



THURSDAY, October 13, 2011, 1:30 P.M.
Camarillo City Hall
Camarillo

**VENTURA COUNTY TRANSPORTATION COMMISSION (VCTC)
TRANSIT OPERATORS ADVISORY COMMITTEE (TRANSCOM)**

- Item #1** **CALL TO ORDER**
- Item #2** **INTRODUCTIONS AND ANNOUNCEMENTS**
- Item #3** **PUBLIC COMMENTS**
- Item #4** **MEETING SUMMARY September 8, 2011**
- Item #5** **ADA CERTIFICATION UPDATE**
That TRANSCOM receive a report on the ongoing Countywide ADA Certification program.
- Item #6** **PROGRAMMING OF SURFACE TRANSPORTATION PROGRAM (STP),
CONGESTION MITIGATION AND AIR QUALITY (CMAQ), AND
TRANSPORTATION ENHANCEMENT (TE) FUNDS**
That TRANSCOM approve attached guidelines for a new Mini-Call for Projects to program STP, CMAQ and TE funds anticipated to come available during Fiscal Years (FY) 2011/12 and 2012/13; approve Mini-Call for Projects Schedule contained in the agenda item; and appoint a Task Force to discuss how to create a "shelf" of ready-to-go projects which can be funded if necessary to prevent a loss of program capacity, and to review project scoring.
- Item #7** **STATUS OF FEDERAL TRANSPORTATION IMPROVEMENT
PROGRAM (FTIP))**
TRANSCOM receive a report on the Status of Federal Transportation Improvement Program (FTIP). Federal law provides that all federally-funded transportation projects, as well as any regionally-significant locally-funded projects, must be included in a Federal Transportation Improvement Program (FTIP). Staff has prepared an update on the status of the FTIP.
- Item #8** **REGIONAL TRANSIT STUDY: DISCUSSION REGIONAL TRANSIT STUDY
PROGRESS REPORT**

Discuss the Regional Transit Study October 3 draft Progress Report. The progress report discusses concepts raised and the status of the Regional Transit Study regarding potential organizational structures.

Item #9

**REVIEW OF DRAFT FEDERAL TRANSIT ADMINISTRATION TITLE VI
CIRCULAR REVISION**

Discuss and identify areas of concern for comment regarding the Federal Transit Administrations proposed changes to the regulations governing transit funds recipients regarding civil rights protections, including provision of information in multiple languages and the impacts of service changes and fare changes.

Item #10

ADJOURN



Item #4

MEETING SUMMARY

THURSDAY, September 8, 2011, 1:30 P.M.
Camarillo City Hall
Camarillo

**VENTURA COUNTY TRANSPORTATION COMMISSION (VCTC)
TRANSIT OPERATORS ADVISORY COMMITTEE (TRANSCOM)
AND
AND JOINT MEETING FOR ITEM #7
VCTC HUMAN SERVICE AND TRANSPORTATION SERVICE COORDINATION AD
HOC COMMITTEE**

Camarillo City Hall
Camarillo

- Item #1** **CALL TO ORDER**
Chair Shaun Kroes called the meeting to order at 1:38 pm.
- Item #2** **INTRODUCTIONS AND ANNOUNCEMENTS**
Self-introductions were made. Chuck Perkins reported on the status of the scale for ADA wheelchairs. Mike Houser stated that the Google transit feeds should be up and working by next week. Ben Cacation reported that the federal government has suspended the 8 hour ozone standard.... which will have little or no impact on Ventura County.
- Item #3** **PUBLIC COMMENTS**
NONE
- Item #4** **MEETING SUMMARY August 11, 2011**
The Meeting Summary was approved, on a motion by Mike Houser, seconded by Kathy Connell.
- Item #5** **LOAN OF CONGESTION MITIGATION AND AIR QUALITY PROGRAM
BALANCE TO SAN DIEGO ASSOCIATION OF GOVERNMENTS**
Peter DeHaan described the federal funding process, how "OA" works, and he actions taken by VCTC staff to protect CMAQ funds that were in jeporidy of

ADMINISTRATION CONFERENCE ROOM



TRANSCOM

DATE: 9/8/11

| NAME: | BADGE # | NAME: | BADGE # |
|------------------------------------|------------|---|------------|
| | | Shaun Kroes | <u>56</u> |
| Andrew Mikkelson | | Steve Brown | |
| Ben Cacatian | <u>014</u> | Steve Rosenberg | |
| City of Fillmore (Ben Rapp) | | Tom Mericle | |
| Chuck Perkins | <u>013</u> | Vic Kamhi | <u>79</u> |
| Darren Kettle | | Nichole Majunie | |
| Debra Solomon | | Leticia Leon | |
| Drew Lurie | | | |
| Elizabeth Amador | | | |
| Fernando Castro | | Darlene Cochran | |
| Andy Santamaria | | Jacqui Cervantez Roberts | |
| Gina Summey | | Dennis Miranda | |
| Gloria Sotelo | | Ed Webster | |
| Grahame Watts | | | |
| Helene Buchman | <u>026</u> | Jim McLaughlin | |
| Jeff Hereford | | Pat McLaughlin | |
| Joanna Capelle | | Dan Beal | |
| John Quinn | | Patti Post | |
| Karen Fajnor | | Marlene Conner | |
| Kathy Connell | <u>058</u> | | |
| Kerry Forsythe | <u>030</u> | Jim Moore | |
| Kimberly Gayle | | | |
| Linda Wright | | | |
| Martin Erickson | <u>015</u> | Ad Hoc Paratransit/ Human Service and Transportation Service | |
| Mary Travis | | MARIA TELLO | <u>075</u> |
| Matt Gleason | | Susan White | <u>073</u> |
| Mike Culver | <u>028</u> | TOM SCOTT | <u>011</u> |
| Mike Houser | <u>071</u> | MARGARET GIBSON | <u>065</u> |
| Myra Montejano | <u>090</u> | | |
| Peter DeHaan | <u>33</u> | | |
| Roc Pulido | | | |
| JESUS GALVAD | <u>012</u> | | |



Item #5

October 13, 2011

MEMO TO: TRANSIT OPERATORS ADVISORY COMMITTEE
FROM: ED WEBSTER, TRANSIT DEPENDENT PROGRAMS MANAGER
SUBJECT: ADA CERTIFICATION UPDATE

RECOMMENDATION:

- Receive report

BACKGROUND:

Mike Culver, MMP Director of Operations for the ADA Certification Program will present a report on ADA Certifications, including information about MMP staffing and the most recent statistics.



Item #6

October 13, 2011

MEMO TO: TRANSIT OPERATORS ADVISORY COMMITTEE

FROM: PETER DE HAAN, PROGRAMMING DIRECTOR

**SUBJECT: PROGRAMMING OF SURFACE TRANSPORTATION PROGRAM (STP),
CONGESTION MITIGATION AND AIR QUALITY (CMAQ), AND
TRANSPORTATION ENHANCEMENT (TE) FUNDS**

RECOMMENDATION:

- Approve Attachment B guidelines for a new Mini-Call for Projects to program STP, CMAQ and TE funds anticipated to come available during Fiscal Years (FY) 2011/12 and 2012/13.
- Approve Mini-Call for Projects Schedule contained in the agenda item.
- Appoint a Task Force to discuss how to create a "shelf" of ready-to-go projects which can be funded if necessary to prevent a loss of program capacity, and to review project scoring.

BACKGROUND:

At last month's committee meetings, TRANSCOM and TTAC approved guidelines for programming additional federal funds anticipated to become available for FY 2011/12. Due to the relatively small amount of funds anticipated to be available, the proposed process would have minimized the amount of effort by limiting consideration to existing project cost increases and specified new projects. Subsequent to these meetings, Commission staff continued to monitor the situation regarding the federal transportation authorization. Although there is still significant uncertainty regarding the configuration and size of a new federal transportation program authorization, Congress has now approved a six-month authorization extension, continuing the same program structure at the same authorized funding level. As the next presidential election nears, it appears likely that Congress will continue extending the existing programs through FY 2012/13, although it should be recognized that cuts are still possible during this period. Staff therefore believes that further consideration should be given to programming two-years' worth of funds through another Mini-Call for Projects.

To ensure that existing projects requiring additional funds are not delayed, staff brought forward to the Commission the portion of the prior committee recommendation that would allow project sponsors to submit to VCTC by October 28th requests for additional funds for previously approved projects which require the funds before June 30, 2012. Attachment A provides the guidelines which staff recommended for Commission approval to allow these projects to receive funding in advance of another Call for Projects. Staff also recommended that TTAC and TRANSCOM be directed to consider a Mini-Call for Projects to program the anticipated available FY 2011/12 and FY 2012/13 funds remaining available after funds are programmed to existing projects per the Attachment A process.

Last month's description of the funds available to program was based on the assumption that it was only prudent to program anticipated FY 2011/12 funds. The following describes how the programming capacity is increased based on the ability to also program for FY 2012/13.

STP: A total of \$11.1 million was estimated to be available assuming the continuation of the program in FY 2011/12 at the same level as FY 2010/11, and also including an apportionment carryover. Adding another year's worth of funding at the same level will increase the programming capacity to \$19.9 million. However, as part of the 2012 State Transportation Improvement Program (STIP) submittal, which is on this month's TTAC agenda, staff is recommending that VCTC commit to providing approximately \$20 million of STP funds by FY 2015/16 to fund the amount of the Route 101/23 Interchange project cost that cannot be covered by the Ventura County STIP County Share balance. Staff therefore recommends that \$4 million of the \$19.9 million be set aside to begin building a reserve of STP funds to be used to match the STIP funds for Route 101/23. Should the TIGER III grant being submitted by VCTC be approved, the STP funds will no longer be required.

TE: There was \$1.3 million available to program, based on the funds estimated for one year by the California Transportation Commission. Programming two years of funds will double that amount, to \$2.6 million

CMAQ: As discussed last month, there could be a significant rescission of CMAQ, effective September 30, 2011, although the rescinded amount may not be known until several months later due to the time it will take for Caltrans to calculate the final program balances and distribute the rescission amounts. Until the Ventura County rescission amount is known, there can be no presumption of having an available programming balance for FY 2011/12. However, with FY 2012/13 funds added there will be \$7.7 million available to program. The CMAQ program capacity could potentially increase once the rescission amount is determined.

Attachment B provides the proposed Mini-Call for projects guidelines for the Committees' review and approval. Prior to last year's Mini-Call, a Task Force was established to develop new guidelines. Staff recommends at this time that there not be a Task Force to consider guidelines, but that the prior guidelines be used, with changes based on a discussion at the November 2010 Committee meetings regarding strategies to encourage project delivery. As a result, the guidelines have been changed to include Project Readiness and Prior Project Delivery as criteria. Second, staff is recommending that projects below the funding cut-line be approved as a "shelf list" which can be funded without further Committee or VCTC Board action if necessary to avoid loss of apportionment. To assist the Committee in its discussion, the changes to the prior guidelines are indicated.

At the September Commission meeting, the Commission directed that a process be developed to approve a standby list of ready-to-go projects which could quickly be funded if necessary to avoid a loss of program capacity to the county. Such a list could perhaps be developed through the Mini-Call for Projects. For example, in addition to programming the funds anticipated to be available, a limited amount of lower-scoring project could be pre-approved to receive funds should the need arise. Staff recommends that a Task Force consisting of TRANSCOM and TTAC members be established to consider such a policy, which would be incorporated into the VCTC action selecting the projects to be programmed through the Mini-Call. At a later date the Task Force will meet to recommend project scores.

The following is the proposed schedule for the 2011 Mini-Call for Projects:

VCTC Approval of Mini-Call Process: November 4, 2011
Notification of Funding Availability: November 7, 2011
Applications Due to VCTC: January 9, 2012
Task Force Approval of Projects: week of January 30th
TRANSCOM Approval of Projects: February 9th
TTAC Approval of Projects: February 16th
VCTC Approval to Projects: March 2nd
Approval of Amendment to Federal Transportation Improvement Program: June, 2012

PROPOSED 2011 GUIDELINES FOR PROGRAMMING CMAQ/STP/TE FUNDS TO PREVIOUSLY-APPROVED PROJECTS

(Recommended for VCTC Approval 10/7/2011)

Funding Priorities

Supplemental funding will be considered for previously-approved STP, CMAQ, TE, and Proposition 1B projects other than road rehabilitation (which were not approved with a specific scope), for projects that will be ready to obligate the funds by June 30, 2012.

Any other funding proposals, including new projects, will be considered through a subsequent Mini-Call for Projects expected to be concluded by February, 2012, with funds to be programmed in the Federal Transportation Improvement Program (FTIP) and available by June 30, 2012.

Eligibility Requirements

To receive funding, the project sponsor must provide VCTC with a letter stating the original project funding, including federal and local funds, the revised project funding, and the requested additional STP, CMAQ, or TE funds. The letter should also provide an update project schedule showing start and end dates for design, right-of-way, and construction.

Funding will only be programmed where the schedule shows the funds can be obligated/allocated by the June 30, 2012 deadline.

Schedule

VCTC Approval of Programming Process: October 7
Notification of Funding Availability: October 10
Funding Request Letters Due to VCTC: October 28
TRANSCOM Approval to Program Funds: November 10
TTAC Approval to Program Funds: November 17
VCTC Approval to Program Funds: December 2
Approval of Amendment to Federal Transportation Improvement Program: April, 2012

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

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

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

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

Screening Criteria

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

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

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

3. Financial Feasibility

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

Selection Criteria

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

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

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

A. Improve mobility. (0 to ~~30~~ 25 points)

- Project improves mobility Up to ~~30~~ 25 points
- Project does not provides mobility improvement 0 points

B. Improve air quality. (Based on consultation with APCD staff.) (0 to ~~30~~ 25 points)

- Significant reduction in vehicle emissions Up to ~~30~~ 25 points
- No reduction in vehicle emissions 0 points

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

- Project improves coordination between, and access to, more than one mode of travel 10 points

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

D. Funding Leverage (10 points)

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

E. Equitable Distribution of Funds (0 to ~~20~~ 15 points)

- Funding the project moves a local jurisdiction closer to receiving an equitable share of funding. Up to ~~20~~ 15 points
- Funding does not move local jurisdiction closer to receiving an equitable share of funding 0 points

F. Project Readiness (0 to 15 points)

- Funds can be obligated by Dec 31, 2012 15 points
- Funds can be obligated by April 30, 2013 5 points

G. Prior Delivery Record (negative points)

- Five points subtracted from an agency's scores for each 2010 Mini-Call STP or CMAQ Project for which construction funds were to be obligated by July 1, 2011 per the project application, but were not as of September 30th. (See Draft List on page 4 of Technical Appendix.)

