



**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

THE CITY OF CAMARILLO LIBRARY

4101 LAS POSAS ROAD

CAMARILLO, CA 93010

FRIDAY, APRIL 5, 2024

9:00 A.M.

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. **COMMISSIONER REPORTS** - *This item provides the opportunity for the commissioners to report on attended meetings/conferences and any other items related to Commission activities.*
 7. **EXECUTIVE DIRECTOR REPORT**- *This item provides the opportunity for the Executive Director to report on attended meetings/conferences and any other items related to Commission activities.*
 8. **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.*
 9. **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.*
- 9A. [APPROVE MINUTES OF MARCH 1, 2024, MEETING -PG.7](#)
Recommended Action:
- Approve the summary minutes of March 1, 2024.
- Responsible Staff: Roxanna Ibarra**
- 9B. [MONTHLY BUDGET REPORT-PG.13](#)
Recommended Action:
- Receive and file the monthly budget report for February 2024.
- Responsible Staff: Sally DeGeorge**
- 9C. [CONTRACT FOR PROFESSIONAL AUDITING SERVICES -PG.21](#)
Recommend Action:
- Approve the contract (Attachment A) with ASM LLP for professional TDA, SGR, Proposition 1B and LCTOP financial and compliance auditing services at a not to exceed cost of \$240,500 for Fiscal Years 2023/2024, \$247,715 for Fiscal Year 2024/2025, \$255,150 for Fiscal Year 2025/2026 and with two (2) one (1) year optional periods for Fiscal Years 2026/2027 at \$262,800 and 2027/2028 at \$270,685.
- Responsible Staff: Thao Le and Sally DeGeorge**
- 9D. [AWARD CONTRACT FOR PROFESSIONAL SERVICES FOR GOVERNMENT ACCOUNTING STANDARDS BOARD \(GASB\) 87, LEASES, AND GASB 96, SUBSCRIPTION-BASED INFORMATION TECHNOLOGY ARRANGEMENTS \(SBITAS\)-PG.23](#)
Recommended Action:
- Approve the award of a contract (Attachment A) for Professional Services for GASB 87, Leases, and GASB 96, SBITAs to the firm, Berry, Dunn, McNeil and Parker, LLC (BerryDunn). The contract is for a three-year period with two one-year options not to exceed \$23,142 for Fiscal Year 2023/2024 financial period, \$24,300 for Fiscal Year 2024/2025 financial period, \$25,550 for Fiscal Year 2025/2026 financial period, \$26,825 for Fiscal Year 2026/2027 financial period (optional year) and \$28,175 for Fiscal Year 2027/2028 financial period (optional year). The total amount for the contract period including two optional years shall not exceed \$127,992.
- Responsible Staff: Sally DeGeorge**

9E. [SECTION 13\(C\) LABOR AGREEMENT-PG.25](#)

Recommended Action:

- Approve the attached Agreement with the Service Employees International Union (SEIU), Local 721, as required for VCTC's Fiscal Year 2023/24 federal transit grant applications with the Federal Transit Administration.

Responsible Staff: Geiska Velasquez

9F. [FY 2024/2025 LOW CARBON TRANSIT OPERATIONS PROGRAM \(LCTOP\) ALLOCATION -PG.27](#)

Recommended Action:

- Approve the Ventura County Transportation Commission (VCTC) FY 2023/24 Low Carbon Transit Operations Program (LCTOP) Total Allocation Request of \$2,589,900 to fund the following two projects:
 - "Free Fare" Program (\$2,174,900 includes Cities of Camarillo, Moorpark, Simi Valley, and Thousand Oaks Local Shares).
 - Metrolink Weekend Service (\$415,000).
- Adopt Resolution 2024-03 (Attachment A) authorizing the Executive Director to execute all required documents including the Certifications and Assurances and Authorized Agent Form to receive VCTC's FY 2023/24 LCTOP funds.
- Approve programming Southern California Regional Rail Authority's (SCRRA) LCTOP revenue formula amount for the portion of the rail service within Ventura County totaling \$229,883 to fund Metrolink's "Student Adventure" program.
- Approve a Corrective Action Plan (CAP) transferring any remaining balance of LCTOP FY 2020/21 "College Ride" program funds to the FY 2022/23 "Free Fare" program.

Responsible Staff: Heather Miller

9G. [CONTRACT EXTENSION WITH RATP DEV FOR INTERCITY BUS SERVICE -PG.31](#)

Recommended Action:

- Recommend approval of Amendment No. 5 (Attachment A), a three-year contract extension with Roadrunner Management Services, a wholly owned subsidiary of RATP Dev USA, for VCTC Intercity bus operations and maintenance and increase the total "not to exceed" amount under the Agreement by \$40,539,312.68 for a new total not to exceed amount of \$124,525,312.68.

Responsible Staff: Matt Miller

9H. [SANTA PAULA BRANCH LINE RIGHT OF ENTRY PERMIT TEMPLATE-PG.33](#)

Recommended Action:

- Approve a Right-of-Entry agreement template, fee structure, and administrative approval process for temporary use on the Santa Paula Branch Line railroad right-of-way and delay implementation of the new process for sixty (60) days while staff conducts public outreach.

Responsible Staff: Amanda Fagan

9I. [CLAIM FOR DAMAGES-PG.37](#)

Recommended Action:

- It is recommended that the Ventura County Transportation Commission ("VCTC") reject a claim for damages submitted on behalf of Jose Campos Estrada, a biker ("Claimant") who was involved in an alleged incident involving a collision with a VCTC bus.

Responsible Staff: Martin Erickson

9J. [LEGISLATIVE UPDATE-PG.39](#)

Recommended Action:

- Receive and file.

Responsible Staff: Darrin Peschka

9K. [SIMI VALLEY DOUBLE TRACK PROJECT MEMORANDUM OF UNDERSTANDING \(MOU\) AMENDMENT WITH SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY \(SCRRA\) FOR RIGHT OF WAY \(ROW\) ACQUISITIONS-PG.61](#)

Recommended Action:

- *Authorize the Executive Director to negotiate and execute a Memorandum of Understanding (MOU) amendment between VCTC and Southern California Regional Rail Authority (SCRRA) for a not-to exceed amount of \$704,000 for Right of Way (ROW) Acquisitions required for the Simi Valley Double Track Project.*

Responsible Staff: Aubrey Smith

9L. [PERSONNEL POLICIES AND PROCEDURE MANUAL UPDATE-PG.63](#)

Recommended Action:

- *Approve updated Personnel Policies and Procedures Manual.*

Responsible Staff: Steve Mattas

DISCUSSION CALENDAR:

10. [FISCAL YEAR 2024/2025 DRAFT BUDGET -PG.65](#)

Recommended Action:

- *Conduct Public Hearing to receive testimony on the Fiscal Year 2024/2025 Draft Budget.*
- *Receive the Fiscal Year 2024/2025 Draft Budget and Salary Schedule (See Attachment 1 of this item and Appendix C of the Fiscal Year 2024/2025 Draft Budget).*

Responsible Staff: Martin Erickson and Sally DeGeorge

11. [VCTC INTERCITY AND VALLEY EXPRESS VEHICLE REPLACEMENTS -PG.69](#)

Recommended Action:

- *Receive and file report on VCTC Intercity and Valley Express Vehicle Replacements.*
- *Approve budget amendment for VCTC Intercity to increase the revenues in the amount of \$1,400,000 in SB125 funds, add a bus rehab line item and increase expenses by the same amount.*

Responsible Staff: Matt Miller and Claire Grasty

12. [SANTA PAULA BRANCH LINE MONTHLY UPDATES FOR MARCH 2024-PG.73](#)

Recommendation:

- *Receive and file a report on Santa Paula Branch Line updates for the month of March 2024.*
- *Receive a verbal update on the status of eligibility for Federal Emergency Management Agency (FEMA) Public Assistance for the Sespe Creek Overflow Railroad Bridge reconstruction.*

Responsible Staff: Amanda Fagan

13. GENERAL COUNSEL REPORTS-

14. AGENCY REPORTS:

Southern California Association of Governments (SCAG)

Primary: Commissioner Mike Judge

Southern California Regional Rail Authority (Metrolink-SCRRA)

Primary: Commissioner Tony Trembley

Alternate: Commissioner Bob Engler

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. CLOSED SESSION

15a. Closed Session: Public Employee Performance Evaluation (Pursuant to Government Code Section 54957) Title: Executive Director

**15b. Closed Session: Conference with Labor Negotiators (Pursuant to Government Code Section 54957.6) Agency Designated Representatives: Matt LaVere and Steve Mattas
Unrepresented Employee: Executive Director**

16. ADJOURN to 9:00 a.m. Friday, May 10, 2024, at the City of Camarillo Library, located at 4101 Las Posas Road. Camarillo, CA 93010.



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Item 9A

April 5, 2024

MEETING MINUTES OF MARCH 1, 2024, REGULAR VCTC COMMISSION MEETING AT 9:00 A.M.

CALL TO ORDER:

Chair LaVere called the regular meeting of the Ventura County Transportation Commission to order at 9:03 a.m. at the City of Camarillo Library, 4101 Las Posas Road, Camarillo, CA 93010.

PLEDGE OF ALLEGIANCE was led by Vice-Chair Judge.

ROLL CALL/MEMBERS PRESENT:

Matt LaVere, County of Ventura
Mike Judge, City of Simi Valley
Carrie Broggie, City of Fillmore
Jenny Crosswhite, City of Santa Paula
Chris Enegren, City of Moorpark
Bob Engler, City of Thousand Oaks
Suza Francina, City of Ojai
Jeff Gorell, County of Ventura
Mike Johnson, City of Ventura
Kelly Long, County of Ventura
Vianey Lopez, County of Ventura
Bryan MacDonald, City of Oxnard
Martha McQueen-Legohn, City of Port Hueneme
Janice Parvin, County of Ventura
Jim White, County Rep., Ventura County
Gloria Roberts, Caltrans District 7 Director

ABSENT:

Daniel Chavez, Citizen Rep. Cities
Tony Trembley, City of Camarillo

*Please note the order of some items in the March 1, 2024, meeting agenda was rearranged at the beginning of the meeting with approval of the commission, due to public comment regarding the Caltrans report and special recognition of Freeway Service Patrol Driver of the Year.

5. PUBLIC COMMENTS – Three residents from Santa Paula gave public comment regarding the recent closure of Highway 150 near Santa Paula.

Korrine Bell, Santa Paula resident and Ventura County Agriculture Commissioner.
Mark, Kretschmer, Santa Paula resident and President of Thomas Aquinas College
Jenny Arana, Santa Paula resident.

**6. CLOSED SESSION –
“PUBLIC EMPLOYEE PERFORMANCE EVALUATION/PUBLIC EMPLOYEMENT-
(PURSUANT TO GOVERNMENT CODE SECTION 54957)
POSITION: GENERAL COUNSEL”**

At 9:24 a.m. Chair LaVere stated the commission would move into closed session and would report out into the regular agenda.

The commission reconvened at 9:35 a.m.

7. CALTRANS REPORT- Chair LaVere announced the Caltrans report would be given before the commission went into closed session.

Commissioner Roberts gave a verbal report of the March Caltrans report to the commission.

8. COMMISSIONER/EXECUTIVE DIRECTOR REPORT-

Commissioner Johnson made announcements regarding Gold Coast Transit District (GCTD) as follows:

- GCTD is in the early stages of the Short-Range Transit Planning.
- GCTD is wrapping up the fare increase survey.

Commissioner Johnson said there is not a bus stop near the Camarillo Public Library. He said his seat will be replaced next year and he would like for Councilmember Liz Campos to take his seat but it would be impossible for her to attend meetings such as the VCTC meeting since there are no bus stops that would support that possibility.

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

- Commissioner Bryan MacDonald became the Chair for LOSSAN.
- Mr. Erickson joined the Mobility 21 coalition in Sacramento on Feb. 12-13 for meetings with state legislators and transportation leaders about Mobility 21's legislative priorities. The coalition advocated for the preservation of transportation programs and funding in the Fiscal Year 2023-24 state budget and Senate Bill (SB) 125.
- Thanked the Freeway Service Patrol driver of the year Adam Taylor and thanked Amanda Fagan and her team for their great work with the Freeway Service Patrol and call box programs.

9. ADDITIONS/REVISIONS –None.

10. CONSENT CALENDAR –

Commissioner MacDonald moved to approve consent agenda **items 10A through 10D**. The motion was seconded by **Commissioner Parvin** and the motion passed unanimously.

10A. APPROVE MINUTES OF FEBRUARY 2, 2024, MEETING -PG.5

Recommendation:

- Approve the summary minutes of February 2, 2024

10B. MONTHLY BUDGET REPORT-PG.11

Recommendation:

- Receive and file the monthly budget report for January 2024.

10C. 2025 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM RESOLUTION -PG.19

Recommendation:

- Adopt attached Resolution No. 2024-02 certifying that there are sufficient financial resources to fund projects in the 2025 Federal Transportation Improvement Program (2025 FTIP).

10D. BUS AND RAIL RIDERSHIP AND PERFORMANCE MEASURES REPORT-PG.23

Recommended Action:

- Receive and file.

DISCUSSION CALENDAR:

11. FREEWAY SERVICE PATROL THREE YEAR ANNIVERSARY REPORT AND 2023 DRIVER OF THE YEAR RECOGNITION-PG.29

Recommendation:

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

There was one public comment from the public, Ventura County District Attorney, Erik Nasarenko, who gave personal testimony regarding his experience with the Freeway Service Patrol and commended the program's three-year success.

Andrew Kent gave a PowerPoint presentation and update on the Freeway Service Patrol Three Year Anniversary Report and presented the 2023 Driver of the Year Mr. Adam Taylor.

12. LEGISLATIVE UPDATE- PG.35

Recommendation:

- Receive and file.

Darrin Peschka introduced lobbyist Delaney Hunter from California Advisors who gave a presentation to the commission about the state budget and November ballot measures that could affect transportation funding.

13. NOMINATION OF PROJECTS FOR SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) REGIONWIDE CALL FOR PROJECTS FOR CONGESTION MITIGATION AND AIR QUALITY CMAQ/CARBON REDUCTION PROGRAM (CRP)/SURFACE TRANSPORTATION DEVELOPMENT ACT (TDA)ARTICLE 3 BICYCLE AND PEDESTRIAN FUNDS- PG.53

Recommendation:

- Approve submittal for \$12,208,714 to the Southern California Association of Governments (SCAG) for its federal programs call for projects, based on the priorities shown in Attachment A.
- Approve \$1,000,000 in TDA Article 3 Bicycle and Pedestrian funds for the two projects designated in Attachment A, with the estimated \$750,000 in available FY 2024/25 split equally between the projects, and the remainder to come from the FY 2025/26 funds, assuming that the funds are needed, as anticipated, for project expenditures.
- Authorize staff to make minor modifications to the program for SCAG submittal to adjust fund types and other items based on issues that may arise during the SCAG process.

Peter De Haan gave a PowerPoint presentation to the commission regarding the Nomination of Projects for Southern California Association of Governments (SCAG) Regionwide Call for Projects for Congestion Mitigation and Air Quality CMAQ/Carbon Reduction Program (CRP)/Surface Transportation Development Act (TDA) Article 3 Bicycle and Pedestrian Funds.

Commissioner Long moved to approve the staff recommendation with the amendment to put the Bus Hydrogen Fueling Station to highly recommended for the Nomination of Projects for Southern California Association of Governments (SCAG) Regionwide Call for Projects for Congestion Mitigation and Air Quality CMAQ/Carbon Reduction Program (CRP)/Surface Transportation Development Act (TDA) Article 3 Bicycle and Pedestrian Funds. The motion was seconded by **Commissioner Johnson** and the motion passed.

Ayes- LaVere, Judge, Broggie, Enegren, Engler, Francina, Gorell, Johnson, Long, Lopez, MacDonald, Parvin, White

No- Crosswhite, McQueen-Legohn

Abstain-None

14. SANTA PAULA BRANCH LINE MONTHLY UPDATES FEBRUARY 2024-PG.59

Recommendation:

- Receive and file a report on Santa Paula Branch Line updates for the month of February 2024.

Amanda Fagan gave an update and PowerPoint presentation to the commission regarding the Santa Paula Branch Line February updates.

