth pass pilot program.*

Responsible Staff: Peter De Haan and Heather Miller

13. LEGISLATIVE UPDATE -PG.87

Recommended Action:

- *Receive and file.*

Responsible Staff: Darrin Peschka

14. VEHICLE MILES TRAVELED ADAPTIVE MITIGATION PROGRAM FINAL REPORT -PG.111

Recommended Action:

- *Approve the Vehicle Miles Traveled (VMT) Adaptive Mitigation Program (AMP) Final Report.*

Responsible Staff: Amanda Fagan

15. GENERAL COUNSEL REPORTS-

16. AGENCY REPORTS:

Southern California Association of Governments (SCAG)

Primary: Commissioner Mike Judge

Southern California Regional Rail Authority (Metrolink-SCRRA)

Primary: Commissioner Tony Trembley

Alternate: Commissioner Daniel Chavez

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

Primary: Chair Bryan MacDonald

Alternate: Commissioner Jim White

Coastal Rail Coordinating Council

Primary: Chair Bryan MacDonald

Alternate: Commissioner Mike Johnson

California Association of Councils of Governments

Primary: Commissioner Mike Johnson

California Vanpool Authority (CalVans)

Primary: Commissioner Jim White

Alternate: Commissioner Jeff Gorell

18. ADJOURN to 9:00 a.m. Friday, June 2, 2023.



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Item 8A

May 12, 2023

**MEETING MINUTES OF APRIL 7, 2023, VCTC COMMISSION MEETING
AT 9:00 A.M.**

CALL TO ORDER:

Vice-Chair LaVere called the regular meeting of the Ventura County Transportation Commission to order at 9:03 a.m. at the City of Camarillo, City Hall Chambers, 601 Carmen Drive, Camarillo, CA 93010.

PLEDGE OF ALLEGIANCE was led by Vice-Chair LaVere.

ROLL CALL/MEMBERS PRESENT:

Matt LaVere, County of Ventura
Carrie Broggie, City of Fillmore
Jenny Crosswhite, City of Santa Paula
Bob Engler, City of Thousand Oaks
Chris Enegren, City of Moorpark
Mike Johnson, City of Ventura
Janice Parvin, County of Ventura
Tony Trembley, City of Camarillo
Martha McQueen-Legohn, City of Port Hueneme
Jim White, Citizen Rep., County
Gloria Roberts, Acting Caltrans District 7 Director

ABSENT:

Bryan MacDonald, City of Oxnard
Daniel Chavez, Citizen Rep., Cities
Suza Francina, City of Ojai
Jeff Gorell, County of Ventura
Mike Judge, City of Simi Valley
Kelly Long, County of Ventura
Vianey Lopez, County of Ventura

4. PUBLIC COMMENTS – Manuel Minjares, District 3 Representative with Supervisor Long's office thanked Caltrans for their work and efforts during the storms most recently. He also gave public comment regarding the issues with the Santa Paula Branch Line and train car storage.

5. CALTRANS REPORT – Acting Caltrans District 7 Director, Gloria Roberts, gave the April monthly project report updates to the Commission.

6. COMMISSIONERS/EXECUTIVE DIRECTOR REPORT –

Mr. Erickson gave his executive director report to the commission as follows:

- Executive Director Martin Erickson and Darrin Peschka, government and community relations program manager, attended the **APTA Legislative Conference March 12-15 in Washington, D.C.** They also met with representatives of the Department of Transportation, as well as staff members for Sen. Dianne Feinstein, Sen. Alex Padilla, and Rep. Salud Carbajal. The meetings were an opportunity to advocate for VCTC's application for federal funding from the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) program.
- On March 20, 2020, VCTC staff participated in the **Planning Advisory Committee** meeting for the **Camarillo Airport's Part 150 Study Update**.
- On March 18-19, VCTC extended **Freeway Service Patrol (FSP)** coverage for the primary access routes to the **Point Mugu Air Show**. One truck operated each day from 11 a.m. – 7 p.m. on Rice Ave/State Route-1 from U.S. 101 to Las Posas Rd, and on Las Posas Rd from State Route-1 to U.S. 101. The extended service resulted in 22 total assists, with three direct motorist assists.
- VCTC completed and received for distribution the new **"Biking Ventura County: Routes & Tips for Beginners & Families"** guidebook.
- VCTC continues to receive questions and comments from concerned citizens regarding Rail Car Storage and the new operations of railbikes on the **Santa Paula Branch Line**. Staff has developed a new web page to share information and answer frequently asked questions. Content will be available at <https://www.goventura.org/getting-around/spbl/>.
- The Southern California Association of Governments (SCAG) has indicated that the **Regional Early Action Planning (REAP) 2.0 County Transportation Commissions Partnership Program Call for Applications** will be released during the week of April 10th with a due date the week of May 5th.
- The next quarterly meeting of the **Arroyo Simi Bridge Suicide Prevention Task Force** will be held virtually on Thursday, April 26th. Caltrans District 7 and VCTC will jointly convene the Task Force for updates on the barrier fence project and development of suicide awareness and de-escalation trainings for first responders and for the broader community.

7. ADDITIONS/REVISIONS – Commissioner Trembly pulled item 8G from the April 7, 2023, agenda. Commissioner White commented on 8N regarding LOSSAN being the second largest route in the United States. General Counsel Steve Mattas made a request with commission approval to have closed session follow all open session items and have the commission adjourn out of closed session.

8. CONSENT CALENDAR –

Commissioner Parvin moved to approve consent calendar items 8A through 8F and 8H through 8O. Commissioner Trembly pulled item 8G. from the agenda for a future meeting and further discussion between staff and Sierra Northern Railway. The motion was seconded by **Commissioner Trembly** and passed unanimously.

8A. APPROVE MINUTES OF FEBRUARY 3, 2023, MEETING

Recommendation:

- Approve the summary minutes of FEBRUARY 3, 2023.

8B. APPROVE MINUTES OF MARCH 3, 2023, MEETING

Recommendation:

- Approve the summary minutes of March 3, 2023, VCTC Meeting and Strategic Planning Session.

8C. MONTHLY BUDGET REPORT

Recommendation:

- Receive and file the monthly budget report for January 2023.

8D. MONTHLY BUDGET REPORT

Recommendation:

- Receive and file the monthly budget report for February 2023.

8E. INVESTMENT POLICY

Recommendation:

- Adopt the Investment Policy as shown in the Attachment.

8F. MOTORIST AID CALLBOX ANNUAL REPORT

Recommendation:

- Receive and file the Motorist Aid Emergency Callbox Annual Report.

8G. SANTA PAULA BRANCH LINE RIGHT OF ENTRY PERMIT TEMPLATE

Recommendation:

- Approve a Right of Entry permit template and fee structure for use on the Santa Paula Branch Line railroad right-of-way.

This item was pulled from the consent agenda calendar during the additions and revisions period. The item was pulled by Commissioner Trembley.

Commissioner Trembley made a motion to continue item 8G in further discussion between VCTC staff and Sierra Northern Railway on split fee arrangements on the Right-of Entry permit template and fee structure for use on the Santa Paula Branch Line railroad right-of-way. The motion was seconded by **Commissioner Broggie** and passed unanimously.

8H. BIG DATA LICENSE AND ANALYTICS DASHBOARD

Recommendation:

- Ratify the release of a Request for Proposals (RFP) for a Big Data License and Transportation Analytics Dashboard (See Attachment).

8I. SANTA PAULA BRANCH LINE STORM DAMAGE UPDATE, BUDGET AMENDMENT, AND RELEASE OF REQUEST FOR PROPOSALS FOR DESIGN AND ENVIRONMENTAL COMPLIANCE

Recommendation:

- Approve the release of the Request for Proposals for Design, Engineering, and Project Management Support Services to Reconstruct a Portion of the Sespe Creek Overflow Railroad Bridge.
- Authorize the Executive Director to execute for and on behalf of the Ventura County Transportation Commission as the Authorized Agent to the State of California Governor's Office of Emergency Services.
- Approve an amendment to the VCTC Santa Paula Branch Line Budget to increase expenditures by \$300,000 in the Consultant Services and \$20,000 in the Legal Services categories and to increase the State Transit Assistance (STA) Transfer-in revenues by \$320,000.
- Approve an amendment to amend the VCTC State Transit Assistance budget by increasing the Transfers-out to SPBL by \$320,000.

8J. REVISED DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

Recommendation:

- Approve the revised Disadvantaged Business Enterprise (DBE) Program (attached).

8K. CONTRACT WITH GENFARE FOR SUPPORT SERVICES FOR FARE SYSTEMS

Recommendation:

- Authorize Executive Director to negotiate all remaining terms of the contract for the purchase of a three-year Genfare software support agreement in a form and substance approved by VCTC legal counsel.
- Execute the three-year contract with Genfare in the amount not to exceed \$45,320.33.

8L. COMMUTER ASSISTANCE PROGRAM (CAP) MANAGEMENT SERVICES CONTRACT

Recommendation:

- Authorize the Executive Director to execute the three-year two-month contract with Innovative TDM Solutions for the Commuter Assistance Program (CAP) Management Services in an amount not to exceed \$384,984.50.

8M. VALLEY EXPRESS COMMUNITY OUTREACH REQUEST FOR PROPOSALS

Recommendation:

- Approve VCTC issue Request for Proposals (RFP) for Community Outreach services for Valley Express Transit.

8N. BUS RAIL RIDERSHIP AND PERFORMANCE MEASURES REPORT

Recommendation:

- Receive and file.

80. LEGISLATIVE UPDATE

Recommendation:

- Receive and file.

DISCUSSION CALENDAR:

9. FISCAL YEAR 2023/2024 DRAFT BUDGET HEARING

Recommendation:

- Conduct a Public Hearing to receive testimony on the Fiscal Year 2023/2024 Draft Budget.
- Receive the Fiscal Year 2023/2024 Draft Budget and Salary Schedule (See Draft Budget Attachment).

Vice-Chair LaVere opened the public hearing for the Draft Budget for Fiscal Year 2023/2024. Sally DeGeorge and Executive Director Martin Erickson presented a PowerPoint on the draft budget to the Commission. Vice-Chair LaVere closed the public hearing.

10. VCTC STRATEGIC PLAN, FISCAL YEAR 2023-24 THROUGH 2027-2028

Recommendation:

- Approve the VCTC Strategic Plan for FY 2023-24 through FY 2027-28
- Approve the updated VCTC mission statement: "To create a more connected resilient, equitable and user-friendly transportation system for Ventura County".

Commissioner Engler moved to approve item 10 VCTC Strategic Plan, Fiscal Year 2023-2024 Through 2027-2028. The motion was seconded by **Commissioner Enegren** and passed unanimously.

11. OUTREACH PROGRAM UPDATE

Recommendation:

- Receive and file.

Darrin Peschka gave a PowerPoint presentation regarding VCTC's Outreach Program to the commission.

The commission received and filed item 11-Outreach Update.

12. DESIGN AND PROJECT MANAGEMENT SERVICES SUPPORT FOR CAMARILLO RAIL STATION AMERICANS WITH DISABILITIES ACT (ADA) IMPROVEMENTS AGREEMENT-

Recommendation:

- Recommend that the Commission award and execute a contract with Rail Pros, Inc. in an amount not to exceed \$1,245,340.

Commissioner Trembley moved to approve item 12 Design and Project Management Services Support For Camarillo Rail Station Americans with Disabilities Act (ADA) Improvements Agreement. The motion was seconded by **Commissioner White** and passed unanimously.

13. VCTC GENERAL COUNSEL'S REPORT: None.

14. AGENCY REPORTS:

Southern California Association of Governments (SCAG Regional Council)

Primary: Commissioner Mike Judge (Absent)

Commissioner Crosswhite commented that the Active Transportation funding was approved at SCAG by the Transportation Committee and Regional Council for \$16.1 million dollars to Ventura County, to which there are several projects' cities applied for and some that are on the contingency list.

Southern California Regional Rail Authority (Metrolink-SCRRRA)

Primary: Commissioner Tony Trembley

Alternate: Commissioner Daniel Chavez (Absent)

Commissioner Trembley asked commissioners to look at page 88-89 of the agenda, which is an overview with respect to Metrolink commuter rail and it highlights what Commissioner Johnson commented on in regard to the fiscal cliff. He stated the ridership recovery was forecasted at 57% when in reality it has been at 42% and there are significant financial issues including the budget issues in Sacramento which means the Transit and Intercity Rail Capital Program funds are being decreased. He stated that as discussed early in the meeting presentation on item 9, there is a big effort to utilize capital funds and use them on a flex basis for operations and maintenances. He stated that due to the CARES funds Ventura County is in good shape right now but there are strong clouds on the horizon. When those funds are ultimately expended, we have to find a way to fill a funding gap.

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

Primary: Chair Bryan MacDonald (Absent)

Alternate: Commissioner Jim White

Commissioner White stated LOSSAN talked about ridership and ways to get those numbers up. He stated there is a 25% percent discount on weekends and about bikes going on board and making reservations.

Coastal Rail Coordinating Council

Primary: Chair Bryan MacDonald (Absent)

Alternate: Commissioner Mike Johnson

None.

California Association of Councils of Governments

Primary: Commissioner Mike Johnson

Commissioner Johnson reported out of the most recent CalCOG meeting the state deficit is at about \$22 billion but most recent talks could bring this number to \$40 billion dollars of possible cuts. Commissioner Johnson stated severe cuts to the Active Transportation funding and a transit fiscal cliff is a threat to local economies and to what extent should CalCOG be pushing back against the drastic cuts on transit. A big concern of CalCOG is electrification and gas tax. One piece of legislation that CalCOG is paying close attention to is authored by Laura Friedman. Commissioner Johnson stated he would be bringing an update at the next commission meeting on how some of these spot bills have been filled out and where CalCOG stands on them.

California Vanpool Authority (CalVans)

Primary: Commissioner Jim White

Alternate: Commissioner Jeff Gorell (Absent)

Commissioner White stated he was able to see about eight or nine CalVans along Ventura Boulevard and Springville Road being utilized this morning on his way to the meeting which is great as it saves about 48 vehicles being on the road.

15. CLOSED SESSION-

- 1. Closed Session: Public Employee Performance Evaluation
(Pursuant to Government Code Section 54957)
Title: Executive Director**
- 2. Closed Session: Conference with Labor Negotiators
(Pursuant to Government Code Section 54957.6
Agency Designated Representatives: Bryan MacDonald and Steve Mattas
Unrepresented Employee: Executive Director**

For the record closed session was moved on the agenda to follow after all open session items and would adjourn out of closed session per commission approval.

16. ADJOURNED to the next Ventura County Transportation Commission meeting of MAY 12, 2023, at 9:00 a.m.



Item 8B

May 12, 2023

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: SALLY DEGEORGE, FINANCE DIRECTOR

SUBJECT: MONTHLY BUDGET REPORT

RECOMMENDATION:

- Receive and file the monthly budget report for March 2023.

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 March 31, 2023, budget report indicates that the revenues were approximately 59.30% of the adopted budget while expenditures were approximately 48.47% 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 accrued lease liability and associated interest presented on the Balance Sheet. These accounts represent the accrual information for leases that qualify with the implementation of the Government Accounting Standards Board (GASB) Statement 87. This information is based on an amortization schedule and is adjusted annually at the end of the fiscal year. Currently the only lease that qualifies is the office lease.

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 MARCH 31, 2023**

Assets and Deferred Outflows

Cash and Investments	\$ 65,409,245
Receivables/Due from other funds	4,030,099
Prepays and Deposits	236,578
Capital Assets, undepreciated	25,885,133
Capital Assets, depreciated, net	30,352,253
Deferred Outflows	1,439,047
Net Pension asset	224,441
Net OPEB asset	121,324
Total Assets and Deferred Outflows	<u>\$ 127,698,120</u>

LIABILITIES, DEFERRED INFLOWS AND FUND BALANCE

Liabilities and Deferred Inflows:

Accrued Expenses and Due to Other	\$ 6,950,362
Deferred Revenue	4,267,077
Deposits	67,059
Accrued Vacation	180,339
Accrued Lease liability and interest	646,310
Deferred Inflows	958,345
Total Liabilities and Deferred Inflows:	<u>\$ 13,069,492</u>

Net Position:

Invested in Capital Assets	\$ 56,237,387
Fund Balance	58,391,241
Total Net Position	<u>\$ 114,628,628</u>

For Management Reporting Purposes Only

VENTURA COUNTY TRANSPORTATION COMMISSION
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
FOR THE NINE MONTHS ENDED MARCH 31, 2023

	General	LTF	STA	SAFE	SGR	SPBL	VCTC	Valley	Fund	Budgeted	Variance	% Year
	Fund Actual	Actual	Actual	Actual	Actual	Actual	Intercity Actual	Express Actual	Totals	Actual	Actual	
Revenues												
Federal Revenues	\$ 4,647,435	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	3,413,673	\$ 692,410	\$ 8,753,518	\$ 22,094,961	(13,341,443)	39.62
State Revenues	1,194,283	27,872,615	6,095,411	1,077,453	853,771	0	0	0	37,093,533	57,937,300	(20,843,767)	64.02
Local Revenues	75,043	0	0	0	0	346,906	1,650,690	943,147	3,015,786	3,321,345	(305,559)	90.80
Other Revenues	1,814	0	0	0	0	0	94,780	9,202	105,796	0	105,796	0.00
Interest	43,732	190,750	179,113	35,766	61,321	713	24	1,126	512,545	90,000	422,545	569.49
Total Revenues	5,962,307	28,063,365	6,274,524	1,113,219	915,092	347,619	5,159,167	1,645,885	49,481,178	83,443,606	(33,962,428)	59.30
Expenditures												
Administration												
Personnel Expenditures	2,251,115	0	0	0	0	0	131,156	40,703	2,422,974	3,899,100	(1,476,126)	62.14
Legal Services	9,900	0	0	0	0	0	0	0	9,900	42,000	(32,100)	23.57
Professional Services	92,449	0	0	0	0	0	0	0	92,449	182,500	(90,051)	50.66
Office Leases	156,741	0	0	0	0	0	0	0	156,741	206,000	(49,259)	76.09
Office Expenditures	469,956	0	0	0	0	0	87,285	27,088	584,329	702,500	(118,171)	83.18
Total Administration	2,980,161	0	0	0	0	0	218,441	67,791	3,266,393	5,032,100	(1,765,707)	64.91
Programs and Projects												
Transit and Transportation Program												
Regional Transit Technology	409,045	0	0	0	0	0	0	0	409,045	580,800	(171,755)	70.43
SD-Accessible Mobility Service	214,014	0	0	0	0	0	0	0	214,014	446,600	(232,586)	47.92
VCTC Intercity Bus Services	0	0	0	0	0	0	6,092,297	0	6,092,297	12,582,200	(6,489,903)	48.42
Valley Express Bus Services	0	0	0	0	0	0	0	1,188,689	1,188,689	2,194,400	(1,005,711)	54.17
Transit Grant Administration	2,789,607	0	0	0	0	0	0	0	2,789,607	8,594,874	(5,805,267)	32.46
Total Transit and Transportation	3,412,666	0	0	0	0	0	6,092,297	1,188,689	10,693,652	24,398,874	(13,705,222)	43.83
Highway Program												
Motorist Aid Services	0	0	0	968,945	0	0	0	0	968,945	2,099,500	(1,130,555)	46.15
Highway Program Management	187,508	0	0	0	0	0	0	0	187,508	5,409,705	(5,222,197)	3.47
Total Highway	187,508	0	0	968,945	0	0	0	0	1,156,453	7,509,205	(6,352,752)	15.40

For Management Reporting Purposes Only

**VENTURA COUNTY TRANSPORTATION COMMISSION
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
FOR THE NINE MONTHS ENDED MARCH 31, 2023**

	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	5,561,529	0	0	0	0	0	0	0	5,561,529	21,207,378	(15,645,849)	26.22
LOSSAN and Coastal Rail	3,514	0	0	0	0	0	0	0	3,514	8,800	(5,286)	39.93
Santa Paula Branch Line	0	0	0	0	0	10,562	0	0	10,562	501,500	(490,938)	2.11
Total Rail	5,565,043	0	0	0	0	10,562	0	0	5,575,605	21,717,678	(16,142,073)	25.67
Commuter Assistance Program												
Reg Transit Information Center	20,644	0	0	0	0	0	0	0	20,644	52,300	(31,656)	39.47
Rideshare Programs	114,896	0	0	0	0	0	0	0	114,896	292,900	(178,004)	39.23
Total Commuter Assistance	135,540	0	0	0	0	0	0	0	135,540	345,200	(209,660)	39.26
Planning and Programming												
TDA Administration	110,000	27,857,488	324,134	0	35,689	0	0	0	28,327,311	43,223,428	(14,896,117)	65.54
Transportation Programming	29,019	0	0	0	0	0	0	0	29,019	33,185	(4,166)	87.45
Regional Transportation Planning	182,130	0	0	0	0	0	0	0	182,130	1,055,316	(873,186)	17.26
Airport Land Use Commission	0	0	0	0	0	0	0	0	0	18,000	(18,000)	0.00
Regional Transit Planning	913,606	0	0	0	0	0	0	0	913,606	1,663,500	(749,894)	54.92
Total Planning and Programming	1,234,755	27,857,488	324,134	0	35,689	0	0	0	29,452,066	45,993,429	(16,541,363)	64.04
General Government												
Community Outreach	137,068	0	0	0	0	0	0	0	137,068	215,000	(77,932)	63.75
State and Federal Relations	84,449	0	0	0	0	0	0	0	84,449	112,900	(28,451)	74.80
Management and Administration	1,124,624	0	0	0	0	0	0	0	1,124,624	1,186,000	(61,376)	94.82
Total General Government	1,346,141	0	0	0	0	0	0	0	1,346,141	1,513,900	(167,759)	88.92
Total Expenditures	14,861,814	27,857,488	324,134	968,945	35,689	10,562	6,310,738	1,256,480	51,625,850	106,510,386	(54,884,536)	48.47

For Management Reporting Purposes Only

VENTURA COUNTY TRANSPORTATION COMMISSION
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
FOR THE NINE MONTHS ENDED MARCH 31, 2023

	General	LTF	STA	SAFE	SGR	SPBL	VCTC	Valley	Fund	Budgeted	Variance	% Year
	Fund Actual	Actual	Actual	Actual	Actual	Actual	Intercity Actual	Express Actual	Totals	Actual	Actual	
Revenues over (under) expenditures	(8,899,507)	205,877	5,950,390	144,274	879,403	337,057	(1,151,571)	389,405	(2,144,672)	(23,066,780)	20,922,108	9.30
Other Financing Sources												
Transfers Into GF From LTF	10,863,568	0	0	0	0	0	0	0	10,863,568	10,826,840	36,728	100.34
Transfers Into GF From STA	1,174,692	0	0	0	0	0	0	0	1,174,692	4,957,009	(3,782,317)	23.70
Transfers In GF From SGR	443,293	0	0	0	0	0	0	0	443,293	7,786,197	(7,342,904)	5.69
Transfers Into GF From SAFE	36,503	0	0	0	0	0	0	0	36,503	53,400	(16,897)	68.36
Transfers Into GF From SPBL	56,434	0	0	0	0	0	0	0	56,434	86,800	(30,366)	65.02
Transfers Into SPBL From LTF	0	0	0	0	0	50,072	0	0	50,072	86,800	(36,728)	57.69
Transfers Into SPBL From STA	0	0	0	0	0	16,514	0	0	16,514	116,500	(99,986)	14.18
Transfers Into VI From STA	0	0	0	0	0	0	2,500,000	0	2,500,000	5,330,794	(2,830,794)	46.90
Transfers Out of LTF Into GF	0	(10,863,568)	0	0	0	0	0	0	(10,863,568)	(10,826,840)	(36,728)	100.34
Transfers Out of LTF Into SPBL	0	(50,072)	0	0	0	0	0	0	(50,072)	(86,800)	36,728	57.69
Transfers Out of STA Into GF	0	0	(1,174,692)	0	0	0	0	0	(1,174,692)	(4,968,173)	3,793,481	23.64
Transfers Out of STA Into SPBL	0	0	(16,514)	0	0	0	0	0	(16,514)	(116,500)	99,986	14.18
Transfers Out of STA Into VI	0	0	(2,500,000)	0	0	0	0	0	(2,500,000)	(5,330,794)	2,830,794	46.90
Transfers Out of SAFE Into GF	0	0	0	(36,503)	0	0	0	0	(36,503)	(53,400)	16,897	68.36
Transfers Out of SPBL Into GF	0	0	0	0	0	(56,434)	0	0	(56,434)	(86,800)	30,366	65.02
Transfers Out of SGR Into GF	0	0	0	0	(443,293)	0	0	0	(443,293)	(7,775,033)	7,331,740	5.70
Total Other Financing Sources	12,574,490	(10,913,640)	(3,691,206)	(36,503)	(443,293)	10,152	2,500,000	0	0	0	0	0.00
Net Change in Fund Balances	3,674,983	(10,707,763)	2,259,184	107,771	436,110	347,209	1,348,429	389,405	(2,144,672)	(23,066,780)	20,922,108	9.30
Beginning Fund Balance w/o capital assets	2,905,670	25,839,173	21,378,455	4,030,185	6,359,701	25,367	(2,456)	0	60,536,095	33,572,663	26,963,432	180.31
Long-term Pension/OPEB/Vacation/Lease Adjustment*	(25,892)	0	0	0	0	0	25,710	0	(182)	0	(182)	0.00
Ending Fund Balance	\$ 6,554,761	\$ 15,131,410	\$ 23,637,639	\$ 4,137,956	\$ 6,795,811	\$ 372,576	\$ 1,371,683	\$ 389,405	\$ 58,391,241	\$ 10,505,883	\$ 47,885,358	555.80

*Government Accounting Standards Board (GASB) Statements 68, GASB 75 and GASB 87 require full accrual of pension, OPEB and Lease 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 MARCH 31, 2023**

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	\$ 573,218.00
LAIF	State Pool	N/A	\$ 50,177.51	1.35%	11,393,396.16
County of Ventura	Treasury Pool	N/A	462,367.06	1.47%	54,236,219.62
VCCF Bike Fund	Investment	N/A	Annually	annually	15,933.66
Total			\$512,544.57		\$66,218,767.44

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

May 12, 2023

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: PETER DE HAAN, PROGRAMMING DIRECTOR

SUBJECT: SUBRECIPIENT AGREEMENT WITH CAREGIVERS

RECOMMENDATION:

- Authorize the Chair to execute the attached agreement with Caregivers Volunteers Assisting the Elderly for administration of Federal Transit Administration (FTA) funds by VCTC.

