



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

AGENDA*

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

IN-PERSON

**CAMARILLO CITY HALL
COUNCIL CHAMBERS
601 CARMEN DRIVE
CAMARILLO, CA
FRIDAY, JULY 7, 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 JUNE 2, 2023, MEETING -PG.5](#)
Recommended Action:
 - Approve the summary minutes of June 2, 2023.**Responsible Staff: Roxanna Ibarra**
 - 8B. [MONTHLY BUDGET REPORT-PG.11](#)
Recommended Action:
 - Receive and file the monthly budget report for May 2023.**Responsible Staff: Sally DeGeorge**
 - 8C. [CONTRACT AMENDMENT WITH CPS HR CONSULTING-PG.19](#)
Recommended Action:
 - Approve the Contract Amendment #1 with CPS HR Consulting in the amount of \$68,840 and authorize the Executive Director to execute the contract amendment.**Responsible Staff: Sally DeGeorge**
 - 8D. [TRANSPORTATION DEVELOPMENT ACT \(TDA\) AUDITS FOR FISCAL YEAR 2021/2022 - PG.23](#)
Recommended Action:
 - Receive and file the Transportation Development Act (TDA) Audits for Fiscal Year 2021/2022.**Responsible Staff: Sally DeGeorge**
 - 8E. [CLEAN CITIES COALITION PARTNERSHIP AGREEMENT-PG.25](#)
Recommended Action:
 - Approve a Clean Cities Coalition Partnership Agreement with the Southern California Association of Governments (SCAG).**Responsible Staff: Amanda Fagan**

8F. [BIG DATA CONTRACT AWARD -PG.29](#)

Recommended Action:

- Approve an agreement with Iteris, Inc. to provide a probe-based data license and transportation analytics dashboard for the Transportation Data and Analytics Pilot Program.

Responsible Staff: Andrew Kent

8G. [SANTA PAULA BRANCH LINE MONTHLY UPDATES FOR JUNE 2023 -PG.31](#)

Recommended Action:

- Receive and file a report on Santa Paula Branch Line updates for the month of June 2023

Responsible Staff: Amanda Fagan

8H. [RATIFICATION OF THE THIRD AMENDMENT TO THE VCTC COMMUTER TRAIN ACCESS AGREEMENT WITH UNION PACIFIC RAILROAD-PG.33](#)

Recommended Action:

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

Responsible Staff: Aubrey Smith and Claire Grasty

8I. [UPDATE ON BYD BUSES FOR COASTAL EXPRESS SERVICE -PG.35](#)

Recommended Action:

- Receive and file an update on SBCAG's procurement of BYD electric buses for use on the Coastal Express service and approve the use of the Camarillo Metrolink Station parking lot as a location for joint charging stations for VCTC and City of Camarillo vehicles.

Responsible Staff: Matt Miller

8J. [CSUCI COOPERATIVE AGREEMENT- FISCAL YEAR 2023-2024 EXTENSION -PG.39](#)

Recommended Action:

- Approve Amendment No. 25 to the Cooperative Agreement between California University Channel Islands (CSUCI and VCTC for Fiscal Year 2023-2024 bus service to CSUCI.

Responsible Staff: Matt Miller

8K. [VALLEY EXPRESS COMMUNITY OUTREACH PROGRAM CONTRACT AWARD -PG.43](#)

Recommended Action:

- Recommend approval award of three-year contract for Community Outreach Program to Celtis Ventura, Inc for an annual not to exceed amount of \$70,000 and authorize the Executive Director to negotiate all remaining terms of the contract for the Community Outreach Program in a form and substance approved by VCTC legal counsel.

Responsible Staff: Matt Miller

8L. [CELTIS OUTREACH CONTRACT AMENDMENT-PG.63](#)

Recommended Action:

- Authorize the Executive Director to execute Amendment 1 to the Celtis Ventures contract for the Valley Express Community Outreach program to increase the not to exceed contract amount by \$1,210 for a total not to exceed contract amount of \$42,210.

Responsible Staff: Matt Miller

DISCUSSION CALENDAR:

9. [LEGISLATIVE UPDATE -PG.69](#)

Recommended Action:

- Receive and file.

Responsible Staff: Darrin Peschka

10. [RIDESHARE UPDATE- PG.89](#)

Recommended Action:

- *Receive and file Rideshare Update.*

Responsible Staff: Claire Grasty

11. [UPDATE ON GOLD COAST TRANSIT'S HYDROGEN FUELING PROJECT-PG.93](#)

Recommended Action:

- *Receive and file an update from Gold Coast Transit District (GCTD) on their Hydrogen Fueling transition project.*

Responsible Staff: Matt Miller

12. [2023 VCTC INTERCITY AND VALLEY EXPRESS RIDER SURVEY -PG.95](#)

Recommended Action:

- *Receive and file.*

Responsible Staff: Erin Kenneally

13. GENERAL COUNSEL REPORTS-

14. AGENCY REPORTS:

Southern California Association of Governments (SCAG)

Primary: Commissioner Mike Judge

Southern California Regional Rail Authority (Metrolink-SCRRRA)

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-CRCC

Primary: Chair Bryan MacDonald

Alternate: Commissioner Jeff Gorell

California Association of Councils of Governments

Primary: Commissioner Mike Johnson

California Vanpool Authority (CalVans)

Primary: Commissioner Jim White

Alternate: Commissioner Mike Johnson

15. **ADJOURN to 9:00 a.m. Friday, September 8, 2023.**



Item 8A

July 7, 2023

**MEETING MINUTES OF JUNE 2, 2023, VCTC COMMISSION MEETING
AT 9:00 A.M.**

CALL TO ORDER:

Chair MacDonald called the regular meeting of the Ventura County Transportation Commission to order at 9:01 a.m. at the City of Camarillo, City Hall Chambers, 601 Carmen Drive, Camarillo, CA 93010. And via teleconference 500 Airport Way, Camarillo, CA.

PLEDGE OF ALLEGIANCE was led by Vice-Chair LaVere.

ROLL CALL/MEMBERS PRESENT:

Bryan MacDonald, City of Oxnard
Matt LaVere, County of Ventura
Carrie Broggie, City of Fillmore
Daniel Chavez, Citizen Rep., **(Via Teleconference)**
Jenny Crosswhite, City of Santa Paula
Chris Enegren, City of Moorpark
Bob Engler, City of Thousand Oaks
Mike Johnson, City of Ventura
Mike Judge, City of Simi Valley
Kelly Long, County of Ventura
Vianey Lopez, County of Ventura
Martha McQueen-Legohn, City of Port Hueneme
Tony Trembley, City of Camarillo
Jim White, Citizen Rep., County
Gloria Roberts, Acting Caltrans District 7 Director

ABSENT:

Suza Francina, City of Ojai
Jeff Gorell, County of Ventura
Janice Parvin, County of Ventura

4. PUBLIC COMMENTS – There were none.

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

6. COMMISSIONERS/EXECUTIVE DIRECTOR REPORT –

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

- On May 23, VCTC participated in **Public Works Day**, hosted by the County of Ventura Public Works Department. Hundreds of young students got to learn about bike safety, the Freeway Service Patrol program, and VCTC's Intercity bus service.
- May was **Bike Month**, and VCTC encouraged people to swap their vehicles for a bicycle to commute to work, to run errands, or to just ride a bike for fun. Ventura County residents were invited to pledge to ride. More than 250 people made the pledge, and three winners selected at random will receive Amazon gift cards. As part of Bike Month, VCTC also participated in Cyclemania, hosted by the County of Ventura on May 31.
- At your January meeting, the Commission approved the programming of over \$10.9 million of COVID Relief and special federal appropriations funds to all 11 local agencies, for local streets and roads funding. But as you have probably heard from the news reports, the debt ceiling "deal" negotiated in Washington includes the rescinding of unobligated COVID relief funds. I am sorry to report that the funds to be rescinded include the unobligated balance of what VCTC programmed. According to the original legislation, these funds were required to be obligated by June 2024, and thus far Ventura County agencies have obligated \$4.7 million of the \$10.9 million. But as with any federal funds, at any time the law can be changed to take away the money, especially if it has not yet been obligated. The only agencies to have already obligated all of their share of the funds are VCTC, County of Ventura, City of Ventura, and Moorpark, so those four agencies will not lose any COVID streets and roads funding. At this time (Thursday), we are working closely with Caltrans to attempt to save these funds, possibly through a swap by which Caltrans can obligate everything for one or more ready-to-go state highway projects, and then provide state funds to the jurisdictions that were unable to obligate the COVID funds. But the COVID funds will be rescinded immediately upon the President signing the debt ceiling bill, so it is uncertain that this can be accomplished.
- Gold Coast Transit has been assisting, by working with us on a backup plan to possibly obligate all of the remaining CRRSA funds in place of Congestion Mitigation and Air Quality (CMAQ) that VCTC had programmed for bus replacements.

7. ADDITIONS/REVISIONS –There were revisions to three agenda items. Director of Planning and Sustainability Amanda Fagan stated the changes for the record on the following three agenda items as follows:

ITEM 8F. U.S. 101 CONEJO PASS WILDLIFE TRACKING STUDY COOPERATIVE AGREEMENT WITH THE NATIONAL PARK SERVICE- An attachment was added which is the Cooperative Agreement with the National Parks Service to complete the Wildlife Tracking Study.

ITEM 8G. MOTORIST AID PROGRAM BUDGET AMENDMENT- Change in the recommendation third bullet point recommendation.

Recommendation:

- Amend the Fiscal Year 2022/2023 Motorist Aid Services budget by increasing the SAFE revenues by \$44,800.
- Amend the Fiscal Year 2022/2023 Motorist Aid Services budget by increasing the Communications line item by \$14,800, Salaries line item by \$13,200, Fringe Benefits by \$4,800, and Indirect Costs by \$12,000 for a total of \$44,800.
- **Amend the Fiscal Year 2022/2023 Service Authority for Freeway Emergencies (SAFE) Revenue Fund transfer-out budget to the General Fund by an increase of \$30,000 for the salary costs and transfer-in to the general fund \$30,000.**

ITEM 11. SANTA PAULA BRANCH LINE UPDATE, BUDGET AMENDMENT, AND CONTRACT AWARD FOR DESIGN AND ENVIRONMENTAL COMPLIANCE-Change in the recommendation second bullet point.

Recommended Action:

- Receive An update on Santa Paula Branch Line (SPBL) railroad operations and damage sustained during winter storms in January 2023.
- **Approve an Amendment to the Santa Paula Branch Line Program Budget to increase expenditures by \$492,000 in the Consultant Services category, increase salaries by \$13,200, Fringe Benefits by \$4,800, and Indirect Costs by \$12,000 for a total increase and expenditures of \$522,000 and increase the Santa Paula Branch Line State Transit Assistance (STA) transfer-in revenues by \$522,000, also increase the State Transit Assistance (STA) fund transfer-out into the Santa Paula**

Branch Line fund by \$522,000, transfer-in to the General Fund from the Santa Paula Branch Line fund \$30,000 and transfer-out by the Santa Paula Branch Line fund into the General Fund by \$30,000.

- Approve a contract with RailPros for Design, Engineering, and Project Management Support Services to Reconstruct a Portion of the Sespe Creek Overflow Railroad Bridge in an amount not to exceed \$791,998.

Commissioner LaVere moved to approve the revisions and additions to consent items 8F and 8G and discussion calendar item 11. The motion was seconded by **Commissioner White** and passed unanimously.

8. CONSENT CALENDAR –

Commissioner Judge moved to approve the amended consent calendar items 8A through 8N. The motion was seconded by Commissioner Engler and passed unanimously.

8A. APPROVE MINUTES OF MAY 12, 2023, MEETING

Recommendation:

- Approve the summary minutes of May 12, 2023.

8B. MONTHLY BUDGET REPORT

Recommendation:

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

8C. REGIONAL TRANSIT PLANNING BUDGET AMENDMENT-YOUTH RIDE FREE PILOT PROGRAM

Recommendation:

- Amend the FY 2022-2023 VCTC Regional Transit Planning budget by increasing the Low Carbon Transit Operations Program (LCTOP) revenues by \$775,000 and increasing the Youth Ride Free expense line item by the same amount.

8D. AMENDMENT TO AGREEMENT WITH CITY OF SIMI VALLEY FOR PROPOSITION 1B PUBLIC TRANSPORTATION MODERNIZATION, IMPROVEMENT AND SERVICE ENHANCEMENTS ACCOUNT (PTMISEA) FUNDS

Recommendation:

- Approve Amendment #3 to Cooperative Agreement with City of Simi Valley included in Attachment of PTMISEA funds.

8E. SECTION 13(C) LABOR AGREEMENT

Recommendation:

- Approve the attached Agreement with the Service Employees International Union (SEIU), Local 721, as required for VCTC's Fiscal Year 2022/2023 federal transit grant applications with the Federal Transit Administration.

8F. U.S. 101 CONEJO PASS WILDLIFE TRACKING STUDY COOPERATIVE AGREEMENT WITH THE NATIONAL PARK SERVICE

Recommendation:

- Authorize the Executive Director to execute a Cooperative Agreement with the Santa Monica Mountains National Recreation Area of the National Park Service to complete the U.S. 101 Conejo Pass Wildlife Tracking Study.

8G. MOTORIST AID PROGRAM BUDGET AMENDMENT

Recommendation:

- Amend the Fiscal Year 2022/2023 Motorist Aid Services budget by increasing the SAFE revenues by \$44,800.

- Amend the Fiscal Year 2022/2023 Motorist Aid Services budget by increasing the Communications line item by \$14,800, Salaries line item by \$13,200, Fringe Benefits by \$4,800, and Indirect Costs by \$12,000 for a total of \$44,800.
- **Amend the Fiscal Year 2022/2023 Service Authority for Freeway Emergencies (SAFE) Revenue Fund transfer-out budget to the General Fund by an increase of \$30,000 for the salary costs and transfer-in to the General Fund \$30,000.**

8H. FREEWAY SERVICE PATROL BEAT 4 (101-3) UPDATE

Recommendation:

- Receive and file an update on effort to initiate Beat 4 of the Freeway Service Patrol (FSP).
- Cancel the FSP Beat 4 Request for Proposals issued November 4, 2022, and re-issued on February 3, 2023 and direct staff to return to Commission with an alternative approach to providing FSP coverage on U.S. 101 from Rice Avenue to California Street.

8I. FY 2024-FY2032 SHORT RANGE TRANSIT PLAN UPDATE REQUEST FOR PROPOSALS

Recommendation:

- Authorize the Executive Director to finalize and issue Request for Proposals for the development of VCTC's FY 2024-FY2032 Short Range Transit Plan Update (SRTP).

8J. BUS AND RAIL RIDERSHIP AND PERFORMANCE MEASURES REPORT

Recommendation:

- Receive and File.

8K. LEGISLATIVE UPDATE

Recommendation:

- Receive and File.

8L. TRANSPORTATION DEVELOPMENT ACT (TDA), LOCAL TRANSPORTATION FUND (LTF) FINAL APPORTIONMENT FOR FISCAL YEAR 2023/2024

Recommendation:

- Approve the Local Transportation Fund Final Apportionment for Fiscal Year 2023/2024, apportioning \$53.55 million as shown in Attachment A.

8M. RESOLUTION NO. 2023-06 TO CLAIM FISCAL YEAR 2023/2024 TRANSPORTATION DEVELOPMENT ACT LOCAL TRANSPORTATION FUNDS, STATE TRANSIT ASSISTANCE FUNDS AND STATE OF GOOD REPAIR

Recommendation:

- Approve Resolution No. 2023-6 authorizing VCTC's claims for Fiscal Year 2023/2024 Transportation Development Act Local Transportation Funds, State Transit Assistance funds and State of Good Repair funds for transit, planning, and administration.

8N. HERITAGE VALLEY TRANSIT SERVICE COOPERATIVE AGREEMENT

Recommendation:

- Authorize Executive Director to execute the Heritage Valley Transit Service Cooperative Agreement (HVTSCA) pending approval by the Heritage Valley Policy Advisory Committee (HVPAC)

DISCUSSION CALENDAR:

9. FISCAL YEAR 2023-2024 PROPOSED BUDGET

Recommendation:

- Conduct Public Hearing to receive testimony on the Fiscal Year 2023/2024 Budget.
- Adopt the Fiscal Year 2023/2024 Salary Schedule (Attachment 1 of this item and Appendix C in the Fiscal Year 2023/2024 Budget) effective July 1, 2023.
- Adopt, by Resolution No. 2023-05, the proposed Fiscal Year 2023/2024 Budget.

