



VENTURA COUNTY TRANSPORTATION COMMISSION

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

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AGENDA*

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

CAMARILLO CITY HALL
601 CARMEN DRIVE
CAMARILLO, CA
FRIDAY, MAY 10, 2013
9:00 AM

In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if special assistance is needed to participate in a Commission meeting, please contact the Clerk of the Board at (805) 642-1591 ext 101. Notification of at least 48 hours prior to meeting time will assist staff in assuring that reasonable arrangements can be made to provide accessibility at the meeting.

1. CALL TO ORDER VENTURA COUNTY TRANSPORTATION COMMISSION

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

- 4. PUBLIC COMMENTS** – *Each individual speaker is limited to speak three (3) continuous minutes or less. The Commission may, either at the direction of the Chair or by majority vote of the Commission, waive this three minute time limitation. Depending on the number of items on the Agenda and the number of speakers, the Chair may, at his/her discretion, reduce the time of each speaker to two (2) continuous minutes. In addition, the maximum time for public comment for any individual item or topic is thirty (30) minutes. Also, the Commission may terminate public comments if such comments become repetitious. Speakers may not yield their time to others without the consent of the Chair. Any written documents to be distributed or presented to the Commission shall be submitted to the Clerk of the Board. This policy applies to Public Comments and comments on Agenda Items.*

Under the Brown Act, the Board should not take action on or discuss matters raised during Public Comment portion of the agenda which are not listed on the agenda. Board members may refer such matters to staff for factual information or to be placed on the subsequent agenda for consideration.

5. [APPROVE SUMMARY FROM APRIL 5, 2013 VCTC MEETING – PG. 5](#)

6. **CALTRANS REPORT**

This item provides the opportunity for the Caltrans representative to give update and status reports on current projects.

7. **COMMISSIONERS / EXECUTIVE DIRECTOR REPORT**

This item provides the opportunity for the commissioners and the Executive Director to report on attended meetings/conferences and any other items related to Commission activities.

8. **ADDITIONS/REVISIONS** – *The Commission may add an item to the Agenda after making a finding that there is a need to take immediate action on the item and that the item came to the attention of the Commission subsequent to the posting of the agenda. An action adding an item to the agenda requires 2/3 vote of the Commission. If there are less than 2/3 of the Commission members present, adding an item to the agenda requires a unanimous vote. Added items will be placed for discussion at the end of the agenda.*

9. **CONSENT CALENDAR**

All matters listed under the Consent Calendar are considered to be routine and will be enacted by one vote. There will be no discussion of these items unless members of the Commission request specific items to be removed from the Consent Calendar for separate action.

9A. [MONTHLY BUDGET REPORT – PG.9](#)

Recommended Action:

Receive and File

Responsible Staff: Sally DeGeorge

9B. [PASSENGER RAIL UPDATE – PG.15](#)

Recommended Action:

Receive and File

Responsible Staff: James Hinkamp

9C. [FTA SECTION 5310 APPLICATION FOR FY FY 11/12 CARRY OVER FUNDS- PG.23](#)

Recommended Action:

- Adopt the regional priority list of Ventura County applications for Federal Transit Administration (FTA) Section 5310 funds.
- Adopt Resolution #2013-02 (attached) authorizing the Executive Director to certify the applications and forward the applications and prioritized list to the California Department of Transportation (Caltrans).

Responsible Staff: Stephanie Young

9D. [FY 2012/13 BUDGET AMENDMENT FOR PURCHASE AND INSTALLATION OF INTEGRATED AUTOMATIC PASSENGER COUNTERS FOR VISTA – PG.27](#)

Recommended Action:

Amend the Fiscal Year 2012/2013 Smartcard budget by increasing revenues and expenditures by \$44,000 for the equipment and installation of Automatic Passenger Counters (APC's) on the VISTA fleet. The funding source is Federal Transportation Assistance (FTA) and State Transit Assistance (STA).

Responsible Staff: Gloria Sotelo

9E. [FY 2012/13 RIDESHARE DATA BASE SERVICES MOU – PG.29](#)

Recommended Action:

Approve Rideshare Database Services Amendment No. 7 to MOU RS0506 for FY 2012/2013

Responsible Staff: Alan Holmes

9F. [LOSSAN JPA UPDATE- PG.37](#)

Recommended Action:

Approve the Los Angeles-San Diego-San Luis Obispo (LOSSAN) Joint Powers Authority (JPA) agreement to transfer State operation of the Pacific Surfliner intercity train operations to LOSSAN.

Responsible Staff: James Hinkamp

10. [TDALTF REVISED DRAFT APPORTIONMENT FOR FY 2013/14 – PG.57](#)

Recommended Action:

Adopt the Local Transportation Fund Revised Draft Apportionment for Fiscal Year 2013/2014 apportioning \$31.7 million as shown in Attachment 1.

Responsible Staff: Sally DeGeorge

11. [LEGISLATIVE UPDATE AND POSITION ON BILLS – PG.61](#)

Recommended Action:

- Adopt the Transportation Coalition for Livable Communities principles (Attachment A) for the California Air Resources Board Cap-and-Trade Investment Plan.
- Adopt SUPPORT IF AMENDED position on AB 574 (Lowenthal) regarding distribution of Cap-and-Trade revenues.
- Adopt OPPOSE UNLESS AMENDED position on AB 179 (Bocanegra) regarding electronic transit fare collection systems.

Responsible Staff: Peter De Haan

12. [VISTA BUDGET AMENDMENT– PG.75](#)

Recommended Action:

- Approve FY 2012-13 budget amendment for VISTA fixed route intercity transit services, increasing revenues and expenditures in the amount of \$303,523. The additional funds include \$250,000 in new regional FTA Section 5339 transit capital funds, and \$53,523 in State Transit Assistance funds.
- Approve an amendment to the Roadrunner Management Services contract for VISTA intercity services to set an “not to exceed” amount of \$5,984,523.

Responsible Staff: Vic Kamhi

13. [HERITAGE VALLEY TRANSIT STUDY –PG.77](#)

Recommended Action:

Adopt the Heritage Valley Transit Plan and initiate activities to work with the Cities of Fillmore, Santa Paula, and the County of Ventura to implement the plan

Responsible Staff: Vic Kamhi

14. [CAMULOS RANCH LEASE– PG.79](#)

Recommended Action:

Authorize the Executive Director to renegotiate and/or cancel Lease Number 90176 Rubel/Camulos Ranch

Responsible Staff: Steve DeGeorge

15. [SANTA PAULA BRANCH LINE OVERVIEW– PG.83](#)

Recommended Action:

- Receive Santa Paula Branch Line overview report.
- Receive report from Egan Consulting on Santa Paula Branch Line management, operations, agreements and strategies.
- Approve recommendation from Santa Paula Branch Line Advisory Committee (SPBLAC), to reaffirm the long term support for the Santa Paula Branch Line with the short term goal of, at a minimum, making the Santa Paula Branch Line cost neutral and to bring a range of asset management alternatives to the Commission including the discontinuation of rail operations.
- Discuss and/or provide direction to staff of preferred model for long term Santa Paula Branch Line asset management.

Responsible Staff: Steve DeGeorge

16. **VCTC GENERAL COUNSEL’S REPORT**

This item provides the opportunity for General Counsel to give update and status reports on any legal matters related to Commission activities.

17. **AGENCY REPORTS**

18. **VCTC CLOSED SESSION – 5 Items**

*i. Conference with Legal Counsel – Existing Litigation
(Subdivision (a) of Section 54956.9)*

Beserra, et al. v Griffin Industries Inc., et al.

Superior Court Case No. 56-2010-00373718-CU-OE-VTA

ii. Conference with Real Property Negotiators (Gov Code Sec. 54956.8)

Property: Santa Paula Branch Line

Agency Negotiator(s): Darren Kettle, (any other names authorized)

Negotiating Parties: VCTC and lessee to be determined

Under Negotiation: Price and terms of payment

iii. Pursuant to Government Code section 54957(b)(1) public employment: General Counsel

19. **ADJOURN**

The next VCTC Commission meeting is scheduled to be held at 9:00 a.m. Friday, **June 7, 2013**, Camarillo City Hall, City Council Chambers, 601 Carmen Drive, Camarillo.



Item #5

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, APRIL 5, 2013
9:00 AM**

Members Present: Steve Sojka, City of Simi Valley, Chair
Ralph Fernandez, City of Santa Paula, Vice Chair
Claudia Bill-de la Peña, City of Thousand Oaks
Manuel Minjares, City of Fillmore
Betsy Clapp, City of Ojai
Peter Foy, County of Ventura
Brian Humphrey, Citizen Rep, Cities
Kathy Long, County of Ventura
Bryan MacDonald, City of Oxnard
Jan McDonald, City of Camarillo
Keith Millhouse, City of Moorpark
Carl Morehouse, City of San Buenaventura
Linda Parks, County of Ventura
Jon Sharkey, City of Port Hueneme
Jim White, Citizen Rep, County
John Zaragoza, County of Ventura
Steve Novotny, Caltrans District 7

Call To Order

Pledge of Allegiance

Roll Call

Public Comments for those items not listed in this agenda – None

APPROVE SUMMARY FROM MARCH 1, 2013 VCTC MEETING

Commissioner Foy made a motion to approve the summary. The motion was seconded by Commissioner Fernandez and passed unanimously

CALTRANS REPORT

Steve Novotny reported the 101/23 Interchange project final plan specs and estimate are going through final review and should go to the CTC meeting in May. Construction would start late fall.

EXECUTIVE DIRECTOR REPORT

California Pension Reform Conflict with Federal Transit Grant Approvals - I need to inform you of an issue that has arisen over the past few months regarding federal Section 13(c) requirements for transit workers. Some of California's transit unions have filed objections to new federal transit capital grants, on grounds that the new California Public Employees' Pension Reform Act restricts the transit employee collective bargaining rights mandated by 13(c). As a result, virtually all new federal transit capital grants in California have been put on hold by the Department of Labor (DOL). The good news is that Gold Coast Transit received DOL grant approval, since neither Gold Coast's Union, SEIU #721, nor any other union, chose to object. As of yet there have been no VCTC grants up for DOL approval, but that approval will be requested soon. There are large dollar amounts being held up for the state's big transit operators, so this issue is receiving an increasingly higher level of attention in both Sacramento and Washington.

Unmet Transit Needs Schedule Update – We were very pleased with the results of the unmet transit needs public hearing process this year; we received a record number of comments. In order to do the most thorough analysis of the testimony, we will be shifting the findings review schedule a month, that is, the Hearing Board will now reconvene on Monday May 20th, at 1:30 PM here in Camarillo and then the Commission will consider the findings at your June 7th meeting. We are notifying all interested parties about the change in the schedule and it is highlighted in upcoming events on the VCTC website.

Support of Oxnard Harbor District Customs Office– The Legislation Item in today's agenda includes a letter I sent regarding cuts to the Customs Office at the Port of Hueneme. Kristen Decas, the Port Director, has informed us that significant progress has been made and the Customs office has agreed to extend service hours on Fridays to 6 pm, provide weekend service, and enable 7 am boardings during the week. The Customs office reported that once funds are re-appropriated for essential services they will restore service and meet all overtime requests.

ADDITIONS/REVISIONS-None

CONSENT CALENDAR

Commissioner McDonald made a motion to approve all items as presented on the consent calendar. The motion was seconded by Commissioner Morehouse and passed unanimously.

9A. MONTHLY BUDGET REPORT - Receive and File

9B. PASSENGER RAIL UPDATE - Receive and File

9C. REQUEST FOR PROPOSALS FOR TRANSPORTATION DEVELOPMENT ACT TRIENNIAL PERFORMANCE AUDITS FOR VCTC AND GOLD COAST TRANSIT (GCT)
Approve the Request for Proposals (RFP) for completion of State required Transportation Development Act (TDA) triennial performance audits of VCTC and Gold Coast Transit (GCT) for distribution to appropriate consulting firms.

9D. FISCAL YEAR 2012/13 PROPOSITION 1B SECURITYGRANT PROGRAM FUND

AVAILABILITY - *Approve schedule for transit operators to submit Proposition 1B Transit Security fund proposals to VCTC by April 5, 2013.*

9E. LIMITED ENGLISH PROFICIENCY PLAN - *Approve the Limited English Proficiency Plan.*

9F. REVISION TO CAMARILLO TRANSPORTATION ENHANCEMENT PROJECTS

Approve shifting \$498,000 of Transportation Enhancement funds from the Central Drive Landscaping project to the Lewis Road Landscaping project.

9G. SECTION 13(C) LABOR AGREEMENT- *Approve the attached agreement with the Service Employees International Union (SEIU), Local 721, as required for VCTC's Fiscal Year 2012/13 federal transit grant applications with the Federal Transit Administration.*

9H. NAVAL BASE VENTURA COUNTY JOINT LAND USE STUDY UPDATE

Receive and file

10. LEGISLATION AND POSITION ON BILLS

Commissioner Millhouse made a motion to adopt SPONSOR position on SB 203 (Pavley), to allow expenditure of Transportation Development Act (TDA) Local Transportation Funds (LTF) on streets and roads in the rural unincorporated area and in cities under 100,000, providing all unmet and reasonable-to-meet transit needs are met as required by TDA law. The motion was seconded by Commissioner Fernandez and passed unanimously.

Commissioner Millhouse made a motion to:

- adopt SUPPORT position on AB 664 (Williams) establishing the Gold Coast Transit District;
- consider amendments to remove the super majority requirement;
- bring back with revised language for final vote

The motion was seconded by Commissioner Morehouse and passed by the following roll call vote:

Yes: Commissioners McDonald, Millhouse, MacDonald, Zaragoza, Sharkey, White, Minjares, Morehouse, Sojka

No: Commissoenrs Fernandez, Foy, Long, Clapp, Parks, Humphrey, Bill-de la Peña

Abstain: none

Absent Commissioner Bennett

11. VCTC OFFICE SPACE LEASE EXTENSION AND LONG TERM SPACE NEEDS

Commissioner Foy made a motion to authorize the Executive Director to execute one year lease extension for existing office space and amend lease to add approximately 1230 square feet for a total of 6750 square feet at the current lease rate of \$11,400 month and to explore options for possible future purchase of a building. The motion was seconded by Commissioner Humphrey and passed unanimously.

12. FY 2013/14 DRAFT BUDGET

Commissioner Long made a motion to receive the Fiscal Year 2013/2014 Draft Budget and Conduct Public Hearing to receive testimony on the Fiscal Year 2013/2014 Draft Budget as presented. The motion was seconded by Commissioner Zaragoza and passed unanimously. There were no speakers for the public hearing.

May 10, 2013
Item #5
Page #4

13. HERITAGE VALLEY TRANSIT STUDY UPDATE

Commissioner Humphrey made a motion to receive the status report and schedule formal action on the plan for the May 10th, 2013 meeting. The motion was seconded by Commissioner Long and passed unanimously.

14. VCTC GENERAL COUNSEL'S REPORT

15. AGENCY REPORTS

16. VCTC CLOSED SESSION – 4 Matters – *No Report from Closed Session*

- i. *Conference with Legal Counsel – Existing Litigation
(Subdivision (a) of Section 54956.9)
Beserra, et al. v Griffin Industries Inc., et al.
Superior Court Case No. 56-2010-00373718-CU-OE-VTA*
- ii. *Pursuant to Government Code section 54957 (b) (1) public employee evaluation:
Executive Director*
- iii. *Pursuant to Government Code section 54957(b), Public Employee
Discipline/Dismissal/Release*
- iv. *Pursuant to Government Code section 54957.6, Conference with Designated Labor
Negotiator Regarding Salaries, Salary schedules, and Fringe Benefits.
Labor negotiator: Executive Director Darren Kettle
Unrepresented Employees: All Position Titles*

17. ADJOURN to 9:00 a.m. Friday, May 10, 2013.



Item # 9A

May 10, 2013

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: SALLY DEGEORGE, FINANCE DIRECTOR

SUBJECT: MONTHLY BUDGET REPORT

RECOMMENDATION:

- Receive and file the monthly budget report for March 2013

BACKGROUND:

The monthly budget report is presented in a comprehensive agency-wide format with the investment report presented at the end. The Annual Budget numbers are updated as the Commission approves budget amendments or administrative budget amendments are approved by the Executive Director.

The March 31, 2013 budget reports indicate that revenues were approximately 64.30% of the adopted budget while expenditures were approximately 58.82% of the adopted budget. The revenues and expenditures are as expected. Although the percentage of the budget year completed is shown, be advised that neither the revenues nor the expenditures occur on a percentage or monthly basis. For instance, some revenues are received at the beginning of the year while other revenues are received after grants are approved by federal agencies. In many instances, VCTC incurs expenses in advance of the revenues.

**VENTURA COUNTY TRANSPORTATION COMMISSION
BALANCE SHEET
AS OF MARCH 31, 2013**

ASSETS

Assets:

Cash and Investments - Wells Fargo Bank	\$ 2,503,896
Cash and Investments - County Treasury	21,575,846
Petty Cash	50
Receivables/Due from other funds	2,212,672
Prepaid Expenditures	803,219
Deposits	11,981

Total Assets: \$27,107,664

LIABILITIES AND FUND BALANCE

Liabilities:

Accrued Expenses/Due to other funds	\$ 1,837,600
Deferred Revenue	1,148,296
Deposits	400

Total Liabilities: \$ 2,986,296

Net Assets:

Fund Balance	<u><u>\$24,121,368</u></u>
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Total Liabilities and Fund Balance: \$27,107,664

For Management Reporting Purposes Only

**VENTURA COUNTY TRANSPORTATION COMMISSION
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
FOR THE NINE MONTHS ENDING MARCH 31, 2013**

	General Fund Actual	LTF Actual	STA Actual	SAFE Actual	Fund Totals Actual	Annual Budget	Variance Over (Under)	% Year to Date
Revenues								
Federal Revenues	\$ 4,993,366	\$ 0	\$ 0	\$ 0	\$ 4,993,366	\$ 14,456,644	(9,463,278)	34.54
State Revenues	286,632	21,981,227	2,458,936	426,304	25,153,099	34,496,169	(9,343,070)	72.92
Local Revenues	4,337,111	0	0	12,180	4,349,291	4,653,002	(303,711)	93.47
Other Revenues	3,954	0	0	0	3,954	1,600	2,354	247.13
Interest	292	20,519	29,784	7,630	58,225	140,000	(81,775)	41.59
Total Revenues	9,621,355	22,001,746	2,488,720	446,114	34,557,935	53,747,415	(19,189,480)	64.30
Expenditures								
Administration								
Personnel Expenditures	1,675,732	0	0	0	1,675,732	2,474,719	(798,987)	67.71
Legal Services	8,950	0	0	0	8,950	35,000	(26,050)	25.57
Professional Services	68,733	0	0	0	68,733	98,200	(29,467)	69.99
Office Leases	88,470	0	0	0	88,470	137,865	(49,395)	64.17
Office Expenditures	245,385	0	0	0	245,385	242,960	2,425	101.00
Total Administration	2,087,270	0	0	0	2,087,270	2,988,744	(901,474)	69.84
Programs and Projects								
Transit & Transportation Program								
Senior-Disabled Transportation	74,933	0	0	0	74,933	260,855	(185,922)	28.73
Go Ventura Smartcard	149,342	0	0	0	149,342	265,700	(116,358)	56.21
VISTA Fixed Route Bus Service	4,654,080	0	0	0	4,654,080	5,737,930	(1,083,850)	81.11
VISTA DAR Bus Services	1,908,999	0	0	0	1,908,999	2,570,754	(661,755)	74.26
Nextbus	84,800	0	0	0	84,800	172,400	(87,600)	49.19
Trapeze	17,059	0	0	0	17,059	30,900	(13,841)	55.21
Transit Grant Administration	446,890	0	0	0	446,890	7,112,255	(6,665,365)	6.28
Total Transit & Transportation	7,336,103	0	0	0	7,336,103	16,150,794	(8,814,691)	45.42