BACKGROUND:

At the October 2022 meeting, the Commission selected projects for funding from the federal Section 5310 Seniors and Individuals with Disabilities transit program, with the approved projects including \$150,000 for Caregivers to operate a volunteer transportation service for seniors. Caregivers is a non-profit organization that responds to the needs of homebound and frail seniors. Since Caregivers has not previously received funds through VCTC, the Commission must approve a Subrecipient Agreement to administer FTA grant funds on behalf of Caregivers.

DISCUSSION:

The attached Caregivers Subrecipient Agreement is recommended by staff for approval. The Agreement will become effective on the date that FTA awards the grant to VCTC, which is anticipated in about one month. The Commission-approved funding is for two years, with \$75,000 programmed each year. The agreement specifies the first year of funding, with the provision that future funding can be added without further Commission action to amend the agreement. However, any funding beyond the \$150,000 for two years would require Caregivers to apply for future Section 5310 funding cycles.

COOPERATIVE AGREEMENT
BETWEEN
VENTURA COUNTY TRANSPORTATION COMMISSION
AND
CAREGIVERS

THIS AGREEMENT ("Agreement") is entered into on this 12th day of May 2023 between Ventura County Transportation Commission (hereinafter referred to as VCTC) and Caregivers Volunteers Assisting the Elderly (hereinafter referred to as SUBRECIPIENT), with the SUBRECIPIENT being registered with a Unique Entity Identifier number of DHJBD39CDPB8, regarding the administration of the Department of Transportation (DOT) and Federal Transit Administration (FTA) funds for use in the provision of public transit service by the SUBRECIPIENT.

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

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

WHEREAS, VCTC applied for and has obtained FTA funds on behalf of the SUBRECIPIENT; and,

WHEREAS, it is therefore the intention of VCTC to enter into this Cooperative Agreement with SUBRECIPIENT regarding the administration of funds, as a mutually acceptable agreement is a pre-condition of acceptance of funding.

NOW THEREFORE THE PARTIES DO AGREE AS FOLLOWS:

I. FUNDING/PROGRAM MANAGEMENT

1. Responsibilities of Participants: SUBRECIPIENT hereby agrees to carry out the work in connection with the administration of the FTA funds. SUBRECIPIENT will be responsible for meeting all applicable grant requirements placed on federal funds awarded to SUBRECIPIENT through VCTC.
2. Scope of Services:
 - a. Grant Administration: VCTC agrees to carry out the administrative requirements necessary to reserve, apply for, and receive FTA funds. Attachment A to this Agreement, which is incorporated by reference, provides

the project scopes of work and line item details for SUBRECIPIENT activities within each active FTA grant covered by this Agreement as of the effective date of this Agreement. Also provided as Attachment B is a table including the grants by Federal Award Identification Number showing the total amount in each grant obligated and committed to the SUBRECIPIENT and the total of all such awards. Additional grants, as awarded by FTA during the period of this Agreement, will be added to this Agreement through a notice of grant award issued by VCTC to the RECIPIENT with a copy of the grants. All such notices shall thereby be incorporated by reference into this Agreement, provided that any such grant award has been accepted in writing by the SUBRECIPIENT.

- b. **Contract Administration:** SUBRECIPIENT hereby agrees to fulfill the obligations imposed upon SUBRECIPIENT under a grant application submitted by VCTC and awarded by FTA and SUBRECIPIENT has accepted, including providing local match funds and providing the service specified in the grant. SUBRECIPIENT also agrees that it shall remain, during the term of this Agreement, in compliance with all applicable DOT assurances and requirements, including all applicable procurement requirements.
3. **Duration of Agreement:** This Agreement is effective as of the date of VCTC's notification to the SUBRECIPIENT that the initial grant listed in Attachment B has been awarded by FTA, and shall continue until the latest period of performance end date of the grants covered under this agreement (as shown in Attachment A and as amended by the additional notices of grant awards or until the Agreement is terminated by either party after thirty (30) days' written notice. The parties may agree in writing to extend the effective period of the Agreement in order to address future grants not yet incorporated into this Agreement. Upon completion of all work in the approved grants, the SUBRECIPIENT shall submit final invoicing at least 60 days prior to the period of performance end date for the subject grant, to allow close out of the grant on the required schedule.
4. **Amendments to the Agreement:** The provisions of this Agreement may be amended upon written acceptance and ratification of any such amendment by both VCTC and the SUBRECIPIENT.
5. **Method of Payment:** VCTC, as the grant applicant, shall receive reimbursement payment from FTA in accordance with FTA grant procedures. Upon SUBRECIPIENT's submittal of an invoice for an eligible expense, VCTC will transfer the FTA funds to SUBRECIPIENT within thirty (30) days. Notwithstanding the foregoing, if VCTC has not yet received funds from the FTA for the funding of the expenses covered by any such invoice when such invoice is received by VCTC from SUBRECIPIENT, VCTC will transfer funds to SUBRECIPIENT for any such invoice within five (5) working days after actual receipt by VCTC of such funds from FTA. SUBRECIPIENT shall only invoice for the types of expenses specified in the grant(s), and shall invoice for actual costs incurred in carrying out the grant activity, including, but not limited to, salary, benefits, other eligible documented agency expenses, and vendor payments. All invoices must include the full supporting documentation required by FTA, including payroll documentation tracking hours worked on the project(s), vendor invoicing, and documentation of vendor payment such as accounts payable

check copies. As allowed in FTA regulations, in the absence of a federally-approved indirect cost allocation plan the SUBRECIPIENT may invoice indirect overhead expense of no more than 10% of payroll cost funded by FTA grants.

VCTC shall not be held responsible or liable for any late or nonpayment from FTA for any reason.

6. Quarterly Reporting: SUBRECIPIENT shall submit a quarterly report to VCTC of the SUBRECIPIENT program funded by grants under this Agreement, using the reporting template provided by VCTC.
7. Notices: All notices to VCTC under this Agreement shall be in writing and sent to:

Martin R. Erickson, Executive Director
Ventura Transportation Commission
750 Daily Drive, Suite 420
Camarillo, CA 93010

All notices to SUBRECIPIENT under this Agreement shall be in writing and sent to:

Tammy I. Glenn, Executive Director
Caregivers
1765 Goodyear Avenue, Suite 205
Ventura, CA 93003

Notices may also be sent in writing via email to recipients designated by the respective VCTC Executive Director and SUBRECIPIENT Executive Director.

II. FEDERAL REQUIREMENTS

SUBRECIPIENT shall note that the following provisions apply to grants-in-aid from DOT, and SUBRECIPIENT must take all necessary action to ensure their compliance as though they were the grantee directly.

1. Equal Employment Opportunity: During the performance of this Agreement, SUBRECIPIENT agrees as follows: SUBRECIPIENT shall not discriminate against any employee or applicant for employment on the basis of race, color, religion, political belief, marital status, age, national origin, sex, or handicap. SUBRECIPIENT shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, marital status, religion, political belief, age, national origin, sex, or any handicap not limiting the ability of the person to perform the job contemplated. Such action shall include but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection of training, including apprenticeship. Such shall be in compliance with Executive Order 11246 amended by Executive Order 11375 and as supplemented in Department of Labor regulations (41 CFR, Part 60). SUBRECIPIENT agrees to post in conspicuous places, available to employees

and applicants for employment, notices setting forth the provisions of the Equal Opportunity Clause.

2. Audit and Inspection: SUBRECIPIENT shall permit, and shall require that its contractors permit, the authorized representatives of VCTC, the US DOT and the Controller General of the United States to inspect and audit all data and records of SUBRECIPIENT relating to its performance under this Agreement, as required in FTA Circular 9030.1C, Chapter VI, Application Instruction, Section 9(d), Oversight.

SUBRECIPIENT also agrees, and shall require that its contractor(s) agree, to maintain all required records relating to each grant subject to this Agreement for at least three (3) years after the funds are expended under this Agreement.

3. Debarred Bidders: SUBRECIPIENT shall require that its contractors funded by this Agreement, including any of its officers or holder of a controlling interest, inform SUBRECIPIENT whether or not it is or has been or is on any debarred, suspended, proposed for debarment, or declared ineligible list, or voluntarily excluded from participation in any Federal Contracts. Should a contractor be included on such a list during the performance of this project, it should so inform SUBRECIPIENT and SUBRECIPIENT shall take appropriate action with respect to that contractor in accordance with federal law and regulations.
4. Title VI of the Civil Rights Act of 1964: During the performance of this Agreement, SUBRECIPIENT, for itself, its assignees, and successors in interest agrees as follows:
 - a. Compliance with Regulations: SUBRECIPIENT shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of the DOT under Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
 - b. Nondiscrimination: SUBRECIPIENT with regard to the work performed by it during the Agreement, shall not discriminate on the grounds of race, color or national origin in the selection and retention of contractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.56 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulation.
 - c. Solicitation for Contractors, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by SUBRECIPIENT for work to be performed under a contract, including procurement of materials or leases of equipment, each potential contractor or supplier shall be notified by RECIPIENT of the contractor's obligations under this contract and regulations relative to non-discrimination on the grounds of race, color, national origin and other federally-protected categories.

- d. Information and Reports: SUBRECIPIENT shall require that any contractor procured by SUBRECIPIENT provide all information and reports required by the Regulations or directives issued pursuant thereto, and permit access to its books, record, accounts, other sources of information, and its facilities as may be determined by FTA to be pertinent to ascertain compliance with such regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to VCTC or FTA as appropriate, and shall set forth what efforts it has made to obtain the information.
 - e. Sanctions for Noncompliance: In the event of a contractor's noncompliance with nondiscrimination provisions of this Agreement, SUBRECEIPIENT shall at VCTC's direction impose contract sanctions as VCTC or the FTA may determine to be appropriate, including, but not limited to:
 - i. Withholding of payments to contractor until the contractor complies; and/or
 - ii. Cancellation, termination, or suspension of the contract, in whole or in part.
 - f. Incorporation of Provisions: SUBRECIPIENT shall include the provisions of paragraphs "a" through "e" of this section 4 of Part II in every contract funded through this Agreement, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. SUBRECIPIENT shall take such reasonable action with respect to any contract or procurement as VCTC or FTA may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, SUBRECIPIENT may request VCTC, and in addition, SUBRECIPIENT may request the United States to enter into such litigation to protect the interest of the United States.
5. Bid Protest Procedures: SUBRECIPIENT shall adopt bid award Protest Procedures for any Federal Grants-In-Aid Procurement of over \$25,000 as required by FTA.
6. Federal Privacy Act: SUBRECIPIENT hereby agrees to comply with, and assures the compliance of its employees with, the information, restrictions, and other applicable requirements of the Privacy Act of 1974, 5 USC 552a. SUBRECIPIENT agrees to obtain the express consent of the Federal Government before operating a system of records on behalf of the Federal Government. SUBRECIPIENT shall include this requirement in each subcontract to administer any system of records on behalf of the Federal Government, financed in whole or in part with FTA funds.

III. MISCELLANEOUS PROVISIONS

1. Insurance

A. LIABILITY INSURANCE

Before distribution of any funds pursuant to this Agreement, SUBRECIPIENT, at its own cost and expense, unless otherwise specified below, shall procure the types and amounts of insurance listed below against claims for injuries to persons or damages to property that may arise from or in connection with the operation by SUBRECIPIENT, its agents, representatives, employees, subcontractors, and volunteers, for operation of vehicles or equipment under this Agreement. Consistent with the following provisions, SUBRECIPIENT shall provide proof satisfactory to VCTC of such insurance that meets the requirements of this section and under forms of insurance satisfactory in all respects, and that such insurance is in effect prior to operating any vehicle or equipment purchased pursuant to this Agreement and prior to receiving any funds pursuant to this Agreement. SUBRECIPIENT shall not allow any contractor to commence work on any contract funded through this Agreement until SUBRECIPIENT has obtained all insurance required herein for the subcontractor(s). SUB RECIPIENT shall maintain all required insurance listed herein for the duration of this Agreement.

B. COMMERCIAL GENERAL INSURANCE

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

Automobile Liability: Insurance Services Office Form Number CA 0001 covering, Code 1 (any auto), and Code 8 (hired) and 9 (non-owned) covering SUBRECIPIENT's volunteers' use of volunteer autos, with limit no less than \$2,000,000 per accident for bodily injury and property damage.

C. WORKERS' COMPENSATION INSURANCE

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

D. ALL POLICIES REQUIREMENTS

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

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

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

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

Occurrence or accident basis. The insurance coverage required by this Section shall cover on an occurrence or an accident basis, and not on a claims-made basis.

Additional insured; primary insurance. VCTC and its officers, employees, agents, and volunteers shall be covered as additional insureds with respect to each of the following: liability arising out of activities performed by or on behalf of SUBRECIPIENT, including VCTC's general supervision of SUBRECIPIENT; products and completed operations of SUBRECIPIENT, as applicable; premises owned, occupied, or used by SUBRECIPIENT; and automobiles and equipment owned, leased, or used by the SUBRECIPIENT, including the SUBRECIPIENT'S volunteers, in the course of providing services pursuant to this Agreement. The coverage shall contain no special limitations on the scope of protection afforded to VCTC or its officers, employees, agents, or volunteers. General liability coverage can be provided in the form of an endorsement to SUBRECIPIENT's insurance (at least as broad as ISO Form CG 20 10, 11 85 or both CG 20 10 and CG 23 37 forms if later revisions used).

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

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

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

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

Wasting Policy. No insurance policy required by Section III, subsection (1) shall include a "wasting" policy limit.

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

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

Obtain such insurance and charge SUBRECIPIENT the cost of such premiums; and/or terminate this Agreement.

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

2. **Indemnification**

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

To the fullest extent permitted by law, RECIPIENT agrees to defend and pay the entire cost of defending any claim or suit whenever or wherever made or brought against the VCTC based upon an infringement or alleged infringement of any such letters patent arising out of the activities contemplated by this Agreement, and to indemnify and save harmless the VCTC from and against any and all liability, damage, loss or injury adjudged or sustained in any such claim or suit, or adjudged or sustained by reason of the equipment to be furnished hereunder constituting an infringement of any letters patent or adjudged or sustained by reason of inability of the VCTC to use said equipment because of any infringement or alleged infringement of any letters patent.

3. No Joint Venture or Partnership

This Agreement is not intended to create a partnership or joint venture between VCTC and SUBRECIPIENT. VCTC is serving as the administrator of federal funds apportioned by FTA to VCTC and SUBRECIPIENT is an eligible organization to receive FTA reimbursement funds for transit projects.

4. Attorneys' Fees

If a party to this Agreement brings any action, including arbitration or an action for declaratory relief, to enforce or interpret the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief to which that party may be entitled. The court may set such fees in the same action or in a separate action brought for that purpose.

5. Severability

If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

6. Agreement Administration

This Agreement shall be administered by Peter De Haan ("Agreement Administrator"). All correspondence shall be directed to or through the Agreement Administrator or his or her designee.

CAREGIVERS

VENTURA COUNTY TRANSPORTATION
COMMISSION

Tammi I. Glenn
Executive Director

Bryan MacDonald
Chair

Approved as to Content:

Martin R. Erickson
Executive Director

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Attorney

Steven T. Mattas
General Counsel

FEDERAL TRANSIT ADMINISTRATION GRANT PROJECT DESCRIPTION / LINE ITEM SUMMARY CAREGIVERS

Federal Award Identification Number (FAIN)	[To be Determined]
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Budget Activity Line Item: 11.7L.00 – CAREGIVERS SENIOR TRANSPORTATION

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
5310 PROJECTS (641-00)	11.7L.00	MOBILITY MANAGEMENT (5302(A)(1)(L))	OTHER CAPITAL ITEMS (BUS)	1

Extended Budget Description

This line item includes \$75,000 in Section 5310 funding at the 50% match ratio, to provide personalized door-through-door transportation to these low-income, fragile elders in Ventura County.

Matching funds will be provided from individual, corporate and foundation gifts and grants in the amount of \$75,000.

PROJECT FUNDING

Federal Funds (80%):

FFY 2022 5310 Thousand Oaks (UZA #61440): \$75,000

Match (20%):

Local Match: \$75,000

Total Project Cost: \$150,000

Funding Source	Section of Statute	CFDA Number	Amount
5310 - Mobility of Sr. & Indv. w/ Disabilities Formula	5310-1A	20513	\$75,000
Local			\$75,000
Total Eligible Cost			\$150,000

Milestone Name	Est. Completion Date	Description
Start Date	4/1/2023	
End Date	7/1/2024	
Closeout	12/31/2024	

Caregivers
FTA Grant List

Federal Award Identification Number	FY Award	Award Date	Section of Statute	CFDA	FTA Portion of Grant	Matching Requirement
[To be Determined]	FY 22/23	[TBD]	5310-1A	20.513	\$75,000.00	50.00%

TOTAL ENCUMBERED BY THIS DOCUMENT: \$75,000.00

PRIOR AMOUNT ENCUMBERED UNDER CURRENT AGREEMENT: 0

TOTAL ENCUMBERED TO DATE: \$75,000.00



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Item 8D

May 12, 2023

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: PETER DE HAAN, PROGRAMMING DIRECTOR
SUBJECT: REDISTRIBUTION OF CONGESTION MITIGATION AND AIR QUALITY (CMAQ) AND CARBON REDUCTION PROGRAM (CRP) FUNDS

RECOMMENDATION:

- Approve redistribution of previously-programmed CMAQ and CRP funds as shown in the Attachment, along with the inclusion of \$80,400 of Surface Transportation Program (STP) funds, with the caveat that staff remains authorized to administratively make further adjustments as the situation warrants.

BACKGROUND:

On April 16, 2021, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) concluded their 2021 Federal Statewide Transportation Improvement Program review. Based on the review, FHWA and FTA have directed that the Southern California Association of Governments (SCAG) should play a more active role in the selection of projects to be funded with the Surface Transportation Program (STP) and Congestion Mitigation and Air Quality (CMAQ) program. Previously, the region's six county transportation commissions, including VCTC, received a specific apportionment of these funds and submitted the recommended project list to SCAG for review and approval. The federal agencies subsequently notified SCAG and Caltrans that SCAG had until June 2023 to adopt a new process for selecting CMAQ and STP project whereby projects are prioritized on a regionwide basis.

This new federal direction requires SCAG to adopt a project selection process that could reduce the influence of the county transportation commissions on how federal funds are prioritized locally, and transfers potentially greater influence to SCAG. However, it was understood that programming actions for STP and CMAQ that occur prior to the June 2023 deadline will be grandfathered in. As a result, the county transportation commissions can commit the estimated funding through fiscal year 2025/26. In the ongoing discussions between SCAG and the six county commissions, it has been agreed that the new process to be in effect subsequent to June 2023 will require project sponsors to initially apply to their county commission, with the commissions determining the initial intra-county priorities and then forwarding to SCAG for the final decision.

At the July 2022 meeting, the Commission approved guidelines for the combined CMAQ/Transportation Development Act (TDA) Article 3/State of Good Repair (SGR)/Carbon Reduction Program (CRP) Call for Projects. Then at the December meeting the Commission

approved the recommended prioritization of projects. The CMAQ projects identified as priorities by VCTC in that action are considered to be grandfathered in, since the programming action occurred prior to June 2023. The December staff report included a statement that VCTC staff may reprogram funds between CMAQ and CRP to ensure the maximum availability of both types of funding.

In addition to CMAQ, the call for projects included two state programs, TDA Article 3 and SGR, which under state law are programmed by VCTC. While the new CRP, established under the federal Infrastructure Investment and Jobs Act (IIJA), was not part of the prior direction that was provided, given that the IIJA authorizing language was very similar to CMAQ, it was anticipated that in the future CRP might be incorporated into the new process. It was believed that the new process would not be employed for CRP at first, given the decision made for CMAQ to grandfather in projects included in the program prior to June 2023.

FHWA staff recently confirmed with SCAG that the new regionwide prioritizing process must also apply to CRP funds, but in this case there will be no transition period, so that new CRP projects cannot be programmed in the Federal Transportation Improvement Program (FTIP) until SCAG has adopted its new regional prioritization process and then completed the process for the selection of CRP projects. The only exception to this requirement for CRP will be to allow SCAG to approve ready-to-go projects identified by the County Transportation Commissions to receive CRP funds apportioned during the first year of IIJA, FY 21/22, to ensure that these funds will be obligated before they lapse in September, 2025. VCTC had identified five (5) projects to receive CRP funds apportioned through FY 25/26, but as a result of the FHWA directive SCAG for the time being can only approve the FY 21/22 CRP funds.

