



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

**MONDAY, NOVEMBER 15, 2010
1:30 P.M.
Camarillo City Hall
Camarillo**

- Item #1** CALL TO ORDER
- Item #2** INTRODUCTIONS AND ANNOUNCEMENTS
- Item #3** PUBLIC COMMENTS
- Item #4** PROPOSED NATIONAL TRANSIT DATABASE REPORTING CHANGES – PG. 2
- Item #5** POLICIES TO ENCOURAGE TIMELY USE OF FEDERAL STP, CMAQ AND TE FUNDS – PG. 5
- Item #6** MINI CALL FOR PROJECTS – PG. 8
- Item #7** ADA CERTIFICATION UPDATE – PG. 15
- Item #8** INTERACTION BETWEEN PROPOSITIONS 22 & 26 AND THE GAS TAX SWAP – PG. 17
- Item#9** DISCUSSION ABOUT CURRENT YEAR TRANSIT RIDERSHIP TRENDS IN VENTURA COUNTY – PG. 23
- Item#10** ADJOURN



Item #4

November 15, 2010

MEMO TO: TRANSIT OPERATORS ADVISORY COMMITTEE (TRANSCOM)
FROM: PETER DE HAAN, PROGRAMMING DIRECTOR
SUBJECT: PROPOSED NATIONAL TRANSIT DATABASE REPORTING CHANGES

RECOMMENDATION:

- Approve staff recommendation to provide comments to the Federal Transit Administration, strongly opposing the proposed funding formula change to eliminate funding credit for regional transit servicing small urban and rural areas.

BACKGROUND:

At the last meeting, staff reported that the Federal Transit Administration (FTA) has released for public review several proposed revisions to the reporting manual for the National Transit Database (NTD). One of these proposed reporting revisions could cause a significant change to the funding formula for federal transit formula funds. Currently, if a transit operator has transit lines that serve both large urban areas, and small urban or rural areas, FTA allows all the data for those lines to be reported to the large urban area, rather than the small urban or rural areas. The advantage to the transit operator of reporting data in this manner is that under the FTA funding formula, an operator can receive significantly more funding based on transit operations data reported to large urban areas.

FTA has now proposed that, starting with the Fiscal Year (FY) 2010/11 report, all data must be reported to the actual urban area where the transit service occurs. As a result, starting in FY 2012/13, transit operators that provide service between large urban areas, and other types of areas, will no longer receive funds based on the service provided outside the large urban area. Comments on FTA's proposal are due December 6th.

As the Committee is aware, the Census Bureau has proposed criteria for redefining the urban areas based on the 2010 Census data. VCTC has now submitted comments (attached) to the Census Bureau regarding the proposed urban area criteria. However, since the Census Bureau will not announce the new urban areas until April 2012, the financial impact of FTA's proposed NTD reporting revision cannot be known until then. Currently, Ventura County encompasses two large urban areas (Oxnard/Ventura/Port Hueneme/Ojai and Thousand Oaks/Moorpark), two small urban areas (Simi Valley and Camarillo), and rural areas containing Santa Paula, Fillmore, and much of the county unincorporated area. Should the urban areas remain in their current configuration, Ventura County would lose all of the funds generated by Metrolink service in Simi Valley and Camarillo, and all of the funds generated by VISTA service in Simi Valley, Camarillo, the CSUCI area, and the Santa Clara River Valley including Fillmore and Santa Paula. In addition, large urban area transit operators such as Thousand Oaks and Moorpark would be required to segregate any data for service outside of their area, such

as Intercity Americans with Disabilities Act service, and would no longer receive funding credit for that service. Further, VCTC would be required to report data for the VISTA Coastal Express service west of Ventura to the Santa Barbara Urban Area, and the funds generated by that service would also be lost unless the Santa Barbara area population increases above 200,000, the threshold for a large urban area. (The 2000 Census population of the Santa Barbara Urban Area population was 196,000.)

VCTC staff estimates that the county will lose \$2 million in FTA funds assuming that the urban area boundaries remain the same, with the Santa Barbara population surpassing 200,000. However, if the Simi Valley and Camarillo areas are consolidated into a large urban area, then the funds generated by Metrolink and VISTA service in those cities would not be lost, but there would still be a loss of funds from the VISTA 126 and CSUCI services.

The FTA proposal also changes the reporting requirements for small operators. Currently, there is a reporting exemption for transit operators having 10 or fewer buses, although operators receiving Section 5311 funds are required to provide an abbreviated report. Thus, in Ventura County, full NTD reports are currently prepared for Metrolink, Gold Coast, Simi Valley, Thousand Oaks, and VISTA, while Ojai prepares the abbreviated report for Section 5311 recipients, and Camarillo, Moorpark, Oak Park, and Camarillo Health Care District do not report. FTA is proposing that the all operators having 30 or fewer buses be required to file the abbreviated report, meaning that Metrolink, Gold Coast, Simi Valley, and VISTA would still file full reports, and Thousand Oaks, Moorpark, Ojai, Camarillo, Oak Park, and Camarillo Health Care District would file the abbreviated reports. Although the FTA proposal would increase the reporting burden for a number of very small operators, there would be a financial benefit for any small operator in a large urban area, as FTA would include in its funding formula the bus miles reported in the abbreviated report, and most of the funding related to service provided in large urban areas is based on bus revenue miles. The FTA proposal also tightens the standards for vanpools qualifying for NTD reporting, which would not affect Ventura County as there are currently no vanpool systems reporting to NTD.

