



Meeting Summary

**VENTURA COUNTY TRANSPORTATION COMMISSION
AIRPORT LAND USE COMMISSION
SERVICE AUTHORITY FOR FREEWAY EMERGENCIES
CONSOLIDATED TRANSPORTATION SERVICE AGENCY
CONGESTION MANAGEMENT AGENCY**

**CAMARILLO CITY HALL
601 CARMEN DRIVE
CAMARILLO, CA
FRIDAY, JULY 9, 2010
10:00 AM**

Members Present: Dennis Gillette, Chair
Bill Fulton, Vice Chair
Steve Bennett
Ralph Fernandez
Kathy Long
Michael Morgan
Dean Maulhardt
Keith Millhouse
Jon Sharkey
Linda Parks
Steve Sojka
Keith Turner
John Zaragoza
Mike Miles, Caltrans

Call To Order

Pledge of Allegiance

Roll Call

Public Comments for those items not listed in this agenda- *NO PUBLIC COMMENTS*

APPROVE SUMMARY FROM JUNE 4, 2010 REGULAR VCTC MEETING – APPROVED (Commissioner Sharkey Abstained)

CALTRANS REPORT – MIKE MILES GAVE REPORT ON VEN 150 BRIDGE PROJECTS

COMMISSIONERS / EXECUTIVE DIRECTOR REPORT - NONE

ADDITIONS/REVISIONS – LEGAL COUNSEL REQUESTED AN ADDITIONAL ITEM TO BE DISCUSSED IN CLOSED SESSION REGARDING THE CHATSWORTH INCIDENT.

CONSENT CALENDAR- *Jim White, ARC spoke in Support of Item #9F*

All items APPROVED as presented.

- 9A. **MONTHLY BUDGET REPORT**- Receive and file the monthly budget report.
- 9B. **RAIL OPERATIONS UPDATE**- Receive and file the Commuter Rail Program Update.
- 9C. **STIMULUS PROGRAM UPDATE** - Approve revised American Recovery and Reinvestment Act (ARRA) project list to remove \$318,000 from the Conejo Creek Bike Path project in Thousand Oaks and shift \$229,641 of those funds to the Moorpark Road Norwegian Grade Resurfacing project in Thousand Oaks.
- 9D. **TDA TRIENNIAL PERFORMANCE AUDIT CONTRACT** - Approve a contract with Nelson/Nygaard Inc. for \$30,935 to complete the State required Transportation Development Act (TDA) triennial performance audits of VCTC and the Gold Coast Transit (GCT) agency.
- 9E. **MEMORANDUM OF UNDERSTANDING WITH VENTURA COUNTY FAIR BOARD FOR SPECIAL METROLINK FAIR TRAIN SERVICE** - Approve and authorize the Executive Director to sign a Memorandum of Understanding with the County Fair Board to operate special, weekend-only Metrolink train service to the County Fair August 7, 8, 14, and 15, 2010.
- 9F. **AUTHORIZE JARC/NEW FREEDOM CALL FOR PROJECTS** - Authorize calls for projects for FTA Section 5316 and 5317 funds, using VCTC's previously approved criteria for JARC and New Freedom projects.
- 10. **REVISED VCTC COORDINATED ADA ELIGIBILITY CRITERIA AND CERTIFICATION GUIDELINES-**

PUBLIC HEARING

Jim White, ARC spoke in support of the guidelines.

- Adopt Revised Coordinated ADA Eligibility Criteria and Certification Guidelines.
- Direct that the provisions of the Revised Guidelines go into effect immediately, with the exception of the appeals panel composition.
- Direct that the appeals panel composition from the previous Guidelines (1992) remain in effect until the new appeals panel members have been recruited (expected September, 2010).

APPROVED

- 11. **SET PUBLIC HEARING REGARDING POSSIBLE FARE INCREASES FOR THE VISTA 126, VISTA EAST, VISTA 101, VISTA CSUCI, AND VISTA DIAL-A-RIDE SERVICES**
Set Public Hearing to be held on September 10, 2010 to consider raising VISTA fares for transit services inside Ventura County.
APPROVED
- 12. **PHASE 2 FARE INCREASES FOR VISTAL COASTAL EXPRESS AND CONEJO CONNECTION**
Reaffirm the second phase increase to the base fare and related fares for the VISTA Intercounty Coastal Express and Conejo Connection, raising the base intercounty fare from \$2.50 to \$3.00; Explore options to provide a weekly pass, transfers to and from Gold Coast Transit, reduced fares on weekends for transit dependent riders and more incentives to attract riders..
APPROVED by 11-2 Vote.

September 10, 2010

Item #5

Page #3

KK Holland, ASERT spoke in opposition of increases.

Kendra Gonzales, VC COOL spoke in opposition of increases.

13. SANTA PAULA BRANCH LINE FUTURE MAINTENANCE OPERATIONS

Direct staff to postpone administering the maintenance payment clause of the F&W lease agreement until October 1, 2010. Effective action leaves the maintenance payment unchanged at \$26,000 per month until October 1, 2010. **APPROVED By 9-2 Vote**

Redefine SPBLAC Bylaws to eliminate super majority by VCTC to overturn committee recommendations. **APPROVED By 11-1 Vote.**

14. LEGISLATIVE UPDATE AND MATRIX

Receive and file legislative report and matrix.

APPROVED

15. AGENCY REPORTS

John Procter provided SCAG Update

16. GENERAL COUNSEL'S REPORT *None*

17. CLOSED SESSION

Pursuant to Government Code section 54957(b)(1), public employee evaluation: Executive Director

18. ADJOURN

The next Commission meeting is scheduled to be held at 9:00 a.m. Friday, **September 10**, 2010, Camarillo City Hall, City Council Chambers, 601 Carmen Drive, Camarillo.



Item #9A

September 10, 2009

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: SALLY DEGEORGE, FINANCE DIRECTOR

SUBJECT: MONTHLY BUDGET REPORT

RECOMMENDATION:

- Receive and file

BACKGROUND:

The year-end financial statements for Fiscal Year 2009-2010 are not completed as yet. In order to give the Commission an accurate monthly budget report, the July monthly budget reports will be included as part of a future agenda.

The Commission should note, however, that all revenues, expenditures, and cash flow to date are consistent with the adopted budget.



Item # 9B

September 10, 2010

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: MARY TRAVIS, MANAGER, TRANSPORTATION DEVELOPMENT ACT AND RAIL PROGRAMS
SUBJECT: RAIL OPERATIONS UPDATE

RECOMMENDATION:

- Receive and file.

DISCUSSION:

Metrolink Ridership:

Attached are a table and chart that summarize the Ventura Line ridership for the past several years through July 2010, including station-by-station counts of passengers boarding in the morning peak-hour period.

Metrolink On-Time Performance:

The Ventura Line's on-time performance (trains arriving within five minutes of scheduled time) continued to be very good. Overall, during the month of July, 96% of the inbound trips and 97% of the outbound trips ran on-time. There were no significant delays to any Ventura Line trains.

Special County Fair Train Service:

Once again, VCTC and Metrolink worked with the Ventura County Fair Board to run special weekend trains service between Chatsworth and the County Fairgrounds. The special trains ran on August 7, 8, 14 and 15 with three round trips each weekend day with stops at all stations along the line except Montalvo. The ticket prices were increased by \$1 each way from last year, but were still about half the price of Amtrak service running this same distance. Children five and under rode free as did Metrolink monthly pass holders.

About 4,000 riders were on the special trains with ridership spread out over the four weekend days. This was the seventeenth year these special trains were operated to the Fair, and they have proved to be popular with the public, as well as a great way to publicize the ongoing Metrolink train service to area commuters.

Metrolink Board Approves FY 10/11 Budget:

In late June, the Metrolink Board adopted the FY 10/11 budget. Included in the budget action was final approval of a 6% average fare increase along with other fare adjustments, and also, service cuts including elimination of a midday round trip on the Ventura Line. It does not appear that the fare increase has caused any significant drop in ridership nor has the elimination of the midday round trip.

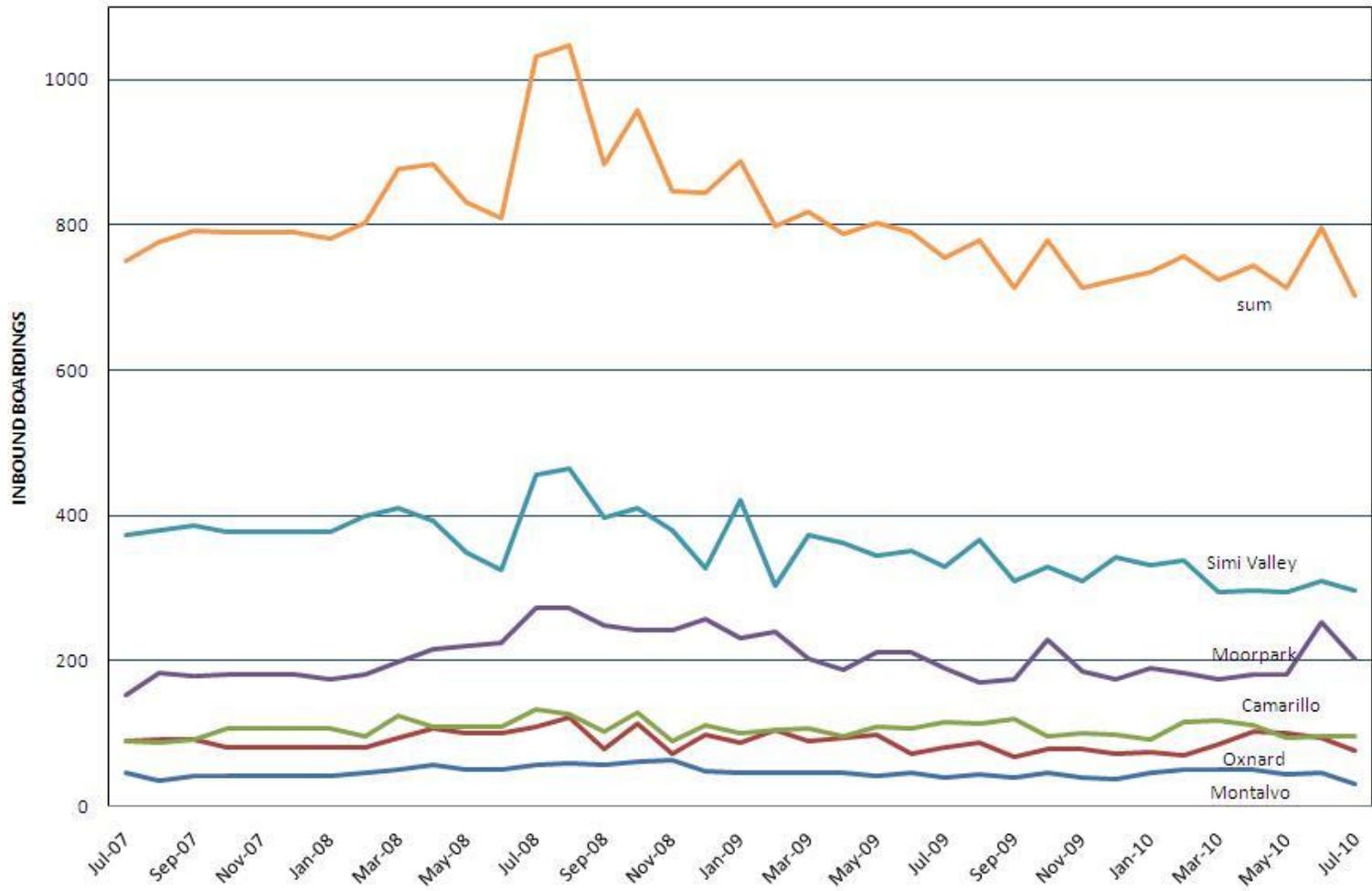
September 10, 2010

Item #9B

Page #2

A continuing major effort in the upcoming year is development of the Positive Train Control (PTC) predictive collision avoidance system. PTC must be installed on all passenger intercity and freight railroads by 2015 with an earlier Metrolink goal of installation by December 2012. Also, in the upcoming year, the new locomotives, passenger and cab cars will be arriving and put into service. This new equipment has state-of-the-art design features incorporated that make these the safest in the nation.

VENTURA COUNTY LINE RIDERSHIP (INBOUND AVERAGE WEEKDAY 2007-2010)



MO/YR	Ventura County Line	VC County Portion	System Grand Total	Metrolink Rail 2 Rail on Amtrak North of LA
Jul-10	3,609	1,960	38,709	289
Jul-09	3,833	1,898	40,313	337
Jul-08	4,556	2,384	48,289	313
Jul-07	3,984	1,951	41,680	266
Jul-06	4,000	1,604	41,908	215
Jul-05	3,868	1,924	38,380	269
Jul-04	3,829	1,791	37,237	128
Jul-03	3,624	1,918	34,464	100
Jul-02	3,681	1,990	33,721	9
Jul-01	3,416	1,864	32,682	22
Jul-00	3,722	2,281	31,474	0

INBOUND BOARDINGS*

	Montalvo	Oxnard	Camarillo	Moorpark	Simi Valley	TotalVta	Cty	Total Line
Jul-10	30	76	97	203	296	702	1,279	
Jul-09	40	80	116	190	330	756	1,352	
Jul-08	58	110	134	272	457	1,031	1,848	
Jul-07	45	90	89	153	373	750	1,398	
Jul-06	50	79	92	175	367	763	1,505	
Jul-05	38	73	66	182	274	633	1,404	
Jul-04	20	77	86	176	331	690	1,416	
Jul-03	21	60	49	165	275	570	1,234	
Jul-02	0	94	71	189	235	589	1,249	
Jul-01	0	94	71	193	310	668	1,176	
Jul-00	0	72	70	175	308	625	1,188	

* on Metrolink trains



September 10, 2010

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: PETER DE HAAN, PROGRAMMING DIRECTOR
SUBJECT: PROPOSITION 1B TRANSIT PROGRAM OF PROJECTS

RECOMMENDATION:

- Adopt the attached resolution, approving the list of \$12,472,001 for Proposition 1B Transit funding.
- Reserve \$3,148,585 in future year Proposition 1B Transit funds to be used for Positive Train Control, if required.
- Reprogram \$387,399 in CMAQ funds not needed for a cancelled bus project, for the Thousand Oaks CNG Bus Purchase project.

BACKGROUND:

Proposition 1B, approved by the voters in 2006, includes \$3.6 billion for transit capital projects, to be distributed to transit operators and regional agencies by formula. The Transit Investment Study completed by VCTC developed a list of projects to be funded by the Proposition 1B Capital Account, as well as a methodology for prioritizing additional projects. Subsequently, the American Recovery and Reinvestment Act funded a significant portion of the project list that had been developed.

At its March 5, 2010 meeting, the Commission approved a program of projects for expenditure of Proposition 1B, based on the recommendation of VCTC staff and TRANSCOM. Based on the Commission's approval, staff forwarded the Proposition 1B applications to Caltrans for processing. The applications are currently under review but funding is not yet available for these grants. The State Treasurer may conduct a bond sale after the State Budget is adopted, and funding might become available at that time depending on the State's ability to sell bonds.

After reviewing VCTC's application, Caltrans informed staff that the Commission is required to adopt a formal resolution, which is attached to this item for approval. Staff also recommends approval of three changes to the list approved in March, which are denoted on the revised list provided as an attachment. These changes are summarized as follows:

1. Reduction of Thousand Oaks CNG Buses from \$959,000 to \$571,601: Based on the recently-completed Triennial Review, VCTC is required to close a number of old FTA grants, including a grant containing \$387,399 in CMAQ funds originally approved for a cancelled bus purchase project, originally approved many years ago for California State University at Channel Islands. Staff recommends these funds be used towards the Thousand Oaks bus purchase, thus drawing down that grant, and that the Proposition 1B funds for Thousand Oaks be reduced by an equal amount.

September 10, 2010

Item #9C

Page #2

2. Increase VISTA Particulate Traps from \$50,000 to \$90,000: Based on the action of the Commission at its April 9, 2010 meeting allocating VISTA carryover funds and increasing the scope of the Particulate Trap project, the Proposition 1B funding for this project should be increased from \$50,000 to \$90,000
3. Delete NEXTBUS Renewal project of \$696,151: Based on the action of the Commission at its April 9, 2010 meeting to fund NEXTBUS Renewal project using VISTA carryover and STA funds, this project should be removed from the Proposition 1B list.
4. Positive Train Control: As described in another item in this agenda, staff is recommending the Commission commit \$6,621,836 in Proposition 1B funds for VCTC's share of the Positive Train Control project, to be used only in the event that Proposition 1A funds are unavailable. Accordingly, the Proposition 1B project list has been amended to reserve the remaining Fiscal Year 2009/10 Proposition 1B funds, equal to \$3,473,251, for Positive Train Control if required. Staff also recommends reserving \$3,148,585 in future year Proposition 1B funds to be used if required for the remainder of VCTC's Positive Train Control commitment.

RESOLUTION NO. 2010-08

**A RESOLUTION OF THE VENTURA COUNTY
TRANSPORTATION COMMISSION APPROVING
A PROJECT LIST FOR THE PROPOSITION 1B PUBLIC TRANSPORTATION MODERNIZATION,
IMPROVEMENT, AND SERVICE ENHANCEMENT ACCOUNT**

WHEREAS, The Ventura County Transportation Commission (“VCTC”) is the county transportation commission created for Ventura County pursuant to Public Utilities § 130000, et seq;

WHEREAS, California Government Code § 29532.4(b), and notwithstanding Government Code § 29532, the transportation planning agency (“TPA”) for Ventura County means the transportation commission created in the County of Ventura by Division 12 (commencing with § 130000) of the Public Utilities Code;

WHEREAS, California Government Code 8879.55 establishes the eligible applicants and allocation of the Proposition 1B Public Transportation program:

WHEREAS, Under California **Government Code Sections 8879.55(a)(2)**, **VCTC is identified as an** eligible agency responsible to apply for funding under the Proposition 1B Public Transportation program; and,

WHEREAS, VCTC has reviewed possible transit security and safety projects through the Transit Management Advisory Committee (TRANSCOM), and developed a list of priority projects.

NOW, THEREFORE, THE VENTURA COUNTY TRANSPORTATION COMMISSION DOES HEREBY RESOLVE AND ADOPT THE PROPOSITION 1B PUBLIC TRANSPORTATION TRANSIT MODERNIZATION, IMPROVEMENT, AND SERVICE ENHANCEMENT ACCOUNT PROJECTS (ATTACHMENT A).

THIS RESOLUTION FURTHER APPROVES THE APPLICANT LIST AND AUTHORIZES THE VCTC EXECUTIVE DIRECTOR TO TAKE ANY ACTIONS NECESSARY FOR THE PURPOSES OF OBTAINING FINANCIAL ASSISTANCE FROM THE STATE OF CALIFORNIA.

Executed this 10th day of September, 2010.

Dennis Gillette, Chair, VCTC

ATTEST:

Donna Cole, Clerk of the Commission

ATTESTATION

I, Donna Cole, Clerk of the Commission, hereby certify that the foregoing Resolution was adopted by the Ventura County Transportation Commission at a regularly scheduled meeting held on September 10th, 2010, upon the motion of Commissioner _____, seconded by Commissioner _____ and adopted on the following vote of the Commission:

Ayes:

Nays:

Absent:

Dated: September 10, 2010

Donna Cole, Clerk of the Board

PROPOSITION 1B TRANSIT PROJECTS

List adopted September 10, 2010

Project Description	Recommended Funds	Responsible Agency
Metrolink Track Rehabilitation	\$1,000,000	SCRRA
Metrolink Sealed Corridor	\$500,000	SCRRA
Transit Center Expansion	\$1,250,000	T.O.Transit
Operations Center Bus Parking	\$150,000	T.O.Transit
Purchase 2 Replacement buses	\$959,000 \$571,601	T.O.Transit
Portable Lift and Shelter	\$65,000	T.O.Transit
CNG Storage Expansion	\$75,000	T.O.Transit
Moorpark Share of SVT CNG Facility	\$250,000	Moorpark
NextBus Renewal	\$696,154	VCTC
VISTA Particulate Traps	\$50,000 \$90,000	VCTC
Automatic Stop Annunciators	\$500,000	Gold Coast
Facility Remodel	\$1,000,000	Gold Coast
ADA Call Back System	\$70,000	Gold Coast
Operator Training and Performance Monitoring System	\$250,000	Gold Coast
CNG Fueling Facility	\$1,017,149	Simi Valley
Purchase 3 Replacement Buses	\$1,410,000	Simi Valley
Three Dial-a-Ride Vehicles	\$300,000	Camarillo
Maintenance Facility Improvement	\$500,000	Ojai
Positive Train Control (if required per agreement with LACMTA)	\$3,473,251	SCRRA
TOTAL:	\$8,998,750 \$12,472,001	

[Changes from April 2010 list shown.]



Item # 9D

September 10, 2010

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: GLORIA E. SOTELO, PROGRAM MANAGER - GO VENTURA SMARTCARD
SUBJECT: CUBIC TRANSPORTATION SYSTEMS, INC. MAINTENANCE/OPERATIONS AGREEMENT AND AEGIR SYSTEMS BUS EQUIPMENT SUPPORT AGREEMENT

RECOMMENDATION:

- Approve the FY 10/11 Amendment Agreement in the Amount of \$117,300 to Cubic Transportation Systems, Inc., for Maintenance and Operations of the Smartcard System
- Approve the FY 10/11 New Agreement Not to Exceed \$139,000 to Aegir Systems for Bus Equipment Support of the Smartcard System

BACKGROUND:

For ten years now the Ventura County Transportation Commission (VCTC) has operated the "Go Ventura" Smartcard proprietary electronic Automated Fare Collection (AFC) System. This system allows Ventura County to provide a countywide bus pass. In addition to the AFC system VCTC integrated Automatic Passenger Counters (APC's) into the overall system which provides transit operators with boarding and alighting data for each bus stop in the county for their operations and allows easier reporting of data required by the Federal Transit Administration. The AFC system is successfully operating on all fixed route buses for the following transit operators: Camarillo Area Transit, Gold Coast Transit, Moorpark Transit, Simi Valley Transit, Thousand Oaks Transit, VISTA and VISTA Dial-A-Rides. The two areas requiring maintenance of the system are the Smartcard computers (Cubic's back-end) and the equipment infrastructure (bus equipment) supported by Aegir Systems a local Ventura County contractor. Both contractors have worked historically together. For the past 10 years, VCTC has executed a multi-year contract or an annual renewal of the contract for the maintenance of propriety equipment and software. The Cubic contract continues that arrangement. The funding for Aegir has by been done without a formal contract, but based on budgeted amounts; VCTC has paid Aegir for services. Staff has reviewed this practice, and determined that it is more appropriate that VCTC and Aegir execute an annual contract for the service.

The VCTC staff oversees all aspects of project management, maintenance and operations of the "Go Ventura" Smartcard system. The "Go Ventura" Smartcard system is comprised of a complex network of thirty (30) computers and 135 buses linked together to enable sales and use of the "Go Ventura" card. Seventeen (17) Point-of-Sale Outlets operate countywide where patrons can purchase or recharge the affordable and convenient monthly bus passes, or E-purse product which is similar to cash placed on a card with fare deducted when tagged on-board.

The annual agreement with Cubic Transportation Systems is for Maintenance and Operations of the Smartcard system and continued operation of the Automated Fare Collection (AFC) System, workshop maintenance, software maintenance and support of the AFC system. The Aegir Systems support contract agreement is for countywide support of bus equipment, installations and de-installs for the Ventura County Transportation

September 10, 2010

Item #9D

Page #2

Commission. Both are due for annual renewal as of July 1, 2010 and included in the approved budget for FY 10/11. The VCTC General Counsel has reviewed the contract agreements; staff recommends the board authorize Cubic's annual Maintenance/Operations (M&O) Agreement and Aegir Systems Bus Equipment Support Agreement.