DISCUSSION:

In its approval of the Call for Projects, the Commission identified five (5) projects to recommend to SCAG for CRP funds, with all five of these projects also slated to receive a portion of their funding from CMAQ. Although the details of the new SCAG project selection process are not known, VCTC must now reconsider its strategy for distribution of the Commission-approved CMAQ and CRP funds between these projects. The attached table shows the previously-approved funding distribution and the recommended revised distribution.

In preparing the redistribution of CRP and CMAQ funds, staff specifically identified two ready-to-go projects, the Port of Hueneme Shoreside Power project and the Thousand Oaks Bus Charging Microgrid project, to be designated to use the currently-available FY 21/22 CRP funds. The Camarillo Central Avenue Bike Lanes project, which will not be ready for several years, was designated as the project to receive the remainder of VCTC's recommended CRP share, to be requested through the new SCAG process to be developed.

In making this recommendation, staff took into consideration which projects are ready-to-go now, and which projects will not be ready until after the new SCAG process is completed. Staff also took into consideration the need to provide the more certain CMAQ funds, rather than CRP, in later years, for projects with competitive grant funding. In addition, by identifying only one project, the Camarillo Central Avenue Bike lanes, to receive the CRP funds subject to the SCAG process, VCTC can avoid subjecting all of the other projects to the risk and increased complexity of the new process. It is important to acknowledge, however, the possible negative affect to that project of being dependent on the new process for virtually all of its funding. The intent is that the Commission's approval in December of that project's funding means that VCTC is committed to make every effort to secure those funds through any reasonable means.

In recognition that there is still significant uncertainty, it will be important for VCTC staff to be authorized to act quickly to make changes between the CMAQ and CRP program, as the situation develops.

At its March 15th meeting, the Transportation Technical Advisory Committee (TTAC) approved redistribution of the funds as recommended by staff. At its March 8th meeting, the Transit Operators Committee (TRANSCOM) approved the recommendation as it applies to the Thousand Oaks Microgrid project, which is now the only transit project recommended for CRP funding.

Subsequent to the TTAC and TRANSCOM meetings, VCTC staff was informed that since the programming of the FY 21/22 CRP funds is already under the new process, SCAG is exercising its newly-acquired prerogative to approve different funding shares, and VCTC's funds were reduced by \$80,400 from the previously-published FY 21/22 CRP apportionments. To provide the full funding that had previously been committed by VCTC, staff recommends that the Commission approve programming of \$80,400 of STP funds which, per Commission policy, were previously a small part of what was reserved by the Commission for the future US 101 improvement project.

RECOMMENDED REDISTRIBUTION OF CMAQ AND CRP WITH STP ADDED

	Sponsor	Original CMAQ	Original CRP	Revised CMAQ	Revised CRP	Added STP
Lynn Road Bike Lanes and Pedestrian Improvements	Thousand Oaks	\$ 1,443,000	\$ 1,068,595	\$ 2,511,595	\$ -	-
Microgrid for EV Bus Charging Infrastructure ¹	Thousand Oaks	\$ 368,210	\$ 694,150	\$ -	\$ 1,022,160	\$ 40,200
Residential Street Sidewalk and HAWK Signal	Ventura	\$ 1,753,297	\$ 1,367,500	\$ 3,120,797	\$ -	-
Central Avenue Bike Lanes ²	Camarillo	\$ 3,347,012	\$ 1,964,788	\$ 463,369	\$ 4,848,431	-
North Terminal Shore Power ^{1,3}	Port of Hueneme	\$ 9,075,023	\$ 1,367,500	\$ 9,979,154	\$ 423,169	\$ 40,200
TOTAL		\$ 15,986,542	\$ 6,462,533	\$ 16,074,915	\$ 6,293,760	\$ 80,400

1. The CRP funds for these projects can be programmed now.

2. VCTC will support shifting a portion of the CRP to be recommended to SCAG for Central Avenue to instead cover a cost increase in the previously-approved Pleasant Valley Road Bike Lanes, which can obligate the funds within one year. VCTC is committed to funding the Central Avenue project and will make every reasonable effort to assist and support Camarillo to secure funding for the project if the project does not receive CRP funding as shown.

3. The Shore Power project had an unfunded Shelf List amount of \$1,469,949. This amount can be submitted to SCAG for the regional project selection. However, depending on the SCAG timeline, CRP might not be available until after this project starts construction, and the ability to still apply CRP at that point is unknown. Due to the uncertainty of fund estimates, the CMAQ amount can be increased slightly to cover what was already committed for this project.



Item 8E

May 12, 2023

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: PETER DE HAAN, PROGRAMMING DIRECTOR
SUBJECT: EXTENSION OF SURFACE TRANSPORTATION PROGRAM (STP) LOAN TO SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

RECOMMENDATION:

- Ratify the Executive Director's action to extend by one year, to Fiscal Year 2023/24, the repayment of \$14.3 million of STP apportionment funds loaned to the San Bernardino County Transportation Authority (SBCTA).

BACKGROUND:

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

VCTC's policy is that the US 101 improvement early action items project is the priority for STP funds as well as State Transportation Improvement Program (STIP) funds. The STP fund balance must therefore be carefully managed, to build up a large amount of funds that can be used when needed by the project, while at the same time avoiding a lapse of funds. The common practice that is used by a county wishing to build up a STP balance is to provide loans to other counties that are ready to use the funds, and therefore VCTC has been making such loans.

In 2018, the Commission approved a loan of \$14.3 million to SBCTA, with both loans due to be repaid in Fiscal Year (FY) 2021/22, which was the earliest possible date VCTC might need the funds for the design phase of the US 101 project. Since the draft environmental document was not yet ready for the US 101 project, both agencies agreed to extend the repayment date to FY 2022/23. However, as the project environmental document is still not complete, the funds cannot be obligated during the current fiscal year.

DISCUSSION:

When a loan of STP funds is repaid, the repayment occurs with newly-apportioned funds, meaning that the three-year lapsing timeclock starts from the year of repayment. Since the funds scheduled for repayment this year cannot be used this year, it is in VCTC's interest to request a deferral of the repayment for another year, so that VCTC has more time to use the funds once they are repaid. SBCTA has indicated that instead of repaying the funds this year it can use the

funds on another project and then repay VCTC next year using \$14.3 million in FY 2023/24 funds. Staff recommends the Commission approve the proposed deferment by another year of the \$14.3 million loan to SBCTA.

SBCTA very recently notified VCTC of its ability to defer the repayment to FY 2023/24, but for the deferral to be feasible, SBCTA had a short window of opportunity to program the funds to the planned future project. Therefore, the Executive Director has moved forward with approving the loan repayment deferral, and the Commission is requested to ratify this approval at the April meeting.



Item 8F

MAY 12, 2023

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: GEISKA VELASQUEZ, PROGRAMMING ANALYST
**SUBJECT: REVISION TO SANTA PAULA CORONAVIRUS RESPONSE AND RELIEF
SUPPLEMENTAL APPROPRIATIONS ACT (CRRSAA) PROGRAM**

RECOMMENDATION:

- Approve reprogramming \$380,000 in CRRSAA funds from Santa Paula Street and Roads Program to the Santa Paula Community Bike Trail Connectivity Project.

BACKGROUND:

In 2021, as part of the local assistance CRRSAA call for projects, VCTC programmed \$3,972,460 for local street and road projects throughout Ventura County including \$389,790 reserved for the City of Santa Paula. Then, in the 2022 CMAQ/TDA Article #3 programming round, VCTC approved \$1.4 million for the construction of the Santa Paula Community Bike Trail Connectivity project. The City is now ready to pursue design and engineering for the Bike Trail Connectivity Project and as a specific project was not yet identified for the CRRSAA funding a request was received to reallocate the CRRSAA streets and roads funding to the Bike Trail Connectivity project.

DISCUSSION:

Since the Commission committed CRRSAA funds to specific projects, if an agency drops a previously programmed project, the general practice is to make that project's funds available for another project and staff will recommend shifting the balance to another project. In this case, Santa Paula had not specifically identified the streets and roads project, but the Bike Trail Connectivity project is a priority project and was funded for construction under the TDA Article #3 program. Therefore, it would be appropriate for Santa Paula to be allowed to utilize the CRRSAA funds for another approved project.

Staff recommends the Commission approve Santa Paula's request to transfer \$380,000 from the streets and roads program to the Bike Trail Connectivity project. The City has committed \$25,000 in local matching funds, and including the programmed TDA Article #3, the total project cost is \$1,887,000. The project is currently awaiting authorization for the environmental clearance phase and is expected to obligate construction funds next summer.



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Item 8G

May 12, 2023

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: HEATHER MILLER, PROGRAM MANAGER

SUBJECT: 2023 ACCESS FOR ALL PROGRAM - SELECTION OF ACCESS PROVIDERS

RECOMMENDATION:

- Approve Gold Coast Transit District (GCTD) as a FY 2022/23 Access Provider and award of Access Funds totaling \$131,246 toward the purchase of two (2) wheelchair accessible vans for the Go Now South Oxnard Microtransit pilot project.
- Approve Ventura Transit System, Incorporated (VTS) as a FY 2022/23 Access Provider and award of funds totaling \$118,467 for a countywide on-demand WAV service fare subsidy pilot program.
- Authorize the Executive Director to execute grant agreements with selected Access Providers.

BACKGROUND:

In September 2018, SB 1376 was signed into law requiring the California Public Utilities Commission (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. As a result, the CPUC established the TNC Access for All Program (AFA) requiring TNCs collect a fee in the amount of \$0.10 for each TNC trip provided and remit such fees to the CPUC based on the geographic area (county) in which the trip originated. These "Access Funds" are set aside to distribute through approved Local Access Fund Administrators (LAFAs) to qualified "Access Providers" that establish on-demand wheelchair accessible vehicle (WAV) transportation programs within their county.

As the designated LAFA for Ventura County, VCTC developed local AFA program guidelines and in January issued a call for projects for FY 2022/23 Access Funds totaling \$ 249,713 with applications due in February. VCTC received two applications requesting a total funding amount of \$499,426.

Both applicants were screened for eligibility by VCTC staff according to the Program Guidelines. The Gold Coast Transit District (GCTD), a public transit operator, and the Ventura Transit System (VTS), a private transportation provider, were qualified to receive funds and their respective project proposals were advanced through a scoring process. A three-member evaluation panel scored the applications according to the criteria in the adopted Guidelines which emphasized program goals, project readiness, operational capacity/capability, potential for WAV service improvements in Ventura County, organizational ability to provide on-demand response, and planned public outreach. The following table provides a summary of the results of the panel's review including an averaged total score for each application:

Evaluation Criteria		Max Score	GCTD	VTS
PART I: GENERAL INFORMATION (TOTAL 25 POINTS)	• Description of Applicant Agency/Organization's Operations	10	10	10
	• Description of the Proposed Project	15	15	10
	Part I	25	25	20
PART II: PROJECT IMPLEMENTATION, OBJECTIVE AND BENEFITS (TOTAL 75 POINTS)	• Project Readiness and Technical Capacity	15	15	15
	• Project Implementation Plan	20	18	17
	• WAV Service Improvements	15	13	12
	• Program Outreach	15	13	13
	• Expenses/Revenue	10	8	10
	Part II	75	67	67
TOTAL		100	92	87

DISCUSSION:

The Gold Coast Transit District (GCTD) proposal requested funding to purchase as many as four (4) expansion wheelchair accessible vehicles to support demand for the GO Now South Oxnard Micro-transit pilot project. The application received a total score of 92 with GCTD demonstrating strong organizational experience, technical capacity, project readiness, and sound project implementation plan.

The GO Now pilot project will provide on-demand public transit in an area of Oxnard where traditional fixed-route service has proven difficult to successfully operate. The service area targets 22,000 residents and 7,000 jobs with service that transports passengers to locations within the zone and to transit hubs such as the Oxnard Transit Center to connect passengers to the larger transit network. Passengers will be able to use a smartphone app to make trip requests. Although the proposed GO Now service area is concentrated in South Oxnard, the pilot project could potentially be replicated in other communities if proven successful or expanded locally as opportunities are identified. The new Go Now service is anticipated to launch in Spring 2023 with existing fleet. The purchase of additional WAV vehicles would ensure a 30-minute minimum response time.

Ventura Transit System, Incorporated (VTS) proposed a fare subsidy program to provide on-demand wheelchair accessible transportation service across Ventura County 24 hours a day/365 days a year at an affordable rate for the consumer. The proposal received a score of 87 with VTS providing the organizational experience, resources, existing fleet, and personnel to deliver the project.

VTS is a private transportation provider operating with a total fleet of eighty-five (85) wheelchair accessible vehicles including fifty-five (55) stationed in Ventura County and capability to pull vehicles from the adjacent counties in which VTS operates. VTS currently contracts Non-Emergency Medical Transportation (NEMT) in Ventura County for the Gold Coast Health Plan and CenCal Health Plan and is the selected Access Provider for San Luis Obispo and Santa Barbara counties.

With a background in traditional cab service, VTS proposes a target 30-minute response time or less employing a 24-hour dispatch/call center and use of TMS software to track vehicle locations and availability. The subsidized fare program proposes an on-demand WAV fare rate of \$2.50 per mile for the passenger at any time of the day. The anticipated demand for a program of this scale is difficult to predict, therefore an important part of the program will be gathering data to better understand countywide demand for the service.

Staff recommends awarding \$131,246 in funding for the purchase of two (2) wheelchair accessible vans to support GCTD's GO Now South Oxnard Micro-transit pilot project. Staff recommends the remainder of FY 2022/23 Access funds totaling \$118,467 be awarded to VTS for a fare subsidy program to support the expansion of on-demand WAV transportation across Ventura County. The fare subsidy program would be processed on a quarterly reimbursement basis for trips performed.

VCTC has until June 30th to enter into grant agreements with the selected WAV service providers. To ensure that this deadline can be met, staff is recommending the Executive Director be authorized to

approve the agreements. However, to provide transparency, staff will include the approved agreements on a future Commission agenda as information.

The Transit Operators Advisory Committee (TRANSCOM) approved the staff recommendation at their April 12 meeting.



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Item 8H

May 12, 2023

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: AMANDA FAGAN, DIRECTOR OF PLANNING & SUSTAINABILITY
SUBJECT: SCAG REGIONAL EARLY ACTION PLANNING COUNTY TRANSPORTATION COMMISSIONS PARTNERSHIP PROGRAM PROJECT APPLICATIONS

RECOMMENDATION:

- Approve submittal of grant applications and project prioritization to the Southern California Association of Governments (SCAG) for the Regional Early Action Planning (REAP) County Transportation Commissions (CTC) Partnership Program.

BACKGROUND:

On April 12, 2023, SCAG issued a Call for Projects and Final Guidelines for the 2023 County Transportation Commission Partnership Program (so-called REAP 2.0). Since issuance of the Draft Guidelines in September 2022, VCTC staff have collaborated with SCAG to identify eligible projects and prepare for the Call for Projects. The CTC Partnership Program is part of the Regional Early Action Planning (REAP) program, which receives financial support from the Department of Housing and Community Development (HCD). During the first round of REAP funding, the Ventura Council of Governments (VCOG) and the Ventura County Transportation Commission (VCTC) partnered to develop a Vehicle Miles Traveled (VMT) Adaptive Mitigation Program (AMP). For the so-called “REAP 2.0” program, eligibility has extended to County Transportation Commissions to support transformative planning and implementation of Connect SoCal’s Key Connection strategies.

Through the 2023 County Transportation Commission Partnership Program, SCAG is seeking applications from CTCs that are regionally significant and scalable, across four categories: Transit Recovery, Mobility Integration & Incentives, Shared Mobility & Mobility Hubs, and VMT Bank & Exchange Programs. Projects must have a demonstrated nexus to housing and infrastructure to support new housing, and meet all defined program objectives:

1. Accelerating Infill Development that Facilitates Housing Supply, Choice and Affordability,
2. Affirmatively Furthering Fair Housing, and
3. Reducing Vehicle Miles Traveled.

Applications will be evaluated and selected based on merit, with an effort to allocate resources according to a county’s share of the regional population. The estimated population-based share of funding for Ventura County is approximately \$3.5 - \$4.0 million. However, the applications will be reviewed and awarded according to merit, and VCTC may receive a higher or lower amount depending on the evaluation process and submissions of other County Transportation Commissions.

VCTC staff worked with SCAG to identify project concepts for further development into grant applications upon issuance of the Final Guidelines and Call for Applications. Project concepts were coordinated with key stakeholders and reviewed by each of the three VCTC advisory committees (Transportation Technical Advisory Committee, Transit Operators Advisory Committee, and Community Transportation Advisory Committee/Social Services Transportation Advisory Committee), with feedback from stakeholders and advisory committees integrated into the grant applications.

Applications were due to SCAG by May 9, 2023, a turn-around time of less than four weeks with a due date prior to the May Commission meeting. As a result, staff requests ratification of approval of application submittal and project prioritization as further described below.

DISCUSSION:

The following provides project descriptions of the five applications submitted to SCAG. The Application Guidelines request prioritization of projects by each application. Projects are present below in the order of priority submitted to SCAG.

1. **Countywide Bus Stops and Train Stations Inventory & Accessibility Assessment / Bus Stops and Stations Capital Improvements Grant Program / Countywide Mobility Access Guide –** The proposed project will implement strategies of the Ventura County Coordinated Public Transit-Human Services Transportation Plan (“Coordinated Plan”) in two parts: (1) Conduct an inventory of all bus stops and train stations countywide and document accessibility of all transit stops and stations, and create a project and priority list based on qualitative and quantitative standards; and (2) Establish a competitive grant program for transit agencies and municipalities to request funding for capital improvements at transit stops and stations. The proposed project aligns with VCTC’s adopted Strategic Plan, Strategy B24, Promote transit ridership recovery to assist the State in meeting its air quality goals, promoting public transit ridership recovery and increasing mobility choices, and is submitted ranked as #1 priority among the five grant applications. Grant request: \$1,500,000.
2. **Santa Paula Branch Line (SPBL) Active Transportation: Update Master Plan/EIR and Validate Connections to Serve New Housing and Reduce VMT –** VCTC adopted the SPBL Recreational Multi-Use Trail Master Plan and Environmental Impact Report (EIR) in 2000. The proposed project includes two major deliverables – an updated Master Plan and a new combined EIR and Environmental Impact Statement (EIS), which will include a substantial public participation component and technical studies. The project will focus on equitable investments in active transportation for the residents of the Santa Clara River Valley, while reducing vehicle miles traveled and greenhouse gas emissions associated with transportation. The Master Plan process will include an analysis and assessment of existing conditions and opportunities, community engagement to identify stakeholder needs and goals, conceptual planning, and drafting of a master plan document for review and comment, followed by production of the final document. The EIR/EIS process will involve scoping to identify potential environmental impacts, environmental and alternatives analysis, identification of mitigation measures, drafting of the EIR/EIS for public review and comment, responding to public comments, finalizing the EIR/EIS, and identifying locally preferred alignment alternatives and options. This effort will enable VCTC and partner agencies to apply for future State and Federal funding opportunities including Active Transportation and Reconnecting Communities, which will help to mitigate VMT impacts of housing and other growth in the Santa Clara River Valley. The project aligns with the April 2023 adopted VCTC Strategic Plan, Strategy A8, Update the Santa Paula Branch Line (SPBL) trail master plan, validate trail alignment, connections, and amenities, and update existing conditions to facilitate trail completion, with stakeholder engagement, and Priority Strategy B1, Encourage city and county partners to plan and prioritize building new bike lanes and continue seeking funds for this purpose. The subject application is submitted as the #2 priority among the five REAP CTC Partnership Program grant applications. Grant request: \$1,677,000.

3. **Countywide Paratransit Systems Integration** – Both the Coordinated Plan and the Transit Integration and Efficiency Study (TIES) include strategies related to improving transit user experience with transit information, particularly related to the coordination and delivery of paratransit services. This proposed project will develop tools to coordinate paratransit services across the county through real-time location data of paratransit vehicles and result in memoranda of understanding amongst all transit agencies to commit to cross-compatible scheduling software. The project is aligned with the VCTC Strategic Plan Strategy B12, Support improved transit and transportation services for those with disabilities, and the application is submitted ranked as the #3 priority. Grant request: \$300,000.
4. **Community Traffic Calming & Pedestrian and Bicycle Safety Program** – As noted in the Ventura County Freight Corridors Study, speed was identified as the primary factor in 52% of truck-involved collisions on freeway facilities and 29% of truck-involved collisions on arterial roadways and was a contributing factor in most other collisions. Vehicle speed can also increase emission of particulate matter, noise, and levels of discomfort for nearby pedestrians and cyclists. Given these concerns, the Freight Corridors Study recommends establishing a Community Traffic Calming Program. Strategies include use of variable message signs, targeted educational campaigns, partnerships with key stakeholders, and targeted enforcement efforts. The proposed project would target areas with excessive vehicle speeds and identify violation hot spots to determine if permanent infrastructure improvements, such as signage and/or vertical or horizontal roadway treatments are necessary for changes to driver behavior; and develop and implement a comprehensive traffic calming program. This project aligns with VCTC Strategic Plan Strategy B6, Coordinate with Caltrans, Ventura County, and cities to prioritize projects and submit grant application(s) for goods movement projects based on the recommendations of the Ventura County Freight Corridors Study. The application is submitted ranked as the #4 priority. Grant request: \$300,000.
5. **Vehicle Miles Traveled (VMT) Adaptive Mitigation Program (AMP) Implementation** – Building on the work completed through the partnership between VCTC and VCOG, the proposed project implements recommendations of the VMT Adaptive Mitigation Program, with a focus on housing & transportation integration. The project includes development of communication tools and community educational forums on the relationship between housing, density, transit, multimodal transportation, and parking, using different formats, such as traditional community meetings, walking tours, and/or leveraging social media and alternative communication tools. Key target audiences would include Planning Commissions, Planning Department Staff, elected officials, and housing/planning advocates. This project aligns with VCTC Strategic Plan Strategy C3, Assist local agencies in implementing Senate Bill 743 by identifying and encouraging land use and transportation strategies to reduce vehicle miles traveled (VMT). The application is submitted ranked as #5 priority. Grant request: \$200,000.

In total, VCTC applied for \$3,977,000 across the five applications, which aligns with the approximate population-based share of funding for Ventura County and presents what staff believes are competitive and worthy projects for consideration. If applications are successful in the SCAG review process, VCTC staff will return to the Commission for approval to accept each grant award. Associated requests to amend the respective Program Budgets would also come to the Commission for approval.

As noted above, given the application deadline in advance of the May Commission meeting, staff submitted the five applications described above with the priority rankings noted. Staff recommends Commission ratification of approval to submit the five grant applications as described above.



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Item 8I

May 12, 2023

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: SALLY DEGEORGE, FINANCE DIRECTOR

SUBJECT: CONTRACT AMENDMENT #2 FOR PROFESSIONAL SERVICES WITH EIDE BAILLY, LLP FOR GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STANDARD 87, LEASES AND GASB 96, SUBSCRIPTION-BASED INFORMATION TECHNOLOGY.

RECOMMENDATION:

- Approve Contract Amendment #2 (Attachment A) for Professional Consulting Services with Eide Bailly, LLP., to expand the contract scope to include GASB 96 and extend the contract end date to December 31, 2023.
- Amend the Fiscal Year 2022/2023 operations budget to increase the operations audits and actuary line item by \$23,000 and associated indirect revenues by the same amount.