PROJECTS ELIGIBLE FOR CMAQ FUNDING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Program Goals

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

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

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

Screening Criteria

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

1. Project Eligibility

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

2. Planning Consistency

- A. Project is consistent with the adopted 2004 Regional Transportation Plan.
 - Project is specifically identified in the RTP.
 - Project is consistent with the goals and policies of the RTP.
- B. Project is consistent with the relevant adopted general plan(s).
- C. Project is consistent with the most-recently adopted Air Quality Management Plan.
- D. Roadway improvement projects must be on roadways eligible for federal funding, which includes projects on rural major collectors (and above) and urban collectors (and above).

- E. Transit improvement projects must be consistent with the policies and standards in the adopted Congestion Management Program.

3. Financial Feasibility

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

Selection Criteria

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

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

- A. Improve existing level of service (roadway or system) through reduced delay and/or travel time. (15 points)
- B. Improve access to regional facilities such as ports, airports, universities, state & national parks, historic sites or military/government facilities. (10 points)
- C. Preservations of existing facilities including overlay. (10 points)
 - Project preserves, replaces or rehabilitates a transportation facility 10 points
 - *Does not preserve, replaces or rehabilitates a transportation facility* 0 points
 - ~~Project significantly benefits the residents of at least two jurisdictions in the county~~ 5 points
 - ~~Project significantly benefits the residents of only one local jurisdiction in the county~~ 0 points
- D. Improve safety or security on roadways or at transit and transportation facilities. (10 points)
 - Project has high impact on a safety or security problem 10 points
 - Project has moderate impact on a safety or security problem 5 points
 - Project has little or no impact on a safety or security problem 0 points

- E. Address multi-modal or HOV needs. (5 points)
 - Project improves coordination between, and access to, more than one mode of travel 5 points
 - Project does not improve coordination between, or access to, more than one mode of travel 0 points
- F. Funding Leverage (5 points)
 - Applicant provides at least 40% local match 5 points
 - Applicant does not provide at least 40% local match 0 points
- G. Transportation control measure (TCM) in the latest District-approved Air Quality Management Plan. (10 points)
 - Is the project on the TCM list 10 points
 - The project is not on the TCM list 0 points
- H. CMP Deficiency (10 points)
 - The project is on the CMP deficiency list (pg. 86 of the CMP) 10 points
 - Project not on the CMP deficiency list 0 point
- I. Equitable Distribution of Funds. (0-~~20~~ 15 points)
 - Funding the project moves a local jurisdiction closer to receiving an equitable share of funding Up to ~~20~~ 15 points
 - Funding the project does not move a local jurisdiction closer to receiving an equitable share of funding 0 points
- J. *Project Readiness (0 to 15 points)*
 - *Funds can be obligated by Dec 31, 2012 15 points*
 - *Funds can be obligated by April 30, 2013 5 points*
- K. *Prior Delivery Record (negative points)*
 - *Five points subtracted from an agency's scores for each 2010 Mini-Call STP or CMAQ Project for which construction funds were to be obligated by July 1, 2011 per the project application, but were not as of September 30th. (See Draft List on page 4 of Technical Appendix.)*

PROJECTS ELIGIBLE FOR STP FUNDING

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

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

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

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

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

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

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

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

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

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

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

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

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

Ridesharing Strategies

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

Non-motorized Strategies

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

TDM Facilities Ordinance

Traffic Flow Improvement Strategy

Regional Transportation Improvement Program; CMP Deficiency Plans

Land Use Strategy

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

Transit Strategies

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

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

DRAFT LIST OF 2010 MINI-CALL STP/CMAQ PROJECTS
LATE AT OBLIGATING CONSTRUCTION FUNDS PER GUIDELINES

Hueneme Road Widening, Oxnard

Street Rehabilitation, Simi Valley

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

I. GENERAL INFORMATION

Project Title:
Lead Agency:
Contact Person:

Title:

Address:

Phone: _____ FAX:

Project Description:

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

Project Federal Funding:

Federal Funds Requested: \$ _____

Phase(s): _____

Match: \$ _____ Source(s): _____

Total Project Cost \$ _____

Lead Agency: _____

Project Title: _____

II. FINANCIAL INFORMATION

Schedule for Obligating Funds (enter month and year):

Prelim. Eng. _____

Right-of-Way _____

Construction _____

Local Funding Share Detail:

| | Federal Funds | Local Match | Total Cost |
|--------------|---------------|-------------|------------|
| Prelim. Eng. | \$ _____ | \$ _____ | \$ _____ |
| Right-of-Way | \$ _____ | \$ _____ | \$ _____ |
| Construction | \$ _____ | \$ _____ | \$ _____ |
| TOTAL | \$ _____ | \$ _____ | \$ _____ |

III. ENVIRONMENTAL/SCHEDULE INFORMATION

Environmental/Schedule Information:

Federal environmental clearance category (CE, EA, or EIS): _____

Federal Environmental Process completion date: _____

| | Engineering | ROW | Construction |
|------------------------|-------------|-------|--------------|
| Start Date: | _____ | _____ | _____ |
| End Date: | _____ | _____ | _____ |
| Final Completion Date: | _____ | | |

Lead Agency: _____

Project Title: _____

IV. PROJECT SCREENING INFORMATION

Is the proposed project eligible for the following funds (check all that apply):

STP ___ CMAQ ___

Is the proposed project consistent with the area's adopted general plan?

YES ___ NO ___

Road Projects: Is the project an "urban collector" or above or a "rural major collector" or above?

YES ___ NO ___ N/A ___

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

V. PROJECT SCORING INFORMATION

Mobility Improvement:

Will the project improve a road's level of service or speed? If yes,
Project ADT: _____, Current LOS: _____
LOS with Project: _____

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

Will the project improve the level of service of the bikeway/pedestrian system?
If yes, explain:

Lead Agency: _____

Project Title: _____

Air Quality Improvement:

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

Multi-Modal/HOV Needs:

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

Funding Leverage

Does the applicant provide at least 40% local match?

YES _____

NO _____

Preservation of Existing Facility

Does the project preserve, replace or rehab existing transportation facility

YES _____

NO _____

Improve Safety

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

YES _____

NO _____

**APPLICATION FOR FUNDS
TRANSPORTATION ENHANCEMENT (TE) FUNDS**

I. GENERAL INFORMATION

Project Title: _____

Lead Agency: _____

Contact Person:

Title: _____

Address: _____

Phone: _____ FAX: _____

Project Description:

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

Project Federal Funding:

Federal Funds Requested: \$ _____

Phase(s): _____

Match: \$ _____ Source(s): _____

Total TE Project Cost \$ _____

Is TE Project Part of a Larger Project? Yes _____ No _____

If Yes, Total Cost of Larger Project, Including TE Project \$ _____

Lead Agency: _____ Project Title: _____

WHICH CATEGORY OR CATEGORIES ENCOMPASS THE ENHANCEMENT?

(May be more than one.)

List approximate amount of federal TE funds to be spent in each of the TE categories:

\$ _____ 1. Pedestrian or bike facilities rehabilitation \$ _____ 6. Historic transportation rehabilitation

\$ _____ 2. Acquisition of sites \$ _____ 7. Rails to trails

\$ _____ 3. Historic highway programs removal \$ _____ 8. Outdoor advertising removal

\$ _____ 4. Landscaping/scenic beautification planning/research \$ _____ 9. Archaeology planning/research

\$ _____ 5. Historic preservation control \$ _____ 10. Runoff water pollution control

Activities outside the categories: List approximate amount of federal TEA funds to be spent in activities outside the ten categories

(must be necessary and incidental to the portion inside the categories): \$ _____

Describe:

II. FINANCIAL INFORMATION

Project Component Costs:

Preliminary Engineering Phase:

| | | |
|--------------------------------------|----------|----------|
| • Construction Documents | \$ _____ | |
| • Environmental Documents | \$ _____ | |
| TOTAL PRELIMINARY ENGINEERING | | \$ _____ |

Right Of Way Phase (Acquisition):

| | | |
|---------------------------|----------|----------|
| • Capital | \$ _____ | |
| • Support costs | \$ _____ | |
| TOTAL RIGHT OF WAY | | \$ _____ |

Construction Phase:

| | | |
|-------------------------------|------------|----------|
| • Construction contract items | \$ _____ * | |
| • Contingencies | \$ _____ | |
| • Construction engineering | \$ _____ | |
| TOTAL CONSTRUCTION | | \$ _____ |

Lead Agency: _____ Project Title: _____

Schedule for Obligating Funds (enter month and year):

Prelim. Eng. _____

Right-of-Way _____

Construction _____

Schedule for Obligating Funds (enter month and year):

Prelim. Eng. _____

Right-of-Way _____

Construction _____

Lead Agency: _____ Project Title: _____

ITEM ESTIMATE - CONSTRUCTION CONTRACT ITEMS

| <u>Item</u> | <u>Description</u> | <u>Unit</u> | <u>Quantity</u> | <u>Unit Price</u> | <u>Amount</u> |
|-------------|--------------------|-------------|-----------------|-------------------|---------------|
|-------------|--------------------|-------------|-----------------|-------------------|---------------|

Lead Agency: _____ Project Title: _____

III. ENVIRONMENTAL/SCHEDULE INFORMATION

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

IV. PROJECT SCORING INFORMATION

| |
|---|
| Regional & Community Enhancements |
| Will the project improve the access to a regional facility(ies)? If yes, identify the regional facility(ies) and the access improvements: |
| _____ |
| _____ |
| _____ |
| _____ |
| _____ |
| _____ |

| |
|---|
| Multi-Modal/HOV Needs: |
| Will the project improve the coordination among different modes of travel? If yes, explain: |
| _____ |
| _____ |
| _____ |
| _____ |
| _____ |

TRANSPORTATION ENHANCEMENT ACTIVITIES (TE) PROGRAM
PROJECT SCORING GUIDELINES

SCORING CRITERIA

Each project nomination can receive a maximum of 100 points; up to 60 points in general scoring and up to 40 points in activity-specific scoring. In the general scoring process, all applications are scored by the same point system. For the specific-activity scoring, the transportation enhancement activity categories are grouped into four divisions of commonality, then a proposal is scored within the applicable division.

GENERAL MERIT – These are the scoring values for the general merit criteria, and the possible points in each area:

| | |
|------------------------------------|------------------|
| Regional and Community Enhancement | 50 points |
| Cost Effectiveness/Reasonable Cost | <u>10 points</u> |
| Total Possible General Score | 60 points |

SPECIFIC ACTIVITY – These are the activity-specific divisions and the possible points in each area. A project can score in only **one** of the specific divisions.

| | |
|---|------------------|
| 1. Bicycle, Pedestrian, Abandoned Rail Right-of-Way | 40 points |
| 2. Historic/Archeological/Museum | 40 points |
| 3. Transportation Aesthetics/Scenic/Tourist | 40 points |
| 4. Highway Runoff/Wildlife Crossings | <u>40 points</u> |
| Total Possible Specific Score | 40 points |

EVALUATION PROCESS – Each application will be evaluated on the following general merit criteria:

1. Regional and Community Enhancement (50 points)

The project score in this area is derived from the project's primary effects – its intent and purpose – on the following elements.

- a). Benefit to quality-of-life, community, environment. Examples might include provision of safe, aesthetic pedestrian facility at a rail station, removal of billboards on a scenic highway, provision for wildlife corridors or migration areas.

0-10 points

- b). Increases access to activity centers, such as businesses, school, recreational areas and shopping areas. Connects transportation modes, has multi-modal aspects. Reinforces, complements the regional transportation system, fills deficiency in the system.

0-8 points

- c). Implements goals in the regional transportation plan, or other adopted federal, state, or local plans. Examples might include water quality plans or elements of general plans.
0-8 points
- d). Increases availability, awareness, or protection of historic, community, visual, or natural resources.
0-8 points
- e). Degree of regional or community support. For example, letters of support from local interest groups and public bodies, additional match.
0-8 points
- f). Encompasses more than one of the four activity-specific divisions.
0-8 points

2. Cost Effectiveness/Reasonable Cost (10 points)

The project score in this area is a function of improved performance or productivity of the project as it relates to the annualized total project cost. Where the project does not lend itself to this type of analysis, the reasonableness of the cost should be established. For example, a bicycle route that takes a shorter path may be considered more cost-effective than one that connects the same activity centers in a round about way.

| | |
|--|------------------|
| Highly cost-effective | 10 points |
| Reasonable cost or moderately cost-effective | 6 points |
| Low cost-effectiveness | 2 points |
| Not cost-effective/Not applicable | 0 points |

3. Activity-Specific Enhancement Divisions (40 points)

The Activity-Specific Enhancement Divisions are groupings of the activity categories into 4 divisions with similar characteristics. All TE-eligible projects may compete for funding. The projects may score 0-40 points. **A PROPOSAL CAN SCORE IN ONLY ONE CATEGORY.**



Item #7

October 13, 2011

MEMO TO: TRANSIT OPERATORS ADVISORY COMMITTEE

FROM: PETER DE HAAN, PROGRAMMING DIRECTOR

SUBJECT: STATUS OF FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM (FTIP)

RECOMMENDATION:

- Receive and file.

DISCUSSION:

Federal law provides that all federally-funded transportation projects, as well as any regionally-significant locally-funded projects, must be included in a Federal Transportation Improvement Program (FTIP) adopted by the Metropolitan Planning Organization and approved by the State and Federal Departments of Transportation. Since the Metropolitan Planning Organization for this region is the Southern California Association of Governments (SCAG), the FTIP is adopted by that agency, but under State law the VCTC is responsible for preparing the project listing for Ventura County and submitting that list to SCAG for inclusion in the FTIP.