General Fund	LTF	STA	SAFE	Fund Totals	Annual	Variance	% Year
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	Actual	Actual	Actual	Actual	Actual	Budget	Over (Under)	to Date
Highway Program								
Congestion Management Program	6,975	0	0	0	6,975	30,000	(23,025)	23.25
Motorist Aid Call Box System	0	0	0	210,860	210,860	434,000	(223,140)	48.59
SpeedInfo Highway Speed Sensor	0	0	0	105,800	105,800	144,000	(38,200)	73.47
Total Highway	6,975	0	0	316,660	323,635	608,000	(284,365)	53.23
Rail Program								
Metrolink & Commuter Rail	1,698,831	0	0	0	1,698,831	2,776,372	(1,077,541)	61.19
LOSSAN & Coastal Rail	8,899	0	0	0	8,899	16,500	(7,601)	53.93
Santa Paula Branch Line	425,280	0	0	0	425,280	601,900	(176,620)	70.66
Total Rail	2,133,010	0	0	0	2,133,010	3,394,772	(1,261,762)	62.83
Commuter Assistance Program								
Transit Information Center	17,739	0	0	0	17,739	38,600	(20,861)	45.96
Rideshare Programs	6,255	0	0	0	6,255	53,500	(47,245)	11.69
Total Commuter Assistance	23,994	0	0	0	23,994	92,100	(68,106)	26.05
Planning & Programming								
Transportation Development Act	101,156	19,070,899	0	0	19,172,055	27,822,897	(8,650,842)	68.91
Transportation Improvement Program	441,317	0	0	0	441,317	1,323,975	(882,658)	33.33
Regional Transportation Planning	10,640	0	0	0	10,640	318,500	(307,860)	3.34
Airport Land Use Commission	1,535	0	0	0	1,535	230,100	(228,565)	0.67
Regional Transit Planning	15,589	0	0	0	15,589	119,150	(103,561)	13.08
Freight Movement	0	0	0	0	0	12,500	(12,500)	0.00
Total Planning & Programming	570,237	19,070,899	0	0	19,641,136	29,827,122	(10,185,986)	65.85
General Government								
Community Outreach & Marketing	212,971	0	0	0	212,971	554,500	(341,529)	38.41
State & Federal Relations	53,022	0	0	0	53,022	71,770	(18,748)	73.88
Management & Administration	22,276	0	0	0	22,276	435,417	(413,141)	5.12
Total General Government	288,269	0	0	0	288,269	1,061,687	(773,418)	27.15
Total Expenditures	12,445,858	19,070,899	0	316,660	31,833,417	54,123,219	(22,289,802)	58.82
	General Fund	LTF	STA	SAFE	Fund Totals	Annual	Variance	

	Actual	Actual	Actual	Actual	Actual	Budget	Over (Under)
Revenues over (under) expenditures	(2,824,503)	2,930,847	2,488,720	129,454	2,724,518	(375,804)	3,100,322
Other Financing Sources							
Transfers Into GF from LTF	1,651,131	0	0	0	1,651,131	1,657,631	(6,500)
Transfers Into GF from STA	1,772,320	0	0	0	1,772,320	3,095,020	(1,322,700)
Transfers Into GF from SAFE	9,024	0	0	0	9,024	61,800	(52,776)
Transfers Out of LTF into GF	0	(1,651,131)	0	0	(1,651,131)	(1,651,131)	0
Transfers Out of STA into GF	0	0	(1,772,320)	0	(1,772,320)	(3,101,245)	1,328,925
Transfers Out of SAFE into GF	0	0	0	(9,024)	(9,024)	(62,075)	53,051
Total Other Financing Sources	3,432,475	(1,651,131)	(1,772,320)	(9,024)	0	0	0
Net Change in Fund Balances	607,972	1,279,716	716,400	120,430	2,724,518	(375,804)	3,100,322
Beginning Fund Balance	1,587,577	5,442,517	11,137,704	3,229,052	21,396,850	14,617,258	6,779,592
Ending Fund Balance	\$2,195,549	\$6,722,233	\$11,854,104	\$3,349,482	\$24,121,368	\$14,241,454	\$9,879,914

For Management Reporting Purposes Only

**VENTURA COUNTY TRANSPORTATION COMMISSION
INVESTMENT REPORT
AS OF MARCH 31, 2013**

As stated in the Commission's investment policy, the Commission's investment objectives are safety, liquidity, diversification, return on investment, prudence and public trust with the foremost objective being safety. Below is a summary of the Commission's investments that are in compliance with the Commission's investment policy and applicable bond documents.

Institution	Investment Type	Maturity Date	Interest to Date	Rate	Balance
Wells Fargo – Checking	Government Checking	N/A	\$508.35	0.02%	\$2,503,895.99
County of Ventura	Treasury Pool	N/A	\$57,860.85	0.52%	\$21,546,141.24
Total			\$58,369.20		\$24,050,037.23

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

The Commission's checking accounts for the General Fund are swept daily into a money market account. The interest earnings are deposited the following day. The first \$250,000 of the combined deposit balance is federally insured and the remaining balance is collateralized by Wells Fargo Bank.

The Commission's Local Transportation Funds (LTF), State Transit Assistance (STA) funds and SAFE funds are invested in the Ventura County investment pool. Interest is apportioned quarterly, in arrears, based on the average daily balance. The investment earnings are generally deposited into the accounts in two payments within the next quarter. Amounts shown are not adjusted for fair market valuations.

For Management Reporting Purposes Only



Item #9B

May 10, 2013

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: JAMES HINKAMP, PROGRAM ANALYST

SUBJECT: PASSENGER RAIL UPDATE

RECOMMENDATION:

- Receive and file.

BACKGROUND:

This report provides a monthly update of regional passenger rail activities. The information in this update focuses on regional commuter rail (Metrolink), intercity rail (Amtrak), and other rail-related issues pertinent to Ventura County.

DISCUSSION:

Metrolink

Ridership & On-Time Performance

During the Third Quarter of this fiscal year (January-March 2013), ridership on the Ventura County Line averaged 3,892 total boardings per weekday. This is a 4% decrease over the course of the same quarter of the previous year. There was also a quarterly average of 1,945 cumulative boardings per weekday at Ventura County stations; this represents an increase of 1% over the same quarter of the previous year. Ventura County station boardings represented approximately 50% of all boardings along the Ventura County Line during the quarter.

During the month of March 2013, an average of 3,964 weekday boardings occurred on the Ventura County Line. This represented an approximate 4% increase from the previous month of February. Detailed statistics from 10-year ridership data are also attached, for reference.

On-time performance (which denotes trains arriving within five minutes of scheduled time) for the Ventura County Line was 100% for inbound trips and 98% for outbound trips during the month of March 2013.

Finance

Metrolink staff have progressed in rectifying prior financial reporting deficiencies identified by the agency's Ad Hoc Finance Committee. Metrolink CEO, Michael DePallo, recently presented a 60-day update to the Metrolink Board of Directors, indicating significant improvement in account reconciliations. In addition, the Metrolink Board-authorized Member Agency Advisory Committee (MAAC) continues to meet weekly to review the Authority's financial reporting and system health. VCTC staff are actively collaborating with Metrolink regarding long-term solutions and will continue to provide future updates to the Commission on this matter.

May 10, 2013

Item #9B

Page #2

Metrolink staff are also in the process of developing a Fiscal Year 2013-2014 budget for member agencies' review. VCTC staff are extensively engaged with Metrolink staff regarding proposed budget items.

Schedule

A Metrolink schedule change took effect on April 22, 2013 in conjunction with an Amtrak schedule change that took effect April 1, 2013. (For Amtrak changes, see below.) Printed schedules are available at the VCTC office, on Metrolink trains. (A summary of changes are also viewable on the Metrolink website at metrolinktrains.com.) There are no changes to commuter trains operating in Ventura County.

Connecting to LAX

As of April 22, 2013, Metrolink passengers wishing to connect to Los Angeles International Airport (LAX) via the LAX FlyAway bus may simply add the \$7 cost of a one-way LAX FlyAway trip to the cost of a Metrolink ticket; previously, FlyAway fares were sold separately. In order to add a FlyAway fare to a Metrolink ticket, a Metrolink passenger may approach any Metrolink Ticket Vending Machine and select "LAX" as the final destination when purchasing a ticket, board the train to L.A. Union Station and then board a FlyAway bus.

The new FlyAway fare feature applies to the following Metrolink tickets: One-Way Tickets, Round-Trip Tickets and Advance Purchase Tickets. Interested riders may also buy One-Way or Round-Trip Advance Purchase for a future date, up to one year in advance (visit metrolinktrains.com for more information on Advance Purchase Tickets). Additionally, all Monthly Pass holders can ride the LAX FlyAway bus free of charge with proof of a valid flight boarding pass.

LOSSAN JPA

Pacific Surfliner Operations

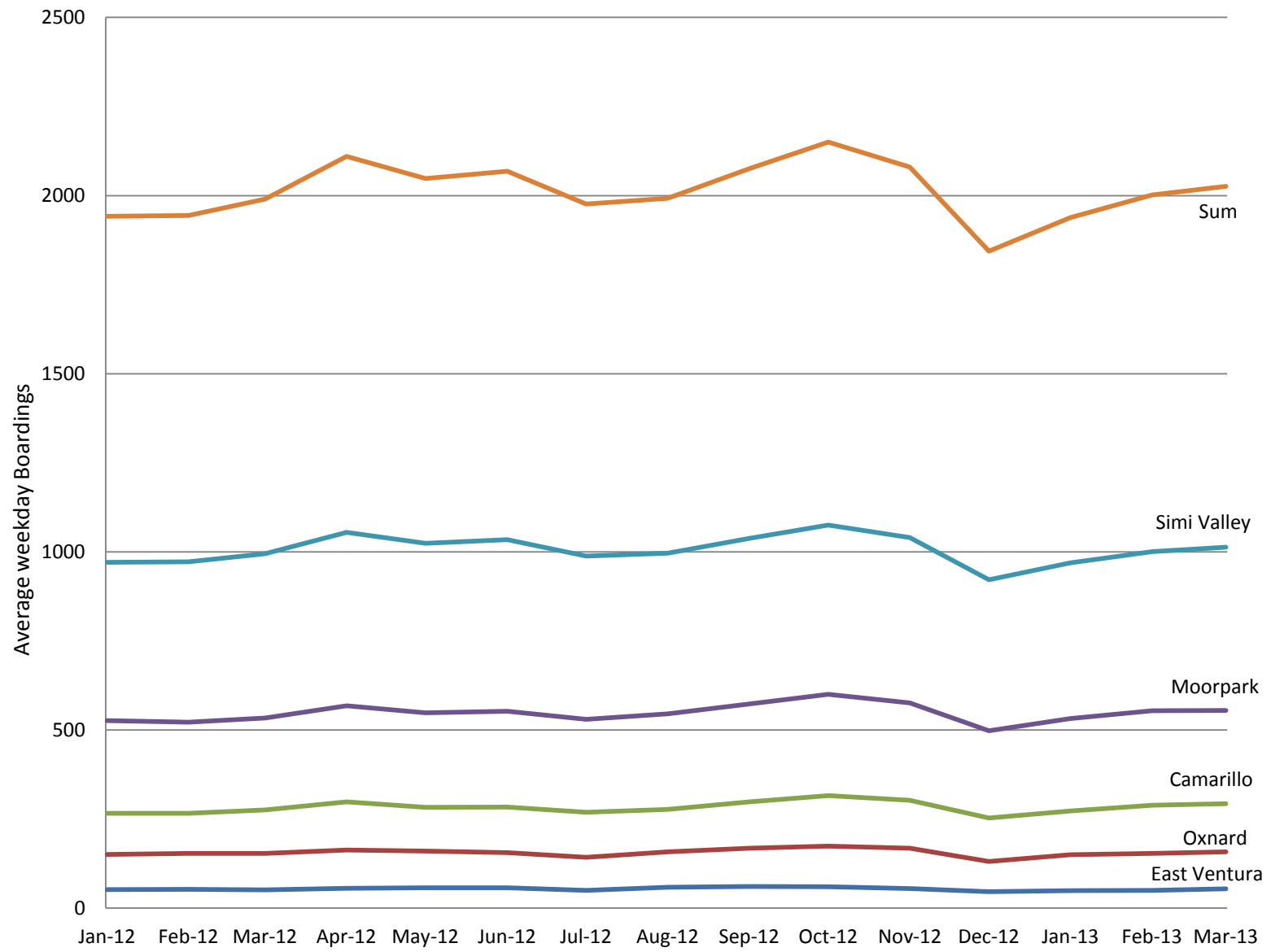
On April 1st, Amtrak introduced schedule changes on the *Pacific Surfliner*, Train 768 (southbound) and 1761 (northbound), respectively, are the only intercity trains that operate in Ventura County affected by the recent schedule changes. Train 768 now departs various Ventura County stations between 3-5 minutes later than previously scheduled whereas Train 1761 now departs Chatsworth 2 minutes later, while maintaining the prior schedule at other County stations.

Also, beginning June 1, 2013, bike reservations will be required to travel with a bike on the *Pacific Surfliner*. The reservation fee is \$5.00 per travel segment and may be booked at Amtrak.com by clicking the "Add Bike to Trip" tab after selecting your departure and class of service. Passengers are required to properly secure bicycles in bike racks. Interested passengers are encouraged to book early as reserved bike space is limited and may not be available on all trains or departures. Amtrak has indicated that it plans to increase the bike-carrying capacity on trains, in anticipation of the proposed reservation program.

Governance

The LOSSAN Board of Directors achieved consensus on several additional amendments to the LOSSAN Amended JPA and also approved distribution to member agency boards (voting and ex-officio) for final approval (see **VCTC Agenda Item #9D** for Commission consideration of the amended JPA). The LOSSAN Board has also authorized the release of a Request for Proposal for a Managing Agency for the amended LOSSAN JPA. The Managing Agency would assume administrative responsibility for the regional oversight of intercity rail, beginning December 2013. The Managing Agency would also be tasked with negotiating the Interagency Transfer Agreement (ITA) with the State for regional oversight, per SB 1225, no earlier than June 2014. The LOSSAN Board will meet again on May 15th, 2013.

VC Line Station's - Inbound Average Weekday Boarding's (FY13Q3)



**TOTAL BOARDINGS, YEAR OVER YEAR
(INBOUND and OUTBOUND)**

MO/Y R	Ventura County Line	VC County Portion	System Grand Total	Metrolink Rail 2 Rail on Amtrak North of LA
Jan-13	3,895	1,920	42,148	188
Jan-12	3,969	1,917	42,121	210
Jan-11	3,481	2,156	39,631	259
Jan-10	3,694	2,022	40,765	325
Jan-09	4,307	2,341	43,988	283
Jan-08	4,178	2,164	43,322	264
Jan-07	3,962	2,050	41,095	228
Jan-06	3,902	1,991	40,343	136
Jan-05	3,378	1,471	37,254	268
Jan-04	4,001	1,864	36,399	110
Jan-03	3,673	1,760	33,708	88

**TOTAL BOARDINGS, YEAR OVER YEAR
(INBOUND and OUTBOUND)**

MO/YR	Ventura County Line	VC County Portion	System Grand Total	Metrolink Rail 2 Rail on Amtrak North of LA
Feb-13	3,816	1,938	42,842	226
Feb-12	4,165	1,951	43,198	209
Feb-11	3,712	2,142	40,127	264
Feb-10	3,757	2,105	40,596	376
Feb-09	4,299	2,241	43,313	255
Feb-08	4,218	2,181	43,358	258
Feb-07	4,135	2,133	42,408	260
Feb-06	3,780	1,821	40,266	236
Feb-05	3,828	1,853	38,428	179
Feb-04	4,095	1,776	37,399	119
Feb-03	3,727	1,815	34,988	89

**TOTAL BOARDINGS, YEAR OVER YEAR
(INBOUND and OUTBOUND)**

MO/YR	Ventura County Line	VC County Portion	System Grand Total	Metrolink Rail 2 Rail on Amtrak North of LA
Mar-13	3,964	1,976	43,066	224
Mar-12	3,968	1,907	43,119	197
Mar-11	3,800	2,210	40,781	243
Mar-10	3,811	2,132	40,629	287
Mar-09	4,202	2,275	42,890	299
Mar-08	4,233	2,258	44,490	279
Mar-07	4,104	2,139	42,973	267
Mar-06	3,851	1,876	39,936	224
Mar-05	3,979	1,905	39,196	216
Mar-04	4,153	1,910	37,806	128
Mar-03	3,919	1,816	35,472	85

INBOUND
BOARDINGS, YEAR
OVER YEAR*

MO/YR	East Ventura	Oxnard	Camarillo	Moorpark	Simi Valley	VTA Cnty Total	Total Line
Jan-13	49	101	123	259	437	969	1,966
Jan-12	52	99	115	260	445	971	2,010
Jan-11	50	97	123	258	463	991	1,600
Jan-10	47	74	92	190	332	735	1,343
Jan-09	45	88	101	231	422	887	1,632
Jan-08	42	80	108	174	378	782	1,510
Jan-07	43	90	97	176	340	746	1,442
Jan-06	44	70	113	195	322	744	1,458
Jan-05	30	96	83	137	215	561	1,288
Jan-04	18	72	61	172	284	607	1,303
Jan-03	9	94	71	193	231	598	1,248

* on Metrolink trains

INBOUND BOARDINGS,
YEAR OVER YEAR*

MO/YR	East Ventura	Oxnard	Camarillo	Moorpark	Simi Valley	VTA Cnty Total	Total Line
Feb-13	50	104	135	265	447	1,001	1,971
Feb-12	53	101	112	256	450	972	2,075
Feb-11	52	96	124	266	454	992	1,719
Feb-10	50	70	116	184	338	758	1,353
Feb-09	45	105	105	241	303	799	1,533
Feb-08	45	82	96	181	400	804	1,555
Feb-07	39	83	101	186	342	751	1,456
Feb-06	44	70	113	195	368	790	1,640
Feb-05	36	93	79	138	341	687	1,419
Feb-04	28	72	61	180	264	605	1,395
Feb-03	9	94	71	193	231	598	1,228

* on Metrolink trains

INBOUND BOARDINGS,
YEAR OVER YEAR*

MO/YR	East Ventura	Oxnard	Camarillo	Moorpark	Simi Valley	VTA Cnty Total	Total Line
Mar-13	54	104	135	262	458	1,013	2,032
Mar-12	51	103	122	258	461	995	2,070
Mar-11	54	107	131	269	469	1,030	1,771
Mar-10	51	86	118	175	295	725	1,296
Mar-09	46	89	108	203	373	819	1,513
Mar-08	51	94	124	199	410	878	1,646
Mar-07	37	91	95	182	348	753	1,445
Mar-06	55	52	102	188	364	761	1,562
Mar-05	24	75	88	163	341	691	1,443
Mar-04	33	72	61	206	299	671	1,459
Mar-03	9	94	71	193	231	598	1,291

* on Metrolink trains

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Item #9C

May 10, 2013

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: STEPHANIE YOUNG, PROGRAM ANALYST

SUBJECT: FEDERAL TRANSIT ADMINISTRATION SECTION 5310 APPLICATION (FISCAL YEAR 2011/12 CARRYOVER FUNDS)

RECOMMENDATION:

- Adopt the regional priority list of Ventura County applications for Federal Transit Administration (FTA) Section 5310 funds.
- Adopt Resolution #2013-02 (attached) authorizing the Executive Director to certify the applications and forward the applications and prioritized list to the California Department of Transportation (Caltrans).

BACKGROUND:

FTA Section 5310 provides capital grants for projects that meet the transportation needs of elderly persons and persons with disabilities. At the October 5, 2012 meeting, the Commission authorized a call for projects for these funds. Shortly afterwards, Caltrans announced that they would be conducting a call for projects for carryover Section 5310 funds from FY 2011/12. Approximately \$13 million in Federal funds are available for this cycle to small urban areas throughout California. The funds will be distributed by Caltrans. It is VCTC's responsibility to score the projects according to the Caltrans criteria before submitting the applications. Caltrans then creates a statewide prioritized list of projects that will receive funding.