BACKGROUND:

VCTC is required to comply with guidance issued by the Governmental Accounting Standards Board (GASB) when preparing its annual comprehensive financial report that is presented to the Commission and the public. GASB Statement 87, Leases, was required to be implemented in Fiscal Year 2021/2022 and has been implemented. GASB Statement 96, Subscription-based information technology arrangements (SBITAs), is required to be implemented in Fiscal Year 2022/2023.

The objective of GASB Statement 87 and GASB 96 is to better meet the information needs of financial statement users by improving accounting and financial reporting for leases by governments. This Statement increases the usefulness of governments' financial statements by requiring recognition of certain lease assets and liabilities for leases that previously were classified as operating leases and recognized as inflows of resources or outflows of resources based on the payment provisions of the contract. It establishes a single model for lease and SBITA accounting based on the foundational principle that leases are financings of the right to use an underlying asset. Under GASB 87, a lessee is required to recognize a lease liability and an intangible right-to-use lease asset, and a lessor is required to recognize a lease receivable and a deferred inflow of resources, thereby enhancing the relevance and consistency of information about governments' leasing activities. Similarly, VCTC will be required to recognize SBITAs or software arrangements in a similar manner to GASB 87 within the financial statements.

DISCUSSION:

In November 2021, VCTC issued a Request for Proposals (RFP) for professional services for GASB Statement 87, Leases. In January 2022, VCTC engaged Eide Bailly, LLP to perform the GASB 87 consultant assistance with a contract not to exceed \$46,000. The Contract was amended in October 2022 to allow for additional review of leases but to keep the not to exceed amount at \$46,000. Only \$23,000 was expended for Fiscal Year 2021/2022 lease review.

VCTC staff worked well with Eide Bailly for GASB 87 reporting. VCTC is now subject to GASB 96 reporting and would like to utilize Eide Bailly to assist with the review and implementation of GASB 96 and one additional year of GASB 87 implementation.

Therefore, staff is recommending the Commission approve a second contract amendment (Attachment A) with Eide Bailly to both extend the time frame until December 31, 2023 (to cover both Fiscal Years 2021/2022 and 2022/2023) and expand the scope to include both GASB 87 and GASB 96. Although the contract amount is not expected to exceed the initial not-to-exceed amount of \$46,000, the associated revenues and expenses were not carried over into the Fiscal Year 2022/2023 budget. Therefore, staff also recommends amending the Fiscal Year 2022/2023 budget to increase the operational audit and actuary services expenditure line item by \$23,000 and increase the indirect cost allocation revenues by \$23,000.

**Attachment A
AMENDMENT NO. 2
TO
AGREEMENT BETWEEN
VENTURA COUNTY TRANSPORTATION COMMISSION
AND
EIDE BAILLY, LLP**

This Amendment No. 2 (“Second Amendment”) is made as of this 12 day May 2023 (“Effective Date”) by and between the VENTURA COUNTY TRANSPORTATION COMMISSION (“VCTC”), and Eide Bailly, LLP (“Contractor”), (sometimes referred together as the “Parties” and singularly as a “Party”).

RECITALS

WHEREAS, VCTC and Contractor entered into an agreement on January 10, 2022 pursuant to which Contractor agreed to provide certain services related to the inspection and listing of leases (“Agreement”); and

WHEREAS, the Parties desire to amend the agreement to extend the term and expand the Scope of Services provided for under the Agreement without increasing the not-to-exceed amount.

NOW THEREFORE, VCTC and Contractor agree as follows:

1. Section 2 Description of Services is hereby amended to include the additional tasks for GASB 96, SUBSCRIPTION-BASED INFORMATION TECHNOLOGY ARRANGEMENTS as outlined in **Attachment 1- Revised**, attached hereto and incorporated herein.
2. Section 3 Term is hereby replaced with the following language:

“The term of this Agreement shall commence on the Effective Date and shall continue until December 31, 2023.”

Except to the extent amended herein, all other provisions of the Agreement remain in full force and effect.

This Second 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 First Amendment on the ____ day of _____ 2023.

VENTURA COUNTY TRANSPORTATION COMMISSION

by: _____
Martin Erickson, Executive Director

Approved as to form

by: _____
Steve Mattas, General Counsel

EIDE BAILLY. LLP

by: _____
Its:

ATTACHMENT 1 – Description of Services Revised

The CONTRACTOR is required to complete the following services:

GASB 87

CONTRACTOR is required to review all leases and business areas of VCTC in accordance with Government Accounting Standards Board (GASB) 87 for potential qualifying lease arrangements.

CONTRACTOR is required to provide a comprehensive list of all contracts reviewed and indicate whether they meet the GASB 87 definition for lessee/lessor and provide reasons and documentation to support the decision. For leases that meet the GASB 87 definition, gather and include in the list key data and information to determine, at a minimum, the lease term, payment terms, calculated lease liability/asset and deferred outflow/inflow for GASB 87 calculations.

CONTRACTOR is required to provide a master schedule summarizing the calculation and other relevant information used to determine the value for each lease including prior year expense, current year expense and remaining life expense.

CONTRACTOR shall prepare and provide the appropriate journal entries for the yearend implementation of GASB 87 for VCTC to consider, review, and post to the general ledger (Fiscal Year 2021/2022 – 2022/2023 including current year and prior years restatement entries) and the proposed footnote disclosures for the annual comprehensive financial report.

CONTRACTOR shall develop a matrix to track leases going forward and provide ability for finance staff to maintain and use a tool for yearend journal entries/accruals.

CONTRACTOR shall assist in developing on-going process and controls recommendations to maintain the lease inventory and incorporated into the accounting and reporting process. Specific procedures adopted will be at VCTC discretion.

CONTRACTOR shall respond to VCTC's follow-up audit questions and provide additional information as needed to complete GASB 87 lease accounting and disclosures during the Fiscal Year 2021/2022 and 2022/2023 audit.

CONTRACTOR shall provide an electronic file of reports, journal entries and information above. Eide Bailly will not be the sole host of this information.

GASB 96

CONTRACTOR is required to review all subscription-based information technology arrangements (SBITAs) and business areas of VCTC in accordance with Government Accounting Standards Board (GASB) 96 for potential qualifying lease arrangements.

CONTRACTOR is required to provide a comprehensive list of all contracts reviewed and indicate whether they meet the GASB 96 definition for SBITA and provide reasons and documentation to support the decision. For SBITAs that meet the GASB 96 definition, gather and include in the list key data and information to determine, at a minimum, the term, payment terms, calculated liability/asset, and deferred outflow/inflow for GASB 96 calculations.

CONTRACTOR is required to provide a master schedule summarizing the calculation and other relevant information used to determine the value for each SBTIA including prior year expenses, current year expenses and remaining life expenses.

CONTRACTOR shall prepare and provide the appropriate journal entries for the yearend implementation of GASB 96 for VCTC to consider, review, and post to the general ledger (Fiscal Year 2022/2023 – including current year and prior years restatement entries) and the proposed footnote disclosures for the annual comprehensive financial report.

CONTRACTOR shall develop a matrix to track SBTIAs going forward and provide ability for finance staff to maintain and use a tool for yearend journal entries/accruals.

CONTRACTOR shall assist in developing on-going process and controls recommendations to maintain the SBTIA inventory and incorporated into the accounting and reporting process. Specific procedures adopted will be at VCTC discretion.

CONTRACTOR shall respond to VCTC's follow-up audit questions and provide additional information as needed to complete GASB 96 SBTIA accounting and disclosures during the Fiscal Year 2022/2023 audit.

CONTRACTOR shall provide an electronic file of reports, journal entries and information above. Eide Bailly will not be the sole host of this information.

In connection with CONTRACTOR's above work related to GASB 87 and GASB 96, if CONTRACTOR becomes aware of any irregular or illegal acts or indications of any illegal acts committed by the Executive Director, General Counsel, and/or the Finance Director, CONTRACTOR shall make an immediate, written report of all irregularities and illegal acts or indications of illegal acts.

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Item 8J

May 12, 2023

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

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

**SUBJECT: FISCAL YEAR (FY) 2022/2023 BUDGET AMENDMENT FOR
TRANSPORTATION PROGRAMMING AND TRANSIT GRANT
ADMINISTRATION PROGRAMS**

RECOMMENDATION:

- Amend the FY 2022/23 budget to increase by \$43,700 the Transportation Programming and Reporting expenditures for Salaries/Fringe and Indirect Cost Allocation, and also increase revenues by \$43,700 with 80% funded from Federal Transit Administration (FTA) Section 5307 funds and 20% funded from Local Transportation Funds (LTF) as broken down in this agenda item.
- Amend the FY 2022/23 budget to increase by \$25,800 the Transit Grant Administration expenditures for Salaries/Fringe and Indirect Cost Allocation, and also increase revenues by \$25,800 with 80% funded from Federal Transit Administration (FTA) Section 5307 funds and 20% funded from Local Transportation Funds (LTF) as broken down in this agenda item.

BACKGROUND:

VCTC's Programming Department salary and indirect costs are funded from three budget line items: Transportation Programming, Transit Grant Administration, and Highway Project Management and Monitoring. The majority of the Highway Projects salary costs are funded from the federal Surface Transportation Program (STP) funds provided by a grant for the US 101 Project Approval and Environmental Document phase which is being carried out by WSP under contract with VCTC. The grant includes STP funds for VCTC's staff expenses to manage this project. Work on the US 101 project has taken longer than originally scheduled, due to a lengthened alternative evaluation timeline, longer than anticipated work product review by Caltrans, and the time required for Caltrans and VCTC to resolve how to apply the new State policies regarding how to perform Vehicles Miles Traveled (VMT) analysis. As a result, the amount of staff time required to manage the project has been significantly less than was budgeted during the current fiscal year, resulting in less VCTC staff time than anticipated to be charged to the STP grant. The STP funding that is not used this year for the project will instead be carried over to the FY 2023/2024 budget.

Meanwhile, the Programming Department staff has needed a greater than anticipated amount of staff time for its other responsibilities including the preparation of grant applications, preparation for the FTA Triennial Review, and the need to address the requirements of the new federal Carbon Reduction Program that was incorporated into the recent CMAQ call for projects. As a

result of these issues, the staff time being utilized for both Transportation Programming and Monitoring and to Transit Grant Administration has been significantly greater than budgeted, offsetting the reduction in Highway Project Management and Monitoring staff time. To accommodate this change, staff is proposing an FY 2022/2023 budget amendment for Commission approval.

DISCUSSION:

At this time staff recommends a budget amendment to provide a sufficient increase to the staff and indirect line items for Transportation Programming and Monitoring, and Transit Grant Administration, to accommodate the increased salary costs being used by these programs during the current year. The following is the breakdown of the recommended budget increases:

TRANSPORTATION PROGRAM AND MONITORING

Increase to Salary and Fringe Expense:	\$26,300
Increase to Indirect Cost Allocation Expense:	<u>17,400</u>
TOTAL EXPENSE INCREASE	\$43,700
Increase to FTA Section 5307 Revenue:	\$34,960
Increase to LTF Revenue:	<u>8,740</u>
TOTAL REVENUE INCREASE	\$43,700

TRANSIT GRANT ADMINISTRATION

Increase to Salary and Fringe Expense:	\$15,500
Increase to Indirect Cost Allocation Expense:	<u>10,300</u>
TOTAL EXPENSE INCREASE	\$25,800
Increase to FTA Section 5307 Revenue:	\$20,640
Increase to LTF Revenue:	<u>5,160</u>
TOTAL REVENUE INCREASE	\$25,800

There is a sufficient reserve balance for both FTA Section 5307 and LTF to accommodate these increased FY 2023/2024 expenditures.



Item 8K

May 12, 2023

TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: STEVE MATTAS, GENERAL COUNSEL

SUBJECT: FIRST AMENDMENT TO EXECUTIVE DIRECTOR EMPLOYMENT AGREEMENT WITH MARTIN ERICKSON

RECOMMENDATION:

- It is recommended that the Ventura County Transportation Commission ("Commission") adopt a resolution approving the First Amendment to the Employment Agreement ("First Amended Agreement") between the Commission and Martin Erickson to serve as Executive Director of VCTC and its related agencies and authorizing Chairperson MacDonald to execute the First Amended Agreement.

BACKGROUND:

The Commission entered into an employment agreement with Martin Erickson on January 7, 2022 ("Agreement") pursuant to which Mr. Erickson serves as the Commission's Executive Director. The Commission recently completed an annual evaluation of the Executive Director and directed staff to prepare a First Amendment to the Employment Agreement to provide a merit increase to Mr. Erickson's compensation and to extend the term of the Agreement. At the request of the Commission, the General Counsel prepared a First Amendment to the Agreement and a resolution approving the First Amendment to the Agreement.

If approved, the First Amendment will increase Mr. Erickson's annual salary by five percent (5%), from \$221,450 to \$232,523, effective as of the first day of the first pay period on or after January 7, 2023. The First Amendment will also extend the Agreement by an additional year for a new expiration date of January 15, 2026.

Staff recommends that the Commission adopt a resolution approving the First Amendment between the Commission and Martin Erickson to continue to serve as Executive Director of VCTC and its related agencies and authorizing Chairperson MacDonald to sign the Amendment on behalf of VCTC.

ATTACHMENTS

Attachment 1: Resolution Approving and Authorizing Execution of First Amendment to the Employment Agreement between the Commission and Martin Erickson.

Exhibit A to Attachment 1: First Amendment to the Employment Agreement between the Commission and Martin Erickson.

ATTACHMENT 1

RESOLUTION NO. 2023 - 02

**A RESOLUTION OF THE VENTURA COUNTY
TRANSPORTATION COMMISSION APPROVING THE FIRST AMENDMENT TO
THE EMPLOYMENT AGREEMENT BETWEEN THE VENTURA COUNTY
TRANSPORTATION COMMISSION AND MARTIN ERICKSON TO SERVE AS
EXECUTIVE DIRECTOR**

WHEREAS, On January 7, 2022, the Ventura County Transportation Commission ("VCTC") entered into an Employment Agreement with Martin Erickson to serve as Executive Director of the Commission and its related agencies ("Agreement"); and

WHEREAS, it is the desire of the VCTC to amend the Agreement by extending the term of employment by one year and providing for a five percent increase in annual salary effective as of the first day of the first payment period commencing on or after January 7, 2023.

**NOW, THEREFORE, BE IT RESOLVED BY THE VENTURA COUNTY TRANSPORTATION
COMMISSION:**

1. The Ventura County Transportation Commission hereby approves the First Amendment to the Employment Agreement between the Ventura County Transportation Commission and Martin Erickson to serve as Executive Director for VCTC and its related agencies, attached hereto and incorporated herein as Exhibit A.
2. The Chairperson of the Ventura County Transportation Commission is hereby authorized to execute the First Amendment to the Agreement.

PASSED, APPROVED, AND ADOPTED this 12th day of May 2023.

BRYAN MACDONALD, Chair, VCTC

ATTEST:

Roxanna Ibarra, Clerk

APPROVED AS TO FORM:

Steve Mattas, General Counsel

Exhibit A

First Amendment to Employment Agreement

**FIRST AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN
THE VENTURA COUNTY TRANSPORTATION COMMISSION, FOR ITSELF AND IN
ITS DESIGNATED CAPACITIES, AND MARTIN ERICKSON**

This FIRST AMENDMENT TO THE EMPLOYMENT AGREEMENT ("First Amendment") is made and entered into this 12th day of May 2023, by and between the Ventura County Transportation Commission, for itself and in its designated capacities as the Commissioners/ Board of Directors of the Local Transportation Authority, the Airport Land Use Commission, the Service Authority for Freeway Emergencies, the Consolidated Transportation Service Agency and the Congestion Management Agency, (hereinafter the "Commission"), and MARTIN ERICKSON, an individual (hereinafter "Erickson").

RECITALS

WHEREAS, Commission employs the services of Erickson as Executive Director for Commission pursuant to an employment agreement executed on January 7, 2022 ("Employment Agreement"), and further desires to assure the continuous service of Erickson in such official capacity by amending certain terms of his employment.

NOW, THEREFORE, in consideration of the mutual promises, covenants and stipulations herein contained, the parties hereto agree to amend the Employment Agreement as follows:

1. **Section 2** of the Employment Agreement "Term" is amended such that the term of the Agreement shall be extended by one year to January 15, 2026.
2. **Section 5.1** of the Employment Agreement "Annual Compensation" is amended such that the Executive Director's annual salary shall, as of the first day of the first pay period commencing on or after January 7, 2023, be increased by five percent (5%) to two hundred and thirty-two thousand five hundred and twenty-three dollars (\$232,523).

Except as modified herein, all other provisions of the Employment Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Commission has caused this Agreement to be signed and executed on its behalf by its Chairman, and duly attested by its officers thereunto duly authorized, and Erickson has signed and executed this First Amendment.

Ventura County Transportation Commission

Bryan MacDonald, Chairman

Date: _____

ATTEST:

Roxanna Ibarra, Clerk of the Commission

APPROVED AS TO FORM:

Steve Mattas, General Counsel

Executive Director

Martin Erickson

Date: _____

5342642.1



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May 12, 2023

Item 9

MEMO TO: SERVICE AUTHORITY FOR FREEWAY EMERGENCIES

FROM: ANDREW KENT, GIS/PLANNING ANALYST

SUBJECT: FREEWAY SERVICE PATROL TWO YEAR ANNIVERSARY REPORT AND 2022 DRIVER OF THE YEAR RECOGNITION

RECOMMENDATION:

- Receive and file a presentation on the second year of Ventura County Freeway Service Patrol (FSP) operations.
- Recognize Richard Henderson as the Ventura County FSP Driver of the Year for providing outstanding service to the motorist public.

BACKGROUND:

Freeway Service Patrol (FSP) provides roving tow trucks on portions of the highway system during peak traffic periods for rapid clearing of disabled vehicles and motorist assistance. FSP is implemented through a partnership between the Ventura County Service Authority for Freeway Emergencies (SAFE), the California Highway Patrol (CHP), and Caltrans. The goals of the program are to provide congestion relief, reduce the incidence of secondary collisions, mitigate delay related vehicle emissions and assist motorists stranded in dangerous situations on busy highways. FSP assistance is free to motorists at the point of service and is funded through a \$1 annual vehicle registration fee and Caltrans funding allocations.

In September 2020, the Ventura County SAFE Board awarded contracts for FSP Beats 101-1, 101-2 and 118 to Platinum Tow & Transport. Platinum Tow & Transport ordered nine (9) 2020 International CCV wrecker tow trucks with FSP bed configuration and extended four door crew cab. In March 2021, Platinum Tow & Transport began operations for Beat 101-1 on US-101 from the Los Angeles County Line to Camarillo Springs Road. In the summer of 2021, Beat 101-2 on US-101 from Camarillo Springs Road to Rice Avenue and Beat 118 on State Route (SR) 118 from the Los Angeles County Line to the SR-23 junction were launched.

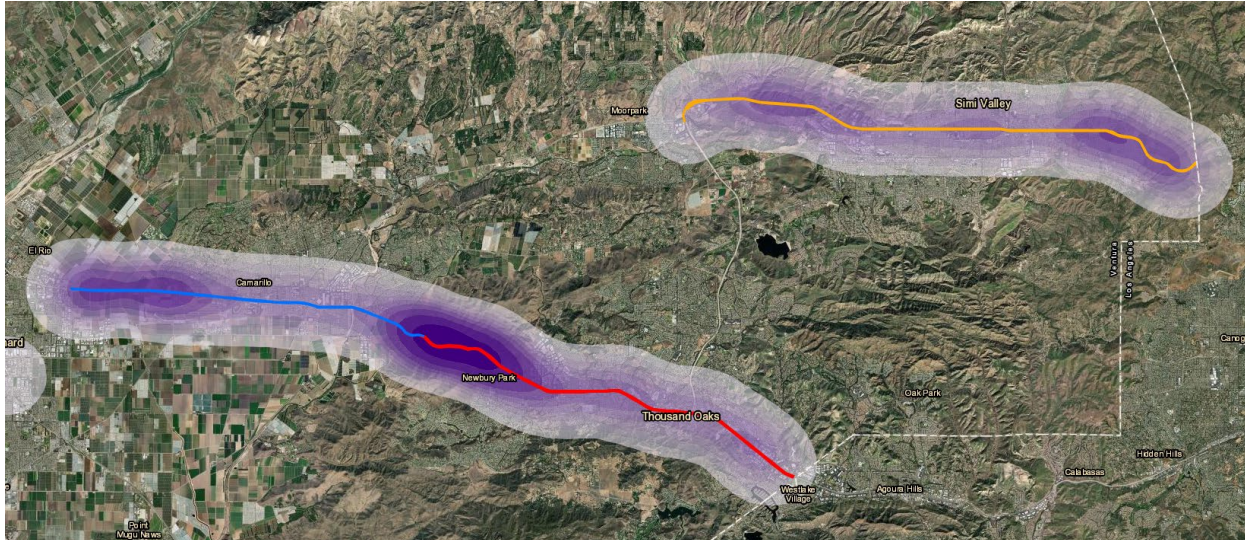
Since service was initiated, two (2) Ventura County FSP tow trucks have patrol per Beat on Monday through Friday from 6am to 9am and 3pm to 7pm, providing motorists with services such as changing flat tires, jump starting dead batteries, refilling radiators, and providing a gallon of gas. If FSP cannot restart a vehicle within 15 minutes, the disabled vehicle is towed to a safe location at designated drop points off the highway.

Staff is proud to share data and motorist feedback collected during the second year of FSP operations with the SAFE Board and commemorate the second-year anniversary of the program by recognizing an FSP Driver of the Year for 2022.

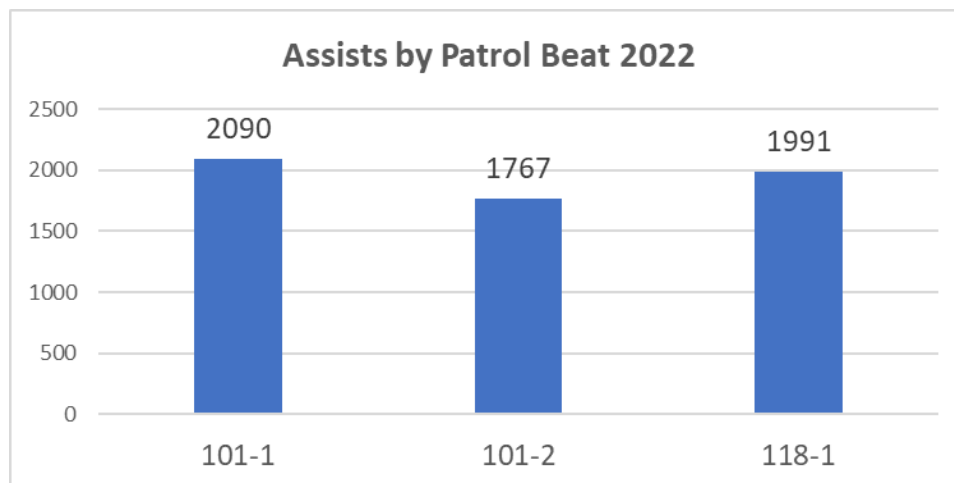
DISCUSSION:

In 2022, the Ventura County Freeway Service Patrol responded to 5,880 motorists stopped in the lanes, shoulders, medians and ramps of the US-101 and SR-118. This equates to 3.1 FSP responses on the highway for every hour of service. Of those motorists approached by an FSP Driver, 3,837 were provided direct assistance to restart their vehicle or towed to a safe location off the highway. Of the motorists who did not receive service, about 1,750 were found using a mobile phone, resting/sleeping, or engaged in other activities and encouraged by FSP drivers to clear the highway shoulder.