The 2011 FTIP was approved by the Federal government on December 14, 2010. VCTC staff is about to begin the process for preparing the 2013 FTIP. On the week of October 24th, staff will e-mail each project agency with a pdf file containing its current project list, revised to show the 2013 FTIP format with the first fiscal year being FY 2012/13. Each agency is requested to mark up the TIP sheets and return them to VCTC. The current project status also needs to be written on each sheet. Complete directions will be included in the e-mail with the TIP sheets. In addition, a blank TIP sheet will be provided to include any new regionally-significant locally-funded projects that should be added. New projects nominated through the Mini-Call for Projects should not be included in the submittal, as VCTC will be preparing those FTIP sheets using information included in the applications. TIP sheets for local street and road projects need not be submitted, since the funds for all such projects are included on a single TIP sheet generated by VCTC.

Each agencies' completed FTIP submittal must be provided to VCTC by November 15th. In some cases an agency may want to begin assembling its TIP sheet data prior to October 24th, and for such situations VCTC can, upon request, provide a complete copy of the current FTIP data in the 2011 format, prior to October 24th.

Staff is continuing to process various technical FTIP amendments as the need arises. The currently-adopted FTIP for Ventura County, updated to include approved amendments, can be accessed at <http://www.goventura.org/?q=transportation-improvement-program-tip>, or by going to <http://www.goventura.org>, pointing at "About VCTC" so that the link "Project Programming" appears, clicking on "Project Programming," then on "Transportation Improvement Program (TIP)."

It is always important to note that no federally-funded project phase can be advertised until it has received the federal authorization to proceed, also known as the obligation of funds or E-76. The only exception to this rule is that in some cases transit projects where the federal funds were transferred to the Federal Transit Administration may proceed prior to inclusion in an FTA grant, under the FTA Pre-Award Authority policy, and receive reimbursement should the grant be approved. Agencies with FTA transfer projects should confirm with VCTC or FTA that their projects are eligible for Pre-Award authority before proceeding with such projects.



Item # 8

October 13, 2011

MEMO TO: TRANSIT OPERATORS ADVISORY COMMITTEE
FROM: VICTOR KAMHI, BUS TRANSIT DIRECTOR
**SUBJECT: REGIONAL TRANSIT STUDY: DISCUSSION REGIONAL TRANSIT STUDY
PROGRESS REPORT**

RECOMMENDATION:

- Discuss the Regional Transit Study October 3 draft Progress Report.

DISCUSSION:

Attached is the draft progress report on the Regional Transit Study. This draft report was a primary topic of discussion of at a special meeting of City Managers/County CEO on October 6, 2011. The consensus of the city managers and county CEO was to request of VCTC's Transit Study Steering committee to not rush the development of the report. The City Managers raised several concerns that the report focused only on the "consolidation" alternatives, and did not provide the same level of discussion regarding a alternative focused on the current transit service structure and a yet to be defined alternative which would focus on increased coordination and cooperation of the existing providers. They also raised a concern about the need for local control.

Staff and the consultants will be finalizing the attached Progress Report and presenting it to the Regional Transit Study Steering Committee at their next meeting.

Attachment: Ventura County Regional Transit Study Progress Report – Oct 3, 2011 draft



TRANSFORMING TRANSPORTATION IN VENTURA COUNTY

Ventura County Regional Transit Study

PROGRESS REPORT

Prepared for:
Ventura County Transportation Commission
Prepared by:
MIG, Inc.
Wendel
Patti Post & Associates

WORKING DRAFT – October 3, 2011

Introduction

The Ventura County Transportation Commission has embarked on a Regional Transit Study to incorporate a wide variety of opinions and expertise and propose a path forward to better organize and provide transit service in the County. The impetus for this study arose from a variety of factors, most notably the shortcomings and inconsistencies of the current transit service, including VCTC's own VISTA service, and the state-imposed requirement to allocate all Transportation Development Act funds to transit as of July, 2014.

It has often been noted that the current approach to transit in Ventura County is not "seamless", a term that reflects a number of inconsistencies and inconveniences. These include the requirement to transfer at jurisdictional boundaries, lack of connections to educational or medical facilities, difficulty in accessing local and social services. These factors not only affect customers today but also limit public transit's ability to attract new riders in the future.

This report discusses the status, work efforts and directions of the Study effort as of September, 2011. It is not intended to represent recommendations, directions, conclusions or actions of the Study itself or of the VCTC. Those will result from deliberations and actions later in 2011. This report, instead, is intended to provide insight into the process to date and a summary of staff, consultant and Commission input, thoughts and directions, and to provide an additional platform for input from key interests.

The next steps in the Study process include:

- Continued consultation with affected agencies and key policy leaders.
- Development of a recommended organizational option and transition strategies for consideration by the study's Ad Hoc Steering Committee and the VCTC.
- Development of a report to the State Legislature pursuant to Senate Bill 716.
- Approval of the organizational option and report, anticipated to be at the VCTC meeting in December 2011.
- If indicated, further development and implementation of approved options.

Public Transportation in Ventura County

At present, public transportation in Ventura County is provided by a variety of operators – seven different agencies provide a combination of fixed route services and/or some form of demand response service, also known as dial-a-ride; an additional demand response service is also provided by another nonprofit organization. By any measure, public transit in Ventura County is less a system than a series of stand-alone operations that provide widely disparate levels of service; that are not easily understood or accessed by customers; and that may, or may not, interconnect.

For the past several years many policymakers and customers have recognized that the way that public transportation is provided in Ventura County needs to be reconsidered. Impetus for change came from at least the following: VCTC's consensus that the funding, organizational and governance of its own VISTA service required modification; California Senate Bill 716, affecting the use of Transportation Development Act funds; trends in state and federal transportation funding; awareness of the benefits of organizational structures and practices employed elsewhere; and input from policy leaders and the public in a variety of forums and surveys of Ventura County residents and business, including the concurrent development of the Comprehensive Transportation Plan and during virtually every annual Unmet Transit Needs process.

In early 2010 the Ventura County Transportation Commission (VCTC) embarked on a Regional Transit Study for the County, to define a direction for improving the quality, efficiency and overall sustainability of public transportation in Ventura County and to provide a platform for presenting an organizational proposal to the State Legislature. VCTC enlisted the services of a consultant team to work with Commissioners and staff in reviewing the state of the system, identifying potential options and charting an initial path forward. The results of this analysis would form the basis of a report to the Legislature and also pave the way for a more effective, comprehensible and sustainable public transportation system for Ventura County.

SB 716

SB 716, enacted in 2009, requires that all state Transportation Development Act (TDA) funds allocated to Ventura County be committed to transit (rather than local road) uses by July 1, 2014. As introduced, SB 716 required that TDA funds be committed to transit as of January 1, 2010. However, based on VCTC's appeal that Ventura County needed time to plan for how it would meet the SB 716 mandate of using all TDA funds for transit, and with support of several Ventura County cities, the bill was amended to give Ventura County time to plan how it would effectively achieve that mandate. The bill also allows VCTC

to propose a plan to the legislature for utilization of TDA funds and organizing public mass transportation services in the county.

TDA funds are currently allocated on the basis of population to the cities and unincorporated area of the County. The amount of TDA funds allocated in 2011 was approximately \$21 million, which ranged from about \$200,000 in Ojai to almost \$5,000,000 in Oxnard. This is down from a high of almost \$30,000,000 several years ago. Prior to SB 716, TDA funds could be spent for other transportation purposes, if no outstanding needs for public transportation that were "reasonable to be met" were identified through the Unmet Needs process.

When SB 716 goes into effect in July 2014, this option will be eliminated along with the ability of local jurisdictions to substitute local funds for TDA and use TDA for funding streets and roads. After a few prescribed regional uses, all Transportation Development Act (TDA) funds must be allocated to transit, and adherence to all TDA rules and regulations will be required. Many of the current, longstanding practices and processes will change. The status quo will not be sustainable from either financial or regulatory compliance perspectives. Individual city operations will be required to meet fare recovery requirements (20% in urban areas, 10% in rural areas). This will be challenging for a number of the operators.

SB 716 will result in additional funds for transit, and will also provide Ventura County with an opportunity to improve the Ventura County public transit to achieve a more consistent region-wide system that provides for a family of services to better meet the County's overall mobility needs in a manner that is similar to many other areas in the country. Changes in response to SB 716 can establish a countywide transit program that better meets the needs of customers through improved consistency of policies and programs to address the increasing demand for public transportation that will occur over time. Along with improvements will be the need to insure continued recognition of the contributions and priorities of all of the local communities served by transit.

Funding Trends

Other trends at the local, state and national levels are affecting public transit funding. These include fluctuating state sales tax revenues and varying levels of state support for transit funding. The federal transportation funding program is also facing uncertainties. The previous six-year surface transportation act, SAFETEA-LU, expired in September 2009. Since that time, a number of continuing resolutions have been passed to maintain funding levels for the traditional federal transportation programs. The most recent extension was through March 2012. These programs include Sections 5307, 5311, and 5310, which fund urban and rural services as well as programs for seniors and people with disabilities. Current reauthorization proposals that have been drafted by Senate and House

Committees either sustain the current level of funding or call for a 30% reduction in funding. Unless additional revenue sources are found for the federal program, the outlook for longer term funding at the federal level is uncertain at best.

Comprehensive Transportation Plan

Parallel to this study, VCTC is also developing the Comprehensive Transportation Plan (CTP), the county's first long range policy document and set of funding strategies built from local priorities to enhance regional connections and support the region's unique quality of life. The plan development process involves extensive public outreach and participation, engaging the greatest possible range of stakeholders and backgrounds. Regardless of the geography, interests, age, background, or other factors, all community members envision a better connected and integrated transportation system for the region's future, particularly with a stronger focus on transit compared to personal vehicles. This vision includes a transit system that provides better connections for all community members from all perspectives: modes, destinations, intra-city, inter-city, and inter-region. Specific issues and experiences that were shared included challenges in making connections between different transit systems, whose schedules are not always synchronized, sometimes requiring long waits for transfers. Additionally, the lack of consistent service hours and levels between transit systems can limit opportunities to make the same trip at different times of the day, or days of the week. Some areas of the county have either inconvenient or infrequent transit service and connections to important destinations within the county or in neighboring counties.

The CTP process recognizes demographic trends within Ventura County that support the need for maintaining and increasing public transportation. Over the past ten years, on a percentage basis Ventura County has grown faster than either Los Angeles or Orange Counties and nearly as fast as San Diego County. By 2030, the county's senior population will grow by 69% and the youth population will grow 20%. Increased demand for re-training and basic education at local community and state educational institutions will require improved local connections and access.

Best Practices and Examples

In the current environment where significant funding reductions are being considered both at the federal and state levels, it is appropriate to consider ways that the region can focus dollars on service and not on redundant management and administrative costs. It has been demonstrated successfully throughout the state and across the country that a consistent approach to policy, planning and financing as well as supporting activities such as marketing and communication, procurement, information technology and paratransit provision can result in an improved foundation from which the operating components can be added to form that family of services. A discussion of successful organizational models is included in Appendix 2.

The time appears right for the region to consider how public transportation is provided in the County, and to identify some long-term sustainable solutions to provide lifestyle- and economic-enhancing public transportation programs for Ventura County, for current and future residents. If today's fragmented public transit system is not working as well as it could for the public, service gaps will only increase with projected population and other demographic changes. There is no "one size fits all" approach, and Ventura County is a unique environment from a geographic as well as jurisdictional perspective. The approach to implementing any alternative in Ventura County will require intergovernmental cooperation to focus on the most immediate priorities while providing a mechanism for transition over time. This is a key theme of the Regional Transit Study.

Regional Transit Study

With the commencement of the Study, VCTC created a Regional Transit Study Steering Committee of its members to consider various complex issues, provide oversight and direction, and develop recommendations to the Commission as a whole. Working within this policy structure, the study process involved consultations with key policymakers and the public, discussions with individual operators, briefings for VCTC's transit committee (TRANSCOM), discussion with the Gold Coast Transit Board, research into options and best practices and deliberations by the VCTC Board and the Steering Committee.

The Commission adopted the following policy statement and principles for the Study:

"Develop a network of sustainable services that meet the diverse needs of the customers through the following actions:

- Foster open dialogue among communities, system users, operators and agencies
- Transition to a user-focused system that goes beyond individual operator boundaries
- Gain consensus on the approach from elected officials and city management
- Incorporate applicable Federal, State, regional and local livability, sustainability and greenhouse gas reduction goals"

Current State of Transit in Ventura County

Seven operators provide fixed route services in Ventura County: Gold Coast Transit (GCT), VISTA, City of Simi Valley, City of Thousand Oaks, City of Moorpark, City of Camarillo and City of Ojai. All of these operators also provide some form of demand response services. Additional transit services within the county include services provided by the County of Ventura, the City of Oxnard (as lead

agency for the Harbors and Beaches service) and the Camarillo Health Care District (which is partially funded by VCTC for longer distance trips).

The types of services vary considerably in terms of scale, scope, and cost. For example, the number of GCT vehicles deployed to provide fixed route services is roughly the same as the total fixed route fleet for the rest of the operators combined. In addition, almost all of the operators provide some form of demand response services for seniors and sometimes the general public. These operations also include those services required under the Americans with Disabilities Act (ADA) for persons with disabilities who cannot use fixed route services.

Based on a number of local and regional policy decisions, the cost associated with these services also varies considerably depending on priorities, staffing, or whether services are publicly or privately operated. In addition, the methodologies for how these numbers are reported vary.

Within the multiple operator arrangement that currently exists, there is a wide range of costs. As reported in 2009 to the National Transit Database (NTD), costs per service hour for the four largest operators in the County were roughly: \$55 for VISTA, \$75 for Thousand Oaks, \$95 for GCT and \$115 for Simi Valley (see Appendix 1 for additional operating cost data.)