15. CONSIDERATION AND ACTION ON PROFESSIONAL LEGAL SERVICES AGREEMENT WITH REDWOOD PUBLIC LAW, LLP TO CONTINUE SERVICE BY STEVE MATTAS AS VCTC GENERAL COUNSEL AND BY LINDSAY D'ANDREA AS ASSISTANT GENERAL COUNSEL AND TO CONTINUE SPECIAL LEGAL COUNSEL SERVICES- PG.63

Recommendation:

- It is recommended that the Ventura County Transportation Commission ("Commission") approve a legal services contract with Redwood Public Law, LLP for continued General Counsel services by Steve Mattas, as General Counsel, and Lindsay D'Andrea as Assistant General Counsel, along with special counsel services.

Commissioner Engler moved to approve consent agenda item 15 Consideration and Action on Professional Legal Services Agreement with Redwood Public Law, LLP to Continue Service by Steve Mattas as VCTC General Counsel and by Lindsay D'Andrea as Assistant General Counsel and to Continue Special Legal Counsel Services. The motion was seconded by **Commissioner Francina** and passed unanimously.

16. GENERAL COUNSEL REPORTS- None

17. AGENCY REPORTS:

Southern California Association of Governments (SCAG)

Primary: Commissioner Mike Judge

None.

Southern California Regional Rail Authority (Metrolink-SCRRRA)

Primary: Commissioner Tony Trembley

Alternate: Commissioner Bob Engler

Commissioner Engler stated that at Metrolink's board meeting there was discussion regarding the San Clemente slide and the board approved emergency repairs to get the line back open.

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

Primary: Chair Bryan MacDonald

Alternate: Commissioner Jim White

Commissioner MacDonald reported the San Clemente rail line has had another subsidence of land in the area. Currently they have reached out to a firm to help with the subsidence, and they have been moving piles of dirt, about thirty out of seventy removals have been completed. They are hoping to have a protected wall completed by mid-April.

Coastal Rail Coordinating Council-CRCC

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 reported CalVans has acquired forty electric vans in Ventura, and they are going to be at the Housing Authority to take children to the YMCA to learn how to swim.

18. ADJOURN to 9:00 a.m. Friday, April 5, 2024, at the City of Camarillo Library, located at 4101 Las Posas Road. Camarillo, CA 93010.



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Item 9B

April 5, 2024

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: SALLY DEGEORGE, FINANCE DIRECTOR

SUBJECT: MONTHLY BUDGET REPORT

RECOMMENDATION:

- Receive and file the monthly budget report for February 2024.

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 February 29, 2024, budget report indicates that the revenues were approximately 47.86% of the adopted budget while expenditures were approximately 43.31% 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 and subscription-based IT arrangement (SBITA) 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 and 96. 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 and the only SBITA that qualifies is for the pass card readers.

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 FEBRUARY 29, 2024**

Assets and Deferred Outflows

Cash and Investments	\$ 65,288,521
Receivables/Due from other funds	3,333,560
Prepays and Deposits	229,809
Capital Assets, undepreciated	26,016,497
Capital Assets, depreciated, net	27,564,463
Deferred Outflows	3,434,600
Total Assets and Deferred Outflows	<u>\$ 125,867,450</u>

LIABILITIES, DEFERRED INFLOWS AND FUND BALANCE

Liabilities and Deferred Inflows:

Accrued Expenses and Due to Other	\$ 2,520,418
Deferred Revenue	4,071,920
Deposits	67,059
Accrued Vacation	198,682
Accrued Lease-SBITA liability and interest	640,240
Deferred Inflows	678,807
Pension Liability	1,893,688
OPEB Liability	264,630
Total Liabilities and Deferred Inflows:	<u>\$ 10,335,444</u>

Net Position:

Invested in Capital Assets	\$ 53,580,960
Fund Balance	61,951,046
Total Net Position	<u>\$ 115,532,006</u>

For Management Reporting Purposes Only

**VENTURA COUNTY TRANSPORTATION COMMISSION
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
FOR THE EIGHT MONTHS ENDED FEBRUARY 29, 2024**

	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	\$ 4,167,875	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	2,977,681	\$ 879,128	\$ 8,024,684	\$ 24,778,599	(16,753,915)	32.39
State Revenues	1,520,151	24,474,492	5,242,625	946,080	762,952	0	0	0	32,946,300	64,988,702	(32,042,402)	50.70
Local Revenues	117,514	0	0	0	0	370,953	1,417,320	1,332,809	3,238,596	4,214,538	(975,942)	76.84
Other Revenues	1,709	0	0	0	0	0	64,792	7,145	73,646	0	73,646	0.00
Interest	142,760	263,462	466,475	77,872	141,994	6,817	13,957	7,010	1,120,347	890,000	230,347	125.88
Total Revenues	5,950,009	24,737,954	5,709,100	1,023,952	904,946	377,770	4,473,750	2,226,092	45,403,573	94,871,839	(49,468,266)	47.86
Expenditures												
Administration												
Personnel Expenditures	2,253,455	0	0	0	0	0	118,204	33,402	2,405,061	4,196,752	(1,791,691)	57.31
Legal Services	8,158	0	0	0	0	0	0	0	8,158	44,000	(35,842)	18.54
Professional Services	105,335	0	0	0	0	0	0	0	105,335	209,000	(103,665)	50.40
Office Leases	141,925	0	0	0	0	0	0	0	141,925	216,000	(74,075)	65.71
Office Expenditures	587,742	0	0	0	0	0	101,549	28,696	717,987	1,139,563	(421,576)	63.01
Total Administration	3,096,615	0	0	0	0	0	219,753	62,098	3,378,466	5,805,315	(2,426,849)	58.20
Programs and Projects												
Transit and Transportation Program												
Regional Transit Technology	391,749	0	0	0	0	0	0	0	391,749	1,615,000	(1,223,251)	24.26
SD-Accessible Mobility Service	222,286	0	0	0	0	0	0	0	222,286	404,200	(181,914)	54.99
VCTC Intercity Bus Services	0	0	0	0	0	0	5,473,831	0	5,473,831	13,175,200	(7,701,369)	41.55
Valley Express Bus Services	0	0	0	0	0	0	0	1,497,528	1,497,528	2,571,200	(1,073,672)	58.24
Transit Grant Administration	2,263,238	0	0	0	0	0	0	0	2,263,238	10,327,510	(8,064,272)	21.91
Total Transit and Transportation	2,877,273	0	0	0	0	0	5,473,831	1,497,528	9,848,632	28,093,110	(18,244,478)	35.06
Highway Program												
Motorist Aid Services	0	0	0	861,911	0	0	0	0	861,911	2,836,024	(1,974,113)	30.39
Highway Program Management	266,180	0	0	0	0	0	0	0	266,180	5,125,989	(4,859,809)	5.19
Total Highway	266,180	0	0	861,911	0	0	0	0	1,128,091	7,962,013	(6,833,922)	14.17

For Management Reporting Purposes Only

**VENTURA COUNTY TRANSPORTATION COMMISSION
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
FOR THE EIGHT MONTHS ENDED FEBRUARY 29, 2024**

	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	9,615,220	0	0	0	0	0	0	0	9,615,220	24,519,414	(14,904,194)	39.21
LOSSAN and Coastal Rail	3,722	0	0	0	0	0	0	0	3,722	10,500	(6,778)	35.45
Santa Paula Branch Line	0	0	0	0	0	529,984	0	0	529,984	2,347,346	(1,817,362)	22.58
Total Rail	9,618,942	0	0	0	0	529,984	0	0	10,148,926	26,877,260	(16,728,334)	37.76
Commuter Assistance Program												
Reg Transit Information Center	2,505	0	0	0	0	0	0	0	2,505	40,500	(37,995)	6.19
Rideshare Programs	133,492	0	0	0	0	0	0	0	133,492	346,000	(212,508)	38.58
Total Commuter Assistance	135,997	0	0	0	0	0	0	0	135,997	386,500	(250,503)	35.19
Planning and Programming												
TDA Administration	80,206	24,178,634	298,464	0	36,263	0	0	0	24,593,567	43,378,004	(18,784,437)	56.70
Transportation Programming	20,642	0	0	0	0	0	0	0	20,642	63,900	(43,258)	32.30
Regional Transportation Planning	221,746	0	0	0	0	0	0	0	221,746	832,430	(610,684)	26.64
Airport Land Use Commission	3,538	0	0	0	0	0	0	0	3,538	28,000	(24,462)	12.64
Regional Transit Planning	745,972	0	0	0	0	0	0	0	745,972	2,733,571	(1,987,599)	27.29
Total Planning and Programming	1,072,104	24,178,634	298,464	0	36,263	0	0	0	25,585,465	47,035,905	(21,450,440)	54.40
General Government												
Community Outreach	120,678	0	0	0	0	0	0	0	120,678	210,000	(89,322)	57.47
State and Federal Relations	78,087	0	0	0	0	0	0	0	78,087	113,400	(35,313)	68.86
Management and Administration	122,354	0	0	0	0	0	0	0	122,354	235,000	(112,646)	52.07
Total General Government	321,119	0	0	0	0	0	0	0	321,119	558,400	(237,281)	57.51
Total Expenditures	17,388,230	24,178,634	298,464	861,911	36,263	529,984	5,693,584	1,559,626	50,546,696	116,718,503	(66,171,807)	43.31

For Management Reporting Purposes Only

VENTURA COUNTY TRANSPORTATION COMMISSION
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
FOR THE EIGHT MONTHS ENDED FEBRUARY 29, 2024

	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	(11,438,221)	559,320	5,410,636	162,041	868,683	(152,214)	(1,219,834)	666,466	(5,143,123)	(21,846,664)	16,703,541	23.54
Other Financing Sources												
Transfers Into GF From LTF	10,953,903	0	0	0	0	0	0	0	10,953,903	10,953,295	608	100.01
Transfers Into GF From STA	3,215,498	0	0	0	0	0	0	0	3,215,498	6,011,046	(2,795,548)	53.49
Transfers In GF From SGR	183,833	0	0	0	0	0	0	0	183,833	7,208,287	(7,024,454)	2.55
Transfers Into GF From SAFE	35,403	0	0	0	0	0	0	0	35,403	66,400	(30,997)	53.32
Transfers Into GF From SPBL	122,488	0	0	0	0	0	0	0	122,488	154,700	(32,212)	79.18
Transfers Into SPBL From LTF	0	0	0	0	0	102,492	0	0	102,492	103,100	(608)	99.41
Transfers Into SPBL From STA	0	0	0	0	0	549,980	0	0	549,980	2,013,946	(1,463,966)	27.31
Transfers Into VI From STA	0	0	0	0	0	0	2,600,000	0	2,600,000	5,440,578	(2,840,578)	47.79
Transfers Out of LTF Into GF	0	(10,953,903)	0	0	0	0	0	0	(10,953,903)	(10,953,295)	(608)	100.01
Transfers Out of LTF Into SPBL	0	(102,492)	0	0	0	0	0	0	(102,492)	(103,100)	608	99.41
Transfers Out of STA Into GF	0	0	(3,215,498)	0	0	0	0	0	(3,215,498)	(6,011,046)	2,795,548	53.49
Transfers Out of STA Into SPBL	0	0	(549,980)	0	0	0	0	0	(549,980)	(2,013,946)	1,463,966	27.31
Transfers Out of STA Into VI	0	0	(2,600,000)	0	0	0	0	0	(2,600,000)	(5,440,578)	2,840,578	47.79
Transfers Out of SAFE Into GF	0	0	0	(35,403)	0	0	0	0	(35,403)	(66,400)	30,997	53.32
Transfers Out of SPBL Into GF	0	0	0	0	0	(122,488)	0	0	(122,488)	(154,700)	32,212	79.18
Transfers Out of SGR Into GF	0	0	0	0	(183,833)	0	0	0	(183,833)	(7,028,287)	7,024,454	2.55
Total Other Financing Sources	14,511,125	(11,056,395)	(6,365,478)	(35,403)	(183,833)	529,984	2,600,000	0	0	0	0	0.00
Net Change in Fund Balances	3,072,904	(10,497,075)	(954,842)	126,638	684,850	377,770	1,380,166	666,466	(5,143,123)	(21,846,664)	16,703,541	23.54
Beginning Fund Balance w/o capital assets	5,102,381	21,691,716	28,843,611	4,401,099	7,273,900	25,367	(26,850)	0	67,311,224	33,572,663	33,738,561	200.49
Long-term Pension/OPEB/Vacation/Lease/SBITA Net Adjustment*	(216,583)	0	0	0	0	0	(472)	0	(217,055)	0	(217,055)	0.00
Ending Fund Balance	\$ 7,958,702	\$ 11,194,641	\$ 27,888,769	\$ 4,527,737	\$ 7,958,750	\$ 403,137	\$ 1,352,844	\$ 666,466	\$ 61,951,046	\$ 11,725,999	\$ 50,225,047	528.32

*Government Accounting Standards Board (GASB) Statements 68, GASB 75, GASB 87 and GASB 96 require full accrual of pension, OPEB, Lease, and Subscription-based IT agreements (SBITA) liabilities/interest, 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 FEBRUARY 29, 2024**

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	\$ 6,211.41	EAC & 1.08%	\$ 2,565,874.32
LAIF	State Pool	N/A	172,135.20	3.15%	13,292,789.63
County of Ventura	Treasury Pool	N/A	942,000.56	3.59%	50,006,647.59
VCCF Bike Fund	Investment	N/A	Annually	annually	17,584.89
Total			\$1,120,347.17		\$65,882,896.43

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 now earning a combination of interest and 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 9C

April 5, 2024

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

**FROM: THAO LE, PROGRAM MANAGER – ACCOUNTING
SALLY DEGEORGE – FINANCE DIRECTOR**

SUBJECT: CONTRACT FOR PROFESSIONAL AUDITING SERVICES

RECOMMENDATION:

- Approve the contract (Attachment A) with ASM LLP for professional TDA, SGR, Proposition 1B and LCTOP financial and compliance auditing services at a not to exceed cost of \$240,500 for Fiscal Years 2023/2024, \$247,715 for Fiscal Year 2024/2025, \$255,150 for Fiscal Year 2025/2026 and with two (2) one (1) year optional periods for Fiscal Years 2026/2027 at \$262,800 and 2027/2028 at \$270,685.

BACKGROUND:

The Ventura County Transportation Commission (VCTC) is responsible for the administration of the Transportation Development Act (TDA) funds which include Local Transportation Fund (LTF) and State Transportation Assistance (STA), as well as the administration of the State of Good Repair (SGR), the Proposition 1B Transit funds, and the Low Carbon Transit Operations Program (LCTOP) funds that flow through Ventura County. As part of its administrative duties, VCTC contracts with an auditing firm on behalf of the cities/County that receive LTF, STA, SGR, Proposition 1B, and LCTOP funds to have the State required annual audits reports completed and filed.

DISCUSSION:

The contract with Conrad LLP for Fiscal Years 2018/2019 to 2022/2023 will soon expire. In January 2024, a Request for Proposals (RFP) was approved by the Commission. The RFP was sent to twenty-two auditing firms as well as posted on VCTC's website to reach as many qualified auditors as possible. The proposal included the existing audits from the prior years as well as nine (9) new audits for Gold Coast Transit District and their member agencies for a total of 45 audits for 12 agencies.

Of the twenty-two firms VCTC sent the RFP to, VCTC received two responses. One firm responded that it does not perform the TDA specialized government audits and one firm, ASM LLP, submitted a proposal to VCTC.

It is important to remember that the TDA, SGR, Prop 1B and LCTOP audits are specialized audits and, therefore, many firms have limited (or no) experience in this area or may exclude specialized audits from their scope of service. Because of the low response rate, VCTC reached out to the firms the proposals were emailed to in order to better understand the lack of response. Six firms responded. Reasons given for not responding were current staffing issues, high workloads, not enough bandwidth to accommodate VCTC needs, and the complexity of the audits. The other fourteen firms did not respond.

Staff reviewed the proposal from ASM LLP and evaluated their understanding and approach of the engagement, the firm's auditing experience with TDA funds, the adequacy of staffing and associated hours, and the costs to perform the audits. ASM LLP is a sibling branch of Conrad LLP (Conrad), who was VCTC's TDA auditor for the past five years. ASM LLP focuses and specializes in State and Local Government audits, shares the same pool of experienced staff members, and sets the same quality control measures and high professional standard as Conrad. ASM LLP has multiple experienced staff members and significant government and TDA, Prop 1B, LCTOP auditing experience and knowledge including performing audits for Orange County Transportation Authority (OCTA), Riverside County Transportation Commission (RCTC), San Bernadino County Transportation Authority (SBCTA) and Southern California Regional Rail Authority (SCRRA). Staff feel that ASM LLP is qualified to perform the audits and deliver the audits within the required time frame.