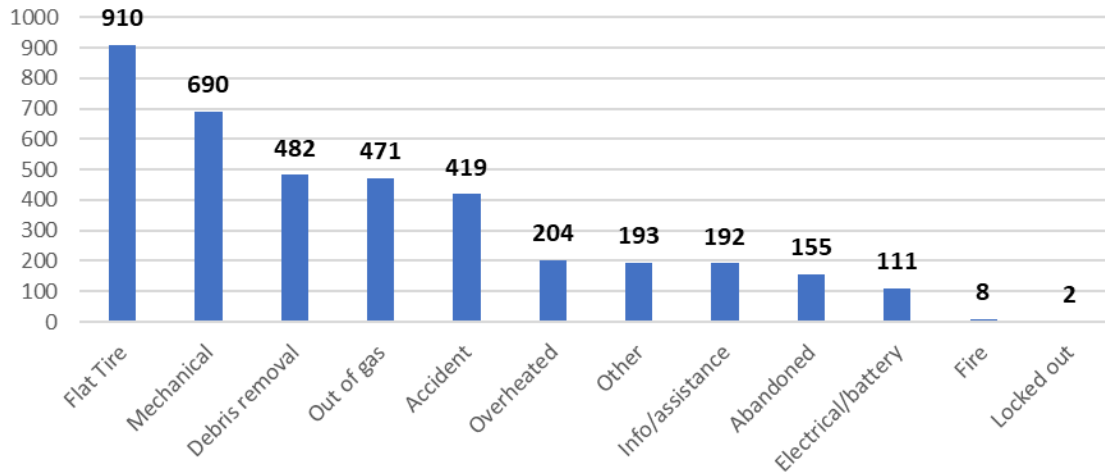
Density of FSP Assists 2022



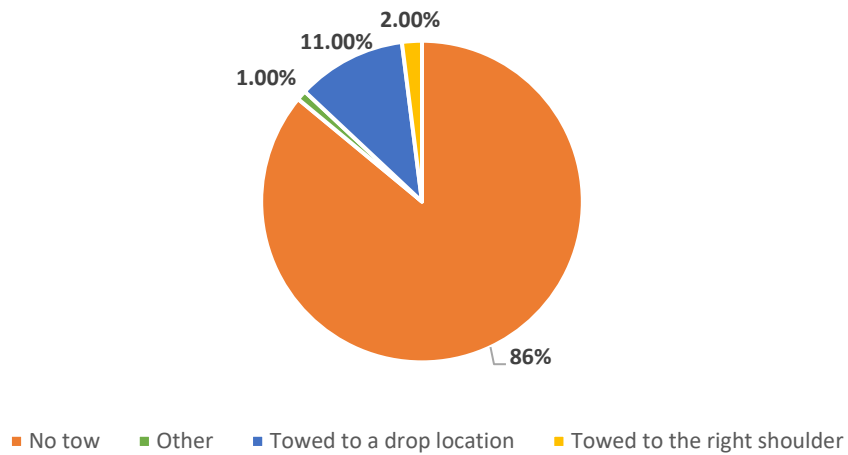
The most common service provided by FSP in 2022 was fixing flat tires. The busiest time of day for FSP was the afternoon split shift between 3:00pm and 4:00pm, accounting for 20% of assists. Of the motorists assisted, FSP drivers were able to quickly restart vehicles in 86% of cases and approximately 13% were towed to a safe location. In addition to motorist assistance, FSP drivers cleared dangerous debris from highway lanes on 482 occasions and responded to 419 accident/collision events.

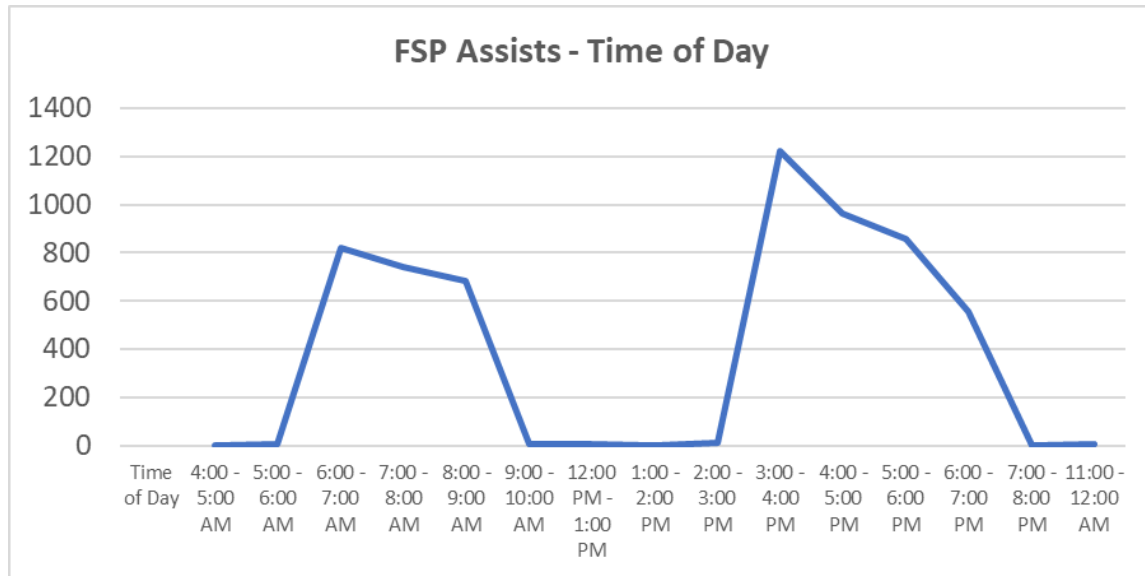


FSP Assists - Vehicle Problem 2022

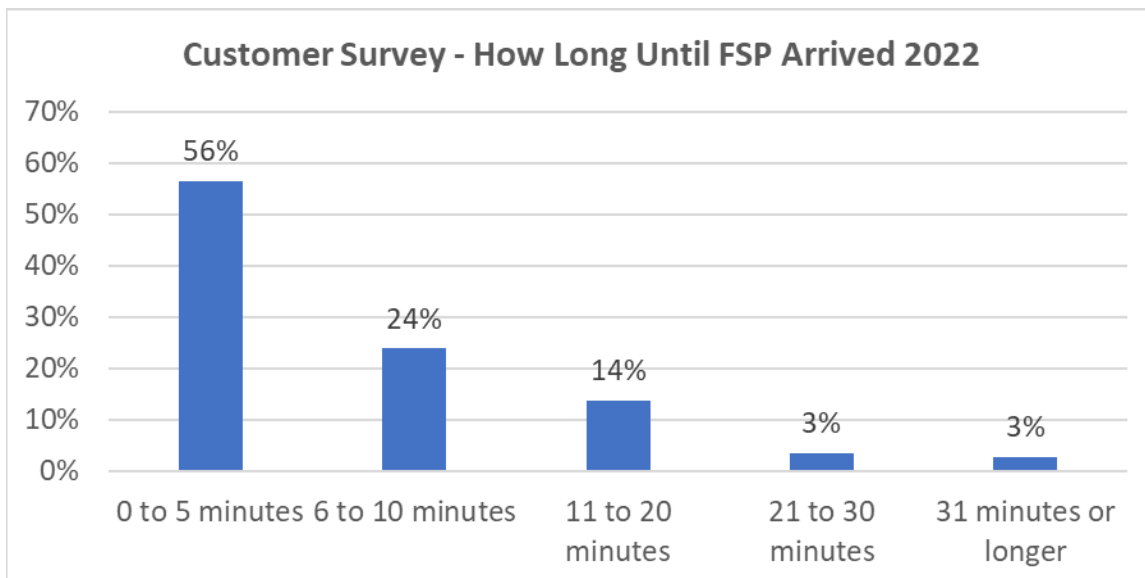


FSP Assists - Vehicle Towed?





FSP drivers provide assisted motorists with a unique survey ID and brochure with a survey link. During FSP's second year of operations, 147 motorists responded to the program's Customer Assist Survey. Due to the program's model of continuous patrolling, FSP trucks were able to reach stranded motorists in under 5 minutes in 56% of reported cases and under 10 minutes in 80% of reported cases. The insurance industry cites a 21-minute average response time for AAA roadside assistance and motorists assisted by FSP often report wait times quoted as high as an hour. According to Caltrans, 16% of congestion on Ventura County highways is non-recurrent incident related, making rapid response to disabled vehicles, collisions, and debris a significant mitigation of highway delay. According to the Fiscal Year 2021-2022 statewide Freeway Service Patrol evaluation, the three patrol Beats in Ventura County performed at a 3 to 1 benefit (delay, fuel, and emissions savings) to cost (FSP hourly rate) ratio.



Public feedback from the survey has rated the service as “Excellent” in 146 of the 147 cases. The survey includes a written response section which asks motorists to describe their experience, the helpfulness of their FSP driver and provide feedback on how to improve the program. Below is a word cloud created from motorists’ written responses.

Customer Assist Survey 2022 Word Cloud



All drivers in the program have received excellent feedback from the motorists they have served, with common customer descriptions such as “guardian angel” and “superman”. In 2022, one driver stands out, having received about 40% of the positive feedback received from the public. Below are excerpts from motorists assisted by FSP Driver Richard Henderson and colleagues. SAFE Staff recommends recognizing Richard as FSP Driver of the Year for outstanding motorist service in 2022.

"Richard was extremely courteous and helpful. When he pulled up we thought it was AAA responding so fast but instead he was there to offer solutions that were FREE...WHAT? I was so impressed with his skill level and resolving our flat tire so fast that I offered him a generous gratuity which he refused to accept...WHAT - WHAT?? I believe this is one of the best services the county has to offer. Makes a TON of sense!!!"

"Renato was very skillful, helpful and professional. His timely arrival, swift action and overall service, saved me from being stranded on the freeway shoulder where I was exposed and vulnerable to being ran over by fast moving vehicles. I ride a motorcycle and without Renato's prompt service, and skillful knowledge to assist, I would've been waiting for roadside assistance for a quite awhile. But, instead, I was able to get right back on the road and ride off into the sunset. I truly appreciate his help and steadfast service."

*"I had a flat tire on the 101 Fwy. in T.O. at 8am 1/7/2022. As soon as I pulled over to contact AAA, Nick was knocking on my window offering to change the tire for free courtesy of VC. I am so grateful for his prompt service and remarkably, he was done in 15 minutes. He was very nice and made me feel safe which relieved all my anxiety and before I knew it, I was back on the road and on time to my appt. I cannot thank Nick enough for taking care of me. Please extend my heartfelt gratitude again as he declined to accept my Tip. Very skilled, gracious and respectful. We need more Nick's in the world.
Best Regards"*

"Rich was AMAZING!!!!!! He stopped by within 5 minutes to check on me. AAA was on their way but, in the end, were unable to help me. A friend came to help me get my flat tire off the vehicle to be repaired. Unknown to me at the time, Rich had driven by and saw the tire was off and was coming by to check on me knowing I would be back. He arrived when we got back. He then assisted in installing the new tire. Being a female on the road by myself, it was very comforting to know that he was watching out for my safety. He deserves an award! I was so frustrated with AAA and to find out I still had someone looking out for me was

very reassuring. Rich, keep up the great work. You were a life saver, and we need more people like you on the road ready to assist. Thank you, thank you, thank YOU!

"Tom was a life saver, I had just run over a plastic water bucket that was stuck under my front tire, so I had to pull over to the shoulder, I thought I had a flat tire. I put on my hazard lights and got out to see what it was. Then FSP Tom was helping someone else in need. What a blessing. He then came and helped pull the plastic bucket out from underneath my car. Tom was very professional and helped me keep calm. What a great program to have. Tom is an asset to your Patrol Service. Thank you."



Item 10

May 12, 2023

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION (VCTC)
FROM: CLAIRE GRASTY, DIRECTOR OF PUBLIC TRANSIT
DOLORES LOPEZ, TRANSIT PLANNER
SUBJECT: FISCAL YEAR (FY) 2023/24 TRANSPORTATION DEVELOPMENT ACT (TDA)
UNMET TRANSIT NEEDS (UTN) FINDINGS

RECOMMENDATION:

- Review and Approve the Fiscal Year 2023/2024 Unmet Transit Needs Findings and determination that there are no Unmet Transit Needs that are reasonable to meet.
- Adopt Resolution No. 2023-03

DISCUSSION:

As part of the annual Unmet Transit Needs process, VCTC presents the Findings to the Commission. The Findings have been approved by the Citizen's Transportation Advisory Committee/Social Service Transportation Advisory Committee (CTAC/SSTAC), as they are required to review and comment on the recommendations. The Findings have also been reviewed by Transcom. As a note, part of the Analysis & Findings section has been revised for clarity.

Pursuant to Senate Bill 203, the cities of Santa Paula, Fillmore, Moorpark, and Camarillo are subject to the Unmet Transit Needs process. Additionally, on June 11, 2018, legislation allowed Thousand Oaks to spend TDA funds on streets and roads, so they participate in the process as well. VCTC Intercity service does not use Article 8 funds for non-transit purposes; however, service requests for the regional service it provides are included in the process. The Gold Coast Transit District (GCTD), City of Ojai and the City of Simi Valley do not utilize or claim TDA Article 8 funds for non-transit purposes and their service is not subject to the Unmet Transit Needs process.

Adopted Criteria

In order for a request to be considered an Unmet Transit Need, it must meet either of the two following definitions and must receive at least 15 requests for general public service or 10 requests for disabled service:

- Public transit services not currently provided to reach employment, medical assistance, shop for food or clothing, to obtain social services such as health care, county welfare

programs and education programs. Service must be needed by and benefit the general public.

- Service expansions including new routes, significant modifications to existing routes, and major increases in service hours and frequency.

If they fulfill the above criteria, the need must also be determined to be reasonable to meet.

Public Input Process

The public comment period for the Fiscal Year 2023-2024 Unmet Transit Needs process was held between December 12, 2022 and February 4, 2023 with comments received throughout the year, but outside of the public comment period included in the analysis.

Each year, VCTC uses a variety of channels to promote and solicit public comment for the Unmet Transit Needs process including an online survey, social media advertising, eblasts, community meetings, and the GOVCbus app. Public notices were also printed in the Ventura County Star and VIDA News.

This year, 34 surveys were received by VCTC which were lower than past years but other means of communication received higher responses. VCTC hosted two county-wide virtual community meetings and a virtual public hearing where over forty comments were received. Additional comments were received via email, phone calls, social media and through the Comprehensive Transportation Plan (CTP). Overall, 124 respondents provided 194 comments.

Analysis

Staff screened each comment received based on the criteria; no requests met the 15-comment threshold for fixed route or the 10-comment threshold for dial-a-ride service and therefore were not further screened to determine if the need was reasonable to meet.

Public feedback garnered through the current year's analysis for transit services showed a high level of interest in service between Fillmore to Moorpark, Fillmore to Santa Clarita, and restored service to Woodland Hills. Although these requests fell short of the required 15 comments to be considered as Unmet Transit Needs, they indicate significant public demand. VCTC staff is exploring the possibility of a potential partnership with Santa Clarita Transit for service from Fillmore. Fleet capacity, route costs, labor, and configuration need to be addressed for service to Santa Clarita. Service to Woodland Hills has not yet been restored due to staff shortages but is expected to resume this summer. VCTC has received a grant for service between Fillmore and Moorpark and is currently in the planning phase, with service expected to begin in Spring 2014. The proposed route will save passengers significant travel time and need for multiple transfers along a high-demand corridor.

The most common comments that are not considered Unmet Transit Needs this year are related to expanded service to various Los Angeles County locations, VCTC Intercity service improvements, and Gold Coast Transit District service improvements. All comments received are essential for future planning in Ventura County and Comments that have decent support and have been brought up over the years are taken into consideration for future planning purposes.

At this time, staff is recommending that there are no Unmet Transit Needs that are reasonable to meet.

RESOLUTION NO. 2023-03

**A RESOLUTION OF THE VENTURA COUNTY TRANSPORTATION COMMISSION
APPROVING UNMET TRANSIT NEEDS FINDINGS FOR FISCAL YEAR 2023/2024**

I. THE VENTURA COUNTY TRANSPORTATION COMMISSION DOES HEREBY FIND THE FOLLOWING FACTS AND DECLARE THAT SAID FACTS ARE MATERIAL TO ITS DETERMINATIONS MADE HEREIN:

- A. The Ventura County Transportation Commission, hereinafter referred to as VCTC, has been designated as the Regional Transportation Planning Agency; and
- B. VCTC shall allocate monies in the Local Transportation Fund and State Transit Assistance Fund in accordance with the rules and regulations which implement the Transportation Development Act of 1971 as amended; and
- C. The Public Utilities Code, Section 99401.5, requires VCTC to hold a public hearing to determine whether there are any Unmet Public Transportation Needs prior to allocations for streets and roads; and
- D. VCTC, on December 4, 2020, reaffirmed methodology and definitions for noticing and conducting the annual Unmet Needs Hearings; and
- E. The said Public Hearing was duly noticed and advertised in conformance with these procedures by means of publication of public hearing notices in the major newspapers in the region; press releases, agency web posting; and written notices to interested organizations and individuals; and
- F. VCTC has given specific consideration to the following factors in the planning process pursuant to Public Utilities Code 99401.5
 - a. Established a Social Services Transportation Advisory Committee (SSTAC) by including social services and users' representatives as well as transit operators in conformance with Public Utility Code 99238;
 - b. In consultation with the Social Services Transportation Advisory Committee, conducted a transit needs assessment including an assessment of the size and location of identifiable groups likely to be transit dependent or transit disadvantaged and an analysis of the adequacy of existing an alternative public transportation services in meeting the demand; and
- G. VCTC, after a review of these factors, considered public testimony at said advertised Public Hearing held on February 3, 2023; and
- H. VCTC directed staff in conjunction with its advisory committees to evaluate and determine whether requests received by February 4, 2023 are "unmet transit needs" and are "reasonable to meet" based upon adopted definitions and criteria; and
- I. Staff and input from the CTAC/SSTAC advise that there are no regional and community public transit needs within the Cities of Santa Paula, Fillmore, Moorpark, Camarillo and/or Thousand Oaks that are be reasonable to meet at this time, based upon adopted definitions.

II. NOW, THEREFORE, BE IT RESOLVED THAT: VCTC, acting as the Regional Transportation Planning Agency, makes the following determinations and findings that there are no "unmet transit needs," which are "reasonable to meet" for FY 2023-2024.

- A. The Chair shall execute this Resolution on behalf of VCTC and the Clerk of the Board shall attest to her signature and the adoption of this resolution.
- B. The Executive Director shall before August 15, 2023 forward to the Department of Transportation on behalf of VCTC all of the following:
 - a. A copy of the notice of hearing and proof of publication and a description of the actions taken to solicit citizen participation pursuant to Public Utilities Code Section 99238.5;
 - b. A copy of the Resolution or minutes documenting VCTC's definitions of "unmet transit needs" and "reasonable to meet", as determined pursuant to Public Utilities Code (use the symbol) 99401.5; and
 - c. A copy of this Resolution adopted as required by Public Utilities Code § 99401.5(d).

Executed this 12th day of May 2023.

BRYAN MACDONALD, CHAIR, VCTC

ATTEST:

Roxanna Ibarra, Clerk of the Commission

APPROVED AS TO FORM:

Steven T. Mattas, General Counsel

Date



Item 11

May 12, 2023

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: PETER DE HAAN, PROGRAMMING DIRECTOR
SUBJECT: UPDATE ON US 101 HIGH OCCUPANCY VEHICLE (HOV)/EXPRESS BUS WIDENING PROJECT APPROVAL / ENVIRONMENTAL DOCUMENT (PAED) PHASE

RECOMMENDATION:

- Receive and file presentation.

BACKGROUND:

In 2023, the Commission completed the first Ventura County Comprehensive Transportation Plan (CTP), which identified US 101 as a priority for improvement. The CTP addressed the many needs of the project, including the need for capacity enhancements and/or operational improvements, as well as the importance to local commerce and freight movement. Additionally, through nearly every public participation activity during the development of the CTP, community members identified connectivity between cities, communities, and important destinations as being high priority.

Upon the identification of the need for this project, efforts began on the US 101 Improvement Project, leading to the completion by Caltrans staff of the Project Study Report – Project Development Support (PSR-PDS) in December, 2013. The PSR-PDS determined the initial purpose and need for the project, including identifying the corridor deficiencies, corridor and system coordination, conceptual cost estimates and the initial four alternatives that would meet the established purpose and need. In Spring 2018, the Commission entered into an agreement with WSP USA Inc. to perform the engineering and environmental work associated with the US 101 High Occupancy Vehicle (HOV) Lane Widening, Project Approval and Environmental Document (PAED) phase.

The PAED itself is a highly complex effort that will define the scope of improvements to reduce congestion and provide environmental clearance for those improvements along approximately 27 miles of the US 101 from State Route 23 in Thousand Oaks to State Route 33 in Ventura. The PAED is looking at a range of alternatives that will include High Occupancy Vehicle (HOV) lanes, the addition of auxiliary lanes, ramp improvements, and bridge widenings, as well as the environmental impacts and mitigations for that work.

The PAED is overseen by a Project Development Team (PDT) that has held meetings to review work completed and provide guidance to the WSP project team. During Summer 2019, the project conducted a series of four (4) public scoping meetings, one in each of the corridor cities, Thousand Oaks, Camarillo, Oxnard, and Ventura, to receive public comment. Subsequent to this scoping process, the project team

moved into the Alternatives Analysis portion of the project. A wide variety of project alternatives were studied in this process, applying both quantitative and qualitative criteria to the alternatives, with the objective of identifying the two alternatives that best fit the purpose and need of the project for an in-depth study and environmental review.

To facilitate public involvement in the development of this project, the project team has created a website, www.OurFuture101.org, which provides information on the project and its current status, as well as opportunities for public involvement.

At the July 2020 meeting, the Commission received an update on the project status. This update included a description of the alternatives selected by the PDT for the complete evaluation. These alternatives are:

- Alternative 1: No Build
- Alternative 2: HOV/Express Bus Lane Using Standard Section with Auxiliary Lanes
- Alternative 3: HOV/Express Bus Lane Using Standard Section with Design Variations and Auxiliary Lanes

The Commission received a subsequent report on the project status at the May 2022 meeting.

DISCUSSION:

The WSP team and PDT have continued to work on the more detailed environmental and technical analysis of the two alternatives that the PDT selected for the complete evaluation. Work on the project has taken longer than originally scheduled, due to a lengthened alternative evaluation timeline, longer than anticipated work product review by Caltrans, and the time required for Caltrans and VCTC to resolve how to apply the new State policies regarding how to perform Vehicles Miles Traveled (VMT) analysis. With regard to VMT, VCTC now has sufficient Caltrans direction to allow it to evaluate the VMT impact and the effectiveness of possible mitigation measures. Over the next few months, VCTC and Caltrans will work together to identify a suite of VMT mitigation measures that to the extent feasible will mitigate this impact.

Staff has invited Mr. Steven Yoshizumi, Project Manager for WSP, to give a project status presentation. At least one additional presentation will be made to the Commission in the future, prior to the release of the draft environmental document in late 2023 or early 2024.