Finance Director Sally DeGeorge and Executive Director Martin Erickson gave the Fiscal Year 2023/2024 Budget PowerPoint presentation to the commission.

Chair MacDonald opened the public hearing of the Fiscal Year 2023/2024 Budget at 9:18 a.m. There were no public comments submitted to VCTC for the VCTC Fiscal Year 2023/2024 Proposed Budget-Public Hearing. Chair MacDonald closed the public hearing at 9:41 a.m.

Commissioner Trembley moved to approve item 9; Fiscal Year 2023/2024 Proposed Budget. The motion was seconded by **Commissioner Judge** and passed unanimously.

10. METROLINK UPDATE

Recommendation:

- Receive and file Metrolink presentation.

Darren Kettle, chief executive officer for Metrolink gave the annual Metrolink, PowerPoint presentation update to the commission. The commission received and filed the presentation.

11. SANTA PAULA BRANCH LINE UPDATE, BUDGET AMENDMENT, AND CONTRACT AWARD FOR DESIGN AND ENVIRONMENTAL COMPLIANCE

Recommendation:

- Receive An update on Santa Paula Branch Line (SPBL) railroad operations and damage sustained during winter storms in January 2023.
- **Approve an Amendment to the Santa Paula Branch Line Program Budget to increase expenditures by \$492,000 in the Consultant Services category, increase salaries by \$13,200, Fringe Benefits by \$4,800, and Indirect Costs by \$12,000 for a total increase and expenditures of \$522,000 and increase the Santa Paula Branch Line State Transit Assistance (STA) transfer-in revenues by \$522,000, also increase the State Transit Assistance (STA) fund transfer-out into the Santa Paula Branch Line fund by \$522,000, transfer-in to the General Fund from the Santa Paula Branch Line fund \$30,000 and transfer-out by the Santa Paula Branch Line fund into the General Fund by \$30,000.**
- Approve a contract with RailPros for Design, Engineering, and Project Management Support Services to Reconstruct a Portion of the Sespe Creek Overflow Railroad Bridge in an amount not to exceed \$791,998.

There was one public speaker, Ms. Tracy Stewart from the City of Fillmore, regarding the railcar storage in the Sespe Creek area.

Commissioner Long moved to approve as amended Item 11- Santa Paula Branch Line Update, Budget Amendment and Contract Award for Design and Environmental Compliance. The motion was seconded by **Commissioner Engler** and passed unanimously.

12. ZERO EMISSION BUS ROLLOUT PLAN

Recommendation:

- Approve the Zero-Emission Bus (ZEB) Rollout Plan.

Analy Castillo, Associate, Zero Emission Technical Lead for Stantec, gave the Zero Emission Bus Rollout Plan PowerPoint presentation to the commission.

Commissioner Trembley made a motion to approve Item 12-Zero Emission Bus Rollout Plan with the following revisions to the executive summary final paragraph, third sentence as follows:

“VCTC intends to periodically revisit, and in its discretion adjust this Plan in response to funding realities, changes in service delivery, optimal vehicle types and lengths, and the needs of VCTC and its ridership, particularly given the long term (20 years) outlook.”

The motion was seconded by **Commissioner Judge** and passed unanimously.

13. APPROVAL OF TRANSPORTATION DEVELOPMENT ACT (TDA) TRIENNIAL PERFORMANCE AUDITS FOR VENTURA COUNTY TDA RECIPIENTS

Recommendation:

- Receive and file the Transportation Development Act (TDA) triennial performance audits of TDA recipients in Ventura County.
- Approve submittal of triennial performance audits to Caltrans.

Kathy Chambers representing Moore and Associates gave a PowerPoint presentation on the results of the TDA Triennial Performance Audits for Fiscal Year 2020-2022.

Commissioner Long moved to approve Item 13-Approval of Transportation Development Act (TDA) Triennial Performance Audits for Ventura County TDA Recipients. The motion was seconded by **Commissioner White** and passed unanimously.

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

15. AGENCY REPORTS:

Southern California Association of Governments (SCAG Regional Council)

Primary: Commissioner Mike Judge

Commissioner Judge encouraged everyone to take the connectsocal.org survey

Southern California Regional Rail Authority (Metrolink-SCRRRA)

Primary: Commissioner Tony Trembley

Alternate: Commissioner Daniel Chavez

None.

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

Primary: Chair Bryan MacDonald

Alternate: Commissioner Jim White

Commissioner White stated there was extensive discussion on the track opening down South and the Strategic Plan. He stated the next meeting is June 19, 2023.

Coastal Rail Coordinating Council

Primary: Chair Bryan MacDonald

Alternate: Commissioner Jeff Gorell

None.

California Association of Councils of Governments

Primary: Commissioner Mike Johnson

None.

California Vanpool Authority (CalVans)

Primary: Commissioner Jim White

Alternate: Commissioner Mike Johnson

Commissioner White stated the next CalVans meeting will be June 8, 2023.

16. ADJOURNED to the next Ventura County Transportation Commission meeting of July 7, 2023, at 9:00 a.m.



Item 8B

July 7, 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 May 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 May 31, 2023, budget report indicates that the revenues were approximately 75.72% of the adopted budget while expenditures were approximately 61.63% 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 are 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 MAY 31, 2023**

Assets and Deferred Outflows

Cash and Investments	\$ 61,680,622
Receivables/Due from other funds	2,934,864
Prepays and Deposits	212,641
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><u>\$ 122,850,325</u></u>

LIABILITIES, DEFERRED INFLOWS AND FUND BALANCE

Liabilities and Deferred Inflows:

Accrued Expenses and Due to Other	\$ 2,563,360
Deferred Revenue	4,138,501
Deposits	67,059
Accrued Vacation	180,339
Accrued Lease liability and interest	646,310
Deferred Inflows	958,345
Total Liabilities and Deferred Inflows:	<u><u>\$ 8,553,914</u></u>

Net Position:

Invested in Capital Assets	\$ 56,237,387
Fund Balance	58,059,024
Total Net Position	<u><u>\$ 114,296,411</u></u>

For Management Reporting Purposes Only

**VENTURA COUNTY TRANSPORTATION COMMISSION
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
FOR THE ELEVEN MONTHS ENDED MAY 31, 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
Revenues												
Federal Revenues	\$ 5,030,592	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	3,668,877	\$ 813,433	\$ 9,512,902	\$ 22,150,561	(12,637,659)	42.95
State Revenues	1,345,059	36,030,963	9,422,373	1,354,818	1,236,365	0	0	0	49,389,578	57,937,300	(8,547,722)	85.25
Local Revenues	80,001	0	0	0	0	362,113	1,836,217	979,339	3,257,670	3,321,345	(63,675)	98.08
Other Revenues	2,058	0	0	0	0	7,015	94,780	9,202	113,055	0	113,055	0.00
Interest	82,673	341,700	339,973	65,114	112,342	2,467	1,787	2,940	948,996	90,000	858,996	1,054.44
Total Revenues	6,540,383	36,372,663	9,762,346	1,419,932	1,348,707	371,595	5,601,661	1,804,914	63,222,201	83,499,206	(20,277,005)	75.72
Expenditures												
Administration												
Personnel Expenditures	2,803,642	0	0	0	0	0	177,366	49,503	3,030,511	3,940,900	(910,389)	76.90
Legal Services	15,619	0	0	0	0	0	0	0	15,619	42,000	(26,381)	37.19
Professional Services	108,489	0	0	0	0	0	0	0	108,489	205,500	(97,011)	52.79
Office Leases	191,469	0	0	0	0	0	0	0	191,469	206,000	(14,531)	92.95
Office Expenditures	453,885	0	0	0	0	0	118,037	32,944	604,866	730,200	(125,334)	82.84
Total Administration	3,573,104	0	0	0	0	0	295,403	82,447	3,950,954	5,124,600	(1,173,646)	77.10
Programs and Projects												
Transit and Transportation Program												
Regional Transit Technology	421,549	0	0	0	0	0	0	0	421,549	580,800	(159,251)	72.58
SD-Accessible Mobility Service	293,578	0	0	0	0	0	0	0	293,578	446,600	(153,022)	65.74
VCTC Intercity Bus Services	0	0	0	0	0	0	7,644,223	0	7,644,223	12,582,200	(4,937,977)	60.75
Valley Express Bus Services	0	0	0	0	0	0	0	1,386,996	1,386,996	2,194,400	(807,404)	63.21
Transit Grant Administration	2,795,551	0	0	0	0	0	0	0	2,795,551	8,594,874	(5,799,323)	32.53
Total Transit and Transportation	3,510,678	0	0	0	0	0	7,644,223	1,386,996	12,541,897	24,398,874	(11,856,977)	51.40
Highway Program												
Motorist Aid Services	0	0	0	1,193,970	0	0	0	0	1,193,970	2,099,500	(905,530)	56.87
Highway Program Management	240,190	0	0	0	0	0	0	0	240,190	5,409,705	(5,169,515)	4.44
Total Highway	240,190	0	0	1,193,970	0	0	0	0	1,434,160	7,509,205	(6,075,045)	19.10

For Management Reporting Purposes Only

**VENTURA COUNTY TRANSPORTATION COMMISSION
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
FOR THE ELEVEN MONTHS ENDED MAY 31, 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	6,702,078	0	0	0	0	0	0	0	6,702,078	21,207,378	(14,505,300)	31.60
LOSSAN and Coastal Rail	3,780	0	0	0	0	0	0	0	3,780	8,800	(5,020)	42.95
Santa Paula Branch Line	0	0	0	0	0	19,750	0	0	19,750	501,500	(481,750)	3.94
Total Rail	6,705,858	0	0	0	0	19,750	0	0	6,725,608	21,717,678	(14,992,070)	30.97
Commuter Assistance Program												
Reg Transit Information Center	23,064	0	0	0	0	0	0	0	23,064	52,300	(29,236)	44.10
Rideshare Programs	171,758	0	0	0	0	0	0	0	171,758	292,900	(121,142)	58.64
Total Commuter Assistance	194,822	0	0	0	0	0	0	0	194,822	345,200	(150,378)	56.44
Planning and Programming												
TDA Administration	110,000	37,594,078	488,220	0	51,748	0	0	0	38,244,046	43,223,428	(4,979,382)	88.48
Transportation Programming	29,819	0	0	0	0	0	0	0	29,819	33,185	(3,366)	89.86
Regional Transportation Planning	226,698	0	0	0	0	0	0	0	226,698	1,055,316	(828,618)	21.48
Airport Land Use Commission	1,513	0	0	0	0	0	0	0	1,513	18,000	(16,487)	8.41
Regional Transit Planning	956,922	0	0	0	0	0	0	0	956,922	1,663,500	(706,578)	57.52
Total Planning and Programming	1,324,952	37,594,078	488,220	0	51,748	0	0	0	39,458,998	45,993,429	(6,534,431)	85.79
General Government												
Community Outreach	149,321	0	0	0	0	0	0	0	149,321	215,000	(65,679)	69.45
State and Federal Relations	94,388	0	0	0	0	0	0	0	94,388	112,900	(18,512)	83.60
Management and Administration	1,148,942	0	0	0	0	0	0	0	1,148,942	1,186,000	(37,058)	96.88
Total General Government	1,392,651	0	0	0	0	0	0	0	1,392,651	1,513,900	(121,249)	91.99
Total Expenditures	16,942,255	37,594,078	488,220	1,193,970	51,748	19,750	7,939,626	1,469,443	65,699,090	106,602,886	(40,903,796)	61.63

For Management Reporting Purposes Only

**VENTURA COUNTY TRANSPORTATION COMMISSION
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
FOR THE ELEVEN MONTHS ENDED MAY 31, 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
Revenues over (under) expenditures	(10,401,872)	(1,221,415)	9,274,126	225,962	1,296,959	351,845	(2,337,965)	335,471	(2,476,889)	(23,103,680)	20,626,791	10.72
Other Financing Sources												
Transfers into GF From LTF	10,844,821	0	0	0	0	0	0	0	10,844,821	10,840,740	4,081	100.04
Transfers into GF From STA	1,442,952	0	0	0	0	0	0	0	1,442,952	4,957,009	(3,514,057)	29.11
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	41,717	0	0	0	0	0	0	0	41,717	53,400	(11,683)	78.12
Transfers into GF From SPBL	80,659	0	0	0	0	0	0	0	80,659	86,800	(6,141)	92.93
Transfers into SPBL From LTF	0	0	0	0	0	68,819	0	0	68,819	86,800	(17,981)	79.28
Transfers into SPBL From STA	0	0	0	0	0	31,179	0	0	31,179	116,500	(85,321)	26.76
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	(10,844,821)	0	0	0	0	0	0	(10,844,821)	(10,840,740)	(4,081)	100.04
Transfers Out of LTF Into SPBL	0	(68,819)	0	0	0	0	0	0	(68,819)	(86,800)	17,981	79.28
Transfers Out of STA Into GF	0	0	(1,442,952)	0	0	0	0	0	(1,442,952)	(4,968,173)	3,525,221	29.04
Transfers Out of STA Into SPBL	0	0	(31,179)	0	0	0	0	0	(31,179)	(116,500)	85,321	26.76
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	(41,717)	0	0	0	0	(41,717)	(53,400)	11,683	78.12
Transfers Out of SPBL Into GF	0	0	0	0	0	(80,659)	0	0	(80,659)	(86,800)	6,141	92.93
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	12,853,442	(10,913,640)	(3,974,131)	(41,717)	(443,293)	19,339	2,500,000	0	0	0	0	0.00
Net Change in Fund Balances	2,451,570	(12,135,055)	5,299,995	184,245	853,666	371,184	162,035	335,471	(2,476,889)	(23,103,680)	20,626,791	10.72
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	\$ 5,331,348	\$ 13,704,118	\$ 26,678,450	\$ 4,214,430	\$ 7,213,367	\$ 396,551	\$ 185,289	\$ 335,471	\$ 58,059,024	\$ 10,468,983	\$ 47,590,041	554.58

*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 MAY 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	\$ 1,056,452.29
LAIF	State Pool	N/A	\$96,930.29	1.35%	10,868,482.81
County of Ventura	Treasury Pool	N/A	852,065.50	1.47%	50,549,276.03
VCCF Bike Fund	Investment	N/A	Annually	annually	15,933.66
Total			\$948,995.79		\$62,490,144.79

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. The 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.

The amounts shown above are not adjusted for fair value. Wells Fargo Bank, County of Ventura and LAIF statements are the sources 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 the yearend.



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Item 8C

July 7, 2023

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: SALLY DEGEORGE, FINANCE DIRECTOR
SUBJECT: CONTRACT AMENDMENT WITH CPS HR CONSULTING

RECOMMENDATION:

- Approve the Contract Amendment #1 with CPS HR Consulting in the amount of \$68,840 and authorize the Executive Director to execute the contract amendment.

BACKGROUND:

In October 2022, the Commission approved a contract with CPS HR Consulting (CPS) to provide human resource services to VCTC after following its RFP process. The contract with CPS allowed for up to \$80,000 a year to provide benefit administration, labor relation advice, policy and procedure development and implementation, recruitment functions, etc. The initial term is for Fiscal Years 2022/2023, 2023/2024 and 2024/2025 with an option for two additional one-year extensions. The initial RFP for human resource consulting included the possibility of additional one-time assistance, such as a salary survey, but was not included as part of the normal day-to-day human resource services contract issued in 2022.

DISCUSSION:

VCTC has grown from three staff members in 1989 to twenty-four staff members in 2023. The job duties and classifications have changed over time with the changing needs of the agency. The job classifications have salary ranges that can be adjusted, as approved by the Commission, by COLA increases and/or salary studies. VCTC's last all staff salary study was performed in 2009.

The Fiscal Year 2023/2024 budget approved by the Commission in June 2023 included consultant work within the Management and Administration budget for an all-staff salary survey. A contract amendment is needed with CPS to cover this additional work. Contract Amendment 1 increases the contract amount by \$68,840 to perform the salary study. With Commission approval, the study is expected to begin in September 2023 and be completed in January 2024. The salary study will be presented to the Commission after completion.

Therefore, staff's recommendation is to approve Amendment 1 to the CPS HR Consulting contract in the amount of \$68,840 to perform the VCTC salary survey and authorize the Executive Director to sign the contract amendment.