Staff recommends that VCTC strongly oppose the proposed change to the reporting of data for regional transit operations serving small urban and rural areas, while taking no position on the proposals related to small operator reporting and vanpools. The opposition to the FTA proposal regarding the reporting data to small urban and rural areas will be based on the following grounds:

- The proposed change in NTD reporting is effectively a significant change to the FTA funding formula, resulting in a significant loss to a number of operators, including those in Ventura County, and will result in a significant service reduction in those areas. Such a significant reapportionment of funds should only be made at the direction of Congress.
- The policy will provide a strong disincentive for operators in large urban areas to continue providing service to their surrounding areas, given that the FTA funding apportionments will no longer provide credit for those services, and given the additional reporting burden of splitting the data.
- The proposed implementation for the current reporting year, which will first impact funds in FY 2012/13, is impractical, given that transit agencies will not know the impact until the Census Bureau announces the urban area boundaries until April 2012. As a result, agencies such as those in California whose fiscal year begins July 1st will have only two months from the Census Bureau's announcement to address the significant funding losses due to the removal of regional transit services in whatever small urban and rural areas are announced at that time.

VCTC staff requests TTAC input on the FTA proposal regarding small operator reporting. While there could be an increase in the reporting burden for some agencies, this increase could be offset by the availability of additional funds based on submission of the simplified reports.

November 5, 2010

Mr. Timothy Trainor, Chief
Geography Division
United States Census Bureau
Washington, DC 20233-7400

RE: Urban Area Definition Criteria

Dear Mr. Trainor:

The Ventura County Transportation Commission (VCTC) appreciates this opportunity to comment on the proposed Urban Area Definition Criteria proposed in your agency's August 24, 2010 Federal Register Notice. Our comments at this time focus on the criteria for splitting large urban agglomerations. The VCTC supports using existing jurisdictional boundaries as the basis for splitting urban agglomerations. As suggested in the Notice, delineation of the new Urban Areas along existing jurisdictional boundaries will increase the usefulness of Urban Area data. In addition, use of the existing jurisdictional boundaries will simplify the local administration of transportation funds that under federal law are apportioned to Urban Areas. The VCTC's understanding is that the proposed criteria would use the current Metropolitan Statistical Area boundaries as split locations, and since the current Statistical Area boundaries for Ventura County are identical to the county boundaries, this proposal would address the VCTC's concern.

The VCTC also supports the proposed population threshold of 1 million to trigger the splitting of urban agglomerations. In the case of Ventura County, a lower threshold could lead to the further splitting of the county. There is a long history of Ventura County being addressed as a single, separate statistical area, and therefore the urban area data would be most useful if it incorporates all of the Ventura County urban area without including any of the adjacent counties.

One specific example of the benefit of splitting along the Ventura County boundaries is the portion of the current Santa Barbara urbanized area that is within Ventura County. This area is a low density, narrow strip of coastline of over 11 miles, with many gaps between housing enclaves. The area does not fit the urbanized area definition in attempting to link outlying densely settled territory with the urbanized area core, but is rather a long, narrow, very low density, unincorporated territory separating two urban places, Carpinteria (Santa Barbara County) and Ventura (Ventura County) by 14 miles. VCTC does not believe this area should be used to connect urban agglomerations, but should either be considered rural or part of the Ventura County (Oxnard) urbanized area.

Without further information, the VCTC is uncertain how to comment on the overall Urban Area criteria. It would be helpful if the Census Bureau would extend the comment period and provide additional information, including possible real-world examples of how the proposed criteria would affect the Urban Area definitions. For example, the VCTC has been unable to determine the extent to which the proposed criteria would continue to create the "sawtooths" and "fingers" in the Urban Area shapes, or whether the change from Blocks to Tracts as the initial analysis units, or the changes in "hop" and "jump" criteria, will lead to greater merging together of Urban Areas. The VCTC recognizes that the Bureau has limited time available to complete the Urban Area designations, but if any additional information and time could be provided, it could lead to better comments on the proposal and ultimately to better and more accurate Urban Areas definitions.

Should you have any comments regarding this comment please contact Peter De Haan of my staff at (805) 642-1591, extension 106.

Sincerely,

Darren M. Kettle
Executive Director



Item #5

November 15, 2010

**MEMO TO: TRANSIT OPERATORS ADVISORY COMMITTEE (TRANSCOM)
TRANSPORTATION TECHNICAL ADVISORY COMMITTEE**

FROM: PETER DE HAAN, PROGRAMMING DIRECTOR

SUBJECT: POLICIES TO ENCOURAGE TIMELY USE OF FEDERAL STP, CMAQ AND TE FUNDS

RECOMMENDATION:

- Approve intended policies for future project selection to encourage timely use of funds.

DISCUSSION:

At the TTAC's August meeting, the Committee discussed the status of delivery of STP, CMAQ, and TE projects. At that time, staff described how there were still \$34,302,226 of projects from TEA-21 and SAFETEA-LU that were not delivered. Furthermore, there was \$11,294,436 of projects in line to be obligated during the remainder of the fiscal year, out of the \$22,231,962 unobligated balance. At this time VCTC does not have available the final obligation figures for the federal fiscal year which ended September 30th.

TTAC at its August meeting approved a staff recommendation to require quarterly reports on project delivery status. TTAC also requested VCTC staff to come to a future meeting with additional recommendations to encourage timely delivery of projects. Staff provided a recommendation at TTAC's October meeting, and there was further discussion. Based on this discussion, staff has prepared a revised recommendation for review by both TTAC and TRANSCOM.