Organizational Options

Within the transit industry, there have typically been three concepts discussed regarding organizational changes and alternatives – collaboration, coordination and consolidation. There are many such organizational approaches, including a number in California; the Orange County Transportation Authority (OCTA) is an example of full consolidation and the San Diego Association of Governments (SANDAG) is an example of moderate consolidation, with its subordinate operating units the Metropolitan Transit System (MTS) and the North County Transit District (NCTD). A discussion of these and other organizational examples is included in Appendix 2.

Collaboration

The current public transportation system in Ventura County is predominantly based on **collaboration**, which consists of informal arrangements between the county's transportation partners. For example, even though VISTA corridor and dial-a-ride connection agreements are more specific, each is distinct and therefore does not function as part of an overall system. Collaboration maintains autonomy but informal agreements are difficult to sustain over time and the ad hoc nature of arrangements do not support development of a system approach.

Coordination

Coordination can take many forms. Currently the VISTA agreements with multiple separate agencies represent a **minimum coordination** model. In Ventura County an example of more extensive coordination would be to develop a countywide ADA paratransit service operated under a single agreement with joint procurement of vehicles, equipment or even facilities for other types of service. The disadvantages to this include that, even with formalized agreements, as in a Joint Powers Authority, individual cities could opt out, and that the services frequently fall to the “lowest common denominator”, frequently based on changing local priorities and/or the ability of a single jurisdiction to fund its share of service costs.

Consolidation

There are two general types of consolidation, full and moderate.

Full Consolidation typically means that a single agency offers all the services associated with public transportation including operation, policy, planning and funding. VCTC is the currently the only County-wide transportation agency, and as currently composed has representatives from all of the cities in Ventura County as well as the County itself; however a new countywide entity could be created for this purpose.

Considerations in the full consolidation approach include:

- The full range of decisions, from planning to operations, are centralized in one agency and inter-agency issues that often occur between planning and operating agencies can be addressed within one agency.
- The complex aspects of all processes are consolidated -- for example, interactions with all state and federal agencies are concentrated.
- The expanded range and complexity of issues can reduce the amount of time that the consolidated board could devote to specific operational, policy or funding issues.
- There is capacity for “belt-tightening” and resource reallocation within a larger organization, which is more difficult with smaller systems.
- Adding all the aspects of public transportation can require many organizational and skill set changes. These would include areas of administration such as human resources focus and direction, employee benefits and collective bargaining. Also, there would be an added dimension of direct customer service and public interaction. Finally, the variety of operation and maintenance, service delivery and coordination and other issues would be added responsibilities.

An alternative approach is **Moderate Consolidation**, where there is a central policy, planning and funding entity with one or two consolidated operating entities. The closest example in Ventura County of a multi-jurisdictional approach to public transit is the Gold Coast Joint Powers Authority (JPA). However, in the case of Gold Coast a jurisdiction can opt out, leaving a gap in funding and service to be filled by the other member entities.

A true Moderate Consolidation approach provides stability and greater certainty for an operating entity.

Considerations include:

- There can be economies of scale in consolidated operations and opportunity for more seamless, connected service.
- As a statutorily created entity, a transit district is enabled to perform as a permanent entity with the ability to bond and pursue revenue measures.
- While two separate operating entities (for example, East County and West County) have the potential to better meet the needs of each area, these needs could also be addressed through a subregional planning and programming approach and/or more formalized subregional participation in policy decisions.

Steering Committee Recommendations

The Steering Committee discussed all of the organizational alternatives, specifically evaluating how each option measured up against the criteria – affordability, implementability, connectivity, quality and efficiency. The Committee also reviewed a Moderate Consolidation option with one operating entity or with two operating entities. One subordinate operating entity could be a simpler alternative, but having two subordinate operating entities might simplify receiving input from and meeting local needs of different parts of the County. . Different structures in the east and the west (Transit District, Joint Powers Authority, or collaborative effort) could be employed to meet local conditions and preferences. Moderate Consolidation with the one- or two- operating entity variation was termed the **Moderate Consolidation Hybrid Model**.

The Steering Committee recommended moving forward with further exploration and analysis of two consolidation alternatives with variations:

Full Consolidation with provisions for strong continued local influence, potentially through a strong advisory or subcommittee structure to address East County, West County and rural community needs and issues.

Moderate Consolidation Hybrid, where policy and operations would be separated with a countywide entity (such as the current VCTC) handling policy, fund programming and some level of planning and one or two operating entities assuming responsibility for operations and some level of transit service planning with the type of operating entity (Transit District(s), JPA, federation or other) to be determined.

The Steering Committee also stated its intent that the alternatives should “keep local communities whole” in terms of level of transit service.

The Steering Committee further considered a proposed role for VCTC under each entity as follows:

Full Consolidation – Current VCTC functions would transition into a strong central financing, planning and operating entity and the VCTC representative board structure would be maintained.

Moderate Consolidation Hybrid Approach –The VCTC transition would be similar to Full Consolidation without direct responsibility for operations. VCTC would perform the role of the countywide entity, developing policy, programming, funding and conducting some or all planning, potentially down to the level of route planning.

Implications of a Regional Public Transportation System

Potential Benefits of Consolidation

Extensive outreach through recent Comprehensive Transportation Plan business and community discussions have repeatedly shown that there is a significant amount of interest in the County in increased coordination of public transportation services. In many meetings and forums, and encompassing a range of community members and interests, participants called for better coordination of services and communication with customers. Current services are not seen as effectively connecting customers with destinations outside the immediate area or having the capacity to attract new riders.

An environment of constrained transit funding indicates that available dollars should be focused on providing services. Reducing non-service costs such as administration and duplicative overhead would tend to maximize funds available for services. Studies, forums and policy discussions have all stressed that communication concepts such as one regional phone number and a centralized phone center, common marketing and branding, and more information availability will significantly benefit current and future users of transit services. Similarly, developing a consistent coordinated program provides the ability to offer a variety of services which are appropriate for demand in different areas, whether operated directly, contracted out, brokered with multiple providers, and/or coordinated with other programs. Savings could also be found through purchasing, parts inventories, and procurements.

Two features which would likely be included in policy development discussions include the process for resource allocation as well as policy thresholds for service delivery that might encompass goals for service span and frequency. In addition, there is a need to develop a consistent method for integrating services at the local level with the opportunity to cross traditional jurisdictional boundaries to meet customers' needs. These are policy-level discussions which would be anticipated to be established at the county level with significant local input. From the beginning of the study process, the goal of best serving the needs of the customers with a consistent county-wide system has recognized the importance of providing opportunities for local input. The organizational strategies can only be maximized if they are enhanced through local input. Experience would suggest that there are difficulties in transitions or change of service, whether those are changes in policies and procedures or service operation. But transitions, when fully communicated, well-managed and well-developed, can be accomplished effectively and efficiently. Two specific examples within California include public transportation organizational changes in Orange, and San Diego Counties – as discussed in the Case Studies in Appendix 2.

Other potential benefits of a more regionally-based public transportation program in Ventura County include the ability to collectively develop a plan for the utilization of resources, based on locally-developed priorities, and being able to speak with one voice in lobbying for programs, projects and investments to policy makers at the state and federal level. There would also be the opportunity to develop a core regional service network which could expand over time as demand increases. This regional network could be supported and enhanced by local services.

Financial Effects of Consolidation

Experience in other jurisdictions has shown that the following financial benefits can be achieved:

- Significant savings and reallocation of resources to products and service rather than process
- Consolidated procurement, such as for facilities, vehicles, and technology
- Consolidated transit service procurement
- More effective advocacy for grants and funding
- Savings due to consolidated marketing and public information service
- Less costs to manage fare systems without requirement to reconcile individual agency fares and pass revenues.

With multiple separate public transportation programs in the County, there are a number of necessary functions which exist at each entity. These include management and administration, planning, financial management, marketing, maintenance and operations. If the total number of separate agencies providing public transportation were reduced, there would also follow a reduction in separate functional areas and likely resulting savings. Essentially, there would be a reduction in redundant functions.

The basic concept that that is reinforced is the idea that given today's constrained resources, it is significantly better for the customer if the resources spent on management and administration could be minimized, and the resources spent on the services/product side could be maximized.

In shifting to a countywide system, regardless of how the service is provided, the goal would be to develop a consistent policy – and cost structure -- from which to deliver services. Ongoing evaluations of transit operators in the Bay Area as part of the Metropolitan Transportation Commission Transit Sustainability Project have indicated that merging administrative costs could save the Bay Area transit agencies up to \$100 million dollars annually. This study indicates that on average, Bay Area Transit agencies spend nearly 20% of their budgets on administrative functions.

At present there is significant variation among administrative cost structures. The public transit industry standard for looking at these costs is through the National Transit Database (NTD) where operators receiving Federal funds are required to provide data to the Federal Government under strict cost allocation guidelines. The following table portrays the proportion of administrative costs to total budgets reported to the National Transit Database in 2009 by the four largest operators in Ventura County.

| Operator | Administrative Expenditures Total | Percentage of Expenditures |
|---------------------------|-----------------------------------|----------------------------|
| Gold Coast Transit | \$ 3,092,400 | 20 |
| Simi Valley | \$ 2,073,300 | 35 |
| Thousand Oaks | \$ 559,800 | 23 |
| VISTA | \$ 665,700 | 16 |

The national average is 17.9% for similarly- sized operators as defined by the NTD.

More detail on operating costs is shown in Appendix 1.

Staff from Simi Valley has indicated that the city's cost allocation methodology overstates the percentage of administrative expenditures and thus direct comparisons with other entities are not possible. Simi Valley provided consistent input to the NTD database and to this study, but is also indicating that its current calculation of some costs is significantly lower than the earlier reporting. No comments on NTD data were received from other operators.

It may not be possible to either reconcile the variations in reported costs or to definitely "make the case" for (or against) consolidation based solely on numbers - which are one of many policy inputs that must be weighed in the consolidation discussions. However, the methodology for inputting data into the NTD is based on the goal of developing a consistent array of information for transit systems that can be compared with other similar systems based on size, geography, etc. Once SB 716 is implemented, these funds will only be used for transit purposes and their use will conform to the applicable rules and regulations.

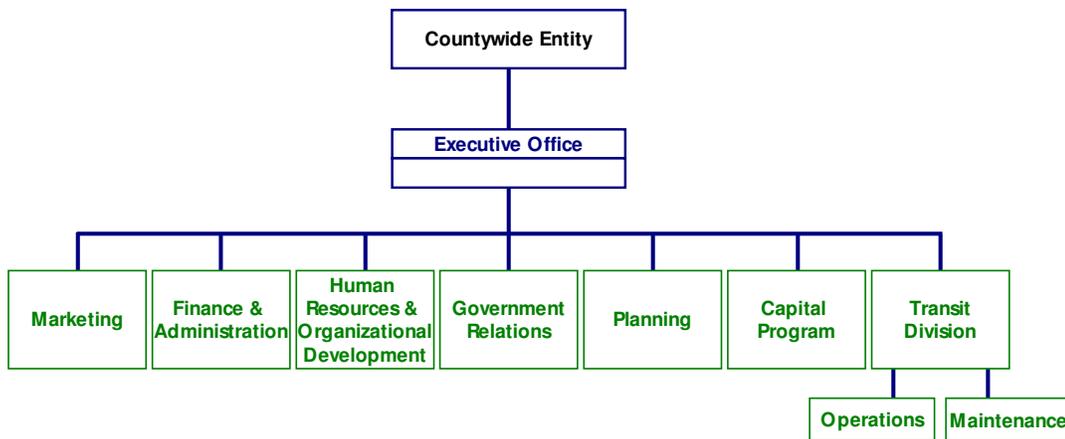
Potential Organizational Structures

As indicated previously, one focus of this study is to respond to the requirements of SB 716 and to help develop a report to the State Legislature how Ventura County could restructure public transit service delivery. A component of that effort is to identify potential organization alternatives and the implications of these alternatives. Two alternatives have been approved by VCTC for further exploration and discussion with affected parties: maximum and moderate consolidation.

Maximum Consolidation

Maximum consolidation would be similar to the OCTA model and would result in all public transit functions located in the new organizational model. For purposes of discussion, the OCTA organization chart is shown below.

Maximum Consolidation

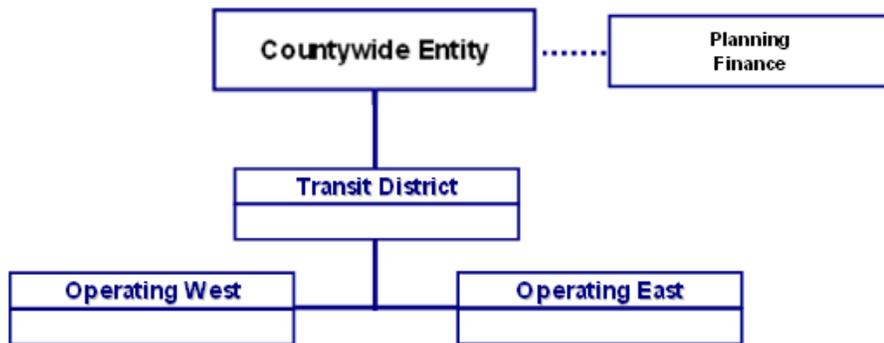


In this model, all of the policy decisions are made by one governing board. OCTA staff indicates that a number of the other functions within the organization are affected by the bus program, especially Human Resources recruiting and hiring bus operators, as well as associated financial planning and marketing/public outreach. However, based on the range of current roles and responsibilities for VCTC, the effect on these other departments would arguably be minor. The major impact would be in the transit division where a manager with significant skills and competence would be needed to oversee a fleet of over 100 fixed route and approximately 70 paratransit vehicles. The compensation for that manager would be logically similar to the other department heads and less than the agency executive.