**AMENDMENT NO. 1
TO
AGREEMENT BETWEEN
VENTURA COUNTY TRANSPORTATION COMMISSION
AND
CPS HR CONSULTING**

This Amendment No. 1 (“First Amendment”) is made as of this _____ day of _____, 2023 (“Effective Date”) by and between the VENTURA COUNTY TRANSPORTATION COMMISSION (“VCTC”), and CPS HR Consulting (“Contractor”), (sometimes referred together as the “Parties” and singularly as a “Party”).

RECITALS

WHEREAS, VCTC and Contractor entered into an agreement on October 7, 2022 pursuant to which Contractor agreed to provide various human resources and support services related to operation of VCTC (“Agreement”); and

WHEREAS, the Parties desire to amend the agreement to provide for additional compensation under the Agreement for Contractor’s completion of a salary and compensation study.

NOW THEREFORE, VCTC and Contractor agree as follows:

1. Section 2 Compensation is hereby amended to include the following language in the first sentence of paragraph 1 of the Section with additions in double-underline and deletions in ~~striketrough~~:

“VCTC hereby agrees to pay Consultant a sum not to exceed \$80,000 per year, as well as an additional sum in an amount not to exceed \$68,840 for completion of a salary and compensation study, notwithstanding any contrary indications that may be contained in Consultant's proposal, for services to be performed and reimbursable costs incurred under this Agreement.”

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

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

IN WITNESS THEREOF, the parties have executed this 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

CPS HR CONSULTING

by: _____
Its:



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Item 8D

July 7, 2023

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: SALLY DEGEORGE, FINANCE DIRECTOR
SUBJECT: TRANSPORTATION DEVELOPMENT ACT (TDA) AUDITS FOR FISCAL YEAR 2021/2022

RECOMMENDATION:

- Receive and file the Transportation Development Act (TDA) Audits for Fiscal Year 2021/2022.

BACKGROUND:

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

DISCUSSION:

In March 2019, the Commission contracted with Conrad, LLP to perform the TDA, Proposition 1B and LCTOP audits for all TDA claimants except for the Gold Coast Transit District (GCTD) and the City of Moorpark who had their TDA audits performed by their financial auditors. For Fiscal Year 2021/2022, Conrad performed thirty-five audits for local agencies and VCTC, the County of Ventura had one audit prepared, Gold Coast Transit District (GCTD) had ten audit reports prepared, and Moorpark had six audits prepared by their respective auditors for a total of fifty-two audits.

All Fiscal Year 2021/2022 audits received a “clean” audit opinion and “the financial statements were presented fairly in all material respects.” However, there were several issues summarized below:

- The City of Fillmore incorrectly calculated the TDA interest allocations, and the City has under matched the LTF Article 3 funds and needs to increase the local match in Fiscal Year 2022/2023 to be compliant with the local match requirements. This is an on-going issue.
- The City of Moorpark was non-compliant with the required farebox ratio, but the penalty was waived due to AB 90 and AB 149.
- The City of Oxnard has under matched the LTF Article 3 funds and needs to increase the local match in Fiscal Year 2022/2023 to be compliant with the local match requirements. This is an on-going issue.
- The City of Simi Valley was non-compliant with laws and regulations for TDA Article 3 funds requiring appropriate backup and internal controls. This issue is a repeat of the prior two years. Please see the TDA Article 3 audit for the City’s response.
- The City of Thousand Oaks – East County Transit Alliance (ECTA) was non-compliant with the required farebox ratio, but the penalty was waived due to AB 90 and AB 149.

Most of the audits were completed and filed on time with the State Controller’s Office and VCTC by the deadline of December 31, 2022. Extensions were granted (as allowed by TDA regulations) to the Cities of Fillmore, Santa Paula, Simi Valley and GCTD and the audits were filed within the granted extensions.

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

City of Camarillo – Article 3, Article 8a, STA, and SGR
City of Fillmore - Article 3, Article 8a, and Article 8c
City of Moorpark - Article 3, Article 8a, Article 8c, STA, SGR, and Proposition 1B
City of Ojai - Article 3
City of Oxnard - Article 3, Article 8a, and Article 8c
City of Port Hueneme - Article 3
City of San Buenaventura - Article 3
City of Santa Paula - Article 3, Article 8a, and Article 8c
City of Simi Valley - Article 3, Article 4, STA, SGR, and Proposition 1B
City of Thousand Oaks - Article 3, Article 8c, Article 8a, ECTA, STA, and SGR
County of Ventura – Article 3
Gold Coast Transit District – Article 4, Proposition 1B, STA, SGR, LCTOP, and five-member agency (Ojai, Oxnard, Port Hueneme, San Buenaventura, and Ventura County)
VCTC-LTF audit from the County of Ventura
VCTC - Article 3, Article 6.5, LCTOP, Valley Express, VCTC Intercity, STA Transfer and SGR

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



July 7, 2023

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: AMANDA FAGAN, DIRECTOR OF PLANNING & SUSTAINABILITY
SUBJECT: CLEAN CITIES COALITION PARTNERSHIP AGREEMENT

RECOMMENDATION:

- *Approve a Clean Cities Coalition Partnership Agreement with the Southern California Association of Governments (SCAG).*

BACKGROUND:

The U.S. Department of Energy established the Clean Cities Program “to support locally based government/industry partnerships in the expanded use of vehicles operating on alternative fuels.” The Program mission “is to advance the nation’s economic, environmental and energy security by supporting local decisions to adopt practices that contribute to the reductions of petroleum consumption ... through a network of coalitions, which develop public/private partnerships to promote alternative fuels and vehicles, fuel blends, fuel economy, hybrid vehicles, and idle reduction.” The SCAG Clean Cities Coalition “coordinates the activities of both private and public sector proponents of alternative fuel vehicles (AFVs) by providing a forum to discover commonalities, collaborate on public policy, investigate opportunities for joint projects, leverage scarce resources and cooperate on promoting the benefits of AFVs throughout the region.”

SCAG requested VCTC participation in the Clean Cities Coalition by completing a “partnership agreement” to express VCTC support for SCAG’s Clean Transportation objectives. This voluntary and non-binding statement attests to VCTC’s intentions to collaborate with or support the SCAG Clean Cities Coalition, and/or to participate in VCTC’s own alternative fuel initiatives for the betterment of the region.

DISCUSSION:

The expressed goals, objectives, and commitments of the SCAG Clean Cities Coalition Partnership Agreement align with VCTC’s ongoing efforts to reduce greenhouse gas emissions and facilitate use of alternate fuels. A total of over 25,000 zero emission vehicles (ZEV) have been sold in Ventura County. The ZEV share of vehicles sold was 16% in 2022, up from 7% in 2019. Beginning in April 2022, the fleet of VCTC Intercity buses transitioned from using conventional diesel fuel to Renewable Diesel, a biofuel made from fats, vegetable oils, and waste cooking oils. The oil burns cleaner at the tailpipe and has a smaller environmental footprint than conventional fuels. Also in April 2022, Metrolink (of which VCTC is a member agency) announced its own switch to renewable fuel, becoming the first rail agency in the U.S. to use renewable fuel for its locomotive fleet. The fuel is made of recycled natural fats and vegetable oils, contains no fossil fuels, and burns cleaner, reducing GHG emissions by up to 80%.

Participation in the Clean Cities Coalition also aligns with VCTC’s adopted Strategic Plan Strategies, such as:

- A3. Complete and implement the zero-emission bus transition plan to meet state mandates and reduce greenhouse gas emissions related to transit).

- B2. Encourage integration of e-bikes as an alternative transportation mode by establishing an e-bike demonstration program to allow residents the ability to try e-bikes before they purchase them.
- B5. Identify possible funding to replace buses or convert them to have zero emissions, following completion of the Zero Emissions Bus (ZEB) plan.

The SCAG Clean Cities Coalition Partnership Agreement is voluntary and non-binding. VCTC commitments through the agreement include incorporating alternative fuels in the vehicle fleet, supporting alternative fuel vehicle refueling and service facilities, and increasing public awareness of alternative fuels.



Partnership Agreement

The organization below wishes to express its commitment to, and support for, the SCAG Clean Cities Coalition's efforts to support the nation's energy and economic security, by building partnerships to improve transportation energy efficiency and advance affordable, zero or near zero emissions, domestic transportation fuels and technologies.

Ventura County Transportation Commission
Organization Name

751 E. Daily Dr., Ste. 420
Organization Address

Camarillo, CA 93010
City, State, ZIP

(805) 642-1591
Phone

<https://www.goventura.org>
Web address

Signature of Organization Representative

Date

Martin R. Erickson
Name (PRINTED)

Executive Director
Title

merickson@goventura.org
Email

Stakeholder Commitments

In Support of and consistent with the goals of the SCAG Clean Cities Coalition, Ventura County Transportation Commission (VCTC) pledges to the following voluntary and non-binding commitments:

- VCTC commits to incorporating the use of alternative fuels in our fleet to the extent feasible.

- VCTC commits to supporting the development of refueling, service and/or maintenance facilities for alternative fuel vehicles in the SCAG Clean Cities Coalition's region.
- VCTC will assist the SCAG Clean Cities Coalition in achieving its goals of promoting alternative fuels and reducing emissions by supporting legislation encouraging the use of alternative fuels, advanced technology vehicles and other fuel efficiency strategies.
- VCTC will assist the SCAG Clean Cities Coalition with increasing public awareness of the energy security and air quality benefits of alternative fuels, advanced technology vehicles and other fuel efficiency strategies.
- VCTC will assist the SCAG Clean Cities Coalition by providing in-kind services, to the extent feasible, which may include but is not limited to participation in a Technical Advisory Committee.
- VCTC commits to implementing idle-reduction measures and technologies to the extent feasible, to promote efficient fuel use and decrease emissions.
- Other support VCTC commits to the SCAG Clean Cities Coalition may include sharing transportation data, such as mode of travel, vehicle miles traveled, and travel behavior, with partner agencies throughout Ventura County, from the Ventura County Transportation Model (VCTM) and Ventura County Transportation Data & Analytics Pilot Program.



July 7, 2023

Item 8F

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: ANDREW KENT, PROGRAM MANAGER, TRANSPORTATION DATA & SERVICES

SUBJECT: TRANSPORTATION DATA AND ANALYTICS PILOT PROGRAM LICENSE AND CONTRACTOR SELECTION

RECOMMENDATION:

- Approve an agreement with Iteris, Inc. to provide a probe-based data license and transportation analytics dashboard for the Transportation Data and Analytics Pilot Program.

BACKGROUND:

The Ventura County Transportation Commission (VCTC) solicited proposals from qualified transportation analytics consultants to provide probe-based “Big Data” collected from mobile devices and other sources for transportation performance monitoring and analysis. VCTC Staff has identified potential for Big Data services across several program areas, including as a solution to replace legacy systems. The Commission approved and budgeted for a pilot program in Fiscal Year 2022/2023 intended to provide a license for VCTC partner transportation agencies to access Big Data for transportation planning and engineering purposes.

Big data for transportation analytics is comprised of anonymized cell phone location and connected vehicle device probe data, and transportation sector automated vehicle locator / global positioning system (AVL/GPS) data. Big Data analytics allow for comprehensive coverage of real-time and historical trips on a jurisdiction’s roadway network by randomly sampling or “probing” anonymous smart device location data for a time interval from 1 to 60 seconds. This data can be used to estimate a variety of planning and engineering metrics including traffic volumes, speeds, congestion, mode split, and vehicle miles traveled (VMT). The advantage of Big Data over traditional transportation data gathering methods is the ability to have comprehensive coverage of the road and highway network without the expense and maintenance of a system of detectors and sensors.

Several County Transportation Commissions have implemented Big Data dashboards to monitor congestion and VMT impacts. There are potential cost savings for traffic/transportation studies utilizing Big Data over traditional tube count and traffic surveying methods.

The proposed pilot program provides VCTC an alternative to upgrading the system of 100 SpeedInfo doppler radars currently in place along U.S. Highway 101 and State Routes 126, 118, 33 and 23, which supplemented Caltrans District 7 with speed data for Ventura County and became obsolete with the sun-setting of 3G cellular service. A secondary goal is to provide access to VCTC and partner agencies to access data for transportation planning and engineering purposes. VCTC will pay for the cost of a license and give access to County and City staff. City and County staff will have the opportunity to utilize the data

through a web-based dashboard capable of performing geographic and historical queries of important multimodal transportation metrics.

At the April 7th, 2023, meeting of the VCTC Board, the Commission ratified the release of the Request for Proposals for a Big Data License and Analytics Dashboard to provide Ventura County with a solutions package utilizing probe-based Big Data for two areas of focus: A) Next Generation SpeedInfo System, and B) a web-based dashboard for congestion management and transportation planning analytics.

DISCUSSION:

Staff received five proposals to provide the contractor services described in the RFP. An evaluation committee of relevant technical Staff, including a representative for Caltrans District 7 and the local jurisdictions, scored the proposals based on alignment with Ventura County transportation goals and objectives, project management, training for local jurisdiction staff, and cost. The evaluation committee selected the Iteris, Inc. proposal to provide Ventura County with the Iteris ClearGuide dashboard supported by a HERE Traffic GPS/AVL based Big Data license.

The Iteris, Inc. proposal was ranked highest by the committee for the firms' experience with similar programs, Project Management team, and approach. The ClearGuide dashboard is currently utilized by San Bernadino County Transportation Authority and LA Metro. The ClearGuide dashboard will provide VCTC and local partner agencies with real time and historical congestion and travel metrics for the complete network of freeways, highways, and major and minor arterials in Ventura County. Additionally, Iteris has experience deploying Big Data to support Changeable Message Sign programs for DOTs outside California and will work with staff to integrate the raw data with Caltrans District 7 traveler information systems.

VCTC staff worked with the Iteris team to refine and customize the package of data and services. To prevent paying for redundant services provided through a similar procurement managed by the Southern California Association of Governments, VCTC staff requested Iteris to provide a new cost proposal with modifications to add-ons. The total not to exceed cost for the three-year contract term is \$1,044,528. The contract is included as Attachment A. An abridged version of the Iteris proposal is included as Attachment B.

Over the next three years, VCTC will evaluate the benefit of the real-time Big Data dashboard in advancing VCTC Strategic Plan Goal A5., *"Leverage data to better inform transportation-land use decision making and grant seeking."* In the final year of the contract, VCTC staff may engage the County and cities in a discussion of a cost sharing consortium to provide ongoing access to the ClearGuide dashboard. Implementing a cost sharing consortium would likely to minimize license costs across the county by leveraging economies of scale.

Staff recommends approval of the contract with Iteris, Inc. to provide services for a probe-based data license and analytics dashboard for the Transportation Data and Analytics Pilot Program included in the Regional Transportation Planning program budget for Fiscal Year 2022/2023 and carried forward into Fiscal Year 2023/2024.



July 7, 2023

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: AMANDA FAGAN, DIRECTOR OF PLANNING & SUSTAINABILITY

SUBJECT: SANTA PAULA BRANCH LINE MONTHLY UPDATES FOR JUNE 2023

RECOMMENDATION:

- *Receive and file a report on Santa Paula Branch Line updates for the month of June 2023.*

BACKGROUND AND DISCUSSION:

In December 2021, VCTC executed a Railroad Lease and Operations Agreement (Agreement) with Sierra Northern Railway (SNR) for a 35-year term. Under the Agreement, SNR is responsible to operate and maintain the full SPBL right-of-way as of January 1, 2022. The Agreement defines roles and responsibilities and grants to Sierra Northern the exclusive rights to operate the SPBL for Railroad Purposes, including tourist and freight services, film and television production, and storage and transload services. Staff most recently gave a verbal presentation on SPBL operations at the June 2, 2023 meeting. Members of the Commission have requested more regular updates on the activities of the SPBL. In response, the following report includes updates for the month of June 2023, including:

- On June 2, SNR relocated a portion of the stored rail cars further to the west where there is additional landscape screening, reducing visual impact to the extent practicable for preserving railway operations to the west of the stored rail cars.
- On June 6, VCTC executed a contract with RailPros, Inc. to plan, design, and permit the Sespe Creek Overflow Bridge reconstruction. Field work for survey and geotechnical analysis was conducted June 21 – 23. SNR provided the engineering team with the required safety and operational briefing prior to the start of field work.
- An encroachment permit application was submitted to the Ventura County Watershed Protection District to conduct the geotechnical borings and field work on June 26.
- VCTC staff meets on a weekly basis with a Project Manager and support team from the Federal Emergency Management Agency (FEMA). Three projects have been developed for FEMA public assistance: (1) Debris removal for the SPBL; (2) Railroad repairs for two sections of the SPBL; and (3) Sespe Creek Overflow Bridge reconstruction.
- The Sunburst Railbikes service has become a popular activity with strong demand, attracting visitors to the Santa Clara River Valley. Operator Mendocino Railway is considering expanded service, including evening tours and staggered tour departure times.
- SNR and Mendocino Railway are working with the Museum of Ventura County to support the 150th Anniversary of Ventura County celebration at the Agriculture Museum in Santa Paula in October, including display of the steam engine and locomotive and displays on the history of railroading in Ventura County.
- SNR is partnering with the Ventura County Air Pollution Control District to develop an application for a grant from the California Air Resources Board to construct and deploy two hydrogen-powered locomotives and fueling infrastructure on the SPBL.
- SNR and VCTC continue to work on a new private crossing agreement for Beylick Farms near Fillmore.
- With the cooperation of SNR, VCTC issued a right-of-entry (ROE) permit to the Fillmore High School Alumni Association in support of their annual Alumni Dinner and scholarship event. The ROE allowed for a lighted and improved pedestrian crossing to connect attendees with the event.