Item #9E

September 10, 2010

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: PETER DE HAAN, PROGRAMMING DIRECTOR
SUBJECT: REPROGRAMMING OF CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROGRAM FUNDS FOR SIMI VALLEY

RECOMMENDATION:

- Approve Congestion Mitigation and Air Quality (CMAQ) program change requested by Simi Valley to shift \$153,110 from the Transit Maintenance Facility Expansion project to the Garage Modernization project.

DISCUSSION:

The City of Simi Valley is currently underway with projects to expand its operations facility and modernize its garage. However, it appears that the maintenance facility expansion will be slightly below budget while the garage modernization will be slightly above budget. Therefore, the City has requested to shift \$153,110 of CMAQ funds between the two projects. Staff supports this recommendation of Simi Valley,

The Transit Operators Committee concurred with this VCTC staff recommendation at its March 19th meeting.



September 10, 2010

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: PETER DE HAAN, PROGRAMMING DIRECTOR
SUBJECT: STIMULUS PROGRAM UPDATE

RECOMMENDATION:

- Approve attached revised American Recovery and Reinvestment Act (ARRA) project list to restore \$88,059 to the Conejo Creek Bike Path in Thousand Oaks, shift \$229,641 from the Norwegian Grade Rehabilitation in Thousand Oaks to the Thousand Oaks Citywide Street Rehabilitation, reduce the Bartolo Square South Improvements project in Oxnard by \$278,315, and increase one of the County Pavement Rehabilitation projects by \$306,184.

BACKGROUND:

Under the provisions of the American Recovery and Reinvestment Act Federal Stimulus legislation, VCTC has until September 30 to shift funds from project cost savings for use in other projects. After that time, any cost savings will be returned to the Federal government. Caltrans has indicated that at this late time it is only possible to shift funds between previously-approved projects, and not create any new projects to use the remaining funds.

The attached project list makes several changes to highway projects to use funds in Thousand Oaks and Oxnard recently identified as cost savings, and to utilize a small residual account balance identified by Caltrans. The cost savings in Thousand Oaks, for the Conejo Creek Bike Path, was already addressed at the July Commission meeting, but additional changes are now required. First, at the July meeting it appeared that \$88,359 in Stimulus Transportation Enhancement funds for the project would need to be deobligated, with no other project available to use these funds. The City, in consultation with Caltrans, has now identified additional project costs to utilize the \$88,059, so staff recommends the funds be restored to that project. Second, there was \$229,641 in cost savings that were to be shifted to the Norwegian Grade project, but Caltrans has indicated the funds can only be shifted to a previously approved ARRA project, and therefore the funds should be shifted to the Thousand Oaks Street Rehabilitation project which can also use those funds.

Cost savings of \$278,315 were also identified for the Bartolo Square South Improvements project in Oxnard. Since Oxnard staff has confirmed that there is no existing ARRA project in Oxnard that can utilize additional funds, staff recommends the fund be transferred to an ongoing County Unincorporated ARRA project that has an unfunded balance. Staff also recommends that the residual ARRA program balance of \$27,969 be utilized for the same County project.

Staff anticipates that due to the September 30th deadline for shifting ARRA funds between projects, that there will be no further changes to the ARRA project lists.

The Transportation Technical Advisory Committee endorsed the VCTC staff recommendation at its August 19th meeting.

VENTURA COUNTY PROGRAMMED STIMULUS HIGHWAY PROJECTS

(Recommended changes in bold italics.)

Project Description	Recommended Funds	Responsible Agency
Annual Pavement Rehabilitation at Various Streets Phase 1	\$1,099,966	Camarillo
Pavement Rehabilitation Various Streets (New Project)	\$519,192	Camarillo
Pavement Rehabilitation – 2008 High Priority On System Roads – Various	\$1,659,361	County
Bridge Deck Rehabilitation – Various Locations	\$487,274	County
Rose Avenue at Central Intersection Improvement	\$210,000	County
Pavement Rehabilitation 2009 On-System Roads – Phase A Various Locations	\$2,335,171	County
Katherine Street Rehabilitation	\$290,000	County
Pavement Rehabilitation – On-System Roads	\$262,293 \$568,477	County
Mountain View Street Overlay	\$400,000	Fillmore
Mountain Street and Spring Road Pavement Rehabilitation	\$618,566	Moorpark
Road Rehab Various Locations	\$400,000	Ojai
Traffic Signal Improvements – Various Locations	\$740,000	Oxnard
Bartolo Square South Street Improvements	\$1,091,462 \$813,147	Oxnard
Bartolo Square North Street Improvements	\$923,579	Oxnard
Local Street Rehabilitation	\$400,000	Port Hueneme
8 th Street Pavement Overlay	\$254,008	Santa Paula
Rehabilitation of Streets Citywide	\$242,408	Santa Paula
Pavement Rehabilitation – Phase I	\$1,080,532	Simi Valley
Rehabilitation of Streets Citywide	\$1,031,188	Simi Valley
Traffic Signal Kimball/Foothill	\$198,601	Ventura
Olive St Phase I Rehab	\$530,943	Ventura
Rehabilitation of Streets Citywide	\$700,000	Ventura
Wells Road Repaving	\$389,829	Ventura
Rehabilitation of Streets Citywide	\$861,553 \$1,091,194	Thousand Oaks
Norwegian Grade Rehabilitation	\$229,641	Thousand Oaks
Route 118 Widening in Simi Valley	\$6,507,000	Caltrans
Route 101/Rice Interchange Improvement	\$5,000,000	Oxnard
Route 101/23 Interchange Improvements Design	\$5,196,325	Thousand Oaks
Total	\$33,658,892 \$33,686,761	
TRANSP. ENHANCEMENTS		
Conejo Creek Bike Path	\$983,000 \$1,071,359	Thousand Oaks

VENTURA COUNTY PROGRAMMED STIMULUS TRANSIT PROJECTS

Project Description	Recommended Funds	Responsible Agency
Track/Structure/Signal Restoration	- \$3,278,136	SCRRA
Positive Train Control	\$ 2,480,000	SCRRA
Central Maintenance Facility Improvements and Keller Yard	\$ 960,000	SCRRA
Purchase of 3 new buses	\$ 1,260,000	City of Moorpark
Five large 12 passenger CNG cutaway vehicles	\$ 425,000	City of Thousand Oaks
Replacement supervisory vehicles and related equipment	\$ 185,000	Gold Coast Transit
Eight (8) new CNG-fueled 25' to 40' Transit Buses	\$ 3,014,559	Gold Coast Transit
Upgrade farebox system	\$ 553,441	Gold Coast Transit
Operations Facility Modernization	\$ 2,091,257	Gold Coast Transit
Transit Enhancements	\$ 101,723	Gold Coast Transit
ADA Paratransit Operations	\$ 1,000,000	Gold Coast Transit
Operating Assistance	\$ 640,000	Gold Coast Transit
Replace/upgrade deteriorated transit shelters	\$ 484,000	City of Simi Valley
Modernization of transit center garage	\$ 563,949	City of Simi Valley
Three (3) replacement CNG-fueled transit buses	\$ 1,380,000	City of Simi Valley
ADA Paratransit Operations	\$ 303,400	City of Simi Valley
Operating Assistance	\$ 303,400	City of Simi Valley
Two type II buses and three type I buses	\$ 245,514	Camarillo Health Care District
Scales for ADA Certifications	\$ 10,000	VCTC
Metrolink Operating Assistance	\$ 582,000	SCRRA
Total	\$ 19,861,379	
SECTION 5311 RURAL FUNDS		
Replace 3 LPG trolley buses	\$ 465,970	City of Ojai



Item # 9G

September 10, 2010

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: VICTOR KAMHI, BUS TRANSIT DIRECTOR
SUBJECT: VCTC AFFIRM FEDERAL TRANSIT ADMINISTRATIONS RECOMMENDED DEFINITION OF "MAJOR" FARE INCREASES

RECOMMENDATION

- Adopt a definition of "Major" Fare Increases as required by the Federal Transit Administration (FTA) Title VI Guidelines for FTA Recipients (Circular FTA C 4702.1A).

BACKGROUND

All recipients of Federal Transit Administration (FTA) assistance funds are required to adopt a Title VI "Civil Rights" program and policies and periodically update the program. VCTC adopted the current Title VI program on February 6, 2009. One element of the FTA program is the adoption of a threshold beyond which a detailed civil rights impact analysis needs to be done prior to a fare increase. Because VCTC did not contemplate a fare increase beyond the increase for the intercounty services, it did not include adoption of a threshold. For the intercounty fare increases (VISTA Coastal and VISTA Conejo Connection), VCTC recognized that a significant increase was contemplated, and prepared a Title VI report examining that specific proposed fare increase.

VCTC is again considering fare increases, and has not formally adopted a definition of "Major" Fare Increases as required by FTA. Staff is recommending that VCTC adopt the FTA suggested definition that increases over 25% are "Major". Any change in fares greater than that percentage will require a study of the potential discriminatory impacts of the proposed fare increase. FTA regulations allow a federal transit funding recipient to adopt a definition of "Major" Fare Increases higher or lower than their suggested percentage increase; however, we believe that 25% is a reasonable level.

The definition will be an amendment to the VCTC- VISTA Title VI program.



Item #9H

September 10, 2010

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: MITCHEL B. KAHN, GENERAL COUNSEL
SUBJECT: VCTC AGENCIES' CONFLICT OF INTEREST CODE UPDATE

RECOMMENDATION:

- Adopt the Resolution to update the Conflict of Interest Code.

DISCUSSION:

Every two years VCTC and its related agencies ("Agencies") must review and update as necessary their Conflict of Interest Code. The Agencies jointly adopted a complete revision of the Code at your October 3, 2008 meeting, as a result of the passage of time and changes in state laws and regulations since the Code was last updated in 1991.

This year, the Agencies adopted a new personnel classification study which had the effect of changing certain position titles, but not otherwise requiring any substantive changes to the Conflict of Interest Code.

The Resolution accompanying this memorandum amends Appendix A to Exhibit 1, reflecting the new position titles.

COUNTY OF VENTURA
2010 CONFLICT OF INTEREST CODE FOR
VENTURA COUNTY TRANSPORTATION COMMISSION,
VENTURA COUNTY AIRPORT LAND USE COMMISSION,
VENTURA COUNTY SERVICE AUTHORITY FOR FREEWAY EMERGENCIES,
CONSOLIDATED TRANSPORTATION SERVICES
AGENCY FOR VENTURA COUNTY,
AND VENTURA COUNTY CONGESTION MANAGEMENT AGENCY

Deleted: 08

Designated Positions

<u>Number of Positions</u>	<u>Position Title</u>	<u>Disclosure Category</u>
17	Commissioner	1 (Subject to 2 CCR §18730[b][3])
1	Executive Director	1
1	Finance Director	1
1	Director of Programming	1
1	Director of Planning and Technology	1
1	Director of Capital Projects	1
1	Director of Bus Transit	1
1	Clerk of the Board/ <u>Public Information Officer</u>	1
1	General Counsel (Consultant*)	1

Deleted: Chief Financial Officer
Deleted:

Deleted: Programs

Formatted: Indent: Left: 0.5"
Formatted: Indent: Left: 2", First line: 0.5"

* The disclosure, if any, required of a Consultant will be determined on a case-by-case basis by the County Executive Officer or her designee. The determination of whether a particular Consultant has or will have disclosure requirements is to be made in writing. The determination should include a description of the Consultant's duties and based upon that description, a statement of the extent, if any, of the disclosure requirements. Each writing, or the combined writing, is a public record and is to be retained for public inspection either in the same manner and locations as the Conflict of Interest Code, or with appropriate documentation at the location where the Conflict of Interest Code is maintained, cross-referencing to the Consultant determination(s).

Appendix A to Exhibit 1

**COUNTY OF VENTURA
 2010 CONFLICT OF INTEREST CODE FOR
 VENTURA COUNTY TRANSPORTATION COMMISSION,
 VENTURA COUNTY AIRPORT LAND USE COMMISSION,
 VENTURA COUNTY SERVICE AUTHORITY FOR FREEWAY EMERGENCIES,
 CONSOLIDATED TRANSPORTATION SERVICES
 AGENCY FOR VENTURA COUNTY,
 AND VENTURA COUNTY CONGESTION MANAGEMENT AGENCY**

Designated Positions

<u>Number of Positions</u>	<u>Position Title</u>	<u>Disclosure Category</u>
17	Commissioner	1 (Subject to 2 CCR §18730[b][3])
1	Executive Director	1
1	Finance Director	1
1	Director of Programming	1
1	Director of Planning and Technology	1
1	Director of Capital Projects	1
1	Director of Bus Transit	1
1	Clerk of the Board/Public Information Officer	1
1	General Counsel (Consultant*)	1

* The disclosure, if any, required of a Consultant will be determined on a case-by-case basis by the County Executive Officer or her designee. The determination of whether a particular Consultant has or will have disclosure requirements is to be made in writing. The determination should include a description of the Consultant's duties and based upon that description, a statement of the extent, if any, of the disclosure requirements. Each writing, or the combined writing, is a public record and is to be retained for public inspection either in the same manner and locations as the Conflict of Interest Code, or with appropriate documentation at the location where the Conflict of Interest Code is maintained, cross-referencing to the Consultant determination(s).

Appendix A to Exhibit 1

RESOLUTION NO. 2010-09

**A JOINT RESOLUTION OF THE VENTURA COUNTY
TRANSPORTATION COMMISSION, THE VENTURA COUNTY
AIRPORT LAND USE COMMISSION, THE VENTURA COUNTY SERVICE
AUTHORITY FOR FREEWAY EMERGENCIES, THE CONSOLIDATED
TRANSPORTATION SERVICES AGENCY FOR VENTURA COUNTY,
AND THE VENTURA COUNTY CONGESTION MANAGEMENT AGENCY
AMENDING APPENDIX A TO EXHIBIT 1 OF THE CONFLICT OF
INTEREST CODE FOR SAID ORGANIZATIONS.**

The Ventura County Transportation Commission (“VCTC”), the Ventura County Airport Land Use Commission (“ALUC”), the Ventura County Service Authority for Freeway Emergencies (“SAFE”), the Consolidated Transportation Services Agency for Ventura County (“CTSA”), and the Ventura County Congestion Management Agency (“CMP”) (hereafter referred to as “VCTC Agencies”), do hereby resolve as follows:

WHEREAS, the VCTC Agencies adopted a revised Conflict of Interest Code on October 3, 2008, and

WHEREAS, as a result of a Classification Study adopted by the VCTC Agencies in 2010, certain position titles have changed, requiring an amendment to Appendix A to Exhibit 1 of the Conflict of Interest Code for said organizations.

NOW, THEREFORE, THE VCTC AGENCIES HEREBY DECLARE, DETERMINE AND RESOLVE AS FOLLOWS:

I. Appendix A to Exhibit 1 of the Conflict of Interest Code for the VCTC Agencies is amended as attached hereto and incorporated herein by this reference.

II. Except to the extent amended hereby, the Conflict of Interest Code for the VCTC Agencies adopted on October 3, 2008 remains in full force and effect.

III. The Chair of the VCTC Agencies is hereby authorized to execute this Resolution adopting the Conflict of Interest Code incorporated herein.

IV. The Executive Director of the VCTC Agencies shall certify the adoption of this Resolution and shall be the designated person to receive and file statements of economic interests for VCTC. Upon receipt of such statements, the Executive Director is directed to retain the original statements for a period of not less than 10 years.

V. The Secretary of the VCTC Agencies is authorized to forward a copy of the amended Conflict of Interest Code to the Board of Supervisors for approval and adoption.

PASSED, APPROVED AND ADOPTED this 9th day of September, 2010.

DENNIS GILLETTE, Chair

ATTEST:

DARREN KETTLE, Executive Director

APPROVED AS TO FORM:

MITCHEL B. KAHN, General Counsel



September 10, 2010

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: PETER DE HAAN, PROGRAMMING DIRECTOR
SUBJECT: LEGISLATIVE UPDATE AND MATRIX

RECOMMENDATION:

- Receive and file legislative report and matrix.

BACKGROUND:

Federal Issues

During July, the House and Senate Appropriations Committees approved their respective versions of the Fiscal Year 2011 Transportation, Housing and Urban Development Appropriations bill. As the Commission may recall, the Administration's proposed budget contained a slight reduction in transportation funding. However, the House bill would provide \$45 billion for highways, a \$3 billion increase from the prior year, and \$11.3 billion for transit, a \$0.6 billion increase from the prior year. The Senate bill, on the other hand, would provide approximately the same level of funding as the prior year, \$42 billion for highways and \$10.8 billion for transit. In addition, the House bill contains \$75 million for Positive Train Control, and the Senate bill contains \$150 million. The House bill was approved by the full House on July 29th, but the Senate bill must now wait until after the summer recess.

State Issues

Attachment A provides the monthly report from Tim Egan, the Commission's Sacramento representative. The report describes efforts underway to pass urgency legislation to authorize the California Transportation Commission to approve Letters of No Prejudice for Proposition 1A funds, to allow the Southern California Regional Rail Authority to proceed with the Positive Train Control project in advance of the availability of Proposition 1A funds. Two bills, AB 2703 (Perez) and SB 1371 (Correa) have been introduced to address this issue. Attachments B & C provide letters of support submitted for these bills by the Executive Director, in conformance with the Commission's adopted Legislative Program.

On July 20th, Governor Schwarzenegger appointed Fran Inman of Los Angeles County to the California Transportation Commission, to replace Larry Zarian, whose appointment had been withdrawn, as reported at the June VCTC meeting. Ms. Inman has been active for some time in Mobility 21, the Southern California alliance of public/private alliance to support transportation, and through Mobility 21 she has significant experience working with VCTC and the other Southern California transportation agencies.

Attachment D is the matrix providing the status of bills being tracked by VCTC. AB 1995 (De La Torre) on which the Commission took an Oppose position, was gutted and amended to address excess local official salaries.



August 24, 2010

To: Ventura County Transportation Commission
Darren Kettle
Peter DeHaan

Subject: LEGISLATIVE REPORT

STATE LEGISLATION

Letters of No Prejudice

SB 1371 (Correa) & AB 2703 (Speaker Perez)

Proposition 1A (The Safe, Reliable High-Speed Passenger Train Bond Act of 2008) provides for \$950 million, out of the \$9.95 billion bond measure, for other commuter and intercity rail improvements which provide for connectivity to the high-speed rail system and for capacity enhancements and safety improvements to those lines. The Proposition 1A bond includes formula funding and candidate projects for Metrolink and intercity rail AMTRAK services, as well as other commuter and urban rail services around the state.

Proposition 1A and Proposition 1B bond funds are currently not available due to the lack of an adopted state budget for FY 2010-11. The lack of an approved budget has created timing issues for Metrolink to continue and execute procurement agreements with vendors to implement Positive Train Control (PTC). Due to the unavailability of Proposition 1A and 1B funds, Metrolink will not be able to secure \$68,750,000 for PTC. Specifically, Metrolink is seeking these specific program/funding amounts:

- \$46,550,000 – Prop 1A, Intercity Rail Program (Formula) for Pacific Surfliner Corridor – PTC for Moorpark to San Onofre
- \$12,200,000 – Prop 1A, Commuter and Urban Rail Program – PTC Systemwide
- \$10,000,000 – Prop 1B, State-Local Partnership Program – PTC Systemwide

Under AB 672 (Chapter 463, 2009 Statutes) regional and local agencies are authorized to seek from the CTC “Letters of No Prejudice” (LONP) to advance locally programmed projects utilizing local funds to be subsequently reimbursed from those agencies’ Prop 1B bond funds. Currently, there does not exist legislative authority for the CTC to approve LONP requests for projects funded under Proposition 1A.

The CTC at its August 11-12, 2010 meeting approved the Letter of No Prejudice for \$68,750,000 for Metrolink to implement Positive Train Control with Proposition 1A bond funds and Proposition 1B State-Local Partnership Program bond funds, subject to approve of specific legislation authorizing Letters of No Prejudice for Proposition 1A projects or approval of a state budget, which ever comes first.

SB 1371 (Correa) and AB 2703 (Speaker Perez) would authorize Letters of No Prejudice (LONP) for the \$950 million in Proposition 1A funding set aside for capital improvements to intercity and commuter rail lines and urban rail systems. These measures would authorize eligible recipients such as Metrolink to seek LONPs, as defined, from the California Transportation Commission. Both bills are urgency measures and would become effective upon the signature of the Governor. At this time, SB 1371 is the main bill moving forward and was approved yesterday (August 23) by the Assembly Transportation Committee to the Assembly Floor.

Other Legislation

AB 1955 (De La Torre)

As introduced and previously considered by the VCTC Board, AB 1955 was a bill dealing with incompatible public offices and those conditions to hold two public offices. AB 1955 has been gutted and amended to deal with the ongoing City of Bell scandal. Late last week the Democratic Leadership introduced a package of bills to address the issues that have been discovered in Bell and other local communities. These bills include:

- AB 192 (Gatto) – Would require a public agency that hires another agency’s nonrepresented employee and is paid in excess of 15% salary or more than from the previous position shall cover the subsequent increase in PERS payments.
- AB 194 (Torrico/Torres) – Would on or after 1/1/11 limit retirement benefits to 125% of the salaries recommended by the California Citizens Compensation Commission to be paid to the Governor effective 12/7/09.
- AB 827 (De La Torre) – Would prohibit an employment contract for an excluded employee as defined from receiving an automatic compensation increase, a severance payment greater than 12 months salary, or an automatic raise in excess of a cost-of-living adjustment.
- AB 1955 (De La Torre) – Would grant broad authority to the State Controller to determine whether a city is an excess compensation city, and with the Attorney General instituting appropriate actions.
- AB 2064 (Huber) – Would require the Legislature, state constitutional officers, cities, counties, special districts, school districts and joint power agencies to annually post on their websites salary information pertaining to specified persons.
- SB 501 (Correa) – Would require public officials to file annually and post on an agency’s website salaries, stipends, automobile and equipment allowances, and incentive and bonus payments.

November Propositions

Proposition 22 – The Local Taxpayer, Public Safety, and Transportation Protection Act of 2010

Proposition 22 is co-sponsored by the League of California Cities, the California Transit Association, and the California Alliance for Jobs and would prohibit the state from shifting, taking, borrowing, or restricting the use of tax revenues dedicated by law to fund local government services, community redevelopment projects, or transportation projects and services.

Transportation Revenues

On the transportation funding portion of the ballot proposition, it specifically prohibits the state from loaning or transferring Public Transportation Account (PTA) funds to the General Fund. The proposition requires that sales tax on diesel fuel, the core revenue source of the PTA, be deposited quarterly into the PTA and, according to the Department of Finance (DOF) this amount is estimated at \$431 million statewide in 2011-12 (up from the average of \$350 million per year since 2007-08), due to the gas tax swap package passed by the Legislature. Additionally, the proposition protects local transportation funds created by the Transportation Development Act (TDA) from use for any purposes other than public transit and streets & roads purposes. This amount is approximately \$1.4 billion annually. Thus, this ballot measure, if approved by voters, would protect approximately \$1.8 billion per year in PTA and TDA funding for public transportation statewide.

Local Government Revenues

The League of California Cities' fiscal consultant has recently compiled city-by-city numbers that demonstrate almost \$18 billion in revenue protection benefits to cities from the ballot initiative should the voters pass Proposition 22. Protected city and county revenues include:

1. Redevelopment Tax Increment;
2. Property tax;
3. Motor Vehicle Tax;
4. VLF; and
5. Locally Levied Taxes – UUT, TOT, property transfer tax, etc.

Other Propositions

Proposition 18: The Legislature and Governor last week deferred until the 2012 election the Safe, Clean & Reliable Drinking Water Supply Act of 2010 – provides \$11.14 billion bond to upgrade California's water system.

Proposition 19: Regulate, Control and Tax Cannabis Act of 2010 – would legalize and tax marijuana.

Proposition 20: Redistricting of Congressional Districts – Congressional districts to be re-drawn by the Citizens Redistricting Commission created in 2008 by Proposition 11.

Proposition 21: Establishes \$18 Annual Vehicle License Surcharge to Fund State Parks and Wildlife Programs.

Proposition 23: Suspends AB 32 GHG Emissions Implementation until unemployment falls below 5.5% for four consecutive quarters.