Item 12

May 12, 2023

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

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

**SUBJECT: FISCAL YEAR 2022/23 LOW CARBON TRANSIT OPERATIONS PROGRAM
(LCTOP) ALLOCATION**

RECOMMENDATION:

- Approve the Ventura County Transportation Commission (VCTC) FY 2022/23 Low Carbon Transit Operations Program (LCTOP) Total Allocation Request of \$2,090,915 to fund the following two projects:
 - Free Fare Programs (\$1,200,000 includes Cities of Camarillo, Moorpark, Simi Valley, and Thousand Oaks Local Shares).
 - Battery Electric Charging Infrastructure (\$890,915).
- Adopt Resolution 2023-04 (Attachment A) authorizing the Executive Director to execute all required documents including the Certifications and Assurances and Authorized Agent Form to receive VCTC's FY 2022/23 LCTOP funds.
- Approve programming Southern California Regional Rail Authority's (SCRRA) LCTOP revenue formula amount for the portion of the rail service within Ventura County totaling \$214,375 to fund Metrolink's free college/youth pass pilot program.

BACKGROUND:

The Low Carbon Transit Operations Program (LCTOP) is a cap-and-trade program established by the California Legislature in 2014 that provides funds to public transportation agencies for investments in capital projects and service that reduce greenhouse gas (GHG) emissions and improve mobility with a priority on serving Disadvantaged Communities.

Disadvantaged Communities (DACs) are identified by the California Environmental Protection Agency (CalPEA) as the top 25% most impacted census tracts in the state. These are communities disproportionately burdened by multiple sources of pollution (e.g., adjacent to freeways, ports, airports) and identified with socioeconomic factors and population characteristics such as high rates of cardiovascular disease that make them more sensitive to pollution.

The cap-and-trade program auctions tradeable permits (allowances) to the GHG emissions limit with state proceeds deposited into the Greenhouse Gas Reduction Fund (GGRF), a portion of which funds the LCTOP program. The demand for allowances at auction fluctuates every year resulting in variability of anticipated funds, however, this year's allocation remained mostly unchanged from last year, totaling \$2,377,432 for the region.

The State Controller's Office (SCO) allocates 50% of funds to regional entities based on county population and 50% of funds to transit agencies based on revenue service. The SCO announced FY 2022/23 LCTOP allocation amounts on March 1, 2023, with a May 1st allocation request deadline. The following table provides a breakdown of this year's allocations for Ventura County, including Section 99313 (VCTC/regional funding based on county population) and Section 99314 (funding to transit operators based on service levels/fare revenue, i.e., "local shares"):

VENTURA COUNTY LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP)	FY 2022/23 ALLOCATION
Ventura County Transportation Commission (99313)	\$ 2,046,301
VCTC corresponding to SCRRRA - Metrolink Service (99314)	\$ 214,375
City of Camarillo (99314)	\$ 12,682
Gold Coast Transit District (99314)	\$ 72,142
City of Moorpark (99314)	\$ 5,065
City of Simi Valley (99314)	\$ 19,712
City of Thousand Oaks (99314)	\$ 7,155
TOTAL	\$ 2,377,432

DISCUSSION:

Over the years, the VCTC has sponsored multiple LCTOP funded projects for the region including new VCTC Intercity routes, and the ongoing "Metrolink Weekend Train Service" project, "College Ride" program, and "Youth Ride Free" program.

The Metrolink weekend service was first introduced in April 2021 as a single Saturday AM/PM train trip on the Ventura County line. Weekend Metrolink service to LA was a recurring request from area residents during the annual Unmet Transit Needs process. Last year, additional LCTOP funding expanded the service to include Sundays. The service is sufficiently funded to operate for the next two years.

Likewise, the College Ride program, providing fare free transit to college enrolled students in Ventura County since its launch in 2017, is sufficiently funded for the next two years. This popular program averages approximately 25,000 riders monthly. Notably, new LCTOP guidelines removed the five-year limit on operations projects (including free/reduced fare programs), thus allowing VCTC to request additional funding for the College Ride program as needed in future cycles, although funding for this program was anticipated to eventually be assumed by local colleges.

Recommended projects for FY 2022/23 LCTOP Funds

For this year's LCTOP funds, staff recommends funding two regional projects including the "Free Fare Programs" which would support the continuation of the Youth Ride Free program launched in September 2022, with additional free fare days for the general public; and a new "Battery Electric Charging Infrastructure" project supporting various Ventura County operators pursuing an electric battery fuel path for their fleet.

The "Youth Ride Free" program was launched last year and continues to gain in popularity averaging close to 80,000 riders monthly. The program provides free fare to youth under the age of 18 and/or enrolled students (K-12). LCTOP funds are used as fare buy down for participating Ventura County operators including Gold Coast (GCTD), VCTC Intercity, Valley Express, Camarillo (CAT), Thousand Oaks (TOT), Moorpark (MCT), Ojai Trolley, and Simi Valley Transit. Funds would continue the program through June 2024.

Additionally, the Free Fare Programs project includes implementation of "Free Fare Days" for the general public on select dates and include the same participating transit operators as the College Ride and Youth Fare programs. The following eight days would be proposed as free fare days for one year beginning August 2023 through June 2024:

- Transit Equity Day
- Earth Day
- Dump the Pump Day
- Car Free Day
- Clean Air Day
- Veteran's Day
- Bike to School Day/Workday

Both fare programs serve the goals of the LCTOP program to reduce GHG emissions through travel mode shifts as well as the regional priority established by the VCTC in their recent Goal Setting Session of increasing transit ridership overall for Ventura County as it transitions from pandemic to post-pandemic travel patterns.

With the remaining FY 2022/23 LCTOP funds of \$890,915, VCTC staff recommends funding the Battery Electric Charging Infrastructure (BECI) program for Ventura County. The California Air Resources Board mandates that all transit agencies have a goal of gradually transitioning to a zero-emission bus fleet by 2040. The Ventura County BECI project provides the resources to assist local operators pursuing a battery electric fuel path to meet that goal. Funds will be used for the construction, purchase (equipment acquisition), and installation of battery electric charging infrastructure at the Thousand Oak's Municipal Service Center, City of Ojai Bus Yard, Simi Valley Transit Maintenance Facility, and Camarillo Transit Station.

Local Shares

The cities of Camarillo, Moorpark, Simi Valley and Thousand Oaks have elected to contribute their local shares totaling \$44,614 to the regional Youth Ride Free program. SCRRRA (Metrolink) and GCTD will use their local shares for agency specific projects. Metrolink has proposed a free student/youth pass through a pilot program to assist college students and youth in accessing educational institutions on routes across Metrolink's six-county service area. GCTD will use agency shares to continue providing local match for the operation of their Route 23 service.

All of the recommended projects are eligible for funding under the LCTOP guidelines and meet the goals and requirements of the LCTOP program. The Transit Operators Committee (TRANSCOM) approved the VCTC staff recommendation on April 12, 2023.

Authorized Agent

AS THE **Chair**

(Chief Executive Officer/Director/President/Secretary)

OF THE **Ventura County Transportation Commission**

(Name of County/City/Transit Organization)

I hereby authorize the following individual(s) to execute for and on behalf of the named Regional Entity/Transit Operator, any actions necessary for the purpose of obtaining Low Carbon Transit Operations Program (LCTOP) funds provided by the California Department of Transportation, Division of Rail and Mass Transportation. I understand that if there is a change in the authorized agent, the project sponsor must submit a new form. This form is required even when the authorized agent is the executive authority himself. I understand the Board must provide a resolution approving the Authorized Agent. The Board Resolution appointing the Authorized Agent is attached.

Martin R. Erickson, Executive Director OR
(Name and Title of Authorized Agent)

Click here to enter text. OR
(Name and Title of Authorized Agent)

Click here to enter text. OR
(Name and Title of Authorized Agent)

Click here to enter text. OR
(Name and Title of Authorized Agent)

Bryan MacDonald
(Print Name)

Chair
(Title)

(Signature)

Approved this 12 day of May, 2023

Certifications and Assurances

Lead Agency: Ventura County Transportation Commission

Project Title: Free Fare Program and Battery Electric Charging Infrastructure Project

Prepared by: Heather L. Miller

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

A. General

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

B. Project Administration

1. The Lead Agency certifies that required environmental documentation is complete before requesting an allocation of LCTOP funds. The Lead Agency assures that projects approved for LCTOP funding comply with Public Resources Code § 21100 and § 21150.
2. The Lead Agency certifies that a dedicated bank account for LCTOP funds only will be established within 30 days of receipt of LCTOP funds.
3. The Lead Agency certifies that when LCTOP funds are used for a transit capital project, that the project will be completed and remain in operation for its useful life.
4. The Lead Agency certifies that it has the legal, financial, and technical capacity to carry out the project, including the safety and security aspects of that project.
5. The Lead Agency certifies that they will notify Caltrans of pending litigation, dispute, or negative audit findings related to the project, before receiving an allocation of funds.
6. The Lead Agency must maintain satisfactory continuing control over the use of project equipment and facilities and will adequately maintain project equipment and facilities for the useful life of the project.
7. Any interest the Lead Agency earns on LCTOP funds must be used only on approved LCTOP projects.

8. The Lead Agency must notify Caltrans of any changes to the approved project with a Corrective Action Plan (CAP).
9. Under extraordinary circumstances, a Lead Agency may terminate a project prior to completion. In the event the Lead Agency terminates a project prior to completion, the Lead Agency must (1) contact Caltrans in writing and follow-up with a phone call verifying receipt of such notice; (2) pursuant to verification, submit a final report indicating the reason for the termination and demonstrating the expended funds were used on the intended purpose; (3) submit a request to reassign the funds to a new project within 180 days of termination.

C. Reporting

1. **The Lead Agency must submit the following LCTOP reports:**
 - a. **Annual Project Activity Reports October 27th each year.**
 - b. **A Close Out Report within six months of project completion.**
 - c. **The annual audit required under the Transportation Development Act (TDA), to verify receipt and appropriate expenditure of LCTOP funds. A copy of the audit report must be submitted to Caltrans within six months of the close of the year (December 31) each year in which LCTOP funds have been received or expended.**
 - d. **Project Outcome Reporting as defined by CARB Funding Guidelines.**
 - e. **Jobs Reporting as defined by CARB Funding Guidelines.**
2. Other Reporting Requirements: CARB develops and revises Funding Guidelines that will include reporting requirements for all State agencies that receive appropriations from the Greenhouse Gas Reduction Fund. Caltrans and project sponsors will need to submit reporting information in accordance with CARB's Funding Guidelines, including reporting on greenhouse gas reductions and benefits to disadvantaged communities.

D. Cost Principles

1. The Lead Agency agrees to comply with Title 2 of the Code of Federal Regulations 225 (2 CFR 225), Cost Principles for State and Local Government, and 2 CFR, Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
2. The Lead Agency agrees, and will assure that its contractors and subcontractors will be obligated to agree, that:
 - a. Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allow ability of individual project cost items and

- b. Those parties shall comply with Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Every sub-recipient receiving LCTOP funds as a contractor or sub-contractor shall comply with

Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

3. Any project cost for which the Lead Agency has received funds that are determined by subsequent audit to be unallowable under 2 CFR 225, 48 CFR, Chapter 1, Part 31 or 2 CFR, Part 200, are subject to repayment by the Lead Agency to the State of California (State). All projects must reduce greenhouse gas emissions, as required under Public Resources Code section 75230, and any project that fails to reduce greenhouse gases shall also have its project costs submit to repayment by the Lead Agency to the State. Should the Lead Agency fail to reimburse moneys due to the State within thirty (30) days of demand, or within such other period as may be agreed in writing between the Parties hereto, the State is authorized to intercept and withhold future payments due the Lead Agency from the State or any third-party source, including but not limited to, the State Treasurer and the State Controller.

A. Record Retention

1. The Lead Agency agrees and will assure that its contractors and subcontractors shall establish and maintain an accounting system and records that properly accumulate and segregate incurred project costs and matching funds by line item for the project. The accounting system of the Lead Agency, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles (GAAP) and enable the determination of incurred costs at interim points of completion. All accounting records and other supporting papers of the Lead Agency, its contractors and subcontractors connected with LCTOP funding shall be maintained for a minimum of three (3) years after the "Project Closeout" report or final Phase 2 report is submitted (per ARB Funding Guidelines, Vol. 3, page 3.A-16), and shall be held open to inspection, copying, and audit by representatives of the State and the California State Auditor. Copies thereof will be furnished by the Lead Agency, its contractors, and subcontractors upon receipt of any request made by the State or its agents. In conducting an audit of the costs claimed, the State will rely to the maximum extent possible on any prior audit of the Lead Agency pursuant to the provisions of federal and State law. In the absence of such an audit, any acceptable audit work performed by the Lead Agency's external and internal auditors may be relied upon and used by the State when planning and conducting additional audits.
2. For the purpose of determining compliance with Title 21, California Code of Regulations, Section 2500 et seq., when applicable, and other matters connected with the performance

of the Lead Agency's contracts with third parties pursuant to Government Code § 8546.7, the project sponsor, its contractors and subcontractors and the State shall each maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts. All of the above referenced parties

shall make such materials available at their respective offices at all reasonable times during the entire project period and for three (3) years from the date of final payment. The State, the California State Auditor, or any duly authorized representative of the State, shall each have access to any books, records, and documents that are pertinent to a project for audits, examinations, excerpts, and transactions, and the Lead Agency shall furnish copies thereof if requested.

3. The Lead Agency, its contractors and subcontractors will permit access to all records of employment, employment advertisements, employment application forms, and other pertinent data and records by the State Fair Employment Practices and Housing Commission, or any other agency of the State of California designated by the State, for the purpose of any investigation to ascertain compliance with this document.

F. Special Situations

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

I certify all of these conditions will be met.

Martin R. Erickson

(Print Authorized Agent)

Executive Director

(Title)

(Signature)

(Date)

RESOLUTION # 2023-04

AUTHORIZATION FOR THE EXECUTION OF THE
CERTIFICATIONS AND ASSURANCES AND AUTHORIZED AGENT FORMS
FOR THE LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP)
FOR THE FOLLOWING PROJECT(S):
FREE FARE PROGRAM (\$1,200,000) AND
BATTERY ELECTRIC CHARGING INFRASTRUCTURE PROJECT (\$890,915)

WHEREAS, the VENTURA COUNTY TRANSPORTATION COMMISSION is an eligible project sponsor and may receive state funding from the Low Carbon Transit Operations Program (LCTOP) for transit projects; and

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

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

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

WHEREAS, the VENTURA COUNTY TRANSPORTATION COMMISSION wishes to delegate authorization to execute these documents and any amendments thereto to MARTIN R. ERICKSON, EXECUTIVE DIRECTOR; and

WHEREAS, the VENTURA COUNTY TRANSPORTATION COMMISSION wishes to implement the following LCTOP project(s) listed above,

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the VENTURA COUNTY TRANSPORTATION COMMISSION that the fund recipient agrees to comply with all conditions and requirements set forth in the Certification and Assurances and the Authorized Agent documents and applicable statutes, regulations and guidelines for all LCTOP funded transit projects.

NOW THEREFORE, BE IT FURTHER RESOLVED that MARTIN R. ERICKSON, EXECUTIVE DIRECTOR be authorized to execute all required documents of the LCTOP program and any Amendments thereto with the California Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the VENTURA
(Continued to next page)

COUNTY TRANSPORTATION COMMISSION that it hereby authorizes the submittal of the following project nomination(s) and allocation request(s) to the Department in FY2022-2023 LCTOP funds:

1. The VCTC and contributing sponsors City of Camarillo, City of Moorpark, City of Simi Valley and the City of Thousand Oaks request \$1,200,000 in LCTOP funds for the Free Fare Programs. These Free Fare Programs will benefit Priority Populations in Ventura County by providing free fares to youth aged 18 and younger as well as implement five free fare days to all transit riders by encouraging transit use, thus reducing Vehicle Miles Traveled (VMTs) and associated greenhouse gas (GHG) emissions in these communities.
2. The VCTC also requests \$890,915 in LCTOP funds for the Battery Electric Charging Infrastructure Project. This project will benefit Priority Populations in Ventura County with funds used for the construction, purchase (equipment acquisition), and installation of battery electric charging infrastructure at the Thousand Oak's Municipal Service Center, City of Ojai Bus Yard, Simi Valley Transit Maintenance Facility, and Camarillo Transit Station.

AGENCY BOARD DESIGNEE:

BY: _____

Bryan MacDonald, VCTC Chair

ATTEST:

Roxanna Ibarra, Clerk of the Commission

APPROVED AS TO FORM:

Steven Mattas, General Counsel



Item 13

May 12, 2023

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

Over the past year, the Commission has been informed of a lawsuit filed in 2019 by the Amalgamated Transit Union and a subsequent determination by the U.S. Department of Labor (DOL) that California's pension-reform law, PEPRRA, interferes with the collective bargaining rights of transit workers. In February, the United States District Court for the Eastern District of California issued its final ruling, which was favorable to California transit agencies in that it protects agencies' eligibility to receive federal grants. Last month, the transit workers union and the DOL filed notices of appeal. The court has yet to issue its briefing schedule.

State Issues

Budget Update

Much of this year's legislative session has focused on the 2023-24 budget and specifically, the anticipated budget deficit. In January, Gov. Gavin Newsom released his budget proposal, which forecasts a \$22 billion budget shortfall. The deficit is now projected to be larger, although by how much is still unclear. Because of the damage brought by winter storms, Californians have until October to file state income taxes, so the exact size of the deficit might not be clear until later this year. The governor's budget proposal includes significant adjustments to the \$15 billion transportation infrastructure package approved in 2022. In explaining the adjustments, the governor cited the state's recent investments in transportation, as well as federal funding expected to come to California through the Infrastructure Investment and Jobs Act (IIJA) and Inflation Reduction Act (IRA). The budget proposal includes funding reductions to the Transit and Intercity Rail Capital Program and to the Active Transportation Program, as well as funding shifts for numerous other transportation programs and a funding delay for grade separation projects at rail crossings.

In response to the governor's budget proposal, the Ventura County Transportation Commission (VCTC) and several of its Southern California regional partners collaborated on a coalition letter (attached) sent to legislative leaders that outlines concerns with the proposed cuts to transportation programs. The letter requests that the Legislature protect transportation funding dedicated in the 2022-23 budget to meet California's greenhouse gas reduction goals.

As federal COVID-19 relief runs out and ridership remains below pre-pandemic levels, transit agencies across California continue to warn of the impending "fiscal cliff," which could lead to reductions in budgets and transit service over the coming years. As a result, several budget requests have been submitted to legislative leaders seeking additional transit operations funding. VCTC is a member of the California Transit Association (CTA), a nonprofit organization that represents more than 80 transit agencies statewide. In April, CTA sent a letter on behalf of its members requesting \$5.15 billion from various state funding sources to support transit operations over five years. Funding sources identified in the letter include revenue from the portion of sales tax on diesel fuel that normally goes to the state's general fund, utilizing unallocated Cap and Trade revenue, and converting transit capital to operations funding. The letter also calls for an extension of statutory relief provided to transit agencies since the beginning of the pandemic. Sen. Scott Wiener, who represents District 11 in the Bay Area, submitted a similar letter and funding request.

Budget committee hearings will continue over the next several weeks. The governor will release his revised budget proposal in early May. The Legislature has until June 15 to pass a budget.

At today's meeting, Delaney Hunter of California Advisors, VCTC's advocate in Sacramento, will make a presentation to the Commission about current state transportation issues.

Attachment A is the monthly report from California Advisors. Attachment B is a matrix of bills that VCTC is tracking. Attachment C is the coalition budget letter sent to legislative leaders.



CALIFORNIA ADVISORS, LLC

VENTURA COUNTY TRANSPORTATION COMMISSION MONTHLY STATE ADVOCACY REPORT APRIL 2023

Legislative Update

The Legislature reconvened from their week-long Spring Recess on April 10th. During April, much of the Legislature worked to develop their legislative package and to amend substantive language into the early introduced spot bills. Legislation has started to take shape and a number of key issues have surfaced as high priority for the Legislature this year. Simultaneously, the Budget Sub Committees are also meeting regularly to review the items in the Governor's January Budget proposal. These committees will continue to make recommendations prior to the Governor's May Revise.

In addition to these larger topics of importance, there are currently 1,885 Assembly bills and 990 Senate bills moving through the process. The deadline to move out of the first house policy committee for bills that are tagged fiscal is April 28th. As a result, the last two weeks of April consisted of long hearings where a majority of bills were heard for the first time. For bills that are referred to more than one policy committee, there is a quick turnaround from one hearing to the next. Once these bills advance out of the policy committee stage, legislation will move to the respective Appropriations Committee for a debate on the fiscal aspects of the bill. The month of May will be focused on these fiscal issues, including a hearing on the Suspense File – where bills with a larger price tag are often held in Committee. Given the latest numbers suggest California is currently facing over a \$5 billion dollar shortfall since January, there will need to be difficult decisions on legislation that costs a significant amount of money. The nearly 3,000 number bill count will be significantly reduced after the suspense hearings in the Senate and Assembly.

As we close out the month of April, the next step in the budget process is on the horizon. The Governor must submit his "May Revise" on or by May 14th. This typically serves as a post-tax collection update to state revenues and allows the Governor to revise and refine his January budget proposal. Given the destruction of the winter storms that hit California and the subsequent decision to allow a delay in paying taxes, the May Revise will likely need to adjust many programs for the significant shortfall in state revenues.

The California Advisors team will continue to keep VCTC updated on important changes to relevant legislation and the outcome of the upcoming committee hearings.

Upcoming Bill Deadlines

May 5 – Last day for policy committees to hear and report to the floor non-fiscal bills introduced in their house.

May 12 – Last day for policy committees to meet.

May 19 – Last day for fiscal committees to meet and report to the floor bills introduced in their house.

May 30 – June 2 – Floor sessions only.

June 2 – Last day for each house to pass bills introduced in that house.

June 15 – Budget Bill must be passed by midnight.

Below is a list of VCTC tracked newly introduced bills:

AB 6 (Friedman D) Transportation planning.

Introduced: 12/5/2022

Status: 3/28/2023-From committee: Do pass and re-refer to Com. on NAT. RES. (Ayes 11. Noes 4.) (March 27). Re-referred to Com. on NAT. RES.

Summary: Current law requires that each regional transportation plan also include a sustainable communities strategy prepared by each metropolitan planning organization in order to, among other things, achieve certain targets established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region for 2020 and 2035, respectively. This bill would require the state board, after January 1, 2024, and not later than September 30, 2026, to establish additional targets for 2035 and 2045, respectively, as specified.

AB 7 (Friedman D) Transportation: funding: capacity projects.

Introduced: 12/5/2022

Status: 3/28/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 11. Noes 4.) (March 27). Re-referred to Com. on APPR.

Summary: Would require, on and after January 1, 2025, the project selection process for each transportation project that would be funded, at least partially, from specified funding sources, including the State Highway Account, the Road Maintenance and Rehabilitation Account, and the Trade Corridor Enhancement Account, to incorporate specified principles. The bill would require the Transportation Agency, on or before January 1, 2026, and annually thereafter, to submit a report to the Legislature on how those transportation projects that were completed during the prior year incorporated those principles. This bill contains other existing laws.

AB 295 (Fong, Vince R) Department of Transportation: maintenance projects.

Introduced: 1/25/2023

Status: 4/18/2023-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 15. Noes 0.) (April 17). Re-referred to Com. on APPR.

Summary: Would require the Department of Transportation to establish a rapid response unit within the Division of Maintenance in order to expedite roadside maintenance for specified projects related to roadside maintenance and the removal and clearing of material, as provided. The bill would also authorize local governmental entities, fire protection districts, fire safe councils, and tribal entities to notify the department of those projects related to roadside maintenance and the removal and clearing of material that have not been completed in an efficient and timely manner if the continued failure to complete these projects poses a clear and imminent danger, as provided. The bill would require the rapid response unit to begin the maintenance project within 90 days of being notified.

AB 400 (Rubio, Blanca D) Local agency design-build projects: authorization.