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Item 8H

July 7, 2023

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

**FROM: AUBREY SMITH, PROGRAM MANAGER – REGIONAL TRANSIT PLANNING
CLAIRE GRASTY, DIRECTOR OF PUBLIC TRANSIT**

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

RECOMMENDATION:

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

BACKGROUND:

VCTC has worked diligently with Metrolink to augment existing weekend service on the Ventura County Line. After being delayed due to the pandemic, Saturday service to Moorpark was implemented on May 29, 2021 which initially included one round trip from Moorpark to Union Station, departing in the morning and returning in the afternoon/evening. Since the implementation of Saturday service, the single trip has been extended to the Ventura – East station on August 14, 2021 and trip times have been refined to provide for options through the weekend for residents and visitors traveling between Ventura and Los Angeles counties. VCTC has received Low Carbon Transit Operations Program (LCTOP) to increase service to two roundtrips on both Saturdays and Sundays beginning July 2023.

DISCUSSION:

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

The Amendment to the Agreement was signed on June 19, 2023 and service was extended on July 1, 2023. Passengers now have more options to board at the East Ventura, Oxnard and Camarillo stations. The amendment is included as an attachment.

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



Item 81

July 7, 2022

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: MATT MILLER, PROGRAM MANAGER
SUBJECT: UPDATE ON BYD BUSES FOR COASTAL EXPRESS SERVICE

RECOMMENDATION:

- Receive and file an update on SBCAG's procurement of BYD electric buses for use on the Coastal Express service and approve the use of the Camarillo Metrolink Station parking lot as a location for joint charging stations for VCTC and City of Camarillo vehicles.

BACKGROUND

In 2018, the Santa Barbara County Association of Governments (SBCAG) applied for and was awarded \$9,600,000 through the Transit Intercity Rail and Capital Program. Among the projects included in the application was the purchase of five (5) electric over the road coaches to be used on the partner funded Coastal Express route.

DISCUSSION:

Procurement & Delivery

SBCAG is the lead agency on the procurement of these vehicles, as such they are leading weekly project calls, working with BYD through scheduling challenges, and coordinating final inspection of vehicles using a third-party contractor. Currently, these vehicles are scheduled to be assembled, tested and ready for inspection on July 10th. It is expected that minor deficiencies will be found and need to be corrected and, barring any major problems with the vehicles, they will be delivered to the SBCAG bus yard in Goleta the following week starting July 17th. If there are major issues that cannot be corrected, the schedule will be delayed and the buses will not be delivered until the issues are fixed.

While SBCAG is responsible for the purchase of the vehicles, it has been agreed that VCTC is responsible for the procurement and installation of the internal/external video system, automatic vehicle location system, fareboxes and VCBuspass electronic fare collection readers. These systems have been ordered and will be installed post-delivery of the vehicles.

Charging of Vehicles

As this is an application developed by and awarded to SBCAG, the permanent charging infrastructure for these vehicles is being installed at the SBCAG bus yard in Goleta, therefore charging will take place in Goleta as well. This facet of the project presents inherent operational challenges to VCTC since the vehicles are being operated by VCTC's contractor RATP-Dev and will be housed at the facility in Camarillo. To help overcome this challenge, VCTC is planning to purchase small mobile chargers that

can be used to charge the vehicles and give them enough range to complete trips as needed. The chargers plug into a wall outlet in the facility which will need a minor upgrade to accommodate the amount of electricity needed to charge the vehicle. These chargers are not expected to be a permanent solution to the lack of charging infrastructure at the Camarillo facility but rather to be used as a back-up to the infrastructure located in Goleta. Additionally, staff will be working with our contractor, RATP-Dev, to plan for midday charging of these buses in Goleta after northbound trips are completed.

Camarillo – VCTC Partnership on Charging Infrastructure

The charging strategies described above will suffice in the short term, but to successfully use these vehicles on the Coastal Express without running into range issues, permanent charging infrastructure will need to be installed in Camarillo. VCTC began discussing a partnership on a joint charging location while both entities were developing their zero emissions transition plans.

As part of the City of Camarillo's zero emissions plan, Camarillo's consultant assessed the feasibility of building charging infrastructure at two locations. The first location was an undeveloped city owned property west of 400 W. Ventura Blvd, adjacent to Camarillo Airport. The second location assessed was the northeast parking lot of the Metrolink Station off Dawson Dr. Due to existing infrastructure and ease of development, it was recommended to move forward with the Metrolink parking lot to be used as a joint charging station location for both VCTC and Camarillo vehicles. This determination was also reviewed by VCTC's consultant, Stantec, who concurred with the assessment. This option was approved by the Camarillo City Council on May 25, 2023. As such, VCTC staff is also recommending moving forward with this property.

Next steps will include a cost sharing arrangement, and design and construction of the facility. VCTC and the City of Camarillo each received \$200,000 to support construction of this facility as well as the mobile chargers needed to charge the BYD buses in the interim.

Real-world Testing and Service

These electric coaches will be the first full-length electric buses in the county, and as such driver and mechanic training and in-service testing will be critical. Before these buses are put into service on the Coastal Express route, the longest of the Intercity routes, they will be tested on out-of-service test trips back and forth between Camarillo and Santa Barbara. The test trips will help drivers and staff learn and understand battery life and charging needs. After these test trips are completed, VCTC intends to implement a "soft launch" of the vehicles and put them into service on shorter routes. The in-service trips on these shorter routes will further help drivers and staff work out any kinks that may arise while performing in revenue service.

The training and testing are expected to be completed over the course of five months between September 2023 and January 2024 with service on the Coastal Express expected to begin in January 2024.

Public Ribbon Cutting Event

As mentioned above, this project will result in the first full size electric buses in Ventura County and illustrates the long-term and ongoing partnership between VCTC and SBCAG. As such, VCTC and SBCAG staff are planning a joint press event and ribbon cutting for the Fall of this year.

Schedule of Activities

Below is a tentative schedule of tasks and activities staff are expecting to complete between July 2023 and January 2024.

DATE

July 10, 2023
July 17, 2023
July 24, 2023
July 31, 2023

ACTIVITY

Inspection of vehicles begins
Delivery of vehicles to Goleta
Installation of vehicles' graphics & decals
Driver & Mechanic Training begins

August 14, 2023
September 4, 2023
Fall 2023
January 2024

Installation of onboard technology begins
Real-world testing & local revenue service begins
SBCAG –VCTC Public Ribbon Cutting
Electric vehicles in service on Coastal Express



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Item 8J

July 7, 2023

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: MATT MILLER, PROGRAM MANAGER – TRANSIT SERVICES
SUBJECT: CSUCI COOPERATIVE AGREEMENT - FISCAL YEAR 2023-2024 EXTENSION

RECOMMENDATION:

- Approve Amendment No. 25 to the Cooperative Agreement between California State University Channel Islands (CSUCI) and VCTC for Fiscal Year 2023-2024 bus service to CSUCI.

BACKGROUND:

For the past twenty-four years, VCTC has operated bus service to and from California State University Channel Islands (CSUCI). The service is governed by an agreement which VCTC and CSUCI extend annually. The service initially qualified as a Congestion Management and Air Quality (CMAQ) demonstration project and received federal funding for 80% of the total cost. Beginning FY 2002-2003, the routes became a regular VCTC service and generate Federal Transit Administration (FTA) revenues. For Fiscal Year 2023-2024, total FTA funding will amount to approximately \$440,851. FTA funding offsets the use of local revenues provided by CSUCI, which are primarily derived from on-campus parking revenues and fees.

The attached amendment to the agreement between VCTC and CSUCI covers the term for the current fiscal year (July 1, 2023, to June 30, 2024).

Attachment: Amendment No. 25 to Cooperative Agreement between CSUCI and VCTC

**AMENDMENT TWENTY-FIVE TO
COOPERATIVE AGREEMENT
BETWEEN
TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY
ON BEHALF OF CALIFORNIA STATE UNIVERSITY
CHANNEL ISLANDS
AND
THE VENTURA COUNTY TRANSPORTATION COMMISSION
FOR THE REVISED TERM APRIL 1, 1999 - JUNE 30, 2024**

This Twenty-fifth Amendment to the COOPERATIVE AGREEMENT is entered into by and between the Trustees of the California State University, on behalf of California State University Channel Islands, hereinafter referred to as CAMPUS or CSUCI, and the Ventura County Transportation Commission, hereinafter referred to as VCTC, for fiscal year 2023/2024 and is based on the following facts which are material to its execution by the parties:

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

- IV. The CMAQ program provided funds for a maximum of three years, which was considered a “demonstration period.” The demonstration period ended in August 2002. Therefore, the CAMPUS shuttle bus service no longer qualifies for CMAQ funds but does qualify for partial funding from the Federal Transportation Administration (FTA). During the following years, FY 2002/2003 through 2023/2024, VCTC obtained FTA funds to pay for a portion of the cost of providing CAMPUS shuttle bus service.
- V. It is expected that FTA funds, obtained by VCTC on behalf of the CAMPUS, will total approximately \$440,851 for FY 2023/2024.
- VI. VCTC and CSUCI agree to work together to develop a plan which will enhance revenue through increased ridership resulting in a self-sustaining shuttle bus service. CAMPUS recognizes that it may need to subsidize the shuttle bus pass for the students, faculty, and staff.
- VII. VCTC and CSUCI agree to work together in the development of emergency preparedness and disaster response transportation planning activities related to the VCTC transit bus system and potential evacuation scenarios.

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

- A. During the period from July 1, 2023, through June 30, 2024, CSUCI shall provide \$557,090 to VCTC to maintain, operate, and manage the CAMPUS shuttle bus system. This amount consists of the Trustees of the California State University local matching cost, which, together with FTA payments will provide full funding for this bus service and VCTC administrative and other operating costs. CSUCI may choose to apply accrued credit from prior year payments towards current amount due. The amount of \$557,090 shall be due and payable during FY 2023/2024 according to the following schedule:

Due Sept 15, 2022 (Includes \$35,000 Administration Fee)	\$165,521
Due Dec 15, 2022	\$130,523
Due March 15, 2023	\$130,523
Due May 31, 2023	\$130,523

- B. VCTC will continue to provide to CSUCI a variety of analytical, technical and management services designed to facilitate the operation of the system from designated points in Oxnard and Camarillo to the CAMPUS for use by students, employees and visitors. The specific services to be provided by VCTC to CSUCI are as follows:
 - 1. Management and coordination of all CAMPUS shuttle bus service and park and ride locations throughout FY 2023/2024.
 - 2. Continued identification of future CAMPUS shuttle bus service route opportunities, service adjustments and/or additional park and ride locations with a focus toward promoting and advancing the CSUCI "Green Campus" concept.

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

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

THIS TWENTY-FIFTH AMENDMENT TO THE AGREEMENT HAS BEEN EXECUTED AS OF
 2023.

ATTEST:

TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY

 RICHARD YAO, INTERIM PRESIDENT
 CSU CHANNEL ISLANDS

VENTURA COUNTY TRANSPORTATION COMMISSION

 BRIAN MACDONALD, CHAIR, VCTC

APPROVED AS TO FORM

 STEVEN T. MATTAS, GENERAL COUNSEL, VCTC

APPROVED AS TO CONTENT

 MARTIN R. ERICKSON, EXECUTIVE DIRECTOR, VCTC



Item 8K

July 7, 2023

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: MATT MILLER, PROGRAM MANAGER

SUBJECT: VALLEY EXPRESS COMMUNITY OUTREACH PROGRAM CONTRACT AWARD

RECOMMENDATION:

- Recommend approval award of three-year contract for Community Outreach Program to Celtis Ventures, Inc. for an annual not to exceed amount of \$70,000 and authorize the Executive Director to negotiate all remaining terms of the contract for the Community Outreach Program in a form and substance approved by VCTC legal counsel.

BACKGROUND

In 2017, the HVPAC approved award of a three-year contract with two option years to Celtis Ventures. In July 2022, the contract ended, and staff issued a one-year contract with Celtis ending in June 2023, with the plan of issuing an RFP for the services beginning in July 2023.

On April 10th, VCTC staff released the RFP for a community outreach program. The scope of work was updated to reflect the evolution of the use of social media in marketing and emphasizes the importance of designing and creating easy to understand public transit information in English and Spanish. The contract length stated in the RFP is for three years with two option years. The deadline to submit proposals was May 18, 2023. VCTC received proposals from four marketing and outreach firms.

- 1) Arellano & Associates, Inc.
- 2) Celtis Ventures, Inc.
- 3) Moore & Associates, Inc.
- 4) Mustang Marketing

EVALUATION PROCESS:

An evaluation panel comprised of two VCTC staff members and one of the HVPAC member agencies reviewed all four proposals submitted.

The proposals were evaluated based on the following criteria:

1. **Familiarity with Ventura County (5 Points)** - The various services offered by VCTC & The media markets important to the area (particularly in the Valley Express service area of Santa Paula, Fillmore, and the unincorporated area of Piru)
2. **Qualifications of Firm (20 Points)** - Quality of the proposal; Demonstrated successful performance on similar or related projects; Demonstrated competence to perform work specific in this RFP, the ability to meet the schedule, and compliance with all applicable federal and state regulations and requirements.
3. **Qualifications and Experience of Project Team (20 Points)** - Demonstrated successful performance on similar or related projects; Relevant experience of the Project Manager and key personnel; Senior staff availability and time commitment of key personnel on this project.
4. **Responsiveness to RFP (20 Points)** - Evidence of full understanding of the work to be performed including the importance of, and the different methods for, quantifying the success of the different outreach activities. Proposals include: Title Page, Table of Contents, Letter of Transmittal, Profile of Proposer, Summary of Proposer's Qualifications, Description of Community Outreach Activity Program, Fee Structure, Certification of Federal Compliance, References; Acknowledgement of Addenda in Letter of Transmittal.
5. **Cost / Cost Effectiveness (25 points)** - Annual budget not to exceed \$70,000 per year; Cost effectiveness, the proposed cost in relation to the quality and level of service to be provided.

As part of the proposal selection process, oral interviews were scheduled with all four proposers. Following the oral interviews, the three-member evaluation panel completed scoring of the proposals. The below scoring summary is an average of the scores given by the evaluation panel.

Scoring Summary

Factor	Arellano	Celtis	Moore	Mustang
Familiarity with Ventura County	3	5	5	2
Qualifications of Firm	16	20	16	13
Qualifications And Experience of Project Team	14	19	18	13
Responsiveness to RFP	25	28	26	23
Cost / Cost Effectiveness	24	24	23	19
Total	83	96	88	72

Through evaluation of their proposal and subsequent interview, Celtis Ventures, Inc. scored the highest among all three evaluators. At the June 7, 2023 HVPAC meeting the Committee approved staff's recommendation that this contract be awarded to Celtis Ventures, Inc and it be brought to the Commission for final approval.

**CONSULTING SERVICES AGREEMENT BETWEEN
THE VENTURA COUNTY TRANSPORTATION COMMISSION AND
CELTIS VENTURES, INC.**

THIS AGREEMENT for consulting services is made by and between the Ventura County Transportation Commission ("VCTC") and Celtis Ventures, Inc. ("Consultant") (together sometimes referred to as the "Parties") as of July 10, 2023 (the "Effective Date").