DISCUSSION:

In April, agencies that were approved in the VCTC call for projects for Section 5310 funding completed Caltrans applications and submitted them to VCTC for review.

The Arc of Ventura County provides transportation to 525 developmentally disabled persons throughout Ventura County. Federally funded vehicles are used to transport participants to over 50 volunteer sites. Arc is requesting \$135,000 to replace three wheelchair accessible minivans.

HELP of Ojai serves seniors and disabled residents of the City of Ojai and the surrounding unincorporated areas of the Ojai Valley. The program serves approximately 112 riders per week during its operating hours of 8:00am to 4:00pm. HELP of Ojai is requesting \$60,000 for one replacement vehicle.

May 10, 2013
Item #9C
Page #2

Staff has scored the projects and developed the following priority list for adoption by the Commission.

Agency	Project Title	Funding Requested	Funding Recommended	Score
The Arc of Ventura County	Three Replacement Vans	\$135,000	\$135,000	82
HELP of Ojai	Replacement Small Bus	\$60,000	\$60,000	82

The attached Resolution #2013-02 will authorize the Executive Director to file and execute applications and any other required documents to Caltrans.

RESOLUTION NO. 2013-02

**RESOLUTION AUTHORIZING THE FEDERAL FUNDING UNDER FTA
SECTION 5310 (49. U.S.C SECTION 5310) WITH CALIFORNIA
DEPARTMENT OF TRANSPORTATION**

WHEREAS, the U.S. Department of Transportation is authorized to make grants to states through the Federal Transit Administration to support capital projects for non-urbanized public transportation systems under Section 5310 of the Federal Transit Act (FTA C 9070.1F); and

WHEREAS, the California Department of Transportation (Department) has been designated by the Governor of the State of California to administer Section 5310 grants for transportation projects for the elderly and disabled; and

WHEREAS, the Ventura County Transportation Commission (VCTC) desires to apply for said financial assistance to permit operation of paratransit service in Ventura County; and

WHEREAS, the VCTC has, to the maximum extent feasible, coordinated with transportation providers and users in the region (including social service agencies).

**NOW, THEREFORE, THE VENTURA COUNTY TRANSPORTATION COMMISSION RESOLVES AS
FOLLOWS:**

Section 1. The VCTC hereby authorizes its Executive Director to file and execute applications on behalf of the VCTC with the Department to aid in the financing of capital projects pursuant to Section 5310 of the Federal Transit Act (FTA C 9070.1F), as amended.

Section 2. The Executive Director is authorized to execute and file all certification of assurances, contracts or agreements or any other document required by the Department with respect to the application for Section 5310 projects.

Section 3. The Executive Director is authorized to provide additional information as the Department may require in connection with the application for the Section 5310 projects.

Section 4. The Executive Director is authorized to approve and submit requests for reimbursement of funds from the Department for the Section 5310 project/s.

PASSED AND ADOPTED by the Ventura County Transportation Commission at its regular meeting this 10th day of May, 2013.

ATTEST:

Steve Sojka, Chair

Donna Cole, Clerk

APPROVED AS TO FORM:

Mitchel B. Kahn, General Counsel

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Item #9D

May 10, 2013

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

**FROM: VICTOR KAMHI, BUS SERVICES DIRECTOR
GLORIA E. SOTELO, PROGRAM MANAGER/GO VENTURA TRANSIT SVCS.**

**SUBJECT: FISCAL YEAR 2012/2013 BUDGET AMENDMENT FOR THE PURCHASE AND
INSTALLATION OF INTEGRATED AUTOMATIC PASSENGER COUNTERS (APC's)
FOR THE VISTA FLEET.**

RECOMMENDATION:

- Amend the Fiscal Year 2012/2013 Smartcard budget by increasing revenues and expenditures by \$44,000 for the equipment and installation of Automatic Passenger Counters (APC's) on the VISTA fleet. The funding source is Federal Transportation Assistance (FTA) and State Transit Assistance (STA).

BACKGROUND:

Due to the unexpected change last year of a new VISTA service operator, the new VISTA Roadrunner fleet was immediately placed in service without the time or budget to install the Automatic Passenger Counters which had been installed on the previous operator, Coach USA. The VCTC has APC's installed on the entire countywide fleet, integrated with the Smartcard system. The Automatic Passenger Counters primary function is for collection of daily boarding and alighting data for bus stops in the county. During the coming fiscal year, the Federal Transit Administration requires a year-long manual survey of boarding and alighting data, or collection of the data using APCs. Data collected from APC's is mandated for the annual Federal Transit Administration's National Transit Database (NTD) reporting for all transit operators using federal "urban transit" funds, and the data provides the basis for that funding. VCTC provides the APCs and the data generated to all "urban" transit operators in Ventura County.

Staff recommends a budget amendment be approved to add \$44,000 to the Fiscal Year 2012/2013 Smartcard Bus Equipment budget line item. The funding source is FTA \$35,200 and STA \$8,800. This will bring the total Smartcard Bus Equipment budget line item to a new total of \$69,000.

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Item # 9E

May 10, 2013

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: Alan Holmes, Transportation Demand Management Program Manager

SUBJECT: FY 2012/2013 Rideshare Database Services MOU

RECOMMENDATION:

- Approve Rideshare Database Services Amendment No. 7 to MOU RS0506 for FY 2012/2013

BACKGROUND:

In December, 2002, the Commission approved the participation with Los Angeles Metro (METRO), Orange County Transportation Authority (OCTA), Riverside County Transportation Commission (RCTC) and San Bernardino Associated Governments (SANBAG) to provide rideshare services within the Southern California Region. At that time, staff was authorized to enter into an agreement with Riverside County Transportation Commission to provide the Trapeze/RidePro rideshare matching system and to administer the system. Effective July 1, 2003 the program was fully transitioned from SCAG to the county commissions. Given the general satisfaction with the arrangement whereby the Ventura, Los Angeles, Orange, and San Bernardino County commissions have paid RCTC to manage the contract for administering the counties' rideshare matching system, this arrangement has continued on an ongoing basis with an annual amendment to Memorandum of Understanding # RS0506.

DISCUSSION:

In February 2012, RCTC, acting in their roll as the regional rideshare database administrators, approved an agreement with Base Technologies for the provision and hosting of a new customized ridematching software system in response to a dispute with the current software provider Trapeze/RidePro. The proposed transition raised several issues from the regional partners regarding the modified Scope of Work referenced in the MOU. Questions as to the full functionality of the new system, user costs and definitions of upgrades were among the issues that were discussed. By April 2013 RCTC had provided sufficient information to the regional partners making it possible for us to proceed with the attached MOU and Scope of Work. Implementation of the new software is scheduled for mid FY 13/14 and will be fully addressed in the 2013/2014 MOU and Scope of Work which staff expects to bring to the Commission in June 2013.

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**AMENDMENT NO. 7 (FY 2012/13)
TO MEMORANDUM OF UNDERSTANDING RS0506**

REGIONAL RIDEMATCHING SERVICES PROJECT

This Amendment No. 7 (FY 2012/13) to the Regional Ridematching Services Project Memorandum of Understanding is made and entered into by and between the VENTURA COUNTY TRANSPORTATION COMMISSION (VCTC) and the RIVERSIDE COUNTY TRANSPORTATION COMMISSION (RCTC). An updated Scope of Services is attached.

VCTC and RCTC entered into that certain FY 2005 & FY 2006 Regional Ridematching Services Project Memorandum of Understanding, MOU # RS0506, commencing as of July 1, 2005 ("MOU").

VCTC and RCTC entered into Amendment No. 1 to the MOU on February 2, 2007 to extend the term of the MOU and to provide reimbursement to RCTC for the Services for FY 2006/07.

VCTC and RCTC entered into Amendment No. 2 to the MOU on November 12, 2007 to extend the term of the MOU and to provide reimbursement to RCTC for the Services for FY 2007/08.

VCTC and RCTC entered into Amendment No. 3 to the MOU on September 12, 2008 to extend the term of the MOU and to provide reimbursement to RCTC for the Services for FY 2008/09.

VCTC and RCTC entered into Amendment No. 4 to the MOU on September 17, 2009 to extend the term of the MOU and to provide reimbursement to RCTC for the Services for FY 2009/10.

VCTC and RCTC entered into Amendment No. 5 to the MOU on July 19, 2010 to extend the term of the MOU and to provide reimbursement to RCTC for the Services for FY 2010/11.

VCTC and RCTC entered into Amendment No. 5 to the MOU on September 7, 2011 to extend the term of the MOU and to provide reimbursement to RCTC for the Services for FY 2012/12.

This Amendment No. 7 continues the Services under the terms and conditions of the MOU, except to the extent amended hereby, for FY 2012/13.

The MOU is hereby amended as follows:

Terms.

1. Section 2, regarding the term of the MOU, is hereby amended and replaced in its entirety to read as follows:

2. TERM. This MOU shall commence on July 1, 2005 and shall terminate on June 30, 2013.

2. Section 3(A), regarding payment of compensation, is hereby amended in part to read as follows:

Section 3A: PAYMENT OF COMPENSATION

For FY 2012/2013, VCTC shall contribute Ventura County's share of the Project funded jointly by VCTC and the CTCs. Therefore VCTC shall reimburse RCTC an amount not to exceed THIRTEEN THOUSAND SEVEN HUNDRED SEVENTY DOLLARS (\$13,770) for the actual costs of the Services provided under this MOU for FY 2012/2013.

3. Attachment A of the MOU, regarding RCTC's Scope of Work, is hereby amended and replaced with Attachment A attached to this Amendment No. 7 and incorporated herein by reference.

Except as amended hereby, the terms and conditions set forth in the MOU shall remain in full force and effect.

In witness whereof, the parties hereto have executed this Agreement on the dates stated below.

**VENTURA COUNTY
TRANSPORTATION COMMISSION**

By _____
Steven T. Sojka
Chairman

Date: _____

APPROVED AS TO FORM:

By _____
Mitchel B. Kahn
General Counsel

**RIVERSIDE COUNTY
TRANSPORTATION COMMISSION**

By _____
John J. Benoit
Chairman

Date: _____

APPROVED AS TO FORM:

By _____
Best, Best & Krieger, L.L.P.
Legal Counsel

**Riverside County Transportation Commission
REGIONAL RIDEMATCH DATABASE SERVICES
FY 12/13 SCOPE OF WORK – Trapeze Software**

Manage the regional ridematch database system and parallel school database system on behalf of and in partnership with the County Transportation Commission's (CTC's). Each database will be secured from tampering yet accessible to users needs with timely and accurate software. Monitor and maintain the performance of the hardware and connectivity software of the regional ridematch local area network, web facing servers, Citrix servers, ridematching website and Exchange server. Maintenance of the ridematching and school software will be coordinated with the software vendor, Trapeze, and their designated product support staff. Monitor network and server performance to ensure that quality and throughput are optimum and that system integrity is maintained.

Task 1: Manage and coordinate the regional rideshare database system in partnership with the CTC's to ensure the effective delivery of ridematching services to employers, TMA's and commuters of the five county region. Coordinate software and database maintenance and installation of enhancements. Work with CTC staffs to identify needs or program refinements on an annual basis, including AVR Program refinements as required by the South Coast Air Quality Management District (SCAQMD) and/or Ventura County Air Pollution Control District (VCAPCD). Work with Trapeze staff to develop programs to satisfy identified needs, and to install and test them. Install periodic updates from Trapeze. Monitor the system and augment security and data access controls as needed to maintain the confidentiality of information, including an annual vulnerability and penetration test by a contractor secured by Riverside County Transportation Commission (RCTC). Task includes travel expense for three visits per year to each CTC office, if necessary, and annual license maintenance fees. Also includes the annual cost of testing for web site security against a hack attack.

- a. Review RidePro error logs on a daily basis, assess error messages to determine next steps, take action with the appropriate entities (i.e., internal action, CTC's or Trapeze support staff) to secure resolution of issues.
- b. Install product updates and enhancements including customized programming authorized by CTC's. Provide testing of new programs and enhancements to ensure that programs are functioning correctly and that any program compatibility issues are resolved.
- c. Monitor performance of the servers, routers and switches to ensure system is operating at peak performance.
- d. Review all security logs as they are collected via GFI.
- e. Report any system downtime to CTC's.
- f. Facilitate collective policy decisions relating to operational and procedural functionality of the system.
- g. Provide liaison between the CTC's and the SCAQMD for maintenance and required updates to the AVR functions of the databases.
- h. Coordinate with CTC technical staffs regarding hardware specifications and conformity.
- i. Produce Monthly Rideshare Services Report of regional ridematching activity.

Task 2: Maintain the address geo-coding database for translation of street addresses and intersections into geographic references for ridematching, mapping, and other geographic referential products. On a bi-annual basis include a zip code overlay in the update of the digital base maps. Zip code overlay will be purchased and implemented by Trapeze.

- a. Coordinate annual updates of digital base maps with CTC's and Trapeze.
- b. Identify and resolve any discrepancies in digital base maps in response to geocoding anomalies.

Task 3: Maintain computer software (i.e., RidePro administrative tracking) to accurately and concisely track rideshare database activities and services for reporting to CTC's.

- a. Quarterly rideshare database report including website activity.

Task 4: Provide technical and help desk support services to CTC staffs. Provide assistance with troubleshooting of problems related to functionality of software and/or wide area network connectivity. Provide training or instructional materials on new programs and functions within the RidePro and AVR databases to CTC staffs.

- a. Respond daily to on-line and telephone technical inquires and trouble reports.
- b. Assess source of reported problems, determine appropriate actions, and facilitate resolution by appropriate staff.
- c. Prepare and distribute quarterly summary of reported problems and actions taken.
- d. Provide "help" information as needed to all users.
- e. Provide liaison between CTC's and Trapeze product support staff.

Task 5:

A. Operating Equipment

Maintain computer system hardware, consistent with the specifications provided by Trapeze Software and agreed to by the CTC's, to accommodate the regional rideshare database, and the implementation and operation of the LocalArea Network. Repair or replace hardware items as needed or as recommended by the "End of Life" (EOL) cycle by the product manufacture (no longer supported).

1. Periodic hardware and software maintenance of Database Servers, Storage Area Network, two Citrix Terminal Services Servers for remote access, Web Server, Job Process Server, workstation for network administration, and various routers, firewalls and switches as needed.

B. Network Connectivity

Maintain the configuration of four bonded T1 lines, connection to efficiently operate the LAN/WAN.

1. Monitor and troubleshoot operation of four bonded T1 Circuits for Ridematching Website access and for access to Terminal Services Server via Citrix.
2. Monitor and troubleshoot access lines to ensure operational integrity and security. On-going analysis of capacity issues and recommendations for additions or improvements.

**Riverside County Transportation Commission
REGIONAL RIDEMATCH DATABASE SERVICES
FY 12/13 SCOPE OF WORK – Basetech Software**

Manage the regional ridematch database system on behalf of and in partnership with the County Transportation Commissions (CTCs). The system will be secured from tampering yet accessible to multiple users' needs with timely and accurate software. Monitor and maintain the performance of the hardware and connectivity software of the regional ridematch local area network and ridematching website. Maintenance of the ridematching software and associated modules will be coordinated with the software vendor, Base Technologies, Inc. (BaseTech), and their designated product support staff. Monitor bandwidth and website load times to ensure that quality and throughput are optimum and that system integrity is maintained.

Task 1: Day to Day Operations

Manage and coordinate the regional rideshare database system in partnership with the CTCs to ensure the effective delivery of ridematching services to employers, TMAs and commuters of the five county region.

- j. Review application error logs on a daily basis, assess error messages to determine next steps, take action with the appropriate entities (i.e., internal action, CTCs or BaseTech support staff) to secure resolution of issues.
- k. Review all security logs as they are collected through the dedicated firewall, web server, and database logs.
- l. Report any scheduled or unscheduled system downtime to CTCs, troubleshoot as necessary and identify reason for downtime and estimated time to be back on line.

Task 2: Upgrades, Patches, and System Administration

Coordinate software and database maintenance and installation of enhancements. Work with CTC staffs to identify needs or program refinements on an annual basis, including AVR Program refinements as required by the South Coast Air Quality Management District (SCAQMD) and/or Ventura County Air Pollution Control District (VCAPCD). Work with BaseTech staff to develop programs to satisfy identified needs, and to coordinate the installation and testing of periodic updates from BaseTech on an as-needed basis.

Coordinate the monitoring of the system and augmenting of security and data access controls as needed to maintain the confidentiality of information, including an annual vulnerability and penetration test by a contractor secured by Riverside County Transportation Commission (RCTC).

Task includes annual license maintenance fees. Also includes the annual cost of testing for web site security.

- a. Facilitate collective policy decisions relating to operational and procedural functionality of the system.
- b. Coordinate feedback from CTCs regarding programming functionality, programming issues and development ideas. Provide testing of new programs and enhancements as well as custom ad-

hoc reporting to ensure that all program modules are functioning correctly and that any program compatibility issues are resolved.

- c. Provide liaison between the CTCs and the SCAQMD for maintenance and required updates to the AVR functions of the databases.
- d. Coordinate changes to reporting and functionality between internal staff, CTCs, SCAQMD, and selected vendors.
- e. Work with selected contractor to facilitate web testing for security and to monitor performance of the servers, routers and switches to ensure system is operating at peak performance.
- f. Perform ongoing analysis of capacity issues and recommendations for additions or improvements.

Task 3: Support Roles

Provide technical and help desk support services to CTC staffs. Provide assistance with troubleshooting of problems related to functionality of software. Provide training or instructional materials on new programs and functions within the Komotor rideshare web application and associated modules to CTC staffs.

- a. Respond daily to on-line and telephone technical inquiries and trouble reports.
- b. Assess source of reported problems, determine appropriate actions, and facilitate resolution by appropriate staff.
- c. Prepare and distribute quarterly summary of reported problems and actions taken.
- d. Provide "help" information as needed to all users.
- e. Provide liaison between CTCs and BaseTech product support staff.

Task 4: Operating Equipment and Network Connectivity

A. Operating Equipment

Monitor server performance and bandwidth use, consistent with the specifications provided by BaseTech, to accommodate the regional rideshare database and associated modules. Rackspace, the selected server management company, will be responsible for repair or replacement of all hardware items to be handled on an as-needed basis or as recommended by the "End of Life" (EOL) cycle by the product manufacture on a 365/24/7 basis with a one hour replacement time guarantee. Rackspace will also be responsible for security patches, updates for server operating system and core system applications as well as firewalls, network switches, and load balancers.

B. Network Connectivity

Keycard protocols, biometric scanning protocols and round-the-clock interior and exterior surveillance monitor access to every Rackspace data center. To provide multiple redundancies the data center housing the regional rideshare local area network is also linked to the internet through a minimum of 5-9 different internet service providers on high performance bandwidth. Rackspace will monitor and troubleshoot access lines to ensure operational integrity and security.



Item #9F

May 10, 2013

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: JAMES HINKAMP, PROGRAM ANALYST
SUBJECT: LOS ANGELES-SAN DIEGO-SAN LUIS OBISPO (LOSSAN) AMENDED JOINT POWERS AUTHORITY (JPA) AGREEMENT UPDATE

RECOMMENDATION:

- Approve the Los Angeles-San Diego-San Luis Obispo (LOSSAN) Joint Powers Authority (JPA) agreement to transfer State operation of the Pacific Surfliner intercity train operations to LOSSAN.

BACKGROUND:

At its January 2013 meeting, the Commission approved the Los Angeles-San Diego-San Luis Obispo (LOSSAN) Joint Powers Authority (JPA) agreement. The Commission's approval at that time supported prior approval by the LOSSAN Board of Directors in the fall of 2012 to move forward with the State transfer of Pacific Surfliner intercity train operations to the LOSSAN. An Interagency Transfer Agreement (ITA) authorized by Senate Bill (SB) 1225 would constitute this proposed transfer to the regional JPA.