Because of the specialized knowledge required to perform these audits and the responses from the six firms, as well as receiving a qualified proposal, VCTC decided to forgo a second round of RFP requests and proceed with the process.

It is important to note that many financial factors have changed since the last audit cycle when auditors proposed very competitive fees. Interest rates and the general costs of living have increased and remain higher than five years ago. Unemployment remains low in general and is even tighter in the accounting field. Firms are having difficulty hiring qualified personnel and retaining current personnel who already have the specialized knowledge. Wage inflation has increased dramatically. All these factors have caused significant increases in the costs of audits.

Although, the auditing fee for Year 1 (Fiscal Year 2023/2024) under the new contract will be \$130,500 higher compared to the Fiscal Year 2022/2023 fee, staff feels the fees are aligned with current market costs and changes to the scope of work. Again, this costs proposal reflects the increase of nine (9) new audits with a substantial workload of about 420 hours per year for GCTD and its five (5) TDA subrecipients (Cities of Ojai, Oxnard, Port Hueneme and San Buenaventura, and the County of Ventura). It is estimated that about 42% or approximately \$54,600 of the cost increase is related to the new audits performed on behalf of GCTD. The costs also reflect an increase of auditing staff salaries to keep pace with inflation and to retain experienced staff impacting the overall cost, plus additional auditor's times and resources allocating for local cities that have continuous staff turnover and temporary staff. The fee increases for subsequent years are approximately 3 percents per year for year 2 though option year 5. The fees proposed are as a not-to-exceed amount per year as follows:

<u>Audit Fee</u>	<u>Fiscal Year</u>
\$240,500	2023/2024
\$247,715	2024/2025
\$255,150	2025/2026
\$262,800	2026/2027 (optional)
\$270,685	2027/2028 (optional)

Staff recommend awarding the TDA and specialized audits contract to ASM LLP. The contract term is for three (3) years with two (2) one (1) year optional extensions for Fiscal Year's ending June 30, 2024, 2025, 2026 with years 2027 and 2028 being optional.

General Counsel reviewed and approved the contract (Attachment A). The cost of the audits will be financed from the LTF administration funds and included within the TDA Administration budget.



Item 9D

April 5, 2024

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: SALLY DEGEORGE, FINANCE DIRECTOR

SUBJECT: AWARD CONTRACT FOR PROFESSIONAL SERVICES FOR GOVERNMENT ACCOUNTING STANDARDS BOARD (GASB) 87, LEASES, AND GASB 96, SUBSCRIPTION-BASED INFORMATION TECHNOLOGY ARRANGEMENTS (SBITAS).

RECOMMENDATION:

- Approve the award of a contract (Attachment A) for Professional Services for GASB 87, Leases, and GASB 96, SBITAS to the firm, Berry, Dunn, McNeil and Parker, LLC (BerryDunn). The contract is for a three-year period with two one-year options not to exceed \$23,142 for Fiscal Year 2023/2024 financial period, \$24,300 for Fiscal Year 2024/2025 financial period, \$25,550 for Fiscal Year 2025/2026 financial period, \$26,825 for Fiscal Year 2026/2027 financial period (optional year) and \$28,175 for Fiscal Year 2027/2028 financial period (optional year). The total amount for the contract period including two optional years shall not exceed \$127,992.

BACKGROUND:

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

The objective of GASB Statement 87 and GASB 96 is to better inform financial statement users by improving accounting and financial reporting for software and leases held and issued by governments. These statements require recognition of certain software and lease assets and liabilities that were previously classified as operating leases and recognized as inflows of resources or outflows of resources based on the payment provisions. The GASB statements establish a single model for Lease and SBITA accounting based on the foundational principle that leases and SBITAS are financing the right to use an underlying asset. Under GASB 87, a lessee is required to recognize a lease liability and an intangible right-to-use lease asset, and a lessor is required to recognize a lease receivable and a deferred inflow of resources, thereby enhancing the relevance and consistency of information about governments' leasing

activities. Similarly, VCTC is required to recognize SBITAs or software arrangements in a similar manner to GASB 87 within the financial statements.

DISCUSSION:

Due to the amount of work to comply with GASB 87 and 96 and VCTC's small accounting staff, VCTC requires consultant assistance to meet the on-going requirements of both GASB 87 and GASB 96. Therefore, in January 2024, the Commission authorized staff to release a Request for Proposals (RFP) for Professional Services for GASB 87, Leases, and GASB 96, SBITA's. The RFP was sent to ten firms and was posted on the VCTC website. In response to the RFP's, three firms submitted proposals.

Following standardized RFP practices, the firms' (BerryDunn, LLP, DebtBook, and Eide Bailly, LLP) proposals were reviewed and evaluated by the selection committee consisting of VCTC's Finance Director, Sally DeGeorge and Finance Manager, Thao Le. The firms' approach, understanding, experience, qualifications, staffing hours and costs were evaluated.

Based on the evaluations, the selection committee ranked the firm Eide Bailly, LLP first. Staff began contract negotiations with Eide Bailly but were unable to agree to terms. As the second-place firm, BerryDunn, was also qualified, staff moved on to contract negotiations with them and were able to successfully negotiate the contract. Berry Dunn has significant governmental audit and consulting experience, knowledge of industry standards and regulatory compliance including GASB 87 and 96 in both training and client assistance.

The professional service work for GASB 87 and 96 performed by Berry Dunn is estimated to be approximately 87 hours annually depending on the complexity of the leases and SBITAs. Although it is not anticipated that all leases and SBITAs will meet the criteria to require implementation, all new leases and SBITAs will need to be reviewed. Furthermore, although the contract amounts are indicated as not to exceed, VCTC will only be billed for the work performed.

Therefore, it is the staff's recommendation that the Commission award the contract (Attachment A) to Berry, Dunn, McNeil and Parker, LLC (BerryDunn) for Professional Services for GASB 87, Leases, and GASB 96, SBITAs. The contract is for a three-year period with two one-year options not to exceed \$23,142 for Fiscal Year 2023/2024 financial period, \$24,300 for Fiscal Year 2024/2025 financial period, \$25,550 for Fiscal Year 2025/2026 financial period, \$26,825 for Fiscal Year 2026/2027 financial period (optional year) and \$28,175 for Fiscal Year 2027/2028 financial period (optional year). The total amount for the contract period including two optional years shall not exceed \$127,992. The funding for the contract will be part of the indirect costs and included in the appropriate annual budget.



Item 9E

April 5, 2024

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: GEISKA VELASQUEZ, PRORAMMING ANALYST

SUBJECT: 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 2023/24 federal transit grant applications with the Federal Transit Administration.

BACKGROUND:

VCTC staff will be filing grant applications with the Federal Transit Administration (FTA) to fund VCTC's FY 2023/24 federal transit projects as well as other local agency projects. As with all federal transit grant applications, we are required to enter into a U.S. Department of Labor certified agreement, commonly referred to as Section 13(C), with the Service Employees International Union (SEIU) which represents both Gold Coast Transit and Simi Valley Transit employees. Federal law requires that VCTC protect the jobs of union represented public transit workers and ensure that transit employees be compensated if jobs are lost as a direct result of proposed projects. Specifically, the federal government requires that the protective arrangements include:

- Preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements;
- Continuation of collective bargaining rights;
- Protection of individual employees against worsening of their positions with respect to their employment;
- Assurances of employment and priority of re-employment;
- Paid training or re-training programs.

These protective arrangements are included in the proposed Agreement (Attachment A). The Agreement is identical to the Agreement approved by the Commission for all previous grant applications over the past years.

VCTC staff's analysis indicates that none of the projects to be included in the grant application pose a risk to either Gold Coast Transit or Simi Valley Transit employees. All projects to be included in the grant applications are in VCTC's FY 2023/24 Program of Projects (POP), which was approved by the Commission on October 6, 2023.



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Item 9F

April 5, 2024

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: HEATHER MILLER, PROGRAM MANAGER
SUBJECT: FY 2023/24 LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP) ALLOCATION

RECOMMENDATION:

- Approve the Ventura County Transportation Commission (VCTC) FY 2023/24 Low Carbon Transit Operations Program (LCTOP) Total Allocation Request of \$2,589,900 to fund the following two projects:
 - “Free Fare” Program (\$2,174,900 includes Cities of Camarillo, Moorpark, Simi Valley, and Thousand Oaks Local Shares).
 - Metrolink Weekend Service (\$415,000).
- Adopt Resolution 2024-03 (Attachment A) authorizing the Executive Director to execute all required documents including the Certifications and Assurances and Authorized Agent Form to receive VCTC’s FY 2023/24 LCTOP funds.
- Approve programming Southern California Regional Rail Authority’s (SCRRA) LCTOP revenue formula amount for the portion of the rail service within Ventura County totaling \$229,883 to fund Metrolink’s “Student Adventure” program.
- Approve a Corrective Action Plan (CAP) transferring any remaining balance of LCTOP FY 2020/21 “College Ride” program funds to the FY 2022/23 “Free Fare” program.

BACKGROUND:

The Low Carbon Transit Operations Program (LCTOP) is a cap-and-trade program established by the California Legislature in 2014 that provides funds to public transportation agencies for investments in capital projects and service that reduce greenhouse gas (GHG) emissions and improve mobility with a priority on serving Disadvantaged Communities. Disadvantaged Communities (DACs) are identified by the California Environmental Protection Agency (CalEPA) as the top 25% most impacted census tracts in the state. These are communities disproportionately burdened by multiple sources of pollution and identified with socioeconomic factors and population characteristics that make them more sensitive to pollution.

The cap-and-trade program auctions tradeable permits or allowances to the GHG emissions limit with state proceeds deposited into the Greenhouse Gas Reduction Fund (GGRF), a portion of which funds the LCTOP program. The demand for allowances at auction fluctuates every year resulting in variability of anticipated funds. This year’s allocation increased 22% compared to last year, totaling \$2,897,142 for the region.

The State Controller’s Office (SCO) released a FY 2023/2024 LCTOP Eligibility List on February 29, 2024, thus opening up this year’s LCTOP call-for-projects, with allocation requests due to Caltrans by April 26, 2024. The following table provides a breakdown for Ventura County,

including Section 99313 (VCTC/regional funding based on county population) and Section 99314 (funding to transit operators based on service levels/fare revenue or “local shares”):

VENTURA COUNTY LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP)	FY 2023/24 ALLOCATION
Ventura County Transportation Commission (99313)	\$ 2,542,057
VCTC corresponding to SCRRA - Metrolink Service (99314)	\$ 229,883
City of Camarillo (99314)	\$ 13,600
Gold Coast Transit District (99314)	\$ 77,359
City of Moorpark (99314)	\$ 5,432
City of Simi Valley (99314)	\$ 21,138
City of Thousand Oaks (99314)	\$ 7,673
TOTAL	\$ 2,897,142

Over the years, VCTC has sponsored various regional LCTOP projects aimed to benefit transit users across the county including countywide free fare programs, new transit service and capital investments in zero-emission infrastructure.

In 2017, VCTC launched the LCTOP funded “College Ride” program, providing fare free transit to college enrolled students in Ventura County. Local transit operators both participated in the program and co-sponsored the project with their local LCTOP shares. The program proved to be very popular until the start of the COVID pandemic which saw the closure of schools and temporary suspension of fare collection. The fare suspension allowed for carryover funds to build up for the program and no funds were needed for this program last year. The “College Ride” program continues to be popular averaging 27,500 riders a month countywide.

Free fare programs provide an effective means to bolster post pandemic transit ridership and lessen financial burdens on low-income riders. After the success of the “College Ride” program, the Commission expressed a desire to expand the fare program to more rider groups, specifically, youth and high school students. As a result, VCTC developed additional countywide free fare initiatives. In 2022, The “Youth Ride Free” program was launched. This program provides fare free transit on Ventura County’s fixed route and general public dial-a-ride services to youth under the age of 18. Similar to the College Ride program, LCTOP funds serve as fare buy-down for participating Ventura County operators including Gold Coast (GCTD), VCTC Intercity, Valley Express, Camarillo (CAT), Thousand Oaks (TOT), Moorpark (MCT), Ojai Trolley, and Simi Valley Transit (SVT). The “Youth Ride Free” program proved more successful than the “College Ride” program averaging 80,000 riders monthly. As a result, last year’s regional share of LCTOP funds again contributed to this program in addition to a new “Free Fare Days” initiative that provided financial relief for the general public on six (6) select days including “Earth Day” and Veteran’s Day.

Regional LCTOP funds have also supported the “Metrolink Saturday Service” which was first introduced to Ventura County in April 2021 as a single Saturday AM/PM trip on the Ventura County rail line. Prior to this service, no Metrolink trains were available on weekends in Ventura County. In subsequent years, the service was expanded to a “Metrolink Weekend Rail Service” that includes two roundtrip trains operating both Saturday and Sunday.

Finally, a portion of last year’s LCTOP regional funds supported the “Ventura County Battery Electric Charging Infrastructure (BECI)” project. The BECI project provides resources to assist local operators pursuing a battery electric fuel path. Funds were designated for the installation of battery electric charging infrastructure at the Thousand Oak’s Municipal Service Center, City of Ojai Bus Yard, Simi Valley Transit Maintenance Facility, and the Camarillo Transit Station. These projects are underway.

The intent of LCTOP funds has always been to support “new” services or programs that demonstrate GHG emission reductions and/or increase transit mode share, with the idea that once established other funding sources would supplement and ultimately replace the LCTOP

funding for these programs. In the past, projects were no longer considered “new” after five years in operation and therefore not eligible for further funding. However, in 2023, LCTOP guidelines removed the five-year limit on operations projects (including free/reduced fare program), thus allowing VCTC to request additional funding for ongoing projects such as the “College Ride” and “Youth Ride Free” programs.

DISCUSSION:

Free fare initiatives have proven to be an attractive incentive to encourage young people to use public transit. These local initiatives can largely be credited for the post-pandemic recovery of ridership for many transit operators in Ventura County. These programs are also effective in providing financial relief to a large demographic of low- or no-income riders. The “Youth Ride Free” program has gained in popularity since its launch and ridership has increased year over year beyond the projected numbers. In Calendar Year (CY) 2023, over 1.1 million trips were subsidized through the “Youth Ride Free” program or approximately 27% of all public transit bus trips provided in the county. Additionally, the “College Ride” program subsidized approximately 330,000 trips in CY 2023. The combined total for these two programs reached nearly 1.5 million trips or 35% of the overall number of public transit bus trips provided in Ventura County last year. If current trends hold, next year’s demand will exceed the past year’s demand.

VCTC staff therefore recommends requesting a FY 2023/2024 allocation of regional LCTOP funds in the amount of \$2,174,900 for a combined fare program that includes both the “College Ride” and “Youth Ride Free” programs as well as four (4) “Free Fare Days” collectively called the Ventura County “Free Fare” program. Local LCTOP shares totaling \$47,843 from the participating cities of Camarillo, Moorpark, Simi Valley and Thousand Oaks will also contribute to the program for a total allocation request of \$2,174,900 for this program. Current estimates predict that the cost of the “Free Fare” program is expected to exceed the amount of LCTOP funds available, therefore it is anticipated using SB125 funds to also supplement the program’s cost.

Ventura County’s “Free Fare” Program would include the “Youth Ride Free”, “College Ride”, and “Free Fare Days” fare reimbursement programs. The “Youth Ride Free” Promotional Program allows youth 18 and under and those over 18 enrolled in high school to ride any public transit bus in Ventura County for free, anytime, anywhere. The “College Ride” Program allows students enrolled at California Lutheran University, California State University Channel Islands, Moorpark College, Oxnard College, Ventura College, Santa Barbara City College, University of California, Santa Barbara, and Ventura County Adult Education Consortium to ride any public transit bus in Ventura County for free. The “Free Fare Days” Program will allow anyone to ride any bus service for free within Ventura County on the following designated days: Clean Air Day, Transit Equity Day, Earth Day, and Dump the Pump Day, though it is possible the selected days may change to coordinate with other agencies’ free fare days.