Section 1. SERVICES. Subject to the terms and conditions set forth in this Agreement, Consultant shall provide to VCTC the services described in the Scope of Work attached hereto and incorporated herein as Exhibit A, at the time and place and in the manner specified therein. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit A, the Agreement shall prevail.

- 1.1 **Term of Services.** The term of this Agreement shall begin on the Effective Date and shall end on June 30, 2026, the date of completion specified in Exhibit A, and Consultant shall complete the work described in Exhibit A on or before that date, unless the term of the Agreement is otherwise terminated or extended, as provided for in Section 8. The time provided to Consultant to complete the services required by this Agreement shall not affect VCTC's right to terminate the Agreement, as provided for in Section 8. VCTC has the option to extend this Agreement for two (2) additional one-year terms at an amount not exceeding \$70,000 per option year.
- 1.2 **Standard of Performance.** Consultant shall perform all work required by this Agreement in a substantial, first-class manner and shall conform to the standards of quality normally observed by a person practicing in Consultant's profession.
- 1.3 **Assignment of Personnel.** Consultant shall assign only competent personnel to perform services pursuant to this Agreement. In the event that VCTC, in its sole discretion, at any time during the term of this Agreement, desires the reassignment of any such persons, Consultant shall, immediately upon receiving notice from VCTC of such desire of VCTC, reassign such person or persons.
- 1.4 **Time.** Consultant shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance provided in Sections 1.1 and 1.2 above and to satisfy Consultant's obligations hereunder.

Section 2. COMPENSATION. VCTC hereby agrees to pay Consultant an annual sum not to exceed seventy thousand (\$70,000) notwithstanding any contrary indications that may be contained in Consultant's proposal, for services to be performed and reimbursable costs incurred under this Agreement. In the event of a conflict between this Agreement and Consultant's proposal, attached as Exhibit A, regarding the amount of compensation, the Agreement shall prevail. VCTC shall pay Consultant for services rendered pursuant to this Agreement at the time and in the manner set forth herein. The payments specified below shall be the only payments from VCTC to Consultant for services rendered pursuant to this Agreement. Consultant shall submit all invoices to VCTC in the manner specified herein. Except as specifically authorized by VCTC in writing, Consultant shall not bill VCTC for duplicate services performed by more than one person.

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

2.1 Invoices. Consultant shall submit invoices, not more often than once per month during the term of this Agreement, based on the cost for all services performed and reimbursable costs incurred prior to the invoice date. Invoices shall contain all the following information:

- Serial identifications of progress bills (i.e., Progress Bill No. 1 for the first invoice, etc.);
- The beginning and ending dates of the billing period;
- A task summary containing the original contract amount, the amount of prior billings, the total due this period, the balance available under the Agreement, and the percentage of completion;
- At VCTC's option, for each work item in each task, a copy of the applicable time entries or time sheets shall be submitted showing the name of the person doing the work, the hours spent by each person, a brief description of the work, and each reimbursable expense;
- The total number of hours of work performed under the Agreement by each employee, agent, and subcontractor of Consultant performing services hereunder;
- Consultant shall give separate notice to VCTC when the total number of hours worked by Consultant and any individual employee, agent, or subcontractor of Consultant reaches or exceeds eight hundred (800) hours within a twelve (12)-month period under this Agreement and any other agreement between Consultant and VCTC. Such notice shall include an estimate of the time necessary to complete work described in Exhibit A and the estimate of time necessary to complete work under any other agreement between Consultant and VCTC, if applicable.
- The amount and purpose of actual expenditures for which reimbursement is sought;
- The Consultant's signature.

2.2 Monthly Payment. VCTC shall make monthly payments, based on invoices received, for services satisfactorily performed, and for authorized reimbursable costs incurred. VCTC shall have thirty (30) days from the receipt and approval of an invoice that complies with all of the requirements above to pay Consultant. Each invoice shall include all expenses and actives performed during the invoice period for which Consultant expects to receive payment.

2.3 Total Payment. VCTC shall pay for the services to be rendered by Consultant pursuant to this Agreement. VCTC shall not pay any additional sum for any expense or cost whatsoever incurred by Consultant in rendering services pursuant to this Agreement. VCTC shall make no payment for any extra, further, or additional service pursuant to this Agreement. In no event shall Consultant submit any invoice for an amount in excess of the maximum amount of compensation provided above either for a task or for the entire Agreement, unless the Agreement is modified prior to the submission of such an invoice by a properly executed change order or amendment.

- 2.4 **Hourly Fees.** Fees for work performed by Consultant on an hourly basis shall not exceed the amounts shown on the compensation schedule attached hereto and incorporated herein as Exhibit B.
- 2.5 **Payment of Taxes.** Consultant is solely responsible for the payment of employment taxes incurred under this Agreement and any similar federal or state taxes. Contractor represents and warrants that Contractor is a resident of the State of California in accordance with California Revenue & Taxation Code Section 18662, as it may be amended, and is exempt from withholding. Contractor accepts sole responsible for verifying the residency status of any subcontractors and withhold taxes from non-California subcontractors.
- 2.6 **Payment upon Termination.** In the event that VCTC or Consultant terminates this Agreement pursuant to Section 8, VCTC shall compensate the Consultant for all outstanding costs and reimbursable expenses incurred for work satisfactorily completed as of the date of written notice of termination. Consultant shall maintain adequate logs and timesheets to verify costs incurred to that date.
- 2.7 **Authorization to Perform Services.** The Consultant is not authorized to perform any services or incur any costs whatsoever under the terms of this Agreement until receipt of authorization from the Contract Administrator.
- 2.8 **False Claims Act.** Presenting a false or fraudulent claim for payment, including a change order, is a violation of the California False Claims Act and may result in treble damages and a fine of five thousand (\$5,000) to ten thousand dollars (\$10,000) per violation.

Section 3. FACILITIES AND EQUIPMENT. Except as set forth herein, Consultant shall, at its sole cost and expense, provide all facilities and equipment that may be necessary to perform the services required by this Agreement. VCTC shall make available to Consultant only the facilities and equipment listed in this section, and only under the terms and conditions set forth herein.

VCTC shall furnish physical facilities such as desks, filing cabinets, and conference space, as may be reasonably necessary for Consultant's use while consulting with VCTC employees and reviewing records and the information in possession of VCTC. The location, quantity, and time of furnishing those facilities shall be in the sole discretion of VCTC. In no event shall VCTC be obligated to furnish any facility that may involve incurring any direct expense, including but not limited to computer, long-distance telephone or other communication charges, vehicles, and reproduction facilities.

Section 4. INSURANCE REQUIREMENTS. Before beginning any work under this Agreement, Consultant, 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 performance of the work hereunder by the Consultant and its agents, representatives, employees, and subcontractors. Consistent with the following provisions, Consultant 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 beginning work to VCTC. Consultant shall maintain the insurance policies

required by this section throughout the term of this Agreement. The cost of such insurance shall be included in the Consultant's bid. Consultant shall not allow any subcontractor to commence work on any subcontract until Consultant has obtained all insurance required herein for the subcontractor(s). Consultant shall maintain all required insurance listed herein for the duration of this Agreement.

4.1 Workers' Compensation. Consultant shall, at its sole cost and expense, maintain Statutory Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by Consultant. The Statutory Workers' Compensation Insurance and Employer's Liability Insurance shall be provided with limits of not less than **\$1,000,000** per accident. In the alternative, Consultant may rely on a self-insurance program to meet those requirements, but only if the program of self-insurance complies fully with the provisions of the California Labor Code. Determination of whether a self-insurance program meets the standards of the Labor Code shall be solely in the discretion of the Contract Administrator, as defined in Section 10.9. The insurer, if insurance is provided, or the Consultant, if a program of self-insurance is provided, shall waive all rights of subrogation against VCTC and its officers, officials, employees, and volunteers for loss arising from work performed under this Agreement.

4.2 Commercial General and Automobile Liability Insurance.

4.2.1 General requirements. Consultant, at its own cost and expense, shall maintain commercial general and automobile liability insurance for the term of this Agreement in an amount not less than two million dollars (\$2,000,000) per occurrence, combined single limit coverage for risks associated with the work contemplated by this Agreement. If a Commercial General Liability Insurance or an Automobile Liability form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned automobiles.

4.2.2 Minimum scope of coverage. Commercial general coverage shall be at least as broad as Insurance Services Office Commercial General Liability occurrence form CG 0001 or GL 0002 (most recent editions) covering comprehensive General Liability Insurance and Services Office form number GL 0404 covering Broad Form Comprehensive General Liability on an "occurrence" basis. Automobile coverage shall be at least as broad as Insurance Services Office Automobile Liability form CA 0001 (most recent edition). No endorsement shall be attached limiting the coverage.

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

- a. The Insurance shall cover on an occurrence or an accident basis, and not on a claims-made basis.
- b. Any failure of Consultant to comply with reporting provisions of the policy shall not affect coverage provided to VCTC and its officers, employees, agents, and volunteers.

4.3 Professional Liability Insurance.

4.3.1 **General requirements.** Consultant, at its own cost and expense, shall maintain for the period covered by this Agreement professional liability insurance for licensed professionals performing work pursuant to this Agreement in an amount not less than \$2,000,000 covering the licensed professionals' errors and omissions. Any deductible or self-insured retention shall not exceed twenty five thousand dollars (\$25,000) per claim.

4.3.2 **Claims-made limitations.** The following provisions shall apply if the professional liability coverage is written on a claims-made form:

- a. The retroactive date of the policy must be shown and must be before the date of the Agreement.
- b. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the Agreement or the work, so long as commercially available at reasonable rates.
- c. If coverage is canceled or not renewed and it is not replaced with another claims-made policy form with a retroactive date that precedes the date of this Agreement, Consultant shall purchase an extended period coverage for a minimum of five (5) years after completion of work under this Agreement or the work. VCTC shall have the right to exercise, at the Consultant's sole cost and expense, any extended reporting provisions of the policy, if the Consultant cancels or does not renew the coverage.
- d. A copy of the claim reporting requirements must be submitted to VCTC for review prior to the commencement of any work under this Agreement.

4.3.3 **Additional Requirements.** A certified endorsement to include contractual liability shall be included in the policy

4.4 All Policies Requirements.

4.4.1 **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.

4.4.2 **Verification of coverage.** Prior to beginning any work under this Agreement, Consultant shall furnish VCTC with complete copies of all policies delivered to Consultant 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 the Consultant beginning work, this shall not waive the Consultant's obligation to provide them. VCTC reserves the right to require complete copies of all required insurance policies at any time.

4.4.3 **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, Consultant shall provide written notice to VCTC at Consultant's earliest possible opportunity and in no case later than ten (10) working days after Consultant is notified of the change in coverage.

- 4.4.4 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 Consultant, including VCTC's general supervision of Consultant; products and completed operations of Consultant, as applicable; premises owned, occupied, or used by Consultant; and automobiles owned, leased, or used by the Consultant in the course of providing services pursuant to this Agreement. The coverage shall contain no special limitations on the scope of protection afforded to VCTC or its officers, employees, agents, or volunteers.

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

- 4.4.5 Deductibles and Self-Insured Retentions.** Consultant shall disclose to and obtain the approval of City for the self-insured retentions and deductibles before beginning any of the services or work called for by any term of this Agreement. Further, if the Consultant'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 Contract Administrator, Consultant may increase such deductibles or self-insured retentions with respect to VCTC, its officers, employees, agents, and volunteers. The Contract Administrator may condition approval of an increase in deductible or self-insured retention levels with a requirement that Consultant 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.

- 4.4.6 Subcontractors.** Consultant 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.

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

4.4.8 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.

4.5 Remedies. In addition to any other remedies VCTC may have if Consultant 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 Consultant's breach:

- a. Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;
- b. Order Consultant to stop work under this Agreement or withhold any payment that becomes due to Consultant hereunder, or both stop work and withhold any payment, until Consultant demonstrates compliance with the requirements hereof; and/or
- c. Terminate this Agreement.

Section 5. INDEMNIFICATION AND CONSULTANT'S RESPONSIBILITIES.

Consultant shall, to the fullest extent allowed by law, with respect to all Services performed in connection with this Agreement, indemnify, defend with counsel selected by VCTC, and hold harmless VCTC and its officials, officers, employees, agents, and volunteers from and against any and all losses, liability, claims, suits, actions, damages, and causes of action arising out of any personal injury, bodily injury, loss of life, or damage to property, or any violation of any federal, state, or municipal law or ordinance ("Claims"), to the extent caused, directly or indirectly, in whole or in part, by the willful misconduct or negligent acts or omissions of Consultant or its employees, subcontractors, or agents. The foregoing obligation of Consultant shall not apply when (1) the injury, loss of life, damage to property, or violation of law arises wholly from the gross negligence or willful misconduct of VCTC or its officers, employees, agents, or volunteers and

(2) the actions of Consultant or its employees, subcontractor, or agents have contributed in no part to the injury, loss of life, damage to property, or violation of law.

5.1 Insurance Not in Place of Indemnity. Acceptance by VCTC of insurance certificates and endorsements required under this Agreement does not relieve Consultant from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply. By execution of this Agreement, Consultant acknowledges and agrees to the provisions of this Section and that it is a material element of consideration.

5.2 PERS Liability. In the event that Consultant or any employee, agent, or subcontractor of Consultant providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of VCTC, Consultant shall indemnify, defend, and hold harmless VCTC for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of VCTC.

5.3 Third Party Claims. With respect to third party claims against the Consultant, the Consultant waives any and all rights of any type of express or implied indemnity against the Indemnitees.

Section 6. STATUS OF CONSULTANT.

- 6.1 **Independent Contractor.** At all times during the term of this Agreement, Consultant shall be an independent contractor and shall not be an employee of VCTC. VCTC shall have the right to control Consultant only insofar as the results of Consultant's services rendered pursuant to this Agreement and assignment of personnel pursuant to Subparagraph 1.3; however, otherwise VCTC shall not have the right to control the means by which Consultant accomplishes services rendered pursuant to this Agreement. Notwithstanding any other VCTC, state, or federal policy, rule, regulation, law, or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing services under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any and all claims to, any compensation, benefit, or any incident of employment by VCTC, including but not limited to eligibility to enroll in the California Public Employees Retirement System (PERS) as an employee of VCTC and entitlement to any contribution to be paid by VCTC for employer contributions and/or employee contributions for PERS benefits.
- 6.2 **Consultant Not an Agent.** Except as VCTC may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of VCTC in any capacity whatsoever as an agent to bind VCTC to any obligation whatsoever.

Section 7. LEGAL REQUIREMENTS.

- 7.1 **Governing Law.** The laws of the State of California shall govern this Agreement.
- 7.2 **Compliance with Applicable Laws.** Consultant and any subcontractors shall comply with all federal, state and local laws and regulations applicable to the performance of the work hereunder. Consultant's failure to comply with such law(s) or regulation(s) shall constitute a breach of contract.
- 7.3 **Other Governmental Regulations.** To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, Consultant and any subcontractors shall comply with all applicable rules and regulations to which VCTC is bound by the terms of such fiscal assistance program.
- 7.4 **Licenses and Permits.** Consultant represents and warrants to VCTC that Consultant and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals, including from VCTC, of whatsoever nature that are legally required to practice their respective professions. Consultant represents and warrants to VCTC that Consultant and its employees, agents, any subcontractors shall, at their sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals that are legally required to practice their respective professions. In addition to the foregoing, Consultant and any subcontractors shall obtain and maintain during the term of this Agreement valid Business Licenses from VCTC.
- 7.5 **Nondiscrimination and Equal Opportunity.** Consultant shall not discriminate, on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by Consultant under this Agreement. Consultant shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Agreement, including but not limited to the satisfaction of any positive obligations required of Consultant thereby.

Consultant shall include the provisions of this Subsection in any subcontract approved by the Contract Administrator or this Agreement.

- 7.6 **Contractor's Residency and Tax Withholding** Contractor declares that Contractor is a resident of the State of California in accordance with the California Franchise Tax Board form 590 ("Form 590"). Unless provided with valid, written evidence of an exemption or waiver from withholding, VCTC may withhold California taxes from payments to Contractor as required by law. Contractor shall obtain, and maintain on file for three (3) years after the termination of the Contract, Form 590s from all subcontractors. Contractor accepts sole responsibility for withholding taxes from any non-California resident subcontractor and shall submit written documentation of compliance with Contractor's withholding duty to VCTC.

Section 8. TERMINATION AND MODIFICATION.