Introduced: 2/2/2023

Status: 2/9/2023-Referred to Committee on Local Government

Summary: Current law authorizes local agencies, as defined, to use the design-build procurement process for specified types of projects, as prescribed. Current law, among other requirements for the design-build procurement process, requires specified information submitted by a design-build entity to be certified under penalty of perjury. These provisions authorizing the use of the design-build procurement process are repealed on January 1, 2025. This bill would remove the January 1, 2025, repeal date, thereby making these provisions operative indefinitely.

AB 411 (Bennett D) Transportation: trails.

Introduced: 2/2/2023

Status: 4/19/2023-Coauthors revised. From committee: Do pass and re-refer to Com. on APPR. (Ayes 14. Noes 0.) (April 18). Re-referred to Com. on APPR.

Summary: Would require the Department of Parks and Recreation to establish the California Recreational Trails and Greenways Program to, beginning in 2024, award competitive grants on a biennial basis for new, expanded, or improved public access opportunities through nonmotorized recreational trail creation, improvement, enhancement, and restoration projects. The bill would create the California Recreational Trails and Greenways Fund in the State Treasury, and would require that specified moneys, including, to the extent consistent with Proposition 68, unexpended Proposition 68 moneys that revert to the administering agency for allocation, upon appropriation by the Legislature, be deposited into the fund and, upon appropriation by the Legislature, be available for allocation by the department for purposes of the program, as specified. In order to reduce the financial burdens associated with frontloaded cost structures and match requirements, the bill would authorize the department to create a loan or grant process for advanced payment and match assistance to reduce barriers to participation in the program.

AB 463 (Hart D) Electricity: prioritization of service: public transit vehicles.

Introduced: 2/6/2023

Status: 3/23/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 14. Noes 0.) (March 22). Re-referred to Com. on APPR.

Summary: Current law requires the Public Utilities Commission to establish priorities among the types or categories of customers of every electrical corporation and every gas corporation, and among the uses of electricity or gas by those customers, to determine which of those customers and uses provide the most important public benefits and serve the greatest public need, and to categorize all other customers and uses in order of descending priority based on these standards. Current law requires the commission, in establishing those priorities, to consider, among other things, the economic, social, and other effects of a temporary discontinuance in electrical or gas service to certain customers or for certain uses, as specified. If an electrical or gas corporation experiences a shortage of capacity or capability and is unable to meet all demands by its customers, existing law requires the commission to order that service be temporarily reduced by an amount that reflects the established priorities for the duration of the shortage. This bill would require the commission, in establishing those priorities, to also consider the economic, social equity, and mobility impacts of a temporary discontinuance in electrical service to the customers that rely on electrical service to operate public transit vehicles.

AB 557 (Hart D) Open meetings: local agencies: teleconferences.

Introduced: 2/8/2023

Status: 2/17/2023-Referred to Com. on L. GOV.

Summary: Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health, as specified. If there is a continuing state of emergency, or if state or local officials have imposed or recommended measures to promote social distancing, existing law requires a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures. Current law requires a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option. Current law prohibits a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. This bill would extend the above-described abbreviated teleconferencing provisions when a declared state of emergency is in effect, or in other situations related to public health, as specified, indefinitely.

AB 610 (Holden D) Youth Transit Pass Pilot Program: free youth transit passes.

Introduced: 2/9/2023

Status: 3/14/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 14. Noes 0.) (March 13). Re-referred to Com. on APPR.

Summary: Would, upon the appropriation of moneys by the Legislature, create the Youth Transit Pass Pilot Program, administered by the Department of Transportation, for purposes of awarding grants to transit agencies for the costs of creating, designing, developing, advertising, distributing, and implementing free youth transit passes to persons attending certain educational institutions, providing free transit service to holders of those passes, and administering and participating in the program, as specified. The bill would authorize a transit agency to submit a grant application in partnership with one or more educational institutions and would also authorize grant funds to be used to maintain, subsidize, or expand an existing fare free program, as provided. The bill would authorize a transit agency with an existing fare free program that enables a person 18 years of age or younger to use a transit agency's bus and rail services without paying any additional fare or charge to submit an application without an educational institution partner, as provided. The bill would require the department to submit a report to specified committees of the Legislature on or before January 1, 2028, 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 744 (Carrillo, Juan D) California Transportation Commission: data, modeling, and analytic software tools procurement.

Introduced: 2/13/2023

Status: 3/21/2023-Coauthors revised. From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 15. Noes 0.) (March 20). Re-referred to Com. on APPR.

Summary: Current law establishes the California Transportation Commission in the Transportation Agency. Current law vests the California Transportation Commission with various powers and duties relative to the programming of transportation capital projects and allocation of funds to those projects pursuant to the state transportation improvement program and various other transportation funding programs. Upon the appropriation of funds by the Legislature, this bill would require the commission to acquire public domain or procure commercially available or open-source licensed solutions for data, modeling, and analytic software tools to support the state's sustainable transportation, congestion management, affordable housing, efficient land use, air quality, and climate change strategies and goals. The bill would require the commission to provide access to the data, modeling, and analytic software tools to state and local agencies, as specified.

AB 756 (Papan D) Department of Transportation: contaminated stormwater runoff: salmon and steelhead trout bearing surface waters.

Introduced: 2/13/2023

Status: 4/19/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (April 18). Re-referred to Com. on APPR.

Summary: Would require the Department of Transportation, in consultation with the State Water Resources Control Board, the Department of Toxic Substances Control, and the Department of Fish and Wildlife, to develop a programmatic environmental review process to prevent 6PPD and 6PPD-quinone from entering salmon and steelhead trout bearing surface waters of the state. The bill would require the department's 6PPD and 6PPD-quinone programmatic environmental review process to include, among other specified components, a pilot project at a particular highway crossing over the San Mateo Creek to study the effectiveness and cost effectiveness of installing and maintaining bioretention and biofiltration comparatively along department rights-of-way to eliminate the discharge of 6PPD and 6PPD-quinone into surface waters of the state, as specified. The bill would require, no later than December 31, 2026, the Director of Transportation to submit a report to the Legislature describing the department's strategy to eliminate the discharge of 6PPD and 6PPD-quinone by the department to all salmon and steelhead trout bearing surface waters of the state.

AB 761 (Friedman D) Transit Transformation Task Force.

Introduced: 2/13/2023

Status: 3/21/2023-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 15. Noes 0.) (March 20). Re-referred to Com. on APPR.

Summary: Under current law, the Transportation Agency is under the supervision of an executive officer known as the Secretary of Transportation, who is required to develop and report to the Governor on legislative, budgetary, and administrative programs to accomplish comprehensive, long-range, and coordinated planning and policy formulation in the matters of public interest related to the agency. Current law provides for the funding of public transit, including under the Transportation Development Act. This bill would require the secretary, on or before July 1, 2024, to establish and convene the Transit Transformation Task Force to include representatives from the department, the Controller's office, various local agencies, academic institutions, nongovernmental organizations, and other stakeholders. 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 ridership and improve the transit experience for all users of those services. The bill would require the secretary, in consultation with the task force, to prepare and submit a report of findings based on the task force's efforts to the appropriate policy and fiscal committees of the Legislature on or before January 1, 2025. The bill would

require the report to include a detailed analysis of specified issues and recommendations on specified topics.

AB 817 (Pacheco D) Open meetings: teleconferencing: subsidiary body.

Introduced: 2/13/2023

Status: 3/20/2023-Re-referred to Com. on L. GOV.

Summary: Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. This bill would authorize a subsidiary body, as defined, to use alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. In order to use teleconferencing pursuant to the Ralph M. Brown Act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.

AB 823 (Schiavo D) Clean Transportation Program: eligible projects.

Introduced: 2/13/2023

Status: 4/19/2023-In committee: Set, first hearing. Referred to suspense file.

Summary: Current law establishes the Clean Transportation Program, administered by the State Energy Resources Conservation and Development Commission, to provide funding, upon appropriation by the Legislature, to certain entities to develop and deploy innovative technologies that transform California's fuel and vehicle types to help attain the state's climate change policies. Current law requires the commission to give preference to those projects that maximize the goals of the program based on specified criteria and to fund specified eligible projects, including, among others, alternative and renewable fuel infrastructure, fueling stations, and equipment. This bill would expand the list of eligible projects to include, among other things, roadway integrated fueling and parking surface integrated fueling projects.

AB 930 (Friedman D) Local government: Reinvestment in Infrastructure for a Sustainable and Equitable California (RISE) districts.

Introduced: 2/14/2023

Status: 4/20/2023-From committee: Do pass and re-refer to Com. on J., E.D., & E. (Ayes 6. Noes 2.) (April 19). Re-referred to Com. on J., E.D., & E.

Summary: Current law authorizes certain local agencies to form a community revitalization authority within a community revitalization and investment area, as defined, and authorizes an authority to, among other things, provide for low- and moderate-income housing and issue bonds, as provided. Current law authorizes a community revitalization and investment plan to provide for the division of taxes within the plan area. This bill would authorize the legislative bodies of 2 or more cities or counties to jointly form a Reinvestment in Infrastructure for a Sustainable and Equitable California district (RISE district) in accordance with specified procedures. The bill would authorize a special district to join a RISE district, by resolution, as specified.

AB 980 (Friedman D) Active Transportation Program: report.

Introduced: 2/15/2023

Status: 3/28/2023-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 15. Noes 0.) (March 27). Re-referred to Com. on APPR.

Summary: Current law establishes the Active Transportation Program in the Department of Transportation for the purpose of encouraging increased use of active modes of transportation, such as biking and walking. Current law requires the California Transportation Commission to develop guidelines and project selection criteria for the program and authorizes the commission to amend the adopted guidelines after conducting at least one public hearing. This bill would require an applicant that receives funding under the program for a project to, within one year of completing the project, submit a report to the commission describing how the project met active transportation goals.

AB 981 (Friedman D) State highways: pilot highway maintenance and rehabilitation demonstration projects.

Introduced: 2/15/2023

Status: 3/28/2023-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 15. Noes 0.) (March 27). Re-referred to Com. on APPR.

Summary: Would require the Department of Transportation, beginning in 2025 and ending in 2032, to use cold in-place recycling or partial depth recycling, as defined, on at least 12 projects each year. The bill would require the department, beginning in 2027 and ending in 2032, to use full depth recycling, as defined, on at least 5 projects each year. The bill would require the department to submit an annual report to the Legislature regarding these projects. The bill would repeal its provisions on January 1, 2034.

AB 1052 (McCarty D) Sacramento Regional Transit District: taxes.

Introduced: 2/15/2023

Status: 3/2/2023-Referred to Com. on L. GOV.

Summary: The Sacramento Regional Transit District Act creates the Sacramento Regional Transit District, with specified powers and duties relative to providing transit services in the Sacramento region. Existing law authorizes the district to levy or collect a property tax within any city or the unincorporated area, or any part thereof, in the district, upon the approval by a 2/3 vote of the electorate, as provided. Current law authorizes the board of directors of the district to adopt a retail transactions and use tax ordinance, subject to the approval of 2/3 of the electors at a special election. This bill would revise and recast those provisions related to the imposition of property taxes and retail transactions and use taxes by the district, by, among other things, explicitly authorizing the district to impose a property tax or retail transactions and use tax in the entirety of, or a portion of, the incorporated and unincorporated territory. If the tax only applies to a portion of an area of the district, the bill would require the incorporated area of each city and of contiguous cities within the district to be either wholly included within or wholly excluded from that portion that is taxed and would require the entire unincorporated area of the district to be either wholly included within or wholly excluded from that portion that is taxed.

AB 1168 (Bennett D) Emergency medical services (EMS): prehospital EMS.

Introduced: 2/16/2023

Status: 4/20/2023-Re-referred to Com. on E.M.

Summary: Would require a city or fire district that contracted for or provided, as of June 1, 1980, prehospital EMS, to be deemed to retain its authorities regarding, and administration of, the prehospital EMS when a city or fire district enters into an agreement with a county for the joint exercise of powers regarding prehospital EMS, or that ceased to contract for, provide, or administer prehospital EMS as a result of a judicial finding, as specified, or that contracts with a county to provide prehospital EMS in

areas outside of that city or fire district pursuant to statute. The bill would state the Legislature's intent that a city's or fire district's entry into a written agreement with a county for the joint exercise of powers regarding prehospital EMS, as described, does not make the city or fire district ineligible to contract with a county, as described above, or result in the transfer, termination, relinquishment, or extinguishment of that city's or fire district's authorities regarding, or administration of, prehospital EMS, and to abrogate contrary judicial holdings.

AB 1333 (Ward D) Residential real property: bundled sales.

Introduced: 2/16/2023

Status: 3/27/2023-Re-referred to Com. on JUD.

Summary: Current law prescribes various requirements to be satisfied before the exercise of a power of sale under a mortgage or deed of trust and prescribes a procedure for the exercise of that power. Current law, until January 1, 2031, for purposes of the exercise of a power of sale, prohibits a trustee from bundling properties for the purpose of sale, instead requiring each property to be bid on separately, unless the deed of trust or mortgage provides otherwise. Current law also prohibits specified institutions that, during their immediately preceding annual reporting period, as established with their primary regulator, foreclosed on 175 or more residential real properties, containing no more than 4 dwelling units, from conducting a sale of 2 or more parcels of real property containing one to 4 residential dwelling units, inclusive, at least 2 of which have been acquired through foreclosure under a mortgage or deed of trust. This bill would prohibit a developer of residential one to 4 dwelling units, inclusive, from conducting a sale of 2 or more parcels of real property containing one to 4 residential dwelling units, inclusive, if the occupancy permit was issued on or after January 1, 2024.

AB 1335 (Zbur D) Local government: transportation planning and land use: sustainable communities strategy.

Introduced: 2/16/2023

Status: 4/20/2023-Read second time. Ordered to third reading.

Summary: Would, commencing January 1, 2024, would require each transportation planning agency to follow certain population projection procedures when updating the regional transportation plan. The bill would require the sustainable communities strategy to be based on population projections produced by the Department of Finance and regional population forecasts used in determining applicable city and county regional housing needs, in consultation with each council of governments. The bill would impose similar reconciliation procedures, as described above, when there are differences in the population forecast provided by the council of governments and the Department of Finance. By imposing additional duties on transportation planning agencies, the bill would impose a state-mandated local program.

AB 1348 (Grayson D) State government: Controller: claims audits.

Introduced: 2/16/2023

Status: 4/19/2023-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 6. Noes 0.) (April 19). Re-referred to Com. on APPR.

Summary: The Government Claims Act generally requires the presentation of all claims for money or damages against local public entities and the state. Current law provides for the presentation of a claim for which appropriations have been made, or for which state funds are available, under that act to the Controller, in the form and manner prescribed by the general rules and regulations adopted by the Department of General Services. Current law, with specified exceptions, prohibits the Controller from drawing a warrant for any claim until it has been audited in conformity with law and the general rules

and regulations adopted by the Department of General Services governing the presentation and audit of claims. This bill would require the Controller to conduct, unless prohibited by the provisions of a state ballot proposition passed by the electorate, financial and compliance audits as the Controller's office deems as necessary for purposes of ensuring that any expenditures, regardless of the source or fund from which the warrants for claims are drawn, are expended in a manner consistent with the law and the voters' intent. The bill would also require the Controller to conduct any audits necessary to carry out their constitutional and statutory duties and responsibilities under the law.

AB 1385 (Garcia D) Riverside County Transportation Commission: transaction and use tax.

Introduced: 2/17/2023

Status: 3/27/2023-Re-referred to Com. on L. GOV.

Summary: Current law authorizes the Riverside County Transportation Commission to impose a transactions and use tax for transportation purposes subject to approval of the voters, which, pursuant to the California Constitution, requires approval of 2/3 of the voters. Current law limits the commission to a 1% maximum tax rate, and requires the commission's tax or taxes to be levied at a rate divisible by 1/4%, unless a different rate is specifically authorized by statute. This bill would raise the maximum tax rate the commission may impose from 1% to 1.5%. This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Riverside.

AB 1525 (Bonta D) Transportation Agency: allocations for projects in priority populations.

Introduced: 2/17/2023

Status: 4/20/2023-Re-referred to Com. on TRANS.

Summary: Would require the Transportation agency, on and after July 1, 2024, to ensure that at least 60% of the moneys allocated for agency, Department of Transportation, or California Transportation Commission projects, as defined, are allocated for projects that are located in priority populations, as defined, address an important need of priority populations, and provide at least 5 direct, meaningful, and assured benefits, or additional cobenefits, to priority populations, as specified. The bill would require the agency to evaluate each agency, Department of Transportation, or California Transportation Commission project to determine if the project would be located in a priority population, address an important need of a priority population, and provide a direct, meaningful, and assured benefit to a priority population, and to, on or before July 1, 2024, develop and adopt criteria and an evaluation process for that purpose. The bill would require the agency to select a third-party governmental entity to audit and review that criteria, the agency's evaluation of those projects, and the allocations made for purposes of meeting the requirement that 60% of those moneys benefit priority populations, as specified.

AB 1637 (Irwin D) Local government: internet websites and email addresses.

Introduced: 2/17/2023

Status: 4/20/2023-From committee: Do pass and re-refer to Com. on P. & C.P. (Ayes 6. Noes 0.) (April 19). Re-referred to Com. on P. & C.P.

Summary: The California Public Records Act requires a local agency to make public records available for inspection and allows a local agency to comply by posting the record on its internet website and directing a member of the public to the internet website, as specified. This bill, no later than January 1, 2025, would require a local agency, as defined, that maintains an internet website for use by the public to ensure that the internet website utilizes a ".gov" top-level domain or a ".ca.gov" second-level domain, and would require a local agency that maintains an internet website that is noncompliant with that requirement to redirect that internet website to a domain name that does utilize a ".gov" or ".ca.gov"

domain. This bill, no later than January 1, 2025, would also require a local agency that maintains public email addresses to ensure that each email address provided to its employees utilizes a “.gov” domain name or a “.ca.gov” domain name. By adding to the duties of local officials, the bill would impose a state-mandated local program.

AB 1654 (Addis D) City streets and highways.

Introduced: 2/17/2023

Status: 2/18/2023-From printer. May be heard in committee March 20.

Summary: Existing law authorizes the legislative body of a city to do any and all things necessary to lay out, acquire, and construct a section or portion of a street or highway within its jurisdiction as a freeway and to make an existing street or highway a freeway. This bill would make nonsubstantive changes to this provision.

AB 1702 (Hart D) Active Transportation Program.

Introduced: 2/17/2023

Status: 2/18/2023-From printer. May be heard in committee March 20.

Summary: Current law establishes the Active Transportation Program in the Department of Transportation for purposes of encouraging increased use of active modes of transportation, such as biking and walking. This bill would make nonsubstantive changes to that provision.

SB 312 (Wiener D) State highways: true warm mix asphalt.

Introduced: 2/6/2023

Status: 4/11/2023-April 11 set for first hearing canceled at the request of author.

Summary: Current law authorizes the Department of Transportation to construct, improve, and maintain state highways. Current law authorizes the department to provide for the payment of extra compensation to a contractor on a road project, as a bonus for completion prior to the specified time. Until January 1, 2029, this bill would require the department to also provide for the payment of extra compensation, as specified, to a contractor on a road project, as a bonus for using true warm mix asphalt, as defined by this bill. The bill would require the department to submit specified reports to the Legislature on certain findings related to true warm mix asphalt.

SB 411 (Portantino D) Open meetings: teleconferences: bodies with appointed membership.

Introduced: 2/9/2023

Status: 4/20/2023-From committee: Do pass as amended and re-refer to Com. on JUD. (Ayes 6. Noes 2.) (April 19).

Summary: Current law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency’s jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. This bill would authorize a legislative body to use alternate teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. The bill would

alternatively define “legislative body” for this purpose to mean a board, commission, or advisory body of a local agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise subject to the Ralph M. Brown Act.

SB 517 (Gonzalez D) Economic development: movement of freight.

Introduced: 2/14/2023

Status: 4/19/2023-Set for hearing April 25.

Summary: Current law authorizes GO-Biz to undertake various activities relating to economic development, including the provision of prescribed information. Current law requires the Transportation Agency to prepare a state freight plan that provides a comprehensive plan to govern the immediate and long-range planning activities and capital investments of the state with respect to the movement of freight. This bill would authorize GO-Biz to serve as the coordinating entity to steer the growth, competitiveness, and sustainability for freight and the supply chain across the state and to promote and assess the continued economic vitality, economic competitiveness, and sustainability of the freight sector. The bill would also authorize GO-Biz to provide freight and supply chain economic competitiveness information.

SB 523 (Laird D) Santa Cruz Metropolitan Transit District.

Introduced: 2/14/2023

Status: 4/4/2023-April 11 set for first hearing canceled at the request of author.

Summary: Current law authorizes the formation of the Santa Cruz Metropolitan Transit District, with specified powers and duties related to the operation of public transit services serving the County of Santa Cruz. Current law authorizes the board of directors of the district to establish a retirement system for the officers and employees of the district. Current law authorizes the board of directors of the district to create a retirement board, to administer the retirement system, of not more than 5 members, as specified. This bill would authorize the retirement board to instead have not more than 7 members.

SB 537 (Becker D) Open meetings: local agencies: teleconferences.

Introduced: 2/14/2023

Status: 4/20/2023-From committee: Do pass as amended and re-refer to Com. on JUD. (Ayes 6. Noes 2.) (April 19).

Summary: Current law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency’s jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows “just cause,” including for a childcare or caregiving need of a relative that requires the member to participate remotely. This bill would authorize certain legislative bodies to use alternate teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. The bill would also require a legislative body to provide a record of attendance on its internet website within 7 days after a teleconference meeting, as specified. The bill would define “legislative body” for this purpose to mean a

board, commission, or advisory body of a multijurisdictional cross county agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise subject to the act. The bill would also define “multijurisdictional” to mean a legislative body that includes representatives from more than one county, city, city and county, special district, or a joint powers entity.

SB 538 (Portantino D) Department of Transportation: Bicycle Czar.

Introduced: 2/14/2023

Status: 4/18/2023-From committee with author's amendments. Read second time and amended. Re-referred to Com. on TRANS.

Summary: Current law establishes the Department of Transportation and provides that the Director of Transportation shall perform all duties, exercise all powers and jurisdiction, assume and discharge all responsibilities, and carry out and effect all purposes vested by law in the department, except as otherwise provided by law. This bill would require the director to appoint a Chief Advisor on Bicycling and Active Transportation, to serve as the department’s primary advisor on all issues related to bicycle transportation, safety, and infrastructure, as specified.

SB 614 (Blakespear D) Transportation Development Act.

Introduced: 2/15/2023

Status: 2/22/2023-Referred to Com. on RLS.

Summary: The Mills-Alquist-Deddeh Act, also known as the Transportation Development Act, provides for funding of local public transit systems throughout the state, as provided. The act makes legislative findings and declarations in that regard. This bill would make nonsubstantive changes to the legislative findings and declarations of the act.

SB 617 (Newman D) Public contracts: regional transportation agencies: design-build procurement.

Introduced: 2/15/2023

Status: 4/14/2023-Set for hearing April 24.

Summary: Current law, until January 1, 2029, authorizes local agencies, defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for up to 15 public works projects in excess of \$5,000,000 for each project. Current law defines “progressive design-build” as a project delivery process in which both the design and construction of a project are procured from a single entity that is selected through a qualifications-based selection at the earliest feasible stage of the project. Current law requires the selected entity and its general partners or joint venture members to verify specified information under penalty of perjury. This bill would additionally authorize a transit district, municipal operator, consolidated agency, joint powers authority, regional transportation agency, or local or regional agency, as described, to use the progressive design-build process.