On April 17, 2013, the LOSSAN Board approved for distribution a revised JPA that requires approval by member agencies in order to proceed towards the ITA. The revised JPA addresses concerns among San Diego-area member agencies, such as vote assignment to member agencies and associated regions, language adjusting qualifications for selecting respective member agency Board representatives, and updated language reflecting LOSSAN corridor plan linkages with statewide and high-speed rail plans.

DISCUSSION:

The revisions to the JPA agreement are summarized as follows:

- Specifies linkage between the LOSSAN Agency Business Plan, the California State Rail Plan, and the California High-Speed Rail Authority Business Plan (see *Recitals*).
- Adds clause that should state funding for a mutually-agreed upon minimum level of service be reduced or eliminated, LOSSAN administration will revert back to the State. A supermajority vote would be required should the Agency wish to continue the ITA (*Section 4.3*).
- Should the Agency decide not to approve the ITA, the LOSSAN JPA would take action to revert back to its 2011 version (*Section 4.3*).
- Changes LOSSAN Board member eligibility for North County Transit District (NCTD) to current NCTD members only (*Section 5.15*).

- Provides flexibility to the California High-Speed Rail Authority in LOSSAN Board member selection (*Section 5.2.3*).
- Changes one affirmative vote from each region to one vote by each voting member from each region (*Section 17.1 & Section 17.2*).
- Requires final Agency approval of the ITA is a supermajority item (*Section 17.2.5*).
- Complementary language to *Section 4.3* changes regarding continuing the ITA, should State funding be reduced or eliminated for minimum level of service, are also added (*Section 17.2.6*).

VCTC staff believes the additional amendments achieve consensus among LOSSAN member agencies and its Board in fulfilling the intent of SB 1225 legislation, and recommends approval. The revised JPA is attached.

2013 AMENDMENT TO THE
JOINT POWERS AGREEMENT
CONCERNING THE LOS ANGELES-SAN DIEGO-SAN LUIS OBISPO
CORRIDOR RAIL AGENCY
INTRODUCTION

This Agreement is made and entered into in the State of California by and among the LOSSAN Agency Governing Board and the following public agencies that are parties of this Agreement:

- Los Angeles County Metropolitan Transportation Authority;
- Orange County Transportation Authority;
- Riverside County Transportation Commission;
- North County Transit District;
- San Diego Metropolitan Transit System;
- California Department of Transportation;
- Southern California Association of Governments;
- San Diego Association of Governments;
- Ventura County Transportation Commission;
- Santa Barbara County Association of Governments;
- San Luis Obispo Council of Governments;
- National Railroad Passenger Corporation;
- California High-Speed Rail Authority;

RECITALS

WHEREAS, some, but not all of the parties to this Agreement had entered into that certain joint exercise of powers agreement to establish the Los Angeles-San Diego Corridor Rail Agency (Agency), effective February 6, 1989, but desire to amend and restate such existing joint exercise of powers agreement as provided herein; and

WHEREAS, the parties to this Agreement recognize the need for a public agency to oversee increases in the level of intercity passenger rail service in the travel corridor between San Diego, Los Angeles and San Luis Obispo, and improvements to the facilities that will ensure reduced travel times and that will aid the joint operation of freight and passenger service in the Corridor; and

WHEREAS, the Los Angeles-San Diego State Rail Corridor Study Group created pursuant to Senate Bill 1095 (Chapter 1313, Statutes of 1985) analyzed the feasibility of increasing the level of intercity passenger service in the corridor and instituting commuter rail service from San Clemente to Union Station in Los Angeles and from Oceanside to San Diego; identified and recommended improvements to track and right-of-way to accommodate the higher levels of service; and recommended the creation of a joint exercise of powers agency to oversee the implementation of additional intercity rail passenger service and the necessary track improvements; and

WHEREAS, rail service on the coast corridor has been extended to Ventura, Santa Barbara, and San Luis Obispo Counties; and

WHEREAS, the parties to this Agreement believe that the joint exercise of their powers will provide an organization capable of implementing the recommendations contained in both the State Rail Corridor Study Group's June 1987 report entitled, *Los Angeles-San Diego State Rail Corridor Study*, and the April 2012 *LOSSAN Corridorwide Strategic Implementation Plan* and assist related efforts to coordinate corridor rail services and to improve corridor services and facilities; and

WHEREAS, each party to this Agreement is authorized to contract with each other for the joint exercise of any common power under Article I, Chapter 5, Division 7, Title 1 of the Government Code of the State of California; and

WHEREAS, an act to amend Sections 14031.8, 14070.2, 14070.4, and 14070.6 of, and to add Section 14070.7 to, and to repeal and add Article 5.2 (commencing with Section 14072) of Chapter 1 of Part 5 of Division 3 of Title 2 of, the Government Code, relating to transportation and known as the Intercity Passenger Rail Act of 2012 (SB 1225), authorized expansion of the authority of the LOSSAN Corridor Rail Agency, through an amendment to the existing Joint Exercise of Powers Agreement; and

WHEREAS, SB 1225 authorizes the Agency, beginning on June 30, 2014, to enter into an Interagency Transfer Agreement with the State of California, with an initial term of three years (Initial Term) commencing with the transfer of the responsibilities for administering state-funded intercity rail passenger service in the LOSSAN Corridor from the State to the Agency; and

WHEREAS, the Agency will, through the Interagency Transfer Agreement, succeed to the State's current agreement with Amtrak for the operation of the LOSSAN Corridor Rail Service and may initiate changes in said agreement or, in the future, may, through a competitive solicitation process, contract with Amtrak, or other organizations not precluded by State or Federal law to provide passenger rail services, to operate the rail service; and

WHEREAS, the Agency may contract with one of its Member Agencies, Associate Agencies or any commuter rail agency which uses the same facilities to provide commuter rail services as are used by the intercity passenger rail corridor service, called the Managing Agency, to provide all necessary administrative support to the Agency in order to prepare and negotiate the Interagency Transfer Agreement and to perform the Agency's duties and responsibilities during the Initial Term of the Interagency Transfer Agreement; and

WHEREAS, the Agency will initiate a process for selection of a Managing Agency which shall begin upon the effective date of the Agreement as amended per SB 1225 and shall continue during a transition period (Transition Period) until such time as a Managing Agency is selected and contracts with the Agency to serve in that capacity as called for in Section 8.0 below; and

WHEREAS, at the conclusion of the Initial Term, the Agency may, through procedures that it determines, select a Managing Agency, for a subsequent three year term to continue to administer the rail service under the direction of the Agency; and

WHEREAS, the Managing Agency shall produce a business plan (Business Plan) for approval by the Agency for each of the initial three years of operation of the service which shall describe the methods by which the Agency will administer rail service and seek to increase ridership in the LOSSAN Corridor and which shall be updated and submitted by the Agency to the Secretary of the Business, Transportation and Housing Agency by April 1 of each year; and

WHEREAS, the initial Business Plan shall be consistent with the immediately previous California State Rail Plan developed by the Department of Transportation pursuant to Government Code Section 14036, and the January 2014 business plan developed by the California High-Speed Rail Authority pursuant to Section 185033 of the Public Utilities Code and subsequent Business Plans shall be consistent with the immediately previous plans developed by the Department and the Authority;. And

WHEREAS, there are three previous amendments to this JPA, effective 2001, 2010, and 2011;

NOW THEREFORE, in consideration of the recitals, the parties to this Agreement agree to the following:

1.0 **DEFINITIONS**

- 1.1 **Agency** means the Los Angeles-San Diego-San Luis Obispo Corridor Rail Agency.
- 1.2 **Governing Board** or **Board** means the Board of Directors of the Agency.
- 1.3 **LOSSAN** is the acronym for Los Angeles-San Diego-San Luis Obispo.
- 1.4 **Voting member agencies (Member Agency)** mean Los Angeles County Metropolitan Transportation Authority, Orange County Transportation Authority, Riverside County Transportation Commission, San Diego Metropolitan Transit System, North County Transit District, San Diego Association of Governments, Ventura County Transportation Commission, Santa Barbara County Association of Governments, and San Luis Obispo Council of Governments.
- 1.5 **Ex-officio non-voting associate agencies (Associate Agency)** mean the Southern California Association of Governments, the National Railroad Passenger Corporation (Amtrak), California High-Speed Rail Authority and the California Department of Transportation.
- 1.6 **LOSSAN Corridor Rail Service** means Pacific Surfliner intercity passenger rail service that operates on the LOSSAN Corridor, which is a 351 mile long intercity and commuter rail corridor, stretching from San Diego in the south, up the coast to Orange County, Los Angeles County, Ventura County, and Santa Barbara County to San Luis Obispo County.
- 1.7 **Regional Transportation Planning Agency** means an entity authorized to prepare a regional transportation plan pursuant to Government Code Section 65080.
- 1.8 **Corridor City** means a city adjacent to the LOSSAN Corridor right-of-way.
- 1.9 **LOSSAN Regions** are defined as North Region: Ventura County, Santa Barbara County and San Luis Obispo County; Central Region: Los Angeles County; South Region: San Diego County; South Central Region: Orange County and Riverside County.
- 1.10 **Fiscal Year** means from July 1 to and including the following June 30.
- 1.11 **California State Rail Plan** is prepared every two years by the California Department of Transportation as an examination of passenger and freight rail transportation in California, in accordance with Section 14036 of the Government Code.
- 1.12 **Member Agency** shall mean each of those voting governmental entities set forth in paragraph 1.4 to this Agreement that have executed this Agreement and that have not withdrawn from the Agency.
- 1.13 **Business Plan** shall mean the business plan to be submitted by the Agency to the Secretary of the Business, Transportation and Housing Agency covering the initial three year term of the Agreement as mandated by Section 14070.4(b) and updated and submitted annually thereafter.
- 1.14 **Interagency Transfer Agreement** shall mean the agreement provided for in Section 14070.2(a) whereby the State of California will transfer all responsibility for administering the LOSSAN Corridor Rail Service to the Agency.

- 1.15 **Interim Workplan** shall mean the workplan proposed for the period commencing with the execution of the Managing Agency contract called for in Section 12.0 and ending with the then current fiscal year.
- 1.16 **Initial Term** shall mean the period that begins with the transfer of responsibilities from the California Department of Transportation to the Agency and continues for a three-year period.
- 1.17 **Managing Agency** means the Member Agency or Associate Agency or any commuter rail agency which uses the same facilities to provide commuter rail services as are used by the intercity passenger rail corridor service that has been selected by the Agency and has contracted with the Agency to provide all necessary administrative support to the Agency in order to prepare and assist in negotiating the Interagency Transfer Agreement, and to perform the Agency's duties and responsibilities during the Initial Term of the Interagency Transfer Agreement and any subsequent terms.
- 1.18 **Managing Director** means the director of LOSSAN Agency who is an employee of the Managing Agency. The Managing Director reports to and serves at the pleasure of the Governing Board.
- 1.19 **Transition Period** means the time period beginning with the effective date of the 2013 amendment to this Agreement in or around April 2013 and continuing until the effective date of a contract between the Agency and the Managing Agency to provide Managing Agency services to the Agency as called for in Section 12.0 below.

2.0 CREATION OF AGENCY

There is hereby created an organization to be known as the Los Angeles-San Diego-San Luis Obispo Rail Corridor Agency, hereafter Agency, which shall be a public entity separate and apart from any member agency. The Agency shall be governed by the terms of this Joint Powers Agreement and any Bylaws passed and adopted by its Governing Board.

3.0 PURPOSES

The specific purposes for the creation of the Agency and the exercise of common powers are as follows:

- 3.1 Administer and manage the operations of the LOSSAN Corridor Rail Service as part of the California Passenger Rail System.
- 3.2 Plan, program, and fund improvements for intercity rail passenger services and facilities in the LOSSAN Corridor, including the acquisition or leasing of right-of-way, stations and station sites; the leasing or acquisition of equipment; and related activities.
- 3.3 Negotiate for and accept funds to be expended for the purpose of providing and improving intercity rail passenger services and activities.
- 3.4 Review and comment on facility, service, and operational plans and programs of the agency or agencies operating commuter rail service in the LOSSAN Corridor.
- 3.5 Coordinate facility, service, and operational plans and programs with other organizations, providing rail passenger service in the Southern California Region or with whom the Agency may share common facilities, including the agency or agencies operating commuter rail service in the LOSSAN Corridor, the BNSF Railway and Union Pacific or their successor corporations, the National Railroad Passenger Corporation (Amtrak), California Department of Transportation and the California High Speed Rail Authority.

- 3.6 Advocate before local, regional, state, and federal officials and agencies for improvements to services and facilities for the corridor.

4.0 POWERS OF THE LOS ANGELES-SAN DIEGO-SAN LUIS OBISPO CORRIDOR RAIL AGENCY

As may be necessary for the accomplishment of the purposes of this Agreement, the Agency shall have the power in its own name to undertake the following:

- 4.1 To exercise in the manner provided by this Agreement the powers common to each of the voting members and necessary to the accomplishment of the purposes of this Agreement.
- 4.2 To make and enter into contracts.
- 4.3 To negotiate and approve an Interagency Transfer Agreement whereby the State of California will transfer all responsibility for administering the LOSSAN Corridor Rail Service, including associated feeder bus service, to the Agency. Should the Agency determine that the State has failed to appropriate funds sufficient to maintain a minimum level of LOSSAN Corridor Rail Service as defined in the Interagency Transfer Agreement, then the Agency shall terminate the interagency transfer agreement within 90 days unless the Agency, by a super majority vote, elects to continue the Interagency Transfer Agreement. At such time that the Interagency Transfer Agreement is terminated, the administration of the LOSSAN Corridor Rail Service shall revert to the State, all in accordance with the terms of the Interagency Transfer Agreement. Furthermore, should the Agency choose to not approve an Interagency Transfer Agreement, the Agency will then take action to revert back to the 2011 amendment to the JPA.
- 4.4 To employ agents and employees.
- 4.5 To contract for the services deemed necessary to meet the purposes of the Agency.
- 4.6 To acquire, by lease, purchase, or lease-purchase, and to hold and dispose of real and personal property necessary to carry out the purposes of this Agreement.
- 4.7 To construct, manage, and maintain facilities and services.
- 4.8 To sue and be sued in its own name.
- 4.9 To incur debts, liabilities, or obligations. However, the debts, liabilities, and obligations of the Agency shall not constitute any debt, liability, or obligation of any of the Member Agencies that are parties to this Agreement.
- 4.10 To apply for and accept grants for financial aid pursuant to any applicable state or federal statutes.
- 4.11 To exercise any of the powers set forth in Section 6508 of the Government Code. In exercising these powers, the Agency is subject to the restrictions upon the manner of exercising the powers of the Los Angeles County Metropolitan Transportation Authority or its successor agency.
- 4.12 To develop procedures for selecting a Managing Agency and to select such a Managing Agency.

- 4.13 To exercise such other powers and to engage in such other activities as are authorized by law and approved by the Governing Board.
- 4.14 All powers of the Agency shall be exercised by the Governing Board.

5.0 GOVERNING BOARD OF THE LOS ANGELES-SAN DIEGO-SAN LUIS OBISPO CORRIDOR RAIL AGENCY

The composition of the membership of the Governing Board shall be as follows:

5.1 Voting Members of the Governing Board (Member Agencies)

The Governing Board shall be selected and composed as follows and each member agency's appointee(s) shall have one vote unless otherwise noted:

- 5.1.1. Two members appointed by the Los Angeles County Metropolitan Transportation Authority; one from its own membership or former membership, and one from its own membership, former membership or selected by the Authority from a LOSSAN Corridor city.
- 5.1.2. Two members appointed by the Orange County Transportation Authority selected from its own membership or former membership.
- 5.1.3. A member appointed by the Riverside County Transportation Commission selected from its own membership or former membership.
- 5.1.4. A member appointed by the San Diego Metropolitan Transit System selected from its own membership or former membership.
- 5.1.5. A member appointed by the North County Transit District selected from its own membership.
- 5.1.6. A member appointed by the San Diego Association of Governments selected from its own membership or former membership.
- 5.1.7. While three members of the Governing Board shall represent San Diego County (San Diego Metropolitan Transit System, North County Transit District, and San Diego Association of Governments), these three members shall have a total of two votes. This voting procedure shall be specified by separate agreement among the three San Diego County member agencies.
- 5.1.8. A member appointed by the Ventura County Transportation Commission selected from its own membership or former membership.
- 5.1.9. A member appointed by the Santa Barbara County Association of Governments selected from its own membership or former membership.
- 5.1.10. A member appointed by the San Luis Obispo Council of Governments selected from its own membership or former membership.
- 5.1.11. Each voting member agency may appoint alternates to serve in the absence of the regular appointee.

5.2 Ex-Officio Members of the Governing Board (Associate Agencies)

- 5.2.1. The Southern California Association of Governments shall be a non-voting, ex-officio member of the Governing Board and shall designate a representative to the Governing Board.
- 5.2.2. The National Railroad Passenger Corporation (Amtrak) shall be a non-voting, ex-officio member of the Governing Board and shall designate a representative to the board, preferably from its Board of Directors.
- 5.2.3. California High-Speed Rail Authority shall be a non-voting, ex-officio member of the Governing Board and shall designate a representative to the board.
- 5.2.4. The California Department of Transportation (Caltrans) shall be a non-voting, ex-officio member of the Governing Board and shall designate a representative to the board.
- 5.2.5. Each ex-officio member may appoint alternates to serve in the absence of the regular appointee.

6.0 **RELATIONSHIP OF THE LOS ANGELES-SAN DIEGO-SAN LUIS OBISPO CORRIDOR RAIL AGENCY TO EXISTING AND FUTURE COMMUTER RAIL AGENCIES**

- 6.1 The Agency will endeavor to ensure that there is coordination between itself and any commuter rail agency which uses the same facilities to provide commuter rail services as are used by the intercity passenger rail corridor service.
- 6.2 The parties to this agreement acknowledge and confirm that nothing contained in this Joint Powers Agreement shall abrogate or diminish any then current ownership rights, access and use agreements, funding sources and allocation, operating rights and agreements of any party. The Agency acknowledges and shall respect at all times the precedence established based on the aforementioned and shall not seek or support regulatory or legislative changes or remedies that would materially reduce any then current agreement or right, unless otherwise agreed to by the affected Member Agencies.
- 6.3 The parties further agree that the scope of this Joint Powers Agreement is limited to intercity rail service as defined in Department of Transportation regulations. Accordingly, the Agency shall recognize at all times the governing authority of parties that operate services other than intercity rail service and shall not seek or support any regulatory or legislative changes or remedies that would abrogate, diminish, and or materially change the roles and responsibilities of such parties with respect to such services, unless otherwise agreed to by the affected Member Agencies.
- 6.4 No party shall be obligated to incur new costs or liabilities relating to commuter and intercity operations other than from its own operations. Enhanced coordination of service shall consider impacts to existing passenger rail service.

7.0 **AGENCY MANAGEMENT DURING THE TRANSITION PERIOD**

The Intercity Passenger Rail Act of 2012 (SB 1225) authorized the Agency to reconstitute itself with an amended joint powers agreement. Only the Agency operating under the amended joint powers agreement, and not the Agency existing on January 1, 2013, may exercise jurisdiction over intercity rail services on the LOSSAN corridor under an Interagency Transfer Agreement.

This Agreement reconstitutes the Agency as anticipated by SB 1225 and establishes significant duties for a Managing Agency who will be selected by, and enter into a contract with, the Agency. One significant duty of the Managing Agency is to assist the Agency in preparing and negotiating an Interagency Transfer Agreement which will allow the transfer of intercity rail services on the LOSSAN corridor from the State of California to the Agency beginning as soon as June 30, 2014.

During the Transition Period between the effective date of this Agreement as amended per SB 1225 and the effective date of a contract between the Agency and the Managing Agency, the San Diego Association of Governments will serve as the Transitional Managing Agency. During the Transition Period, the San Diego Association of Governments will provide professional staff assistance to the Agency at a level no greater than it provided during the first half of the fiscal year 2012-2013. Whenever this Agreement establishes duties or appointments for the Managing Agency or its officers, those duties or appointments will be the responsibility of the Transitional Managing Agency and its officers during the Transition Period, but only to the extent such duties correspond with the past practice of the Transitional Managing Agency and the Agency or as otherwise required by law.