- 8.1 **Termination.** VCTC may cancel this Agreement at any time and without cause upon written notification to Consultant.

Consultant may cancel this Agreement for cause upon thirty (30) days' written notice to VCTC and shall include in such notice the reasons for cancellation.

In the event of termination, Consultant shall be entitled to compensation for services performed to the effective date of notice of termination; VCTC, however, may condition payment of such compensation upon Consultant delivering to VCTC all materials described in Section 9.1.

- 8.2 **Extension.** VCTC may, in its sole and exclusive discretion, extend the end date of this Agreement beyond that provided for in Subsection 1.1. Any such extension shall require Contractor to execute a written amendment to this Agreement, as provided for herein. Consultant understands and agrees that, if VCTC grants such an extension, VCTC shall have no obligation to provide Consultant with compensation beyond the maximum amount provided for in this Agreement. Similarly, unless authorized by the Contract Administrator, VCTC shall have no obligation to reimburse Consultant for any otherwise reimbursable expenses incurred during the extension period.
- 8.3 **Amendments.** The Parties may amend this Agreement only by a writing signed by all the Parties.
- 8.4 **Assignment and Subcontracting.** VCTC and Consultant recognize and agree that this Agreement contemplates personal performance by Consultant and is based upon a determination of Consultant's unique personal competence, experience, and specialized personal knowledge. Moreover, a substantial inducement to VCTC for entering into this Agreement was and is the professional reputation and competence of Consultant. Consultant may not assign this Agreement or any interest therein without the prior written approval of the Contract Administrator. Consultant shall not assign or subcontract any portion of the performance contemplated and provided for herein, other than to the subcontractors noted in the proposal, without prior written approval of the Contract Administrator.
- 8.5 **Survival.** All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between VCTC and Consultant shall survive the termination of this Agreement.

- 8.6 Options upon Breach by Consultant.** If Consultant materially breaches any of the terms of this Agreement, VCTC's remedies shall include, but not be limited to, the following:
- 8.6.1** Immediately terminate the Agreement;
 - 8.6.2** Retain the plans, specifications, drawings, reports, design documents, and any other work product prepared by Consultant pursuant to this Agreement;
 - 8.6.3** Retain a different consultant to complete the work described in Exhibit A not finished by Consultant; or
 - 8.6.4** Charge Consultant the difference between the cost to complete the work described in Exhibit A that is unfinished at the time of breach and the amount that VCTC would have paid Consultant pursuant to Section 2 if Consultant had completed the work.

Section 9. KEEPING AND STATUS OF RECORDS.

- 9.1 Records Created as Part of Consultant's Performance.** All reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that Consultant prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder shall be the property of VCTC. Consultant hereby agrees to deliver those documents to VCTC upon termination of the Agreement. It is understood and agreed that the documents and other materials, including but not limited to those described above, prepared pursuant to this Agreement are prepared specifically for VCTC and are not necessarily suitable for any future or other use. VCTC and Consultant agree that, until final approval by VCTC, all data, plans, specifications, reports and other documents are confidential and will not be released to third parties without prior written consent of both Parties except as required by law.
- 9.2 Consultant's Books and Records.** Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to VCTC under this Agreement for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to the Consultant to this Agreement.
- 9.3 Inspection and Audit of Records.** Any records or documents that Section 9.2 of this Agreement requires Consultant to maintain shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of VCTC. Under California Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds ten thousand (\$10,000.00), the Agreement shall be subject to the examination and audit of the State Auditor, at the request of VCTC or as part of any audit of VCTC, for a period of three (3) years after final payment under the Agreement.
- 9.4 Records Submitted in Response to an Invitation to Bid or Request for Proposals.** All responses to a Request for Proposals (RFP) or invitation to bid issued by VCTC become the exclusive property of VCTC. At such time as VCTC selects a bid, all proposals received become a matter of public record, and shall be regarded as public records, with the exception of those elements in each proposal that are defined by Consultant and plainly marked as "Confidential," "Business Secret" or "Trade Secret."

VCTC shall not be liable or in any way responsible for the disclosure of any such proposal or portions thereof, if Consultant has not plainly marked it as a "Trade Secret" or "Business Secret," or if disclosure is required under the Public Records Act.

Although the California Public Records Act recognizes that certain confidential trade secret information may be protected from disclosure, VCTC may not be in a position to establish that the information that a prospective bidder submits is a trade secret. If a request is made for information marked "Trade Secret" or "Business Secret," and the requester takes legal action seeking release of the materials it believes does not constitute trade secret information, by submitting a proposal, Consultant agrees to indemnify, defend and hold harmless VCTC, its agents and employees, from any judgment, fines, penalties, and award of attorneys fees awarded against VCTC in favor of the party requesting the information, and any and all costs connected with that defense. This obligation to indemnify survives VCTC's award of the contract. Consultant agrees that this indemnification survives as long as the trade secret information is in VCTC's possession, which includes a minimum retention period for such documents.

Section 10 **MISCELLANEOUS PROVISIONS.**

- 10.1 **Attorneys' Fees.** If a Party to this Agreement brings any action, including arbitration or an action for declaratory relief, to enforce or interpret the provision 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.
- 10.2 **Venue.** In the event that either Party brings any action against the other under this Agreement, the Parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of Ventura or in the United States District Court for the Central District of California.
- 10.3 **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.
- 10.4 **No Implied Waiver of Breach.** The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.
- 10.5 **Successors and Assigns.** The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the Parties.
- 10.6 **Use of Recycled Products.** Consultant shall prepare and submit all reports, written studies and other printed material on recycled paper to the extent it is available at equal or less cost than virgin paper.
- 10.7 **Conflict of Interest.** Consultant may serve other clients, but none whose activities within the corporate limits of VCTC or whose business, regardless of location, would place Consultant in a "conflict of interest," as that term is defined in the Political Reform Act, codified at California Government Code Section 81000, *et seq.*

Consultant shall not employ any VCTC official in the work performed pursuant to this Agreement. No officer or employee of VCTC shall have any financial interest in this Agreement that would violate California Government Code Sections 1090, *et seq.*

Consultant hereby warrants that it is not now, nor has it been in the previous twelve (12) months, an employee, agent, appointee, or official of VCTC. If Consultant was an employee, agent, appointee, or official of VCTC in the previous twelve (12) months, Consultant warrants that it did not participate in any manner in the forming of this Agreement. Consultant understands that, if this Agreement is made in violation of Government Code §1090, *et seq.*, the entire Agreement is void and Consultant will not be entitled to any compensation for services performed pursuant to this Agreement, including reimbursement of expenses, and Consultant will be required to reimburse VCTC for any sums paid to the Consultant. Consultant understands that, in addition to the foregoing, it may be subject to criminal prosecution for a violation of Government Code § 1090 and, if applicable, will be disqualified from holding public office in the State of California.

10.8 Solicitation. Consultant agrees not to solicit business at any meeting, focus group, or interview related to this Agreement, either orally or through any written materials.

10.9 Contract Administration. This Agreement shall be administered by VCTC Executive Director Martin Erickson ("Contract Administrator"). All correspondence shall be directed to or through the Contract Administrator or his or her designee.

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

Consultant

Matt Raymond, President and CEO
Celtis Ventures, Inc.
215 Avenue I, Suite 104
Redondo Beach, CA 90277

VCTC

Martin Erickson Executive Director
Ventura County Transportation Commission
751 E. Daily Drive, Suite 420 950 County
Square Drive, Suite 207
Camarillo, CA 93010

10.11 Integration. This Agreement, including the scope of work attached hereto and incorporated herein as Exhibits A, B, ~~[[and]C]]~~ represents the entire and integrated agreement between VCTC and Consultant and supersedes all prior negotiations, representations, or agreements, either written or oral pertaining to the matters herein.

Exhibit A Scope of Services
Exhibit B Compensation Schedule

- 10.12 Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.
- 10.13 Construction.** The headings in this Agreement are for the purpose of reference only and shall not limit or otherwise affect any of the terms of this Agreement. The parties have had an equal opportunity to participate in the drafting of this Agreement; therefore any construction as against the drafting party shall not apply to this Agreement.
- 10.14 No Third Party Beneficiaries.** This Agreement is made solely for the benefit of the Parties hereto with no intent to benefit any non-signatory third parties.

The Parties have executed this Agreement as of the Effective Date.

VCTC

CONSULTANT

Martin R. Erickson, Executive Director

Matt Raymond, CEO and President

Approved as to Form:

Steve Mattas, General Counsel

EXHIBIT A

SCOPE OF SERVICES

The Consultant will be expected to respond to and carry out the following ten tasks with respect to the Valley Express transit service. Please visit the Valley Express website <http://www.valleyexpressbus.com> for information about the Valley Express transit service.

Task 1: Project Management

Consultant will meet as requested with Valley Express HVTAC/HVPAC and VCTC staff to discuss status/progress of the Valley Express program. Consultant will also provide support regarding various operations-related matters such as service development, coordination with the operations contractor, fleet replacement, bus stop improvements, fare policies, Title VI compliance, and onboard/in-field surveying. The consultant will attend and participate in HVTAC and HVPAC meetings as requested.

Consultant will assist with conducting surveys for both fixed-route and DAR services in an effort to glean feedback regarding current mobility needs as well as perceptions of the service provided by Valley Express bus. Ride checks provide opportunities for collection of objective ridership data and insight into boarding and alighting patterns.

Task 2: Service Information

When bus schedules, bus stops, and/or policy changes need to be implemented public information like route brochures and other collateral need to be updated and information is disseminated to the community. Consultant is responsible for updating public information written and digital for distribution throughout the service area. Other responsibilities include (but not limited to):

- Update brochures to reflect current service offerings;
- Provide Spanish translation of all pieces;
- Design resizable artwork (posters, adverts, flyers) for multi-purpose use;
- Design onboard notices and decals;
- Handle all production and vendor coordination of service materials.
- Streamlining service information into a user-friendly format.
- Completion of Valley Express System Map(s)
- Update vehicle decal design

Task 3: Website

Consultant, with VCTC staff, will manage and update the website with service changes, media releases, new information, etc., keeping website content current and fresh (which may include updates for ADA compliance). Consultant and staff will work together in identifying changes needed to make website more user friendly. The consultant will be the primary party responsible for implementing complicated, labor intensive changes and VCTC staff will make other changes as necessary.

Task 4: Bus Stops

Consultant will continue to support Valley Express' bus stop improvement efforts. This includes monitoring and reporting of the condition/status of bus shelters, bus benches, and bus stop signage. Also included will be periodic updating of the various infopost units, including:

- Conduct field inspection twice during the year of bus stop signage and infopost inserts, following up inspection with a status report that details said inventory/condition report;
- Replace and update infopost inserts and hardware as needed;
- Maintain a database of bus stops, signage, and amenities; and
- Coordinate with other transit providers as needed.

Task 6: Social Media

Consultant will continue to administer Valley Express' online presence via social media including regular postings and maintenance of Facebook and Twitter. Other task activities will include:

- Develop content in English and Spanish;
- Incorporate content from other agency Facebook and other social media platforms including local community events, other relevant VCTC transit promotions, etc.
- Monitor Facebook, Twitter and other social media accounts to ensure timely response to questions and concerns, as well as to disseminate rider alerts;
- Periodic review of the platforms and determine if any advertising would be beneficial for increasing followers;
- Utilize hashtags (clickable links/tags), allowing users to search associated messages;
- Implement social media contests for such things as posting photos or videos; and
- Notify member agencies of specific contests/campaigns/surveys that may be shared on respective Facebook/social media platforms for wider distribution;
- Incorporate QR codes into public information collateral.
- Look to specific outreach to target younger riders, seniors, and Spanish speakers.

Task 7: Advertising

Consultant will pursue effective and targeted advertising opportunities for Valley Express that will incorporate HVTAC/HVPAC-approved themes and messaging. Among the advertising locations envisioned are:

- Community newspapers and associated websites;
- Locally-focused publications and websites;
- HVTS-member publications for residents;
- Utility bill inserts;
- Facebook, Twitter and other social media advertising;
- Onboard Valley Express vehicles; and
- Valley Express fixed-route bus stops.

Task 8: Public Communications

Consultant will prepare and distribute media releases, promotional copy for local media, feature articles, and eblasts. Public media releases and eblasts will serve to increase public awareness and support of the service. This will enhance perceptions of Valley Express as a valuable mobility resource, while also increasing ridership and fare revenue.

- Media releases will be distributed to local news outlets, industry publications, and community publications on an as-needed basis to communicate service changes, campaigns, and connecting service updates. They will also be posted on valleyexpressbus.com.
- An email distribution database will be maintained through promotions, outreach events, and

- social media interactions, and will be utilized for e-communications.
- Feature articles on transit-related topics may be developed, placed in industry publications, and posted on valleyexpressbus.com.
 - Campaigns may be created around days of national recognition such as, but not limited to, the following national events:
 - Earth Day (April),
 - Bike to Work Week (May),
 - Dump the Pump Day (third Thursday in June), and
 - Rideshare Week (October)

All materials will be translated into Spanish.

Task 9: Outreach

Consultant will leverage local events to increase Valley Express' involvement within the communities it serves. Consultant will assist with coordination and preparation of the events, design notices for placement onboard vehicles or in local publications, prepare all supporting collateral (print and online – website and social media), and provide bilingual event staffing.

EXHIBIT B

COMPENSATION SCHEDULE

This is a fixed-price agreement with an overall amount not to exceed \$70,000 per year for the term of the contract.

Consultant will utilize a blended billing rate for all time billed to the agreement. That amount will be \$99 per hour. All creative and administrative costs are incorporated into this blended rate.



Item 8L

July 7, 2023

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: MATT MILLER, PROGRAM MANAGER – TRANSIT SERVICES
SUBJECT: CELTIS VENTURES CONTRACT AMENDMENT FOR THE VALLEY EXPRESS OUTREACH PROGRAM

RECOMMENDATION:

- Authorize the Executive Director to execute Amendment 1 to the Celtis Ventures contract for the Valley Express Community Outreach program to increase the not to exceed contract amount by \$1,210 for a total not to exceed contract amount of \$42,210.

DISCUSSION:

On July 1, 2022, the Ventura County Transportation Commission (VCTC) entered into a one-year contract with Celtis Ventures, Inc. for a Community Outreach Program for the Valley Express service for a not to exceed amount of \$40,000 dollars. The community outreach program for the Valley Express service creates awareness for transit in the Heritage Valley through ridership campaigns and public outreach.

One of the last tasks of the fiscal year VCTC staff requested Celtis work on was a Spanish first campaign to conduct outreach to Spanish speakers in Santa Paula, Fillmore and Piru. Although it was planned that the work involved was to stay within the contracted amount, design work for a Spanish ad unexpectedly exceeded the cost estimate creating a cost overrun of \$1,210.

The FY22/23 Valley Express budget included \$75,000 for public outreach activities and therefore a budget amendment to increase funds will not be needed. However, to pay Celtis for their work over the contracted amount, a contract amendment to increase the not to exceed amount from \$40,000 to \$42,210 will be required.

RESOLUTION NO. 2023-07

**A RESOLUTION OF THE VENTURA COUNTY TRANSPORTATION COMMISSION
APPROVING THE FIRST AMENDMENT TO THE CONSULTANT SERVICES
AGREEMENT WITH CELTIS VENTURES, INC.**

WHEREAS, on July 1, 2022 VCTC entered into a consultant services agreement (“Agreement”) with Celtis Ventures, Inc. (“Consultant”); and,

WHEREAS, VCTC desires to increase the contract’s not to exceed amount by \$1,210 for a total not to exceed amount of \$42,210.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. The Ventura County Transportation Commission hereby approves the First Amendment to the Agreement, attached hereto as Exhibit A.; and,

Section 2 The Executive Director is hereby authorized and directed to execute the First Amendment to the Agreement.

PASSED AND ADOPTED this 7th day of July 2023 by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

Adopted this 2nd day of June 2023.

Bryan MacDonald, Chair

ATTEST:

APPROVED AS TO FORM:

Roxanna Ibarra, Clerk of the Commission

Steven T. Mattas, General Counsel

5400625.1

Exhibit A
First Amendment to Agreement

**CONTRACT AMENDMENT NO. 1
CONSULTANT SERVICES AGREEMENT BETWEEN
THE VENTURA COUNTY TRANSPORTATION COMMISSION (“VCTC”) AND
CELTIS VENTURES, INC.**

This Amendment No. 1 (“Amendment”) by and between the Ventura County Transportation Commission (“VCTC”) and Celtis Ventures, Inc., herein referred to as “Consultant,” is entered into as of this 7th day of July 2023. VCTC and Consultant shall be referred to collectively herein as “parties.”