One of the TTAC recommendations in October was that there be an analysis of the programmed projects to determine what kind of projects are most likely to be subject to delays. Attached is a tabulation of projects funded under the last federal reauthorization, showing the percentage by type that are not yet delivered. Based on this analysis, it appears that all types of projects, with the exception of transit operations and marketing, have experienced some delays. Projects to construct bicycle paths or road widenings have been more likely to encounter delay. Although it is not broken out separately as a project type, staff found that projects involving improvements within the State Highway right-of-way have been particularly susceptible to delay.

In view of the TTAC discussion, staff recommends the following policies to encourage timely use of funds:

1. Ongoing Program Monitoring: Staff has been working with TTAC to develop the quarterly reporting format which will be used for the STP, CMAQ and TE programs. Commission staff will review the reports to carefully monitor the status of these projects, and will provide copies of the reports to TTAC for review and discussion. VCTC will be especially careful to monitor the projects most at risk of delay, including projects involving the State Highway right-of-way, bike paths, and road widenings.
2. Program Management: Should it appear that a project will not be delivered on schedule, VCTC will consider, with input from TTAC and TRANSCOM (depending on the type of project), whether to delete or defer funding for that project, using the funds for other ready-to-go projects. The goal of this policy is to encourage project delivery on schedule and to ensure that Ventura County does not accumulate inordinately large fund balances.
3. Future Calls for Projects: Staff recommends that the Commission express its intent that future calls for projects incorporate the following selection criteria:
 - Project readiness, to give priority to projects that are ready-to-go earlier to the degree additional ready-to-go projects are needed to ensure timely use of available funds.
 - Prior project delivery, to give consideration to a project sponsor's prior record in delivering projects on schedule.

In addition, staff recommends that in the future, project application submittals must include a City Manager or County Executive Officer certification approving the list of projects submitted and committing to the project delivery schedule.

There were several other suggestions made by TTAC members which staff is not recommending at this time, including the following:

1. Revised Calls for Projects Procedure: There were suggestions of having separate calls for projects based on project phases (design and construction) or delivery difficulty. There was also a suggestion to have an unprogrammed incentive pot that would come available to jurisdictions that use up all of their programmed funds. VCTC staff is concerned that not programming a significant portion of the available funds could lead to reduced project delivery. Furthermore, staff believes that project sponsors delivering their projects on time should be the norm, rather than the exception, and that an incentive pot to encourage timely delivery sends out the wrong message. Staff does not at this time see a benefit to increasing the complexity of the call for projects by having additional categories.
2. VCTC Staff Person to Facilitate Project Delivery: Another suggestion was to take some funds "off-the-top" to hire a VCTC staff person to assist local agencies in delivering projects. Staff is uncertain of the degree to which local agencies would benefit from or support this proposal, and is not ready to recommend an action at this time, but this suggestion could be considered in the future.

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SAFETEA-LU Delivery as of 6/2010			
	Total	Obligated	Percent Obligated
SAFETEA-LU			
Interchanges	1	0	0%
Landscaping	2	0	0%
Bike Lanes	8	3	38%
Bike Paths	9	4	44%
Widenings / Improvements	8	4	50%
Signals	5	3	60%
Street Rehabilitations	13	9	69%
Pedestrian Facilities	4	3	75%
Transit Vehicles	22	17	77%
Intersection Improvements	5	4	80%
Transit Facilities	12	10	83%
Marketing Projects	7	7	100%
Transit Operations Demos	4	4	100%
Soundwalls	1	1	100%



Item #6

November 15, 2010

MEMO TO: TRANSIT OPERATORS ADVISORY COMMITTEE (TRANSCOM)

TRANSPORTATION TECHNICAL ADVISORY COMMITTEE

FROM: SAMIA MAXIMOUS, CAPITAL PROJECTS DIRECTOR

SUBJECT: MINI CALL FOR PROJECTS

RECOMMENDATION:

- Recommend to the Commission the approval of the mini call for projects for CMAQ, STP and TE funds in the amounts of \$7,995,824 for CMAQ, \$12,874,240 for STP and \$2,230,000 for TE funds per the attached scoring sheets.

DISCUSSION:

On September 13, 2010 the Commission released the "Mini Call for Projects" for public agencies to apply for federal funds as the current SAFETE-LU act is being extended for one or possibly two years. The call for projects was available during the period between September 13 and October 22, 2010. VCTC received 17 CMAQ, 16 STP and 6 TE applications before the deadline. The total amount of CMAQ, STP and TE projects submitted were \$12,321,324, \$19,966,590 and \$2,890,000 respectively, while the amount of funding available for these funds are \$9,408,359, \$12,874,125 and \$2,200,000. VCTC staff established a list of the projects submitted and gave initial scoring to the projects according to the revised criteria approved by TTAC in August 2010. VCTC staff also met with Ben Cacatian, VCAPCD to review the CMAQ projects for eligibility, and complete the scoring for air quality for CMAQ projects and TCM for STP projects. The subcommittee, appointed by TTAC, met on November 2nd to review the projects listing and the scoring. The subcommittee concluded the following:

- 1- All projects are eligible for funding under the guidelines except for the Bus Shelter and Bus Stop Improvement project submitted by the City of Thousand Oaks under TE funding.
- 2- The top priority project for CMAQ funding is the Ojai Valley Bike Trail submitted by the County of Ventura.
- 3- The top priority project for STP funding is the Wendy Drive interchange submitted by the City of Thousand Oaks.
- 4- The top priority project for TE funding is the Tenth Street/Hwy 150 beautification project in the City of Santa Paula.
- 5- The CMAQ projects submitted for obligation beyond FY 10/11 and not showing a minimum match will be required to have a match as TTAC approved the one-year no match policy at the last meeting.