8.0 MANAGING AGENCY

Subject to the policy direction and control of the Governing Board, and subject further to the terms, conditions and requirements of its contract with the Agency, the Managing Agency shall begin service upon the effective date of its contract and continue through the Initial Term and in that capacity shall provide all necessary administrative support to the Agency.

The Managing Director, to be appointed by the Governing Board, shall be an employee of the Managing Agency and an officer of the Agency and shall lead the administrative support duties for the LOSSAN Corridor Rail Service. Employees of the Managing Agency who have as their responsibility the support of the LOSSAN Corridor Rail Service shall report to the Managing Director. The Managing Director shall solicit the input and participation of the other agencies and endeavor to achieve consensus while providing administrative support to the Agency.

The Managing Agency staff dedicated to serve the LOSSAN Corridor Rail Service and under the supervision of the Managing Director, as well as the shared Managing Agency administrative support staff, will perform the following duties regarding the administrative support of the Agency:

- 8.1 Negotiate and recommend the award of all necessary agreements for the Agency, including but not limited to an Interagency Transfer Agreement, agreements for the provision of passenger rail services, and use of tracks and other facilities, subject to approval by the Governing Board;
- 8.2 Manage all agreements entered into by the Agency;
- 8.3 Implement projects contained in the approved capital budget unless the administration of particular capital projects is more appropriately managed in another manner, such as by an individual agency or a local government, as determined by the Governing Board;
- 8.4 Provide for the maintenance and management of such property as may be owned or controlled by the Agency unless the administration of that property is more appropriately managed in another manner, such as by an individual agency or a local government, as determined by the Governing Board;
- 8.5 Provide a risk management program to cover the Governing Board and each of the agencies in the performance of their duties pursuant to this Agreement, and seek appropriate insurance coverage to implement such risk management program;

- 8.6 Seek, obtain and administer grants, subject to the provisions of Section 9.0 below;
- 8.7 Develop and implement marketing programs;
- 8.8 Prepare and submit financial reports;
- 8.9 Prepare for approval by the Governing Board the Business Plan;
- 8.10 Report regularly to the Governing Board regarding LOSSAN Corridor issues;
- 8.11 Recommend changes in LOSSAN Corridor Rail Service fares and the collection of fares to the Agency;
- 8.12 Recommend changes in scheduling and levels of service to the Agency;
- 8.13 Prepare and implement changes in scheduling and fares, subject to required public involvement;
- 8.14 Prepare capital and operating budgets for presentation to the Agency;
- 8.15 Facilitate interaction with other entities involved in operation, construction and renovation of the LOSSAN Corridor Rail Service; and
- 8.16 Negotiate with any other public or private transportation providers as necessary to ensure coordinated service with the LOSSAN Corridor Rail Service.

9.0 SOLICITATION OF GRANTS

The Managing Agency shall pursue any and all sources of funding for the Agency; provided, however, that neither the Managing Agency, on behalf of the Agency, nor the Governing Board shall apply for Transportation Development Act Funds as defined in Chapter 4, Part 11, Division 10 of the California Public Utilities Code or for any conflicting funding that any Member Agency is also an applicant or approving Member Agency for without the express consent of that Member Agency.

10.0 BUDGET AND FUNDING

- 10.1 The Managing Agency shall prepare and submit to the Governing Board for approval within thirty days of the effective date of its contract with the Agency the Interim Workplan, which shall include recommendations for start-up funding needs and sources of funding therefor.
- 10.2 The Managing Agency shall prepare and submit to the Governing Board for approval a preliminary operating and capital budget for the succeeding fiscal year by April 1 of each year which is consistent with the prior Business Plan submitted. Upon receipt of an annual allocation from the State, the Agency shall by resolution adopt a final budget at the next regularly scheduled meeting of the Governing Board. The fiscal year shall be July 1 of each year to and including the following June 30. The budget shall include separate components for Managing Agency administration costs, operations, and capital costs anticipated to be incurred by the Agency during the fiscal year. The annual budget resolution shall set forth the authority of the Managing Agency to make capital and operating expenditures during the fiscal year, subject to such policy guidelines as the Governing Board may establish.

- 10.3 It is the intent of the Agency to fully fund the annual budget from State and other non-Agency funding sources, such as fares and other operating revenues. The Agency shall not operate at a deficit.
- 10.4 No funding, debt, or financial obligation is created against any agency solely as a consequence of executing this Agreement and no funding, debt, or financial obligation approved by the Governing Board and/or incurred by the Agency shall be binding against a Member Agency unless and until ratified by that Member Agency's governing body.

11.0 LIABILITY OF AGENCY, OFFICERS AND EMPLOYEES

The debts, liabilities, and obligations of the Agency shall not be the debts, liabilities and obligations of any of the Member Agencies, the Managing Agency or any of their respective members, officers, directors, employees or agents. Any obligations incurred by any bonds issued by the Agency as set forth in Section 4.9 above shall not constitute general obligations of the Agency but shall be payable solely from the moneys pledged to the repayment of such obligations or the repayment of principal or interest on such bonds under the terms of the resolution, indenture, trust agreement, contract or other instrument pursuant to which the obligation is incurred or the bonds are issued. The Agency and the Managing Agency, their directors, officers, employees, staff and agents shall use ordinary care and reasonable diligence in the exercise of their powers and in the performance of their duties pursuant to this Agreement. No agency or Agency member, officer, director or employee shall be responsible for any action taken or omitted by any other agency or Governing Board member, officer, director or employee. The Agency shall indemnify, defend and hold harmless the Governing Board, the individual Member Agencies, their members, officers, directors, employees and agents from and against any and all liability, loss, damage, expenses, costs (including, without limitation, costs and fees of litigation or arbitration) of every nature, arising out of any act or omission related to this Agreement, except such loss or damage which was caused by the willful misconduct of the Governing Board or any individual member agency. The Agency's duty to indemnify each Member Agency shall survive that member agency's withdrawal from the Agency.

12.0 SERVICES BY MANAGING AGENCY

Subject to the provisions of Section 8 above, the Agency shall enter into a formal contract with the Managing Agency for the services it will perform pursuant to this Agreement, and the compensation for such services.

13.0 EFFECTIVE DATE OF AGREEMENT

This Agreement shall take effect upon its execution by the Chairs of the Los Angeles County Metropolitan Transportation Authority, the Orange County Transportation Authority, the Riverside County Transportation Commission, the San Diego Metropolitan Transit System, the North County Transit District, the San Diego Association of Governments, the Ventura County Transportation Commission, the Santa Barbara County Association of Governments and the President of the San Luis Obispo Council of Governments, pursuant to resolutions of each body authorizing such execution and shall remain in full force and effect until dissolved pursuant to the provisions herein.

14.0 OFFICERS AND APPOINTEES OF THE GOVERNING BOARD AND THE AGENCY

- 14.1 The officers of the Governing Board, selected from among its voting membership, shall be a Chair and Vice-Chair. The term of office shall be one year.

14.2 The officers of the Agency shall be:

- 14.2.1. The Treasurer of the Managing Agency, designated by a majority of a quorum of the Governing Board, may serve as the Treasurer of the Agency. The Treasurer shall be the depository of funds and have custody of all funds of the Agency from whatever source.
- 14.2.2. The Auditor of the Managing Agency, designated by a majority of a quorum of the Governing Board, may serve as the Auditor-Controller of the Agency. The Auditor-Controller shall draw warrants or check-warrants against the funds of the Agency in the Treasury when the demands are approved by the Governing Board of Directors or such other persons as may be specifically designated for the purpose in the Bylaws.
- 14.2.3. The Managing Director shall be an employee of the Managing Agency and serve at the pleasure of the Governing Board. The Governing Board shall appoint such a Managing Director by a majority vote of a quorum of the Governing Board. The Agency shall obtain an official bond in an amount determined by the Governing Board guaranteeing faithful performance of the Managing Director's duties. Pursuant to the LOSSAN Agency Bylaws, and pursuant to the terms, conditions and requirements of the contract with the Managing Agency, the Managing Director will have the authority to hire and fire employees consistent with the Managing Agency personnel policies, recommend personnel classifications, oversee the assignments and other personnel actions for the Managing Agency employees designated to support the LOSSAN Corridor Rail Service. The Managing Director will also recommend to the Governing Board the Managing Agency contractors to the LOSSAN Corridor Rail Service and will direct their activities.
- 14.2.4. The Auditor-Controller and the Treasurer shall comply with all duties imposed under Article 1, Chapter 5, Division 7, Title I, of the California Government Code commencing with Section 6500.
- 14.2.5. Upon providing reasonable notice, any agency shall have the right to review any records maintained by the Managing Agency or the Managing Agency's Auditor-Controller and/or Treasurer relating to the performance of their duties pursuant to this Agreement.

15.0 FUNDING FOR THE AGENCY

In addition to any funds derived from grants provided for in Section 4.10 of this Agreement, the voting member agencies shall consider, through their agency's budgetary process, contribution of funds necessary to carry out the purposes and powers of the Agency, consistent with the Agency's adopted budget and any cost sharing formula adopted by the voting member agencies.

16.0 QUORUM

At least five of the voting member agencies of the Governing Board, including at least one voting member from each of the LOSSAN Regions shall constitute a quorum for the transaction of business and all official acts of the Agency.

17.0 VOTING

- 17.1 A supermajority vote requires eight (8) affirmative votes of the voting membership of the Governing Board, which includes at least one member voting in the affirmative from the voting membership from each of the LOSSAN Regions.
- 17.2 Topics that require a supermajority vote (eight (8) affirmative votes of the voting membership of the Governing Board which includes at least one member voting in the affirmative from each of the LOSSAN Regions), include:
 - 17.2.1. Recommending changes to the LOSSAN Agency legislation;
 - 17.2.2. Recommending amendments to the Joint Powers Agreement regarding membership of the LOSSAN Agency Governing Board;
 - 17.2.3. Recommending amendments to the Joint Powers Agreement regarding voting structure of the LOSSAN Agency Governing Board;
 - 17.2.4. Approval and changes to the LOSSAN Agency Bylaws;
 - 17.2.5. Approval of the Interagency Transfer Agreement;
 - 17.2.6. Continuance of the Interagency Transfer Agreement should the Agency determine that the State has failed to appropriate funds sufficient to maintain a minimum level of LOSSAN Corridor Rail Service as defined in the Interagency Transfer Agreement;
 - 17.2.7. Reduction of LOSSAN Corridor Rail service; and
 - 17.2.8. Establishment of or changes to cost sharing formulas.
- 17.3 All other topics require a majority vote of a quorum of the Governing Board at any regular, adjourned or special meeting where a quorum has been constituted for the transaction of business.

18.0 RALPH M. BROWN ACT

All meetings of the Agency and its Committees shall be called, noticed, held, and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code).

19.0 FILING WITH SECRETARY OF STATE

As required by Section 6503.5 of the California Government Code, an appropriate notice of this Agreement shall be filed with the Secretary of State within thirty days of its effective date.

20.0 BYLAWS

The Governing Board may adopt and amend from time to time Bylaws as may be required for the conduct of its meetings and the orderly operation of the Agency.

21.0 COMMITTEES

The Governing Board shall create the following committees:

- 21.1 The Governing Board shall form a Technical Advisory Committee (TAC) to review on behalf of the Governing Board technical issues associated with the improvements in passenger rail service and related facilities in the LOSSAN Corridor, including stations and rights-of-way, the coordination of public mass transit services and facilities, the coordination of passenger and freight services in the Corridor and other technical matters. The membership of the Committee is authorized in the Bylaws.
- 21.2 The Governing Board shall form an Executive Committee. There shall be a maximum of four (4) voting members including the Chair, Vice-Chair and Past Chair if available or one person appointed by the Governing Board with the Managing Director serving as a non-voting member. Among these members, there shall be at least one member from the LOSSAN North Region. The Executive Committee will meet as needed.
- 21.3 The Governing Board shall form other committees as are necessary.

22.0 COOPERATION WITH OTHER AGENCIES

- 22.1 In order to conserve fiscal resources, the Governing Board shall take actions to ensure that the technical expertise, results of previous analysis related to passenger rail service in the LOSSAN Corridor, information bases, and other data available from member and other relevant agencies shall, to the extent feasible, be fully utilized.
- 22.2 In order to ensure that improvements to intercity rail passenger services and facilities are consistent with the California State Rail Plan, the Agency shall submit an annual plan or program for expenditures in the Corridor prior to the beginning of each fiscal year to the California Department of Transportation. In order to coordinate improvements with the LOSSAN Corridor's Regional Transportation Planning Agencies (RTPAs), this annual plan or program for expenditures shall be submitted to the Southern California Association of Governments, San Diego Association of Governments, Santa Barbara County Association of Governments and San Luis Obispo Council of Governments. Each RTPA shall determine whether or not the annual plan or program is consistent with the Regional Transportation Plan for its area of jurisdiction. The Agency shall submit an annual plan or program for expenditures in the Corridor to Amtrak, for its review when developing its Strategic Guidance and Three-Year Financial Plan.

23.0 WITHDRAWAL BY MEMBER OR ASSOCIATE AGENCY

- 23.1 Notwithstanding any other provision of this Agreement, any Member Agency or Associate Agency may withdraw from the Agency by giving ninety (90) days advance written notice to the Governing Board. Any withdrawal from the Authority will also constitute withdrawal from the Governing Board.
- 23.2 The rights and obligations of any agency so withdrawing from the Agency and the Governing Board shall be determined by negotiation between the Governing Board and the withdrawing member agency. In the event that the Governing Board and the withdrawing Member Agency or Associate Agency cannot agree upon the rights and obligations of the withdrawing Member Agency, such rights and obligations shall be determined by arbitration pursuant to Section 28.0, below.

24.0 DURATION OF AGREEMENT AND TERMINATION

This Agreement shall continue in full force and effect until such time as the Member or Associate Agencies and the Governing Board determine that it is in the public interest to dissolve the Agency. Notwithstanding the foregoing, any of the Member or Associate Agencies may exercise its prerogative to terminate its membership in the Agency as set forth in Section 23.0, above.

Upon termination of this Agreement by mutual consent of all the Member and Associate Agencies, all assets, liabilities and equity of the Governing Board shall be distributed in accordance with the provisions of the Interagency Transfer Agreement and any other agreements authorized by the Governing Board governing such distribution, and any remaining money or assets in possession of the Agency after the payment of all liabilities, costs, expenses, and charges validly incurred under this Agreement shall be returned to the Member or Associate Agencies in proportion to their contributions, if any, determined as of the time of termination.

25.0 NOTICE

Addresses of the parties to the Agreement for the purpose of formal communications among the signatories:

Los Angeles County Metropolitan Transportation Authority
1 Gateway Plaza
Los Angeles, CA 90012-2952
(213) 922-3041

Orange County Transportation Authority
550 S. Main St.
P.O. Box 14184
Orange, CA 92863-1584
(714) 560-6282

Riverside County Transportation Commission
4080 Lemon Street, 3rd Floor
P.O. Box 12008
Riverside CA 92502-2208
(951) 787-7141

North County Transit District
810 Mission Avenue
Oceanside, CA 92054
(760) 967-2828

San Diego Metropolitan Transit System
1255 Imperial Avenue, Suite 1000
San Diego, CA 92101
(619) 231-1466

California Department of Transportation
P.O. Box 942874
Sacramento, CA 94274-0001
(916) 323-0742

Southern California Association of Governments
818 W 7th Street, 12 Floor
Los Angeles, CA 90017-3435
(213) 236-1800

San Diego Association of Governments
401 B Street, Suite 800
San Diego, CA 92101
(619) 699-1900

Ventura County Transportation Commission
950 County Square Avenue, Suite 207
Ventura CA 93003
(805) 642-1591

Santa Barbara County Association of Governments
260 North San Antonio Road, Suite B
Santa Barbara CA 93110
(805) 961-8900

San Luis Obispo Council of Governments
1114 Marsh Street
San Luis Obispo, CA 93401
(805) 781-4219

National Railroad Passenger Corporation (Amtrak)
510 Water Street, 5th Floor
Oakland CA 94607
(510) 238-4300

California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento CA 95814
(916) 324-1541

26.0 AUDIT

The Agency shall provide for the accountability of all funds and shall provide for an annual audit pursuant to Section 6506 of the Government Code.

27.0 AMENDMENTS TO THE AGREEMENT

This Agreement may be amended at any time by approval of the boards of all voting Member Agencies.

28.0 ARBITRATION

28.1 In the event of a dispute between the Agency, the Managing Agency, Member Agency or any other agency, which cannot be satisfactorily resolved by those parties, said dispute shall be submitted to arbitration by a panel of three arbitrators who shall conduct the arbitration pursuant to the rules of the American Arbitration Association. The panel of arbitrators shall consist of one arbitrator appointed by each of the disputants, the third arbitrator to be appointed by mutual consent of the other two arbitrators. The arbitration panel shall resolve the dispute in accordance with the terms of this Agreement, and such resolution shall be final and binding upon the parties. Each party shall bear its own costs of arbitration, including reasonable attorney's fees. The cost of the third arbitrator shall be divided equally between the disputants.

28.2 Unless otherwise agreed by the disputants, only disputes regarding a disputant's rights and obligations arising under the terms of: (i) this Agreement, or (ii) any other agreement between the disputants in which this arbitration provision is incorporated by reference shall be subject to arbitration pursuant to Section 30.1, above.

29.0 CONFLICT OF INTEREST CODE

The Agency by resolution shall adopt a conflict of interest code as required by law.

30.0 SUCCESSOR STATUTES

All statutes cited herein shall be deemed to include amendments and/or successor statutes to the cited statutes as they presently exist.

31.0 AGREEMENT, COMPLETE

This Agreement constitutes the full and complete Agreement of the parties. This Agreement shall supersede the Joint Powers Agreement to establish the Los Angeles – San Diego Rail Corridor Agency dated February 6, 1989 and subsequent amendments adopted prior to the dates indicated below.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by authorized officials on the dates indicated below.

32.0 COUNTERPARTS

This Agreement may be executed in counterparts, each of which shall constitute an original and all of which together shall constitute one and the same agreement.

[AGENCY NAME HERE]

Chair

Date

I HEREBY CERTIFY that the attached is a true and correct copy of the original document approved by the Board of Directors:

Clerk of the Board

Date

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Item #10

May 10, 2013

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: SALLY DEGEORGE, FINANCE DIRECTOR

**SUBJECT: TRANSPORTATION DEVELOPMENT ACT,
LOCAL TRANSPORTATION FUND,
REVISED DRAFT APPORTIONMENT FOR FISCAL YEAR 2013/2014**

RECOMMENDATION:

- Adopt the Local Transportation Fund Revised Draft Apportionment for Fiscal Year 2013/2014 apportioning \$31.7 million as shown in Attachment 1.

BACKGROUND:

Each year the Ventura County Transportation Commission (Commission) is responsible for apportioning the quarter cent statewide sales tax funds that accrue to Ventura County under the State Transportation Development Act (TDA) Local Transportation Fund (LTF). Current eligible uses of LTF revenues include funds for Commission administration (amount determined by the Commission), County administration fees, Commission planning activities (capped at 2% of revenues), bicycle and pedestrian projects (capped at 2% after administrative and planning costs are deducted), rail passenger service operations/capital improvements with the remainder going to fund transit and if all transit needs are met, to street and road projects. Staff works with the County Auditor-Controller to determine the estimated fund balance for the upcoming fiscal year and the projected sales tax revenue. These funds are then apportioned by population and allocated throughout the fiscal year as receipts are received.

In February the Fiscal Year 2013/2014 Draft LTF apportionment was presented to the Commission based on the Ventura County Auditor-Controller's projection of \$30.2 million in sales tax receipts. In March staff received notice from the County Auditor-Controller that they were reviewing their estimate as the March sales tax receipts were lower than projected. In April, the County Auditor-Controller lowered their estimate for Fiscal Year 2013/2014 (see Attachment 2) to \$29.1 million for the current fiscal year and Fiscal Year 2013/2014.