SB 649 (Hurtado D) California Endangered Species Act: incidental take permits.

Introduced: 2/16/2023

Status: 3/1/2023-Referred to Com. on N.R. & W.

Summary: The California Endangered Species Act requires the Department of Fish and Wildlife to adopt regulations for issuance of incidental take permits. Existing law prohibits the department from issuing an incidental take permit if issuance of the permit would jeopardize the continued existence of

the species. Existing law requires the department to make this determination based on the best scientific and other information that is reasonably available, and to include consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. This bill would require the department to make that decision based on a real-time monitoring system, rather than a calendar-based schedule, and to additionally consider the proximity of the species relative to the operation of a facility subject to the permit conditions and the known location of the population relative to the facility subject to the permit.

SB 670 (Allen D) State Air Resources Board: vehicle miles traveled: maps.

Introduced: 2/16/2023

Status: 4/14/2023-Set for hearing April 26.

Summary: Would require the state board, in consultation with the Office of Planning and Research and the Department of Transportation, to develop a methodology for assessing and spatially representing vehicle miles traveled and to develop maps accordingly to display average vehicle miles traveled per capita in the state at the local, regional, and statewide level, as provided. The bill would require the state board to adopt the methodology no later than January 1, 2025, and to publish the maps no later than 6 months after the methodology is adopted. The bill would require the state board to update the methodology and maps at least once every 4 years. The bill would require the state board to make the methodology and the maps publicly available on its internet website. Under certain circumstances, the bill would require the state board, in consultation with the Office of Planning and Research, to provide technical assistance with regard to the usage and interpretation of the statewide map to a local agency requesting assistance.

SB 672 (McGuire D) State highways: parklets.

Introduced: 2/16/2023

Status: 4/19/2023-From committee with author's amendments. Read second time and amended. Re-referred to Com. on TRANS.

Summary: Would require the Department of Transportation to establish a standard fee structure for the application and placement of a parklet on a state highway, as specified. The bill would require the department to establish certain standards for the design, installation, and inspection of a parklet on a state highway. The bill would prohibit the department from charging an encroachment permit fee for a parklet. The bill would require the department to comply with federal law in establishing the standard fee structure, authorize the department to adjust the fee schedule to comply with federal law, and require the department to report to the Legislature if it adjusts the fee schedule to comply with federal law, as provided.

SB 677 (Blakespear D) Intercity rail: LOSSAN Rail Corridor.

Introduced: 2/16/2023

Status: 4/17/2023-From committee with author's amendments. Read second time and amended. Re-referred to Com. on TRANS.

Summary: Current law authorizes the Department of Transportation, subject to approval of the Secretary of Transportation, to enter into an interagency transfer agreement under which a joint powers board assumes responsibility for administering the state-funded intercity rail service in a particular corridor, including the LOSSAN Rail Corridor. Current law provides for the allocation of state funds by the secretary to a joint powers board under an interagency transfer agreement based on an annual business plan for the intercity rail corridor and subsequent appropriation of state funds. Existing law

requires the joint powers board to submit the annual business plan to the secretary for review and recommendation by April 1 of each year. Current law requires the business plan to include, among other things, a report on the performance of the corridor service, an overall operating plan, short-term and long-term capital improvement programs, funding requirements for the upcoming fiscal year, and an action plan with specific performance goals and objectives. This bill would require the LOSSAN Rail Corridor Agency, as part of the annual business plan submitted to the secretary, to include a description of the effects of climate change on the LOSSAN corridor, to identify projects planned to increase climate resiliency on the corridor, and to discuss possible funding options for those identified projects, as specified. To the extent the bill would add to the duties of the LOSSAN Rail Corridor Agency, the bill would impose a state-mandated local program.

SB 695 (Gonzalez D) Department of Transportation: state highway system: public data portal.
Introduced: 2/16/2023

Status: 4/17/2023-April 17 hearing: Placed on APPR suspense file.

Summary: Would require the Department, beginning November 1, 2024, to annually prepare and make available information and data about activities on the state highway system on a public data portal from the prior fiscal year. The bill would also require the department to prepare and make available, no later than June 30, 2024, data and information about activities on the state highway system on a public data portal covering the period from July 1, 2012, to July 1, 2023. The bill would require the California Transportation Commission to include this data and information in its annual report to the Legislature. The bill would require the department to prepare and make available data and information on a public data portal on planned, pending projects on the state highway system.

SB 706 (Caballero D) Public contracts: progressive design-build: local agencies.
Introduced: 2/16/2023

Status: 4/18/2023-Read second time. Ordered to third reading.

Summary: Current law, until January 1, 2029, authorizes local agencies, defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for up to 15 public works projects in excess of \$5,000,000 for each project, similar to the progressive design-build process authorized for use by the Director of General Services. Current law requires a local agency that uses the progressive design-build process to submit, no later than January 1, 2028, to the appropriate policy and fiscal committees of the Legislature a report on the use of the progressive design-build process containing specified information, including a description of the projects awarded using the progressive design-build process. Current law requires the design-build entity and its general partners or joint venture members to verify specified information under penalty of perjury. This bill would authorize all cities, counties, city and counties, or special districts to use the progressive design-build process for other projects in addition to water-related projects. The bill would change the required reporting date to no later than December 31, 2028.

SB 710 (Durazo D) Sale of excess state highway property: State Highway Route 710 Terminus.
Introduced: 2/16/2023

Status: 4/11/2023-Set for hearing April 25.

Summary: Current law authorizes the California Transportation Commission to relinquish a portion of State Highway Route 710. This bill would require the department to establish and administer a Terminus Regional Planning Committee, as provided, to meet quarterly and complete and submit a

report to the Legislature on the issues of traffic and potential land use related to this portion of Route 710.

SB 747 (Caballero D) Land use: economic development: surplus land.

Introduced: 2/17/2023

Status: 4/20/2023-Set for hearing April 24.

Summary: Current law authorizes a city, county, or city and county, with the approval of its legislative body by resolution after a public hearing, to acquire, sell, or lease property in furtherance of the creation of an economic opportunity, as defined. Current law specifies the Legislature's intent regarding those provisions. This bill would authorize a city, county, or city and county, in addition to a sale or lease, to otherwise transfer property to create an economic opportunity. The bill would make related, conforming changes. The bill would additionally state the Legislature's intent is to ensure that residents of the state have access to jobs that allow them to afford housing without the need for public subsidies.

SB 768 (Caballero D) California Environmental Quality Act: vehicle miles traveled: statement of overriding consideration.

Introduced: 2/17/2023

Status: 4/18/2023-April 19 set for first hearing canceled at the request of author.

Summary: The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA prohibits a public agency from approving or carrying out a project for which a certified EIR has identified one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency finds either (1) changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment, (2) those changes or alterations are within the jurisdiction of another public agency and have been, or can and should be, adopted by the other agency, or (3) specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR and the public agency finds that those specific considerations outweigh the significant effects on the environment, commonly known as a statement of overriding consideration. This bill would provide that a public agency, in approving or carrying out a housing development project, as defined, a commercial project, or an industrial project, is not required to issue a statement of overriding consideration for significant effects on the environment identified by a project's vehicle miles traveled or similar metrics if the lead agency has imposed all feasible mitigation measures on the project and it finds no feasible alternatives to the project.

SB 790 (Padilla D) Public records: contracts for goods and services.

Introduced: 2/17/2023

Status: 4/14/2023-Set for hearing April 24.

Summary: The California Public Records Act requires public records to be open to inspection at all times during the office hours of the state or local agency that retains those records, and provides that every person has a right to inspect any public record, except as provided. The act requires state and local agencies to make public records available upon receipt of a request for a copy that reasonably describes an identifiable record not otherwise exempt from disclosure, and upon payment of fees to cover costs. This bill would provide that any executed contract for the purchase of goods or services by

a state or local agency, including the price and terms of payment, is a public record subject to disclosure under the act.

SB 825 (Limon D) Local government: public broadband services.

Introduced: 2/17/2023

Status: 4/20/2023-Read third time. Passed. (Ayes 36. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Summary: Would add metropolitan planning organizations and regional transportation planning authorities to that list of local government agencies included in the definition of "local agency."

VENTURA COUNTY TRANSPORTATION COMMISSION STATE LEGISLATIVE MATRIX BILL SUMMARY May 12, 2023			
BILL/AUTHOR	SUBJECT	POSITION	STATUS
AB 6 Friedman	Transportation planning: Regional Transportation Plans: Solutions for Congested Corridors Program: Reduction of Greenhouse Gas Emissions	Monitor	Amended. Passed Assembly Transportation and Natural Resources committees. Referred to Assembly Appropriations Committee.
AB 7 Friedman	Transportation: Project Selection Process	Monitor	Amended. Passed Assembly Transportation Committee. Referred to Assembly Appropriations Committee.
AB 96 Kalra	Public employment: local public transit agencies: autonomous transit vehicle technology	Monitor	Passed Assembly Public Employment & Retirement Committee. Ordered to third reading.
AB 411 Bennett	California Recreational Trails and Greenways Act	Monitor	Amended. Referred to Assembly Appropriations Committee.
AB 463 Hart	Electricity: prioritization of service: public transit vehicles	Monitor	Passed Assembly Utilities and Energy Committee. Referred to Appropriations Committee Suspense File.
AB 557 Hart	Open meetings: local agencies: teleconferences	Monitor	Passed Assembly Committee on Local Government. Ordered to third reading.
AB 610 Holden	Youth transit pass pilot program: free youth transit passes	Monitor	Passed Assembly Transportation Committee. Referred to Assembly Appropriations Committee
AB 761 Friedman	Transit Transformation Task Force	Monitor	Passed Assembly Transportation Committee. Referred to Assembly Appropriations Committee

AB 817 Pacheco, Wilson	Open meetings: teleconferencing: subsidiary bodies	Monitor	Referred to Committee on Local Government
SB 411 Portantino	Open meetings: teleconferences: boards with appointed memberships	Monitor	Referred to Senate Governance and Finance Committee
SB 768 Caballero	CEQA: vehicle miles traveled: statement of overriding considerations	Monitor	Referred to Senate Environmental Quality Committee



ATTACHMENT C



Thursday, April 13, 2023

The Honorable Toni G. Atkins
Senate President Pro Tempore
California State Senate
State Capitol, Room 205
Sacramento, CA 95814

The Honorable Anthony Rendon
Speaker California State Assembly
California State Assembly
State Capitol, Room 219
Sacramento, CA 95814

The Honorable Nancy Skinner
Chair, Senate Committee on Budget and Fiscal Review
State Capitol, Room 5094
Sacramento, CA 95814

The Honorable Phil Ting
Chair, Assembly Committee on Budget
State Capitol, Room 6026
Sacramento, CA 95814

RE: Protect Dedicated Transportation Funding to Meet California's Greenhouse Gas (GHG) Reduction Goals

Dear President Pro Tempore Atkins, Speaker Rendon, and Budget Chairs Skinner and Ting:

As you set your priorities for the Fiscal Year 2023-24 State Budget and continue negotiations, we the undersigned transportation agencies from the Southern California region urge you to maintain your strong support for increased investments in transportation infrastructure and programs as enacted in the FY 2022-23 Budget. California's transportation sector accounts for approximately 50 percent of the state's greenhouse gas emissions. While we understand the state is dealing with an estimated \$22.5 billion budget gap, transportation funding must be protected to provide the mobility needs that underpin our workforce and supply chain demands, and if we are to meet the historic greenhouse gas (GHG) reduction goals set by Governor Newsom and the Legislature.

The following investments in critical infrastructure throughout California are directly in line with the work our agencies are doing to deliver a safer, faster, cleaner, and more equitable transportation future for our state.

1. Transit and Intercity Rail Capital Program (TIRCP) (Maintain Funding Levels Established in FY 2023)

The Transit and Intercity Rail Capital Program (TIRCP) provides grants to fund transformative transit capital improvements that will modernize California's intercity, commuter, and urban rail systems, as well as bus and ferry transit systems, which assist in reducing emissions. The FY 2022-23 state budget provided \$4 billion for this important program to go out by formula to regions across the State over FY 2023-24 and FY 2024-25.

The Governor's January budget is proposing to shrink this vital program in half, only providing \$2 billion, and spreading the allocation out over three years. These funds were part of the agreement reached last year to allocate the remaining Proposition 1A funds, and if not provided will hinder the State's ability to take advantage of federal funding provided under the Infrastructure Investment and Jobs Act, stress transit operating budgets, and reduce the important environmental and mobility benefits these projects provide. We ask that you reject these proposed cuts so that we can maintain our ability to provide mobility and reduce GHG emissions in our region.

2. Active Transportation Program (Maintain Funding Levels Established in FY 2023)

The Active Transportation Program (ATP) was created in 2013 with a \$100 million annual budget. While annual allocations have more than doubled since then, demand for ATP funding continues to outpace available resource. While we continue to work toward creating more walkable, bikeable neighborhoods, only about one-quarter of the projects from the most recent cycle received funding. We urge the Legislature to protect the commitments made to the ATP, without borrowing from future year revenues which will only impact projects currently under development. Furthermore, funding from other transportation programs, such as the State Highway Account, should not be diverted for this purpose. Such diversion will negatively impact the State's "fix it first" strategy to maintain the existing transportation system.

3. High-Priority Grade Crossing and Separation Funds (Maintain Funding Levels Established in FY 2023)

High-Priority Grade Crossing and Separation funds are vital for projects aimed at improving safety and mobility for people walking, biking, and driving at rail crossings, eliminating risks and delays by constructing structures that separates motorized and non-motorized traffic from the railroad tracks. Currently, 81% of the region's High Injury Network, which are stretches of roadways where the highest concentrations of collisions occur, are in equity areas, such as state designated disadvantaged communities, federally designated environmental justice areas and communities of concern. This relationship underscores the ability for programs such as these to provide resources in areas with the greatest need. The Governor's January budget currently proposes to delay \$350 million for the upcoming fiscal

year, essentially delaying the program in its entirety. This is despite applications already being due for this program in this current fiscal year for shovel-ready projects.

4. Transit Operations and Maintenance (Provide additional operating funding relief)

As our region comes out of the COVID-19 pandemic, transit operators continue to face a number of increased fiscal pressures, including decreased farebox revenues even as ridership continues to rebound, increased capital and labor costs, and mandates to transition to zero-emission technology. At the start of the pandemic, transit agencies experienced a sharp decline in ridership, and consequently, a steep decline in funding to cover operating expenses. While ridership has started to recover, it has yet to meet pre-pandemic levels. As transit agencies have adjusted their service to meet new travel demands, there are still significant challenges to further growing that ridership.

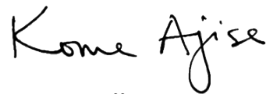
Additionally, federal relief funding is now coming to an end. Without desperately needed funding from the state to help continue operations and maintenance, further financial stresses could force some transit agencies to make difficult operational decisions, or prevent other transit agencies from implementing strategies to increase ridership. These dynamics threaten the viability of transit, and achievement of state goals related to emission reductions, mode shift, and increased transit connectivity. To ensure equitable recovery, we recommend that any funding provided for this purpose be distributed pursuant to existing formulas and available to all transit agencies. The State can also help in these efforts by ensuring that social service providers are dedicating resources to address needs on our system.

5. Goods Movement System Resiliency (Maintain Funding Levels to Continue to Prioritize Goods Movement and Supply Chain Projects)

The proposed budget sustains \$1.2 billion for high-priority port-related projects to enhance system capacity, including development of cargo support facilities, railyard expansions, bridges, inland ports, and modernization. The budget proposes to spread \$600 million from this spending package into \$200 million increments over the next three fiscal years beginning in FY 2023-24. In the long-term, dedicated and sustainable investments are key to maintaining our competitiveness. These one-time general fund investments are critical to building a resilient supply chain that drives California's economy and avoid the disruptions the region experienced over the past few years.

Thank you for considering our requests. Protecting dedicated transportation funding is crucial to building a sustainable future, meeting our state's urgent climate goals, and providing a more affordable, equitable, and comprehensive transportation system for all Californians.

Sincerely,



Kome Ajise
Executive Director
Southern California Association of Governments



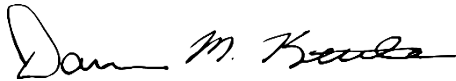
David Aguirre
Executive Director
Imperial County Transportation Commission



Martin Erickson
Executive Director
Ventura County Transportation Commission



Darrell Johnson
Chief Executive Officer
Orange County Transportation Authority




Darren Kettle
Chief Executive Officer
Southern California Regional Rail Authority



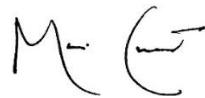
Anne Mayer
Executive Director
Riverside County Transportation Commission



Stephanie N. Wiggins
Chief Executive Officer
Los Angeles County Metropolitan
Transportation Authority



Eugene Seroka
Executive Director
Port of Los Angeles



Mario Cordero
Executive Director
Port of Long Beach



Hasan Ikhata
Chief Executive Officer
San Diego Association of Governments



Marisa Creter
Executive Director
San Gabriel Valley Council of Governments/
Alameda Corridor-East Project



Item 14

May 12, 2023

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: AMANDA FAGAN, DIRECTOR OF PLANNING & SUSTAINABILITY

SUBJECT: VEHICLE MILES TRAVELED ADAPTIVE MITIGATION PROGRAM FINAL REPORT

RECOMMENDATION:

- Approve the Vehicle Miles Traveled (VMT) Adaptive Mitigation Program (AMP) Final Report.

BACKGROUND:

In 2013, the California State Legislature passed, and the Governor signed into law, Senate Bill (SB) 743. The intent of SB 743 is to balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions. As a result, since the legislation went into effect in 2020, traffic congestion and vehicle delay can no longer be considered a significant impact on the environment within California Environmental Quality Act (CEQA) transportation analysis, as was previously common practice. SB 743 shifts away from using vehicle operation Level of Service (LOS) to measure transportation impacts under CEQA, to using Vehicle Miles Traveled (VMT, or the distance traveled by vehicles) as a measure of significance.

The County of Ventura, incorporated cities, and other CEQA lead agencies in the County have established, or will establish, their own respective VMT Thresholds of Significance, or will make this determination on a case-by-case basis. Though SB 743 does not include a statutory role for regional transportation planning agencies such as VCTC, the Commission's efforts to coordinate transportation planning across the region, ownership of the Ventura County Transportation Model (VCTM), and multiple requests from local agency staff for VCTC assistance suggested a role for VCTC to support SB 743 implementation. This support has included an update to the VCTM to provide data to assist jurisdictions to establish baseline VMT and information sharing.

With funding from the Southern California Association of Governments (SCAG) through the Regional Early Action Planning (REAP) grant program, the Ventura Council of Governments (VCOG) and the Ventura County Transportation Commission (VCTC) partnered to develop a VMT Adaptive Mitigation Program (AMP). This VMT transportation impact mitigation program is intended to streamline CEQA environmental review processes for housing development that is not otherwise exempt from CEQA review. The effort is part of a suite of VCOG programs to assist the Cities and County of Ventura in developing housing under SCAG REAP Subregional Partnership Program by avoiding an Environmental Impact Report (EIR) under CEQA solely because of a residual significant VMT impact.

The intent of the VMT Adaptive Mitigation Program (AMP) is to foster housing development, especially affordable housing, by streamlining the CEQA review process with regards to VMT impacts and includes a range of VMT mitigation measures from which a CEQA lead agency may choose. The most effective mitigations for reducing VMT are bicycle, pedestrian, and transit network improvements, providing a mix of land use types, and providing affordable housing options near places of work. The Program and its recommendations are available to jurisdictions on a voluntary basis.

With assistance from VCTC, VCOG issued a Request for Proposals and selected a consultant to undertake the VMT AMP development effort. Iteris serves as the prime consultant, with support from Rincon and DTA. A Project Development Team (PDT) was established to provide feedback from the cities and County on program framework, nexus report, draft program, and deployment of the final adopted program. The project team collected data from program partners on CEQA guidelines, VMT thresholds of significance, General Plan Housing Elements and allocations, transportation projects for inclusion in the program, and upcoming projects that include CEQA clearance.

DISCUSSION:

The VMT Program is a “CEQA Streamlining” program that serves as a resource and option for CEQA lead agencies to provide a legally defensible set of strategies to avoid or mitigate potential VMT transportation impacts. This would reduce the need to prepare an Environmental Impact Report (EIR) by providing options for VMT-reduction project features and mechanisms for VMT reduction mitigation to address transportation impacts. Each lead agency continues to set its own VMT thresholds of significance and CEQA approval processes but can use the AMP as a resource for the preparation and analysis of project related VMT.

As initially envisioned, the AMP would be administered by VCTC as a voluntary, fee-based mitigation bank, where VCTC would monitor fee option mitigations rather than the CEQA lead agency. A fee program could potentially be used to address VMT impacts of non-residential projects. However, several logistical and legal issues discovered through the program development process lead toward an alternative approach. Through stakeholder feedback and evaluation of program approaches, the AMP evolved to focus on developing capacity and standards that provide options to avoid or mitigate potential significant CEQA VMT impacts.

Within the recommended program approach, VCTC’s role includes providing relevant VCTM data and information to assist CEQA lead agencies, recommending consistent approaches and standards for VMT analysis methodology, hosting and maintaining VMT program information through the Commission’s goventura.org website, and sharing background information and substantial evidence based on CEQA Guidelines.

One key aspect of the approach is to support CEQA streamlining at different milestones in housing development projects. The AMP indicates areas where development would have less of an impact and provide options for project elements to reduce VMT and avoid impacts, suggests mitigation options if potential significant impacts are identified, and calculates a fair-share cost amount per VMT over a threshold so that projects could partially fund larger off-site improvements as VMT mitigation.

In the future, should CEQA lead agencies express interest in and commit to a VCTC-led regional mitigation fee and bank approach, this initial program would create the foundation to do so. CEQA streamlining to avoid impacts remains an important program component. Technical analysis of VMT reduction strategy effectiveness and analysis of low-VMT areas where development is likely to have less than significant impacts have been completed countywide. Mitigation project types have also been analyzed to estimate a cost per VMT reduced.

VCTC, with consultant and VCOG support, established a Project Development Team and conducted outreach to a variety of stakeholders, including City and County planning and public works staff and housing developers and advocates and the Transportation Technical Advisory Committee (TTAC). VCTC also convened a hybrid community meeting to present and collect feedback on the Draft Program Framework. VCTC also created a new web page to share information on the VMT AMP, provide mapping resources, and collect feedback on the Draft Report, which is available at: <https://www.goventura.org/work-with-vctc/vmt-amp>. VCTC released the Draft Final Report and web page on February 8, 2022, and accepted comments through the end of March 2023. The Final Report has been revised to address comments received, notably those received from Gold Coast Transit District and the City of Oxnard.

Funding for VCTC participation in the VMT AMP partnership with VCOG was included in the Fiscal Year 2021/2022 and 2022/2023 budgets through the REAP grant award and carries forward into the Fiscal Year 2023/2024 Regional Transportation Planning budget. Funding for future VCTC administration of the program and implementation of key recommendations is included in a grant application to SCAG for the

REAP 2.0 County Transportation Commissions (CTC) Partnership Program, which is included in a separate Agenda Item on the Commission agenda for approval to submit a grant application to SCAG. Staff will return to the Commission for approval to accept an award, should the application be successful.

The lead Project Manager from the consultant team, Sean Daly, Senior Transportation Planner with Iteris, Inc., will give a presentation on the Program development and report. Staff recommends Commission approval of the Vehicle Miles Traveled Adaptive Mitigation Program Final Report.