The potential distribution of FY 2023/24 LCTOP funds based on fare reimbursements to local operators that participate in the program are provided in the following table. The estimates are based on “College Ride” and “Youth Ride Free” trips provided in Calendar Year 2023 and largely follow transit operator’s overall share of Ventura County ridership:

Agency	% of County Ridership	% of CY 2023 College Ride trips	% of CY 2023 Youth Ride trips	CR & YRF % of operators' ridership	% of Combined CR & YRF CY 2023 trips	Potential FY2024 LCTOP Disbursement
Gold Coast Transit District	78%	61%	87%	36%	79%	\$1,725,625
VCTC Intercity	9%	29%	2%	31%	8%	\$170,996
Valley Express	1%	0%	2%	40%	2%	\$32,715
Simi Valley Transit	4%	5%	4%	35%	4%	\$86,364
Camarillo Area Transit	2%	1%	0%	5%	0%	\$5,546
Ojai Trolley	1%	0%	1%	31%	1%	\$23,346
Thousand Oaks Transit	4%	2%	2%	36%	4%	\$86,672
Moorpark City Transit	1%	1%	2%	58%	2%	\$43,635
total						\$2,174,900

Additionally, staff recommends an allocation request of \$415,000 in FY 2023/24 regional LCTOP funds for the Metrolink Weekend service to continue this service into the next fiscal year. Funds would cover approximately one half of the year's operation expenses for the service since sufficient carryover funds exist for the remainder of the year's operating expenses.

Local Shares

The cities of Camarillo, Moorpark, Simi Valley and Thousand Oaks expressed a commitment to contribute their local shares to the countywide "Free Fare" program. As such, the total recommended request for allocation of FY 2023/24 LCTOP funds would equal \$2,174,900 to fund Ventura County's "Free Fare" program that includes local shares totaling \$47,843 from the cities of Moorpark, Camarillo, Thousand Oaks and Simi Valley.

SCRRA (Metrolink) and GCTD will use their local shares for agency specific projects. SCCRA will use local shares for Metrolink's "Student Adventure Program". The "Student Adventure Program" pilot program allows any student with valid school identification to obtain a pass at no charge and ride anywhere on the Metrolink system for free. GCTD will continue to use local shares to fund the operation of their Ventura Road (Route 23) demonstration route in its fifth year of service.

In the past year, the "Youth Ride Free" program has exceeded the ridership forecasted in last year's allocation request for LCTOP funds. Therefore, staff recommends a transfer of FY 2020/21 "College Ride" funds to the current FY2022/23 "Free Fare" program in order to fill current funding shortfalls for the "Youth Ride Free" program. The "College Ride" program will be sufficiently funded in the current year with carryover funds and both programs will receive additional funds with the FY 2023/24 LCTOP allocations.

The Transit Operators Committee (TRANSCOM) approved this recommendation at their March 13 meeting.



Item 9G

April 3, 2024

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

**FROM: MATT MILLER, PROGRAM MANAGER
CLAIRE GRASTY, DIRECTOR OF PUBLIC TRANSIT**

SUBJECT: CONTRACT EXTENSION WITH RATP DEV FOR INTERCITY BUS SERVICE

RECOMMENDATION:

- Recommend approval of Amendment No. 5 (Attachment A), a three-year contract extension with Roadrunner Management Services, a wholly owned subsidiary of RATP Dev USA, for VCTC Intercity bus operations and maintenance and increase the total “not to exceed” amount under the Agreement by \$40,539,312.68 for a new total not to exceed amount of \$124,525,312.68.

BACKGROUND

The original agreement for Intercity operations and maintenance service was a nine-year agreement effective May 4, 2015, ending on May 3, 2024. The agreement included three option years that could be exercised in one-year increments or all at once for one three-year extension. After deliberation, staff determined that to obtain the best pricing and operations and maintenance improvements, exercising the option of one three-year extension was in the best interest of the service.

DISCUSSION

Amendment number five includes several improvements to the contract that will result in more efficient use of the bus fleet, expanded supervision of service and drivers and increased wage rates for staff.

Efficient use of Bus Fleet

The amendment allows RATP to add five leased non-revenue vehicles to the operation. Currently, RATP drivers use a bus to deadhead from the transit facility to a starting location to begin a new shift which increases the amount of stress, miles and wear and tear on the vehicles. It's more common for drivers to use sedans (non-revenue vehicles) to drive to the starting location of their shift and swap with a driver coming off their shift because it is more efficient, cost effective and requires less buses to be used. This will help extend the life of the buses, most of which are close to the end of their useful life.

Expanded Supervision of Service

Currently, there is a limited number of field supervisors available to assist operators while they deliver transit service. Field supervisors should be available to quickly respond to passenger issues that arise, accidents, incidents, detours, natural disasters, and to make determinations about stop closures and

setting up temporary stops. This is especially important for such a large service area. The amendment will allow RATP to make the necessary staffing changes to improve management of the service.

Increased Wage Rates for Staff

The amendment will allow RATP to increase the wage rates for every position to be more competitive in the market and ensure RATP is fully staffed. It's essential that RATP have the ability to continue to recruit and retain employees in the dynamic labor market.



Item 9H

April 5, 2024

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: AMANDA FAGAN, DIRECTOR OF PLANNING & SUSTAINABILITY

SUBJECT: SANTA PAULA BRANCH LINE RIGHT OF ENTRY PERMIT TEMPLATE

RECOMMENDATION:

- *Approve a Right-of-Entry agreement template, fee structure, and administrative approval process for temporary use on the Santa Paula Branch Line railroad right-of-way and delay implementation of the new process for sixty (60) days while staff conducts public outreach.*

BACKGROUND:

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.

Prior to execution of the Railroad Lease and Operations Agreement, VCTC issued right-of-entry (ROE) permits for entry onto the VCTC right-of-way for temporary uses, such as maintenance of utility infrastructure, events, and filming activities. VCTC charged a flat processing fee of \$1,000 per ROE permit. Occasionally, VCTC would waive the fee for municipalities and non-profits with a municipal sponsor for minimal uses of the ROW.

The Agreement retains to VCTC the rights and responsibilities related to leases and licenses for use of VCTC property. However, the Agreement does not specifically address right-of-entry permits. VCTC Staff considered three options for how to manage ROEs: (1) VCTC continue to issue ROE independent of SNR; (2) SNR to issue its own ROE independent of VCTC; or (3) a hybrid approach where SNR coordinates and prepares ROE using a jointly developed template, with final sign-off by VCTC.

After consultation with General Counsel and review of possible approaches from a VCTC workload and management standpoint, staff initially recommend the hybrid approach. In this approach, SNR would coordinate and prepare ROE permits for temporary uses for any activities with a term of less than 60 days. For activities that require a period of more than 60 days, VCTC would issue a lease or license following existing processes. Sierra Northern would issue ROE permits for film activities, given that film and related activities are specified as permitted uses in the Agreement.

As such, in April 2023, the Commission considered a new permit template and permitting process for ROEs, whereby VCTC and SNR would jointly issue an ROE permit. The Commission directed staff to return with a revised process and template whereby VCTC would receive a share of fees collected to account for VCTC staff time and retained risk associated with the issuance of an ROE.

In reviewing and renegotiating the draft template based on Commission direction, staff conducted additional research and discussion on ROE permitting processes, including consultation with a railroad operations

expert at a sister agency (Southern California Regional Rail Authority / Metrolink), which caused staff to rethink the approach to the ROE template and processing.

With Metrolink as an example, the Federal Railroad Administration (FRA) considers Member Agencies to the Joint Powers Agreement (such as VCTC) as track owners, while Metrolink is the railroad operator of record. The operator of record is responsible for all of the operations of the railroad, which includes Rights of Entry and all of the rules and protections that go along with them. ROEs are a matter of railroad operations, not of ownership of the track. The Member Agencies have no role in ROEs for Metrolink track. Fees charged offset the railroad's costs of providing the appropriate and required protections, such as holding railway traffic in a given area, providing flag men, giving railway worker protection training, etc., and are based on actual costs to the railroad.

When applied to the SPBL, where VCTC is the track owner and Sierra Northern is the railroad operator of record with the FRA, this example suggested that VCTC not be a signatory to ROEs, since VCTC has no role in providing the railway protections that are required by an ROE. VCTC participation in the ROE process inserts the Commission in the middle of the relationship between the railroad operator and the Contractor/Applicant for an ROE.

Staff returned in September 2023 with a revised template and procedures for Commission consideration. At the time, VCTC and SNR were in negotiations to address challenges regarding rail car storage, and the Commission deferred a decision on the ROE permit process until after the rail car storage issues had been resolved. In December 2023, the Commission approved, and VCTC and SNR executed, Amendment No. 1 to the Railroad Lease and Operations Agreement.

DISCUSSION:

The proposed draft template ROE permit is included as Attachment 1. VCTC Counsel prepared a Letter Agreement (Attachment 2) to memorialize the terms pursuant to which Sierra Northern will administer ROEs on VCTC's behalf. The Letter Agreement provides that Sierra Northern will administer ROEs utilizing the approved ROE template and submit all ROE packages to VCTC for review and approval. The Letter Agreement also acknowledges that VCTC has the right to direct Sierra Northern to terminate ROEs at VCTC's discretion, and that Sierra Northern's administration of ROEs is included within Sierra Northern's operations pursuant to the Agreement and is subject to Sierra Northern's indemnification obligations.

Based on VCTC Counsel guidance, the proposed ROE template and process includes a Requirements Checklist (Attachment 3), which outlines all of the documentation that Sierra Northern must submit in a ROE package to VCTC for review and approval prior to Sierra Northern executing a ROE. This proposed process affords VCTC the opportunity to review the ROE and insurance certificates to ensure that everything is in order before SNR executes the ROE.

The proposed process removes VCTC from the preparation, execution, and oversight of what is essentially a railroad operations decision and activity. From a staff workload perspective, shifting ROE workload to SNR reduces the time required for administration of the ROE, but retains visibility of ROEs for VCTC records.

The process for developing, reviewing, and approving ROE permits, the following procedures are proposed:

1. SNR will receive ROE permit requests.
2. For ROEs of less than 60 days, SNR will review the request and prepare the ROE permit package using an approved ROE template, including proof of insurance.
3. SNR will retain the processing fee based on the fee structure, with payment of 5% of the ROE fees to VCTC to cover the cost of ROE package review by VCTC staff.
4. SNR will provide the ROE permit and accompanying materials to VCTC.
5. VCTC will conduct a final review to ensure that proper insurance is in place, sign the Requirements Checklist confirming that all required elements are included, and file the ROE.

The proposed process gives SNR the ability to review requests, ensure that the request does not impact rail operations, and ensure that any and all Federal, State, and railroad requirements are addressed (flagging, Railway Worker Protection training, etc.), but also ensures VCTC has an opportunity to review insurance certificates and keep a record of ROEs issued.

The proposed ROE permit template has been reviewed by both VCTC and SNR Counsel. The template includes a fee structure consistent with the fees charged by Sierra Northern Railway for the railroads under its ownership throughout California, and is based on the number of days that the Contractor will be working on the property, as follows:

Number of Working days on the Property	Fee
1 day	\$1,575
2 days	\$2,625
3 days	\$4,200
4-5 days	\$5,775
More than 5 days	\$6,300
More than 15 days	\$10,500

These fees account for the cost of labor associated with coordinating and reviewing the ROE request, preparing the ROE permit documents, monitoring compliance with the conditions of the ROE permit and Federal and State railroad requirements, and addressing impacts to railroad operations. The above fees do not include charges for applicable flagging, switching, or other necessary costs payable to Sierra Northern based on the specifics of a particular ROE. Sierra Northern has indicated that typical costs vary depending on the nature and complexity of the ROE.

Since SNR will be responsible for the bulk of this work, and because lease and license fees ultimately pass through to SNR under the Railroad Lease and Operations Agreement, SNR will retain the fees, less a 5% payment to VCTC.

For comparison purposes, Union Pacific Railroad charges an application fee of \$1,045, additional fees ranging from \$755 to \$10,055 depending on the type of request (such as encroachments, crossings, drainage and water rights, mitigation, rush applications, etc.), plus the cost of the license fee. Genesee & Wyoming similarly charges a non-refundable \$1,000 application fee, plus a \$1,750 engineering review fee.

As compared to the past VCTC practice of a \$1,000 flat fee, the proposed fee structure aligns with current market rates and more closely aligns with the actual costs to process and monitor compliance with ROE permit requirements, with the ultimate purpose to ensure safety of railroad operations and to protect the interests of both SNR and VCTC.

As the fees in the template ROE represent an increase from VCTC's past practice, staff intends to engage in a public outreach process to ensure that interested stakeholders are aware of the new fees and processes for obtaining ROEs on the SPBL. Consequently, staff recommends that the Commission approve the template ROE and the new administrative ROE process, but direct staff to delay implementation of the new process for sixty (60) days so that public outreach can take place. If staff determines that information gained during the public outreach process justifies modifications to the proposed ROE process, staff will bring this item back to the Commission for further consideration prior to moving forward with implementation.



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Item 9I

April 5, 2024

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: STEVE MATTAS, GENERAL COUNSEL

SUBJECT: PERSONAL INJURY CLAIM FOR DAMAGES

RECOMMENDATION:

- It is recommended that the Ventura County Transportation Commission ("VCTC") reject a claim for damages submitted on behalf of Jose Campos Estrada, a biker ("Claimant") who was involved in an alleged incident involving a collision with a VCTC bus.

BACKGROUND:

On February 12, 2024, VCTC received a claim for damages from the Claimant for personal injuries stemming from an alleged incident involving a collision with a VCTC bus on September 21, 2023.

Pursuant to Section 23 of the Intercity Transit Services Agreement between the Ventura County Transportation Commission ("VCTC") and Roadrunner Management Services, Inc. ("Roadrunner") for the operation of bus service between VCTC and RATP, RATP is obligated to defend, indemnify, and hold harmless VCTC from all liability arising out of the provision of transportation services, including liability arising from the actions or omissions of VCTC employees, agents, or subcontractors. In recognition of this provision, VCTC has submitted a tender letter in connection with this claim to RATP Dev. Therefore, it is recommended that VCTC reject the claim.

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Item 9J

April 5, 2024

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

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

SUBJECT: LEGISLATIVE UPDATE

RECOMMENDATION:

- Receive and file.

DISCUSSION:

Federal Issues

2024 Fiscal Year Budget

President Biden signed the Transportation, Housing and Urban Development and Related Agencies Appropriations Act 2024 (THUD Appropriations Act) on March 9, keeping the Department of Transportation funded through September 2024. The THUD Appropriations Act was part of a six-bill “minibus” package of six appropriations bills approved by Congress.

The THUD Appropriations Act provides:

- \$20.9 billion for public transit in Fiscal Year 2024, which is \$363 million less than the FY 2023 enacted level but is 96 percent of the amount authorized in the Infrastructure Investment and Jobs Act (IIJA) signed in 2021. Formula funding is provided at full the IIJA-authorized level, with the overall transit reduction from last year being due to last year’s budget including a special one-time appropriation for Capital Improvement Grants.
- \$16.3 billion for passenger and freight rail, which is \$383 million less than the FY 2023 enacted level. It is 80 percent of the amount authorized in the IIJA.

The bill provides the overwhelming majority of the public transit and passenger rail investments authorized in the IIJA, according to the American Public Transportation Association (APTA), of which VCTC is a member.

Congressionally Directed Spending/Earmark Request

U.S. Sen. Laphonza Butler of California in March accepted appropriations requests for the Fiscal Year 2025 Congressionally Directed Spending/Earmark Request program. Generally speaking, CDS requests are for funding for a specific project in a specific location.

VCTC submitted a request for \$2.5 million for the Transit Stops and Stations Accessibility Enhancement Project. The project will conduct an assessment of all bus stops and rail stations in Ventura County and will result in a project and priority list that will ultimately be utilized to construct capital improvements for a select number of stops and stations. This project was one of four VCTC projects approved for funding from the state's Regional Early Access Plan (REAP 2.0) Program in 2023. However, as the Commission is aware, the REAP 2.0 Program has been suspended due to state budget uncertainty, so VCTC is seeking alternative funding options for these projects.

State Issues

Support for AB 1904 Transit Buses Yield Right-of-Way Sign

In March, VCTC sent a letter of support to Assembly Transportation Committee Chair Lori Wilson, members of the Assembly Transportation Committee and Ventura County's legislative delegation in support of Assembly Bill (AB) 1904, Transit Buses: yield right-of-way sign. The bill would allow transit buses to be equipped with a flashing yield right-of-way sign or static decal on the left rear of the bus. Current law allows only two transit agencies in California to equip buses with such signs. This bill would extend that option to all transit agencies. If the bill becomes law, the governing board of any transit agency that wishes to use the signs or decals would be required to hold a public hearing and approve a resolution before the agency would be allowed to do so. The transit agency would also be required to undertake a public education program encouraging drivers to yield to buses when a sign is activated.