Based on this new information, the estimated beginning fund balance for Fiscal Year 2013/2014 is now \$5.4 million (\$2.7 million reserve from Fiscal Year 2012/2013, \$2 million estimated additional receipts from the current fiscal year and \$0.7 million from increased receipts from Fiscal Year 2011/2012). After accounting for the Fiscal Year 2013/2014 reserve of \$2.8 million, there is an additional \$2.6 million in LTF funds to be apportioned in Fiscal Year 2013/2014 for a total apportionment of \$31.7 million. It is important to remember that because of the Auditor-Controller's mid-year revised estimate for Fiscal Year 2012/2013 LTF receipts, the apportionment includes a larger than normal beginning fund balance that provides a one-time spike in funds to be apportioned.

May 10, 2013
Item #10
Page #2

For the past seventeen years the Commission has allocated \$400,000 for Metrolink passenger rail service despite LTF receipts increasing \$13.6 million. During this same period the Metrolink budget has grown \$6.7 million as costs have increased and service has expanded. To pay for these increased Metrolink costs, VCTC with the assistance of SCRRA and LA Metro has traded some of its federal capital money for LA Metro's local funds to cover some of VCTC's operating costs for Metrolink. SCRRA and LA Metro have notified VCTC that it is becoming increasingly difficult to trade VCTC's federal funds and they may no longer be able to assist VCTC in this manner.

Given the difficulty in converting VCTC's federal funds for operating purposes and the large carry-over balance and growth in LTF receipts, staff believes it is prudent to utilize this opportunity of the increased receipts to begin funding a larger portion of Metrolink passenger rail service with LTF revenues. Staff is recommending using 1/3 of the \$2 million growth or \$666,000 and added this increase to the \$400,000 for a total Article 3 commuter rail apportionment of \$1,066,000. The 1/3 rail and 2/3 transit split is in keeping with the split developed with the Proposition 1B public transit capital funds.

Per the TDA, the Commission apportions the article 4 and 8 funds based on the California Department of Finance population estimates. The Department of Finance issues the updated population estimates for the cities and counties in May of each year. The Fiscal Year 2013/2014 revised draft apportionment is based on the January 1, 2013 population estimate of 835,436.

After reserving \$2.8 million, the Fiscal Year 2013/2014 apportionment includes the following allocations:

- \$2,700,000 Article 3 funds for Commission activities:
 - \$1,066,000 for Metrolink passenger rail purposes.
 - \$634,000 for planning activities which include Regional Transportation Planning, Regional Transit Planning, Transportation Improvement Program and Monitoring,
 - \$1,000,000 placeholder for administration of Commission activities including ADA and Senior projects, Go Ventura Smartcard, Nextbus, Grant Administration, Transit Information Center, TDA Administration, Transportation Improvement Program and Monitoring as well as supporting the Commission's office administration and management.
- \$14,000 Article 3 funds for the County Auditor-Controller's administrative costs.
- \$601,040 Article 3 funds for Bicycle and Pedestrian projects.
- \$28,384,960 (an increase of \$1,409,768 from Fiscal Year 2012/2013) for apportionment to Articles 4 and 8 for Transit and Street and Road projects.

			REVISED DRAFT FY 2013/2014	FINAL FY 2012/2013	Change vs. FY 2012/2013	FINAL FY 2011/2012	FINAL FY 2010/2011
Estimated Unapportioned Fund Balance			5,400,000	4,800,000	600,000	5,300,000	600,000
Contingency Reserve			-2,800,000	-2,700,000	-100,000	-2,590,000	-600,000
Estimated Annual LTF Receipts			29,100,000	27,100,000	2,000,000	25,600,000	22,900,000
Total Funds Available			31,700,000	29,200,000	2,500,000	28,310,000	22,900,000
Auditor's Administrative Costs			14,000	15,000	1,000	15,000	14,700
VCTC Administrative Costs			1,000,000	667,131	-332,869	862,082	708,277
VCTC Planning Costs			634,000	584,000	-50,000	566,200	458,000
Subtotal			30,052,000	27,933,869	2,118,131	26,866,718	21,719,023
Article 3 Bikeway/Pedestrian Fund			601,040	558,677	-42,363	537,334	434,380
Subtotal			29,450,960	27,375,192	2,075,768	26,329,384	21,284,643
Article 3 Commuter Rail			1,066,000	400,000	-666,000	400,000	400,000
Total to be Apportioned			28,384,960	26,975,192	1,409,768	25,929,384	20,884,643

Article 4 and Article 8 by Agency	Population	Pop %	REVISED DRAFT FY 2013/2014	FINAL FY 2012/2013	Change vs. FY 2012/2013	FINAL FY 2011/2012	FINAL FY 2010/2011
Camarillo	66,428	7.95%	2,256,973	2,150,547	106,426	2,060,558	1,648,840
Fillmore	15,175	1.82%	515,589	490,461	25,128	473,274	390,317
Moorpark	34,904	4.18%	1,185,906	1,127,817	58,089	1,086,465	929,027
Ojai	7,548	0.90%	256,453	244,016	12,437	235,103	203,380
Oxnard	200,855	24.04%	6,824,294	6,489,500	334,794	6,251,539	4,944,889
Port Hueneme	22,024	2.64%	748,292	702,157	46,135	672,256	541,133
San Buenaventura	108,294	12.96%	3,679,421	3,470,501	208,920	3,353,110	2,718,300
Santa Paula	29,953	3.59%	1,017,690	967,709	49,981	924,356	742,905
Simi Valley	125,558	15.03%	4,265,987	4,058,310	207,677	3,913,464	3,137,519
Thousand Oaks	128,143	15.34%	4,353,815	4,146,202	207,613	3,992,688	3,219,280
Ventura County - Unincorporated	96,554	11.56%	3,280,540	3,127,972	152,568	2,966,571	2,409,053
Total	835,436	100.00%	28,384,960	26,975,192	1,409,768	25,929,384	20,884,643

ATTACHMENT 2

COUNTY OF VENTURA
800 SOUTH VICTORIA AVE.
VENTURA, CA 93009-1540



ASSISTANT
AUDITOR-CONTROLLER
JEFFERY S. BURGH

CHIEF DEPUTIES
SANDRA BICKFORD
BARBARA BEATTY
JOANNE McDONALD
VALERIE BARRAZA

April 19, 2013

Mr. Darren Kettle, Executive Director
Ventura County Transportation Commission
950 County Square Drive
Ventura, CA 93003

SUBJECT: LOCAL TRANSPORTATION FUND FY13 AND FY14 REVISED ESTIMATES

Dear Mr. Kettle:

We are providing a revised estimate for the Local Transportation Fund (LTF) due to current available information, and year-to-date allocations being less than originally projected. The Auditor-Controller's revised conservative estimate of the LTF revenues for **FY 2013-14 is \$29.1 million**. Based on revised FY14 projected growth of 2.80%, the estimate could be as high as \$29.9 million. As previously noted, projections continue to be very uncertain given the current economic climate. We will continue to review this revised projection as additional information becomes available and will issue another revised forecast if necessary.

On January 10, 2013, for **FY 2012-13**, we projected revenues of \$30.2 million. This estimate is currently **revised to \$29.1 million**. In addition, we now estimate that approximately \$38,618 in interest will be earned by the fund during fiscal year 2012-13 and be available for allocation in the subsequent fiscal year. Any changes in the timing of allocations will affect the estimated interest amount.

Based on revised revenue estimates of \$29.1 million, budgeted allocations of \$29.2 million and interest of \$38,618 **we project a LTF fund balance** at June 30, 2013 of approximately **\$5,414,000** (see Attachment I).

We will continue to monitor growth trends and will notify you in the event of a significant change in projected revenues.

If you have any questions, please contact Joanne McDonald at (805) 654-3191.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffery S. Burgh".

JEFFERY S. BURGH
Assistant Auditor-Controller

Enclosures



Item #11

May 10, 2013

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: PETER DE HAAN, PROGRAMMING DIRECTOR
SUBJECT: LEGISLATIVE UPDATE & POSITIONS ON BILLS

RECOMMENDATION:

- Adopt the Transportation Coalition for Livable Communities principles (Attachment A) for the California Air Resources Board Cap-and-Trade Investment Plan.
- Adopt SUPPORT IF AMENDED position on AB 574 (Lowenthal) regarding distribution of Cap-and-Trade revenues.
- Adopt OPPOSE UNLESS AMENDED position on AB 179 (Bocanegra) regarding electronic transit fare collection systems.

BACKGROUND:

State Issues

The California Global Warming Solutions Act, or AB 32, was passed in 2006 to establish a program to reduce greenhouse gas (GHG) emissions. The Scoping Plan developed in 2008 by the California Air Resources Board (CARB) included a number of GHG reduction strategies, including the Cap-and-Trade program, which creates a limit on emissions from major sources and establishes an auction system for emission allowances. The first Cap-and-Trade auction was held November 14, 2012, and subsequent auctions are to be conducted quarterly. Various legislative actions in 2012 provided a framework for spending the Cap-and-Trade auction proceeds. The first step in allocating the funds is development of a three-year investment plan, and the second step is appropriation of the funds through the state budget. The draft investment plan was released in February, 2013.

The Transportation Coalition for Livable Communities, which includes various transportation associations and regional planning agencies including SCAG, has developed principles (Attachment A) for the cap-and-trade program. The basic concept of this position is that the cap-and-trade revenues associated with transportation should be used to fund transportation investments which further achievement of the AB 32 GHG reduction goal. The other county commissions in the region have adopted these principles, and staff recommends that VCTC do the same. VCTC's support for these principles should be with the understanding that the county transportation commissions within the regions should have the primary responsibility for prioritizing investments of Cap-and-Trade funds, following the overall priorities established by the Regional Transportation Plan and Sustainable Communities Strategy.

May 10, 2013
Item #11
Page #2

Attachment B provides the monthly report of Delaney Hunter, the Commission's state lobbyist. Attachment C is Ms. Hunter's analysis of AB 574, which provides the mechanism for distribution of Cap-and-Trade revenues for alternative transportation projects. The bill generally follows the concepts contained in the Coalition position, with regions establishing funding priorities. Staffs of the Southern California Association of Governments (SCAG) and the county transportation commissions within the region have agreed to submit amendment language to provide for apportioning the funds to the SCAG-region counties for project selection, with some funds provided to SCAG for sustainable communities planning. Such language will be critically important to ensure the Cap-and-Trade expenditure selection fits in with the region's general programming practice. Staff therefore recommends a SUPPORT IF AMENDED position on this bill.

Attachment D is an analysis of AB 179, which would promulgate a requirement to purge personal identification information for transit customers using electronic fare collection media. Staff is very concerned that this bill as written would effectively prevent VCTC from carrying out its commitment to Smartcard customers to replace lost, stolen, damaged, or defective Smartcards. Therefore, staff recommends the Commission oppose this bill, unless it is amended to allow retention of sufficient records to allow positive identification of individuals requesting replacement Smartcards.

Attachment E summarizes the status of bills being tracked by VCTC, including the two bills recommended for positions in this agenda item.



February 18, 2013

Re: Transportation Coalition Proposal for CARB Cap and Trade Investment Plan

The Transportation Coalition for Livable Communities, which includes the California Transit Association, Transportation California, California Alliance for Jobs, and local and regional government associations has developed a proposal for investing cap and trade revenue to address both the greenhouse gas reduction goals of AB 32 and critical transportation system maintenance and operation needs identified in the California Transportation Commission's Statewide Transportation Needs Assessment over the next ten years.

Our proposal is consistent with AB 32, SB 375, and the provisions of AB 1532 and SB 535 – and most equitably and effectively meets the transportation and GHG reduction goals of the state and local communities. We request that this proposal be considered for inclusion in the Investment Plan.

Our unifying principle is that auction revenues derived from vehicle fuels should be used to fund transportation system needs in a way that achieves AB 32 objectives and builds on the framework of SB 375 and other GHG reduction strategies. We believe that by integrating investments in new mobility, new infrastructure, and new jobs we can create healthy communities and better quality of life for all – while measurably reducing greenhouse gas emissions consistent with AB 32 and legal requirements for spending allocation revenues.

By targeting revenues and incentives toward local governments in support of regional planning goals we can leverage a cost effective investment portfolio across transportation infrastructure and efficiency measures, land use incentives, and improved transportation options to yield the greatest GHG reductions associated with the transportation sector. Allocating funding to promote combining strategies will maximize GHG reduction while reinforcing SB 375, regional blueprints, other regional plans and local innovation.

Implementing SB 375 and other GHG-reducing regional plans outside of metropolitan planning organizations (MPOs) requires rebuilding aging infrastructure within urban infill and existing rural communities. Our program concept allocates funds equitably to regional governments under statewide criteria to administer competitive grants to local entities. We propose combinations of investments, including transit service and operating costs, road and bridge maintenance, retrofits for complete streets and urban greening, and clean technology and other community infrastructure – integrated with land use modifications to support regional plans.

This approach of integrating livable community infrastructure, maintenance, and operations of the transportation system at the neighborhood scale will maximize GHG reductions from the transportation sector and support a range of community benefits – including public health, resource protection, affordable housing, equity, air quality, and safe routes to schools and other community services.

For the first year Budget allocation we want to propose the state provide funding through the regions for planning and project development focused on this competitive and integrated approach to most effectively reduce greenhouse gases, meet our local and regional transportation needs, and revitalize our communities. Over the life of the program, we believe that allowance revenues related to motor vehicle fuels should be dedicated to reducing emissions from the transportation sector, with a major part of those funds allocated to this sustainable community funding program.



We have commissioned research to identify how to get the best results from such a program and have brought together the local governments and regional agencies responsible for administering our sustainable community programs to create a program concept that will most equitably and effectively achieve the state's short term and long term GHG reduction and sustainable community goals.

We want to work with CARB and the Administration to craft an effective strategy to achieve maximum GHG reductions and long term co-benefits under AB 32 by investing a major portion of revenues related to fuels in integrated transportation and land use strategies consistent with the SB 375, the California Regional Blueprint plans and other regional planning processes. We request that the following concepts be considered for inclusion in the Investment Plan:

1. *Auction revenue from fuels should implement the AB 32 regulatory program to reduce GHG emissions from transportation*
2. *Favor cost-effective and integrated transportation and land use strategies*
3. *Project funding determinations should be done primarily at regional level under statewide criteria for evaluating GHG impacts. Criteria for project selection should be uniform statewide and developed by the State of California. Regions shall administer competitive funding processes and select projects based on these criteria.*
4. *Allow flexibility at the regional and local level to develop most cost effective projects*
5. *Assist local governments in meeting regional GHG reduction goals*
6. *Create performance-based approach to maximize regional flexibility with improved modeling and verification systems to ensure effective results*
7. *Promote innovation, collaboration, economic development and rural sustainability*
8. *Support co-benefits: air quality, public health, resource protection, equity, affordable housing, agriculture, and safety*

We hope you will give us the opportunity to work with you to refine these concepts and take advantage of this opportunity to make AB 32 a key component of California's transportation investment program.

Sincerely,

California Alliance for Jobs • California Transit Association • Transportation California • California State Association of Counties • League of California Cities • Self-Help Counties Coalition • California Association of Councils of Governments • Sacramento Area Council of Governments • Southern California Association of Governments • Metropolitan Transportation Commission • Sacramento Metropolitan Air Quality Management District • San Joaquin Valley Regional Policy Council



GONZALEZ, QUINTANA & HUNTER, LLC

VENTURA COUNTY TRANSPORTATION COMMISSION MONTHLY STATE ADVOCACY REPORT APRIL 2013

LEGISLATIVE UPDATES

SB 203 (Pavley) Local Transportation Funds: Ventura County

SB 203 passed out of the Senate Transportation & Housing Committee on April 23rd with a vote of 11-0. The committee required the bill to be amended to require VCTC to report to the Legislature annually for five years in order to address legislative concerns and demonstrate the county's commitment to the Transportation Development Act (TDA) purpose.

AB 664 (Williams) Gold Coast Transit District

AB 664 passed out of the Assembly Transportation Committee on April 8th with a vote of 16-0 and passed out of the Assembly Local Government Committee on April 24th with a vote of 9-0. Assemblymember Williams' and his staff are still contemplating how to address concerns about the super majority vote requirement for withdrawal from the District.

COMMITTEE HEARINGS

Assembly Budget Subcommittee on Resources & Transportation (April 24)

CARB Chairwoman Mary Nichols spoke to the Assembly Budget Subcommittee on Resources and Transportation earlier this month to provide an overview of her agency. As expected, her testimony focused on the roll-out of the state's Cap-and-Trade program, which will see its third auction in May. She did admit that although there is robust interest in the auctions, the actual revenues received did not meet expectations. Following her testimony, the LAO provided a brief overview of the program, emphasizing the need for the proceeds to meet the Sinclair Paint test. The Department of Finance concluded the informational item by stating that the spending plan is a work in progress, and to expect some changes to appear in the May Revision.

Senate Budget Subcommittee - California Transportation Commission's Projects (April 18)

On April 18th, the California Transportation Commission presented their annual report to Legislature. This report serves to inform lawmakers of the relevant transportation issues facing the state, summarize major policy decisions of the past year, and to highlight the priority issues for the current year. CTC identified the following issues as a focus for the current year:

1. **Statewide Transportation System Needs Assessment.** In response to a statewide multimodal needs assessment presented to the Commission in 2011, the CTC is focusing on identifying recommendations for revenue solutions and cost savings measures that, if implemented, would address the projected funding shortfall. The needs assessment identified a projected \$296 billion funding shortfall over the next ten years.

2. **New Federal 'Moving Ahead for Progress in the 21st Century Act' (MAP-21)** MAP-21 makes significant changes to the federal transportation program and funds for surface programs for federal fiscal years 2012-13 and 2013-14. The two years of funding in MAP-21 provide more financial certainty than the series of continuing resolutions passed since the expiration of the prior federal Surface Transportation Act (SAFETEA-LU). The CTC is working with its transportation partners in recommending any legislative actions that may be necessary to fully implement MAP-21 going forward.
3. **Innovative Delivery Methods for Transportation Projects.** The lack of clarity and the uncertainty of the public-private partnership (P3) process outlined in Streets and Highways Code Section 143, and how the Administration and the Legislature may respond to future projects may lead to diminished interest by private and public sectors in pursuing additional P3 projects. CTC indicates that it is critical that legislation is enacted to provide the necessary clarifications and intent for P3 projects in California.

CAP AND TRADE DRAFT INVESTMENT PLAN

The California Air Resources Board released its draft Cap-and-Trade Auction Proceed Investment Plan on April 16th and discussed its proposal during the April 25th Board Meeting. The draft proposal sets forth the first investment plan for Cap-and-Trade auction revenues and although the plan recommends priority investments by sector – it does not specify dollars, nor does it guarantee project funding. This draft will aid the Department of Finance in finalizing their investment plan for the Governor's May Revision.

CARB Staff Presentation:

<http://www.arb.ca.gov/board/books/2013/042513/13-5-4pres.pdf>

Draft Investment Plan:

<http://www.arb.ca.gov/cc/capandtrade/auctionproceeds/DraftCapandTradeInvestmentPlan.pdf>

MAY REVISION – STATE BUDGET UPDATE

Budget subcommittees in both houses have met over the past several months to discuss and make changes to the Governor's 2013-14 budget proposal. Discussions will come to a head in May, when the Governor releases his updated revision of the budget. As mentioned above, this will include the much-anticipated plan for the Cap-and-Trade auction proceeds. The legislature will then convene to discuss and amend the budget in the hopes of meeting the June 15th constitutional deadline.

LEGISLATIVE DEADLINES

Please see below for important upcoming legislative deadlines:

- **May 3:** Last day for policy committees to hear and report to Fiscal Committee fiscal bills introduced in their house.
- **May 10:** Last day for policy committees to hear and report to the Floor non-fiscal bills introduced in their house.
- **May 24:** Last day for fiscal committees to hear and report to the Floor bills introduced in their house.
- **May 28-May31:** Floor Session only.
- **May 31:** Last day for bills to be passed out of their house of origin.