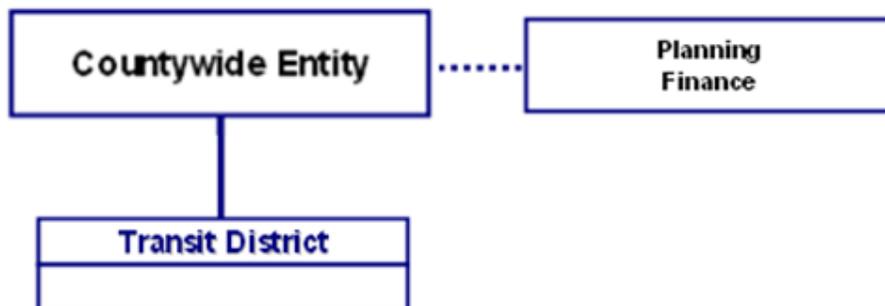
Moderate Consolidation Organization

Under the Moderate Consolidation alternative, VCTC would transition to assume the role of the countywide transportation planning and funding agency, but the operating responsibilities would still reside within separate operating program, which has been discussed as being one or two operating entities, which could be joint powers agencies, districts or other organizational types (and could be different types if there are two operating entities, such as East and West County). The conceptual organizational model for an operating agency follows. It would be similar to the structure of the North County Transit District and the Metropolitan Transit System in San Diego County as shown in Appendix 3. Other similar organization structures in agencies of comparable size and scale to VCTC include the Santa Barbara Metropolitan Transit District (MTD) and the Golden Empire Transit District (GET) in Kern County, also shown in Appendix 3.

Moderate Consolidation – Two Operating Entities



Moderate Consolidation – One Operating Entity



Transitional Options

Once an organizational path has been decided, there will be a number of alternatives and options to be discussed and acted upon. The more than two year transition period allowed by the July 2014 will allow time for working out these details. For example, these alternatives and options could affect who provides services, how those services are selected and other issues. In order for the system to evolve it must be developed to be attractive to new riders and must also conform to all the rules and regulations associated with TDA. Working at the county level will also centralize the associated bureaucratic interactions and also afford Ventura County the potential to speak with a clear voice on transit issues to other agencies.

A functional transition plan would be required to guide the transition of facilities, service and staff to the new entity(s). Also, certain one-time process issues would need to be addressed, including a discussion of capital assets and resources. Just as there are multiple service providers within Ventura County, over the years a number of facilities have been developed, built, and rehabilitated using federal, state and local funds. If services are reconfigured, decisions will also need to be made with regard to facility assets, from both financial and operating perspectives. Similarly to facility assets, the disposition of vehicles will also need to be considered as part of the financial analysis. These process issues can be effectively addressed through consistent policies from the consolidated board(s).

In addition, there may be a need for an organizational transition plan if VCTC and its partner agencies wish to implement a form of consolidation over a period of time. Incremental consolidations have been accomplished through a variety of methods – from collaboratively-planned transitions at the local level to legislative mandates spearheaded by an individual elected official. In Ventura County a feasible option may be a planned transition within the framework of a countywide effort. Components of this framework and potential transition points could be:

- Agree to form a Transit District or Joint Powers Agency combining some transit operations under a central planning umbrella in order to combine resources, improve efficiencies and contain costs. This would enable the pooling of TDA funds, achieve a common farebox recovery standard, and provide a centralized location for transit planning and information.
- Allow for operations unwilling to join the new entity to remain outside of the structure. The requirement to spend all TDA for transit would remain, along with the requirement to meet farebox recovery standards and State rules regarding the use of transit funds for administrative and support costs.
- Consider legislation on TDA funds to allocate a proportion “off the top” for intercommunity connection and countywide ADA paratransit.

Conclusion

This information is being provided as a status report, reflecting the results of consultation, analysis and deliberation over the span of this study effort. Additional consultation with the affected communities and operators will inform the VCTC Ad Hoc Committee as it proceeds with developing its advice to the full Commission on response to SB 716. The intent is to determine the level of consensus on a path forward and provide information to the State Legislature in the form of a report on the state of transit in Ventura County and potential options for service provision after SB716 goes into effect in July of 2014.

Appendix 1

2009 National Transit Database Operating Cost Data¹

| | Gold Coast Transit | VISTA | City of Simi Valley | City of Thousand Oaks |
|---------------------------------------|---------------------|--------------------|---------------------|-----------------------|
| FIXED ROUTE | | | | |
| Number of Vehicles | 39 | 25 | 8 | 6 |
| Total Unlinked Trips | 3,568,028 | 785,806 | 477,032 | 185,681 |
| Annual Veh. Rev. Miles | 1,732,855 | 1,404,594 | 475,944 | 195,023 |
| Annual Veh. Rev. Hours | 140,077 | 50,701 | 31,143 | 12,668 |
| Operating Expenses | \$13,071,044 | \$2,831,051 | \$3,672,794 | \$945,836 |
| Unlinked Pass. Trips/Veh. Rev. Mile | 2.1 | 0.6 | 1.0 | 1.0 |
| Unlinked Pass. Trips/Veh. Rev. Hour | 25.5 | 15.5 | 15.3 | 14.7 |
| Operating Expense/Unlinked Pass. Trip | \$3.66 | \$3.60 | \$7.70 | \$5.09 |
| Operating Expense/Veh. Rev. Mile | \$1.13 | \$2.02 | \$7.72 | \$4.85 |
| Operating Expense/Veh. Rev. Hour | \$93.31 | \$55.84 | \$117.93 | \$74.66 |
| DEMAND RESPONSE | | | | |
| Number of Vehicles | 19 | 13 | 12 | 12 |
| Total Unlinked Trips | 82,655 | 206,051 | 48,141 | 71,664 |
| Annual Veh. Rev. Miles | 494,424 | 337,171 | 218,421 | 473,019 |
| Annual Veh. Rev. Hours | 38,192 | 29,670 | 17,974 | 33,704 |
| Operating Expenses | \$2,483,714 | \$1,143,865 | \$2,233,037 | \$1,430,194 |
| Unlinked Pass. Trips/Veh. Rev. Mile | 0.2 | 0.6 | 0.2 | 0.2 |
| Unlinked Pass. Trips/Veh. Rev. Hour | 2.2 | 6.9 | 2.7 | 2.1 |
| Operating Expense/Unlinked Pass. Trip | \$30.05 | \$5.55 | \$46.39 | \$19.96 |
| Operating Expense/Veh. Rev. Mile | \$5.02 | \$3.39 | \$10.22 | \$3.02 |
| Operating Expense/Veh. Rev. Hour | \$65.03 | \$38.55 | \$124.24 | \$42.43 |
| | | | | |
| TOTAL OPERATING EXPENSES | \$15,554,758 | \$3,974,916 | \$5,905,831 | \$2,376,030 |

¹ The NTD was established by Congress to be the Nation's primary source for information and statistics on the transit systems of the United States. Recipients or beneficiaries of grants from the Federal Transit Administration (FTA) under the [Urbanized Area Formula Program](#) (§5307) or [Other than Urbanized Area \(Rural\) Formula Program](#) (§5311) are required by statute to submit data to the NTD. Over 660 transit providers in urbanized areas currently report to the NTD through the Internet-based reporting system. Each year, NTD performance data are used to apportion over \$5 billion of FTA funds to transit agencies in [urbanized areas](#) (UZAs). Annual NTD reports are submitted to Congress summarizing transit service and safety data.

Appendix 2

Case Studies : Organizational Design and Service Delivery

In discussions regarding organizational alternatives including full consolidation and moderate consolidation options, examples cited included Orange County Transportation Authority (OCTA), San Diego Association of Governments (SANDAG), Metropolitan Transit System (MTS), and North County Transit District (NCTD). Additional discussion with staff from these agencies has provided more information regarding the relationship between their organization and how various functions and services are provided.

OCTA

The formation of OCTA occurred in 1991 when the Transit District was merged with the Transportation Commission. Prior to the merger, the same member agencies (cities and County) were represented on both boards, but with different organizational structures and staff, there was no central forum to debate and resolve conflicting visions and priorities.

The leadership that emerged was primarily from the Transportation Commission. Among the concepts that evolved from a positive perspective was that speaking with one voice with regard to transportation issues was a benefit to the County. For example, the improved coordination of highway and transit programs was facilitated through the passage of a local tax. The communities in the County also benefited from a consistent ADA paratransit service as well as a consistent fixed route network. Good management and leadership have ensured that issues have been identified and addressed. For example, as a result of the economic downturn service availability is being addressed by increasing the percentage of outsourced services. This will not be accomplished through layoffs but rather through attrition. In another cost saving move, since OCTA also regulates taxi service in the county, it has been able to substitute lower cost taxi trips as part of the overall ADA paratransit family of services. After the consolidation, OCTA was able to track significant savings as a result of reduction of duplication of functions. Organizationally, there are typically multiple modes and functions assigned to each unit. The head of the unit, including the transit manager is one of a number of direct reports to the CEO. The representation on the Board offers input from the local jurisdictions represented by their Board member.

San Diego Association of Governments

In 2003 legislation was passed to consolidate all of the roles and responsibilities of SANDAG with many of the transit functions of the Metropolitan Transit Development Board and the North San Diego County Transit Development Board. The consolidation allows SANDAG to assume transit planning, funding

allocation, project development, and construction in the San Diego region in addition to its ongoing transportation responsibilities and other regional roles. The goals were that these interdependent and interrelated responsibilities permit a more streamlined, comprehensive, and coordinated approach to planning for the region's future.

Although SANDAG does not manage the day-to-day planning of either Metropolitan Transit System (MTS) or North County Transit District (NCTD), it does have planning oversight of the implementation of projects funded as part of the local sales tax funding program. SANDAG establishes the overall funding program for the region, but MTS and NCTD, in essence develop their own operations-related budgets, including capital acquisition, and fixed route and demand responsive services.

MTS – San Diego

MTS, as the major operator in San Diego County, manages bus, paratransit and rail services that are provided by a combination of direct and contract services. As part of the 2003 regional consolidation process, MTS moved forward to assume the prior independent National City and Chula Vista services; all services in their operating area function under one consistent set of criteria. The MTS belief is that residents of those cities are afforded access to a coordinated regional system that has consistent policies that are applicable to services for all residents.

MTS is responsible for all aspects of operations, receives its own funding from the FTA, develops the vehicle capital replacement program, and applies for applicable grants. SANDAG is responsible for the larger construction projects, such as building the regional highway and rail projects, as well as implementing the local sales tax program. A SANDAG Board Policy delineates roles and responsibilities with regard to MTS, SANDAG and NCTD.

Operationally, MTS contracts out approximately 50% of its fixed route bus service as well as all of the paratransit services.

North County Transit District

The northern portion of San Diego County has a combination of rural and urban areas, thus unlike the urban core characteristics of MTS, NCTD serves a variety of land uses and trip purposes. NCTD operates bus and paratransit as well as commuter and light rail services. As a result of the reduction in available funding and the economic downturn impact on the local sales tax, NCTD was faced with a projected multi-million dollar operating shortfall. After evaluating various business model alternatives, NCTD developed an operational plan to transition from public sector to private sector employees through outsourcing. Based on the approved contract, cost savings will be attained through a combination of some reduced wages and benefits, increased sub-contracting of non-routine maintenance activities, economies of scale realized in purchase of supplies and a reduction in public sector infrastructure (e.g. human resources functions).

In addition, after a similar business model analysis with respect to paratransit, NCTD has selected a service provider that offered a non-traditional approach to these services, which is also anticipated to reduce costs.

NCTD believes that through these business model planning efforts it has identified and addressed issues in a creative and efficient manner. All of the organizational activities were independent of SANDAG involvement.

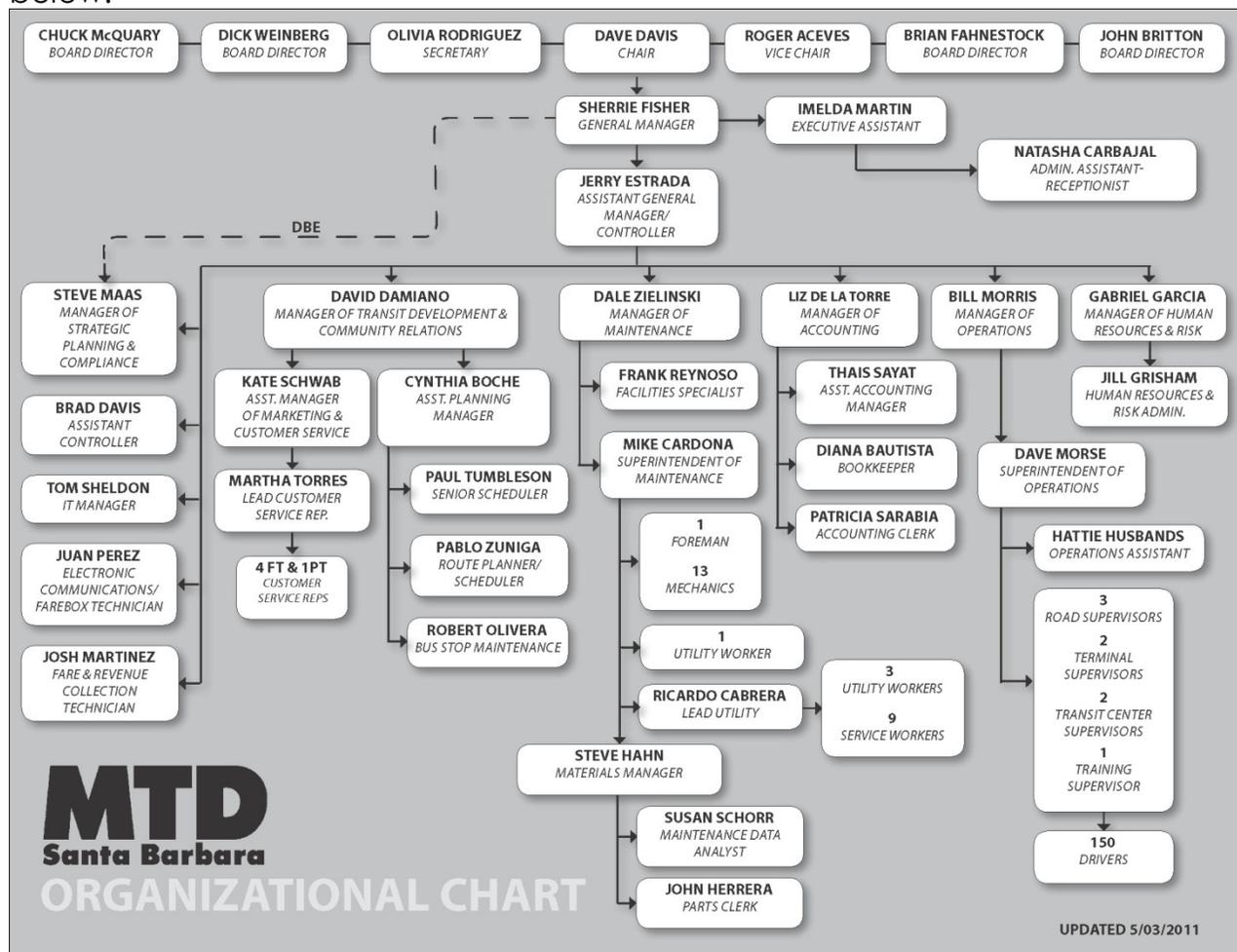
Summary

Common themes for all of these organizations have been the need to evolve and to address pressing issues, including economic issues. NCTD has acted to radically change service delivery. MTS has used a consistent set of service metrics to refine services based on efficiency. OCTA has looked at alternatives working within its resources to improve service efficiencies and effectiveness. Clearly, the public transportation scale and scope for these agencies is larger than Ventura County. Locally in Ventura County a major issue to determine at the policy level is whether there are significant benefits to be gained by either combining or separating policy and operational responsibilities in a consolidated agency and how such a transition would be accomplished over time.