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The subcommittee used the equitable distribution category to allow the cities of Port Hueneme, Fillmore and Moorpark to receive their fair share of funding. Equitable distribution was also used for two projects submitted by the city of Ventura to recognize the Victoria Avenue off ramp which was previously funded by CMAQ but the City was unable to construct as the bids were much higher than the available funding.

The last issue the committee reviewed is related to the replacement of CNG buses and paratransit vans submitted by the City of Simi Valley. The replacement of transit buses and vans in kind does not score high according to the CMAQ guidelines. These buses are funded under Proposition 1B funds; however, the bonds have not been sold by the State due to their budget crisis. The buses are requested in FY 12/13 and the vans in FY 11/12. The prospect of the State selling bonds under Prop. 1B should be known in the next few months.

In addition, the countywide transit study underway through VCTC may recommend a different transit approach than the current one. Therefore, it would be prudent to keep status quo until the outcome of the study is revealed and the sale of bonds by the State is known.

The committee and staff recommendation is to fund the projects above the lines as shown in the attached sheets for each funds.

CMAQ

PROJECT NAME/DESCRIPTION	AGENCY	FEDERAL FUNDS REQUESTED	TOTAL PROJECT COST	FY	SELECTION CRITERIA & SCORING					TOTAL SCORE	COMMENTS	CUMULATIVE TOTAL
					Improve Mobility (Up to 30)	Improve Air Quality (Up to 30)	Multi Model (10)	Funding Match (10)	Equitable Distribution (Up to 20)			
Ojai Valley Bike Trail	County of Ventura	\$190,000	\$1,820,000	10/11, 11/12	30	30	10	10		80	DES & CON	\$190,000
Santa Clara Ave. Bike lanes	County of Ventura	\$970,000	\$1,100,000	11/12, 12/13	30	25	10	10		75	DES& CON received previous CMAQ funding	\$1,160,000
Calleguas Creek Bike Trail- Ph.III	City of Camarillo	\$360,000	\$600,000	11/12	30	30	0	10		70	DES,ROW &CON	\$1,520,000
Calleguas Creek Bike Trail- Ph.IV	City of Camarillo	\$354,000	\$400,000	10/11-12/13	30	30	0	10		70	DES,ROW &CON	\$1,874,000
Vineyard Ave./Wells Rd. Transit Rte.	Gold Coast Transit	\$1,701,272	\$1,701,272	11/12-13/14	30	30	10	0		70	CON	\$3,575,272
The "Y" Bus shelter (3 shelters & sidewalk)	City of Ojai	\$100,000	\$113,000	10/11	30	30	10	0		70	CON	\$3,675,272
Rideshare & guaranteed ride home program	VCTC	\$443,000	\$443,000	11/12	30	30	10	0		70	N/A	\$4,118,272
Expanded Dial-a-ride hours	City of Thousand Oaks	\$225,000	\$270,000	11/12-12/13	30	25	0	10		65	CON	\$4,343,272
Hwy 126/Harmon Barranca Bike Path	City of Ventura	1,215,553	\$2,250,000	11/12	30	30	0	0		60	DES,ROW &CON	\$5,558,825
Moorpark Metrolink Station Entrance (South Parking Lot)	City of Moorpark	\$449,450	\$549,450	10/11	20	10	10	0	20	60	DES,ROW &CON	\$6,008,275
Hwy 126/ Bike Path Closure	City of Ventura	\$1,000,000	\$1,000,000	11/12, 12/13	20	15	0	0	20	55	DES,ROW &CON	\$7,008,275

CMAQ

PROJECT NAME/DESCRIPTION	AGENCY	FEDERAL FUNDS REQUESTED	TOTAL PROJECT COST	FY	SELECTION CRITERIA & SCORING					TOTAL SCORE	COMMENTS	CUMULATIVE TOTAL
					Improve Mobility (Up to 30)	Improve Air Quality (Up to 30)	Multi Model (10)	Funding Match (10)	Equitable Distribution (Up to 20)			
Sheridan Wy, Trail bike path link	City of Ventura	\$250,000	\$250,000	11/12, 12/13	20	15	0	0	20	55	DES&CON	\$7,258,275
Lomita Ave. Bike lanes	County of Ventura	\$238,000	\$280,000	11/12, 12/13	20	10	10	10		50	DES,ROW &CON	\$7,496,275
Marketing & Community Outreach	VCTC	\$499,549	\$449,549	11/12	20	20	10	0		50	N/A	\$7,995,824
3 -CNG bus replacement	City of Simi Valley	\$1,560,000	\$1,560,000	12/13	10	10	0	10	20	50	CON	\$12,021,324
Erbes Rd. bike lane & sidewalk improvements	City of Thousand Oaks	\$2,241,500	\$4,284,000	10/11	20	20	10	0		50	CON	\$10,237,324
												\$10,237,324
Dunnigan/Arneil Traffic Signal	City of Camarillo	\$224,000	\$250,000	11/12-12/13	15	20	0	10		45	DES &CON	\$10,461,324
2-Parantransit Van Repl. (CNG)	City of Simi Valley	\$200,000	\$200,000	11/12,12/13	10	5	0	0	20	35	CON	\$12,221,324
OTC sign program	City of Oxnard	\$100,000	\$113,000	11/12	10	1	10	0		21	DES & CON	\$12,321,324
		\$12,321,324	\$17,633,271									