Assembly Bill 574 (Lowenthal)

Summary: Assembly Bill 574 creates the Sustainable Communities Infrastructure Program to fund sustainable communities strategies (SCSs) and equivalent greenhouse gas (GHG) reduction strategies using revenues generated from California's cap and trade auction. Specifically, the bill:

- *Provides that projects are to be selected through a competitive process based on cost-effective GHG emissions reductions using criteria established by the California Air Resources Board (CARB).*
- *Directs the California Transportation Commission (CTC), in consultation with CARB, to designate a regional granting authority to administer the Sustainable Communities Infrastructure Program within each region.*
- *Requires that the regional granting authority to be the same agency responsible for preparing the regional transportation plan.*
- *Provides that money in the Sustainable Communities Infrastructure Program should be allocated to regional granting authorities on a per capita basis.*
- *Vests the Business, Transportation and Housing Agency, in consultation with CTC and the High-Speed Rail Authority, with responsibility for allocating moneys for areas of the state not included by an MPO.*
- *Directs ARB, in consultation with CTC and the Strategic Growth Council (SGC), to establish criteria for the development and implementation of regional grant programs.*
- *Directs ARB, in consultation with CTC and SGC, to establish standards for the use of program funds to ensure compliance with prescribed criteria.*

Eligible uses of program funds include:

- a) *Transportation network and demand management, including, but not limited to, trip-reduction programs, congestion pricing, and roadway modifications, such as roundabouts;*
- b) *Public transportation, including operations, maintenance, and capital costs;*
- c) *Road and bridge maintenance; operations and retrofits for complete streets, bike, and pedestrian safety enhancements; safe routes to schools; and urban greening;*
- d) *Clean transportation fueling infrastructure and support;*
- e) *Multimodal network connectivity to reduce travel distances and improve access to parks, schools, jobs, housing, and markets for rural and urban communities, including neighborhood scale planning;*

- f) *Development and adoption of local plans and land use policies that help to implement regional plans;*
- g) *Community infrastructure, including public works and municipal improvements necessary to support transit-oriented development, affordable housing, infill in existing urbanized areas, and small walkable communities in rural neighborhoods;*
- h) *Multiuse facilities and accommodations for bicyclists, pedestrians, and neighborhood electric vehicles;*
- i) *Interregional rail modernization and related community infrastructure; and,*
- j) *Administrative costs and development and use of evaluation, monitoring, and verification systems.*

Purpose: The California Air Resources Board (CARB) states that a total reduction of 80 million metric tons (MMT), or 16 percent compared to business as usual, is necessary to achieve the 2020 limit as set forth AB 32. The transportation sector is the largest source of emissions in the state and as such transportation related GHG reductions must be a large part of the solutions to meet AB 32 requirements. It is believed that SCSs will be a key method to reduce transportation emissions, however given the state of transportation funds overall it will be difficult to implement such strategies. AB 574 provides such needed funding.

Existing Law:

Assembly Bill 32 (Nunez) [Statutes of 2006, Chapter 488] requires CARB to adopt a statewide GHG emissions limit equivalent to 1990 levels by 2020 and adopt regulations to achieve maximum technologically feasible and cost-effective GHG emission reductions and authorizes CARB to permit the use of market-based compliance mechanisms (cap and trade) to comply with GHG reduction regulations and is required to deposit all funds collected via the cap and trade auction into the GHG Reduction Fund.

Senate Bill 375 (Steinberg) [Statutes of 2008, Chapter 728] requires metropolitan planning organizations (MPOs) to include a sustainable communities strategy (SCS), as defined, in their regional transportation plans, or an alternative planning strategy (APS), for the purpose of reducing GHG emissions, aligns planning for transportation and housing, and creates specified incentives for the implementation of the strategies [SB 375 (Steinberg), Chapter 728, Statutes of 2008].

AB 1532 (John A. Pérez) [Statutes of 2012, Chapter 807] creates the Greenhouse Gas Reduction Fund Investment Plan and Communities Revitalization Act and authorizes a range of GHG reduction investments, including funding to reduce GHG emissions through strategic planning and development of sustainable infrastructure projects, including, but not limited to, transportation and housing.

SB 535 (De Leon) [Statutes of 2012, Chapter 830] provides that the required investment plan for cap-and-trade revenue is to allocated funds as follows: 1) a minimum of 25% of the available moneys in the fund to projects that provide benefits to identified disadvantaged communities; and, 2) a minimum of 10% of the available moneys in the fund to projects located within identified disadvantaged communities.

SB 1018 (Committee on Budget and Fiscal Review) [Statutes of 2012, Chapter 89] establishes new legislative oversight and controls over the ARB including: the creation of a separate expenditure fund for proceeds from the auction or sale of allowances pursuant to cap-and-trade program.

Support/Opposition (as of April 29, 2013):

California Alliance for Jobs
California Association of Councils of Governments
California Center for Sustainable Energy
California State Association of Counties
California Transit Association
California Transportation Commission
Capitol Corridor Joint Powers Authority
City of San Luis Obispo
Cobblestone Placemaking
County of Del Norte
County of Napa
Environmental Defense Fund
Foothill Transit
Glendale City Employees Association
League of California Cities
Livermore Amador Valley Transit Authority
Marin County Board of Supervisors
Metropolitan Transportation Commission
Monterey-Salinas Transit
Natural Resources Defense Council
Organization of SMUD Employees
Peninsula Corridor Joint Powers Board
Riverside Transit Agency
Sacramento Area Council of Governments
Sacramento Metropolitan Air Quality Management District
San Bernardino Public Employees Association
San Diego Association of Governments
San Luis Obispo County Employees Association
San Mateo County Transit District
San Mateo County Transportation Authority
Santa Clara County Board of Supervisors
Santa Clara Valley Transportation Authority
Santa Rosa City Employees Association
Self-Help Counties Coalition
Sonoma County Transportation Authority
Southern California Association of Governments
The Met Sacramento High School
Transportation Coalition for Livable Communities
Urban Counties Caucus
Victor Valley Transit Authority

Opposition

California Chamber of Commerce

California League of Food Processors

California Manufacturers and Technology Association

California Taxpayers Association

Western States of Petroleum Association

Statutory Citations:

Not applicable

Assembly Bill 179 (Bocanegra)

Summary: Extends current privacy protections afforded to electronic toll collection subscribers to users of electronic transit fare collection systems.

Purpose: AB 179 was introduced following press articles that raised concerns about the privacy of customers using electronic fare collection systems, such as the Clipper Card which is used in the Bay Area. The bill requires the purging of certain personal information after a given amount of time in specified circumstances.

Existing Law:

- 1) Prohibits transportation agencies from selling or disseminating personally identifiable information about persons who subscribe to an electronic toll collection system, with limited exceptions.
- 2) Requires transportation agencies that use electronic toll collection systems to establish privacy policies and to provide those policies to subscribers.
- 3) Authorizes transportation agencies to store specific account-related information such as an account holder's name, credit card number, vehicle information, and billing address; all other information must be discarded within four years and six months after the closure date of the billing cycle and after the bill has been paid and all toll violations, if applicable, have been resolved. *AB 574 extends these provisions to electronic transit fare collections systems.*
- 4) Requires transportation agencies to make every effort to purge data on closed accounts; in no case may data be stored longer than four years and six months after an account has been closed or terminated. *AB 574 extends these provisions to electronic fare collection systems.*
- 5) Allows transportation agencies to make personally identifiable information available to law enforcement agencies pursuant to a search warrant; generally requires a law enforcement agency to notify, within five days, a person that their information has been obtained from a transportation agency. *AB 574 extends these provisions to electronic fare collection systems.*
- 6) Allows transportation agencies to provide aggregated traveler information derived from collective data that relates to a group or category of subscribers, provided that personally identifiable information has been removed. *AB 574 extends these provisions to electronic fare collection systems.*
- 7) Allows data to be shared among transportation agencies, in order to comply with state interoperability requirements for electronic toll collection systems. *AB 574 extends these provisions to electronic fare collection systems.*
- 8) Authorizes a transportation agency to impose an administrative fee to cover costs associated with implementing these privacy requirements. *AB 574 extends these provisions to electronic fare collection systems.*

Previous legislation:

AB 839 (Salinas) [Statutes of 2003, Chapter 564] provides that videotapes or recordings made by a security camera system operated as part of a public transit system must be retained for one year.

SB 1268 (Simitian) [Statutes of 2010, Chapter 489] imposed privacy protections on electronic toll collection systems.

Support/Opposition (as of April 22, 2013):

Support

American Civil Liberties Union

Privacy Rights Clearinghouse

Opposition

Orange County Transportation Authority

Riverside Transit Agency

Transportation Corridor Agencies of Orange County

Statutory Citations:

Not applicable

VENTURA COUNTY TRANSPORTATION COMMISSION STATE LEGISLATIVE MATRIX BILL SUMMARY April 30, 2013			
BILL/AUTHOR	SUBJECT	POSITION	STATUS
AB 179 Bocanegra	Requires purging of personal identification information for electronic transit fare media.	Oppose Unless Amended	Passed Assembly Transportation Committee 16-0. In Assembly Judiciary Committee.
AB 574 Lowenthal	Establishes distribution of Cap-and-Trade revenues for transportation.	Support if Amended	Passed Assembly Transportation Committee 9-0. Passed Assembly Natural Resources Committee 12-4. To full Assembly.
AB 664 Williams	Establishes a Gold Coast Transit District.	Support & Seek Amendment	Passed Assembly Transportation Committee 16-0. Passed Assembly Local Government Committee 9-0. To full Assembly.
SB 203 Pavley	Allows Ventura County cities with a population of under 100,000, and the rural portion of the unincorporated area, to use TDA funds for streets and roads, as in other counties.	Sponsor	Passed Senate Transportation & Housing Committee 11-0. To full Senate.
SCA 4 Liu	Places before the voters a Constitutional Amendment to reduce to 55% the approval threshold for local transportation funding measures.	Support	In Senate Government and Finance Committee.

VCTC recommended positions shown in **bold**.

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Item # 12

May 10, 2013

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: VICTOR KAMHI, BUS TRANSIT DIRECTOR

SUBJECT: VISTA INTERCITY FY 2012-13 BUDGET AMENDMENT

RECOMMENDATION

- Approve FY 2012-13 budget amendment for VISTA fixed route intercity transit services, increasing revenues and expenditures in the amount of \$303,523. The additional funds include \$250,000 in new regional FTA Section 5339 transit capital funds, and \$53,523 in State Transit Assistance funds.
- Approve an amendment to the Roadrunner Management Services contract for VISTA intercity services to set an "not to exceed" amount of \$5,984,523.

BACKGROUND

In July 2012, VCTC approved an emergency transit services and capital contract with Roadrunner Management Services at a cost per service hour of \$103.00. The contract included a provision for additional fuel surcharges to address any significant increase in the price of diesel fuel. At the time of the contract approval, the Commission charged the staff with adjusting the budget and operations which would reflect the impacts of operating the service with smaller and slower buses. The action of the Commission included the direction to return with an amendment to the budget which reflected those impacts and mitigations.

Because of "replacement fleet" consisted of smaller and slower buses than VISTA had been operating, there were immediate impacts to the riders when the replacement service was initiated on July 30, using an unmodified schedule. The Commission's direction to staff was to focus to the greatest degree possible on insuring that the rider's were provided with a service which was a close as possible to the service prior to the bankruptcy of Coach and the initiation of the emergency contract. During the contract discussion, staff noted that this could entail the addition of tripper services to address ridership that exceeded the capacity of the buses. In addition, the slower operating speeds of the "replacement fleet" might require additional service hours and potentially additional buses to keep the service "whole" for the riders.

In the period immediately after the replacement contract took effect, VCTC placed a number of tripper buses in service, which placed two buses in service at the same time on the same route to provide capacity and insure no riders were left at a stop. Subsequent to that, a schedule change was initiated in

the fall which resulted in the addition of hours and buses to reflect the slower travel times of the buses. This "interim schedule", developed to continue to provide service as close as possible to the service

levels and schedules from the prior year, focused on service continuity over efficiency. Efficiency improvements were expected to be addressed as part of a new, long term "VISTA" transit service and capital contract which would be executed in mid-2013 by an agency other than VCTC. Once the Commission determined that VCTC would continue to operate intercity transit services, and that a second year for the "emergency contract" was needed, the staff, working with the contractor, began an aggressive effort to improve the efficiency of the service, while minimizing impacts to the riders. The situation was further complicated because Coach had agreed to provide a number of "drop off" only trips (where the trip to the last stop was only made if there was a rider on-board). These trips had not been included as timed points on the schedule, and were not included in the Coach contracted hours of service, but represent real service hours which are being provided by the contractor, and also increase the cost of the contract.

After tracking the actual service hours and service delivery for several months, the projections for the contract during the current year and future year appeared to be higher than expected. If allowed to continue unmodified, the contract costs would have resulted in an increase to approximately \$6.2 million (including the fuel surcharge). Working together, VCTC staff and Roadrunner management have been able to reduce that to \$5,984,523, without out any noticeable impacts to the riders or service levels. The operating efficiencies and cost savings provided by Roadrunner will be carried forward into the coming fiscal year.

The increase in funding for the VISTA intercity services is recommend to be paid for from two sources. The first of these is a new source of transit capital funding, entitled Section 5339. . This funding source, created in MAP-21, provides VCTC with an additional \$250,000 in the current fiscal year, and a similar amount in future years. Because of the programming requirements, use of these funds this year will probably require a short-term loan from the STA funds while the grant is processed. The remaining \$53,523 is recommended to use the STA reserve.

Future Activities to Improve and Enhance VISTA Services and Funding

VCTC and the contractor have developed an improved deployment of the services, and this summer will replace some of the temporary fleet of transit buses with high speed and capacity over-the-road motor coaches. In addition, in the coming months, there are three major activities which will be presented to the Commission to improve VISTA services and funding. These are:

1. Revising and modifying VISTA routes and services. Because of the way VISTA has been funded in the past, the routes have in some cases not represented the optimal use of transit funds. Services have been provide when and where there were few riders in some places, and insufficient services have been provided at others. The Commission will be asked to approve adjustments this summer/fall which reduce services where they are not being used, and increase services where demand indicates that additional service will provide more trips for more riders (and increase fare revenues).
2. Release of a long-term Request for Proposals (RFP) for VISTA operations, maintenance, and capital. By asking for a long term contract proposal, it is expected that costs will stay flat or even drop slightly because the contactor is able to amortize their full capital costs.



Item #13

May 10, 2013

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: VICTOR KAMHI, BUS SERVICES DIRECTOR

SUBJECT: HERITAGE VALLEY TRANSIT STUDY

RECOMMENDATION

- Adopt the Heritage Valley Transit Plan and initiate activities to work with the Cities of Fillmore, Santa Paula, and the County of Ventura to implement the plan.

BACKGROUND

In July 2010, the VCTC awarded a contract to Moore and Associates to develop a sustainable Heritage Valley Transit Plan, using a Caltrans Community-Based Transportation Planning grant. The planning efforts were based on assumptions not reflective of the developments which were adopted as part of the VCTC Regional Transit Study. In September, 2012, the Commission authorized additional funding to address the concerns raised by the VCTC Countywide Transit Plan and the continuing evolution of the transit planning in the County. The consultant has completed the refinement of the recommendations for the continued and sustainable local transit services in the Heritage Valley. The recommendations include a service plan, a financial plan, and alternative governance/management options, including a recommendation. The service plan and financial plan are relatively straightforward. The final governance/management will need to be finalized in the near future through discussions by the three jurisdictions (the Cities of Santa Paula and Fillmore, and the County of Ventura). VCTC staff will assist in the transition and implementation, while continuing to work to implement the Countywide Transit Plan to allow local transit services to be provided and managed by the local jurisdictions.

VCTC's role in the implementation of the plan will include:

1. Assisting the three agencies in developing a management structure. A Joint Powers Agreement is recommended in the plan.
2. Assist in the preparation of a Prop 1B capital grant application, and subsequent to VCTC approval, assist in the acquisition of vehicles.
3. Assist in the preparation of a Request for Proposals (RFP) for a contractor to provide the service and maintenance.

VCTC will turn over all aspects of the Heritage Valley community transit services to the new agency.

During the month of April, VCTC staff presented the plan and recommendations to both the Fillmore and the Santa Paula City Councils as part of their regular meetings. In addition, staff worked closely with the County staff on the development of the final plan and recommendations.

A brief summary of the plan and recommendations is attached.



VENTURA COUNTY TRANSPORTATION COMMISSION HERITAGE VALLEY TRANSIT STUDY RECOMMENDATIONS SUMMARY

The Heritage Valley Study recommends implementation of a modified traditional fixed-route service comprised of local circulators, eligibility-based ADA paratransit service, and general public Dial-A-Ride service. These services would be coordinated with and supplemented by VISTA Highway 126 limited-stop service to Ventura (operated and funded by VCTC). This service model is intended to address issues raised during the community outreach portion of the study, including overcrowding, inability to secure reservations during peak periods, home-to-school travel, and service cost. Using vehicles with a larger seating capacity, providing fixed-route service in areas with higher ridership, and maintaining the current number of service hours would increase overall capacity without losing any access to transit service within the service area. Within the preferred alternative, the operating hours would mirror the current service; that is, from approximately 6 a.m. to 8 p.m.

A Joint Powers Agreement (JPA) is the preferred organizational model. It would facilitate community control over transit while allowing members to pool resources, including funding and capital assets. A JPA is more efficient than each community working alone and supports service coordination within the Heritage Valley. Most importantly, the greatest advantage of a JPA is that it focuses on a level of service that is right for the Heritage Valley as a whole. Management, administrative functions, and operations could each be contracted out if desired.

Revenue sources contained within the Financial Plan include Proposition 1B funds, FTA funds, TDA funds, and fare revenue. Expenses include operating and capital costs, program administration costs, and marketing costs. If implemented as outlined herein, this scenario will not only be able to operate well within existing funding parameters, but is also expected to exceed mandated TDA farebox recovery standards (20+ percent farebox recovery forecast in FY 2014).

Exhibit 1 Anticipated Budget

	FY 2014		FY 2015		FY 2016	
	Revenue	Expense	Revenue	Expense	Revenue	Expense
Proposition 1B funds	\$1,400,000	-	-	-	-	-
FTA funds	\$413,886	-	\$413,886	-	\$413,886	-
TDA funds	\$1,704,670	-	\$1,704,670	-	\$1,704,670	-
Fare revenue	\$250,232	-	\$258,755	-	\$267,575	-
Operating costs	-	\$1,242,800	-	\$1,274,884	-	\$1,307,827
Capital costs	-	\$1,402,546	-	\$4,243	-	\$1,060
Administration	-	\$60,000	-	\$60,000	-	\$60,000
Marketing	-	\$37,284	-	\$38,247	-	\$39,235
Total	\$3,768,788	\$2,742,630	\$2,377,311	\$1,377,374	\$2,386,131	\$1,408,122
Capital Reserve	\$1,026,158		\$999,937		\$978,009	

Note: some figures may differ slightly from the Study Report due to rounding.

All cost assumptions are based upon recent actual operating costs. The Heritage Valley would receive its allocation of Ventura County's Proposition 1B funds, which would be used to purchase vehicles. The forecast vehicle life of vans (8 years) and medium-duty cutaways (12 years) is greater than FTA guidelines based on actual recent experience. The County of Ventura currently contributes TDA funds equal to the separate contributions of the cities of Fillmore and Santa Paula (\$398,200). If Fillmore and Santa Paula agree to use all of their TDA funds for transit, their contributions would increase to \$431,261 and \$875,209, respectively. The County would maintain its current contribution (\$398,200) under this scenario, as it includes surplus funds.