Appendix 3

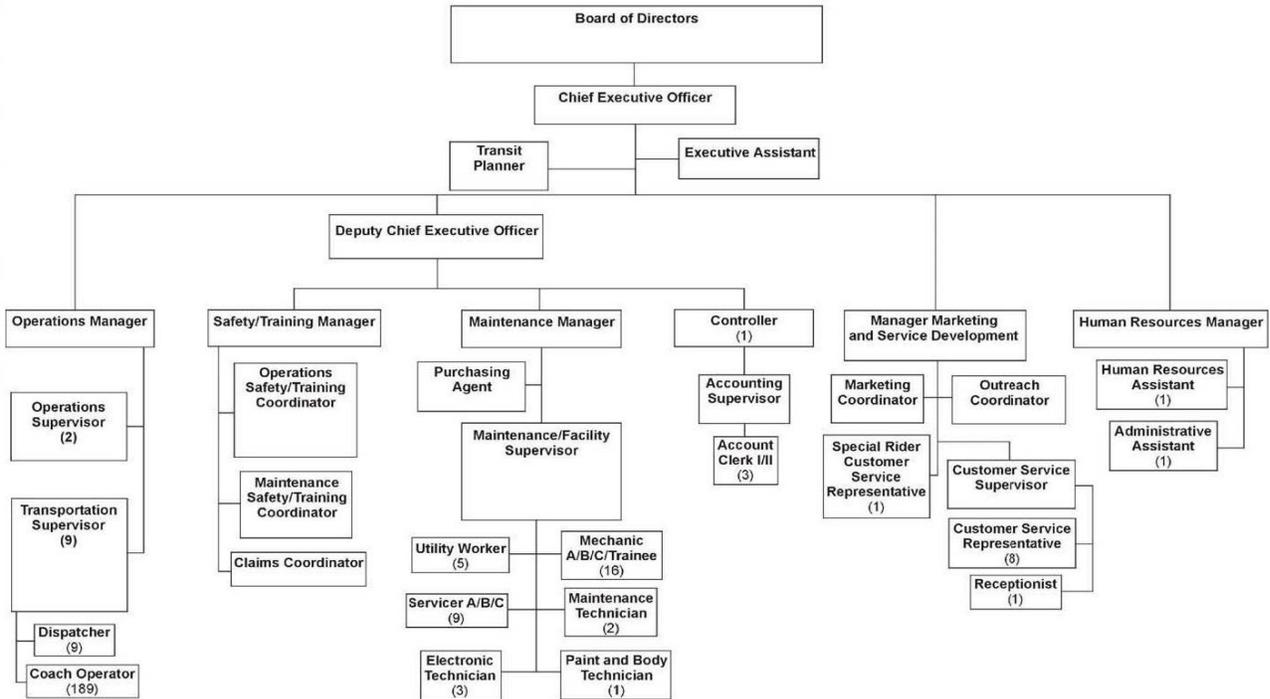
Agency Organization Structures

The Metropolitan Transit District (MTD) in Santa Barbara is an example of a typical operating agency with a General Manager, four or five department heads, such as operations, finance/administration, planning, and maintenance/fleet services and an array of support services some related to process, such as accounting and HR, and some related to service, such as supervisors and marketing/outreach coordinators. Similar to Gold Coast Transit and a number of other transit agencies, MTD contracts for the provision of paratransit services. The most recent published organization chart is presented below:



Other agencies, such as Golden Empire Transit in Bakersfield, directly operate all services, which can increase the number of employees required for direct operation and maintenance perspectives as well as generating the need for additional support staff. The most recently-published organization chart is presented below.

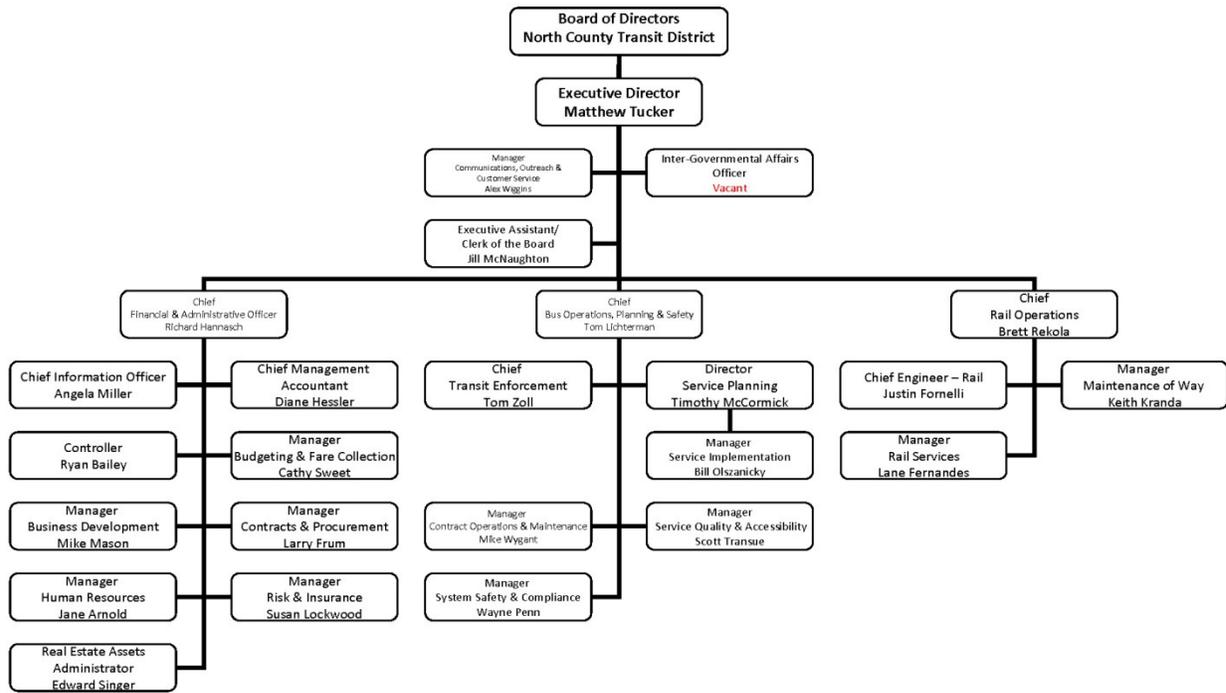
GOLDEN EMPIRE TRANSIT DISTRICT ORGANIZATIONAL CHART



A variation in structure would occur if, similar to NCTD, all of the bus and paratransit services were contracted out. In this option, the organizational responsibility shifts from direct operation to managing and monitoring the contract operations, as indicated below. In this example, many of the administrative functions related to operations, such as HR and procurement, have been streamlined, since those functions are primarily the responsibility of the contract operators. This is the most recently-published organization chart:



**Chart 1
Executive Director & Senior Staff**



In addition to the basic operating organization, the hybrid alternative, that is either one or two operators, would require one or two operating agency governing boards and another countywide regional planning, funding, policy board.



Item #

October 13, 2011

MEMO TO: TRANSIT OPERATORS ADVISORY COMMITTEE

FROM: VICTOR KAMHI, BUS TRANSIT DIRECTOR

SUBJECT: REVIEW OF DRAFT FEDERAL TRANSIT ADMINISTRATION TITLE VI CIRCULAR REVISION

RECOMMENDATION:

- Discuss and identify areas of concern for comment.

DISCUSSION:

The Federal Transit Administration (FTA) has placed in the docket and on its Web site, proposed guidance in the form of a Circular to assist grantees in complying with Title VI of the Civil Rights Act of 1964. The purpose of this Circular is to provide recipients of FTA financial assistance with instructions and guidance necessary to carry out the U.S. Department of Transportation's Title VI regulations (49 CFR part 21). FTA is updating its Title VI Circular to clarify requirements for compliance. By this notice, FTA invites public comment on the proposed Circular. Comments must be submitted by December 2, 2011.

Issues of specific concern identified by staff include the section that addresses the existing requirement for a Language Implementation Plan for Limited English Proficient (LEP) persons now contains a summary of the DOT LEP guidance. Specifically, we propose including a description of the four factor analysis, information on how to develop a Language Implementation Plan, and a summary of the "safe harbor" provision; requirements affecting subrecipients and Title VI plans; the Title VI plan requirements, and the requirements dealing with fare and service changes. The recommendations also include a new threshold for some requirements based on the annual operating budgets of transit agencies.

The announcement is attached, the full circular is included a separate attachment

[Federal Register Volume 76, Number 189 (Thursday, September 29, 2011)]
[Notices] [Pages 60593-60599]
From the Federal Register Online via the Government Printing Office [www.gpo.gov] [FR Doc No: 2011-25122]

DEPARTMENT OF TRANSPORTATION
Federal Transit Administration
[Docket No. FTA-2011-0054]
Title VI; Proposed Circular
AGENCY: Federal Transit Administration (FTA), DOT.
ACTION: Notice of availability of proposed Circular and request for comments.

SUMMARY: The Federal Transit Administration (FTA) has placed in the docket and on its Web site, proposed guidance in the form of a Circular to assist grantees in complying with Title VI of the Civil Rights Act of 1964. The purpose of this Circular is to provide recipients of FTA financial assistance with instructions and guidance necessary to carry out the U.S. Department of Transportation's Title VI regulations (49 CFR part 21). FTA is updating its Title VI Circular to clarify requirements for compliance. By this notice, FTA invites public comment on the proposed Circular.

DATES: Comments must be submitted by December 2, 2011. Late-filed comments will be considered to the extent practicable.

Public Meetings: FTA and PolicyLink will co-sponsor a series of Information Sessions regarding FTA's proposed revisions to the Title VI Circular and proposed Environmental Justice Circular (see docket FTA-2011-0055 for more information on the proposed Environmental Justice Circular). The meetings listed below will provide a forum for FTA staff to make oral presentations about the two proposed Circulars and allow attendees an opportunity to ask clarifying questions. Additionally, the sessions are intended to encourage interested parties and stakeholders to submit their comments directly to the official docket per the instructions found in the ADDRESSES section of this notice.

These Information Sessions will take place as follows: Kansas City, MO on Tuesday, October 18, 2011 from 6-9 p.m.; Boston, MA on Tuesday, November 1, 2011 from 6-9 p.m.; Detroit, MI on Wednesday, November 9, 2011 from 6-9 p.m.; the San Francisco Bay Area on Monday, November 14, 2011 from 6-9 p.m.; and Atlanta, GA on Thursday, November 17, 2011 from 6-9 p.m. All locations will be ADA- and transit-accessible.

For details about the exact location of each Information Session (i.e., site name and address), please visit <http://www.fta.dot.gov/FTAInformationSessions>.

In consideration of the comfort and safety of all attendees and the maximum seating capacity of meeting rooms, FTA requests RSVPs for the Information Sessions. To RSVP, please visit <http://www.FTAInformationSessions.com>. At the same Web link, persons with disabilities may request a reasonable accommodation.

ADDRESSES: Please submit your comments by only one of the following methods, identifying your submission by docket number FTA-2011-0054. All electronic submissions must be made to the U.S. Government electronic site at <http://www.regulations.gov>.

(1) Federal eRulemaking Portal: Go to <http://www.regulations.gov> and follow the online instructions for submitting comments.

(2) Mail: Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

(3) Hand Delivery or Courier: West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays.

(4) Fax: 202-493-2251.

Instructions: You must include the agency name (Federal Transit Administration) and Docket number (FTA-2011-0054) for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA received your comments, include a self-addressed stamped postcard. Note that all comments received will be posted without change to <http://www.regulations.gov> including any personal information provided and will be available to Internet users. You may review DOT's complete Privacy Act Statement published in the Federal Register on April 11, 2000 (65 FR 19477). Docket: For access to the docket to read background documents and comments received, go to <http://www.regulations.gov> at any time or to the U.S. Department of Transportation, 1200 New Jersey Ave., SE., Docket Operations, M-30, West Building Ground Floor, Room W12-140, Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For program questions, Amber Ontiveros, Office of Civil Rights, Federal Transit Administration, 1200 New Jersey Ave., SE., Room E54-422, Washington, DC 20590, phone: (202) 366-4018, fax: (202) 366-3809, or e-mail, Amber.Ontiveros@dot.gov. For legal questions, Bonnie Graves, Office of Chief Counsel, same address, room E56-306, phone: (202) 366-4011, or e-mail, Bonnie.Graves@dot.gov.

SUPPLEMENTARY INFORMATION:

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J. Appendices

I. Overview

FTA is updating its Title VI Circular, last revised in 2007, to clarify what recipients must do to comply with the U.S. Department of Transportation (DOT) Title VI regulations. This notice provides a summary of proposed changes to FTA Circular 4702.1A, "Title VI and Title VI-Dependent Guidelines for FTA Recipients." The final Circular, when adopted, will supersede the existing Circular.