WHEREAS, on July 1, 2022 VCTC entered into a consultant services agreement (“Agreement”) with Consultant; and,

WHEREAS, VCTC desires to increase the contract’s not to exceed amount by \$1,210 for a total not to exceed amount of \$42,210 and,

NOW, THEREFORE, VCTC and Consultant agree as follows:

1. **Compensation:** VCTC hereby agrees to increase the total not to exceed amount set forth in Section 2 of the Agreement by \$1,210 to a total not exceed amount of \$42,210.

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

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

[Signatures on the Following Page]

IN WITNESS THEREOF, the parties have executed this Agreement No. 1 on the 7th day of July 2023.

VENTURA COUNTY TRANSPORTATION COMMISSION

by: _____
Martin R. Erickson, Executive Director

Approved as to form

by:  _____
Steve Mattas, General Counsel

CONSULTANT: Celtis Ventures, Inc.

by:  _____
Matt Raymond, CEO



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Item 9

July 7, 2023

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

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

SUBJECT: LEGISLATIVE UPDATE

RECOMMENDATION:

- Receive and file.

DISCUSSION:

State Issues

Budget Update

In June, the state Assembly and Senate approved two identical budget bills, Assembly Bill 101 and Senate Bill 101, for Fiscal Year 2023-24, meeting their constitutional deadline to pass a balanced budget by June 15. As in past years, budget negotiations continued after the June 15 deadline, and additional budget amendments were proposed through trailer bills, including identical transportation budget trailer bills, AB 125 and SB 125.

On June 26, Gov. Gavin Newsom and legislative leaders announced they had reached an agreement on a \$310 billion budget for the next fiscal year. The governor has until July 1 to sign the budget bill, AB 102. At the time this report was prepared, he had not yet signed the budget bill or the transportation trailer bill, but it was expected that both bills would be signed. The budget agreement restores funding to several transit and transportation programs that the governor had proposed to reduce in his January budget plan. The agreement provides flexibility for capital funding to be used for transit operations. The transportation budget trailer bills establish accountability measures for agencies that receive certain transit funding from the approved budget bill. The bills also extend statutory relief provided to transit operators because of the drop in ridership during the pandemic.

AB 102 and SB 102: Budget Act of 2023

Budget bills AB 102 and SB 102, which are identical bills, include \$5.1 billion in restored and new funds for transit and transportation programs. In his January budget plan, the governor had proposed a \$2 billion General Fund reduction to the Transit and Intercity Rail Capital Program (TIRCP), which

provides grants to improve and modernize the state's intercity, commuter and urban rail systems; and bus and ferry transit systems. These bills restore the \$2 billion General Fund, leaving in place the original total commitment of \$4 billion General Fund investment for Fiscal Years 2023-24 and 2024-25. The bills provide flexibility in the use of the funds, allowing recipients to direct up to 100 percent of the allocations toward operational needs of transit agencies in their regions. This funding would flow to regional transportation planning agencies through a population-based formula.

The budget bills provide \$1.1 billion in new and previously appropriated funding for the new Zero-Emission Transit Capital Program. While this program is intended to provide funding for zero-emission vehicles and fueling infrastructure, the bills again provide flexibility for agencies to use up to 100 percent of the allocations for operational needs. This funding would flow to regional transportation planning agencies through a population and revenue-based formula. AB 102 and SB 102 also restore funding committed to the Active Transportation Program (ATP) in last year's budget agreement. In his January budget plan, the governor had proposed a \$500 million reduction to the program, with \$300 million restored through State Highway Account funds, for a net reduction of \$200 million. The budget agreement restores the \$200 million to the ATP.

AB 125 and SB 125: Transportation budget trailer bills

During the COVID-19 pandemic, the Legislature provided several statutory relief measures to assist transit agencies and then extended those measures in subsequent years. The measures were due to expire at the end of the 2022-23 Fiscal Year. The identical transportation budget trailer bills extend those measures through Fiscal Year 2025-26.

The statutory relief provided:

- Extends suspension of financial penalties associated with the Transportation Development Act (TDA) requirements that transit agencies obtain specified fixed percentages of their operating budgets from passenger fares;
- Extends flexibility in the use of State Transit Assistance – State of Good Repair dollars to all operating and capital expenses;
- Extends the suspension of financial penalties associated with the State Transit Assistance Program's requirement that transit agencies' operating cost per revenue vehicle hour may not exceed operating cost per revenue vehicle hour adjusted by regional CPI, year over year;
- Extends the hold harmless provision for calculation and allocation of State Transit Assistance Program, STA-State of Good Repair and Low Carbon Transit Operations Program allocations (Local Revenue Basis Only).

The budget trailer bills establish extensive accountability and reform requirements for regional transportation planning agencies that receive funding through budget bills AB 102 and SB 102, with some limited exceptions. For example, to receive an allocation of 2023-24 funding, a regional transportation planning agency could be required to submit to the California State Transportation Agency (CalSTA) a regional short-term financial plan for approval. Finally, the transportation budget trailer bills create a new Transit Transformation Task Force. They would require the CalSTA secretary to establish and convene the task force on or before Jan. 1, 2024. Task force membership is expected to include representatives from transit agencies of all sizes in both rural and urban areas, the Department of Transportation (Caltrans), metropolitan planning organizations, regional transportation planning agencies and more. The goal of the task force will be to develop policies to grow transit ridership statewide and improve transit user experiences.

Attachment A is the monthly report from California Advisors. Attachment B is a matrix of bills that VCTC is tracking.



CALIFORNIA ADVISORS, LLC

VENTURA COUNTY TRANSPORTATION COMMISSION MONTHLY STATE ADVOCACY REPORT JUNE 2023

Legislative Update

The Legislature and Governor spent the first half of the month negotiating the state budget. These negotiations involved budget subcommittee hearings which were broken down by subject, along with full committee to work on the differences between the Assembly, Senate, and Governor's versions of the budget. Ultimately, the Legislature passed a \$311.7 billion budget by the required June 15th deadline. While the June 27 budget bills jr. and trailer bills reflect legislative-executive discussions of recent weeks, no "budget deal" has been reached between the Legislature and the Governor as of the morning of June 24. The Governor also has requested the Legislature pass several policy bills, including ones related to "streamlining" development of infrastructure projects. While there are still many trailer bills that need to be worked out the framework of the budget is in place. It is expected that the Governor will sign the budget bills ahead of the new fiscal year starting on July 1st.

During the budget process, there were a few policy committee hearings to begin dealing with bills the other house of the Legislature sent over. Now that the budget has been finalized, the beginning of July will again be focused solely on policy committee hearings to meet the next legislative deadline. All the bills that are not tagged fiscal must be heard before the upcoming July 14th deadline, so there will be several lengthy committee hearings over the next couple of weeks. After this first deadline, the Legislature must then hold all Appropriations Committee hearings by September 1st. However, Members will convene a month-long summer recess (July 14th to August 14th) before tackling the final month of the legislative session.

California Advisors will continue to keep VCTC updated on relevant legislation and important committee hearings as bills advance through the second house.

Budget Update

As noted above, after the Governor released his May Revise, the budget subcommittees in each house reconvened to finalize their respective versions of the budget. After a number of late night and weekend meetings, the Legislature's version of 2023-24 budget package was finalized. It contains \$311.7 billion in total spending, including \$227 billion from the General Fund. The Legislature's version

includes \$30.7 billion in solutions to close the budget gap and contains a total General Fund Reserves of \$37.2 billion.

One of the major differences between Legislature's package and Governor's May revise it that it restores \$1 billion in 2023-24 in proposed General Fund reductions to transit capital funding and allows local agencies flexibility to use this funding for operations, augments funding for transit agencies to purchase zero-emission buses and allows them flexibility to use it for operations. The Legislature's version also restores \$200 million for the Active Transportation Program.

In details, the Legislative budget:

- Provides \$5.1 billion for transit across 2023-24, 2024-25, and 2025-26.
 - o Restores the \$4 Billion General Fund to CalSTA across 2023-24 and 2024-25 for the Transportation and Intercity Rail Capital Program.
 - o Provides an additional \$1.1 billion to CalSTA across 2023-24, 2024-25, and 2025- 26, Transit Zero Emission Vehicle (ZEV) Bus and Infrastructure funding from the Greenhouse Gas Reduction Fund.
 - o Provides both programs 100% flexibility for capital and operations expenses and is contingent on meeting specified accountability provisions.
- Provides \$500,000 for CalSTA to monitor transit fiscal operations and support the oversight of accountability and reform requirements.
- Extends trailer bill language to continue COVID-19 relief programs previously authorized by the Legislature and incorporates the provisions of AB 761 to create a task force to examine the ways to improve transit and increase ridership in the long term, including reforming the transportation development act.
- Approves the delay of the \$600 million for the Port and Freight Infrastructure Program scheduled for 2023-24 and the May Revision proposal to reduce a portion of the General Fund scheduled to be provided to the Port and Freight Infrastructure Program in 2023-24 by \$150 million and to backfill the decrease with an equal amount from State Highway Account (SHA).
- Extends the encumbrance period for the Port of Oakland until June 30, 2027, and available for liquidation until June 30, 2030.
- Adopts the following elements of the Governor's Transportation Infrastructure Package:
 - o Approve proposed fund shifts for the Active Transportation Program and Climate Adaptation Program.
 - o Approves the proposed delay to the Grade Separations Program.
 - o Rejects the proposed reduction to the Active Transportation Program and maintains funding at \$200 million consistent with the 2022 Budget Act.
- Adopts one-time increase of \$442,000 in operating expenses (State Highway Account) to complete Project Approval Lifecycle Stage 4 for the Enterprise Data Governance Technology Solutions project.
- Approves \$20.6 million (State Highway Account) on a two-year limited-term basis for the removal of statewide hazardous material from encampments statewide.
- Includes \$4.4 million from the State Highway Account and 23.5 positions for administration support to address increased workload requirements commensurate with departmental program growth.
- Adopt trailer bill language that limits Caltrans from charging self-help counties with countywide sales tax measures dedicated to transportation improvements more than 10 percent for administration indirect cost recovery.

- Adopts \$200,000 (\$94,000 from the State Highway Account and \$106,000 from the Public Transportation Account) to secure a contract for legal services, including but not limited to the California Transportation Commission's role as a Responsible Agency pursuant to the California Environmental Quality Act.
- Adopts placeholder trailer bill language includes \$200,000 from various transportation funds (\$75,000 from the State Highway Account and \$125,000 from the Public Transportation Account) and associated statutory changes to authorize a per diem for serving on an advisory committee of the CA Transportation Commission.
- Includes \$11,700,000 in 2023-24, 2024-25 and 2025-26 from the General Fund, for a total of \$35,100,000 over three years, to support Five-Year Zero Emission Vehicles Infrastructure Investment Plan continue performing installations of electric vehicle service equipment at state-owned and leased facilities to meet California's clean transportation and greenhouse gas goals.

Upcoming Bill Deadlines

July 14 – Last day for policy committees to meet and report bills.

July 14 – August 14 – Summer Recess.

September 1 – Last day for fiscal committee to meet and report bills to Floor.

September 5-14 – Floor sessions only.

September 8 – Last day to amend on the Floor.

September 14 – Last day for each house to pass bills.

October 14 – Last day for Governor to sign or veto bills passed by the Legislature.

Below is a list of VCTC tracked newly introduced bills:

AB 6 (Friedman D) Transportation planning.

Introduced: 12/5/2022

Status: 6/14/2023-Referred to Coms. on TRANS. and E.Q.

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: 6/14/2023-Referred to Com. on TRANS.

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: 6/14/2023-Referred to Com. on TRANS.

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: 6/21/2023-From committee: Do pass and re-refer to Com. on APPR with recommendation: To Consent Calendar. (Ayes 8. Noes 0.) (June 21). Re-referred to Com. on APPR.

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 extend the repeal date to January 1, 2031. By extending the design-build authorization, the bill would expand the crime of perjury, thereby imposing a state-mandated local program.

AB 411 (Bennett D) Transportation: trails.

Introduced: 2/2/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)

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: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/26/2023)(May be acted upon Jan 2024)

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: 6/19/2023-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on JUD.

Summary: The Ralph M. Brown Act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health, 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, current 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: 6/7/2023-Referred to Com. on TRANS.

Summary: Upon the appropriation of moneys by the Legislature, this bill would create the Student 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 student transit passes to persons attending public educational institutions, and persons 18 years of age or younger, 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 public educational institutions and would also authorize grant funds to be used to create a new fare free student transit pass program or to maintain, subsidize, or expand an existing fare free student transit pass 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 a public 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, 2027, on, among other things, the outcomes of the program and the funding conditions associated with offering free student 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. The bill would repeal its provisions as of January 1, 2028.

AB 744 (Carrillo, Juan D) California Transportation Commission: data, modeling, and analytic software tools procurement.

Introduced: 2/13/2023

Status: 6/21/2023-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on TRANS.

Summary: Would, upon the appropriation of funds by the Legislature, require the California Transportation Commission to acquire public domain or procure commercially available or open-source licensed 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, as provided. This bill would authorize the commission to provide a direct allocation of funding to local agencies for the above purposes, and would require state and local agencies that receive the funds or access to data, modeling, and analytic software tools to submit reports to the commission no later than August 1, 2026, regarding their use of the data, modeling, and analytic software tools. The bill would require the commission, based on those reports, to submit a report to the Legislature no later than June 1, 2027, regarding the use of the data, modeling, and analytic software tools by state and local agencies. This bill would authorize the commission to establish best practices for use of data in transportation planning and to identify data elements that should be made available to state and local agencies for transportation planning.

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

Introduced: 2/13/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/17/2023)(May be acted upon Jan 2024)

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: 6/7/2023-Referred to Com. on TRANS.

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: 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/16/2023)(May be acted upon Jan 2024)

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: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)

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: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 4/25/2023)(May be acted upon Jan 2024)

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: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)

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: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)

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: 6/14/2023-Referred to Coms. on GOV. & F. and TRANS.

Summary: Current law authorizes the Sacramento Regional Transit 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 1333 (Ward D) Residential real property: bundled sales.

Introduced: 2/16/2023

Status: 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was JUD. on 3/23/2023)(May be acted upon Jan 2024)

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: 6/21/2023-From committee: Amend, and do pass as amended and re-refer to Com. on TRANS. (Ayes 8. Noes 2.) (June 20).

Summary: Current law requires specified designated transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, as described. Current law requires the plan to include specified information, including a sustainable communities strategy prepared by each metropolitan planning organization, and requires each transportation planning agency to adopt and submit, every 4 years, an updated plan to the California Transportation Commission and the Department of Transportation. Current law requires

the sustainable communities strategy to include specified information, including an identification of areas within the region sufficient to house all the population of the region over the course of the planning period of the regional transportation plan, as specified, and an identification of areas within the region sufficient to house an 8-year projection of the regional housing need for the region, as specified. This bill would additionally require each metropolitan planning organization to include in the sustainable communities strategy the total number of new housing units necessary to house all the population of the region over the course of the planning period of the regional transportation plan, calculated as specified and except as provided, and the total number of new housing units necessary to house the above-described 8-year projection, as specified.

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

Introduced: 2/16/2023

Status: 6/14/2023-Referred to Com. on G.O.

Summary: Existing law, the Government Claims Act, generally requires the presentation of all claims for money or damages against local public entities and the state. Existing 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. Existing 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 authorize 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 authorize the Controller to conduct any audits necessary to carry out their constitutional and statutory duties and responsibilities under the law. The bill would require, if an audit is conducted as specified, the Controller to provide a report with specified information from these audits to the Legislature by June 30 following the completion of the audit and would require the Controller to allow all auditees in the report a reasonable period of time to review and comment on the section of the report relating to the auditee, as described. The bill would make related legislative findings and declarations.

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

Introduced: 2/17/2023

Status: 5/31/2023-Referred to Coms. on TRANS. and GOV. & F.

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: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/17/2023)(May be acted upon Jan 2024)

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: 6/14/2023-Referred to Com. on GOV. & F.

Summary: The California Constitution authorizes cities and counties to make and enforce within their limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws and further authorizes cities organized under a charter to make and enforce all ordinances and regulations in respect to municipal affairs, which supersede inconsistent general laws. This bill, no later than January 1, 2027, 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, 2027, 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. This bill contains other related provisions and other existing laws.