Item # 14

May 10, 2013

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: STEVE DEGEORGE, PLANNING & TECHNOLOGY DIRECTOR
SUBJECT: CAMULOS RANCH LEASE

RECOMMENDATION:

- Authorize the Executive Director to renegotiate and/or cancel Lease Number 90176 Rubel/Camulos Ranch

BACKGROUND:

VCTC has nearly one hundred (100) active leases, those leases for which rent is paid, for agricultural uses, longitudinal and transverse oil pipelines, and other uses along the thirty-two miles of the Santa Paula Branch Line corridor. Many of those leases were transferred or conveyed to VCTC upon purchase of the Santa Paula Branch Line in 1995 with some leases dating back to the late 1800s.

DISCUSSION:

Lease Number 90716 with Mary Rubel/Camulos Ranch was established with the Southern Pacific Transportation Company (SP) in 1948 and transferred to the VCTC in 1995 with the purchase of the Santa Paula Branch Line. Camulos Ranch leases approximately twenty (20) acres, the outermost thirty-six feet (36') both north and south of centerline, longitudinally within the VCTC owned right-of-way and is currently under cultivation. The innermost twenty-eight feet (28') on centerline of the VCTC right-of-way is reserved for rail or other uses.

The County of Ventura has contracted for the construction of the Piru Bicycle Trail Project which traverses that portion of the right-of-way reserved for other uses through Camulos Ranch. To facilitate the County's project, VCTC has sent correspondence, see attachments to this item, to Camulos Ranch Manager, Mr. Matt Freeman, requesting the removal of storage containers and farm equipment from within or immediately adjacent to the portion of the right-of-way slated for construction of the bicycle trail.

To date Mr. Freeman has not responded to VCTC's request and staff is requesting that the Executive Director be authorized to renegotiate or terminate Lease Number 90716, Ruebel/Camulos Ranch, in accordance with the terms contained within Lease.

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Ventura County Transportation Commission

March 6, 2013

Mr. Matthew Freeman, General Manager
Camulos Ranch LLC
P.O Box 369
Piru, CA 93040

Subject: Lease Number 90716/Piru Bicycle Trail

Dear Mr. Freeman:

As you may be aware, the County of Ventura is planning to award a contract in the next few weeks to construct the portion of the Piru Bicycle Trail that will traverse Camulos Ranch within the Santa Paula Branch Line rail right-of-way owned by the Ventura County Transportation Commission (VCTC). In recognition of the long standing Cultivation Lease Agreement, dated June 8, 1948 and attached for your review, the County of Ventura and its trail contractor, have agreed that the trail can be constructed within that portion of the right-of-way reserved for rail operations or other uses without the need for additional right-of-way as the lease agreement would allow. Specifically, the lease agreement identifies twenty-eight feet on centerline of the rail right-of-way not included for cultivation.

On a recent site visit to the Santa Paula Branch Line right-of-way through Camulos Ranch a number of storage bins, irrigation lines and other miscellaneous equipment were noted within or immediately adjacent to that portion of the right-of-way that will soon be under construction. To facilitate construction and prevent any damage to equipment belonging to Camulos Ranch, VCTC is requesting that Camulos Ranch remove any and all equipment by March 15, 2013, within or immediately adjacent to that portion of the rail right-of-way slated for bicycle trail construction.

Upon removal of the equipment please notify Mr. Steve DeGeorge, VCTC Planning Director, at (805) 642-1591 (ext. 103). The Ventura County Transportation Commission appreciates your cooperation in this matter and looks forward to continuing the ongoing Cultivation Lease Agreement for many years to come.

Sincerely,

Darren Kettle
Executive Director



Ventura County Transportation Commission

April 5, 2013

Mr. Matthew Freeman, General Manager
Camulos Ranch LLC
P.O. Box 369
Piru, CA 93040

Subject: Lease Number 90716/Piru Bicycle Trail

Dear Mr. Freeman:

In a letter dated March 6, 2013 the Ventura County Transportation Commission (VCTC) requested that Camulos Ranch remove any equipment, irrigation lines, storage bins or other materials on or immediately adjacent to that portion of the Santa Paula Branch Line slated for construction of the Piru Bicycle Trail. Specifically the area of concern is twenty-eight feet on centerline of the rail right-of-way. To date, the VCTC has not received a response from Camulos Ranch and as a courtesy we wished to provide a second notice requesting that all materials are removed from the construction path so that no equipment owned by Camulos Ranch is damaged when construction begins.

Additionally, it has come to the VCTC's attention that in discussions with the County of Ventura, Camulos Ranch has requested up to five access crossings over the Santa Paula Branch Line right-of-way within the Piru Bicycle Trail project limits. It is important to note that Cultivation Lease Agreement Number 90716 dated June 8, 1948 contains no easements or lease rights granting Camulos Ranch access to cross the twenty-eight feet on centerline of the rail right-of-way not under the lease Agreement. If Camulos Ranch desires modify the Cultivation Lease Agreement to include provisions for a reasonable number of access crossings, VCTC would certainly consider revisiting the terms and conditions of the Agreement.

Again, the Ventura County Transportation Commission appreciates your cooperation and looks forward to discussing this matter at your earliest convenience. Please feel free to contact me at (805) 642-1591.

Sincerely,

A handwritten signature in dark ink, appearing to read "Darren Kettle", is written over a light blue horizontal line.

Darren Kettle
Executive Director



Item # 15

May 10, 2013

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: STEVE DEGEORGE, PLANNING & TECHNOLOGY DIRECTOR

SUBJECT: SANTA PAULA BRANCH LINE (SPBL) OVERVIEW

RECOMMENDATION:

- Receive Santa Paula Branch Line overview report.
- Receive report from Egan Consulting on Santa Paula Branch Line management, operations, agreements and strategies.
- Approve recommendation from Santa Paula Branch Line Advisory Committee (SPBLAC), to reaffirm the long term support for the Santa Paula Branch Line with the short term goal of, at a minimum, making the Santa Paula Branch Line cost neutral and to bring a range of asset management alternatives to the Commission including the discontinuation of rail operations.
- Discuss and/or provide direction to staff of preferred model for long term Santa Paula Branch Line asset management.

BACKGROUND:

VCTC purchased the Santa Paula Branch Line (SPBL) in 1995 and has managed the asset through a number of agreements and plans developed, prior to and subsequent to, the purchase of SPBL. In this time of continuing budget constraints and increasing demands, staff believes it is an appropriate time to examine the SPBL and the current agreements to evaluate the value the SPBL brings to the County and the Commission. In recognition that few of the current Commissioners were seated during the purchase of the SPBL and may not be familiar with history and operations of the SPBL, staff has compiled the following overview.

The Santa Paula Branch Line was constructed in 1887 by Southern Pacific Transportation Company (SP) as a means of connecting rail service from Santa Barbara to the Los Angeles and San Francisco mainline. The coast mainline was then completed in 1907 relegating the SPBL to a feeder line although it continued to carry passengers up until 1934.

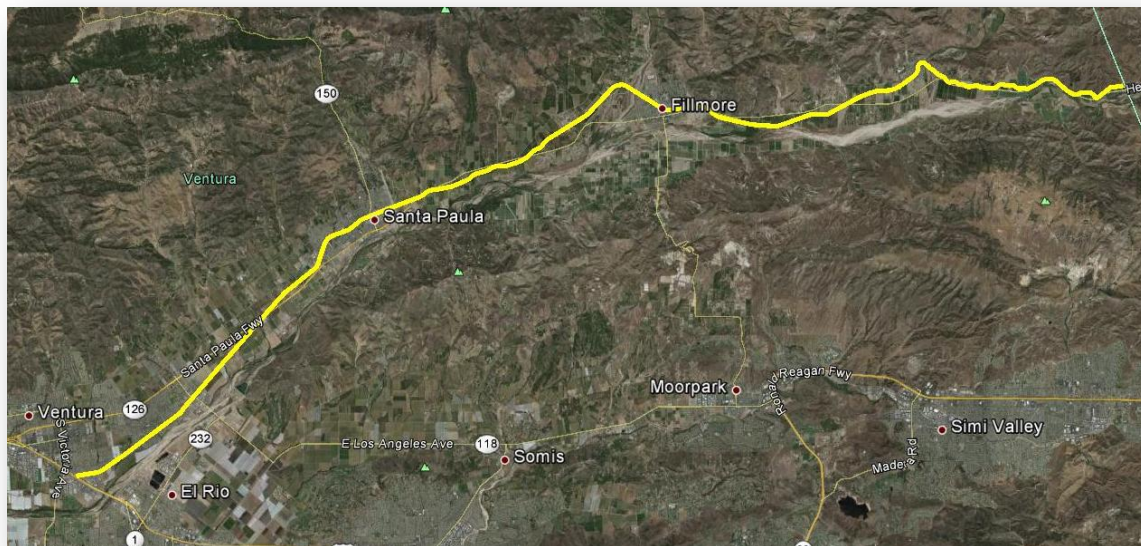
Freight slowly diminished on the SPBL due to the growth of the trucking industry and in 1978 storm damage severed the line and SP abandoned approximately sixteen miles of track beginning just east of Piru. Title to the abandoned rail right-of-way outside of Ventura County reverted to private ownership although much of the corridor is still preserved through the Newhall Ranch property.

By the early 1990's SP desired to abandon the remainder of the SPBL from Montalvo in the west to the County line in the east. Local jurisdictions studied the issue concluding that the SPBL corridor should be preserved for expanding and future rail use as well the opportunity for a recreational trail.

In September of 1995, a Memorandum of Understanding (MOU) to purchase and manage the SPBL was entered into by and between the VCTC, the County of Ventura, the City of Fillmore, the City of Fillmore Redevelopment Agency, the City of Santa Paula, the City of Santa Paula Redevelopment Agency, and the City of San Buenaventura. The MOU assigned or conveyed responsibilities, title and leases to the various partners in the SPBL acquisition. Highlights of the MOU include:

- Transfer of title, rents, management, use and maintenance from SP to VCTC
- Excluded property transferred to the State of California for the future widening of Highway 126
- Transferred the Ventura Branch Line with all titles and rents to the City of San Buenaventura
- Identified future conveyance of Saticoy Station and Piru Station properties and all rents and income properties to the County of Ventura
- Identified Long term Lease with City of Santa Paula for the Santa Paula Station and rental income from that property
- Identified the Santa Paula Branch Line Advisory Committee as the oversight body for all SPBL activities
- Required that a master plan be developed and adopted within one year after the execution of the MOU
- Identified Revenue sharing plan with SP, subsequently Union Pacific, expiring in 2016

VCTC purchased the SPBL in 1995 for \$8.5 million comprised of \$4 million in federal Surface Transportation Program (STP) funds, \$3.5 million in federal Transportation Enhancement Activities (TEA) funds and \$1 million in local match provided by Fillmore, San Buenaventura, Santa Paula, and the County of Ventura. The SPBL right-of-way extends from Montalvo in the west to the Los Angeles County line in the east and while the right-of-way is generally 100 feet wide, it varies in places from 30' to 250' wide.



Along with the 32 miles of real property and approximately 28 miles of serviceable rail line purchased there were a large number and variety of leases transferred to VCTC. The leases included longitudinal and transverse oil pipelines, water crossings, and agricultural leases. Of the more than 800 leases, some dating back to the late 1800's, approximately 100 leases are active, providing a revenue source to support SPBL activities. These active leases factored into both the purchase agreement and the long term funding strategy of the SPBL.

Additionally included in the SPBL purchase was the Ventura Branch Line, a small segment of right-of-way paralleling Highway 33. By agreement of all parties, this right-of-way was conveyed to the City of San Buenaventura.

At the time of purchase there were two types of rail operation occurring on the SPBL. Limited freight service to Santa Paula was being provided by Union Pacific. Freight service was discontinued in June of 2012 when International Paper ceased its operation. In addition to the freight service, excursion and film trains run by the Fillmore and Western Railway Company were operated and continue to present day.

Across the years since the purchase of the SPBL a number of plans and studies have been completed. Several of the studies address the capital needs of the SPBL and provide estimates to provide the required freight transfer infrastructure and to increase the rail's ability to operate at higher speeds and obtain Class III or Class IV standards. Of all of the planning documents for the SPBL two plans have been key to current conditions.

In December of 1996 the Santa Paula Branch Line Master Plan mandated by the 1995 MOU was adopted. The Master Plan established a framework of policies, procedures and standards to guide the management and operation of the SPBL corridor.

The second plan of note is the Santa Paula Branch Line Recreational Trail and Associated Environmental Impact Report (EIR). This Plan provided design guidelines, preliminary engineering and alignment recommendations for the SPBL Recreational Trail. The associated EIR documented impacts, mitigations and a Statement of Overriding Considerations was adopted for the project in January of 2000.

In June of 2001 the Ventura County Transportation Commission (VCTC) was party to a package of 20 year agreements with the Fillmore Redevelopment Agency and with Fillmore and Western Railway Company (Fillmore & Western) to lease a segment of the SPBL between milepost 405.31 near Montgomery Avenue in the City of San Buenaventura to milepost 435.07 at Rancho Camulos. The lease agreements were for the purpose of still and motion picture production, television filming, commercials, and other still and video promotional activities, freight service, mail and express service and for public excursions, charter and dinner train operations. The lease included land lying within fifteen (15) of the centerline of any track and required Fillmore and Western to perform certain maintenance items as described in the Agreement dated June 25, 2001.

The Agreement provided that Fillmore & Western pay rent to VCTC in the amount of Six Hundred Dollars \$600 per month subject to Consumer Price Index adjustments. Fillmore and Western currently pays Seven Hundred Sixty Nine Dollars (\$769) to the VCTC monthly and five percent (5%) of fees charged for each day of still and motion picture production use of the lease property. The rental rate may be reviewed and renegotiated on biennial basis.

In consideration of the maintenance that Fillmore & Western was required to perform, Fillmore and Western was entitled to receive the lesser amount of One Hundred Seventy Thousand Dollars (\$170,000) or the total of its grade crossing signal maintenance funds and the annual income derived by VCTC from its property leases at the time of the effective date of the Agreement. This Agreement with Fillmore & Western has been amended twice, first in May of 2004 adjusting the maintenance allowance upward to a

maximum of \$264,000 and again in September of 2007 adjusting the maintenance allowance upward to the current maintenance allowance of the lesser amount of \$312,000 or the total of its signal/grade crossing funds and the annual income derived by VCTC from its property leases.

Unfortunately in the summer of 2010 it was discovered that VCTC had been paying the maximum amount of the contract, \$312,000, rather than the lesser amount as prescribed in the Agreement. The overpayment resulted in an additional \$137,452 being paid to Fillmore & Western. On October 1, 2010 staff presented the overpayment to the Commission suggesting that recovery of the overpayment be included in lease renegotiations as part of making the management and operations of the SPBL self-sufficient. Unfortunately, renegotiation of the lease agreement has not moved forward and VCTC is still in need of recovering the overpayment amount of \$137,452.

Across the years there have been additional payments made to Fillmore & Western for repairs, construction or maintenance activities outside of the terms of the Agreement. Since the inception of the Agreement, expenditures from VCTC to Fillmore & Western have exceeded revenues with VCTC funding the gap with State Transit Assistance (STA).

Stretching back to 2009 the Commission has directed staff to closely examine operations of the SPBL to determine whether the SPBL could be made self-sufficient. With the recent declines in both State and Federal funding staff has been particularly focused on the SPBL and the use of STA to support the ongoing operations.

DISCUSSION:

As part of the on-going investigation of SPBL self-sufficiency, VCTC staff undertook a thorough review of all revenues and expenses occurring during the past eleven years under the Agreement dated June 25, 2001. At the April 8, 2013 SBLAC meeting, VCTC staff presented a summary worksheet containing revenues, expenses and the Net Position of the SPBL for each year between Fiscal year 2001/2002 and Fiscal Year 2011/2012. The summary spreadsheet can be found in Attachment 1 to this item for the Commission's review.

Some revenues and expenses which caused unusual spikes or were unrelated to SPBL operations were removed from the summary work sheet. Specifically work due to flooding and reimbursed by the Federal Emergency Management Agency (FEMA) and the Mill restoration have been removed from the summary work sheet to give a more representative view of the year-to-year operational costs of the SPBL.

The review revealed that over the eleven year life of the Agreement between the VCTC and Fillmore & Western the SPBL generated average annual revenues of \$325,133, average annual expenses of \$656,155, leaving an annual average annual Net Position of negative \$331,022, see Table 1 below. The deficit has largely been funded by STA with some amounts of Local Transportation Funds (LTF) for VCTC staff time. Over the past eleven years the SPBL has generated revenues of \$3,576,466, expenses of \$7,217,713, with a deficit of \$3,641,247.

Eleven Year Averages		
Revenues	Expenses	Net Position
\$325,133	\$655,155	- \$331,022
Eleven Year Total		
\$3,576,466	\$7,217,713	-\$3,641,247

Table 1

May 10, 2013

Item #15

Page #5

Revenues, excluding FEMA and the Mill restoration, have been compiled into one of five categories and are shown with their eleven year totals and relative proportion in Table 2.

Revenues Eleven Year Totals		
Revenue Type	Amount	Percentage of Revenue
Lease and Crossing/Signal Revenue	\$3,060,904	42%
Film Revenue	\$98,589	1%
Special Project Revenue	\$353,000	5%
Other and Interest Revenue	\$63,972	1%
STA/LTF Subsidies	\$3,641,247	51%

Table 2

Expenses, excluding FEMA and the Mill restoration, have been compiled into one of five categories and are shown with their eleven year totals and relative proportion in Table 3.

Expenses Eleven Year Totals		
Revenue Type	Amount	Percentage of Revenue
F & W Monthly Maintenance	\$2,802,829	39%
Other F & W Payments	\$2,496,528	35%
UPRR Lease Revenue Share	\$1,037,308	14%
Other Expenses	\$269,996	4%
Staff Expenses	\$611,050	8%

Table 3

Adding to the financial difficulty in the near term are the required repairs to 22 bridges estimated at approximately \$700,000 identified in the June 2012 Santa Paula Branch Line Bridge Inspection Report mandated by the Federal Railroad Administration (FRA). At this time two bridges have been repaired but no other repairs have been authorized.

Projecting forward under the current conditions the only significant increase in revenue will come in Fiscal Year 2016/2017 after the UPRR lease revenue split expires and VCTC will realize an increase of approximately \$105,000 in revenues. Under the current conditions that would leave a little over \$200,000 annually to be subsidized by other funds. Unfortunately under the current conditions, it is unlikely that expenses will remain flat and the deficit between available revenues and expenses will continue to grow.

After SPBLAC's review of revenues and expenses and a presentation by Egan Consulting, the Commission's consultant on short line railroads, SPBLAC made the following recommendation to the Commission, to reaffirm the long term support for the Santa Paula Branch Line with the short term goal of, at a minimum, making the Santa Paula Branch Line cost neutral and to bring a range of asset management alternatives to the Commission including the discontinuation of rail operations.

In consideration of SPBLAC's recommendation, staff has developed four SPBL management models. Staff is recommending that the Commission provide direction to work with Egan Consulting to fully develop estimated costs and benefits for each of the four proposed models and return to the Commission for consideration.

May 10, 2013

Item #15

Page #6

Renegotiated Status Quo: A continuation of the current asset management practices with all agreements and leases reevaluated. At a minimum, new leases need to be put in place given the dissolution of the Fillmore RDA. The short term goal of renegotiation would be to reduce operational costs and raise revenues to, at a minimum, make the SPBL cost neutral to the VCTC.

Fillmore and Western Common Carriage: Enable Fillmore & Western to pursue increasing freight opportunities. All required freight infrastructure improvements, all capital and maintenance cost to be borne by Fillmore & Western so that the SPBL is, at a minimum, cost neutral to VCTC.

Limited Freight: Continue Union Pacific as the freight carrier and maintain only that portion of the SPBL rail line as needed for identified freight customers. Reducing overall costs of maintenance and operations to, at a minimum, make the SPBL cost neutral to VCTC.

No Rail Operations: Discontinue all rail operations and maintain the right-of-way for future rail and recreational use supported by SPBL generated revenues to, at a minimum, make the SPBL, cost neutral to the VCTC.