The proposed Circular would incorporate lessons learned from triennial reviews, discretionary Title VI compliance reviews, and a [\[Page 60594\]](#) comprehensive review of every Title VI Program submitted to FTA. In these reviews, FTA found some problems, several of them related to ambiguous language in the existing Circular. The proposed Circular reorganizes, clarifies, and provides examples of the information that must be included in a Title VI Program.

The existing Title VI Circular contains many references to environmental justice (EJ). Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," was signed by President Clinton on February 11, 1994. Subsequent to issuance of the Executive Order, DOT issued an Order for implementing the Executive Order on environmental justice. The DOT Order (Order 5610.2, "Order to Address Environmental Justice in Minority Populations and Low-Income Populations," 62 FR 18377, Apr. 15, 1997) describes the process the Department and its modal administrations (including FTA) will use to incorporate EJ principles into programs, policies and activities; the DOT Order does not provide guidance for FTA grantees on what is expected regarding integrating EJ principles into the public transportation decisionmaking process. FTA has not previously

published separate and distinct EJ guidance for its grantees, but instead has included environmental justice concepts in its Title VI Circular (Circular 4702.1A).

Several instances of Title VI and EJ issues raised by FTA grantees led FTA to initiate a comprehensive management review of the agency's core guidance to grantees in these and other areas of civil rights responsibilities for public transportation. Based on that review, FTA determined a need to clarify and distinguish what grantees should do to comply with Title VI regulations; and, separately, what grantees should do to facilitate FTA's implementation of Executive Order 12898.

Therefore, FTA is proposing to remove most references to environmental justice from the Title VI Circular in order to clarify the statutory and regulatory requirements for compliance with Title VI. In addition to the proposed revised Circular, FTA has also published, in this issue of the Federal Register, a notice of availability and request for comments for a new proposed EJ Circular 4703.1, "Environmental Justice Policy Guidance for Federal Transit Administration Recipients" (Docket number FTA-2011-0055). The EJ Circular is designed to provide grantees with a distinct framework to assist them as they integrate principles of environmental justice into their public transportation decisionmaking processes, from planning through project development, operation and maintenance. FTA expects the additional clarification provided by both Circulars will provide grantees the guidance and direction they need to properly incorporate both Title VI and environmental justice into their public transportation decisionmaking. FTA encourages commenters to review both notices and provide comments on both documents.

This notice provides a summary of the proposed changes to the Title VI Circular. The proposed Circular itself is not included in this notice; instead, an electronic version may be found on FTA's Web site, at <http://www.fta.dot.gov>, and in the docket, at <http://www.regulations.gov>. Paper copies of the proposed Circular may be obtained by contacting FTA's Administrative Services Help Desk, at (202) 366-4865. FTA seeks comment on the proposed Circular.

Readers familiar with the existing FTA Circular 4702.1A will notice a number of changes to the proposed Circular. For example, we have changed the name of the Circular to "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," removing the "Title VI-Dependent" in the existing title as it refers to the EJ provisions in the existing Circular, and adding "requirements" to reflect inclusion of required actions to ensure compliance with DOT Title VI regulations. We propose retaining "guidance" in the title as the Circular includes actions that FTA encourages or recommends. In addition, we propose changing the format to make this Circular consistent with the style of other Circulars FTA has recently updated. At the same time, we have tried to maintain some consistency with the previous document; for example, most of the chapters still cover the same or similar subject matter. We discuss substantive changes in content in the chapter-by-chapter analysis.

One important change made throughout the proposed Circular is that we have, where applicable, included the text of the DOT Title VI regulation that applies to the requirement. The existing Circular often cites the regulation, but does not quote or summarize the text, which leaves readers wondering what the rule really says. We believe it will be helpful for recipients to see the text or a summary of the regulation so they understand the nexus between the regulation and the requirements in the Circular.

II. Chapter-by-Chapter Analysis

A. Chapter I--Introduction and Background

Chapter I of the existing Circular is entitled, "How to Use This Circular." The content of this chapter has been eliminated or moved to other chapters as appropriate. Chapter I of the proposed Circular is an introductory chapter and covers general information about FTA and how to contact us, briefly reviews the authorizing legislation for FTA programs generally, provides information about FTA's posting of grant opportunities on Grants.gov, includes definitions applicable to Title VI, and provides a brief history of environmental justice and Title VI. Where applicable, we have used the same definitions found in rulemakings, other Circulars, and DOT Orders to ensure consistency. Importantly, we have restored the term "primary recipient," which is found in the DOT Title VI regulations and FTA's 1988 circular but is not in the existing Title VI Circular. A primary recipient is a recipient that extends Federal financial assistance

to a subrecipient. We also propose using the term "recipient" to mean any recipient, whether a direct recipient, a designated recipient, a primary recipient, or a subrecipient. We have also included a definition of "provider of public transportation" or "transit provider," to mean any entity that provides public transportation, whether a State, local or regional entity, and inclusive of public and private entities. This term is used exclusively in Chapter IV. We have restored the definition of "minority transit route," a term removed during the last Circular revision. We have added some flexibility to the definition, allowing recipients to base the determination on route mileage, demographics, or ridership. Finally, there is a section describing environmental justice that references the proposed EJ Circular that FTA is developing concurrently with the proposed changes to the Title VI Circular. This section provides a permanent cross-reference to that guidance. FTA seeks comment on the content of Chapter I.

B. Chapter II--Program Overview

We propose amending some of the content of this chapter. As previously stated, definitions have been moved to Chapter I. This chapter starts with program objectives and is followed by statutory and regulatory authority, as well as additional authority for the policies, requirements and recommendations stated in the Circular. [[Page 60595]]

Consistent with our goal of separating Title VI and EJ and developing the EJ Circular, we propose removing both the reference to DOT's Order on Environmental Justice and the objective related to addressing EJ principles from this chapter. We propose moving the "determination of deficiencies" subsection in the Reporting Requirements section and the Determinations section to Chapter VIII, Compliance Reviews.

In the existing Reporting Requirements section, as well as in other places throughout the existing Circular, there is a statement that recipients are required to submit Title VI Programs every three years, or every four years in the case of metropolitan planning organizations (MPOs) that are direct recipients of FTA funds. We propose amending the reporting requirement so that all recipients are required to submit a Title VI Program every three years. We propose amending the Reporting Requirements section further by including a requirement that a recipient's board of directors or appropriate governing entity approve the Title VI Program before the recipient submits it to FTA. We anticipate such a requirement will greatly improve the quality of Title VI Programs that FTA receives. Further, we expect this requirement will add clarity and transparency to implementation of the Title VI Program at the local level. Recipients will be required to submit, with the Title VI Program, a copy of the Board resolution, meeting minutes, or similar documentation as evidence that the board of directors or appropriate governing entity has approved the program. FTA seeks comment on the content of Chapter II.

C. Chapter III--General Requirements and Guidelines

Chapter III in the existing Circular is "Requirements for Applicants." We propose eliminating the one-page chapter dedicated to applicants, and consolidating this information into what is the existing Chapter IV. Proposed Chapter III thus has the same name as the existing Chapter IV: "General Requirements and Guidelines." The proposed Chapter III includes content from the existing Chapters III and IV.

We added the regulatory reference for the requirement to provide Title VI assurances, but otherwise the text remains substantially the same as the similar section in existing Chapter IV. The information for applicants has not changed, except that we added one sentence at the end related to first-time applicants. This information is required under U.S. Department of Justice (DOJ) regulations. We have also removed references to environmental justice.

We propose keeping much of the content of the existing Chapter IV in this chapter, but it has been reformatted to provide more clarity. Proposed Chapters III, IV, V and VI, which describe the specific requirements for different types of recipients' Title VI Programs, follow the same format. They start with an introduction and some general information. Following that is the requirement to prepare and submit a Title VI Program. The section describing the Title VI Program, in each chapter, cites the regulation and includes the regulatory text or a summary of the regulatory text. It provides information on Board or other governing entity approval of the Title VI Program. It then lists the elements required in the Title VI

Program for that type of recipient. The sections following the Title VI Program submission requirements describe in more detail what FTA expects, and provide direction to enable recipients to comply.

For example, Chapter III provides the list of elements that must be in every recipient's (and subrecipient's) Title VI Program. The first item on the list is "a copy of the recipient's Title VI notice to the public that indicates the recipient complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI. Include a list of locations where the notice is posted." The next section in that chapter is, "Requirements to Notify Beneficiaries of Protection under Title VI." This section cites the regulation and provides information regarding what must be included in a Title VI notice. This section also clarifies the existing requirement by describing how documents should be disseminated, when documents must be translated, and notes that a subrecipient may adopt the primary recipient's Title VI notice. Thus, the detailed description for each required element is presented in a format that clarifies the existing requirements. In addition, we have provided samples of required documents in the Appendices.

Since the proposed Chapter III applies to all recipients, we include in this chapter information on how to upload a Title VI Program to FTA's Transportation Electronic Award Management (TEAM) system. The Title VI Program must be uploaded to TEAM no fewer than thirty calendar days prior to the date of expiration of the previously approved Title VI Program. This is a new requirement, but FTA has previously asked for voluntary submission of revised Title VI Programs thirty days in advance of expiration of the previously approved Title VI Program. This section also notes how the status of a recipient's Title VI Program will be noted in TEAM. The four status determinations are "approval," "conditional approval," "pending" and "expired." We propose removing the "eliminating redundancy" subsection in the existing Circular, as we have determined that recipients must include all required information in each Title VI Program submission.

We propose continuing the reporting requirement exemption for the University Transportation Center Program, National Research and Technology Program, Over the Road Bus Accessibility Program and Public Transportation on Indian Reservations program. We have also included a new provision that FTA may exempt a recipient, upon receipt of a request for waiver submitted to the Director of the Office for Civil Rights, from the requirement to submit a Title VI Program, or from some elements of the Title VI Program. There may be unique situations that justify the application of this exemption. The absence of the requirement to submit a Title VI Program does not obviate the underlying obligations to comply with Title VI.

We propose including more information in several of the sections describing existing Title VI Program elements in order to clarify the requirements. For example, we provide significantly more information in the public participation section, while still allowing wide latitude for recipients to determine how, when, and how often to engage in public participation activities, and which specific measures are most appropriate. We have referenced the public participation requirements of 49 U.S.C. 5307(c) and 5307(d)(1)(I) as well as the joint FTA/FHWA (Federal Highway Administration) planning regulations at 23 CFR part 450. This section also cross-references the proposed EJ Circular being developed concurrently with the proposed revisions to the Title VI Circular.

The section that addresses the existing requirement for a Language Implementation Plan for Limited English Proficient (LEP) persons now contains a summary of the DOT LEP guidance. Specifically, we propose including a description of the four factor analysis, information on how to develop a Language Implementation Plan, and a summary of the "safe harbor" provision.

We propose restoring the requirement, found in the regulations but not the existing Circular, that a recipient may not, on the grounds of race, color, or national origin, "deny a person the [[Page 60596]] opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program." As part of the Title VI Program, for non-elected transit planning, advisory, or similar decisionmaking body, recipients shall provide a table depicting the racial breakdown of the membership of those bodies, and a description of the efforts made to encourage participation of minorities on such decisionmaking bodies.

We propose moving the topics, "Providing Assistance to Subrecipients" and "Monitoring Subrecipients," found in the Requirements for States chapter of the existing Circular, to this chapter, as these are existing requirements that are applicable to all recipients that pass funds through to subrecipients, not just States. The requirement to collect Title VI Programs from subrecipients is a new requirement for transit providers that pass funds through to subrecipients; but we would note that anytime a recipient passes funds through to a subrecipient, the entity passing funds through is responsible for ensuring their subrecipients are complying with all Federal requirements, not just Title VI. Collecting and reviewing a subrecipient's Title VI Program will assist the primary recipient/transit provider in ensuring the subrecipient is in compliance. The language in these sections is substantially similar to the language in the existing Circular.

Finally, we have removed the section, "Guidance on Conducting an Analysis of Construction Projects" and inserted in its place, "Determination of Site or Location of Facilities." The language in the existing Circular addresses environmental justice concepts as incorporated into National Environmental Policy Act (NEPA) documentation, and we have moved this analysis to the EJ Circular. We propose revising this section so that it cites the DOT Title VI regulation and describes the requirements related to siting facilities. Recipients must complete a Title VI analysis during project development to determine if the project will have disparate impacts on the basis of race, color, or national origin. If it will have such impacts, the recipient may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less adverse impact on members of a group protected under Title VI.

FTA seeks comment on the content and format of Chapter III.

D. Chapter IV--Requirements and Guidelines for Transit Providers

Proposed Chapter IV covers much of the information that is in the existing Chapter V. Consistent with our desire to have the chapters follow the same format, this chapter starts with an introduction, includes a description as to which entities it applies, and then describes the requirement to prepare and submit a Title VI Program, followed by specific information related to each of the elements contained in the Title VI Program.

In the existing Circular, Chapter V applies to "recipients that provide service to geographic areas with a population of 200,000 people or greater under 49 U.S.C. 5307." This sentence has created some confusion as to whether recipients in areas with populations over 200,000 but that do not receive funds under 49 U.S.C. 5307 are required to comply with this chapter. In order to eliminate this confusion, we propose a new threshold: Any provider of public transportation, whether a State, regional or local entity, and inclusive of public and private entities, that has an annual operating budget of less than \$10 million per year in three of the last five fiscal years as reported to the National Transit Database (NTD) will only be required to set system-wide standards and policies. Providers of public transportation (also referred to as transit providers) with an annual operating budget of \$10 million or more in three of the last five consecutive years as reported to the NTD; transit providers with an annual operating budget of less than \$10 million but that receive \$3 million or more in New Starts, Small Starts or other discretionary capital funds; and transit providers that have been placed in this category at the discretion of the Director of the Office of Civil Rights in consultation with the FTA Administrator, will be required to set system-wide standards and policies, collect and report demographic data, conduct service and fare equity analyses, and monitor their transit service.