Available CMAQ
\$9,408,359

TE

				Bene fit to	Aces s	Planni ng	Resourc es	Regional /	More than	Cost Effectivene ss/	Specif ic				
	Lead	Federal Funds	Total	Qual of	Bene fit	Goals	Benefit	Commun ity	One Activi ty	Reasonabl e Cost	Activit y	Tota l			FY
PROJECT TITLE	Agency	Request ed	Project Cost	Life 0-10	0-8	0-8	0-8	Support 0-8	0-8	10	40	Scor e	Note s		
Hwy 150/10th St. Impr.	Santa Paula	\$600,000	\$600,000	10	0	6	8	8	8	10	40	90	DES & CON	10/11	\$600,000
Lewis Rd Landscapin g	Camarill o	\$780,000	\$1,300,000	10	0	5	8	0	0	10	40	73	DES & CON	10/11- 12/13	\$780,000
Transportati on Center Landscapin g	Thousa nd Oaks	\$150,000	\$180,000	5	0	4	6	0	0	10	35	60	CON	10/11	\$930,000
Ponderas Dr. Landscapin g	Camarill o	\$900,000	\$1,017,000	2	0	4	6	0	0	10	30	52	DES & CON	11/12,12/ 13	\$1,830,000
Ponderas Dr. Landscapin g (PH.II)	Camarill o	\$400,000	\$460,000	2	0	3	6	0	0	6	20	37	DES & CON	11/12,12/ 13	\$2,230,000
Bus Shetler & Bus Stop Impr.	Thousa nd Oaks	\$60,000	\$72,000	0	0		0	0	0				CON	11/12	\$2,290,000
		\$2,890,000	\$3,629,000												

Available
TE \$2.2
million

STP

PROJECT NAME/DESCRIPTION	AGENCY	FEDERAL FUNDS REQUESTED	TOTAL PROJECT COST	FY	SELECTION CRITERIA & SCORING									TOTAL SCORE	COMMENTS	
					Improve LOS (15)	Impr. Access to Regnl. facility (15)	Preserve Existing facility (0-10)	Impr. Safety & Sec. (0-10)	Mult Model (0-5)	Local Match (0-5)	TCM (0-10)	CMP (0-10)	Equitable Distribution (up to 20)			
Wendy Drive Interchange	City of Thousand Oaks	\$4,999,100	\$13,150,000	10/11	15	15	5	10	5	5	10	0		65	CON received \$5.75 million in STP	\$4,999,100
Hueneme Rd Widening	City of Oxnard	\$1,427,000	\$2,378,400	10/11, 11/12	15	15	0	10	5	5	10	0		60	DES,ROW &CON previously received STP funding	\$6,426,100
Ventura Blvd. Improvements	City of Oxnard	\$2,390,310	\$2,700,000	11/2, 12/13	15	0	5	10	5	5	10	0		50	DES&CON	\$8,816,410
Victoria Ave. Sidewalk	City of Oxnard	\$973,830	\$1,100,000	11/12, 12/13	15	15	0	0	5	0	0	0		35	DES&CON	\$9,790,240
Telegraph Rd Bridge Reconstruction	County of Ventura	\$1,000,000	\$4,120,000	10/11	0	0	5	10	3	5	0	0		23	CON	\$10,790,240
California Street/US 101 off ramp	City of Ventura	\$750,000	\$750,000	11/12, 12/13	0	0	5	10	5	0	0	0		20		\$11,540,240
Street Rehab	City of Port Hueneme	\$370,000	\$1,000,000	11/12	0	0	0	0	0	5	0	0	20	25	CON - Reduced to STP share	\$11,910,240
Various Street Overlay	City of Fillmore	\$267,000	\$302,000	12/13	0	0	0	0	0	0	0	0	20	20	CON	\$12,177,240
Major Street Rehab	City of Simi Valley	\$697,000	\$2,125,000	11/12	0	0	0	0	0	0	0	0	20	20	DES & CON	\$12,874,240
Major Street Rehab	City of Simi Valley	\$1,428,000	\$2,125,000	11/12	0	0	0	0	0	0	0	0	20	20	DES & CON	\$14,302,240
NB Rt. Turn lane on Erringer	City of Simi Valley	\$500,000	\$500,000	10/11	15	0	0	0	0	0	0	0		15	CON	\$14,802,240
Del Norte Resurfacing	City of Oxnard	\$1,513,000	\$2,522,000	10/11, 11/12	0	0	0	0	0	5	0	0		5	DES,ROW &CON	\$16,315,240

STP

PROJECT NAME/DESCRIPTION	AGENCY	FEDERAL FUNDS REQUESTED	TOTAL PROJECT COST	FY	SELECTION CRITERIA & SCORING									TOTAL SCORE	COMMENTS	
					Improve LOS (15)	Impr. Access to Regnl. facility (15)	Preserve Existing facility (0-10)	Impr. Safety & Sec. (0-10)	Mult Model (0-5)	Local Match (0-5)	TCM (0-10)	CMP (0-10)	Equitable Distribution (up to 20)			
Street Rehab	City of Port Hueneme	\$515,000	\$1,000,000	11/12	0	0	0	0	0	5	0	0	20	25	CON	\$16,830,240
Pavement Rehab	City of Camarillo	\$1,000,000	\$1,130,000	11/12 ,to 12/13	0	0	0	0	0	0	0	0	0	0	DES&CON	\$17,830,240
Pavement Rehab.	County of Ventura	\$700,000	\$880,000	10/11 , 11/12	0	0	0	0	0	0	0	0	0	0	DES&CON	\$18,530,240
Pavement Rehab	City of Moorpark	\$636,350	\$712,712	11/12	0	0	0	0	0	0	0	0	0	0	DES&CON	\$19,166,590
SB Rt. Turn lane on Erringer	City of Simi Valley	\$500,000	\$500,000	10/11	0	0	0	0	0	0	0	0	20	20	CON	\$19,666,590
		\$19,666,590	\$36,995,112											0		

Available STP
\$12,874,125



Item #7

November 15, 2010

MEMO TO: TRANSIT OPERATORS ADVISORY COMMITTEE (TRANSCOM)

FROM: ED WEBSTER, TRANSIT DEPENDENT PROGRAMS MANAGER

SUBJECT: ADA CERTIFICATION UPDATE

RECOMMENDATION:

- Receive and File

BACKGROUND:

As requested by TRANSCOM, attached is the latest summary of ADA Certifications performed by Mobility Management Partners.