Proposition 24: Repeals Corporate Tax Loopholes Act – eliminates recent legislation to allow for certain targeted business tax incentives.

Proposition 25: On Time Budget Act of 2010 – would authorize the enactment of the annual state budget by a simple majority vote of both Houses of the Legislature.

Proposition 26: 2/3rds voter approval for certain local and state levies and charges.

Proposition 27: State Commission on Redistricting – would overturn the California Voters First Act (Proposition 11 of 2008) which established Citizens Redistricting Commission for state legislative districts.

State Budget

As of this writing, we do not have an outline of a proposed state budget. The Democrat and Republican leaders have been meeting with very limited progress being reported. The Governor has been quoted recently that he could envision a budget not being adopted before he leaves office in January. The State Controller has indicated that the state will probably run out of cash sometime in September, after which IOU's will be issued.

The Senate and Assembly Democratic Leadership released earlier this month their proposed budget alternative. The prime initiative in the package is a proposed tax swap alternative which would increase the Vehicle License Fee (VLF) from 1.15% to 1.65%, and increase the Personal Income Tax, except the top bracket by 1 percent, and would reduce the state sales tax by 1.75% in the budget year and an additional 0.75 percent in 2011-12. Under the proposed tax swap, taxpayers across income groups would be able to deduct taxes that are deductible for federal tax purposes for taxes that are not deductible (sales taxes). Democrats, Republicans and the Legislative Analyst Office differ as to the fiscal impact of this proposal and what the impact on taxpayers may be.

The Legislature is scheduled to adjourn the 2009-10 Session at midnight on August 31st. The Legislature technically cannot adjourn its Session until such time that a budget is approved. After the 31st, the Legislature can only take up for consideration and vote the budget and budget trailer bills and nothing else.



VENTURA COUNTY TRANSPORTATION COMMISSION

950 County Square Dr., Suite 207 Ventura, California 93003 (805) 642-1591 fax (805) 642-4860

August 16, 2010

The Honorable John A. Perez
California Assembly
State Capitol Building, Room 5052
Sacramento, CA 95814

RE: SUPPORT FOR AB 2703 FOR RAIL SAFETY IMPROVEMENTS

Dear Speaker Perez:

The Ventura County Transportation Commission strongly supports AB 2703. The legislation will enable the Southern California Regional Rail Authority (Metrolink) to proceed with the deployment of life-saving technology on our rail system. Federal law requires the implementation of Positive Train Control (PTC) on the Metrolink system by 2015. To demonstrate Southern California's commitment to safety of its passengers following the September 2008 tragedy in Chatsworth, Metrolink has pledged to implement PTF three years ahead of the national deadline. This aggressive schedule requires Proposition 1A High Speed Rail bond funds from the \$950 million account for connectivity projects.

However, without a state budget or the pending sale of Proposition 1A bonds, it is necessary for local agencies such as VCTC to backstop state funds with local dollars to keep PTC deployment on schedule. AB 2703 would allow Metrolink and its member agencies, such as VCTC, to front local funds with a process used for other bond programs known as a Letter of No Prejudice (LONP). Under a LONP, the project can move forward using local funds until such time as state bond funds become available and the local agency is repaid.

VCTC is firmly committed to the implementation of PTC as a regional priority. VCTC is a member of the joint powers authority that comprises Metrolink; we stand united with our neighboring county transportation commissions in supporting your legislation. Thank you for your leadership in keeping the traveling public safe.

Please contact me at (805) 642-1591, extension 123, or Peter De Haan of my staff at extension 106, for assistance regarding AB 2703.

Sincerely,

Darren M. Kettle
Executive Director

cc. John Fenton, Metrolink



VENTURA COUNTY TRANSPORTATION COMMISSION

950 County Square Dr., Suite 207 Ventura, California 93003 (805) 642-1591 fax (805) 642-4860

August 16, 2010

The Honorable Lou Correa
California Senate
State Capitol Building, Room 5052
Sacramento, CA 95814

RE: SUPPORT FOR SB 1371 FOR RAIL SAFETY IMPROVEMENTS

Dear Senator Correa:

The Ventura County Transportation Commission strongly supports SB 1371. The legislation will enable the Southern California Regional Rail Authority (Metrolink) to proceed with the deployment of life-saving technology on our rail system. Federal law requires the implementation of Positive Train Control (PTC) on the Metrolink system by 2015. To demonstrate Southern California's commitment to safety of its passengers following the September 2008 tragedy in Chatsworth, Metrolink has pledged to implement PTF three years ahead of the national deadline. This aggressive schedule requires Proposition 1A High Speed Rail bond funds from the \$950 million account for connectivity projects.

However, without a state budget or the pending sale of Proposition 1A bonds, it is necessary for local agencies such as VCTC to backstop state funds with local dollars to keep PTC deployment on schedule. SB 1371 would allow Metrolink and its member agencies, such as VCTC, to front local funds with a process used for other bond programs known as a Letter of No Prejudice (LONP). Under a LONP, the project can move forward using local funds until such time as state bond funds become available and the local agency is repaid.

VCTC is firmly committed to the implementation of PTC as a regional priority. VCTC is a member of the joint powers authority that comprises Metrolink; we stand united with our neighboring county transportation commissions in supporting your legislation. Thank you for your leadership in keeping the traveling public safe.

Please contact me at (805) 642-1591, extension 123, or Peter De Haan of my staff at extension 106, for assistance regarding SB 1371.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. M. Kettle', is written over a horizontal line.

Darren M. Kettle
Executive Director

cc. John Fenton, Metrolink

www.goventura.org

VENTURA COUNTY TRANSPORTATION COMMISSION STATE LEGISLATIVE MATRIX BILL SUMMARY August 18, 2010			
BILL/AUTHOR	SUBJECT	POSITION	STATUS
AB 1995 De La Torre	Original version broadened definition of incompatible public offices. Gutted and amended to address excess compensation of local government officials.	Oppose	To be removed from matrix.
AB 2703 Perez	Authorizes Letters of No Prejudice for Proposition 1A projects, thus allowing Positive Train Control to move forward.	Support	Passed Assembly 72-0. Passed Senate Transportation and Housing Committee 8-0. In Senate Rules Committee.
AB 1371 Correa	Authorizes Letters of No Prejudice for Proposition 1A projects, thus allowing Positive Train Control to move forward.	Support	Passed Senate 30-0. In Assembly Transportation Committee.
SB 1445 DeSaulnier	Original version assessed a \$1 vehicle registration fee to support development of the Sustainable Communities Strategy required by SB 375. Amended bill provides fee of up to \$4 at the option of a region.	Watch	Passed Committee on Local Government 5-3. Passed Transportation Committee 8-3. Passed Appropriations Committee 12-5. To full Assembly.



September 10, 2010

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: VICTOR KAMHI, BUS TRANSIT DIRECTOR
SUBJECT: VISTA FARE INCREASE

RECOMMENDATION

- Hold a public hearing to receive public comments regarding a proposal to modify the VISTA fare structure. The proposed modifications include:
 1. Increasing intercity fares within Ventura County from \$1.00 to \$1.25, and Senior/Disabled/Medicare cardholder fare increasing from \$0.50 to \$0.60. Increase monthly passes from \$40 to \$50 for adults, and from \$20 to \$25 for Senior/Disabled/Medicare cardholders.
 2. Increase VISTA Heritage Valley Dial-a-Ride (DAR) monthly passes from \$16 to \$20. Increase the DAR/VISTA 126 Daily pass from \$3.00 to \$3.50. Increase the VISTA Heritage Valley Dial-a-Ride individual fares from \$1.50 to \$1.75 and the Senior/Disabled/Medicare fares from \$0.75 to \$0.85.
 3. Increase the "Premium Monthly Pass (DAR and VISTA intercity services) from \$56 to \$60 for adults and from \$36 to \$38 for Senior/Disabled/Medicare Card holders.
 4. Increase the age for "Seniors" from 62 to 65 years old.

BACKGROUND

The fares for VISTA transit services within Ventura County have remained largely unchanged since VISTA began service in 1994. With the exception of ending a discounted student fare in 2000, the base fare has remained at \$1.00 for intercity trips inside Ventura County, with Senior/Disabled/Medicare cardholder fares at \$.50. Monthly pass rates have been \$40 per month, and Senior/Disabled/Medicare cardholder passes have cost \$20. The fares for VISTA Heritage Valley Dial-A-Ride (DAR) services, providing community-level transit service in Santa Paula, Fillmore, and Piru, has been \$1.50, with Senior/Disabled/Medicare cardholder fare \$.75. A DAR pass is available for \$16 per month.

A number of VISTA riders use the VCTC "social service tokens" program, details of which will be presented to the Commission for policy direction at a subsequent meeting.

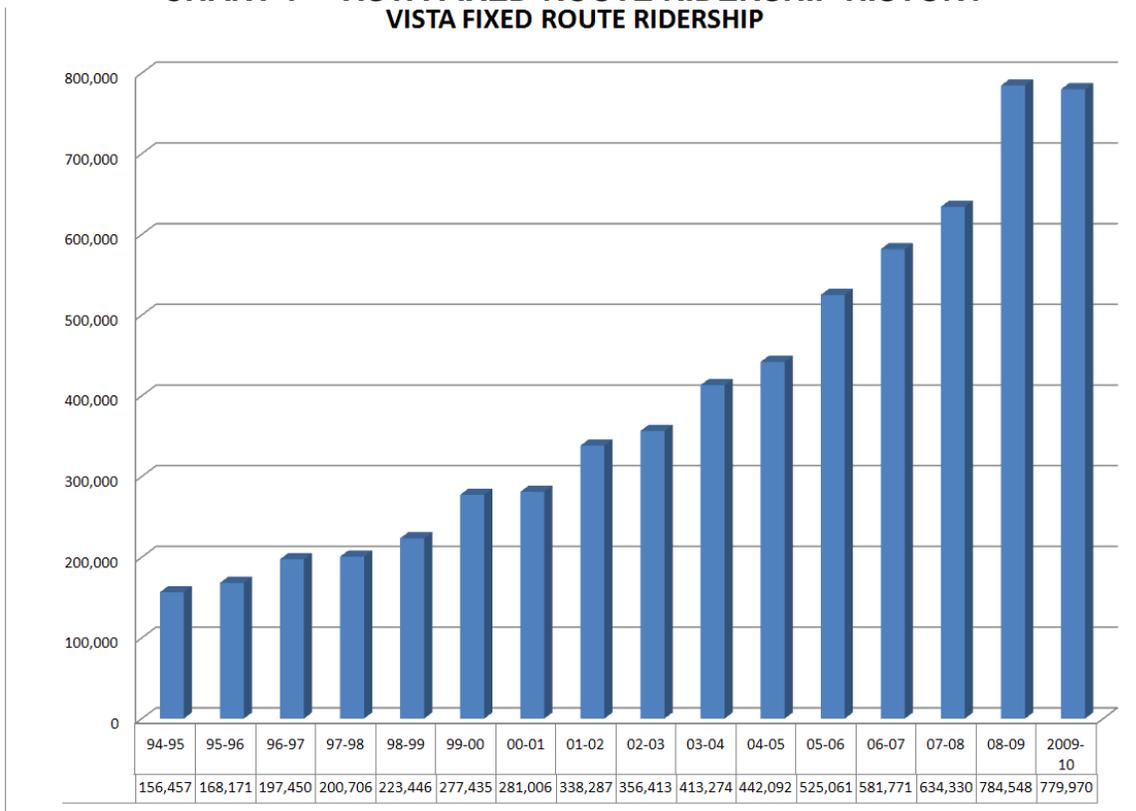
INTERCITY FARE INCREASE

VISTA has been a very successful service, with growth in ridership and service level increasing significantly over the past 16 years. In 1994, VISTA provided 104 "daily trips," with no weekend services. In 2010, VISTA is providing 300 daily scheduled trips, with Saturday service on most lines, and Sunday service on the VISTA 126 and Coastal lines. By contracting for the VISTA service, VCTC has been able to provide a very low cost service.

As Chart 1 illustrates, VISTA intercity ridership has increased from less than 150,000 annual boarding in 1994 to approximately 780,000 in 2010.

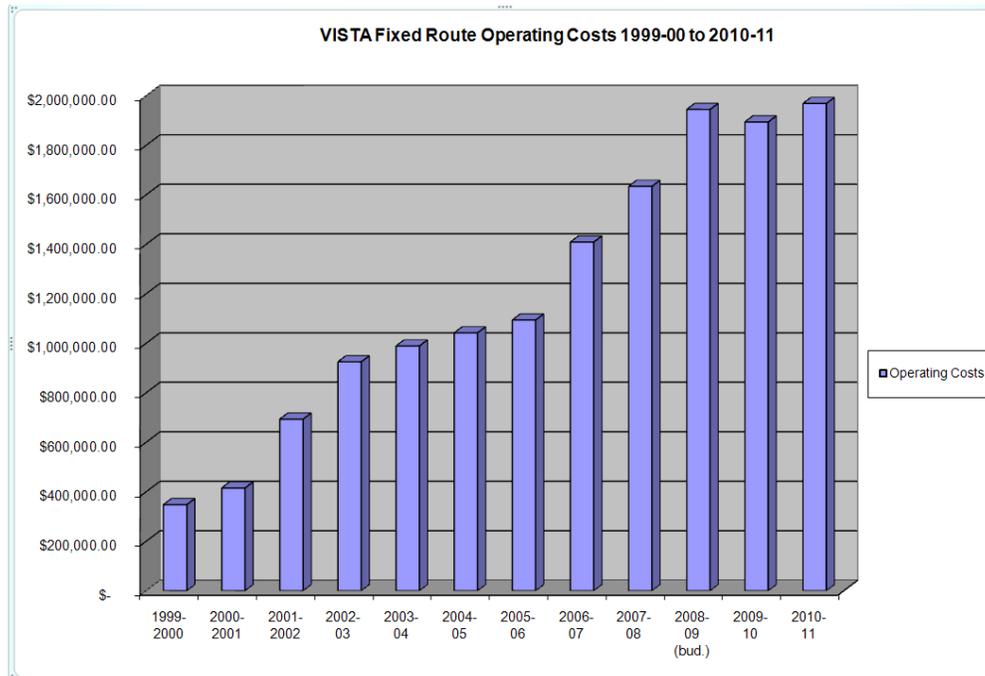
VISTA's annual operating cost has increased from less than \$400,000 in FY 1999-2000 to nearly \$2,000,000 in FY 2010-2011. VISTA overall contract operating cost has increased due to the addition of service as well as an increase in the hourly cost of service. The current VISTA intercity operating cost/hour is \$38.35, up from \$20.10 in FY 1998-1999. Chart 2 shows the overall increase in cost due to both increased service and increased hourly operating cost. The cost of operating VISTA will continue to increase within the terms of the existing contract, which include a 3.5% annual operating increase. In a period where VISTA services have had to be curtailed, and transit funding has decreased (absent any foreseeable increases), the current service level is not sustainable absent additional revenues which must include an increase in fares.

CHART 1 – VISTA FIXED-ROUTE RIDERSHIP HISTORY
VISTA FIXED ROUTE RIDERSHIP



Note: Chart 1 includes Coastal Express and Conejo Connection ridership

Chart 2 – VISTA FIXED-ROUTE OPERATING COST HISTORY



VISTA FARES COMPARED WITH OTHER VENTURA COUNTY FARES FOR FIXED-ROUTE SERVICES

One of the factors analyzed when considering a fare increase is if the proposed pricing is reasonable in comparison with other transit fares in the region. In the case of VISTA, VCTC has been able to operate its bus services with fares as low or lower than other transit services in the county. Table 1 shows the current fixed-route transit fares in Ventura County. Included in the table are LA Metro Route 161 which serves Thousand Oaks, and the Santa Barbara Metropolitan Transit District given the high number of VISTA riders who also use that service. As Table 1 shows, VISTA currently has one of the lower fares in the county. Still, if the fare is increased as proposed to \$1.25, the cost will still be as low or lower than Gold Coast Transit and Simi Valley Transit, as well as the LA Metro and SBMTD services.

TABLE 1 – VENTURA AREA FIXED-ROUTE FARE COMPARISON

SERVICE	REGULAR FARE	SR./ADA/Medicare
VISTA	\$1.00	\$.50
Gold Coast Transit	\$1.35	\$.65
Camarillo Area Transit	\$1.00	\$.50
Thousand Oaks Transit	\$1.00	\$.50
Simi Valley Transit	\$1.25	\$.50
Moorpark Transit	\$1.00	\$.50
Ojai Trolley	\$.50	\$.25
LA Metro (Route 161)	\$1.50	\$.55
SBMTD	\$1.75	\$.85

Other services “similar” to the VISTA intercity service also include Los Angeles DOT’s Commuter Express, which features distance-based fares ranging from \$1.25 to \$3.90; the Santa Barbara Clean Air Express, with six-dollar fares from Lompoc/Santa Maria to the Santa Barbara south coast; and the Santa Barbara MTD Valley Express (Solvang to Santa Barbara south coast) with a five-dollar fare.

IMPACTS OF THE PROPOSED CHANGES IN FARES.

The attached table (Table 2) shows the estimated ridership and fare revenue for the fixed-route services, assuming the recommended fare increase and using the fare elasticity of -.27 (for every 10 percent increase in fare there will be a 2.7 percent decrease in ridership). For purposes of this analysis, FY 2008/2009 ridership data and revenues were used. Gold Coast Transit, as part of its major fare change analysis in 2003, used an elasticity factor of -0.30. The forecast elasticity for VISTA may be lower than this, given ridership on most lines is increasing. Further, the American Public Transportation Association (APTA) reports elasticity for commuter service as -0.23. The table indicates there were 508,880 boardings on the VISTA fixed-route services, not including the Coastal Express and Conejo Connection. The analysis also does not take into consideration the impact of riders who use the CSUCI pass, social service tokens, or ride fare-free (5 years old and under).

Many of the riders on VISTA are commuters – either for work or school trips, and therefore should be more likely to continue to use the service. It is important to note the fare elasticity index is to be used as an estimate only -- VISTA may not experience a drop in ridership after all. If VCTC implements a 25 percent fare increase, it can expect a reduction in ridership of approximately 6.2% to 6.75% using the national model developed by APTA. The actual changes in ridership may vary significantly based on factors including employment, the region’s economy, price of gasoline, and other market factors.

TABLE 2 – FARE INCREASE IMPACTS ON RIDERSHIP AND REVENUE

VISTA fixed-route (inside Ventura Co only)	Existing Fares	Proposed Fares	Boarding FY 2008-09	Annual Revenues ** FY 2008-09*	Annual Boarding (using average elasticity)	Annual Revenues Projected	Revenue Change Projected	Ridership Change (decrease)
Adult/Student	\$1.00	\$1.25	262,436	\$262,436	246,139	\$307,673	\$45,237	-16,297
Senior & Disabled	\$0.50	\$0.60	44,726	\$22,363	41,949	\$25,169	\$2,806	-2,777
Pass-Adult/Student	\$40.00	\$50.00	58,701	\$230,620	55,056	\$250,000	\$19,380	-3,645
Pass Sr/Disabled	\$20.00	\$25.00	15,381	\$34,204	14,426	\$37,000	\$2,796	-955
Daily Pass (126 only)	\$3.00	\$3.50	4,398	\$ 6,000	4,125	\$7,218	\$1,218	-273
Totals	-----	---	385,642	\$555,623	361,694	\$627,061	\$71,438	-23,948

*Does not include tokens or CSUCI passes.

Note - Total boarding 508,880, includes free boarding and social service tokens.

VISTA HERITAGE VALLEY DIAL-A-RIDE FARE AND PASS INCREASE

The VISTA Heritage Valley Dial-A-Ride (DAR) has also been a success in terms of ridership and productivity (which denotes service efficiency). Ridership on the service increased from approximately 50,000 in FY 1994-1995 to approximately 215,000 today (Table 5). Ridership growth in the service has leveled off due primarily to the lack of growth in the number of vehicles and vehicle hours of service, either of which limits program growth. This leveling in ridership growth is attributed to the absence of funding to expand the service. In FY 2010-2011, the service is being reduced in response to a lack of transit funds to maintain service levels.

The VISTA Heritage Valley Dial-A-Ride is operated through a contract with FATCO, a local service provider. The current VISTA Heritage Valley Dial-A-Ride cost/VSH is \$31.22, an increase from the hourly rate of \$10.75 in FY 1998-1999. While the service has expanded to operate on Saturday and Sunday, the number of vehicles used has only doubled, which is reflected by the relatively high productivity (nearly 7 passengers per vehicle service hour). Chart 4 shows the overall cost increase in VISTA Heritage Valley DAR operating cost from FY 1998-1999.

The VISTA Heritage Valley DAR has already been impacted by the lack of operating funds, and there is no source of additional funding which is likely to continue in the foreseeable future. Heritage Valley DAR provides mobility to a number of low-income communities who will be impacted with significant fare increases. As Tables 1 and 3 show, the Cost/Ride is not significantly different from other community-based transit services (although many of those are fixed-route and not Dial-A-Ride in nature). However, the pass structure is significantly lower than comparable services. Typically a monthly pass is sold at a rate equal to 80-90 percent of the cost of 20 round trips (typical work or school month). If the price of the VISTA Heritage Valley DAR pass was set at that rate, the cost would be \$60 per month, instead of the current \$16 per month. This equates to a per-trip cost of approximately \$0.40 instead of the \$1.50 cash fare, or 27% of a typical monthly cash fare.

In addition to the increase in the pass charges, the Commission should consider a small increase in the DAR cash fares. Increase the VISTA Heritage Valley Dial-a-Ride individual fares from \$1.50 to \$1.75 and the Senior/Disabled/Medicare fares from \$0.75 to \$0.85. This is a 16.7% increase in the regular fares, and a 13.3% increase in Senior/Disabled/Medicare fares. Because the cost of a monthly DAR pass after the fare increase will still be \$0.50 for someone using the pass for 20 round-trips per month, providing a low cost alternate for regular riders, and there are some requests for trips that currently are not being met, it is likely that the increase will not result in any loss of ridership. It will result in a small increase in revenues which will help to off-set the DAR funding shortfall which currently exists.