The approved Legislative Program Policy approved by the Commission in January 2023 allows VCTC's executive director or a designee to adopt a position if it is consistent with that of organizations of which VCTC is a member. The "support" position for AB 1904 is consistent with that of the California Transit Organization (CTA), which is a co-sponsor of the bill.

The Assembly Transportation Committee approved the bill by consent on March 19.

The Legislature began Spring Recess on March 21 and will reconvene on April 1.

Attachment A is the monthly report of Delaney Hunter, the Commission's state lobbyist. Attachment B is a matrix of legislation that VCTC is tracking. Attachment C is the letter of support for AB 1904.



CALIFORNIA ADVISORS, LLC

VENTURA COUNTY TRANSPORTATION COMMISSION MONTHLY STATE ADVOCACY REPORT MARCH 2024

Legislative Update

February 16th marked the bill introduction deadline for the Legislature and more than 2,300 bills were introduced for the new legislative session. A significant portion of the bills that were put forward last month were in spot bill form, which means that they are essentially placeholders that do not contain substantive language. Normally, throughout March, these bills would be amended to include more substantive content that would trigger the bill to be referred to the appropriate policy committees.

Hundreds of bills were amended and referred to their appropriate policy committees in each house. While we have seen the first wave of policy occur, the bulk of the hearings will occur throughout April. Furthermore, all the fiscal bills will need to be out of their respective policy committees by April 26, where they will then move to the Appropriations Committee. In addition to the upcoming policy hearings, there have been several relevant informational hearings this month - including a High-Speed Rail Authority Project Update hearing. On the budget side, the respective sub-committees continue to work through the Governor's budget proposal.

California Advisors will continue to update VCTC on the status of the Legislature as the state progresses through these difficult times.

Review of the Draft 2020 High-Speed Rail Business Plan

On March 12th the Senate held a Transportation Informational Hearing on review of the California High-Speed Rail Authority (Authority) Draft 2024 Business Plan (2024 Draft Plan). The purpose of the hearing was to review the Authority's 2024 Draft Plan and assess the state of the project. Hearing panelists included representatives from the Authority, the Legislative Analyst's Office (LAO), the independent High-Speed Rail Peer Review Group (PRG), and for the first time, the independent California High-Speed Rail Authority Inspector General.

Transportation Related Hearings

On March 14th, the Senate held a Budget Sub 5 Hearing on transportation budget solutions. The Governor's Budget includes several modifications to transportation programs, which results in \$296 million General Fund reductions, \$791 million in fund shifts, and \$3.2 billion in delays.

More specifically, the Governor proposes the following:

- Active Transportation: reduction of \$200 million from 2023-24; delay of \$400 million from 2021-22 to \$300 million in 2025-26 and \$100 million in 2026-27.
- Competitive Transit and Intercity Rail Capital Program (TIRCP): delay of \$2.1 billion from 2021-22 to \$512 million in 2024-25, \$564 million in 2025-26, \$438 million in 2026-27, and \$611 million in 2027-28; shift of \$530 million from the General Fund to the Greenhouse Gas Reduction Fund (GGRF) in 2024-25 and 2025-26.
- Formula TIRCP: delay of \$1 billion from 2024-25 to 2025-26; shift of \$261 million from the General Fund to the GGRF in 2024-25.
- Highways to Boulevards: delay of \$150 million from 2021-22 to \$50 million in 2024-25, \$50 million in 2025-26, and \$50 million in 2026-27.
- Port and Freight Infrastructure Program; delay of \$100 million from 2024-25 to 2026-27.
- Port of Oakland: reduction of \$96 million from 2021-22.

In addition, the administration proposes trailer bill language to reflect these delays and reductions, as well as minor technical changes—particularly for the Ports and Freight Infrastructure Program, Formula TIRCP, and Highways to Boulevards.

The Legislative Analysts Office (LAO) recommended the Legislature adopt the Governor's proposed \$2.8 billion in cash flow adjustments as they will help address the General Fund condition without programmatic impacts. While postponing providing these funds will create cost pressures in future budget cycles, the state has already committed these amounts for specific projects and, as such, has limited flexibility around making reductions without creating significant disruptions. Also, they recommended approving the proposed \$530 million fund shift from the General Fund to GGRF for competitive TIRCP. Another recommendation was to adopt the proposed General Fund reductions for ATP (\$200 million) and the Port of Oakland (\$96 million). Last but not least the LAO recommended the Legislature take steps to identify additional options for generating General Fund solutions from transportation programs.

Upcoming Bill Deadlines

April 26 – Last day for policy committees to hear and report to fiscal committees.

May 3 – Last day for policy committees to hear and report to the Floor all nonfiscal bills.

May 10 – Last day for policy committees to meet.

May 17 – Last day for fiscal committees to meet.

May 20-24 – Floor sessions only.

May 28 – Committee meetings may resume.

Below is a list of VCTC tracked bills:

AB 6 (Friedman D) Transportation planning: regional transportation plans: Solutions for Congested Corridors Program: reduction of greenhouse gas emissions.

Introduced: 12/5/2022

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was TRANS. on 6/14/2023) (Two-year bill, in the Second House, doesn't have to be acted upon until later this year)

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: 9/14/2023-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/11/2023) (Two-year bill, in the Second House, doesn't have to be acted upon until later this year)

Summary: The Transportation Agency is under the supervision of the Secretary of Transportation, who has the power of general supervision over each department within the agency. The secretary, among other duties, is charged with developing and reporting to the Governor on legislative, budgetary, and administrative programs to accomplish coordinated planning and policy formulation in matters of public interest, including transportation projects. On and after January 1, 2025, and to the extent applicable, feasible, and cost effective, this bill would require the agency, the Department of Transportation, and the California Transportation Commission to incorporate specified goals into program funding guidelines and processes.

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

Introduced: 1/25/2023

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was TRANS. on 6/14/2023) (Two-year bill, in the Second House, doesn't have to be acted upon until later this year)

Summary: Would require the Department of Transportation 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 Division of Maintenance to begin the maintenance project within 90 days of being notified.

AB 761 (Friedman D) Local finance: enhanced infrastructure financing districts.

Introduced: 2/13/2023

Status: 9/14/2023-Withdrawn from committee. Re-referred to Com. on RLS.

Summary: Current law authorizes the legislative body of a city or a county to designate a proposed enhanced infrastructure financing district by adopting a resolution of intention to establish the proposed district which, among other things, is required to state that an enhanced infrastructure financing district is proposed and describe the boundaries of the proposed district. Current law requires the public financing authority to direct the preparation of and adopt an infrastructure financing plan consistent with the general plan and any relevant specific plan, and consisting of, among other things, a financing section. Current law requires that the financing section include a plan for financing the public facilities, a limit on the total number of dollars of taxes that may be allocated to the district pursuant to the plan,

and a date, either not more than 45 years from the date on which the issuance of the bonds is approved for the plan on which the district will cease to exist, by which time all tax allocation to the district will end, or, where the district is divided into project areas, a date on which the infrastructure financing plan will cease to be in effect and all tax allocations to the district will end and a date on which the district's authority to repay indebtedness with incremental tax revenues will end, as specified. This bill, for plans proposed on or after January 1, 2024, would specify that for the purpose of development and construction of passenger rail projects in the County of Los Angeles where at least 75% of the revenue from the district is used for debt service on a federal Transportation Infrastructure Finance and Innovation Act loan, the date on which the district will cease to exist shall not be more than 75 years from the date of the issuance of bonds or approval of a loan, as specified. This bill would make legislative findings and declarations as to the necessity of a special statute for specified districts enacted primarily for the purpose of development and construction of zero-emission mass transit projects.

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

Introduced: 2/13/2023

Status: 1/25/2024-Read third time. Passed. Ordered to the Senate. (Ayes 54. Noes 8.) In Senate. Read first time. To Com. on RLS. for assignment.

Summary: The Ralph M. Brown Act requires, with specified exceptions, each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. The act also requires that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. 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. Existing 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. Current law authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency (emergency provisions) and, until January 1, 2026, 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 (nonemergency provisions). This bill, until January 1, 2026, would authorize a subsidiary body, as defined, to use similar alternative teleconferencing provisions and would impose requirements for notice, agenda, and public participation, as prescribed. In order to use teleconferencing pursuant to this 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 930 (Friedman D) Local government: Reinvestment in Infrastructure for a Sustainable and Equitable California (RISE) districts.

Introduced: 2/14/2023

Status: 1/29/2024-Read third time. Passed. Ordered to the Senate. (Ayes 52. Noes 16.) In Senate. Read first time. To Com. on RLS. for assignment.

Summary: 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. The bill would require the Office of Planning and Research (OPR) to develop guidelines for the formation of RISE districts no later than November 30, 2026. The bill would provide for the establishment of a governing board of a RISE district with representatives of each participating local government.

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

Introduced: 2/16/2023

Status: 1/18/2024-Read third time. Passed. Ordered to the Senate. (Ayes 48. Noes 1.) In Senate. Read first time. To Com. on RLS. for assignment.

Summary: 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, in a single transaction to an institutional investor, as defined, if the occupancy permit was issued on or after January 1, 2025.

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

Introduced: 2/16/2023

Status: 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 7/12/2023) (Two-year bill, in the Second House, doesn't have to be acted upon until later this year)

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, as specified, 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: 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/21/2023) (Two-year bill, in the Second House, doesn't have to be acted upon until later this year)

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 1889 (Friedman D) General plan: wildlife connectivity element.

Introduced: 1/22/2024

Status: 2/5/2024-Referred to Coms. on L. GOV. and W., P., & W.

Summary: The Planning and Zoning Law requires the legislative body of a city or county to adopt a comprehensive general plan that includes various elements, including land use and housing elements, as specified. This bill would require a general plan to include a wildlife connectivity element, or related goals, policies, and objectives integrated in other elements, that considers the effect of development within the jurisdiction on fish, wildlife, and habitat connectivity, as specified. The bill would require the wildlife connectivity element to, among other things, identify and analyze connectivity areas, permeability, and natural landscape areas within the jurisdiction, incorporate and analyze specified guidelines and standards, incorporate and analyze relevant information from specified sources, and incorporate and analyze relevant best available science. The bill would require a city or county subject to these provisions to adopt or review the wildlife connectivity element, or related goals, policies, and objectives integrated in other elements, upon the adoption or next revision of one or more elements on or after January 1, 2025.

AB 1904 (Ward D) Transit buses: yield right-of-way sign.

Introduced: 1/23/2024

Status: 3/19/2024-From committee: Do pass. To Consent Calendar. (Ayes 13. Noes 0.) (March 19).

Summary: Current law authorizes a transit bus in the Santa Cruz Metropolitan Transit District and the Santa Clara Valley Transportation Authority to be equipped with a yield right-of-way sign on the left rear of the bus if the applicable entity approves a resolution requesting that this section be made applicable to it. Current law requires the sign to be designed to warn a person operating a motor vehicle approaching the rear of the bus that the bus is entering traffic and be illuminated by a red flashing light when the bus is signaling in preparation for entering a traffic lane after having stopped to receive or

discharge passengers. This bill would expand the authorization to equip transit buses, as described above, to apply to any transit agency if the transit agency approves a resolution that this authorization be made applicable to it.

AB 2086 (Schiavo D) Department of Transportation funding: report and public dashboard.

Introduced: 2/5/2024

Status: 2/20/2024-Referred to Com. on TRANS.

Summary: Would require the California Transportation Commission, on or before January 1, 2026, to adopt guidelines for the Department of Transportation to use to determine whether the use of the funding made available to the department is advancing the Core Four priorities of safety, equity, climate action, and economic prosperity established by the Transportation Agency. In developing the guidelines, the bill would require the commission to conduct a public engagement process, hold a public comment period, and allow the interagency equity advisory committee established by these 3 agencies an opportunity to review, provide recommendations on, and evaluate potential changes to, the proposed guidelines.

AB 2091 (Grayson D) California Environmental Quality Act: exemption: public access: nonmotorized recreation.

Introduced: 2/5/2024

Status: 3/19/2024-VOTE: Do pass as amended and be re-referred to the Committee on [Water, Parks, and Wildlife] (PASS)

Summary: Would exempt from the California Environmental Quality Act (CEQA) a change in use to allow public access, as provided, for nonmotorized recreation, as defined, in areas acquired for open space or park purposes. The bill would require the lead agency, if the lead agency determines that an activity is not subject to CEQA pursuant to this provision and determines to approve or carry out the activity, to file a notice with the State Clearinghouse in the Office of Planning and Research and with the county clerk of the county in which the land is located, as provided. By imposing duties on public agencies related to the exemption, this bill would create a state-mandated local program.

AB 2095 (Maienschein D) Publication: newspapers of general circulation.

Introduced: 2/5/2024

Status: 3/19/2024-From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 0.) (March 19). Re-referred to Com. on APPR.

Summary: Current law requires various types of notices to be provided in a "newspaper of general circulation," as that term is defined, in accordance with certain prescribed publication periods and legal requirements. Current law requires a newspaper of general circulation to meet certain criteria, including publication, a bonafide subscription list of paying subscribers, and printing and publishing at regular intervals in the state, county, or city where publication is to be given. This bill would require any public notice that is legally required to be published in a newspaper of general circulation to be published in the newspaper's print publication, on the newspaper's internet website or electronic newspaper available on the internet, and on a statewide internet website maintained as a repository for notices by a majority of California newspapers of general circulation, as specified. The bill would permit a newspaper that does not maintain its own internet website to satisfy these notice requirements by publishing the notice on a statewide internet website and referencing the statewide internet website in its print publication notice.

AB 2261 (Garcia D) Transportation: federal funding: tribes.

Introduced: 2/8/2024

Status: 3/12/2024-Re-referred to Com. on TRANS

Summary: Current law provides for the use and allocation of various federal transportation funding sources, including, but not limited to, the Federal-Aid Secondary Highways Act, the Federal-Aid Combined Road Plan Act, and the Federal Aid for Safer Off-System Roads Act. This bill would, to the extent permitted by federal law, require a federally recognized Native American tribe to be eligible for federal funding for a transportation project and authorize the tribe to be the lead agency for a transportation project that receives federal funding, as specified.

AB 2266 (Petrie-Norris D) California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project: vehicle eligibility.

Introduced: 2/8/2024

Status: 2/26/2024-Referred to Coms. on TRANS. and NAT. RES.

Summary: The State Air Resources Board administers the California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project under which the agency issues a limited number of vouchers to incentivize the purchase and use of zero-emission commercial vehicles. This bill would require the state board to authorize a voucher issued under the program to be used for the acquisition of any zero-emission vehicle that meets specified requirements.

AB 2290 (Friedman D) Transportation: Class III bikeways: bicycle facilities: Bikeway Quick-Build Project Pilot Program.

Introduced: 2/12/2024

Status: 2/26/2024-Referred to Com. on TRANS.

Summary: Current law requires the California Transportation Commission to develop guidelines and project selection criteria for the Active Transportation Program, as provided. Current law establishes 4 classifications of bikeways and defines a "Class III bikeway" as a bikeway that provides a right-of-way on-street or off-street, designated by signs or permanent markings and shared with pedestrians and motorists. This bill would prohibit the allocation of Active Transportation Program funds for a project that creates a Class III bikeway unless the project is on a residential street with a posted speed limit of 20 miles per hour or less.

AB 2302 (Addis D) Open meetings: local agencies: teleconferences.

Introduced: 2/12/2024

Status: 2/26/2024-Referred to Com. on L. GOV.

Summary: The Ralph M. Brown 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. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in specified circumstances if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction, and the legislative body complies with prescribed requirements. Current law imposes prescribed restrictions on remote participation by a member under

these alternative teleconferencing provisions, including establishing limits on the number of meetings a member may participate in solely by teleconference from a remote location, prohibiting such participation for a period of more than 3 consecutive months or 20% of the regular meetings for the local agency within a calendar year, or more than 2 meetings if the legislative body regularly meets fewer than 10 times per calendar year. This bill would revise those limits, instead prohibiting such participation for more than a specified number of meetings per year, based on how frequently the legislative body regularly meets.