Monthly ADA Certification Services Report September-10

Category	Item Measured	2010			Summary
		Sep	Aug	July	
Call Center	ADA calls received this month	465	436	592	The average number of calls received per day was ~22 for September. This represents a slight increase when compared to August (~20).
	Initial contacts, not leading to application	7	2	4	
Recertifications	Applications received	20	26	43	Recertifications accounted for 20% of total applications received during September; compared to 28% in August and 38% in July.
	Applications in process	19	26	32	
Recertifications	Number of renewals deemed complete	18	12	37	Recertifications, no changes required.
New Applicants	Total applications received	81	68	70	New applicants accounted for 80% of total applications received during September compared to 72% in August and 62% in July.
	Applications in process	81	67	68	
Interviews	Complete, without functional evaluation	20	29	18	14 new applicants; 6 renewals
	Complete, with functional evaluation	17	10	15	13 new applicants; 4 renewals
Delays in Processing (Cumulative)	Due to incomplete application by client	181	177	147	574 total (181+ 393) Delays in Processing ; this is a cumulative figure tracking all pending new and recert apps retroactive to implementation date 11/30/2009. One-hundred (100) pending applications added during September 2010.
	Pending physician's evaluation (PE)	393	346	328	
	Applications that failed to meet "21 day rule"	0	0	0	

September 2010 Assessments

In-person Assessments	Appointment date	Sep	2nd	7th	8th	9th	13th	15th	16th	17th	20th	21st	22nd	23rd	27th	28th	30th
		Total	VCTC	Simi	Cam	VCTC	TO	Cam	VCTC	Cam	TO	Simi	Cam	VCTC	Cam	Cam	VCTC
	With functional evaluation	19	0	0	0	1	3	0	3	0	2	4	2	2	1	0	1
	Without functional evaluation	21	1	1	0	1	4	2	3	0	3	0	1	3	0	1	1
	No-shows / Cancellations	25	3	3	1	5	0	0	0	1	1	1	0	2	2	1	5
	Total number of interviews	65	4	4	1	7	7	2	6	1	6	5	3	7	3	2	7

NOTES:

Total number of applications received in September: 101. Number of determinations (new/recerts) processed in September: 55 including applicant N G.*

*Invoice Adjustment: G N ID # 80242 (Recert no change) determination was completed during July.

65 Interviews were scheduled, 25 No Shows/Cancellations recorded during September. This represents a nearly 38% No Show/Cancellation rate.

September was the first month in the past 4-month period with an increase in number of No Shows/Cancellations. At the same time, there was an increase in the number of interviews scheduled during the same month.



Item #8

November 15, 2010

MEMO TO: TRANSIT OPERATORS ADVISORY COMMITTEE (TRANSCOM)
FROM: VIC KAMHI, BUS TRANSIT DIRECTOR
SUBJECT: INTERACTION BETWEEN PROPOSITIONS 22 & 26 AND THE GAS TAX SWAP

RECOMMENDATION:

- Receive and File

BACKGROUND:

In the statewide election both Propositions 22 and 26 were approved by the voters. There are financial implications for transit as a result of that, although at this time the details are still uncertain. Attached is a copy of an analysis from the California Transit Association.



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November 7, 2010

To: Members, California Transit Association
Fm: Joshua W. Shaw, Executive Director
Re: **Interaction Between Propositions 22 & 26 and the Gas Tax Swap**

With the passage last week of both Propositions 22 and 26, we've received many questions about how they interact with this year's "gas tax swap" legislation. The most common question seems to be, "*Does Prop 26 automatically repeal the gas tax swap?*" And if so, "*What remaining transit or transportation funding is protected by Proposition 22?*"

The quick answer is: **We don't yet know**. This memo attempts to provide some guidance on these and related questions. Please note, however, that while we are working with all parties to analyze the situation, **no definitive answers have yet been formulated**.

In fact, the ultimate impact of these measures on transportation funding will not be known until the legislature, new governor and possibly even the courts have acted ; the final resolution may take more than a year to take shape. In the meantime, your California Transit Association's Executive Committee has already begun planning the strategies and tactics necessary to maximize public transit funding in the face of the various scenarios that may play out over this period.

Proposition 26

Sponsored by the California Chamber of Commerce and various individual businesses and taxpayers groups, Proposition 26 was supported primarily by the following groups: California Chamber of Commerce; Small Business Action Committee; Chevron; American Beverage Association; Philip Morris; Anheuser-Busch; MillerCoors; Occidental Petroleum. Opponents of Prop 26 included: American Cancer Society; American Lung Association; California Nurses Association; California Teachers Association; League of Women Voters; Natural Resources Defense Council; Planning and Conservation League; Sierra Club California; and, Union of Concerned Scientists.

Prop 26 amends the California constitution to require any change in state statute resulting in any taxpayer paying a higher tax to be passed by a 2/3 vote of legislature. (The measure also contains a parallel provision relative to local government tax measures.)