Chart 3 – VISTA HERITAGE VALLEY DIAL-A-RIDE RIDERSHIP HISTORY

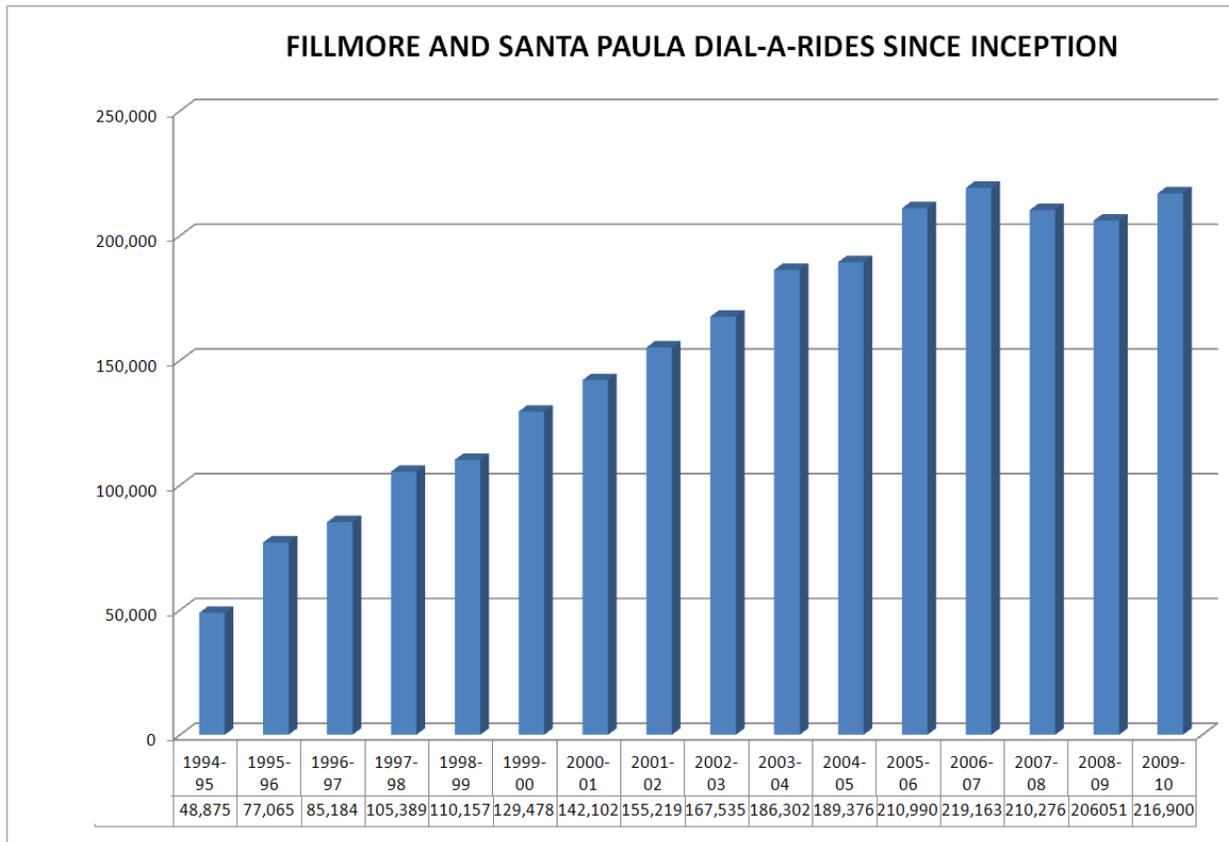


Chart 4 – VISTA HERITAGE VALLEY DIAL-A-RIDE OPERATING COST HISTORY

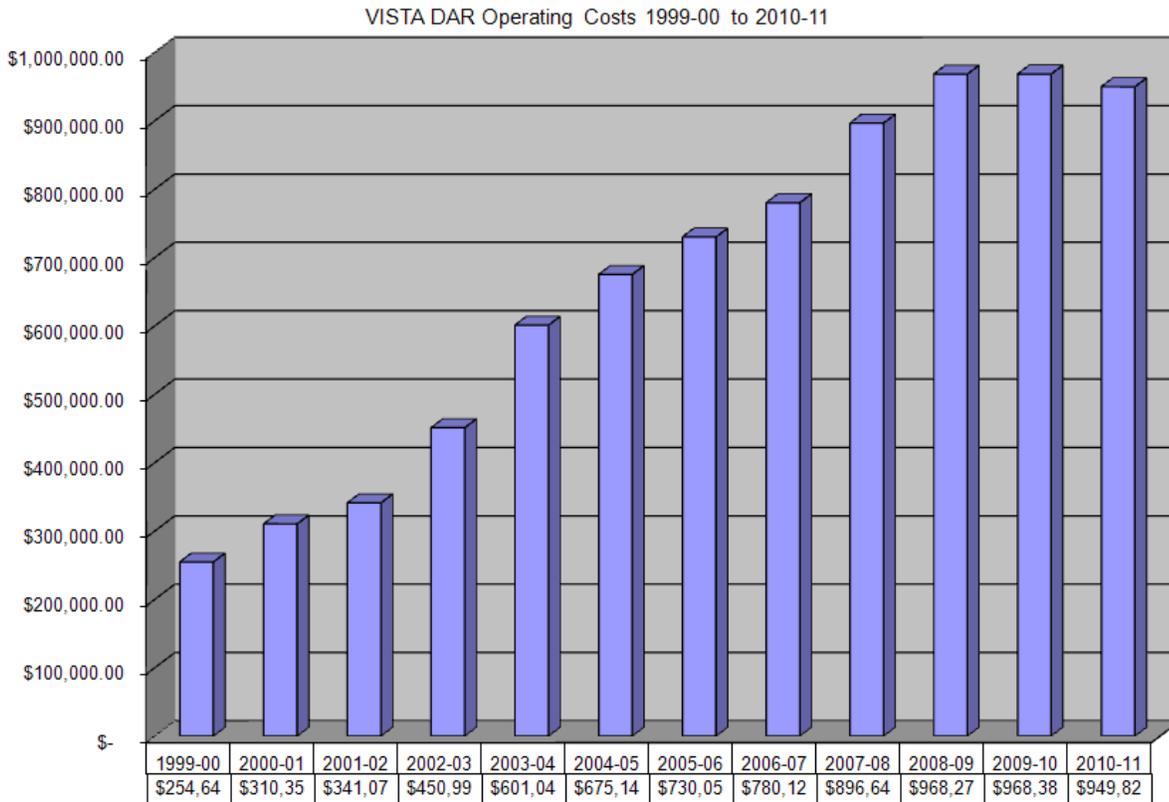


TABLE 3 – VENTURA DIAL-A-RIDE FARE COMPARISON

SERVICE	REGULAR FARE	SR/ADA/ Medicare	REGULAR FARE PASS	SR/ADA/ Medicare PASS
VISTA	\$1.50	\$.75	\$16	\$16
Camarillo DAR	\$2.00	\$1.50	\$40	\$20
Oxnard HBDAR	\$2.00	\$1.50	-----	-----
County (Oak Park)	\$1.50	-----	-----	-----
Senior/ADA/Medicare ONLY				
Thousand Oaks Transit	-----	\$1.50	-----	-----
Simi Valley Transit	-----	\$1.50	-----	-----
Moorpark Transit	-----	\$1.50	-----	-----
Gold Coast Transit	-----	\$2.70	-----	-----
SBMTD	-----	\$3.50	-----	-----

Given concerns regarding the long-term financial sustainability of the VISTA HERITAGE VALLEY DIAL-A-RIDE, the VCTC has applied to Caltrans for a planning grant to work with the communities in the Heritage Valley to develop alternatives to ensure a financially sustainable and affordable transit service. Caltrans is expected to announce the grant awards in the fall of 2010.

IMPACTS OF THE PROPOSED CHANGES IN VISTA HERITAGE VALLEY DIAL-A-RIDE PASS PRICES

The changes in the price of monthly passes proposed for the VISTA Heritage Valley DAR are not expected to have any measurable impact on ridership. While operating revenue is a problem for the service, an increase in fares above the current base fare of \$1.50 may cause significant impact on current patrons. At the same time, a 25 percent increase in the cost of the monthly pass will increase the typical cost/trip from \$0.40 to \$0.50, and is unlikely to have any significant impacts. Nearly 20 percent of all Heritage Valley DAR passengers are using the student monthly pass, more than all the adults and ADA/Seniors/Medicare cardholders (combined) using the monthly passes on the DAR.

CHANGE THE AGE FOR SENIORS ON VISTA

Staff proposes to raise the age at which riders are eligible for "senior" discounts when riding VISTA from 62 to 65 years. In 2007, the VCTC adopted a Human Service Transportation and Transit Service Coordination Study. The adopted recommendation included implementation of a standard age eligibility policy for seniors of 65 years, for publicly-operated transit systems in Ventura County. The study noted there was no single-age eligibility requirement on public transit or paratransit systems in the county, which serves to confuse the senior riding public and is counter-productive in terms of creating a system which is easily understood. Table 4 shows the current age requirements used to determine rider eligibility for transit and paratransit services varies throughout the county.

Table 4 - SENIOR AND DISABLED AGE REQUIREMENTS

Agency/Organization	Age Requirements
Gold Coast Transit	65 years or older
City of Thousand Oaks	62 years of age or older
City of Moorpark	62 years of age or older
City of Simi Valley	60 years of age or older
OHBDAR	65 years or older
City of Camarillo	55 years of age or older
VISTA	Over 62 years of age or older

DISCOUNTS FOR LOW-INCOME RIDERS

As part of its action in July 2010 (to increase fares on the VISTA Intercounty services), the Commission directed staff to investigate the potential of providing a reduced fare on the weekend Coastal Express because of the Commission's concern about impacts of fare increases for low-income workers. Staff analysis reveals that a weekend discount on the Coastal Express would benefit a very small segment of the riders without any corresponding system-wide equity. Other VISTA services, especially VISTA 126, have equally high or higher percentages and numbers of low-income riders, and the services are used chiefly for work/commute and college trips. However, VCTC is not able to provide reduced fares for these low-income riders, as well as low-income riders on virtually every other VISTA route without incurring a loss in non-federal revenue needed to operate the service. While VISTA is able to attract riders with incomes above the federal "low-income" standard for Ventura County, like almost every transit service, VISTA also attracts those without alternate means of transportation or the ability to afford other means. Providing a discount to just the Coastal Express weekend riders would be providing that specific group with a benefit not available to the balance of VISTA riders.

There are two programs which can help the low-income riders countywide, details of which will be presented to the VCTC as separate items. These are the development of a transfer system, which, if implemented, would benefit all riders, including low-income patrons dependent on transit for their entire trip, and a revised "social service" token program.

September 10, 2010

Item #10

Page #8

Staff reviewed the ridership on the Coastal Express and found:

1. During the weekdays, approximately 48% of the riders were from households with incomes under the federal "low-income" standard for Ventura County.
2. During the weekends, approximately 83% of the riders were from households with incomes under the federal "low-income" standard for Ventura County.
3. During the weekdays, approximately 83% of the riders were making work/commute trips.
4. During the weekends, approximately 28% of the riders were making work/commute trips.
5. Ridership on a typical weekday on the Coastal Express is 950.
6. Ridership on a typical weekend day on the Coastal Express is 340.

Employing the above data, it is likely that on a typical weekday, 378 low-income riders are going to work on the Coastal Express; and on a typical weekend day, 79 low-income riders are going to work. This reveals many more low-income weekday Coastal Express work-bound riders are impacted than weekend ones.

TRANSCOM REVIEW

The proposed VISTA Fare adjustments were discussed at TRANSCOM. TRANSCOM acted to support the proposed modifications. In addition, TRANSCOM suggested that the Commission, recognizing the funding shortfalls and service reductions to the Heritage Valley Dial-A-Ride, consider increasing the DAR fare in addition to the proposed increases to the Heritage Valley Dial-A-Ride monthly passes.



September 10, 2010

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: VICTOR KAMHI, BUS TRANSIT DIRECTOR
SUBJECT: COUNTY-WIDE FREE TRANSFER DEMONSTRATION

RECOMMENDATION

- Approve a nine-month demonstration of free transfers on VISTA fixed-route services
- Invite transit service providers in Ventura County to participate in the free transfer demonstration.
- Authorize the Executive Director to execute Memorandums of Understandings with other transit providers to implement the transfer demonstration.

BACKGROUND

With a few, very specific exceptions, VISTA has not had a transfer policy between VISTA routes or a transfer policy with other transit services in Ventura County. At the same time, the stated mission of VISTA is to primarily provide transit service connecting with the transit services operated by the cities, not provide a local (intra-community) service. For a variety of reasons, the logical step toward making inter-line transfers easier and at a discount countywide has not been taken, except through the use of the GOVENTURA pass (which is accepted by almost all transit services in the county).

VISTA currently has four transfers:

- VISTA 126 and VISTA Heritage Valley Dial-A-Rides (DAR). This transfer allows a free transfer from DAR (\$1.50 fare) to VISTA 126 (\$1.00 fare); and a \$.50 transfer from VISTA 126 to DAR.
- Free transfer between VISTA Coastal Express and any Santa Barbara Metropolitan Transit District (SBMTD) bus.
- Free transfer between VISTA 101 and the County Juvenile Justice Center (JJC) DAR.
- Free transfer between VISTA CSUCI Oxnard and VISTA CSUCI Camarillo routes.

Use of transfers has varied greatly by route. The VISTA Coastal Express connects with SBMTD, which the VCTC authorized as a demonstration project in 2004, and now has approximately 50 persons using the transfers in each direction daily. Both VCTC and SBMTD acknowledge the transfer policy helped grow ridership on both systems while directly benefiting transit riders.

In addition to the desire of the Commission to address the use of transfers on VISTA and those transit providers with which it connects, it has a responsibility under state law to address transfers as part of its Transportation Development Act compliance. Under California Government Code Title 3, Division 3, Chapter 2, Article 11 - Transportation Fund, VCTC is required to address the issues of transfers between operators.

Transfers between Operators

Section 99282.5

Where there are two or more operators within its area of jurisdiction, the transportation planning agency, the county transportation commission, and the San Diego Metropolitan Transit Development Board, as the case may be, shall adopt, not later than July 1, 1980, rules and regulations to provide for transfers between the public transportation services of the operators so that such services will be coordinated.

Interchange of Transfers

Section 99283

The consent of a transit district to the operation of a public transportation system by an included municipal operator pursuant to Section 99280 may include a requirement for interchange of transfers on an appropriate basis between the public transportation system of the included municipal operator and the public transportation system of the transit district, or any nominee of such transit district, in connection with the furnishing of services by such public transportation systems.

SPECIFIC DEMONSTRATION RECOMMENDATIONS

Based on the results of the existing transfer policies, it is recommended VCTC implement a nine-month demonstration “free transfer” between all fixed-route VISTA services inside Ventura County. Transfers to the VISTA Heritage Valley DAR are not recommended at this time. Transfers to a VISTA intercounty service (Coastal Express and Conejo Connection) will require an additional \$1.50 for adult fares, and \$0.75 for Senior/Disabled/Medicare cardholders. This represents a small discount (\$0.25/\$0.15) in addition to the free transfer. While this may result in a small short-term loss of fare revenue, together with the impacts of the proposed fare increase, and the impacts of the discount and convenience are expected to result in a net increase in transit use and revenue. This is not expected to have any impact on the use of the GOVENTURA Smartcard pass, which will continue to provide a discount to the frequent rider. It may be of assistance to low-income riders who use the bus yet are unable to purchase a GOVENTURA Smartcard for a variety of reasons.

In addition to the nine-month demonstration on VISTA, staff recommends each of the local transit providers be invited to participate in this effort. Staff recommends the demonstration be started in January 2011, with a program evaluation after July 2011. At such time, the success and impacts of the demonstration program will be evaluated, and brought back to the Commission and participating transit policy boards, along with recommendations for future action.



September 10, 2010

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: PETER DE HAAN, PROGRAMMING DIRECTOR
SUBJECT: 2010 FEDERAL TRANSIT ADMINISTRATION (FTA) TRIENNIAL REVIEW

RECOMMENDATION:

- Authorize the Executive Director to increase the hours of retired annuitant Kerry Forsythe for the current fiscal year by approximately 720 hours to provide FTA compliance monitoring.
- Amend Fiscal Year 2010/11 budget to add \$81,000 to fund the hours for Mr. Forsythe plus expenses, funded with \$64,800 in FTA funds from the VISTA carryover, matched with \$16,200 in State Transit Assistance funds.
- Adopt a revision to Commission Procurement Policy, as shown in the Attachment, conforming to the FTA requirement for documentation of the Cost/Price Analysis and Independent Cost Estimate.

BACKGROUND:

The Federal Transit Administration (FTA) is required by law to perform a review of each of its grantees every three years, to ensure compliance with all applicable Federal requirements. The 2010 Triennial Review began with document review starting December 3, 2009, and included a site visit June 23-35, 2010. Since VCTC serves as the pass-through agency for numerous subrecipients, the Triennial Review evaluated both VCTC and the subrecipients, for which VCTC has oversight responsibility. Therefore, as part of the review, FTA visited two of VCTC's subrecipients, the City of Thousand Oaks and the Arc of Ventura County. A major emphasis this year subrecipient oversight.

VCTC staff received the final FTA Triennial Review report on July 8, 2010. The FTA found VCTC to be in compliance under 20 of the 24 subject areas evaluated. The most significant finding of the Review was that VCTC has not provided adequate oversight of its subrecipients and contractors to ensure their compliance with Federal requirements. The review also noted that this finding was repeated from the previous review in 2007. At that time, VCTC developed a Subrecipient Monitoring Procedure and assured FTA that the subrecipients would be properly monitored. However, it now appears that VCTC's current staff resources are insufficient to provide the level of oversight FTA requires, and additional staff hours will be required. Staff recommends that for the time being, the Commission address the FTA grant oversight requirement by increasing the hours of retired annuitant Kerry Forsythe by approximately 720 hours for the current fiscal year. Since the hours for Mr. Forsythe had been reduced for the current budget year, increasing the hours by 720 will bring the total close to the 1,000 maximum allowed for a retired annuitant. Staff believes it would not be prudent at this time to hire a permanent employee for this task, given that the completion of the Regional Transit Study could lead to significant changes in the configuration of the County's transit agencies, possibly changing VCTC's current subrecipient oversight responsibility. Sufficient funding is available in the VISTA carryover balance and the State Transit Assistance balance to cover the cost of this position for at least two years.

September 10, 2010

Item #12

Page #2

Other findings of the Triennial Review, and staff's plan for addressing these issues, are summarized below. Staff will update the Commission at future meetings regarding the status of these efforts.

Maintenance: VCTC's subrecipients are required to have written vehicle plans for FTA-funded vehicles, and to document that the maintenance plans are being followed. The vehicle maintenance records for Thousand Oaks and the Arc both showed a significant number of vehicles receiving preventive maintenance later than required under the maintenance schedules. Furthermore, Thousand Oaks' maintenance schedule was embedded in its maintenance scheduling computer software, and was not in writing in the format required by FTA. VCTC staff is working with both Arc and Thousand Oaks to ensure that their vehicles are being maintained following the required maintenance intervals for the months of July, August, and September, to demonstrate to FTA that the correct maintenance is now being followed. The City of Thousand Oaks is also developing a written bus maintenance plan for submittal to FTA. FTA is also requiring Thousand Oaks to develop a written maintenance plan for its Transportation Center, which was FTA funded, although FTA noted that that facility appears to be adequately maintained. Thousand Oaks is preparing the required maintenance plan for this facility.

Procurement: FTA requires that each procurement include an independent cost estimate prior to receipt of proposals or bids, and a cost or price analysis of proposals or bids prior to award. During the Triennial Review it was noted that VCTC and its subrecipients did not document these items in their procurements. The attached revision to the VCTC Procurement Policy, recommended for approval, will require that these items are documented in writing.

Americans with Disabilities Act (ADA): The Triennial Review found that the scheduled VISTA Santa Paula Commuter bus service, although defined by VCTC as part of the Santa Paula/Fillmore Dial-a-Ride, is in fact a fixed-route bus triggering the requirement for ADA Complementary Transit Service. Although VISTA provides disabled-accessible dial-a-ride in Santa Paula to all members of the public, the ADA requires that Complementary Transit Service meet certain detailed requirements. Staff anticipates that the existing service meets virtually all of these requirements, and is currently working with Fillmore Area Transit Company to determine what changes will be required to meet all of the FTA requirements. The Triennial Review also stipulated that VCTC needs to submit documentation that it has implemented a mechanism for monitoring performance indicators for ADA service in Thousand Oaks and Moorpark, and staff is working with those two cities to develop that information.

Safety and Security: The Triennial Review included an advisory finding that VCTC should develop and distribute safety and security public awareness materials. Since this is an advisory finding, staff has currently focused on the other findings, and has not yet developed a plan for addressing this item.

RECOMMENDED REVISION TO VCTC PROCUREMENT POLICY**A. CONTRACT COST AND PRICE**

1. VCTC shall make independent estimates before receiving bids or proposals. A cost analysis must be performed when the offeror is required to submit the elements of his estimated cost, e.g., under professional, consulting, and architectural engineering services contracts. A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurement, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation. A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price. ***For federally-funded contracts, the independent cost estimate and the cost/price analysis shall be documented in writing in the contract file.***



September 10, 2010

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: MARY TRAVIS, MANAGER - TRANSPORTATION DEVELOPMENT ACT AND RAIL PROGRAMS
SUBJECT: APPROVAL OF ANNEXATION REQUEST FROM CITY OF SANTA PAULA

RECOMMENDATION:

- Consent to request from the City of Santa Paula to annex a portion of the Santa Paula Branch Line (SPBL) corridor for the East Area 1 Specific Plan Area.

BACKGROUND:

The City of Santa Paula has requested VCTC consent to the annexation of a portion of the Santa Paula Branch Line (SPBL). The portion of the SPBL corridor under consideration is a short, linear stretch of the railroad right-of-way just north of Telegraph Road between Grant Line Road and Hallock Drive; please see attached letter from Santa Paula and location map.

The City wants to annex this property into the incorporated city limits as part of its proposed East Area 1 Specific Plan Area which will be presented in the near future to the Ventura County Local Agency Formation Commission (LAFCO). Note that the proposed annexation will address a request from the LAFCO staff that the City annex properties in this area that would otherwise remain as unincorporated islands in the Specific Plan.

The City is proposing to zone this parcel Open Space Passive. This zoning was established by the City to accommodate land that is intended to remain undeveloped with permitted uses limited to waterways, flood control channels, utility corridors (such as rail operations), and hiking/biking/equestrian trails. It is not expected that any alterations to this property will occur that will change the existing maintenance and operation of the rail corridor. Also, the proposed annexation will NOT change the ownership of this portion of the SPBL.

Note that the City and the Project Developer intend to seek approval from the California Utilities Commission (CPUC) in the future for a new grade crossing at Hallock Drive, as it is planned this road will eventually be extended as part of the East Area I project from its current terminus at Telegraph Road to connect with future roadway improvements. It is uncertain if this permission will be granted but that issue is separate from this request and does not impact it.

The Santa Paula Branch Line Advisory Committee (SPBLAC) considered the request at their August 2, 2010 meeting and recommended it be approved, and Legal Counsel has also reviewed the request.



"Citrus Capital of the World"

City of Santa Paula

970 Ventura Street • Santa Paula, California • Mailing Address: P.O. Box 569 • 93061 • Phone: (805) 525-4478 • Fax: (805) 525-6278

July 9, 2010

JUL 12 2010

Darren Kettle, Executive Director
Ventura County Transportation Commission
950 County Square Drive, Suite 207
Ventura, CA 93009

Subject: Request for Consent to Annex Assessor Parcel No. 107-0-040-010 to the City of Santa Paula

Dear Mr. Kettle:

The City of Santa Paula is requesting the consent of the Ventura County Transportation Commission (VCTC) to annex all or a portion of Assessor Parcel No. (APN) 107-0-040-010 to the City of Santa Paula. The parcel in question is a linear stretch of railroad right-of-way corridor, located generally north of Telegraph Road in the vicinity of Hallock Drive, and owned by the VCTC. A map of the area proposed for annexation is provided below.

The City is preparing to file an application with the Ventura County Local Agency Formation Commission (LAFCO) to annex the East Area 1 Specific Plan Area to the City. East Area 1 is located between Santa Paula and Haun Creeks and north of Telegraph Road. To anticipate and facilitate off-site improvements related to implementation of the Specific Plan that was approved in 2008, the City seeks to annex the subject property to within the limits of the City. Subsequent to annexation, it is intended that the project developer and City will seek approval of a grade crossing across this parcel to allow extension of Hallock Drive north from its current terminus at Telegraph Road to connect with future roadway improvements approved for East Area 1. The proposed annexation of the VCTC property also addresses in part a request by LAFCO staff to initiate annexation of properties that would otherwise remain as an unincorporated island with the annexation of East Area 1.

The City is proposing to zone these parcels Open Space Passive (O). This zone was established by the City of Santa Paula to accommodate land that is intended to remain undeveloped, such as properties in the Santa Paula Creek, undevelopable slopes and natural landmarks. Permitted uses are limited to waterways, flood control channels, utility corridors, and hiking, biking, and equestrian trails. With application of this zone, annexation of these parcels will have no effect on the maintenance of existing improvements by the VCTC.

Having VCTC's consent to annex these parcels will facilitate LAFCO processing of the City's application. For this reason, the City is requesting the VCTC consent to the annexation of this parcel. Please find enclosed a "consent to annexation" form for the VCTC's use.

Mr. Darren Kettle
July 9, 2010
Page 2

Thank you for your consideration of the City's request. Please contact contract planner Melanie Doran Traxler at (805) 933-4214 ext. 242 or myself at ext. 244 if you have any questions or need any additional information.