AB 2320 (Petrie-Norris D) Wildlife Connectivity and Climate Adaptation Act of 2024: wildlife corridors.

Introduced: 2/12/2024

Status: 2/26/2024-Referred to Coms. on W., P., & W. and NAT. RES.

Summary: Current law requires the Natural Resources Agency, in implementing actions to achieve the goal to conserve at least 30% of the state's lands and coastal waters by 2030 established by executive order, to prioritize specified actions. Current law requires the Secretary of the Natural Resources Agency to prepare and submit an annual report to the Legislature on the progress made during the prior calendar year toward achieving that goal, as provided. Current law requires that annual report to include certain information, including, among other information, the progress made in the prior calendar year to address equity as part of the above-described goal. This bill, the Wildlife Connectivity and Climate Adaptation Act of 2024, would additionally require the agency, as part of that report, to identify key wildlife corridors, as defined, in the state, connections between large blocks of natural areas and habitats, progress on protecting additional acres of wildlife corridors, and goals for wildlife corridor protection in the next 5 years, as provided.

AB 2503 (Lee D) California Environmental Quality Act: exemption: railroad electrification and railroad siding projects.

Introduced: 2/13/2024

Status: 3/4/2024-Referred to Com. on NAT. RES.

Summary: The California Environmental Quality Act (CEQA) 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. This bill would exempt from the requirements of CEQA railroad electrification projects and railroad siding projects. Because a lead agency would be required to determine the applicability of this exemption, this bill would impose a state-mandated local program.

AB 2553 (Friedman D) Housing development: major transit stops: vehicular traffic impact fees.

Introduced: 2/14/2024

Status: 2/15/2024-From printer. May be heard in committee March 16.

Summary: The California Environmental Quality Act (CEQA) exempts from its requirements residential projects on infill sites and transit priority projects that meet certain requirements, including a requirement that the projects are located within 1/2 mile of a major transit stop. CEQA defines "major transit stop" to include, among other locations, the intersection of 2 or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. This bill would revise the definition of "major transit stop" to increase the frequency of service interval to 20 minutes. The bill would additionally define "major transit stop" to include a site in an urbanized area that is being served by an on-demand transit service at least 12 hours a day, 7 days a

week. Because the bill would require a lead agency to make an additional determination as to whether a location is a major transit stop for purposes of determining whether residential or mixed-use residential projects are exempt from CEQA, this bill would impose a state-mandated local program.

AB 2678 (Wallis R) Vehicles: high-occupancy vehicle lanes.

Introduced: 2/14/2024

Status: 3/19/2024-Re-referred to Com. on TRANS.

Summary: Current state law authorizes the Department of Transportation to designate certain lanes for the exclusive use of high-occupancy vehicles (HOVs). Current federal law authorizes, until September 30, 2025, a state to allow specified alternate fuel and plug-in electric or hybrid vehicles to use lanes designated for HOVs. Current state law authorizes the Department of Motor Vehicles to issue decals or other identifiers to qualified vehicles, as specified. Current state law allows a vehicle displaying a valid decal or identifier issued pursuant to these provisions to be operated in a lane designated for the exclusive use of HOVs regardless of the occupancy of the vehicle. These existing state laws, by operation of their provisions, become inoperative on the date the federal authorization expires. Current state law also repeals these provisions on September 30, 2025. This bill would extend the repeal date of these provisions until January 1, 2027.

AB 2813 (Aguiar-Curry D) Government Investment Act.

Introduced: 2/15/2024

Status: 2/16/2024-From printer. May be heard in committee March 17.

Summary: The Legislature adopted ACA 1 at the 2023–24 Regular Session of the Legislature, which, if approved by the voters, would amend and add provisions of the California Constitution to (1) create an additional exception to the 1% limit on the ad valorem tax rate on real property by authorizing a local jurisdiction to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, if the proposition proposing that tax is approved by 55% of the voters in that local jurisdiction; and (2) authorize a local jurisdiction to impose, extend, or increase a sales and use tax to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, if the proposition proposing that tax is approved by 55% of the voters in that local jurisdiction. Pursuant to the existing law described above, ACA 1 is scheduled to appear on the ballot at the November 5, 2024, statewide general election. This bill would authorize a local government that imposes a tax under ACA 1 to commit revenues to affordable housing programs, including downpayment assistance, first-time home buyer programs, and owner-occupied affordable housing rehabilitation programs. The bill would require a local government to ensure that any project that is funded with ACA 1 bonded indebtedness or ACA 1 special taxes to have an estimated useful life of at least 15 years or 5 years if the funds are for specified public safety buildings, facilities, and equipment.

AB 2945 (Alvarez D) Enhanced infrastructure financing districts.

Introduced: 2/16/2024

Status: 2/17/2024-From printer. May be heard in committee March 18.

Summary: Current law authorizes a city or county to designate one or more proposed enhanced infrastructure financing districts, defined as governmental entities, separate and distinct from the cities or counties that established them, constituted for the sole purpose of financing public facilities or other projects, pursuant to specified requirements. Current law declares that public benefits will accrue if local agencies are provided a means to finance the reuse and revitalization of former military bases,

fund the creation of transit priority projects and the implementation of sustainable communities plans, fund projects that enable communities to adapt to the impacts of climate change, construct and rehabilitate affordable housing units, and construct facilities to house providers of consumer goods and services in the communities served by these efforts. This bill would make a nonsubstantive change to the provisions described above stating the declaration of the Legislature within the context of the provisions that authorize the creation of enhanced infrastructure financing districts.

AB 3005 (Wallis R) Motor Vehicle Fuel Tax Law: adjustment suspension.

Introduced: 2/16/2024

Status: 3/11/2024-Referred to Com. on TRANS.

Summary: Article XIX of the California Constitution restricts the expenditure of revenues from the Motor Vehicle Fuel Tax Law, Diesel Fuel Tax Law, and other taxes imposed by the state on fuels used in motor vehicles upon public streets and highways to street and highway and certain mass transit purposes. This bill would authorize the Governor to suspend an adjustment to the motor vehicle fuel tax, as described above, scheduled on or after July 1, 2025, upon making a determination that increasing the rate would impose an undue burden on low-income and middle-class families. The bill would require the Governor to notify the Legislature of an intent to suspend the rate adjustment on or before January 10 of that year, and would require the Department of Finance to submit to the Legislature a proposal by January 10 that would maintain the same level of funding for transportation purposes as would have been generated had the scheduled adjustment not been suspended.

AB 3177 (Carrillo, Wendy D) Mitigation Fee Act: land dedications: mitigating vehicular traffic impacts.

Introduced: 2/16/2024

Status: 2/17/2024-From printer. May be heard in committee March 18.

Summary: The Mitigation Fee Act imposes various requirements with respect to the establishment, increase, or imposition of a fee by a local agency as a condition of approval of a development project. Current law requires a local agency that imposes a fee on a housing development for the purpose of mitigating vehicular traffic impacts to set the rate for the fee to reflect a lower rate of automobile trip generation if the housing development satisfies specified characteristics, including that the housing development is located within a 1/2 mile of a transit station. Current law defines transit station for these purposes to mean a rail or light-rail station, ferry terminal, bus hub, or bus transfer station. This bill would instead require the housing development to be located within a 1/2 mile of a transit priority area for purposes of a local agency setting the rate for a mitigating vehicular traffic impacts fee to reflect a lower rate of automobile trip generation. The bill would define "transit priority area" as an area within 1/2 mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan.

ACA 18 (Wallis R) Road usage charges: vote and voter approval requirements.

Introduced: 2/16/2024

Status: 2/17/2024-From printer. May be heard in committee March 18.

Summary: The California Constitution requires any change in state statute that increases the tax liability of any taxpayer to be imposed by an act passed by 2/3 of the membership of each house of the Legislature, and prohibits specified taxes on real property from being so imposed. For these purposes, the California Constitution defines a "tax" as any state levy, charge, or exaction, except as described in certain exceptions. The California Constitution describes one of those exceptions as a charge imposed

for entrance to or use of state property, or the purchase, rental, or lease of state property, except charges governed by a specified provision of the California Constitution. This measure, on or after its effective date, would provide that the exception described above does not include a road usage charge, as described, thereby requiring the imposition of this type of charge to be subject to the 2/3 vote requirement.

SB 312 (Wiener D) California Environmental Quality Act: university housing development projects: exemption.

Introduced: 2/6/2023

Status: 1/25/2024-Read third time. Passed. (Ayes 34. Noes 1.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Summary: Current law, until January 1, 2030, exempts from the California Environmental Quality Act (CEQA) a university housing development project carried out by a public university on real property owned by the public university if the project meets certain requirements, including that each building within the project is certified as Leadership in Energy and Environmental Design (LEED) Platinum or better by the United States Green Building Council. Current law requires the lead agency, if the university housing development project is exempt from CEQA under the above provision, to file the LEED certificate for buildings within the project and a notice determining that the construction impacts of the project have been fully mitigated with the Office of Planning and Research and the county clerk of the county in which the project is located. Current law requires a public university or a relevant public agency with authority to issue a certificate of occupancy for a building within the project to not issue the certificate of occupancy for the building unless the lead agency receives certification of LEED Platinum or better from the United States Green Building Council for the building and the lead agency determines that the construction impacts of the project have been fully mitigated. This bill would instead require a public university to obtain LEED Platinum certification for each building within a university housing development project no later than 12 months from the issuance of the building's certificate of occupancy or its usage. The bill would prohibit a public university that has exempted a university housing development project from being eligible to exempt a subsequent university housing development project until the public university has obtained LEED Platinum certification for each building within the prior exempted university housing development project.

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

Introduced: 2/14/2023

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was J., E.D. & E. on 6/8/2023) (Two-year bill, in the Second House, doesn't have to be acted upon until later this year)

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

Introduced: 2/14/2023

Status: 9/14/2023-Ordered to inactive file on request of Assembly Member Bryan.

Summary: Current law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows "just cause," including for a childcare or caregiving need of a relative that requires the member to participate remotely. This bill would 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. The bill would authorize the legislative body of a multijurisdictional, cross-county agency, as specified, to use alternate teleconferencing provisions if the eligible legislative body has adopted an authorizing resolution, as specified. The bill would also require the legislative body to provide a record of attendance of the members of the legislative body, the number of community members in attendance in the teleconference meeting, and the number of public comments on its internet website within 10 days after a teleconference meeting, as specified. The bill would require at least a quorum of members of the legislative body to participate from one or more physical locations that are open to the public and within the boundaries of the territory over which the local agency exercises jurisdiction.

SB 672 (McGuire D) Residential property insurance.

Introduced: 2/16/2023

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was INS. on 6/26/2023) (Two-year bill, in the Second House, doesn't have to be acted upon until later this year)

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 768 (Caballero D) California Environmental Quality Act: State Air Resources Board: vehicle miles traveled: study.

Introduced: 2/17/2023

Status: 1/29/2024-Read third time. Passed. (Ayes 34. Noes 4.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

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. Current law requires the Office of Planning and Research to prepare, develop, and transmit to the Secretary of the Natural Resources Agency for certification and adoption proposed revisions to guidelines establishing criteria for determining the significance of transportation impacts of projects within transit priority areas to promote

the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Current law creates the State Air Resources Board as the state agency charged with coordinating efforts to attain and maintain ambient air quality standards, to conduct research into the causes of and solution to air pollution, and to systematically attack the serious problem caused by motor vehicles, which is the major source of air pollution in many areas of the state. Existing law authorizes the state board to do those acts as may be necessary for the proper execution of the powers and duties granted to, and imposed upon, the state board. This bill would require the state board, by January 1, 2026, to conduct and submit to the Legislature a study on how vehicle miles traveled is used as a metric for measuring transportation impacts pursuant to CEQA, as specified.

SB 955 (Seyarto R) Office of Planning and Research: Infrastructure Gap-Fund Program

Introduced: 1/22/2024

Status: 3/19/2024-From committee with author's amendments. Read second time and amended. Re-referred to Com. on L. GOV.

Summary: Would require the Office of Planning and Research, upon appropriation by the Legislature, to establish the Infrastructure Gap-Fund Program to provide grants to local agencies to develop and construct infrastructure projects, as defined. The bill would authorize the office to provide funding for up to 20% of a project's total cost, as specified. The bill would require the office to develop guidelines and criteria to implement the program. The bill would make these provisions operative January 1, 2027.

SB 960 (Wiener D) Transportation: planning: transit priority projects: multimodal

Introduced: 1/23/2024

Status: 2/28/2024-Set for hearing April 9.

Summary: Would require all transportation projects funded or overseen by the Department of Transportation to provide comfortable, convenient, and connected complete streets facilities unless an exemption is documented and approved, as specified.

SB 1068 (Eggman D) Tri-Valley-San Joaquin Valley Regional Rail Authority: contracting: Construction Manager/General Contractor project delivery method.

Introduced: 2/12/2024

Status: 3/14/2024-From committee with author's amendments. Read second time and amended. Re-referred to Com. on TRANS

Summary: Current law establishes the Tri-Valley-San Joaquin Valley Regional Rail Authority for purposes of planning, developing, delivering, and operating cost-effective and responsive transit connectivity, between the Bay Area Rapid Transit District's rapid transit system and the Altamont Corridor Express commuter rail service. Current law gives the authority all of the powers necessary for planning, acquiring, leasing, developing, jointly developing, owning, controlling, using, jointly using, disposing of, designing, procuring, and constructing facilities to achieve transit connectivity, including, among other powers, the power to contract with public and private entities for the planning, design, and construction of the connection. Current law authorizes these contracts to be assigned separately or combined to include any or all tasks necessary to achieve transit connectivity. This bill would authorize the Tri-Valley-San Joaquin Valley Regional Rail Authority to use the Construction Manager/General Contractor project delivery method when contracting for the planning, design, and construction of the connection. The bill would additionally authorize the contracts of the authority to extend to work on the state highway system for the construction of passenger rail service through the Altamont Pass Corridor.

SB 1216 (Blakespear D) Transportation projects: Class III bikeways: prohibition.

Introduced: 2/15/2024

Status: 3/14/2024-Set for hearing April 9.

Summary: Would prohibit, on and after January 1, 2025, an agency responsible for the development or operation of bikeways or highways where bicycle travel is permitted from installing a Class III bikeway or restriping a Class III bikeway on a highway that has a posted speed limit greater than 30 miles per hour.

SB 1417 (Allen D) Transit districts: prohibition orders.

Introduced: 2/16/2024

Status: 3/1/2024-Set for hearing April 9.

Summary: Current law prohibits certain acts by a person with respect to the property, facilities, or vehicles of a transit district. Current law authorizes the Fresno Area Express, the Los Angeles County Metropolitan Transportation Authority, the Sacramento Regional Transit District, the San Francisco Bay Area Rapid Transit District, and the Santa Clara Valley Transportation Authority to issue a prohibition order to any person cited for committing one or more of certain prohibited acts in specified transit facilities. Current law prohibits a person subject to the prohibition order from entering the property, facilities, or vehicles of the transit district for specified periods of time. Current law establishes notice requirements in that regard and provides for initial and administrative review of the order. This bill would provide that the Santa Monica Department of Transportation is also a transit district for purposes of these provisions regarding prohibition orders.

VENTURA COUNTY TRANSPORTATION COMMISSION STATE LEGISLATIVE MATRIX BILL SUMMARY April 5, 2024			
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	Ordered to inactive file.
AB 96 Kalra	Public employment: local public transit agencies: autonomous transit vehicle technology	Monitor	Approved by the governor. Chaptered.
AB 411 Bennett	California Recreational Trails and Greenways Act	Monitor	Held at committee.
AB 463 Hart	Electricity: prioritization of service: public transit vehicles	Monitor	Held at committee.
AB 557 Hart	Open meetings: local agencies: teleconferences	Monitor	Approved by the governor. Chaptered.
AB 817 Pacheco, Wilson	Open meetings: teleconferencing: subsidiary bodies	Monitor	Passed Assembly on 01/25. Ordered to Senate.
AB 1904 Ward	Transit buses: yield right-of-way sign	Support	Passed Assembly Transportation Committee on 03/19.
AB 2086 Schiavo	Department of Transportation funding: report and public dashboard	Monitor	Introduced 02/05. Referred to Transportation Cmte.
AB 2535 Bonta	Trade Corridor Enhancement Program	Monitor	Introduced 2/14. Referred to Transportation and Natural Resources committees.
AB 2824 McCarty	Transit Worker Safety Act	Monitor	Amended. Referred to Committee on Public Safety on 3/21.
SB 411 Portantino	Open meetings: teleconferences: neighborhood councils	Monitor	Approved by the governor. Chaptered.