The measure also defines "tax" as any levy, charge or exaction of any kind imposed by the State, but includes several exceptions. For our purposes, the most important exception to note is, "A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the State of conferring the benefit or granting the privilege to the payor."

In other words, Prop 26 allows the legislature to continue to enact *some* state fees with a simple majority vote of the legislature : those which charge specific taxpayers and whose proceeds are then used to benefit those taxpayers charged, and *only* those taxpayers.

Finally, Prop 26 repeals any tax adopted this year if not adopted in compliance with the measure's new definition of taxes. Specifically, the measure states:

"Any tax adopted after January 1, 2010, but prior to the effective date of this act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this act unless the tax is reenacted by the Legislature and signed into law by the Governor in compliance with the requirements of this section."

Thus, the question is begged: *Did the gas tax swap of March, 2010, enact a tax that is not a tax under Prop 26, and that therefore must be repealed?*

To begin to understand, we first look back at the gas tax swap.

Gas Tax Swap

A package of two bills (ABx8 6 and ABx8 9) passed by the legislature and signed by the governor on March 22, 2010, the so-called "gas tax swap" *exempted* gasoline from the state sales tax. That *eliminated* about \$2.5 billion a year in public transit, streets & roads, and highways funding (i.e. by eliminating Proposition 42 funding – 40% of which was available for highways, 40% of which was available for streets & roads, and 20% of which was available for the Public Transportation Account; and, by eliminating two other sources of PTA funding – the spillover and the sales tax on nine cents of the historic excise tax on gas).

At the same time, the bills *increased* two different taxes – the excise tax on gasoline, and the rates of the sales tax on diesel fuel.

The amount projected to be collected annually under the new excise gas tax / diesel fuel sales tax scheme is calibrated to equal the amount of annual lost funding under the old sales tax on gas.

The amount now collected from the increased gas tax is designed to first pay for the bond debt service on existing and future highway bonds, as well as replace the old Prop 42 funding for highway expansion projects and streets & roads, plus provide new highway safety and preservation funding.

The amount now collected from the increased sales tax on diesel fuel is designed to enhance the State Transit Assistance program, plus pay for other expenses of the PTA, such as the intercity passenger rail program.

Proposition 26 and the Gas Tax Swap

Because the new tax increases enacted in the gas tax swap were calibrated to produce new revenue equal to the replaced / lost sales tax on gas revenue that the swap legislation eliminated, the legislature used an interpretation of the California constitution to enact the bills with a simple majority vote.

Thus, we now wonder if the passage of Prop 26 repeals the gas tax swap.

While there is no definitive answer yet, here are some points to keep in mind:

- First, when people ask if "the gas tax swap will be repealed," it's important to figure out if they mean "the taxes increased in the swap" or "everything in each bill, including the elimination of the sales tax on gas, as well as the increases in the excise gas tax and the rate of sales tax on diesel fuel." Some argue that the passage of Prop 26 can be used to overturn not only the new tax increases in the gas tax swap, but also to throw out the bill that exempted gasoline from sales tax in the first place, thus restoring the sales tax on gas.

- On the one hand, Prop 26 *seems* only to speak to the definition of a tax or a tax *increase* – it does not seem to speak to the exemption of a product from taxation. That line of reasoning would support the notion that Prop 26 can be used to overturn the excise tax on gas increase and the increase in the rate of sales tax on diesel fuel contained in the gas tax swap bills, while retaining all other aspects those bills, including the exemption of gasoline from the sales tax. Under this scenario, there would be no new revenue from the excise tax on gas or the sales tax on diesel, and there would be no restoration of the old sales tax on gas revenue.
- On the other hand, there is case law that *might* suggest that when an initiative repeals one section of law – in this case, the new taxes increased with the simple majority vote used to pass the gas tax swap – that the entire bill in which that now-illegal tax increase was continued is now itself repealed. Under this scenario, there would be no new revenue from the excise tax on gas or the sales tax on diesel, but there *would* be a restoration of the old sales tax on gas revenue.
- There is some guidance already promulgated on this question, by the Legislative Analyst's Office. The LAO wrote the analysis of Prop 26 contained in the Official Voter Information Guide sent to every voter and posted on the Secretary of State's web site, which included the following excerpt:

“State Laws in Conflict With Proposition 26

Repeal Requirement. Any state law adopted between January 1, 2010 and November 2, 2010 that conflicts with Proposition 26 would be repealed one year after the proposition is approved. This repeal would not take place, however, if two-thirds of each house of the Legislature passed the law again.

Recent Fuel Tax Law Changes. In the spring of 2010, the state increased fuel taxes paid by gasoline suppliers, but decreased other fuel taxes paid by gasoline retailers. Overall, these changes do not raise more state tax revenues, but they give the state greater spending flexibility over their use.

Using this flexibility, the state shifted about \$1 billion of annual transportation bond costs from the state's General Fund to its fuel tax funds. (The General Fund is the state's main funding source for schools, universities, prisons, health, and social services programs.) This action decreases the amount of money available for transportation programs, but helps the state balance its General Fund budget. Because the Legislature approved this tax change with a majority vote in each house, this law would be repealed in November 2011—unless the Legislature approved the tax again with a two-thirds vote in each house.

Other Laws. At the time this analysis was prepared (early in the summer of 2010), the Legislature and Governor were considering many new laws and funding changes to address the state's major budget difficulties. In addition, parts of this measure would be subject to future interpretation by the courts. As a result, we cannot determine the full range of state laws that could be affected or repealed by the measure.”