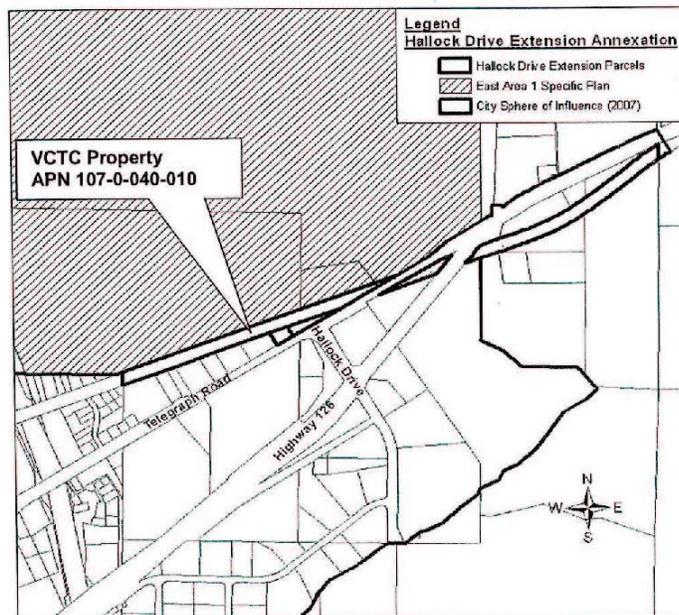
Sincerely,

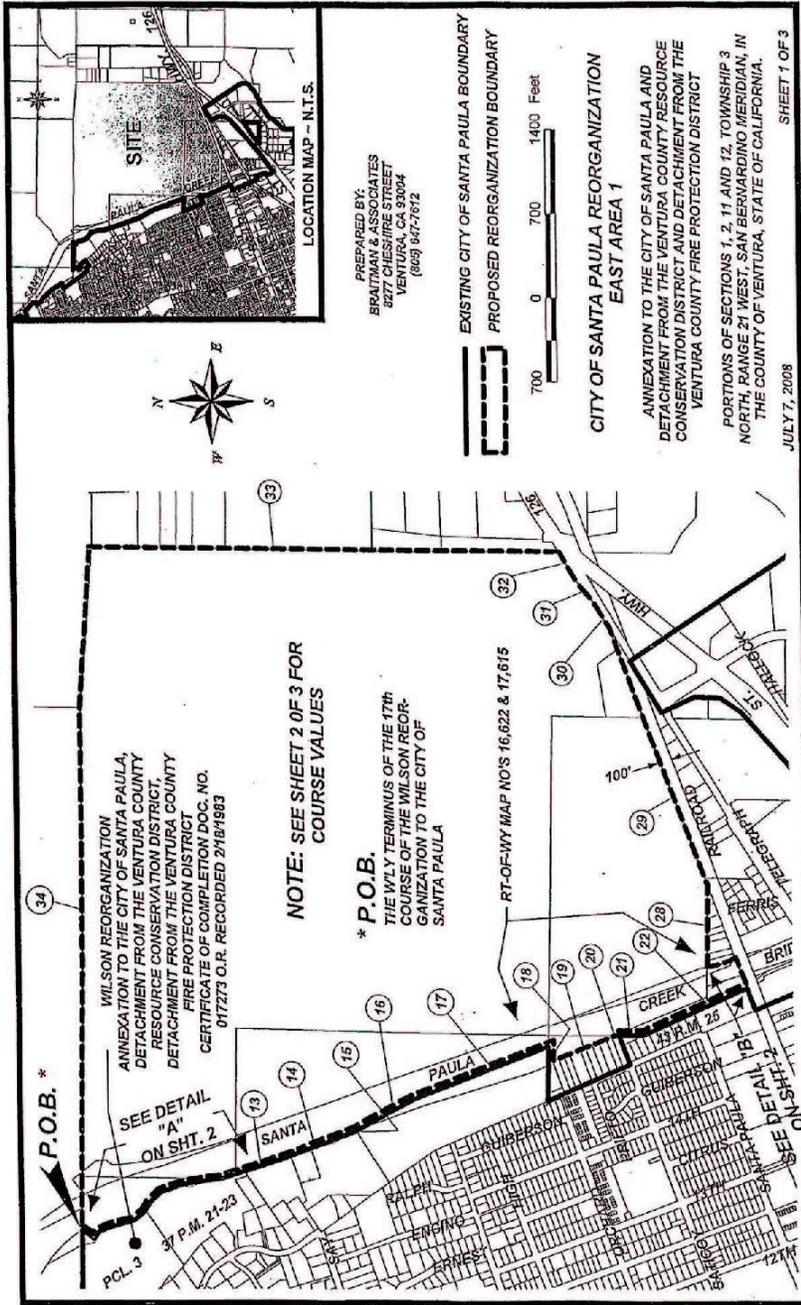
Janna Minsk
Janna Minsk, AICP
Planning Director

Enc.

CC: Mary Travis, Program Manager, VCTC
Steve Medina, Jensen Design & Survey

Map of Proposed Area for Annexation





P.O.B. *
 WILSON REORGANIZATION
 ANNEXATION TO THE CITY OF SANTA PAULA,
 DETACHMENT FROM THE VENTURA COUNTY
 RESOURCE CONSERVATION DISTRICT,
 DETACHMENT FROM THE VENTURA COUNTY
 FIRE PROTECTION DISTRICT
 CERTIFICATE OF COMPLETION DOC. NO.
 017273 O.R. RECORDED 2/18/1983

**NOTE: SEE SHEET 2 OF 3 FOR
 COURSE VALUES**

*** P.O.B.**
 THE WLY TERMINUS OF THE 17th
 COURSE OF THE WILSON REOR-
 GANIZATION TO THE CITY OF
 SANTA PAULA

RT-OF-WY MAP NO'S 16,622 & 17,615

PREPARED BY:
 BRANTON & ASSOCIATES
 8270 CALIFORNIA STREET
 VENTURA, CA 93004
 (805) 847-7612

EXISTING CITY OF SANTA PAULA BOUNDARY
PROPOSED REORGANIZATION BOUNDARY



**CITY OF SANTA PAULA REORGANIZATION
 EAST AREA 1**

ANNEXATION TO THE CITY OF SANTA PAULA AND
 DETACHMENT FROM THE VENTURA COUNTY RESOURCE
 CONSERVATION DISTRICT AND DETACHMENT FROM THE
 VENTURA COUNTY FIRE PROTECTION DISTRICT

PORTIONS OF SECTIONS 1, 2, 11 AND 12, TOWNSHIP 3
 NORTH, RANGE 21 WEST, SAN BERNARDINO MERIDIAN, IN
 THE COUNTY OF VENTURA, STATE OF CALIFORNIA.

JULY 7, 2008

SHEET 1 OF 3

FOR ASSURANCE OF ACCURACY, THIS MAP IS NOT A PROFESSIONAL ENGINEERING OR ARCHITECTURAL DRAWING. IT IS A PRELIMINARY MAP AND SHOULD NOT BE USED FOR ANY PURPOSES OTHER THAN FOR THE INTENDED PURPOSE.

1st -	S 34°30'17" W	116.96'	16th -	S 29°05'01" E	597.50'	31st -	N 49°45'28" E	202.24'
2nd -	S 49°39'29" E	69.34'	17th -	S 22°25'21" E	1200'	32nd -	N 58°17'22" E	306.40'
3rd -	S 24°32'03" E	100.22'	18th -	N 89°33'55" W	140'	33rd -	NORTHERLY	4050.37'
4th -	S 17°05'46" E	100.13'	19th -	S 22°55'06" E	630'	34th -	WESTERLY	5768.56'
5th -	S 16°26'17" E	100.28'	20th -	S 00°17'24" W	30'			544.61 ACRES
6th -	S 38°27'51" E	104.99'	21st -	S 00°17'24" W	184.74'			
7th -	S 56°51'01" E	123.81'	22nd -	S 25°08'21" E	982.76'			
8th -	S 41°31'37" E	106.98'	23rd -	N 69°35'06" E	268.18'			
9th -	S 20°43'13" E	200.00'	24th -	N 22°38'00" W	29.34'			
10th -	S 09°57'29" E	101.83'	25th -	N 70°28'47" W	3.02'			
11th -	S 09°24'54" E	102.01'	26th -	N 21°19'13" W	77.31'			
12th -	S 08°17'03" E	124.45'	27th -	N 13°19'25" W	144.29'			
13th -	S 18°43'47" E	545.32'	28th -	S 89°48'40" E	686.25'			
14th -	S 21°17'21" E	657.32'	29th -	N 69°33'50" E	2279.80'			
15th -	S 54°53'50" W	11.95'	30th -	N 58°17'22" E	258.62'			

PREPARED BY:
 BRAITMAN & ASSOCIATES
 8277 CHESHIRE STREET
 VENTURA, CA 93004
 (805) 642-7612

COURSES FOR

CITY OF SANTA PAULA REORGANIZATION
 EAST AREA 1

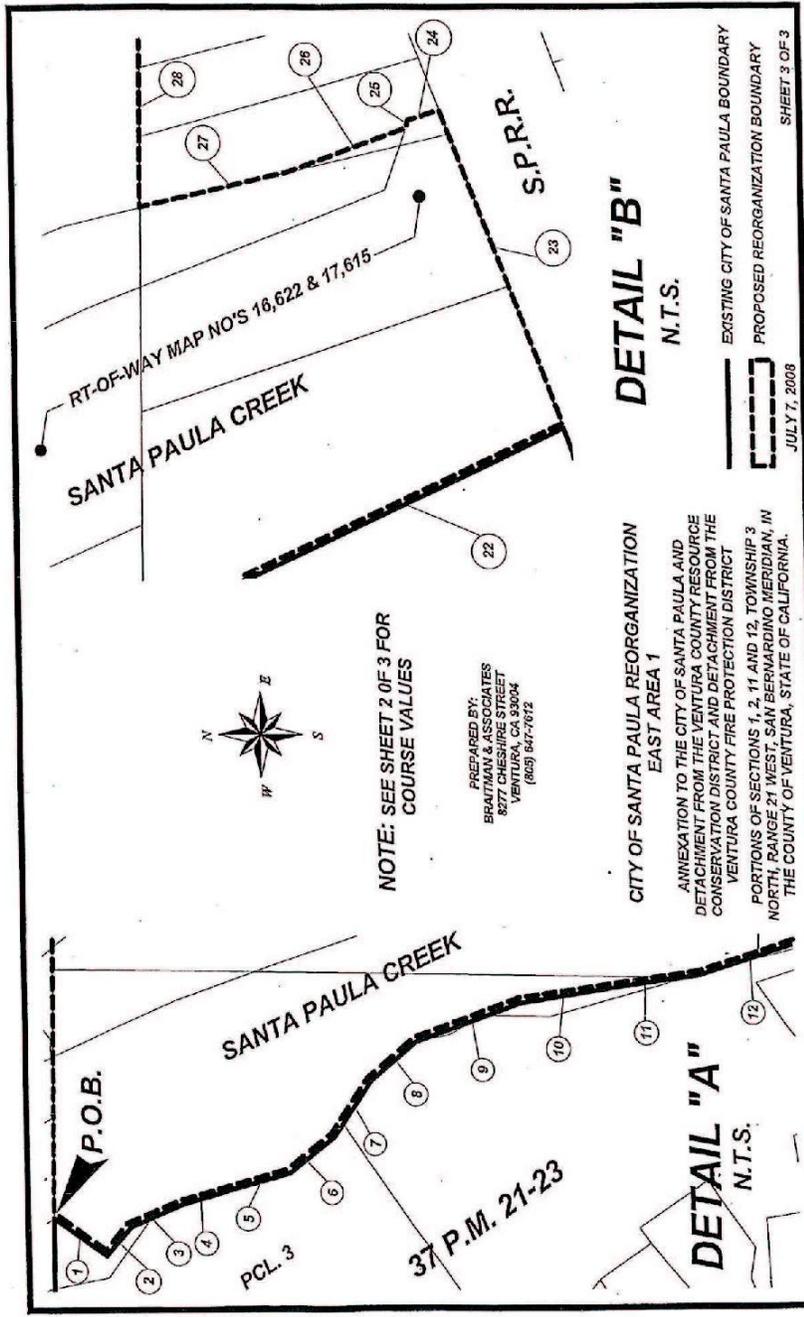
ANNEXATION TO THE CITY OF SANTA PAULA AND
 DETACHMENT FROM THE VENTURA COUNTY RESOURCE
 CONSERVATION DISTRICT AND DETACHMENT FROM THE
 VENTURA COUNTY FIRE PROTECTION DISTRICT

PORTIONS OF SECTIONS 1, 2, 11 AND 12, TOWNSHIP 3
 NORTH, RANGE 21 WEST, SAN BERNARDINO MERIDIAN, IN
 THE COUNTY OF VENTURA, STATE OF CALIFORNIA.

JULY 7, 2008

SHEET 2 OF 3

W:\2008\545350\A&E\FIGURE P1.DWG



NOTE: SEE SHEET 2 OF 3 FOR COURSE VALUES

PREPARED BY:
 BRANTLEY & ASSOCIATES
 800 CHESHIRE STREET
 VENTURA, CA 93004
 (805) 847-7612

DETAIL "B"

N.T.S.

DETAIL "A"

N.T.S.

EXISTING CITY OF SANTA PAULA BOUNDARY
 PROPOSED REORGANIZATION BOUNDARY

JULY 7, 2008

SHEET 3 OF 3

NO. 2008-05-ECT AREA 1, REORG TO SP



September 10, 2010

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: PETER DE HAAN, PROGRAMMING DIRECTOR
SUBJECT: AGREEMENTS FOR METROLINK PROPOSITION 1A PROJECTS

RECOMMENDATION:

- Authorize Executive Director to sign the Attachment 1 Agreement with the Southern California Regional Rail Authority (SCRRA or Metrolink) and its member agencies, for the allocation of Proposition 1A High Speed Rail Connectivity funds.
- Authorize Executive Director to sign the Attachment 2 Agreement with the Los Angeles County Metropolitan Transportation Authority (LACMTA). This agreement states that LACMTA will front VCTC's \$6,621,836 share of the Proposition 1A funding for the Positive Train Control (PTC) project in the event the Proposition 1A funds are not available when needed, and also commits VCTC to repaying this loan from VCTC's Proposition 1B apportionment when it becomes available.
- Authorize on LACMTA approval of the Attachment 2 agreement, authorize Executive Director to sign the Attachment 3 Letter to Metrolink. This letter confirms VCTC's commitment to pay \$6,621,836 in the event Proposition 1A funds are unavailable, with LACMTA to front VCTC's share.

BACKGROUND:

Metrolink is an eligible recipient of \$123.7 million in formula funds under the High Speed Passenger Train Bond Act (Proposition 1A), approved by the State's voters in November, 2008. The act requires Metrolink to enter into memoranda of understanding with the five member agencies, approving the uses of these funds. At the April 2, 2010, Metrolink Board of Directors meeting, Metrolink approved the following programming for their formula Proposition 1A funds. The required Proposition 1A Agreement is presented for approval in Attachment 1.

- Positive Train Control (\$45,000,000)
- Rehabilitation/renovation (\$52,707,000)
- Sidings/double track/station reconfigurations for connectivity (\$26,000,000)

One of the programmed projects, the PTC project, is ready to award a contract for implementation. However, the California Transportation Commission (CTC) is not allocating bond funds to projects until additional bond funds become available, possibly after the next bond sale following passage of the state budget. As described in the Legislative Update in this agenda, urgency legislation is pending to allow the CTC to provide Metrolink with a Letter of No Prejudice (LONP) to allow the PTC project to move forward and be eligible for reimbursement from Proposition 1A funds at such time as these funds become available. The PTC project contract must proceed to contract award at this time to meet Metrolink's 2012 deadline for implementation.

Metrolink developed a formula to determine each member agency's share of the Proposition 1A funding for PTC, based on how much funding each agency has committed to the project relative to what funding is still required. Under this formula, VCTC's share is \$6,621,836. Through the LONP process, the state will reimburse Metrolink

September 10, 2010

Item #14

Page #2

for the member agency funds spent on the project. Metrolink will then return the funds to the member agencies. Reimbursement is expected once the state budget is approved and bond funds become available for allocation, which could be as early as fall 2010. Metrolink has indicated that with the existing funding programmed to the project they would not need the member agency funds for at least six months. Therefore, it is possible that Metrolink will not actually need to use the additional funds the member agencies will be committing, but Metrolink requires the funding commitment for LONP approval and contract award.

To ensure that the PTC project moves forward without delay, the LACMTA Board of Directors has committed whatever funding is necessary for the project on behalf of other Metrolink member agencies, as long as any funds provided are included in an agreement to legally obligate that other agency to loan repayment, with interest. Since VCTC does not have the financial capacity to provide its \$6,621,836 share if required for the PTC project, it has no other option but to accept LACMTA's offer to front the funds on its behalf. Attachment 2 provides the required agreement for approval by the VCTC and LACMTA Boards.

The Attachment 2 Agreement provides that LACMTA shall pay its own share first, and pay VCTC's share only when the LACMTA share has been fully paid and additional funds are still required should the Proposition 1A funds remain unavailable. It also provides that VCTC's repayment shall consist of VCTC programming to LACMTA a portion of its Proposition 1B Transit Capital apportionment, equal to the funding LACMTA paid on VCTC's behalf, plus interest. These provisions ensure that the financial impact on VCTC will be minimized, given that there remains approximately \$28 million in unprogrammed funds from VCTC's share of the Proposition 1B Transit Capital program, and also, VCTC was expecting to use Proposition 1B funds for the PTC project prior to learning of the availability of the Proposition 1A funds. Since the availability of Proposition 1B funds is uncertain, the agreement provides that VCTC's repayment to L.A. County Metro need only occur when the Proposition 1B funds become available to VCTC. The Attachment 2 Agreement provided in the agenda package is a draft, subject to legal review.

With the safeguards in place in the Attachment 2 Agreement with LACMTA, the VCTC Executive Director can sign the Attachment 3 Letter to Metrolink providing VCTC's commitment to its share of PTC project funds should the Proposition 1A funds be unavailable. This letter stipulates that should the Proposition 1A funds be unavailable, VCTC's share will be used last, after the four other Metrolink member agencies.

PROPOSITION 1A MEMORANDUM OF UNDERSTANDING

BY AND BETWEEN THE

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

AND

ORANGE COUNTY TRANSPORTATION AUTHORITY

AND

RIVERSIDE COUNTY TRANSPORTATION COMMISSION

AND

SAN BERNARDINO ASSOCIATED GOVERNMENTS

AND

VENTURA COUNTY TRANSPORTATION COMMISSION

AND

SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY

FOR APPROVAL OF

SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY (SCRRA) USES OF COMMUTER RAIL FORMULA

SHARE HIGH SPEED PASSENGER TRAIN BOND (PROPOSITION 1A) FUNDS

THIS Memorandum of Understanding (“MOU”) is effective as of July 1, 2010, by and between the Los Angeles County Metropolitan Transportation Authority, One Gateway Plaza, Los Angeles, CA 90012 (hereinafter referred to as “LACMTA”), the Orange County Transportation Authority, 550 South Main Street, P.O. Box 14184, Orange, California 92863-1584 (hereinafter referred to as “OCTA”), Riverside County Transportation Commission, 4080 Lemon Street, 3rd Floor, P.O. Box 12008, Riverside, CA 92502 (hereinafter referred to as “RCTC”), San Bernardino Associated Governments, 1170 West 3rd Street, San Bernardino, CA 92410 (hereinafter referred to as “SANBAG”) and Ventura County Transportation Commission, 950 County Square Drive, Ventura, CA 93003 (hereinafter referred to as “VCTC”), (collectively, the “Member Agencies”), and the Southern California Regional Rail Authority, 700 South Flower Street, Suite 2600,, Los Angeles, CA 90017, (hereinafter referred to as “SCRRA”), (collectively, the “Parties” and individually a “Party”).

RECITALS:

WHEREAS, the SCRRA is an eligible recipient of up to \$123,707,000 in commuter rail connectivity formula funds (the “Funds”) under the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, California Streets and Highways Code Sections 2704 et seq. (the “Act”); and

WHEREAS, the project applications must meet the criteria set forth in Section 2704.095 (c) through (i) and for the SCRRA, also the requirements of subsection (j) of the Streets and Highway Code. This funding provision is specific to the SCRRA and requires that fund allocations to the SCRRA be apportioned each fiscal year in accordance with memorandums of understanding between the SCRRA and its Member Agencies; and

WHEREAS, SCRRA staff has worked with the staff of the Member Agencies to identify three project categories. At the SCRRA Board meeting on April 2, 2010, the Board adopted a program of projects; and

WHEREAS, the California Transportation Commission (CTC) has adopted an initial three-year program of projects starting with the 2010-11 Fiscal Year. As appropriate, if programming capacity remains, the Commission will adopt an annual rolling three-year program of projects for the Proposition 1A Program each fiscal year; and

WHEREAS, the CTC, as part of the initial three-year program, programmed Funds in the amount of \$87,700,000 to the SCRRA, including \$35,000,000 for the Positive Train Control project and \$52,700,000 for Renovation and Rehabilitation;

WHEREAS, in order to receive an allocation of the Funds from the CTC, the Act requires the SCRRA to enter into memoranda of understanding with the five Member Agencies, approving the uses; and

WHEREAS, the Member Agencies desire to ensure that the Funds are used in a manner that benefits all counties throughout the Metrolink system; and

WHEREAS, the Member Agencies’ governing boards and commissions have taken action to approve or will soon take action to consider approving Project No. 1 and Project No. 2 as shown in Attachment A, incorporated herein by reference. The dates of such actions are: The LACMTA Board acted on March 25, 2010; The OCTA Board will take action on August 23, 2010; The RCTC will take action on September 10, 2010; The SANBAG Board will take action on September 1, 2010; VCTC will take action on September 10, 2010; and

WHEREAS, the Parties desire that the Funds either be used for systemwide projects, or for projects in the Member Agencies’ jurisdictions allocated in a method similar to the Passenger Rail Improvement Safety and Modernization (“PRISM”) formula used to calculate connectivity formula funds, as described in Attachment B, incorporated herein by reference (“Allocation Formula”).

NOW, THEREFORE, it is mutually understood and agreed by the PARTIES as follows:

ARTICLE 1. APPROVAL OF USES OF FUNDS

- A. The Member Agencies approve the SCRRA'S use of the Funds for Project No. 1 and Project No.
- B. Prior to use of funds for the "Yet to Be Programmed Balance" shown on Attachment A, the SCRRA shall submit to the Member Agencies a proposed revision to Attachment A, specifying additional projects, and demonstrating that the projects are either systemwide, or have been selected in accordance with the Allocation Formula. Prior to any allocation or expenditure of the Funds associated with the Yet to Be Programmed Balance, this MOU shall be amended by all Parties to revise Attachment A.

ARTICLE 2. TERM

- A. The term of this MOU is from July 1, 2010 to June 30, 2011. The MOU shall automatically renew each year on July 1 until the Funds are expended, any required audits are completed, and the grants are closed.

ARTICLE 3. ENTIRE AGREEMENT

- A. This MOU, along with its Attachments, constitutes the entire understanding between the Parties, with respect to the subject matter herein. The MOU shall not be amended, nor any provisions or breach hereof waived, except in writing signed by the individuals who agreed to the original MOU or someone with the same level of authority.
- B. If any term, provision, covenant or condition of this Agreement is held to be invalid, void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the remainder to this Agreement shall not be affected thereby, and each term, provision, covenant or condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
- C. This Agreement may be executed and delivered in any number of counterparts, each of which, when executed and delivered shall be deemed an original and all of which together shall constitute the same agreement. Facsimile signatures will be permitted.
- D. This MOU shall be governed by California law. The covenants and agreements of this MOU shall inure to the benefit of, and shall be binding upon, each of the Parties and their respective successors and assigns.