SB 768 Caballero	CEQA: vehicle miles traveled: State Air Resources Board: vehicle miles traveled: study	Monitor	Approved by Senate on 1/29. Sent to Assembly.
SB 915	Local government: Autonomous vehicles	Monitor	Referred to Committees on Local Government and Transportation Set for hearing 04/03.
SB 960 Wiener	Transportation Planning: transit priority projects: multimodal	Monitor	Referred to Transportation Committee. Set for hearing 04/09.
SB 1098 Blakespear	Passenger and Freight Rail: LOSSAN Rail Corridor	Monitor	Referred to Transportation Committee. Set for hearing 04/09.



Ventura County Transportation Commission

March 15, 2024

The Honorable Lori Wilson
 Chair, Assembly Transportation Committee
 1020 N Street, Suite 112
 Sacramento, CA 95814

RE: AB 1904 (Ward) Yield Right-of-Way Sign. – SUPPORT

Dear Chair Wilson,

On behalf of the Ventura County Transportation Commission (VCTC), I write to voice our **SUPPORT** for AB 1904 (Ward) and respectfully request your “AYE” vote when it is heard in the Assembly Transportation Committee. This bill would grant transit agencies the authority to equip transit buses with a flashing LED yield right-of-way sign or static decal yield sign on the left rear of the bus, provided the transit agency’s governing board approves a resolution to adopt the signage.

Under current law, the Santa Cruz Metropolitan Transit District (SCMTD) and Santa Clara Valley Transportation Authority (VTA) are the only two qualifying agencies permitted to exercise the authority of utilizing yield-to-bus (YTB) practices, granted for the purpose of pioneering YTB pilot programs in 2001. In 2003, the Federal Transit Administration-sponsored Transit Cooperative Research Program (TCRP) reported the details and results of the pilot programs, along with those completed by a handful of transit agencies throughout North America. The California pilots were generally well-received by the public and yielded positive results over time when comparing operator difficulty re-entering traffic with and without the flashing yield signs. Specifically, prior to the yield signs being installed, operators had about a 5% success rate on average when attempting to re-enter traffic. This number jumped drastically to about 26% following yield sign installation.

This bill would not only allow transit bus operators to merge swiftly and safely into traffic when departing from a scheduled stop, but it also would harness the potential to improve transit operations. YTB signs could result in several minor reductions in dwell times along a transit route, equaling an overall significant reduction in service delays as buses would spend less time waiting to merge back into traffic. Reducing dwell time anywhere from 15-30 seconds can increase service speeds by 7%, and even more so during periods of high congestion where dwell times may be longer due to heightened complications with re-entering traffic after

stopping. Further, more efficient service is attractive to passengers and could increase transit ridership.

AB 1904 emphasizes the importance of prioritizing transit safety, as it would not only establish smoother service for transit bus operators and riders but would also decrease the likelihood of traffic collisions between vehicles and merging transit buses. VCTC has historically been a firm advocate of supporting public transit by way of granting access to the appropriate resources to enhance services offered. For those reasons, we recommend the Committee **SUPPORT** this bill.

If you have any questions, please feel free to contact me at 805-642-1591, ext. 101, or merickson@goventura.org.

Sincerely,



Martin Erickson

Executive Director

cc: The Honorable Chris Ward, California State Assembly
 Members and Consultants, Assembly Transportation Committee
 The Honorable Monique Limon, California State Senate
 The Honorable Henry Stern, California State Senate
 The Honorable Steve Bennett, California State Assembly
 The Honorable Jacqui Irwin, California State Assembly
 Michael Pimentel, California Transit Association
 Alchemy Graham, California Transit Association



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Item 9K

April 5, 2023

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

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

SUBJECT: SIMI VALLEY DOUBLE TRACK PROJECT MEMORANDUM OF UNDERSTANDING (MOU) AMENDMENT WITH SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY (SCRRA) FOR RIGHT OF WAY (ROW) ACQUISITIONS

RECOMMENDATION:

- Authorize the Executive Director to negotiate and execute a Memorandum of Understanding (MOU) amendment between VCTC and Southern California Regional Rail Authority (SCRRA) for a not-to-exceed amount of \$704,000 for Right of Way (ROW) Acquisitions required for the Simi Valley Double Track Project.

BACKGROUND:

VCTC and the Southern California Regional Rail Authority (SCRRA/Metrolink) entered into a Memorandum of understanding (MOU) on December 2020 for Metrolink's Southern California Optimized Rail Expansion (SCORE) Simi Valley Double Track and Platform Project. The SCORE Simi Valley Double Track Project will install 2.15 miles of a second track immediately adjacent to the existing track, install a new platform with pedestrian underpass at the existing Simi Valley Station, and upgrade the existing five (5) grade crossings within the project limits to current Metrolink standards.

SCRRA is the lead agency for the Project and is allocated Transit and Intercity Rail Capital Program (TIRCP) funding directly from the California Transportation Commission. VCTC will provide support services to SCRRA to deliver the project. The Project is a part of the SCORE program that will enable more frequent service across the Metrolink system.

The executed MOU for VCTC's support services included provision for the support of Right of Way (ROW) Acquisitions. Immediately adjacent to the existing Simi Valley Station, where the new platform, pedestrian underpass, and improvements to the Hidden Ranch Drive grade crossing will be constructed, SCRRA requires ROW Acquisitions for construction of the Project.

The ROW Acquisitions are comprised of the following five (5) property parcels owned by Delaware Hidden Valley Grand Apartments, LLC (Delaware HVG Apartments):

- a 4,104 square foot sub-surface Storm Drain Easement;
- a 1,987 square foot Temporary Construction Easement for a duration of 3 years;
- a 6,181 square foot Temporary Construction Easement for a duration of 3 years;
- a 4,762 square foot Temporary Construction Easement for a duration of 3 years; and

- a 55 square foot Permanent Acquisition (fee interest)

All of the property parcels needed for construction of the project are not developed, are located on the railroad side of the existing barrier wall, and as such the impacts to Delaware HVG Apartment and the local residents is minimal.

In March 2023, SCRRA undertook an independent appraisal of the five (5) property parcels and the total appraised value for all five (5) parcels combined was \$579,000. On May 9, 2023, SCRRA, in close coordination with VCTC, submitted a formal offer to Delaware HVG Apartments to acquire the five (5) parcels for the total sum of \$579,000.

In August 2023, VCTC and SCRRA was informed that the owner of Delaware HVG Apartments had engaged with legal counsel regarding the acquisition of the five (5) parcels. VCTC, in close coordination with SCRRA, subsequently also engaged with legal counsel.

On September 26, 2023, VCTC and SCRRA met with Delaware HVG Apartments, along with respective legal counsel. Delaware HVG Apartments legal counsel stated that they would propose a counteroffer to VCTC and SCRRA for consideration. Following the meeting, VCTC and SCRRA determined that condemnation would likely be required given the circumstances and thereby commenced condemnation proceedings.

On November 1, 2023, Delaware HVG Apartments legal counsel formally submitted a counteroffer to VCTC and SCRRA that was orders of magnitude greater than the appraised value of \$579,000. On November 3, the VCTC Commission approved the filing of the Resolution of Necessity, which was subsequently filed with the Ventura County Courthouse on December 11, 2023.

DISCUSSION:

The next stage of the condemnation process is the preparation and filing of a Motion for Prejudgment Possession. If the Motion is approved by the court, it would grant VCTC and SCRRA an Order of Possession of the Delaware HVG Apartments property parcels on September 1, 2024.

The Order of Possession significantly reduces the schedule risk to the Project by allowing SCRRA to obtain ROW Certification, the TIRCP construction funding allocation from the California Transportation Commission (CTC), and the release of the Invitation for Bid (IFB) for the procurement of the construction contractor.

VCTC is the Plaintiff in the court filing, and as such will submit the Motion of Prejudgment Possession to the court. When the Motion is filed with the court, VCTC must deposit the appraised value of the five (5) parcels, \$579,000, into the State Treasurer's Compensation Deposits Fund. The \$579,000 of funds would then be available to Delaware HVG Apartments to utilize prior to the conclusion of the condemnation process.

SCRRA has received a ROW TIRCP funding allocation from the CTC, and therefore SCRRA is the holder of the \$579,000 of funds. The amount for which SCRRA will transfer to VCTC is included in SCRRA's Adopted SCORE Program Capital Budget for FY2023- 24 (\$579,000) and funded with TIRCP funds granted by CalSTA through the SCORE Program.

SCRRA must transfer the \$579,000 of funds to VCTC in order for VCTC, as the Plaintiff, to deposit the funds with the State Treasurer's Compensation Deposits Fund at the time of the filing of the Motion for Prejudgment Possession. SCRRA and VCTC will execute an amendment to the existing MOU in order to formalize the transfer of the \$579,000 of funds.

ATTACHMENTS

Exhibit 1- MOU Amendment No. 2



Item 9L

April 5, 2024

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: MARTIN ERICKSON, EXECUTIVE DIRECTOR
SUBJECT: PERSONNEL POLICIES AND PROCEDURES MANUAL UPDATE

RECOMMENDATION:

- Approve updated Personnel Policies and Procedures Manual

BACKGROUND:

In October of 2022, VCTC entered a partnership with CPS HR Consulting (CPS) to provide for all things related to human capital and in support of same in the execution of operations of the organization. One of the initial projects asked of CPS was to have them review, revise, and make recommendations related to the content of the Personnel Policies and Procedures Manual (manual). This request was to ensure the manual did several things for VCTC to include but not limited to:

- Ensuring the manual was up to date with the latest state and federal personnel regulations.
- Ensuring policies and procedures provide clear and effective guidance to staff.
- Ensuring the manual was provided to staff in a usable format where information could more easily be researched and referenced.

DISCUSSION:

Following best practices, updating the manual is timely as a comprehensive overview of the manual last took place eight years ago. Therefore, over the past year and a half, our CPS consultant worked through the manual from cover to cover to provide feedback, ask questions of clarification, and to make recommendations for consideration by VCTC leadership. The executive leadership team were all assigned the task of going through the manual themselves in an effort to ensure they did not have any questions, while also allowing them the opportunity to provide additional feedback for content revision, deletion, or addition.

The draft revised manual presented to you here is the compilation of the work and efforts of our consultant, the executive leadership team, and with considerations given to general people management best practices and processes.

While there were many revisions or changes that were more formatting, or word preference in nature there were also some relatively significant changes made to bring our manual current and

in compliance with established mandates, regulations, and employment related law. Two of the key changes to the manual involve cell phone policy and restoring the vacation redemption policy that was amended in 2021. First, with the advent of hybrid-work options for the majority of VCTC employees, the cell phone policy was updated to include a cell phone allowance for all VCTC employees, rather than just directors and managers as had been previous practice. Second, the vacation redemption policy was updated to reflect that vacation would need to be taken at maximum accrued levels, and could no longer be redeemed, or “cashed out”. Some of the other changes to the manual are also noted below:

- Updated table of contents with quick links for ease of navigation by staff.
- Updated and added language to outline provisions of and ensure compliance with Family Medical Leave Act and California Family Rights Act
- Updated language related to final pay when employment is separated.
- Updated language related to benefit programs and plans to include effective dates for coverage and eligible dependents.
- Updated language to clarify flextime, and parameters for which it may be requested/used.
- Updated language and inclusion of many state mandated protected leave types (some paid but mostly unpaid) to align with state laws.
- Updated Workplace respect and equal opportunity language to include anti-harassment, anti-bullying, and anti-discrimination policies.

The reality is that with the way employment laws are shifting all over the country, but especially in California, we will likely need to revisit updates to the manual annually to ensure compliance with changing legislation and related mandates. To this end, we plan to bring the manual back to the Commission every one to two years as needed. On March 21, 2024 the Administrative and Finance Committee reviewed and approved bringing the manual to the full Commission.

As noted in my budget letter in the current budget, it continues to be one my goals that VCTC be a “high performing” organization, as well a “healthy” organization where staff feel valued. This updated version of the manual will better position both the Commission and its staff through daily operational and interactional protocols and practices to ensure transparency and consistency for our team and our constituents.



Item 10

April 5, 2024

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

**FROM: MARTIN ERICKSON, EXECUTIVE DIRECTOR
SALLY DEGEORGE, FINANCE DIRECTOR**

SUBJECT: FISCAL YEAR 2024/2025 DRAFT BUDGET

RECOMMENDATION:

- Conduct a Public Hearing to receive testimony on the Fiscal Year 2024/2025 Draft Budget.
- Receive the Fiscal Year 2024/2025 Draft Budget and Salary Schedule (See Attachment 1 of this item and Appendix C of the Fiscal Year 2024/2025 Draft Budget).

DISCUSSION:

The Draft Fiscal Year 2024/2025 Budget is divided into two main sections: the Main Budget and the Program Task Budgets. The Main Budget contains program overviews and projections and is intended to provide a general understanding of VCTC's budgeted activities and programs for the coming fiscal year. The Program Task Budgets contain task level detail of the projects including objectives and accomplishments. This task driven budget is designed to provide fiscal transparency and clarity of VCTC's programs and services to the region.

The Draft Budget continues projects from the prior year as well as starts new activities. At \$128,014,985, the Fiscal Year 2024/2025 Draft Budget is \$11,833,897 or 10.2% higher than Fiscal Year 2023/2024. The increase is a combination of increases and decreases in multiple budgets as detailed later in this item and within the budget document. The largest reductions occur within the Transit Grant Administration budget (-\$5.4 million), the Metrolink budget (-\$1.86 million) and TDA Administration budget (-\$1.79 million) while the largest increases occurred within the VCTC Intercity budget (\$7.38 million), Santa Paula Branch Line budget (\$6.7 million), Regional Transit Planning budget (\$4.08 million) and Valley Express budget (\$3.2 million). The draft budget contains six programs starting on page 42:

- Transit and Transportation program at \$34,887,070 (Budget pages 42, 70-79)
- Highway program at \$6,999,900 (Budget pages 43, 82-85)
- Rail program at \$32,177,321 (Budget pages 44, 88-93)
- Commuter Assistance program at \$864,900 (Budget pages 45, 96-99)
- Planning and Programming program at \$51,429,294 (Budget pages 46, 102-111)
- General Government program at \$1,656,500 (Budget pages 47, 114-119)

Personnel costs for Fiscal Year 2024/2025 are budgeted at \$4,520,600 or 3.5% of the budget, which is an increase of \$356,000 from the previous fiscal year. The draft budget includes twenty-four employees (the same as last year). The salary ranges are updated to the approved ranges adopted at the February Commission meeting. The wage cost of \$3,058,700 includes approximately \$143,900 pool for merit increases for employees not at the top of their range and \$110,700 for a proposed four percent COLA while the budget is being developed. Five employees' salaries will be adjusted as part of the new range implementation for a cost of \$27,600. Benefits account for \$1,461,900 or 1.1% of the Draft Budget. Further information about personnel can be found within the Personnel Section of the budget (Budget pages 26-37).

Below are some of the major changes in the Draft Fiscal Year 2024/2025 budget as compared to last fiscal year. Additional details of these major changes, as well as smaller changes to all budgets, can be found within the individual budget tasks. The major changes that occurred compared to last fiscal year include:

- The Accessibility Services budget increased by \$49,200 for higher consultant and staff costs.
- The Regional Transit Technology budget increased by \$334,500 for new paratransit scheduling software and equipment as well as procurement of an open payment system for the VCTC Intercity buses.
- The Transit Grant Administration budget decreased by \$5.4 million as pass-through projects were completed. This line item is expected to increase with the final budget when the new pass-through projects to local agencies are added.
- The Valley Express budget increased by \$3.2 million largely due to the purchase of 15 new buses and increases in contractor costs partially due to the new Fillmore to Moorpark demonstration transit service.
- The VCTC Intercity Service budget increased by \$7.4 million largely due to the purchase of five new buses and the refurbishment of an additional five buses and increased contractor costs.
- The Highway Project Management budget decreased approximately \$465,300 for the partial completion of consultant work on the U.S. 101 preliminary engineering and environmental documents with completion anticipated early 2025.
- The Motorist Aid Services budget decreased by \$671,100 cost savings by modifying the current three FSP routes instead of adding a fourth FSP route and a partial carry-over of the incident responder grant allocation.
- The Metrolink Commuter Rail budget decreased by \$1.86 million due to partial completion of capital rehabilitation projects offset by an increase in operations.
- The Santa Paula Branch Line budget increased by \$6.7 million for the construction and consultant costs related to the Sespe bridge due to storm damage and broadband deployment offset by an overall reduction in consultant costs.
- The Rideshare budget decreased by \$78,300 for lower consultant and outreach costs.
- The Regional Transit Planning budget increased by \$3.58 million largely due to capital enhancement programs (including bus stop improvements, countywide radio system, and a paratransit integration analysis study) as well as increases to the free fare ridership programs.
- The Regional Transportation Planning budget increased approximately \$237,900 for the Ventura County Transportation Model update and the Clear Guide Big Data contract.
- The Transportation Development Act budget had an increase in revenue receipts but a lower carry-in fund balance which resulted in a net decrease of \$1.79 million funds passed through to local agencies.