- A key point made by the LAO is that the original sales tax on gasoline was paid (to the state) by fuel retailers. And, the new taxes created in the gas tax swap are paid (to the state) by fuel suppliers. Thus, even though the same amount of revenue is generated overall that was lost, the fact that different taxpayers pay the new taxes versus the old taxes suggests that the new taxes contained in the gas tax swap do not meet Prop 26's definition of exempted charges (i.e. because they have a differential impact on taxpayers).
- To understand when some resolution of this whole question of Prop 26's impact on the gas tax swap may occur, we must first understand that the “repeal” clause in Prop 26 states that a noncomplying tax enacted earlier this year “is void 12 months after the effective date of this act **unless the tax is reenacted by the Legislature and signed into law by the Governor in**

compliance with the requirements of” Prop 26 [emphasis added]. In other words, if the tax increases contained in the gas tax swap are, in fact, now illegal pursuant to Prop 26, the legislature *still* has 12 months to reenact the same tax increases through a new statute; but, this time, to qualify as a tax as defined by Prop 26, the statute increasing the excise gas tax and new sales tax on diesel fuel would have to be passed with a 2/3 vote of the legislature, not with a simple majority vote. The point is: We may not know for at least one year whether the legislature *must* or *is able to* reenact the tax increases legally.

- As a matter of law, we may not even know the outcome unless some party chooses to first sue under Prop 26 and the courts decide, thus compelling the legislature to act. In other words, just because Prop 26 may seem to suggest the tax increases in the gas tax swap (if not the entire bills themselves) are now illegal, there is no reason to believe the legislature will come back into session and immediately try to reenact tax increases that no court has found to be illegal. We are currently not aware of any party planning to sue to repeal the gas tax swap increases, including Prop 26’s sponsors. And, even if such a suit were pending, it seems like the party or parties would not have standing to sue until 12 months have passed from now, the effective date of Prop 26 – i.e. until after the time the legislature is granted to bring all noncomplying tax increases into compliance with passage of a 2/3 vote bill.
- In the meantime, why would the legislature either act to make the new tax increases go away, or, act to pass a new statute increasing taxes with a politically difficult 2/3 vote, if it doesn’t have to take either action?

Proposition 22 and Prop 26 / Gas Tax Swap

Notwithstanding all the caveats pointed out above, *what if* the new taxes in the gas tax swap are someday deemed to be illegal – what would Proposition 22 protect?

Assuming just the tax increases are deemed illegal (i.e. and not every other aspect of the bills originally authorizing the gas tax swap), for this example we will assume that Prop 26 does *not* restore the old sales tax on gas. We would then need to know whether the legislature is able to reenact the gas tax swap’s tax increases.

- If the legislature *does* legally reenact with a 2/3 vote bill the excise tax on gasoline and the sales tax on diesel originally authorized in the gas tax swap legislation, then Prop 22 is interpreted to protect and determine the method of expenditure of those two new sources, under Prop 26’s amendments of Article XIX of the constitution.
- On the other hand, if the gas tax swap’s tax increases are deemed illegal, and the legislature is unable (or chooses not) to muster the 2/3 vote threshold necessary to reenact the taxes legally, then about \$2.5 billion in gas tax swap revenue would not exist to be protected by Prop 22, including about \$120 million a year in new sales taxes on diesel fuel intended by the gas tax swap legislation to flow through the Public Transportation Account. (On the other hand, Prop 22 would still protect the historic sales tax on diesel fuel which existed before the gas tax swap, and dedicate those revenues – about \$315 million a year – to the PTA.)

And, if Prop 26 were somehow used to overturn not only the gas tax swap’s tax increases, but *also* to repeal the elimination of the sales tax on gas in the first place, and if the legislature were unable (or chose not) to muster the 2/3 vote threshold necessary to reenact the taxes legally and to re-exempt gasoline from the sales tax, then about \$2.5 billion in sales tax on gas revenue would be restored, while the excise gas tax and sales tax on diesel fuel increases in the gas tax swap would be lost. The new / old sales tax on gas would be protected by Prop 22, with the spillover, the sales tax on nine cents of the gas tax, and 20% of the Prop 42 revenue all flowing to the Public Transportation Account and available only for expenditure on public transit as defined by Prop 22; and, the other 80% of the Prop 42 revenue would be protected by Prop 22 and would have to flow

to highways and streets & roads. (In this scenario Prop 22 would also still protect the original sales tax on diesel, another \$315 million for the PTA.)

Analysis Continues

We are working with a coalition of public agencies and transportation interest groups to monitor, analyze and respond to the various Prop 26 / gas tax swap / Prop 22 scenarios. As more information comes to light, we will provide that to you.

We urge you to be circumspect in making any definitive statements to your governing board, the press or the public at this time relative to the impact of Proposition 26, and we appreciate your judicial use of this presentation.

In the meantime, please let us know if you have additional questions.



Item #9

November 15, 2010

MEMO TO: TRANSIT OPERATORS ADVISORY COMMITTEE (TRANSCOM)
FROM: VIC KAMHI, BUS TRANSIT DIRECTOR
SUBJECT: DISCUSSION ABOUT CURRENT YEAR TRANSIT RIDERSHIP TRENDS IN VENTURA COUNTY

RECOMMENDATION:

- Report on and discuss transit ridership trends.

DISCUSSION:

Mike Houser, Thousand Oaks Transit, asked for a discussion and information sharing by the TRANSCOM members regarding the transit ridership for the first 4 months of the year. Each provider is asked to bring data regarding their ridership trends for the first 4 months of the 2010-11 FY for both fixed route and ADA services.