Approximately 97% of public transportation passengers ride on transit systems with annual operating budgets of \$10 million or more. This threshold ensures that small transit providers, whether in a large city or a rural area, are not subject to the more comprehensive reporting requirements, while larger providers, regardless of geographic location, will be subject to the comprehensive reporting requirements. The proposed change in threshold will cause some transit providers who previously were not required to collect and report demographic data, conduct service and fare equity analyses, and monitor their transit service, to begin to do so. It will also allow some small transit providers in large urbanized areas who were collecting and reporting data, conducting service and fare equity analyses, and monitoring their transit service to stop doing so once the revised Circular takes effect. We selected \$3 million in

discretionary transit capital grants as the second threshold for comprehensive reporting as that would be a significant amount of funds for a transit provider with an annual operating budget of less than \$10 million, and would justify the increased reporting requirement. Finally, we propose to allow the Director of the Office of Civil Rights, in consultation with the FTA Administrator, to require a recipient to submit a more comprehensive Title VI Program, as when a small transit provider has a one-time or ongoing issue, likely related to a complaint or otherwise compliance-related.

We propose that the annual operating budget is inclusive of all funds, whether Federal, State, local or other, and will be based on NTD data, recognizing that NTD data has an approximate two-year lag in producing final data. Therefore, we propose "looking back" to fiscal years 2006-2010 to determine whether a transit provider meets the \$10 million or more annual operating budget in three of the last five fiscal years as of the effective date of the Circular. In the Federal Register notice announcing the availability of the final Circular, we intend to provide a list of recipients that do not meet the current threshold of providing service in large urbanized areas but that will meet this new threshold. FTA proposes that transit providers who have not been required to set system-wide standards and policies, collect and report data, conduct service and fare equity analyses, and monitor their transit service under the existing FTA Circular 4702.1A, would be required to conduct service and fare equity analyses for major changes in transportation service or fare changes between the effective date of the Circular and their next Title VI Program submission. In addition, these transit providers would be required to update their current Title VI Programs to include service standards and policies, demographic and other data, including data related to monitoring their service. After the final Circular effective date, FTA will contact transit providers that are subject to these requirements for the first time and provide technical assistance, as needed. FTA will provide an appropriate amount of time for these providers to submit the updated program. Beginning in FY 2015, FTA will publish, in its annual apportionment notice, new transit providers that meet the threshold, as well as transit providers that no longer meet the threshold. FTA seeks comment on this new threshold, and when it should take effect.

We propose that small transit providers--those with annual operating budgets of less than \$10 million--will be required to set system-wide standards and policies, and include these standards and policies in their Title VI Programs. This is a new requirement. We expect that most transit providers already have standards and policies for areas such as vehicle load, vehicle assignment, transit amenities, etc., and that reporting them in the Title VI Program would not be burdensome.

Transit providers with total annual operating budgets of \$10 million or more or that otherwise meet the threshold described above will need to include in their Title VI Programs all of the following: their system-wide standards and policies; a demographic analysis of the transit provider's passengers; data regarding customer demographics and travel patterns; results of the provider's monitoring program; a description of the public engagement process for setting the major service change policy and disparate impact policy; results of any equity analyses conducted since the last Title VI Program submission; and a copy of board meeting minutes or a resolution demonstrating the board's consideration and awareness of any equity analyses completed.

We propose revising the description of the existing requirement to set system-wide service standards and policies. First, as in other areas, we have included the relevant text of DOT's Title VI regulations to more clearly link the regulation with the requirement in the Circular. We propose removing the "transit security" policy, as a transit provider's security policy may be impacted by considerable outside factors that are not within the control of the transit provider. We propose blending the requirements in one section that covers both standards and policies, rather than listing them separately. The standards and policies for vehicle load, vehicle headway, on-time performance, service availability, transit amenities and vehicle assignment remain substantially the same. In the existing Circular, FTA recommends that recipients report on these standards and policies, and allows recipients to report on other standards and policies. In contrast to the existing Circular, we propose recipients will be required to report on these specific standards and policies, rather than selecting different measures on which to report. However, in practice, this is not a significant change, since most transit providers report on these standards and policies, and do not select other standards or policies on which to report.

The existing Circular allows transit providers to choose among options for demographic data collection, service monitoring, and service and fare equity analyses. These options were added during the last revision of the Circular in 2007, to "reduce administrative burdens by giving recipients and subrecipients greater flexibility to meet requirements through procedures that best match their resources needs, and standard practices." (72 FR 18732, 18735, Apr. 13, 2007). In reality, providing options, including the option to develop a local alternative, has created confusion and inconsistency. Therefore, we propose removing the options and providing one method of compliance for each of these areas. By eliminating options we make it clear to recipients what is required for compliance, and we streamline the Title VI Program review process. FTA seeks comment on this proposal.

The requirement to collect and report demographic data applies only to transit providers with an annual operating budget of \$10 million or more or that otherwise meet the threshold as stated above. The existing Circular allows three different options for collecting and reporting demographic data: Option A is developing demographic and service profile maps and charts; Option B is conducting customer surveys; and Option C is a locally developed alternative. We propose eliminating the locally developed alternative and requiring both options A and B, but with a simplified and streamlined customer survey data requirement. In the existing Circular, transit providers are required to collect data on travel time, number of transfers, overall cost of the trip, as well as how people rate the quality of service. We propose instead that transit providers collect data on travel patterns, such as trip purpose and frequency of use.

The requirement to monitor transit service applies only to transit providers with an annual operating budget of \$10 million or more or that otherwise meet the threshold as stated above. The existing Circular allows four different options for monitoring service: Option A is a level of service methodology; Option B is a quality of service methodology; Option C is an analysis of customer surveys, and Option D is a locally developed alternative. We propose removing the options and having one means of complying with the requirement to monitor transit service--a slightly modified Option A as the sole means of compliance, as most transit providers currently choose Option A and this Option provides sufficient information to ensure service is being provided in a nondiscriminatory manner. The one addition to this method of monitoring is an evaluation of policies related to transit amenities. As in the existing Circular, transit providers must monitor their transit service against the system-wide standards and policies set by the transit provider. At a minimum, such monitoring will occur every three years and the transit provider will submit the results as part of its Title VI Program. Prior to submitting the information to FTA, we propose that transit providers will be required to brief their board of directors or appropriate governing entity regarding the results of the monitoring program, and include a copy of the board meeting minutes, resolution, or other appropriate documentation demonstrating the board's consideration of the monitoring program.

The requirement to perform service and fare equity analyses applies only to transit providers with an annual operating budget of \$10 million or more or that otherwise meet the threshold stated above. The existing Circular allows two options for evaluating service and fare changes: Option A, which outlines a specific procedure, and Option B, a locally developed alternative. We propose removing the option for a locally developed alternative and having one means of complying with the requirement to perform service and fare equity analyses. The proposed process for evaluating service and fare changes is more rigorous than what is required in the existing Circular. We propose that each transit provider to which this section applies will: Describe in its service equity analysis its policy for a major service change; describe how the public was engaged in the development of the major service change policy; describe the datasets the provider will use in the service change analysis; prepare maps; analyze the effects of proposed service changes; and analyze the effects of proposed fare changes. In addition, as in the existing Circular, the transit provider will assess the alternatives available for people affected [[Page 60598]] by the fare increase or decrease or major service change, including reductions or increases in service. Finally, the transit provider will determine if the proposals would have the effect of disproportionately excluding or adversely affecting people on the basis of race, color, or national origin, or would have a disproportionately high and adverse effect on minority or low-income riders.

Finally, this chapter states when a transit provider will be required to perform a fare and service analyses for New Starts, Small Starts, and other new fixed guideway capital projects: prior to entering into

a Full Funding Grant Agreement or Project Construction Grant Agreement, and updated immediately prior to start of revenue operations.

FTA seeks comment on the content and format of Chapter IV.

E. Chapter V--Requirements for States

This chapter addresses requirements for States that administer FTA programs. As in the existing Circular, States must submit a Title VI Program. This chapter clarifies that States are responsible for including in their Title VI Program the information required from all recipients in Chapter III, and that States providing public transportation are responsible for the reporting requirements for providers of public transportation in Chapter IV. For clarity, we have included as required elements in the Title VI Program all of the elements under the "Planning" section in the existing Circular, as well as the elements listed for the Title VI Program in the existing Circular. We also propose cross-referencing information related to Title VI that FTA and FHWA jointly assess and evaluate during the planning certification reviews. As in the existing Circular, States are responsible for monitoring their subrecipients, whether those are planning subrecipients or transit provider subrecipients. The description of this requirement has been removed from the State requirements chapter, and placed in Chapter III since it applies to all primary recipients. As in Chapter III, we propose removing the "eliminating redundancy" subsection in the existing Circular, as we have determined that recipients must include all required information in each Title VI Program submission. FTA seeks comment on the content and format of Chapter V.

F. Chapter VI--Requirements for Metropolitan Planning Organizations

The proposed chapter VI equates to the chapter VII in the existing Circular. While MPOs are required, in the existing Circular, to submit a Title VI Program, the chapter is not clear that the information listed is supposed to be included in the Title VI Program, along with the requirements for all recipients. Therefore, we have included the specific requirements that MPOs shall include in their Title VI Programs. Since an MPO may fulfill several roles, including planning entity, designated recipient, direct recipient of FTA funds, and a primary recipient that passes funds through to subrecipients, we have clarified the Title VI reporting requirements for each of these roles. We also propose cross-referencing information related to Title VI that FTA and FHWA jointly assess and evaluate during the planning certification reviews. Finally, since the MPO may have subrecipients, we include the same requirement that applies to States in the existing Circular: that the MPO prepare and maintain information regarding how it passes funds through to subrecipients in a nondiscriminatory manner. FTA seeks comment on the content and format of Chapter VI.

G. Chapter VII--Effecting Compliance With DOT Title VI Regulations

This chapter is Chapter X in the existing Circular. FTA believes it makes sense from a flow and format point of view to move this chapter up, followed by compliance reviews in Chapter VIII and complaints in Chapter IX. This chapter largely tracks the DOT Title VI regulation at 49 CFR 21.13 and 21.15. The only substantive change to this chapter is the addition of the language from 49 CFR 21.13(c) and (d): termination or refusal to grant or to continue to grant Federal financial assistance; and other means authorized by law. FTA seeks comment on the content and format of this chapter.

H. Chapter VIII--Compliance Reviews

Chapter VIII, Compliance Reviews, is substantially similar to the existing Chapter VII of the same name. We propose removing from the list of criteria, "the length of time since the last compliance review," as in practice FTA has not used this criterion. As in other chapters, we use the word "recipient" to include subrecipients. In Section 6, we propose removing the opportunity for recipients to review and comment on a draft compliance review. This is consistent with changes we are making in other civil rights processes. We proposed removing the compliance review flow chart, as it is unnecessary once the process is streamlined. FTA seeks comment on the content and format of this chapter.

I. Chapter IX--Complaints

The proposed Chapter IX contains most of the same content that is in the existing Chapter IX. We propose removing the "letter of resolution" in Section 4 as it is duplicative of the "letter of finding" issued when a recipient is found to be noncompliant with the DOT Title VI regulations. We also propose removing the appeals process, as it is not required by the regulation and removing it will assist with more efficient administration of the Title VI Program. We have added information relating to when a complaint will be administratively closed. FTA seeks comment on the content of this chapter.

J. Appendices

The proposed appendices are intended as tools to assist recipients in their compliance efforts. We propose adding nearly 40 pages of appendices in order to provide more clarity and examples of what should be included in a Title VI Program and the type of analysis that recipients should conduct. To begin, in Appendix A we propose using checklists for the elements recipients must include in their Title VI Programs instead of tables. Recipients can literally "check the box" as they assemble the elements of their Title VI Program.

Appendices B, C and D contain sample procedures and forms that recipients may use as provided, or that they may modify. Appendix B contains a sample Title VI Notice to the public. Appendix C contains a sample Title VI complaint procedure, and Appendix D contains a sample Title VI Complaint Form. All of these documents are "vital documents" for LEP purposes, and each appendix provides information about providing the information in other languages as appropriate.

Appendix E provides a sample form recipients may use for tracking transit-related Title VI investigations, lawsuits and complaints. Appendix F contains a sample table depicting the racial breakdown of the membership of various non-elected decisionmaking bodies.

Appendix G contains samples for reporting service standards (vehicle load, vehicle headway, on-time performance, service availability) and Appendix H contains samples for reporting service policies (vehicle assignment and transit amenities). For the service standards for vehicle load and vehicle headway, we have provided two methods of expressing the standard: in writing and in table format. Recipients should provide both the [[Page 60599]] written description and the table when they submit the information in their Title VI Program. The service standards for on-time performance and service available, as well as the service policies, require a written explanation only.

Appendix I provides sample demographic and service profile maps and charts. Appendix J provides information on reporting the requirement to monitor transit service. The appendix provides tables and maps as examples of how to assess the performance of service on minority and non-minority transit routes for each of the recipient's service standards and service policies. In addition, this appendix provides a sample methodology to determine the minority and/or low-income populations served by each bus and rail line and provides a framework for comparison. The appendix provides sample tables and written explanations for each of the service standards and policies. These tables are examples of what recipients should submit with their Title VI Programs. Unless requested to verify the information, FTA does not need the raw data generated through the monitoring process.

Appendix K provides checklists for a major service change policy, the analysis, the considerations for a service equity analysis, and considerations for a fare equity analysis. Use of these checklists will assist transit providers in ensuring they have met the requirements of analyzing major service changes and fare changes.

Appendix L provides information on the various types of recipients and the reporting requirements for each type of recipient. There are five flow charts that provide a pictorial representation of the reporting requirements. Appendix M is Chapter VI of the EJ Circular: Understanding the Similarities and Differences Between Title VI and Environmental Justice. Finally, Appendix N contains the same content as Appendix D in the current Circular. This appendix provides technical assistance resources for Title VI and Limited English Proficiency.

FTA seeks comment on the appendices and seeks suggestions for other resources that should be included.

Issued in Washington, DC this 26th day of September, 2011.
Peter Rogoff, Administrator.

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