AB 1654 (Addis D) City streets and highways.

Introduced: 2/17/2023

Status: 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/17/2023)(May be acted upon Jan 2024)

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: 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/17/2023)(May be acted upon Jan 2024)

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: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 2/15/2023)(May be acted upon Jan 2024)

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: 5/26/2023-Referred to Com. on L. GOV.

Summary: The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill, until January 1, 2028, would authorize an eligible legislative body to use alternate teleconferencing provisions related to notice, agenda, and public participation, as prescribed, if the city council has adopted an authorizing resolution and 2/3 of an eligible legislative body votes to use the alternate teleconferencing provisions. The bill would define “eligible legislative body” for this purpose to mean a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to the act.

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

Introduced: 2/14/2023

Status: 6/8/2023-Referred to Com. on J., E.D., & E.

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: 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was TRANS. on 3/29/2023)(May be acted upon Jan 2024)

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: 6/15/2023-Referred to Com. on L. GOV.

Summary: Current law, under the Ralph M. Brown Act, requires that, during a teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. 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 expand the circumstances of "just cause" to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely.

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

Introduced: 2/14/2023

Status: 5/26/2023-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: 6/21/2023-VOTE: Do pass as amended and be re-referred to the Committee on [Appropriations] (PASS)

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: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was N.R. & W. on 3/1/2023)(May be acted upon Jan 2024)

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: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/8/2023)(May be acted upon Jan 2024)

Summary: Current law designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution and the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. Current law imposes various requirements related to transportation planning, including a requirement that certain transportation planning agencies prepare and adopt regional transportation plans directed at achieving a coordinated and balanced regional transportation system. Current law requires each regional transportation plan to include, among other things, a sustainable communities strategy prepared by each metropolitan planning

organization, as specified, which is designed to achieve certain targets for 2020 and 2035 established by the state board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region. This bill 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 light-duty vehicle miles traveled and to develop maps accordingly to display average light-duty 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.

SB 672 (McGuire D) State highways: parklets.

Introduced: 2/16/2023

Status: 6/20/2023-June 26 set for first hearing canceled at the request of author.

Summary: Current law generally regulates classes of insurance, including residential property insurance. Current law prohibits a residential property insurance policy from being issued or renewed in this state unless it complies with certain requirements. This bill would prohibit an admitted insurer that offers residential property insurance from refusing to offer or sell residential property insurance to an applicant whose property meets specified best practices for wildfire building hardening and property-level mitigation.

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

Introduced: 2/16/2023

Status: 5/11/2023-5/18/2023-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: 6/19/2023-From committee with author's amendments. Read second time and amended. Re-referred to Com. on TRANS.

Summary: Current law requires the Department of Transportation to improve and maintain state highways. This bill would require the department, beginning September 1, 2024, to annually prepare and make available on its internet website information and data about activities on the state highway

system from the prior fiscal year. The bill would also require the department to prepare and post on its internet website, no later than September 1, 2024, data and information about activities on the state highway system covering the period from July 1, 2018, 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 on its internet website data and information 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: 6/21/2023-VOTE: Do pass as amended and be re-referred to the Committee on [Appropriations] (PASS)

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: 6/21/2023-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 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 the State Route 710 Terminus adjacent areas, as defined. The bill would repeal these provisions on January 1, 2027.

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

Introduced: 2/17/2023

Status: 6/15/2023-Referred to Coms. on L. GOV. and H. & C.D.

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: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.Q. on 3/29/2023)(May be acted upon Jan 2024)

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: 6/21/2023-From committee: Do pass. Ordered to consent calendar. (Ayes 13. Noes 0.) (June 21).

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: 6/15/2023-From consent calendar on motion of Assembly Member Reyes. Ordered to third reading.

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 July 7, 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	Passed Assembly. Ordered to Senate. Now a two-year bill.
AB 7 Friedman	Transportation: Project Selection Process	Monitor	Passed Assembly. Ordered to Senate Transportation Committee.
AB 96 Kalra	Public employment: local public transit agencies: autonomous transit vehicle technology	Monitor	Passed Assembly. Ordered to Senate Rules Committee for assignment.
AB 411 Bennett	California Recreational Trails and Greenways Act	Monitor	At Assembly Appropriations Committee. Referred to Suspense File.
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. Ordered to Senate.
AB 610 Holden	Youth transit pass pilot program: free youth transit passes	Monitor	Passed Assembly. Ordered to Senate.
AB 761 Friedman	Transit Transformation Task Force	Monitor	Passed Assembly. Ordered to Senate.
AB 817 Pacheco, Wilson	Open meetings: teleconferencing: subsidiary bodies	Monitor	Referred to Committee on Local Government
SB 411 Portantino	Open meetings: teleconferences: neighborhood councils	Monitor	Amended. Passed Senate. Referred to Assembly.
SB 768 Caballero	CEQA: vehicle miles traveled: statement of overriding considerations	Monitor	Referred to Senate Environmental Quality Committee

ATTACHMENT C



Item 10

July 7, 2023

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: CLAIRE GRASTY, DIRECTOR OF PUBLIC TRANSIT

SUBJECT: RIDESHARE UPDATE

RECOMMENDATION:

- Receive and file Rideshare Update

BACKGROUND:

The aim of the Rideshare program is to reduce usage of single occupancy vehicles through various options, including carpooling, vanpooling, teleworking biking and using transit. To further this effort, the Rideshare program includes many programs and resources to support ridesharers.

Some of the efforts VCTC engages in to support this program are engaging in the Regional Rideshare program. VCTC partners with the counties of Los Angeles, Orange, Riverside and San Bernardino to coordinate on rideshare activities. This includes information and resource sharing but most importantly includes partnering on the RideMatch database that provides significant resources for both employees and employers, including ridematching, finding biking partners, transit directions, data on employees for employers and overall data for VCTC. It also helps employers comply with the Ventura County Air Pollution Control District (APCD) Rule 211, the regulation that requires Ventura County employers with more than 100 employees to collect information about their workers' commuting habits. An important benefit of having a regional ridematching system, besides a significant cost savings, is that commuters who travel between counties have seamless information available.

The Rideshare program also includes vanpooling. VCTC is part of the CalVans JPA, which provides vanpools throughout the state and county, both traditional vanpools and agricultural vanpools. Commissioner White is the VCTC representative, and Commissioner Johnson is the alternate. There are other vanpools in the county run by Enterprise to specific employer destinations. Currently vanpool information is lacking in the RideMatch database. In the future, VCTC plans to enhance the information available to commuters regarding vanpooling options.

VCTC helps support companies with teleworking policies and teleworkers through a number of resources on the website, including webinars conducted during the pandemic in partnership with the Santa Barbara County Association of Governments (SBCAG).

VCTC puts considerable effort into marketing the Rideshare program. Regular annual efforts include Bike to Work Week and Rideshare Week campaigns. In addition to highlighting teleworking resources and tips since the pandemic began, VCTC has put a lot of effort into promoting biking, capitalizing on the increase in usage. Some efforts included highlighting bike trails throughout the county, providing safe trips for drivers encountering bikers and the upcoming bike safety campaign.

DISCUSSION:

Carpool

Below are statistics from Ventura County ridersharers since the beginning of the fiscal year:

- Total Miles Carpool Ride: 123,583.30
- *Total VMT Reduced: 1,312,498.94
- Total Reduced Cost: \$774,374.34
- Total Reduced GHG (lbs): 1,022,589.55

*The total VMT reduced includes telework miles, which may be attributed to addresses located out of state.

Though ridesharing has not rebounded as much as we would like to see since the pandemic, the above statistics show what a beneficial impact it can have on our community.

Vanpool

Since the pandemic, agricultural vanpool ridership has had significant recovery. Currently CalVans has 81 vanpools running in Ventura County. During the spring period, the number of operating vanpools was 128. However, traditional vanpools have not returned at all. Cal Vans has engaged with the Port of Hueneme to discuss Longshoremen vanpools and presented to the Oxnard College Cares program for students in transition. Additionally, they have communicated with the Oxnard coalition SwapMeet Justice to promote vanpools as a means to reduce local emissions. CalVans has always had a strong focus on agricultural vanpools and due to hybrid work, it is not surprising that agricultural vanpools have come back so much more strongly. This presents an opportunity to work with employers and find ways to better market the service and research the feasibility of implementing dynamic vanpools to support hybrid work. CalVans is also in the process of acquiring 20 electric vans that will be used by residents of Many Manisons in Oxnard and the New Santa BuenaVentura Housing Authority facilities on Fifth Street.

Guaranteed Ride Home (GRH)

The GRH program provides a free ride home to ridesharers (carpoolers, vanpoolers and transit users) in the case of an emergency. The goal is to give peace of mind to those that choose to rideshare and do not have another option in the case of an emergency. In July of 2021, VCTC updated the program, which included:

- Changing the allowable transportation options from rental cars and taxis to transportation network companies (TNCs) such as Uber and Lyft. Taxis will still be allowable
- Discontinuing the voucher payment system. Rides are now reimbursed to payer (either to GRH participant or employer)
- Adding natural disasters as an approved use of the program. Public transit delays of an hour or more or unscheduled cancellations and carpool/mechanical breakdown will also be allowed twice a year.
- Adding walking and biking as modes of travel
- Removing the provision that participants must sign up a week before they use the program
- Changing the frequency of program availability from twice per month to six times per year in alignment with GRH programs nationwide

This program typically has very low usage and since the restructuring of the program, has not yet seen any usage, though GRH usage among peer agencies is also low and has not rebounded since the pandemic. To this point, VCTC has been working with the employers as has historically been the practice. This fiscal year, staff plans to market the program to the general public to increase awareness of the program overall, with the ultimate goal of getting more people to rideshare.

Mobility as a Service (MaaS)

Since the Strategic Planning session in March, staff has been flushing out and developing concepts for VCTC's MaaS program that included developing a project description, which is to create a Pilot Mobility Program with a digital, comprehensive trip planning and fare purchasing app which will give community members better information and multiple mobility choices. The goal of the program is to include different modal choices and predictive traffic information to the existing trip planner with the goal to encourage the public to take an active role in congestion reduction. Additionally, the app will allow users to book and pay for services and could allow for fare capping, a process which passengers are rewarded with free rides once they meet the fare equivalent of a daily, weekly or monthly pass.

The potential benefits to accrue from this pilot include bringing new riders to public transit and gaining a clearer understanding of new mobility patterns which have developed since the pandemic; and the overarching benefit of improved air quality through fewer single occupant vehicle trips, coupled with decreased congestion on the roads. Now that VCTC has developed a concept for this program, staff will pursue grant funding as it becomes available to implement this program.



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Item 11

July 7, 2022

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: MATT MILLER, PROGRAM MANAGER

SUBJECT: UPDATE ON GOLD COAST TRANSIT'S HYDROGEN FUELING PROJECT

RECOMMENDATION:

- Receive and file an update from Gold Coast Transit District (GCTD) on their Hydrogen Fueling transition project.

BACKGROUND

In 2022, GCTD was awarded a Federal Low or No Emissions grant to construct a hydrogen fueling station and purchase five (5) hydrogen fuel cell buses to assist them in their transition from natural gas to their chosen fuel path of hydrogen fuel cell technology.

DISCUSSION:

In compliance with the California Air Resources Board's (CARB) Innovative Clean Transit (ICT) rule, GCTD has committed to transition their natural gas fueled vehicles to hydrogen fueled electric buses. To assist them with this transition, GCTD applied and was awarded funds to build a hydrogen fueling station and purchase five hydrogen fuel cell buses. The project concept also called for a fueling station large enough to accommodate both GCTD buses as well as VCTC buses should VCTC choose to plan for the transition to hydrogen fuel cell buses.

Since VCTC's approved Zero Emissions Bus Rollout Plan prepares the agency to transition to hydrogen fueling technology when it becomes available, VCTC staff has been working closely with the GCTD team on this project to assist them answer questions about VCTC's bus fleet, needs, and plans so that the station can meet the needs of both agencies.



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JULY 7, 2023

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: ERIN KENNEALLY, TRANSIT SPECIALIST
SUBJECT: 2023 VCTC INTERCITY AND VALLEY EXPRESS RIDER SURVEY

RECOMMENDATION:

- Receive and file.

BACKGROUND:

Periodic surveys of transit riders are an industry best practice in the transit industry. Moreover, having recent, relevant data on transit customer trip patterns and levels of customer satisfaction is important (especially as it has been several years since similar surveys were carried out).

Therefore, in April 2023, VCTC conducted on-board rider surveys to compile passenger information regarding fare payment methods, travel patterns, and customer satisfaction as well as demographic information in support of federal Title VI requirements. A solid foundation of quality, current data will allow VCTC to identify program strengths and weaknesses while developing strategies for enhancing service, thereby improving mobility for persons who live and/or work throughout Ventura County.

A bilingual survey (English/Spanish) was offered to all riders of VCTC Intercity and Valley Express services. The survey was available from April 3 through May 8, 2023. To achieve the greatest level of participation, VCTC took a three-pronged approach to data collection utilizing both online and intercept methodologies:

1. A unique URL was created (www.goventura.org/ridersurvey) and car cards were designed to prominently display both the URL as well as a QR code that linked directly to the online survey. The car cards were placed onboard all vehicles across VCTC and Valley Express services. The survey was also promoted on VCTC and Valley Express' various social media platforms.
2. Additionally, bilingual paper survey instruments were available onboard each vehicle allowing passengers to self-administer the survey and return their completed form to the driver.
3. Lastly, intercept surveying was conducted on board VCTC and Valley Express vehicles as well as at the Fillmore Terminal and Ventura Transit Center. Surveying took place across five weekdays in mid-April 2023. Bilingual surveyors offered the paper instrument to passengers of both services.

Data collection resulted in 837 valid surveys; 755 on VCTC Intercity and 82 on Valley Express. This nearly doubled the response rate from the 2019 survey where 348 were collected on Intercity and 74 on Valley Express. Although available in both languages, most surveys were completed in English. A total of 42 Intercity surveys (5.6 percent) and 22 Valley Express surveys (26.8 percent) were completed in Spanish.

DISCUSSION:

Based on commonalities in response data, conclusions can be drawn regarding survey participant attitude, awareness, and demographics.

A total of 755 surveys were collected from VCTC Intercity riders (559 via intercept and 196 online).

Key findings from the VCTC Intercity Rider Survey:

- VCTC Intercity is held in high esteem based on overall ratings. Most respondents (96.4 percent) indicated being satisfied with the Intercity service.
- Most respondents indicated that they pay their fare using cash (39.8 percent) Although a third indicated they use the College Ride or Youth Ride Free programs (33.8 percent) and nearly a quarter (22.1 percent) use the VCbuspass (app or card).
- The most preferred service improvement for Intercity riders is “more frequent service”. This was the same in 2019.
- The majority of respondents are regular riders with 58.9 percent indicating they ride at least 3 days per week.
- Slightly more than 40 percent (40.7) of Intercity riders indicated they also ride Gold Coast Transit and a third (32.5 percent) ride Metrolink or Amtrak.
- Most respondents were under the age of 35 (52.6 percent), Identified as Hispanic/Latino (54.7 percent), indicated speaking English very well (81.8 percent) and reported an annual income of less than \$30,000 (51.9 percent).

A total of 82 surveys were collected from Valley Express riders (61 via intercept and 21 online).

Key findings from the Valley Express Rider Survey:

- Valley Express is held in high esteem based on overall ratings. Most respondents (91.1 percent) indicated being satisfied with the Valley Express service.
- Most respondents indicated that they pay their fare using cash (48.8 percent).
- The most preferred service improvement for Valley Express riders is “more frequent service”. This was the same in 2019.
- When asked about the Fillmore to Moorpark route, 67.6 percent of respondents indicated that they would likely use the new service with 28.4 percent indicating they would use the service weekly.
- The majority of respondents are regular riders with 31.6 percent indicating they ride everyday and another 34.2 percent indicating they ride at least 3 days per week.
- Slightly more than 40 percent (40.2) of Valley Express riders indicated they also ride VCTC Intercity.
- Most respondents indicated being unaware of the VCbuspass program with only 12.2 percent stating that they use the card or app to pay for their fare.
- Most respondents were over the age of 35 (50 percent), Identified as Hispanic/Latino (70.7 percent), and speak Spanish at home (59.2 percent) but speak English very well (75.8 percent) and reported an annual income of less than \$30,000 (65.9 percent).

The final survey report is attached separately.