ARTICLE 4. NOTICE

Any notices or correspondences in connection with this MOU shall be sent to:

LACMTA:

*Jay Fuhrman
One Gateway Plaza
Mailstop 99-23-4
Los Angeles, CA 90012-0952*

E-mail: fuhrmanj@scrra.net

OCTA:

*Jennifer Bergener
550 South Main Street,
P.O. Box 14184,
Orange, California 92863-1584*

E-mail: jbergener@octa.net

RCTC:

*Sheldon Peterson
4080 Lemon Street, 3rd Floor,
P.O. Box 12008,
Riverside, CA 92502*

E-mail: speterson@rctc.org

SANBAG:

*Mitch Alderman
1170 West 3rd Street,
San Bernardino, CA 92410*

E-mail: malderman@sanbag.ca.gov

VCTC:

Mary Travis
950 County Square Drive,
Ventura, CA 93003

E-mail: mtravis@goventura.org

SCRRA

Joanna Capelle
700 South Flower Street, Suite 2600,
Los Angeles, CA 90017

E-mail: capellej@scrra.net

Notice will be given to the Parties at the address specified above or by e-mail with hard copy to follow, unless otherwise notified in writing of a change of address.

ARTICLE 5. INDEMNIFICATION, DEFAULT

- A. No Party nor any officer or employee thereof shall be responsible for any damage or liability occurring by reason of anything done or committed to be done by another Party under or in connection with any Funds approved to be used or used by a Party, its officers, agents, employees, contractors and subcontractors under this MOU. Each Party shall fully indemnify, defend and hold other Parties, and their officers, agents and employees, harmless from and against any liability and expenses, including without limitation, defense costs, any costs or liability on account of bodily injury, death or personal injury of any person or for damage to or loss of risk of property, any environmental obligation, any legal fees and any claims for damages of any nature whatsoever arising out of any Funds approved to be used or used hereunder by such Party, including without limitation: (i) misuse of the Funds by such Party accepting the Funds, or its officers, agents, employees, contractors or subcontractors; (ii) breach of such a Party's obligations under this Agreement; or (iii) any act or omission of such a Party, or its officers, agents, employees, contractors or subcontractors in the performance of the work or the provision of the services hereunder.
- B. The SCRRA in using the Funds as described in this MOU is not a contractor nor an agent or employee of the Member Agencies. The SCRRA attests to no organizational or personal conflicts of interest and agrees to notify the Member Agencies immediately in the event that a conflict, or the appearance thereof, arises. The SCRRA shall not represent itself as an agent or employee of the Member Agencies and shall have no powers to bind the Member Agencies in contract or otherwise.
- C. No Party hereto shall be considered in default in the performance of its obligation hereunder to the extent that the performance of any such obligation is prevented or delayed by unforeseen causes including acts of God, acts of a public enemy, and government acts beyond the control and without fault or negligence of the affected Party. Each Party hereto shall give notice promptly to the other of the nature and extent of any such circumstances claimed to delay, hinder, or prevent performance of any obligations under this MOU.

IN WITNESS WHEREOF, the PARTIES hereto have caused this MOU to be executed on the date first above written.

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

By: _____
Arthur T. Leahy
Chief Executive Officer

APPROVED AS TO FORM:

Andrea Sheridan Ordin
County Counsel

By: _____

Dated: _____

ORANGE COUNTY TRANSPORTATION AUTHORITY

By: _____
Will Kempton, Chief Executive Officer

APPROVED AS TO FORM:

By: _____

APPROVAL RECOMMENDED:

By: _____
Darrell Johnson
Deputy Executive Director

Dated: _____

RIVERSIDE COUNTY TRANSPORTATION COMMISSION

By: _____
Anne Mayer
Executive Director

Dated: _____

APPROVED AS TO FORM:

By: _____
Best, Best & Krieger LLP
General Counsel

SAN BERNARDINO ASSOCIATED GOVERNMENTS

By: _____
Deborah Barmack
Executive Director

Dated: _____

APPROVED AS TO FORM:

By: _____
Jean-Rene Basle
SANBAG Counsel

VENTURA COUNTY TRANSPORTATION COMMISSION

BY: _____
Darren Kettle
Executive Director

Dated: _____

APPROVED AS TO FORM:

By: _____
Mitchel B. Kahn
General Counsel

SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY

By: _____
John E. Fenton
Chief Executive Officer

Dated: _____

**SCRRA Uses of Commuter Rail Formula Share of
High Speed Passenger Train Bond Act (Proposition 1A) Funds**

The projects listed below are the SCRRA's proposed uses of the Funds. The SCRRA is eligible to receive up to \$123,707,000 under a rolling three-year program basis. By this agreement the Member Agencies apportion funding for the first three years of the program, Fiscal Years 2010-11, 2011-12, and 2012-13.

The Member Agencies agree to the use of \$87,707,000 by SCRRA as shown in the Subtotal line of the table. Prior to requesting allocation or expending funds for the Balance Yet to Be Programmed of \$36,000,000, the SCRRA shall request a revision to this Attachment identifying the projects and demonstrating that they provide benefits to the Member Agencies, approximately commensurate with the Allocation Formula as described in Attachment B.

Project	FY 10-11	FY 11-12	FY 12-13	Total
1. Positive Train Control (PTC)	\$35,000,000	\$0	\$0	\$35,000,000
2. Rehabilitation	\$17,707,000	\$17,500,000	\$17,500,000	\$52,707,000
SubTotal Programmed by CTC	\$52,707,000	\$17,500,000	\$17,500,000	\$87,707,000
Balance Yet to Be Programmed				\$36,000,000
Total Commuter Rail Formula Proposition 1A Funds Available to SCRRA	\$52,707,000	\$17,500,000	\$17,500,000	\$123,707,000

Allocation Formula

The SCRRA and the Member Agencies worked with other agencies around the state to establish a formula for distributing funds for rehabilitating and renovating passenger rail systems, called the Passenger Rail Improvement Safety and Modernization Formula ("PRISM"). The formula has been codified in Streets and Highways Code Section 2704.095 (a)(3) to distribute Proposition 1A connectivity funds to passenger rail operators. The PRISM formula is based on the following factors: miles of tracks, vehicle miles, and passenger boardings of each operator. In making the apportionments of the Funds, the CTC used data on each factor from the 2007 National Transit Database ("NTD") report.

Streets and Highways Code Section 2704.095 (a)(3)(j) requires that the MOU's take into account the passenger service needs of the SCRRA and the Member Agencies, revenue attributable to Member Agencies, and separate contributions to the SCRRA from the Member Agencies. NTD data is a reasonable and commonly used way to reflect and quantify the passenger service needs of the SCRRA and Member Agencies. Since 2007 NTD data was used to apportion all of the Funds to SCRRA, it is consistent for SCRRA and the Member Agencies to use the PRISM formula based on 2007 data to distribute the Funds for each year of the program. The PRISM formula using 2007 NTD data results in the following distribution amount the Member Agencies:

Agency	Member Agency Shares of Total SCRRA Connectivity Funding*	Potential Revenue (less 2% Bond Admin)	Miles of Track Utilized	% of Total Track-miles	Annual Vehicle Miles (000s)	% of Total Vehicle-miles	Annual Unlinked Passenger Boardings (000s)	% of Total Pass-Trips
MTA	51.4%	\$63,618	320.0	18.4%	5,731.7	4.7%	8225.3	2.5%
OCTA	21.5%	\$26,579	155.4	8.9%	2,063.3	1.7%	267.9	0.1%
RCTC	10.8%	\$13,388	76.0	4.4%	932.0	0.8%	844.5	0.3%
SBAG	9.1%	\$11,215	55.0	3.2%	1,380.5	1.1%	729.4	0.2%
VCTC	7.2%	\$8,907	47.0	2.7%	347.4	0.3%	1951.8	0.6%
TOTAL (SCRRA)	100.0%	\$123,707	653.4	37.6%	10,454.9	8.6%	12,018.9	3.7%

* Member Agency shares are approximate and will depend on selection of priority projects and availability of local match, thus taking into consideration revenue attributable to Member Agencies, and the separate contributions to the SCRRA from the Member Agencies, to create the "Allocation Formula" to be applied by SCRRA.

MEMORANDUM OF UNDERSTANDING

BY AND BETWEEN THE

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

AND

THE VENTURA COUNTY TRANSPORTATION COMMISSION

FOR THE ADVANCE OF FUNDS TO

THE SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY (SCRRA)

POSITIVE TRAIN CONTROL PROJECT

This Memorandum of Understanding (MOU) is entered into effective this _____ day of _____ 2010, by and between the Los Angeles County Metropolitan Transportation Authority, One Gateway Plaza, Los Angeles, CA 90012 (hereinafter referred to as LACMTA), and the Ventura County Transportation Commission, 950 County Square Drive, Ventura, CA 93003 (hereinafter referred to as VCTC) (collectively, the "Parties"), regarding the provision of funds for the Positive Train Control project (the "Project").

RECITALS:

WHEREAS, The Southern California Regional Rail Authority (SCRRA) is an eligible recipient of up to \$123,707,000 million in commuter and urban rail connectivity formula funds (the "Commuter and Urban Rail Funds") under the Proposition 1A High Speed Passenger Train Bond Act (the "Act"); and

WHEREAS, the the SCRRA has submitted an allocation request for \$12,200,000 of the Commuter and Urban Rail Funds for the Positive Train Control Project (the "Project"); and,

WHEREAS, the California State Department of Transportation ("Caltrans") is an eligible recipient of up to \$190,000,000 in intercity rail connectivity formula funds (the "Intercity Rail Funds") under the Act; and

WHEREAS, Caltrans has designated SCRRA as the Grantee on its behalf for \$46,550,000 of the Intercity Rail Funds for the Project; and

WHEREAS, the State has not yet adopted a Fiscal Year 2010-11 Budget or sold and appropriated bonds for the Proposition 1A program; and

WHEREAS, SCRRA is seeking approval by the California Transportation Commission of a Letter of No Prejudice (LONP) to allow the project to move forward in advance of approval of the Proposition 1A Funds, and a commitment of sufficient funding from other sources is required as a condition for receiving the Letter of No Prejudice (LONP Funds); and,

WHEREAS, the SCRRA has requested its member agencies to provide alternate funding for the LONP Funds for the combined Commuter and Urban Rail Funds amount of \$12,200,000 and Intercity Rail Funds amount of \$46,550,000 for a total of \$58,750,000; and

WHEREAS, the SCRRA member agencies have established each of the member agencies' financial share in the LONP Funds for the Project, with VCTC's share of the LONP Funds being \$6,621,836; and,

WHEREAS, the LACMTA Board has authorized the use of Measure R 3% money to advance funds for the Project on behalf of other SCRRA member agencies, subject to a legally binding agreement for future repayment; and,

WHEREAS, VCTC desires that LACMTA provide an advance of Measure R 3% funds to fund its share of the Project cost if needed prior to the availability of Proposition 1A Funds from the State of California.

NOW, THEREFORE, it is mutually understood and agreed by PARTIES as follows:

ARTICLE 1. PAYMENT OF PROJECT COSTS BY LACMTA

- C. In the event of that sufficient Proposition 1A Funds are unavailable from the State of California, LACMTA shall first provide to SCRRA its share of funding needed for cash flow for the project under the Letter of No Prejudice approach. Only after LACMTA's share has been exhausted and should SCRRA's cash flow requirements for the Project indicate that further funding is needed shall LACMTA make to SCRRA payments on VCTC's behalf.
- D. The payment to SCRRA on VCTC's behalf shall be no greater than VCTC's financial share of the project, equal to \$6,621,836.

ARTICLE 2. REPAYMENT OF LOAN BY VCTC

- A. In the event that funds are paid by LACMTA to SCRRA on VCTC's behalf for the Project as provided in Article 1, VCTC hereby accepts a legal obligation to repay LACMTA for the amount paid on its behalf, subject to interest as described in this Article.
- B. At the time of payment of funds by LACMTA to SCRRA on VCTC's behalf, LACMTA shall provide written notification to VCTC. If the Funds become available prior to 6 months after the completion of the Project Completion, LACMTA shall receive its repayment from the SCRRA and VCTC shall pay the LACMTA only for any interest accrued from the time funds are advanced until Completion. If the Funds are not available by Completion, VCTC, VCTC shall pay the LACMTA the full amount paid on VCTC's behalf, plus interest. VCTC shall make any repayment required under this MOU by programming the required amount to eligible projects designated by LACMTA, from VCTC's formula share of the Proposition 1B Public Transportation Modernization, Improvement and Service Enhancement (PTMISEA) program, using the earliest available funds. VCTC shall not be required to provide any funds to LACMTA prior to the availability of the availability of Proposition 1B funds from VCTC's apportionment.
- C. The amount of the repayment to be provided by VCTC using PTMISEA funds shall be equal to the amount of funds paid to SCRRA on VCTC's behalf for the Project, plus accrued interest. To the extent LACMTA has funding available to advance for VCTC without issuing bonds, interest shall accrue in the amount of the increase in the Los Angeles Area Consumer Price Index ("CPI") during the most recent calendar year

prior to the fiscal year for which interest is calculated. To the extent bonding is necessary for LACMTA to pay SCRRRA on behalf of VCTC, VCTC shall not pay CPI, but shall pay LACMTA for costs incurred in issuing bonds, including, but not limited to interest and issuing costs.

- D. Should the Proposition 1A Funds become available during or after VCTC repayments to LACMTA, the Parties shall reconcile as follows so that LACMTA receives all appropriate repayment, but does not keep any whole or partial duplicate payments from both VCTC and SCRRRA: LACMTA shall recover from SCRRRA the Funds advanced to SCRRRA on VCTC's behalf and return to VCTC any principal amounts for which VCTC has repaid LACMTA.

ARTICLE 3. TERM

- A. The term of this MOU shall commence effective September 1, 2010. The agreement shall remain in effect until the later of nine months after: 1) the Proposition 1A Funds for the project have been fully paid to SCRRRA by the State of California, and 2) LACMTA and VCTC have reconciled.

ARTICLE 4. ENTIRE AGREEMENT

- A. This MOU constitutes the entire understanding between the parties, with respect to the subject matter herein. The MOU shall not be amended, nor any provisions or breach hereof waived, except in writing signed by the parties who agreed to the original MOU or the same level of authority.
- B. This MOU shall constitute a legally binding agreement, to be governed by California law. If any term, provision, covenant or condition of this Agreement is held to be invalid, void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the remainder of this Agreement shall not be affected thereby, and each term, provision, covenant or condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
- C. This Agreement may be executed and delivered in any number of counterparts, each of which, when executed and delivered shall be deemed an original and all of which together shall constitute the same agreement. Facsimile signatures will be permitted.
- D. The covenants and agreements of this MOU shall inure to the benefit of, and shall be binding upon, each of the parties and their respective successors and assigns.

ARTICLE 5. NOTICE

Any notices or correspondences in connection with this MOU shall be sent to:

LACMTA:

Jay Fuhrman
One Gateway Plaza
Mailstop 99-23-4
Los Angeles, CA 90012-0952

VCTC:

Mary Travis
950 County Square Drive,
Ventura, CA 93003

Notice will be given to the parties at the address specified in Part I, unless otherwise notified in writing of change of address.

ARTICLE 6. INDEMNIFICATION, DEFAULT

- A. Neither Party nor any officer or employee thereof shall be responsible for any damage or liability occurring by reason of anything done or committed to be done by the Party under or in connection with any Funds approved to be used or used by a Party, its officers, agents, employees, contractors and subcontractors under this MOU. Each Party shall fully indemnify, defend and hold other Parties, and their officers, agents and employees harmless from and against any liability and expenses, including without limitation, defense costs, any costs or liability on account of bodily injury, death or personal injury of any person or for damage to or loss of risk of property, any environmental obligation, any legal fees and any claims for damages of any nature whatsoever arising out of any Funds approved to be used or used hereunder, including without limitation: (i) misuse of the Funds by Party accepting the Funds, or its officers, agents, employees, contractors or subcontractors; (ii) breach of a Party's obligations under this Agreement; or (iii) any act or omission of a Party, or its officers, agents, employees, contractors or subcontractors in the performance of the work or the provision of the services hereunder.

- B. Neither party hereto shall be considered in default in the performance of its obligation hereunder to the extent that the performance of any such obligation is prevented or delayed by unforeseen causes including acts of God, acts of a public enemy, and government acts beyond the control and without fault or negligence of the affected party. Each party hereto shall give notice promptly to the other of the nature and extent of any such circumstances claimed to delay, hinder, or prevent performance of any obligations under this MOU.

IN WITNESS WHEREOF, the PARTIES hereto have caused this MOU to be executed on the date first above written.

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

By: _____
Arthur T. Leahy
Chief Executive Officer

APPROVED AS TO FORM:
Andrea Sheridan Ordin
County Counsel

By: _____

Dated: _____

VENTURA COUNTY TRANSPORTATION COMMISSION

By: _____
Darren M. Kettle
Executive Director

APPROVED AS TO FORM:

By: _____
Mitchel B. Kahn
General Counsel

Dated: _____

September 10, 2010

Mr. John Fenton
Chief Executive Officer
Southern California Regional Rail Authority
818 West 7th Street, Suite 2600
Los Angeles, CA 90017

**CALIFORNIA TRANSPORTATION COMMISSION LETTER OF
NO PREJUDICE FOR SCRRRA POSITIVE TRAIN CONTROL PROJECT**

Dear Mr. Fenton:

We are writing to express our joint support for your Letter of No Prejudice (LONP) request to the California Transportation Commission (CTC) for the Positive Train Control (PTC) project to be heard at the September 2010 CTC meeting. Our support also extends to providing a financial guarantee for our member agency shares of local funds to replace Proposition 1A High Speed Passenger Train Bonds (Prop 1A) funds, should it be necessary. PTC is a very high priority for both the Los Angeles County Metropolitan Transportation Authority (LACMTA) and the Ventura County Transportation Commission (VCTC), and we are working together to ensure that the necessary funding is available to Southern California Regional Rail Authority (SCRRRA) for an expeditious implementation.

At a July 16, 2010 meeting of the SCRRRA member agencies, each agreed to take on a share of the responsibility for providing a financial guarantee for the project. The agreed upon shares are shown in Enclosure A. The VCTC's share of the LONP is estimated at 11.3%. Applying this share to the \$46,550,000 intercity allocation request and the \$12,200,000 commuter rail allocation request, VCTC is committed to advance funding of up to \$5,246,748 and \$1,375,088, respectively, for a total of \$6,221,836.

Enclosure B includes copies of an LACMTA Board motion and minutes showing approval for advancing LACMTA's local Measure R funds on behalf of VCTC for the PTC project. Enclosure C includes copies of a VCTC Board action and minutes approving the commitment to the SCRRRA and the loan from LACMTA. Our understanding is that LACMTA's funds would be used on VCTC's behalf only if Proposition 1A bond funds are not sold and made available to SCRRRA by the time SCRRRA has exhausted its other PTC funds and all the other member agencies' shares of the LONP funds, including LACMTA's.

Should you have any questions, please contact Patricia Chen at (213) 922-3041 or Peter DeHaan at (805) 642-1591 extension 106.

Sincerely,

Arthur T. Leahy
Chief Executive Officer
Los Angeles County Metropolitan Transportation Authority

Darren Kettle
Executive Director
Ventura County Transportation Commission

Enclosures:

- A. LONP Shares for Positive Train Control
- B. LACMTA Board motion language and Recap of Actions indicating approval to advance funding on behalf of VCTC for the PTC LONP
- C. VCTC Board action and minutes approving

cc: Deborah Barmack, SANBAG
Bill Bronte, Caltrans Division of Rail
Will Kempton, OCTA
Cindy McKim, Caltrans
Anne Mayer, RCTC
Bimla Rhinehart, CTC
David Sosa, Caltrans District 7



Item #15

September 10, 2010

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: MARY TRAVIS, MANAGER - TRANSPORTATION DEVELOPMENT ACT AND RAIL PROGRAMS
SUBJECT: UPDATE ON SANTA PAULA BRANCH LINE (SPBL) OPERATIONS

RECOMMENDATION:

- Receive and file report.

BACKGROUND:

There follows a brief summary of the discussions regarding operation of the Santa Paula Branch Line (SPBL) that have taken place over the past month, including comments and actions taken at the August 2, 2010 meeting of the Santa Paula Branch Line Advisory Committee (SPBLAC).

County Review of Property Lease Agreements

When the SPBL was purchased in 1996, VCTC turned over management of the lease properties in the unincorporated areas of Saticoy and Piru to the County of Ventura along with the lease revenues. It was recently suggested that a portion or all of the lease revenues might be returned to VCTC to pay for SPBL maintenance. The County Public Works Agency reviewed the suggestion but believes that the revenue collected is needed to defray County property management costs and that no lease revenues can be returned at this time.

Proposed Revision to VCTC Administrative Code Re: SPBLAC

A memorandum from VCTC Counsel Mitch Kahn about the "super majority" voting clause in the VCTC Administrative Code was distributed and discussed by the SPBLAC at their August 2, 2010 meeting. SPBLAC agreed that the "super majority" vote was inappropriate and recommended the Commission approve changes to the Administrative Code that would place the final decision-making authority for SPBL activities with a simple majority vote by the Commission.

SPBLAC also discussed the membership on the committee, and agreed that elected officials rather than staff from the agencies involved with the SPBL (i.e. the County and the cities of Fillmore, San Buenaventura and Santa Paula) should be the group to make policy recommendations about the SPBL to the full Commission for action. Both of these Administrative Code changes will therefore be presented to the Commission for consideration at its September 10th meeting.

Fillmore & Western (F&W) Railroad Maintenance Agreements with VCTC and the City of Fillmore

F&W pays to lease the SPBL for its tourist and movie trains, and also, receives a monthly payment from VCTC per contract to maintain 15 feet on either side along the Line between Montalvo and Rancho Camulos. The agreement between VCTC and F&W is for a twenty-year period or until July 1, 2021. By a separate agreement

September 10, 2010

Item #15

Page #2

with VCTC, the City of Fillmore leases the track from Santa Paula to Rancho Camulos (called the "Fillmore Segment") from VCTC and then the city subleases this section of track to F&W for their tourist excursion train operations. The city receives a monthly payment from F&W based on the passengers carried on the special tourist trains operated on this segment.

Two issues recently arose when reviewing the F&W agreements with VCTC and with the City of Fillmore. First, it was discovered that VCTC has been paying F&W a set monthly amount rather than the "lesser amount" identified in the agreement that is based on the lease and signal revenues that annually accrue to the Line. Therefore, beginning in October, the monthly maintenance payment will be reduced in accordance with the agreement.

A second issue involves the City of Fillmore's separate sublease agreement with F&W for the portion of the SPBL from Santa Paula to Rancho Camulos for tourist and excursion train purposes. The sublease states that Fillmore and/or F&W will maintain this section of the SPBL. However, for the past several years, VCTC has been paying for this maintenance. In the future, these maintenance costs for the fifteen-foot strip of land on either side of the track will be paid by the City working directly with F&W.

Union Pacific (UP) Railroad

In summary, VCTC's agreement with UP requires the Commission maintain the tracks between Montalvo and Santa Paula without charge as long as UP runs freight on the Line. They currently have one customer, International Paper, with deliveries/pickups by rail three times a week. UP and F&W are continuing discussions to possibly establish a transloading arrangement, where the freight would be shifted from UP to F&W near Montalvo. In this type of arrangement, UP would pay F&W to transport freight to the UP customer i.e. International Paper. F&W could then market to provide other freight hauling opportunities down the SPBL corridor. It is possible additional freight customers could be added; this hasn't been a priority in the past because UP got all the revenue while VCTC shouldered all the costs. Staff will continue working with both UP and F&W on this potential new source of revenue that would support F&W operations.

Next Steps:

1. Effective October 1, 2010, VCTC will administer maintenance agreement with F&W consistent with agreement language, and also, the City of Fillmore will administer their agreement with F&W consistent with that agreement's language.
2. Effective January 1, 2011, a schedule to recover overpayment of approximately \$130,000 made to F&W over the past five years will be implemented.
3. Continue to actively engage discussions between UP, F&W, and Metrolink to facilitate shifting freight hauling activity on the SPBL from UP to F&W.
4. Continue discussions with UP to address lease revenue sharing for SPBL maintenance.