- The Community Outreach budget increased by \$46,800 for higher consultant, events, and staff costs.
- The Management and Administration budget increased by \$38,200 for additional staff costs and hardware costs associated with computer replacements.

The estimated ending Fiscal Year 2024/2025 fund balance (after contingency set aside) is expected to be \$23.5 million. The Commission's available General Fund balance (after reserves) is estimated at \$46,387. The other funds are restricted, and the estimated fund balances after reserve are \$415,400 for the Local Transportation Fund, \$20.1 million for the State Transit Assistance fund, \$1.2 million for the Service Authority for Freeway Emergencies fund, \$1.6 for the State of Good Repair Fund, \$25,367 for the Santa Paula Branch Line fund, and a zero balance for the VCTC Intercity Services and the Valley Express funds.

It is important to note a few reasons the STA fund balance is at \$20.1 million. First, the STA fund balance is used for on-going cash flow needs when State and Federal grants are delayed as well as cashflow for the Highway 101 study. Also, these funds although not currently budgeted, could be used for nonrecurring capital costs associated with Metrolink capital and rehabilitation expenditures, possible bus purchases for the VCTC Intercity Service or other transit projects benefiting the County.

The Draft Budget is a "work-in-progress" for VCTC as tasks are fine-tuned. Staff will update the final budget with input received from the Commission and new information as it becomes available from local partners such as Metrolink and funding information from the State and Federal governments.

As required by the VCTC Administrative Code, the proposed Draft Fiscal Year 2024/2025 budget was submitted to the Finance Committee (Chair LaVere, Vice-Chair Judge, and Past-Chair MacDonald) for review. At the March 21, 2024, Finance Committee meeting, the details of the Draft Budget were reviewed and discussed, then the Finance Committee recommended forwarding the Draft Budget and the Salary Schedule as presented to the full Commission for review and a public hearing.

As required by the Administrative Code, a public hearing will be held at the April Commission meeting. The final budget is scheduled for adoption at the Commission's June meeting, at which time a second public hearing will be held pursuant to the VCTC Administrative Code.

The proposed Draft Fiscal Year 2024/2025 Budget is a balanced budget and is a separate attachment to the agenda. A copy of the Draft Fiscal Year 2024/2025 Budget is available on the VCTC website at www.goventura.org.

Attachment 1
Ventura County Transportation Commission
Salary Schedule by Department
Fiscal Year 2024/2025

Effective July 1, 2024

Department/Position	FTE	Annual Range Bottom*	Annual Range Top	Non-Exempt Hourly Rate		Exempt vs. Non-Exempt
				Bottom	Top	
ADMINISTRATION						
Executive Director	1.0	242,903	282,556			E
Program Manager, Government and Community Relations	1.0	106,069	164,406			E
Clerk of the Commission/Executive Assistant	1.0	106,069	164,406			E
Receptionist/Secretary	1.0	51,628	75,119	24.82	36.11	NE
ADMINISTRATION SUBTOTAL:	4.0					
FINANCE						
Finance Director	1.0	149,249	231,336			E
Program Manager, Information Technology	1.0	106,069	164,406			E
Program Manager, Accounting	1.0	106,069	164,406			E
Senior Accountant/Analyst	2.0	80,092	116,534	38.51	56.03	NE
FINANCE SUBTOTAL:	5.0					
PLANNING						
Planning and Sustainability Director	1.0	149,249	231,336			E
Program Manager, Transportation Planning	1.0	106,069	164,406			E
Program Manager, Transportation Data and Services	1.0	106,069	164,406			E
PLANNING SUBTOTAL:	3.0					
PROGRAMMING						
Programming Director	1.0	149,249	231,336			E
Program Manager, Programming	1.0	106,069	164,406			E
Program Analyst	1.0	80,092	116,534	38.51	56.03	NE
Administrative Assistant	0.4	51,628	75,119	24.82	36.11	NE
PROGRAMMING SUBTOTAL:	3.4					
TRANSIT						
Public Transit Director	1.0	149,249	231,336			E
Program Manager, Regional Transit Planning	1.0	106,069	164,406			E
Program Manager, Transit Contracts	1.0	106,069	164,406			E
Transit Planner	2.0	80,092	116,534	38.51	56.03	NE
Transit Information Center and Technology Specialist	1.0	51,628	75,119	24.82	36.11	NE
Administrative Assistant	0.6	51,628	75,119	24.82	36.11	NE
Customer Service Representative	2.0	44,598	64,891	21.44	31.20	NE
TRANSIT SUBTOTAL:	8.6					
TOTAL BUDGETED POSITIONS:	24.0					

VCTC will automatically adjust any wage that does not meet California's minimum wage or local faire-market wage requirements.
Hourly time is based on a 2080 hour year. If more billable hours in a year, than budget would be adjusted accordingly



Item 11

April 5, 2024

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

**FROM: MATT MILLER, PROGRAM MANAGER
CLAIRE GRASTY, DIRECTOR OF PUBLIC TRANSIT**

SUBJECT: VCTC INTERCITY AND VALLEY EXPRESS VEHICLE REPLACEMENTS

RECOMMENDATION:

- Receive and file report on VCTC Intercity and Valley Express Vehicle Replacements.
- Approve budget amendment for VCTC Intercity to increase the revenues in the amount of \$1,400,000 in SB125 funds, add a bus rehab line item and increase expenses by the same amount.

BACKGROUND

The VCTC intercity bus service fleet is made up of 36 45-foot diesel over-the-road coaches with model years ranging from 2013 to 2018. The five-model year 2013 Volvos have reached the end of their useful life and can no longer be relied upon to deliver dependable service on the Intercity routes as such they have been planned to be replaced by new 2024 coaches. Additionally, five other buses which have reached the end of their useful life will be repowered to extend their use by three to four years or 300,000 – 400,000 miles. The entire Intercity bus fleet will need to be replaced or repowered within the next two to three years.

The Valley Express bus fleet is made up of 15 cutaway buses all purchased in 2015. The FTA established a minimum useful life benchmark for this type of vehicle at five years or 150,000 miles whichever comes first. Currently all vehicles are well over their minimum useful lives and need to be replaced.

DISCUSSION

VCTC Intercity

The five Intercity vehicles planned for retirement and replacement are 2013 Volvo 9700 over-the-road coaches with between 310,000 and 610,000 miles accumulated so far. These five vehicles performed great when they were new but as they aged, they became riddled with mechanical malfunctions, many of which need a specially trained Volvo technician to diagnose and repair. Often, after these costly repairs are made, another issue would present itself preventing the vehicle from being used. The issues with the vehicles have accelerated since 2021 and these Volvos have been placed out of service indefinitely,

therefore limiting VCTC's contractor's ability to deliver reliable service to the public. These are the first vehicles that will be replaced.

While searching for replacement vehicles, VCTC staff kept passenger accessibility and vehicle reliability top of mind and found a newly designed over the road coach made by MCI to easily accommodate disabled passengers. The vehicle does not have a wheelchair lift like historical over the road coaches, instead the vehicle has a lower vestibule with its own doors and wheelchair ramp. The vestibule can accommodate two wheelchairs or one wheelchair and one ambulatory passenger with a flip down seat. The vestibule provides safer and quicker boarding for those using a wheelchair and can also be accessed from the interior of the vehicle. Recently, Intercity buses have been hit hard by mechanical failures related to the wheelchair lifts which have resulted in lifts not working while trying to load and unload passengers. These failures lead to increased stress for passengers and operators, poor on-time performance and the possibility of wheelchair passengers being stuck mid-air while trying to board the bus.

Like the rest of the VCTC Intercity fleet these vehicles are 45-feet long, will be equipped with 3-position bicycle racks, undercarriage storage compartments and are diesel fueled. These buses will provide wheelchair bound passengers with better accessibility and still allow VCTC to utilize over-the-road coaches which provide all passengers with a more comfortable ride, which is critical on VCTC's longest routes. Additionally, keeping the same vehicle type is a cost-effective way to increase maintenance efficiency.

Staff will be utilizing the State of Washington contract and are working through the procurement process. Once this is completed, staff will bring a contract and budget amendment to the Commission to begin the bus order.

In addition to purchasing five replacement vehicles, five more vehicles will be "repowered" to extend their useful life for three to four more years or 300,000 – 400,000 more miles. Repowering vehicles is a cost-effective way to extend the life of vehicle which involves removing the old engine and several major mechanical components and replacing them with all new or refurbished components. The repowers will also include some rehab work where needed like updating the exterior and repairing or replacing seats and other internal components. Staff is requesting approval of amending funds into the VCTC Intercity budget with this item to begin the repowering process.

Both the bus replacements and bus repowers are funded with SB 125 funds.

Valley Express Transit

Through Cooperative Agreement between the Cities of Santa Paula and Fillmore and the County of Ventura, Valley Express transit provides fixed-route, Senior Dial-A-Ride, ADA Paratransit, and General-Purpose Dial-A-Ride (DAR) services for the Heritage Valley. VCTC is the administrator of the service and manages the operations and maintenance contract on behalf of the cities.

The Valley Express transit fleet was purchased in 2015 and consists of 15 cutaway buses ranging in size with a carrying capacity between 12 passenger or 10 and two wheelchairs to 22 passengers and two wheelchairs. The buses are all used interchangeably on DAR and fixed-route services with the largest vehicles being used primarily on the fixed-routes. The useful life of these vehicles is five to seven years according to the FTA. As the vehicles are nine years old, it's time to have them replaced.

When determining the fleet make up of the Valley Express service, staff referenced feedback from the public that easier boarding for all passengers is essential. With passenger accessibility top of mind, the goal is to decrease the ratio of lift equipped vehicles and increase the ratio of ramp equipped vehicles if

possible. Based on this, staff is recommending that a combination of smaller vans and cutaways be considered which include 8-passenger + 2 Wheelchair position Dodge Promaster Braunability vans equipped wheelchair ramps and larger capacity cutaway vehicles, some with a low-floor and wheelchair ramp and others with a wheelchair lift. Staff will continue to work with the Valley Express member agencies on the final determination and fleet makeup. These vehicles will be funded with a CMAQ grant VCTC received on behalf of Valley Express.



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Item 12

April 5, 2024

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: AMANDA FAGAN, DIRECTOR OF PLANNING & SUSTAINABILITY
SUBJECT: SANTA PAULA BRANCH LINE MONTHLY UPDATES FOR MARCH 2024

RECOMMENDATION:

- *Receive and file a report on Santa Paula Branch Line updates for the month of March 2024.*
- *Receive a verbal update on the status of eligibility for Federal Emergency Management Agency (FEMA) Public Assistance for the Sespe Creek Overflow Railroad Bridge reconstruction.*

BACKGROUND:

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 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.

The adopted Ventura County Transportation Commission (VCTC) Strategic Plan for Fiscal Years 2022/2023 – 2027/2028 includes three objectives related to the Santa Paula Branch Line (SPBL):

- A8. Update the Santa Paula Branch Line (SPBL) trail master plan, validate trail alignment, connections, and amenities, and update existing conditions to facilitate trail completion, with stakeholder engagement.
- B21. Partner with Sierra Northern Railway, corridor cities and the County to operate, maintain, and improve the Santa Paula Branch Line railroad and right-of-way corridor as a countywide community asset, ensuring outreach to stakeholders in the process.
- B22. Continue to address encroachment into the Santa Paula Branch Line right-of-way through leasing activities to ensure safety of operations and protection of the asset and infrastructure.

At the request of the Commission, VCTC staff initiated regular updates on SPBL-related activities. Verbal presentations on SPBL operations were provided at the June 2, October 6, November 3, and December 1, 2023 and January 5, February 2, and March 1, 2024 meetings, with written staff reports provided to the Commission in July and September 2023. The following report includes updates for the month of March 2024.

DISCUSSION:

March updates and activities include:

- On March 8, VCTC issued a right-of-entry permit to the County of Ventura Public Works Agency to conduct emergency repairs to Old Telegraph Road bridge west abutment. Repairs began the following Monday, March 11.
- On March 11, the Santa Paula Branch Line Advisory Committee convened to discuss the draft SPBL Program Budget for Fiscal Year 2024/2025 and received a report from Sierra Northern Railway on operations and maintenance activities.

- On March 14, VCTC staff and consultant team met with County of Ventura Public Works Agency Roads and Transportation Department and Watershed Protection District staff to discuss coordination of repairs to the Sespe Creek Overflow railroad bridge and Old Telegraph Road bridge.
- On March 15, VCTC staff submitted an application for Surface Transportation Block Grant (STBG) funding through a Call for Projects from the Southern California Association of Governments (SCAG) for the Santa Paula Branch Line Trail Master Plan Update and EIR/EIS project.
- VCTC continued to work with the RailPros design and construction management teams to evaluate options to respond to the additional storm damage sustained during February 2024 and the impacts to the repair design plans and specifications. Staff prepared a draft amendment to the design and environmental permitting contract with RailPros to address the additional damage to the Sespe Creek Overflow railroad bridge, and continues to negotiate with RailPros to determine the scope and cost estimate for remaining work.
- On March 8 and 19, VCTC staff and Sierra Northern Railway held virtual regular check-in meetings. At the March 19 meeting, Sierra Northern reported that all of the remaining stored rail cars have been removed from the SPBL by their owner. Sierra Northern is also working with a television series production team to plan for an approximately one-week film production near Fillmore. The production is expected to bring in revenue to the railroad and local businesses. The City of Fillmore and the Film Liaison are also engaged in the planning and permitting.
- VCTC staff continued to receive and process Right of Entry (ROE) permits for the SPBL right-of-way.
- VCTC staff continued to work on two lease reassignments (Loose Caboose/Barnyard, Lindgren/Underwood), one new private crossing agreement (Beylick Farms), two license agreements (County of Ventura/Broadband, Fillmore RV storage facility), and a new lease agreement to provide secondary access for emergency vehicles via Texas Lane to the East Area 1 development in Santa Paula.
- In November 2023, VCTC staff prepared a license agreement and facilitated review of plans by VCTC's contract engineers for a new RV storage facility in Fillmore, located adjacent to the SPBL, that will require construction of a new drainage facility on the SPBL right-of-way property. As of the Commission agenda deadline, issuance of the license is pending receipt of an updated Certificate of Insurance.
- On March 19, VCTC staff met with County of Ventura representatives to discuss the extension of fiber optic broadband cable along the SPBL right-of-way. A Utility License Agreement with appropriate exhibits to facilitate broadband such deployment is still in development. In January 2024, the County transferred responsibility to negotiate the utility license agreement with VCTC from the Chief Information Officer (CIO) to Public Works Real Estate Services. To meet grant deadlines in June 2024, the County and VCTC will first consider a Memorandum of Understanding (MOU). VCTC staff anticipates bringing the MOU to the Commission in June 2024. The MOU will be used to initially secure grant funds, while the license agreement and project alignment details are worked out.
- In February, VCTC issued notice to a property owner in the Texas Lane area of Santa Paula to remove parked vehicles and other property encroaching into the SPBL right-of-way. The property was blocking a proposed secondary emergency access to the next phase of the East Area 1 housing development. During March, the property owner began clearing the encroaching personal property. VCTC continued to work with the East Area 1 developer on a lease and review of plans for the emergency access roadway.
- On February 12, VCTC responded to a request for information from the Federal Emergency Management Agency (FEMA) related to legal responsibility for the repair of the Sespe Creek Overflow Railroad Bridge. On March 27, VCTC received a preliminary determination from FEMA regarding project eligibility.