Item # 16

September 10, 2010

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

**FROM: DARREN M. KETTLE, EXECUTIVE DIRECTOR
MITCHEL B. KAHN, GENERAL COUNSEL**

**SUBJECT: SANTA PAULA BRANCH LINE ADVISORY COMMITTEE (SPBLAC) ADMINISTRATIVE CODE
AMENDMENT ADOPTION OF ORDINANCE APPROVING ADMINISTRATIVE CODE IN IT'S
ENTIRETY**

RECOMMENDATION:

- Approve Amendments to Administrative Code modifying super majority vote requirement of full Commission to overrule actions of SPBLAC and membership of SPBLAC.
- Adopt Ordinance No. 2010-A approving the Administrative Code in its Entirity.

BACKGROUND:

In the mid-1990s VCTC, with the cooperation of local jurisdictions in the Heritage Valley, purchased the Santa Paula Branch Line from the Southern Pacific Transportation Company. Given the cooperative nature of the acquisition, VCTC and the four "host" jurisdictions, the County, and the cities of San Buenaventura, Santa Paula, and Fillmore entered into a Memorandum of Understanding (MOU). The MOU generally describes the nature of the responsibilities of VCTC, the local jurisdictions, and SPBLAC. The MOU references an Administrative Code section that was approved by the Commission a few months prior to the MOU that called for six (6) votes of the Commission to overrule a decision of SPBLAC. At the time, and until January 1, 2005, the Commission consisted of 7 voting members. In late 2004, AB 2784 was signed into law, reorganizing the Commission to include representation from each city in the county, the five (5) County Supervisors, and two public members. In late 2004 and in anticipation of the expanded Commission membership, the Administrative Committee considered a number of modifications to VCTC's Administrative Code including the SPBLAC section. The primary change to the SPBLAC section was a change of the super majority requirement for the Commission to overrule the decisions of SPBLAC to an 11/17th super majority rather than six of seven Commissioners as defined in the "old" Administrative Code and MOU.

The Commission directed staff and General Counsel to review the current Administrative Code and draft amendments that would place final decision-making authority for Santa Paula Branch Line activities with a simple-majority of the Commission and establish a specific SPBLAC membership that was elected official driven rather than staff driven. As Counsel was conducting the research to address the super-majority question, it became apparent that the Public Utilities Codes that all acts of the Commission require a majority vote of the members. Attached are three documents, one being the current Administrative Code with the necessary "strike-throughs" and added language, and the second being the "clean" document. The third document is General Counsel's opinion that advises that the Administrative Code be amended to remove the 11 of 17 super majority vote requirement.

September 10, 2010

Item #16

Page #2

In order for the Commission to accomplish the objective of doing away with the super-majority requirement (and complying with the Public Utilities Code), it will need to do two things, one, amend the Administrative Code as proposed, and two, advise the four other parties to the MOU that super-majority requirement is not valid and that the Commission will be operating under the amended Administrative Code and State Statute.

The proposed language for the membership of SPBLAC modifies the make-up of that committee to include the Commissioners representing the jurisdictions along the Santa Paula Branch Line corridor and would include the Commissioner from Fillmore, Santa Paula, San Buenaventura, and the County Supervisor(s) whose district includes the corridor.

On August 2, 2010, as required by Administrative Code, the Administrative Committee convened to consider and approved the recommended amendments and recommends approval to the Commission. Also on August 2, the Santa Paula Branchline Advisory Committee convened and received the proposed Administrative Code amendments and was advised of the Administrative Committee's action approving the amendments for consideration by the Commission.

Lastly, the Commission has in the past approved the Administrative Code or any amendments thereto through the approval of a Resolution. As General Counsel was conducting his research regarding the super-majority question, he also found that the Commission should adopt the Administrative Code by Ordinance rather than Resolution. The second recommended action furthers compliance with the Public Utilities Code by adopting the Administrative Code in its entirety by way of ordinance.

c. Transportation Planning Policy Committee ("TPPC") shall be composed of one (1) elected representative from each city and one (1) elected representative from the County of Ventura. The TPPC shall meet quarterly and more often as needed upon the determination of the Chair, the Executive Director or VCTC.

d. Managers' Policy Advisory Committee. There exists in Ventura County a City Managers' Committee which is composed of the Chief Executive Officer of Ventura County and the City Managers of each city in said County, or their designees. Said committee, acting as the Managers' Policy Advisory Committee to VCTC ("MPAC"), shall (1) consider, review and advise VCTC on transportation issues. In the interest of cooperation, VCTC will provide information to MPAC upon reasonable request.

MPAC shall meet concurrently with the City Managers' Committee.

e. Transit Operators Advisory Committee ("TRANSCOM") shall be composed of one (1) representative from each transit service provider operating in Ventura County as approved by VCTC during the first quarter of each calendar year, one (1) representative from each of the cities in the County, and the County of Ventura, Ventura County Air Pollution Control District (*ex officio*) and the California Department of Transportation – District 7 (*ex officio*).

TRANSCOM shall be guided in its operations, organization and administration by operating rules adopted by TRANSCOM from time to time.

f. Santa Paula Branch Line Advisory Committee ("SPBLAC") shall be composed, operate and perform as follows:

(1) Membership. SPBLAC shall be composed of ~~five (5) members Commissioners representing the cities and County Supervisors whose District includes the branch line corridor; the Director of Public Works for the County of Ventura, the City Manager of the City of San Buenaventura, the City Manager/Redevelopment Agency Manager for the cities of Fillmore and Santa Paula, and the Executive Director of VCTC, or their designees. Membership on SPBLAC shall be permanent and designated alternates to the member shall have full voting power. The foregoing notwithstanding, any member agency may request removal from SPBLAC, in writing, and upon delivery of such written request to VCTC, such member agency shall automatically be removed from SPBLAC.~~

(2) Consensus, Voting Number, Quorum. It is the desire of VCTC that the ~~decisions recommendations~~ of SPBLAC be reached, to the extent possible by consensus. However, each member ~~or designated alternate~~ shall have one (1) vote when consensus cannot be reached. A

quorum of SPBLAC shall consist of three (3) voting members, ~~or their designated alternates.~~

(3) Duties of SPBLAC. SPBLAC shall ~~make determinations,~~ advise VCTC and make recommendations to VCTC regarding the management, uses and operations of the Santa Paula Branch Line and all facilities and activities occurring thereon.

~~(4) — Commission Requirement of Super Majority to Overrule SPBLAC. A determination or recommendation by SPBLAC to VCTC shall not be overruled except by not less than eleven (11) votes of the voting members of VCTC.~~

~~(5) — Officers. Paragraph b of Section 1.1 of this Article III, shall apply to SPBLAC; provided, however, that the Chair of SPBLAC shall rotate between the County, the Cities of Ventura, Fillmore and Santa Paula and VCTC, and no Chair shall be selected for a second term from an agency having membership in SPBLAC until a Chair has served from all other member agencies.~~

~~(6) Meetings.~~ SPBLAC shall meet as necessary on the call of its Chair, the Executive Director or VCTC.

3. VCTC Committees.

a. The following committees of VCTC are hereby created and shall meet as needed upon the call of the Chair or Executive Director:

(1) The Administrative Committee shall be composed of a minimum of three (3) and not more than five (5) voting members of VCTC selected by the Chair provided, however, that three (3) of the members shall be the Chair, the Vice Chair and the immediate past Chair. Subject to supervision of VCTC, the committee shall develop amendments to this Code, and to VCTC and Committee rules of order, including total replacement, as the Committee deems necessary and appropriate or as directed by VCTC, and perform such other duties as may be prescribed by VCTC.

more often as needed upon the determination of the Chair, the Executive Director or VCTC.

d. Managers' Policy Advisory Committee. There exists in Ventura County a City Managers' Committee which is composed of the Chief Executive Officer of Ventura County and the City Managers of each city in said County, or their designees. Said committee, acting as the Managers' Policy Advisory Committee to VCTC ("MPAC"), shall (1) consider, review and advise VCTC on transportation issues. In the interest of cooperation, VCTC will provide information to MPAC upon reasonable request.

MPAC shall meet concurrently with the City Managers' Committee.

e. Transit Operators Advisory Committee ("TRANSCOM") shall be composed of one (1) representative from each transit service provider operating in Ventura County as approved by VCTC during the first quarter of each calendar year, one (1) representative from each of the cities in the County, and the County of Ventura, Ventura County Air Pollution Control District (*ex officio*) and the California Department of Transportation – District 7 (*ex officio*).

TRANSCOM shall be guided in its operations, organization and administration by operating rules adopted by TRANSCOM from time to time.

f. Santa Paula Branch Line Advisory Committee ("SPBLAC") shall be composed, operate and perform as follows:

(1) Membership. SPBLAC shall be composed of Commissioners representing the cities and County Supervisors whose District includes the branch line corridor.

(2) Consensus, Voting Number, Quorum. It is the desire of VCTC that the recommendations of SPBLAC be reached, to the extent possible by consensus. However, each member shall have one (1) vote when consensus cannot be reached. A quorum of SPBLAC shall consist of three (3) voting members.

(3) Duties of SPBLAC. SPBLAC shall advise VCTC and make recommendations to VCTC regarding the management, uses and operations of the Santa Paula Branch Line and all facilities and activities occurring thereon.

(4) Meetings. SPBLAC shall meet as necessary on the call of its Chair, the Executive Director or VCTC.

3. VCTC Committees.

ORDINANCE 2010-A

AN ORDINANCE OF THE VENTURA COUNTY TRANSPORTATION COMMISSION, A COUNTY TRANSPORTATION COMMISSION CREATED PURSUANT TO THE LAWS OF THE STATE OF CALIFORNIA (“VCTC”), FOR ITSELF, AND IN ITS CAPACITY AS THE VENTURA COUNTY AIRPORT LAND USE COMMISSION (“ALUP”), AS THE VENTURA COUNTY SERVICE AUTHORITY FOR FREEWAY EMERGENCIES (“SAFE”), AND AS THE CONSOLIDATED TRANSPORTATION SERVICE AGENCY FOR VENTURA COUNTY (“CTSA”) AND THE VENTURA COUNTY CONGESTION MANAGEMENT AGENCY (“CMP”), ADOPTING AND AMENDING THE ADMINISTRATIVE CODE

I. VCTC, ALUP, SAFE, CTSA and CMP (hereinafter, collectively, “VCTC”) hereby find as follows:

A. Public Utilities Code section 130105, subsection (b), requires the VCTC Administrative Code to be adopted by ordinance.

B. That portion of the VCTC Administrative Code relating to the membership and procedures for the operation of the Santa Paula Branch Line Advisory Committee require an amendment to bring them into conformity with past practice and legal requirements.

II. THEREFORE, VCTC does hereby ordain as follows:

A. The VCTC Administrative Code is hereby amended at Article III, Section I, subsection 2.f. as set forth in Exhibit A attached hereto and incorporated by this reference.

B. The VCTC Administrative Code, as amended, is hereby adopted in its entirety as set forth in Exhibit A hereto.

III. The VCTC Administrative Code, as amended, shall become effective upon the date of the adoption of this Ordinance.

IV. The Chair shall execute this Ordinance and the Clerk of the Commission shall attest to its adoption and the signature of the Chair.

Adopted this ____ day of _____, at Camarillo, California.

DENNIS GILLETTE, Chair

ORDINANCE NO. 2010-A

ATTEST:

DONNA COLE, Clerk of the Commission

I, Donna Cole, Clerk of the Commission, hereby certify that the foregoing Ordinance was adopted by the Ventura County Transportation Commission at a regularly scheduled meeting held on _____ upon the motion of Commissioner _____, second by Commissioner _____ and adopted by the following vote of the Commission:

Ayes:

Nays:

Absent:

Abstain:

Dated: _____

DONNA COLE, Clerk of the Commission



Item # 17

September 10, 2010

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: STEVE DEGEORGE, PLANNING & TECHNOLOGY DIRECTOR
SUBJECT: COMPACT FOR A SUSTAINABLE VENTURA COUNTY PHASE II

RECOMMENDATION:

- Receive and File

DISCUSSION:

During the spring the Compact for a Sustainable Ventura County Phase II concluded its public outreach sessions with a series of Sustainability Summits. From the data gathered at the Summits and the Workshops held last fall and the Phase I workshop, the consultant team conducting the compact process has developed and submitted a Draft Final Report for Phase II to the Compact Steering Committee. The Draft Final Report is still a work in progress and is attached under separate cover for your consideration and comment.

The Draft Final Report contains a brief history of the Compact effort, the development scenarios derived from the Map the Future Workshops and Sustainability Summits, brief case studies of other compact efforts, potential next steps and draft compact language. The recommendations found in the Draft Final Report are supported by the case studies and the results of the public outreach conducted. The recommendations include, continuing the Compact effort, strengthening the coalitions that have been built and focusing on stakeholder groups and/or areas that haven't participated to date.

Each case study in the Draft Final Report describes an iterative process of outreach efforts taking several years to build the relationships and language necessary to adopt the principals of agreement that form a compact. The Ventura County Compact effort seems to mirror the case studies in that, the project sponsors and staff put forth a great deal of effort in publicizing the project workshops and summits and yet more work is needed to build the support necessary for a successful Compact.

VCOG's Executive Director, staff, steering committee members and consultant team were successful in publishing articles and editorials in the Star, Acorn, and Santa Paula Times, obtaining radio interviews on local stations and obtaining help from cities through the provision of utility bill inserts and the use of facilities. Several steering committee members took project ownership and spoke to key stakeholder groups throughout the County on behalf of the Compact. Despite the level of effort invested, the public participation level was somewhat disappointing. The Draft final Report states that approximately 350 members of the public participated in either the workshops, summits or the on-line survey.

September 10, 2010

Item #17

Page #2

While the total number of participants may not have been what was hoped for, the outreach effort did bring a greater diversity of participants than was achieved in Phase I. The public dialogue was very lively exploring issues from a variety of viewpoints. Often though, the public desired a dialogue that was sharply focused on very specific issues rather than the countywide perspective the Compact was presenting suggesting a need to be more surgical in the outreach effort to build additional support.

The Compact Steering Committee is continuing to work on the Final Report language and recommendations and anticipates bringing the Final Compact Phase II Report to this Board at its November meeting.



Item # 18

September 10, 2010

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: STEVE DEGEORGE, PLANNING & TECHNOLOGY DIRECTOR
SUBJECT: SB 375 UPDATE

RECOMMENDATION:

- Receive and File

DISCUSSION:

Beginning in late spring and continuing through the summer, the California Air Resources Board (CARB) has been taking testimony from the eighteen Metropolitan Planning Organizations (MPOs) and other interested parties on setting greenhouse gas reduction targets to comply with the requirements of SB 375. This activity culminated in CARB's release of a staff report on August 9, 2010 detailing proposed greenhouse gas reductions targets for California's MPOs as shown in Attachment A to this item.

CARB's staff report acknowledged the challenges which MPOs face in responding to SB 375 and have segregated MPOs into three categories with similar characteristics; large, comprised of the Metropolitan Transportation Commission (MTC), Sacramento Area Council of Governments (SACOG), San Diego Association of Governments (SANDAG), and Southern California Association of Governments (SCAG); the eight MPOs of San Joaquin Valley; and finally the six remaining small MPOs. Segregating the MPOs into these three categories has allowed CARB to tailor their recommendations to match the MPOs ability to meet the requirements of SB 375 while still achieving the reductions called for in the scoping plan. CARB's staff report recognized that nearly eighty percent of the State's population reside in one of the four large MPO's and accordingly have set more aggressive targets for those regions for both forecast years.

CARB's staff report closely follows the recommendations of the MPOs and meets the goals set out in the scoping plan with reductions for the large MPOs ranging from seven to eight percent per capita in 2020 and thirteen to sixteen percent per capita in 2035. There are two notable exceptions to how closely CARB followed the MPO's recommendations. The first distinction between CARB's staff report and the recommendations given by the MPOs is that the MPOs had recommended that greenhouse gas reduction targets be assigned as ranges rather than a specific target number allowing the MPOs some flexibility in their modeling and predictive processes. As shown in the Exhibit A to this item, CARB has assigned a specific target number to each MPO.

The second area where CARB's staff report differed from the MPO's recommendations is significant for Ventura County. CARB's staff report significantly increases the greenhouse gas reduction target for SCAG in the 2035 forecast year over what SCAG had estimated it could achieve. In SCAG's testimony to CARB, SCAG estimated

September 10, 2010

Item #18

Page #2

that the region could achieve an eight percent per capita reduction in greenhouse gases in 2035. CARB believed that an eight percent per capita reduction was insufficient especially in light of the fact that each of the other large MPO's were predicting significantly higher reductions for 2035. CARB and SCAG negotiated a thirteen percent per capita reduction target. The tools available to SCAG to enable the additional reductions are limited. By tightening up some of the model input assumptions SCAG can quantify greater reductions but in terms of regional projects and/or policy, SCAG will be asking the County Transportation Commissions to increase efforts in Transportation Demand Management (TDM), Transportation System Management (TSM) and non-motorized transportation. Specific projects or programs have not yet been identified and staff will be working closely with SCAG to flesh out this new strategy.

SCAG and the other MPO's are continuing to work with CARB to modify the recommendations in the report to include ranges rather than specific target numbers. CARB's staff report is schedule to be heard on September 23, 2010 and staff will report back any actions taken by CARB and SCAG as the SB 375 process moves forward.

Attachment A

Proposed SB 375 Greenhouse Gas Targets: Documentation of the Resulting Emission Reductions based on MPO Data

This spreadsheet provides documentation of the MPO data and the calculations used to derive the greenhouse gas reductions of over 3 MMTCO₂/year in 2020 and 15 MMTCO₂/year in 2035 cited in ARB's August 9, 2010 staff report on the Proposed Greenhouse Gas Emission Reduction Targets Pursuant to SB 375.

2005	SCAG	MITC	SANDAG	SACOG	Fresno	Kern	SJCOG	StanCOG	Tulare	Merced	Kings	Madera	AMBAG	SLOCOC (2006)	SBCAG	Shasta	Butte (2006)	Tahoe	18 MPOs
Population	17,763,285	7,094,823	3,034,388	2,057,200	897,416	765,750	650,468	511,617	390,950	243,000	145,463	146,101	740,048	269,300	417,500	165,430	217,209	41,211	35,551,149
Baseline CO ₂ /capita in 2005 (lbs/weekday)	21.2	20.8	26.0	22.4	16.1	14.8	17.2	17.4	16.2	16.4	13.4	19.8	14.1	16.5	16.8	17.9	15.5	14.4	
Annual CO ₂ Emissions in 2005 (MMTCO ₂ /year)	59.3	23.2	12.4	7.3	2.3	1.8	1.8	1.4	1.0	0.6	0.3	0.5	1.6	0.7	1.1	0.5	0.5	0.1	116.3
2020	SCAG	MITC	SANDAG	SACOG	Fresno	Kern	SJCOG	StanCOG	Tulare	Merced	Kings	Madera	AMBAG	SLOCOC	SBCAG	Shasta	Butte (2019)	Tahoe	18 MPOs
Population	21,035,336	8,016,000	3,635,855	2,536,000	1,131,430	1,010,900	809,685	632,823	547,423	351,000	205,914	224,567	840,366	286,000	459,600	214,734	267,589	45,042	42,234,974
Baseline Annual CO ₂ Emissions in 2020 (MMTCO ₂ /year)	20.1	20.1	23.7	21.5	15.7	14.6	16.6	16.7	15.5	18.4	12.7	19.7	15.9	15.2	17.8	19.5	15.6	13.4	
Proposed SB375 Targets - % Change in CO ₂ /capita from 2005	-8%	-7%	-7%	-7%	-5%	-5%	-5%	-5%	-5%	-5%	-5%	-5%	13%	-8%	6%	0%	1%	-7%	
Proposed Target CO ₂ /capita in 2020 (lbs/weekday)	19.5	19.3	24.2	20.8	15.3	14.1	16.3	16.5	15.4	15.6	12.7	18.8	15.9	15.2	17.8	17.9	15.7	13.4	
Annual CO ₂ Emissions in 2020 based on Proposed Target CO ₂ /capita (MMTCO ₂ /year)	64.6	24.4	13.8	8.3	2.7	2.2	2.1	1.6	1.3	0.8	0.4	0.7	2.1	0.7	1.3	0.6	0.7	0.1	128.5
Change in 2020 Annual CO ₂ Emissions due to Proposed Targets (MMTCO ₂ /year)	-2.0	-1.0	0.3	-0.3	-0.1	-0.1	0.0	0.0	0.0	-0.1	0.0	0.0	0.0	0.0	0.0	-0.1	0.0	0.0	-3.4
2035	SCAG	MITC	SANDAG	SACOG	Fresno	Kern	SJCOG	StanCOG	Tulare	Merced	Kings	Madera	AMBAG	SLOCOC	SBCAG	Shasta (2030)	Butte	Tahoe	18 MPOs
Population	23,663,107	9,073,700	3,994,753	3,081,000	1,418,887	1,321,000	986,774	767,836	700,640	465,000	275,476	313,250	920,714	330,800	487,000	245,904	346,818	55,447	48,341,306
Baseline CO ₂ /capita in 2035 (lbs/weekday)	20.4	20.5	24.6	19.6	16.0	16.2	17.0	16.6	16.6	20.4	12.3	21.2	16.0	15.2	17.5	19.7	15.5	15.3	
Baseline Annual CO ₂ Emissions in 2035 (MMTCO ₂ /year)	75.7	29.3	15.4	9.5	3.6	3.4	2.6	2.0	1.8	1.5	0.5	1.0	2.3	0.8	1.3	0.8	0.8	0.1	152.6
Proposed SB375 Targets - % Change in CO ₂ /capita from 2005	-13%	-15%	-13%	-16%	-10%	-10%	-10%	-10%	-10%	-10%	-10%	-10%	14%	-8%	4%	0%	1%	6%	
Proposed Target CO ₂ /capita in 2035 (lbs/weekday)	18.4	17.7	22.6	18.8	14.5	13.3	15.5	15.7	14.6	14.8	12.1	17.8	16.1	15.2	17.5	17.9	15.7	15.3	
Annual CO ₂ Emissions in 2035 based on Proposed Target CO ₂ /capita (MMTCO ₂ /year)	68.4	25.3	14.2	9.1	3.2	2.8	2.4	1.9	1.6	1.1	0.5	0.9	2.3	0.8	1.3	0.7	0.9	0.1	137.5
Change in 2035 Annual CO ₂ Emissions due to Proposed Targets (MMTCO ₂ /year)	-7.3	-4.0	-1.2	-0.4	-0.3	-0.6	-0.2	-0.1	-0.2	-0.4	0.0	-0.2	0.0	0.0	0.0	-0.1	0.0	0.0	-15.1

Proposed SB 375 Greenhouse Gas Targets: Documentation of the Resulting Emission Reductions based on MPO Data

Conversion Factors:

2,000 lbs/short ton
 347 average weekdays/year
 1,000,000 Million
 2,000,000,000,000 lbs
 6,907,1847.4 metric tonne/short ton

Notes:

1. The CO2 emissions presented in this table do not include reductions from Pavley and LCFS regulations
2. The CO2/capita data presented in the table represent RTAC recommended trips only, and does not include through trips.
3. Annual CO2 Emissions were calculated using the formula:

$$\text{Annual CO2 Emissions (MMT/CO2/year)} = \frac{\text{Population} \times \text{CO2/capita (lbs/average weekday)} \times 347 (\text{average weekdays/year}) \times 0.90718474 (\text{metric tonne/short ton})}{1,000,000 (\text{Million}) \times 2,000 (\text{lbs/short ton})}$$

Data Source:

1. SMCAG's Population and CO2/capita data were obtained from their "Alternative Scenario Summary" document (received 6/08/10)
2. MTC's Population and CO2/capita data were obtained from email sent by Harold Brazil (MTC) to Dmitri Smith (ARB) on August 5, 2010, confirming latest MTC data presented by MTC staff at the July 9, 2010 MTC Planning Committee Meeting
3. SANDAG's CO2/capita were obtained from their "Responses to ARB Questions" document (received 6/7/10). Population data were obtained from Attachment B of the "Preliminary Report on Target Setting from MTC, SACOG, SANDAG and SCAG" document (received 5/19/10)
4. SACOG's CO2/capita were obtained from their "RTAC Scenarios" document (received 7/12/10). Population data were obtained from email sent by Bruce Griesenbeck (SACOG) to Jason Crow (ARB) on August 6, 2010, clarifying prior submittals.
5. Fresno Population and CO2/capita data correspond to Approach #1 data presented in Table 3 and Table 13 of their "Proposed target submittal" document, respectively (received 5/19/10)
6. Kern's Population and CO2/capita data were obtained from data provided in their "Alternative Scenario Summary" document (received 7/14/10). CO2/capita were calculated to reflect 100% II and 50 % IXXI trips (consistent with RTAC's Recommendation)
7. SJCOG's Population and CO2/capita data were obtained from Method C calculation of "SJV MPO Step 1 Data Submittal (Excel format)" document (received 5/24/10)
8. StanCOG's Population and CO2/capita data were obtained from Method C calculation of "SJV MPO Step 1 Data Submittal (Excel format)" document (received 5/24/10)
9. Tulare's Population and CO2/capita data were obtained from Method C calculation of "SJV MPO Step 1 Data Submittal (Excel format)" document (received 5/24/10)
10. Merced's Population and CO2/capita data were obtained from Method C calculation of "SJV MPO Step 1 Data Submittal (Excel format)" document (received 5/24/10)
11. Kings's Population and CO2/capita data were obtained from Method C calculation of "SJV MPO Step 1 Data Submittal (Excel format)" document (received 5/24/10)
12. Madera's Population and CO2/capita data were obtained from Method C calculation of "SJV MPO Step 1 Data Submittal (Excel format)" document (received 5/24/10)
13. AMBAG's Population data were obtained from their "SB375 Baseyear data submission" (received May 5, 2010). CO2/capita data were obtained from their "Response to ARB Questions and Technical Memo on CO2 Targets" submission (received 8/3/10)
14. SLOCOG's Population and CO2/capita data were obtained from their "GHG Emission Simulation Results" document (received 6/23/10). CO2/capita data were converted from kg/capita to lbs/capita
15. SBCAG's Population and CO2/capita data were obtained from their "Scenarios for Target Setting" document (received 5/27/10)
16. Shasta's Population and CO2/capita data were obtained from their "Alternative Scenario Summary" document (received 7/14/10). CO2/capita were calculated to reflect 100% II and 50 % IXXI trips (consistent with RTAC's Recommendation)
17. Butte's Population and CO2/capita data were obtained from their "Draft Targets (no Pavley)" document (received 5/24/10)
18. Tehoe's Population and CO2/capita were obtained from the Joint MPO 'SB 375 Base Year Data (2005, 2020, 2035)" document (received 4/26/10). CO2/capita were calculated to reflect 100% II and 50 % IXXI trips (consistent with RTAC's Recommendation)



September 10, 2010

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: SAMIA MAXIMOUS, CAPITAL PROJECTS DIRECTOR

SUBJECT: "MINI" CALL FOR PROJECTS – CONGESTION MITIGATION & AIR QUALITY (CMAQ) SURFACE TRANSPORTATION PROGRAM (STP) AND TRANSPORTATION ENHANCEMENT (TE) FUNDS

RECOMMENDATION:

- Approve release of "mini" call for projects CMAQ, STP & TE funds

BACKGROUND:

The current federal transportation act Safe, Accountable, flexible and Efficient Transportation Equity Act : A Legacy for Users (SAFETEA-LU), which is used for distributing federal Congestion Mitigation & Air Quality (CMAQ) Surface Transportation Program (STP) and Transportation Enhancement (TE) funds, was scheduled to expire by September 30, 2009. Congress did not move to develop a new act for the next six years but instead extended the current act to December 31, 2010. It is more likely the current act will be extended for one or two years. Given this likelihood, staff presented the issue to the Transportation Technical Advisory Committee (TTAC) and Transit Operators Committee (TRANSCOM) and recommended having a "mini" call for projects. The two technical groups appointed a subcommittee to simplify the current selection criteria and application since the amount of money available is smaller than a six-year program. The "mini" call for projects will establish a list of projects for \$10.1 million of CMAQ, \$14.3 million of STP and \$2.2 million of TE, equal to the additional funding anticipated through September 30, 2011.

The subcommittee revised the selection criteria and application for CMAQ and STP funds while the TE application was unchanged. Attached are the revised selection criteria and the application as presented and approved by TTAC and TRANSCOM during their regularly scheduled August meetings. The schedule is outlined below

<u>DATE</u>	<u>ACTION</u>
September 13 to October 22, 2010	Call for projects
October 25, November 10	Screening & Review (VCTC staff & Subcommittee)
November 18	TTAC review & recommendation to Commission
December 3	Presentation to Commission

Once Congress completes a new long term transportation authorization act, staff will return to the Commission with a standard call for projects that meets the program criteria of the new act.

**REVISED CMAQ FUNDING
PROJECT SELECTION GUIDELINES
FOR VENTURA COUNTY
(FOR MINI CALL PURPOSES)**

CMAQ funds are used for projects which mitigate congestion and improve air quality. Types of eligible projects are as follows:

- Clean Fuel Bus Fleets and Support Facilities
- Improved Public Transit/Ridesharing
- Bicycle/Pedestrian Facilities
- Traffic Management / Congestion Relief Strategies
- Clean Fuel Fleet Subsidy Programs
- Other Projects that meet the screening criteria

Two sets of criteria are used to evaluate projects proposed for CMAQ funding. First, **Screening Criteria** will be used to determine if a proposed project is an eligible candidate. Projects which do not satisfy all of the screening criteria will not be evaluated any further. Second, **Selection Criteria** will be used to evaluate the relative merits of each project to determine what its score/priority ranking should be.

Screening Criteria

The screening criteria are divided into three categories. Proposed projects must meet **all** of these screening criteria in order to move to the next phase of the process.

1. Project Eligibility
 - A. Proposed project is eligible for CMAQ funds (see list of eligible project types on page 4-5 of these guidelines)
 - B. Project applicant is a city, the County, a transit operator, or other public transportation agency, or a non-profit organization capable of funding and delivering the project, or is a private/public partnership (possibly with some private funding) subject to approval of FHWA and FTA.
 - C. Proposed project measurably improves air quality.
2. Planning Consistency
 - A. Project is consistent with the adopted Regional Transportation Plan (i.e. SCAG's 2008 RTP).
 - Project is specifically identified in the RTP.
 - Project is consistent with the goals and policies of the RTP.
 - B. Project is consistent with the most-recently adopted general plan(s).

- C. Project is consistent with the adopted District Air Quality Management Plan.
- D. Traffic flow improvement projects must be on roadways eligible for federal funding, which include projects on rural major collectors (and above) and urban collectors (and above).
- E. Transit improvement projects must be consistent with the policies and standards in the adopted Congestion Management Program.

3. Financial Feasibility

- A. Recipient of funds must have the financial capacity to complete, operate and maintain the project.
- B. Funds required from other sources (for local match) must be reasonably expected to be available.
- C. Project can be implemented within Federal delivery requirements.

Selection Criteria

There are eight selection criteria to be used to evaluate projects which have been found to meet the above screening criteria. Each of the criteria has a specific number of "points" assigned to them; these are maximums and as such 100 points represents a "perfect score" for any project.

Because a priority list of project categories has been established, it is difficult to evaluate projects across categories (i.e. how is a project to improve public transit compared to a traffic flow improvement, or a bicycle facility). Therefore, the criteria below provide a basic framework for ranking projects within each individual category. To a lesser extent, the criteria will help determine project "worthiness" and, in broad terms, the relative strength of each project.

In general, projects will be evaluated against each criteria to determine the degree to which they accomplish the stated goal or purpose.

A. Improve mobility. (0 to 30 points)

- Project improves mobility Up to 30 points
- Project does not provides mobility improvement 0 points

B. Improve air quality. (Based on consultation with APCD staff.) (0 to 30 points)

- Significant reduction in vehicle emissions Up to 30 points
- No reduction in vehicle emissions 0 points

C. Address multi-modal or HOV needs. (10 points)

- Project improves coordination between, and access to, more than one mode of travel 10 points
- Project provides little or no improvement to coordination between, or access to, more than one mode of travel 0 points

D. Funding Leverage (10 points)

- Applicant provides at least 20% local match over the required match 10 points
- Applicant does not provide at least 20% local match over 0 points

E. Equitable Distribution of Funds (0 to 20 points)

- Funding the project moves a local jurisdiction closer to receiving an equitable share of funding. Up to 20 points
- Funding does not move local jurisdiction closer to receiving an equitable share of funding 0 points

PROJECTS ELIGIBLE FOR CMAQ FUNDING

Congestion Management and Air Quality (CMAQ) program funds can be used to fund projects expected to result in tangible reductions in CO and ozone precursor emissions, and under certain conditions PM-10 pollution. Eligible activities include:

Transportation Control Measures: TCMs are likely to be eligible, however the air quality benefits must be determined and documented before a project can be considered eligible. Two TCMs specifically excluded by legislation from CMAQ eligibility are reduction of emissions from extreme cold-start conditions and programs to encourage removal of pre-1980 vehicles. (TCMs are listed on Attachment.)

Transportation Activities in an Approved State Implementation Plan: Transportation activities in approved SIPs are likely to be eligible activities. The activity must contribute to the specific emission reductions necessary to bring an area into attainment.

Transit Projects: In general, CMAQ eligibility is determined on the basis of whether or not the project represents an expansion or enhancement of transit service. Eligible capital projects include new stations, transit centers, and preferential bus/HOV treatment on existing roads; new park-and-ride facilities adjacent to transit stops; and major new fixed-guide way and bus/HOV facilities and extensions; new alternative-fueled transit buses, vans, locomotives and rail cars; and operating subsidies for 3-year demonstrations of new service.

Alternative Fuels: Conversion or replacement of centrally-fueled fleets to alternative fuels is eligible provided that the fleet is publicly owned or leased, and the fleet conversion is in response to a specific requirement in the Clean Air Act or is specifically identified in the State Implementation Plan.

Bicycle and Pedestrian Program: Include eligible projects are construction of bicycle and pedestrian facilities, non-construction projects related to safe bicycle use, and establishment and funding of State bicycle/pedestrian coordinator positions.

Management Systems: Projects required to develop, establish the management systems for traffic congestion, public transportation facilities and equipment, and intermodal transportation facilities and systems, as well as implementation of projects contained in them, are eligible where it can be demonstrated they are likely to contribute to attainment of air quality standards.

Traffic Management/Congestion Relief Strategies: Traffic management and congestion relief strategies for both highways and transit are eligible provided that they can be shown to improve air quality. Projects to modernize traffic signals to improve traffic flow and intelligent transportation systems are included under this category.

Telecommuting: Planning, technical and feasibility studies, training, coordination and promotion for telecommuting are eligible activities under CMAQ. Physical establishment of telecommuting centers, computer and office equipment purchases and related activities are not eligible.

Travel Demand Management: Eligible activities include: market research and planning in support of TDM implementation; capital expenses required to implement TDM measures; operating assistance to administer and manage TDM programs; and marketing and public education efforts to support and bolster TDM measures.

Intermodal Freight: CMAQ funds may be used for improved intermodal freight facilities where air quality benefits can be shown.

Public/Private Initiatives: The CMAQ program may be used to fund projects or programs that are owned, operated or under the primary control of the public sector, including public/private joint ventures. Under TEA-21, non-profit organizations are eligible as direct recipients of CMAQ funds.

Outreach Activities: Outreach activities, such as public education on transportation and air quality, advertising of transportation alternatives to SOV travel, and technical assistance to employers or other outreach activities for an Employee Commute Option program may be funded under the CMAQ program for an indefinite period. Transit “stores” selling fare media and dispensing route and schedule information which occupy leased space are also eligible and are not subject to the 3-year limit.

Fare/Fee Subsidy Program: CMAQ funds may be used for partial user fare or fee subsidies to encourage greater use of alternative travel modes (e.g. carpool, vanpool, transit, bicycling and walking), as part of a comprehensive, targeted program to reduce SOV use. The subsidized fare/fee must be limited to any one entity or location for a period not to exceed 2 years.

Other Projects and Programs: Other transportation projects and programs, even if they are not included under one of the categories above may also be funded under CMAQ. Innovative activities based on promising technologies and feasible approaches to improve air quality will also be considered for funding. Documentation of air quality benefits must be provided.

**REGIONAL STP FUNDING
PROJECT SELECTION GUIDELINES
FOR VENTURA COUNTY**

Regional Surface Transportation Program (STP) funds are used for transportation capital projects of "regional" significance.

Program Goals

The goal of this regional or countywide program is to provide funds for improvement projects which benefit more than a single community and/or improve access to "regionally significant" facilities. The objectives of the program are summarized as follows:

- o Reduce congestion and improve mobility in Ventura County.
- o Support Ventura County in its efforts to attain Federal and State air quality standards.
- o Serve as an "alternative" funding source for projects beyond the capability of any one jurisdiction to fund.
- o Provide for an equitable distribution of funds across Ventura County.

Two sets of criteria are used to evaluate projects proposed for "regional" STP funding. First, **Screening Criteria** will be used to determine if a proposed project is an eligible candidate. Projects which do not satisfy all of the screening criteria will not be evaluated any further. Second, **Selection Criteria** will be used to evaluate the relative merits of each project to determine if it should be selected for funding and what its priority ranking should be.

Screening Criteria

The screening criteria are divided into three categories. Proposed projects must meet **all** of these screening criteria in order to move to the next phase of the process.

1. Project Eligibility

- A. Proposed project is eligible for STP funds (see page 7 for list of eligible projects).
- B. Project applicant is a city, the County, a transit operator, or other public transportation agency.

2. Planning Consistency

- A. Project is consistent with the adopted 2004 Regional Transportation Plan.
 - Project is specifically identified in the RTP.
 - Project is consistent with the goals and policies of the RTP.
- B. Project is consistent with the relevant adopted general plan(s).
- C. Project is consistent with the most-recently adopted Air Quality Management Plan.

- D. Roadway improvement projects must be on roadways eligible for federal funding, which includes projects on rural major collectors (and above) and urban collectors (and above).
- E. Transit improvement projects must be consistent with the policies and standards in the adopted Congestion Management Program.

3. Financial Feasibility

- A. Recipient of funds must have the financial capacity to complete, operate and maintain the project.
- B. Funds required from other sources (for local match) must be reasonably expected to be available.
- C. Project can be implemented within Federal delivery requirements.

Selection Criteria

There are nine selection criteria which are used to evaluate projects which have been found to meet the above screening criteria. Each of the criteria has a specific number of "points" assigned to them; these are maximums and as such 100 points represents a "perfect score" for any project.

Projects will be evaluated against each criterion to determine the degree to which they accomplish the stated goal or purpose. To further guide the scoring process, specific points are assigned within each criteria (e.g. Low = 5 points, Moderate = 10 points, High = 15 points). This is intended to simplify the ranking process and focus review on the substantive issues rather than finite point differentials. The ten criteria are described below.

- A. Improve existing level of service (roadway or system) through reduced delay and/or travel time. (15 points)
- B. Improve access to regional facilities such as ports, airports, universities, state & national parks, historic sites or military/government facilities. (15 points)
- C. Preservations of existing facilities including overlay. (10 points)
 - Project preserves, replaces or rehabilitates a transportation facility 10 points
 - Project significantly benefits the residents of at least two jurisdictions in the county 5 points
 - Project significantly benefits the residents of only one local jurisdiction in the county 0 points
- D. Improve safety or security on roadways or at transit and transportation facilities. (10 points)
 - Project has high impact on a safety or security problem 10 points
 - Project has moderate impact on a safety or security problem 5 points

- Project has little or no impact on a safety or security problem
0 points
- E. Address multi-modal or HOV needs. (5 points)
 - Project improves coordination between, and access to, more than one mode of travel
5 points
 - Project does not improve coordination between, or access to, more than one mode of travel
0 points
- F. Funding Leverage (5 points)
 - Applicant provides at least 40% local match
5 points
 - Applicant does not provide at least 40% local match
0 points
- G. Transportation control measure (TCM) in the latest District-approved Air Quality Management Plan. (10 points)
 - Is the project on the TCM list
10 points
 - The project is not on the TCM list
0 points
- H. CMP Deficiency (10 points)
 - The project is on the CMP deficiency list (pg. 86 of the CMP)
10 points
 - Project not on the CMP deficiency list
0 point
- I. Equitable Distribution of Funds. (0-20 points)
 - Funding the project moves a local jurisdiction closer to receiving an equitable share of funding
Up to 20 points
 - Funding the project does not move a local jurisdiction closer to receiving an equitable share of funding
0 points

PROJECTS ELIGIBLE FOR STP FUNDING

- Construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements for highways, bridges, includes construction to accommodate other modes, seismic retrofit and painting of bridges, environmental mitigation of transportation projects.
- Capital costs for transit projects eligible under the Federal Transit Act and publicly owned intracity or intercity bus terminals and facilities.
- Carpool projects, fringe and corridor parking facilities and programs, bicycle and pedestrian projects.
- Highway and transit safety improvements and programs, hazard eliminations, wildlife hazard mitigation, railway/highway grade crossings.
- Highway and transit research and technology transfer programs.
- Capital and operation costs for traffic monitoring management, and control facilities and programs.
- Surface transportation planning activities/Transportation enhancement activities.
- Transportation control measures identified in the Federal Clean Air Act:
 - Improved public transit
 - Traffic flow/A.Q. improvements
 - Ridesharing services/programs
 - Idling control programs
 - Indirect Source Control programs.
 - HOV facilities
 - HOV parking fac.
 - Bikeways/Walkways
 - Flexible work schedules
 - Employer-based incentives
 - Vehicle use restriction prg
 - Bike storage facilities
- Development and establishment of management systems (pavement, bridges, safety, congestion, public transportation facilities and equipment, and intermodal transportation facilities and equipment).
- Transportation project wetlands mitigation.

**TECHNICAL APPENDIX
CMAQ & REGIONAL STP PROJECT SELECTION CRITERIA**

The following information is intended to provide a more detailed description of the Selection Criteria for Regional STP and CMAQ projects. Provided for each criteria is either a brief discussion of the specific factors to be considered, or a technical description of how a given criteria is to be measured. Not all criteria for the CMAQ and Regional STP programs are included here. The intent is to provide technical background to guide the applicants as well as the TTAC when it scores of projects.

A. Level of Service Measurement - The key factors to be considered in determining the degree of improvement in LOS are the initial LOS, the amount of improvement expected from the project, and the volume of traffic on the roadway. The following tables provide a guide for the assignment of points to a proposed project (**all values shown are the amount of improvement in the volume-to-capacity ratio**):

B. Air Quality Improvement - Rating in this criteria will be based on consultation with APCD staff. Scoring will be based on the following factors: 1) the project is a transportation control measure, 2) the project reduces vehicle miles traveled, 3) the project reduces of vehicle starts, 3) the project reduces vehicle emissions, and 4) the project supports implementation of a transportation control measure.

C. Preservation of Existing Facility Scoring in this criteria if the project is preserving, rehabilitating, or replacing an existing transportation facility including pavement of existing roadway.

D. Safety and/or Security Benefit - The two factors to be considered are 1) the anticipated degree of improvement, and 2) the documented significance of the problem.

E. Multi-Modal or HOV Needs - Scoring in this criteria is based on two primary factors: 1) Reduction in single occupant vehicle trips; and 2) improvement in coordination among different modes.

F. Funding Leverage If the agency is providing a 40% match the project will receive the maximum score for this category.

G. TCM Implementation – The Attachment lists the Transportation Control Measures (TCM) in the latest EPA-approved Air Quality Management Plan.

H. CMP Deficiency this criteria is made to help a project that is shown in the VCTC CMP report as deficient and not meeting the level of service requirement per the CMP guideline.

I. Equitable Distribution - Points under this category will be assigned to projects only after it is determined that the points would help bring a local agency closer to receiving an equitable share of Federal funding. Fair share of funds will be based on each agency's share of Local Surface Transportation Program funds. Projects will first be scored using criteria items A through G for CMAQ (total of 80 points possible) and items A through I for STP (total of 85 points possible). Staff would then apply 15 points to projects if the points help move a local agency closer to receiving an equitable share of funding.

**Transportation Control Measures
(1995 Air Quality Management Plan Revision)**

Ridesharing Strategies

- **Carpooling, Van Pooling, BusPooling**
- **Modified Work Schedules**
- **Park and Ride Lots**

Non-motorized Strategies

- **Modified Work Schedules**
- **Bicycle and Pedestrian Facilities**

TDM Facilities Ordinance

Traffic Flow Improvement Strategy

**Regional Transportation Improvement
Program; CMP Deficiency Plans**

Land Use Strategy

**TDM Facilities Ordinance,
CMP Lane Use Impact Program**

Transit Strategies

- **Public Transit Programs**
- **Transit/Land Use Planning**
- **Passenger Rail**

**Maintain existing levels of service
TDM Facilities Ordinance
Maintain Montalvo to L.A. Service**

**APPLICATION FOR FUNDS
REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP)
CONGESTION MITIGATION AND AIR QUALITY (CMAQ)**

I. GENERAL INFORMATION

Project Title:
Lead Agency:
Contact Person:

Title:

Address:

Phone: _____ FAX:

Project Description:

(Describe the project's purpose, location, length, limits of work, size, etc. Attach vicinity/site maps and plans, if bike path indicate length)

Project Federal Funding:

Federal Funds Requested: \$ _____

Phase(s): _____

Match: \$ _____ Source(s): _____

Total Project Cost \$ _____

Lead Agency: _____

Project Title: _____

II. FINANCIAL INFORMATION

Schedule for Obligating Funds:				
	FY10/11	FY11/12	FY12/13	FY13/14
Prelim. Eng.	\$ _____	\$ _____	\$ _____	\$ _____
Right-of-Way	\$ _____	\$ _____	\$ _____	\$ _____
Construction	\$ _____	\$ _____	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____	\$ _____	\$ _____

Local Funding Share Detail (Minimum Local Match = 11.47% of Total Cost)			
	Federal Funds	Local Match	Total Cost
Prelim. Eng.	\$ _____	\$ _____	\$ _____
Right-of-Way	\$ _____	\$ _____	\$ _____
Construction	\$ _____	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____	\$ _____

III. ENVIRONMENTAL/SCHEDULE INFORMATION

Environmental/Schedule Information:			
Federal environmental clearance category (CE, EA, or EIS): _____			
Federal Environmental Process completion date: _____			
	Engineering	ROW	Construction
Start Date:	_____	_____	_____
End Date:	_____	_____	_____
Final Completion Date: _____			

Lead Agency: _____

Project Title: _____

IV. PROJECT SCREENING INFORMATION

Is the proposed project eligible for the following funds (check all that apply):			
	STP ___	CMAQ ___	
Is the proposed project consistent with the area's adopted general plan?			
	YES ___	NO ___	
Road Projects: Is the project an "urban collector" or above or a "rural major collector" or above?			
	YES ___	NO ___	N/A ___

Who will have the responsibility for completing, operating and maintaining the project? (If not applicant, please explain.)

V. PROJECT SCORING INFORMATION

Mobility Improvement:

Will the project improve a road's level of service or speed? If yes,

Project ADT: _____, Current LOS: _____ LOS with Project: _____

Will the project improve the level of service of a transit system? If yes, explain:

Will the project improve the level of service of the bikeway/pedestrian system?

If yes, explain:

Lead Agency: _____

Project Title: _____

Air Quality Improvement:

Will the project improve air quality, and if so, how? For example, will the project reduce pollutant emissions, single occupancy vehicle usage, reduce vehicle miles of travel, provide clean burning vehicles, improve traffic flow, etc? If yes, explain:

Multi-Modal/HOV Needs:

Will the project improve the coordination among different modes of travel? If yes, explain:

Funding Leverage

Does the applicant provide at least 40% local match?

YES _____ NO _____

Preservation of Existing Facility

Does the project preserve, replace or rehab existing transportation facility

YES _____ NO _____

Improve Safety

Does the project improve safety or security on a roadway or transportation facility

YES _____ NO _____