

Date: **Monday, March 26, 2007**

Time: **9:00 a.m.**

Where: **Orange County Transportation Authority Headquarters
600 South Main Street, First Floor - Conference Room 154
Orange, California 92868**



BOARD AGENDA

Orange County Transportation Authority Board Meeting
OCTA Headquarters
First Floor - Room 154, 600 South Main Street
Orange, California
Monday, March 26, 2007, at 9:00 a.m.

ACTIONS

REVISED

Any person with a disability who requires a modification or accommodation in order to participate in this meeting should contact the OCTA Clerk of the Board, telephone (714) 560-5676, no less than two (2) business days prior to this meeting to enable OCTA to make reasonable arrangements to assure accessibility to this meeting.

Invocation

Director Amante

Pledge of Allegiance

Director Winterbottom

Agenda Descriptions

The agenda descriptions are intended to give members of the public a general summary of items of business to be transacted or discussed. The posting of the recommended actions does not indicate what action will be taken. The Board of Directors may take any action which it deems to be appropriate on the agenda item and is not limited in any way by the notice of the recommended action.

Public Comments on Agenda Items

Members of the public wishing to address the Board of Directors regarding any item appearing on the agenda may do so by completing a Speaker's Card and submitting it to the Clerk of the Board. Speakers will be recognized by the Chairman at the time the agenda item is to be considered. A speaker's comments shall be limited to three (3) minutes.



BOARD AGENDA

ACTIONS

Special Matters

1. **Presentation of Resolutions of Appreciation for Employees of the Month for March 2007**

Present Orange County Transportation Authority Resolutions of Appreciation Nos. 2007-10, 2007-11, 2007-12 to Thai Nguyen, Coach Operator; Benedict Delliskave, Maintenance; and Ryan Armstrong, Administration, as Employees of the Month for March 2007.

2. **Presentation of Resolution of Appreciation to Orange County Sheriff's Department Employee of the Quarter**

Present Orange County Transportation Authority Resolution of Appreciation No. 2007-19 to Orange County Sheriff's Deputy Dan Bowdish.

3. **Special Recognition for Thirty Years of Safe Driving**

Present an award to Coach Operator Walter A. Kowalchuk for achieving thirty years of safe driving.

Consent Calendar (Items 4 through 31)

All matters on the Consent Calendar are to be approved in one motion unless a Board member or a member of the public requests separate action on a specific item.

Orange County Transportation Authority Consent Calendar Matters

4. **Approval of Minutes**

Of the Orange County Transportation Authority and affiliated agencies' regular meeting of March 12, 2007.

5. **Approval of Board Member Travel Request**

Approval of request by Board Member Curt Pringle for travel June 4-8, 2007, to New York to participate in the Annual Rating Agency trip.



BOARD AGENDA

ACTIONS

6. Approval of Resolutions of Appreciation for Employees of the Month for March 2007

Adopt Orange County Transportation Authority Resolutions of Appreciation Nos. 2007-10, 2007-11, and 2007-12 to Thai Nguyen, Coach Operator; Benedict Delliskave, Maintenance; and Ryan Armstrong, Administration, as Employees of the Month for March 2007.

7. Approval of Resolution of Appreciation to Orange County Sheriff's Department Employee of the Quarter

Adopt Orange County Transportation Authority Resolution of Appreciation No. 2007-19 for Orange County Sheriff's Deputy Dan Bowdish.

8. State Legislative Status Report

Wendy Villa/P. Sue Zuhlke

Overview

As part of the 2007 State Legislative Platform, the Orange County Transportation Authority Board of Directors approved four sponsor bills for this session, the last of which has now been introduced. Affirmation of the sponsor position for that bill is requested. Additionally, Assembly Member Huff requests sponsorship for AB 1306, a bill that requires all gasoline sales tax funds to flow to Proposition 42.

Committee Recommendations

A. Adopt the following recommended positions on legislation:

Co-Sponsor AB 1228 (Solorio, D-Santa Ana) consistent with the adopted 2007 State Legislative Platform.

Oppose AB 1457 (Huffman, D-San Rafael)

B. Add the following item to the 2007 State Legislative Platform:

Sponsor AB 1306 (Huff, R-Diamond Bar) consistent with support concepts articulated in the adopted 2007 State Legislative Platform.



BOARD AGENDA

ACTIONS

9. Federal Legislative Status Report
Richard J. Bacigalupo

Overview

The Federal Legislative Status Report provides information on the progress of the technical corrections bill to the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users, an update on 2007 federal legislative strategy, and the monthly reports from the federal advocates.

Recommendation

Receive and file as an information item.

10. Funding for the Environmental Phase of a Planned Metrolink Station in the City of Placentia
Darrell E. Johnson/Paul C. Taylor

Overview

The Orange County Transportation Authority Board of Directors authorized staff to request State Transportation Improvement Program funds for the plans, specifications, and estimates phase of a planned Metrolink station in the City of Placentia, which was subsequently approved by the California Transportation Commission. Staff is proposing funding for the environmental phase of the project.

Recommendations

- A. Authorize the use of \$81,000 of Commuter Urban Rail Endowment funds for the environmental phase of the development of a planned Metrolink station in the City of Placentia.
- B. Authorize the Chief Executive Officer to enter into a cooperative agreement with the City of Placentia for funding and implementation of the environmental phase to develop the planned Metrolink station in the City of Placentia.



BOARD AGENDA

ACTIONS

11. **2006 State Transportation Improvement Program Augmentation**
Kia Mortazavi/Paul C. Taylor

Overview

On November 7, 2006, California voters passed Proposition 1B, which includes numerous funding elements. One element provides additional funding through the State Transportation Improvement Program. When combined with existing program revenues, Orange County may receive \$191 million of transportation funding from this source. A program of projects for use of these funds is presented for Board of Directors approval.

Recommendations

- A. Adopt the augmented 2006 State Transportation Improvement Program and authorize the Chief Executive Officer to submit the adopted program to the California Transportation Commission.
 - B. Direct staff to make all necessary amendments to the State Transportation Improvement Program, the Regional Transportation Plan, and the Regional Transportation Improvement Program, as well as execute any necessary agreements to facilitate the above action.
12. **Agreement with California State University, Fullerton for Center of Demographic Services for Fiscal Year 2007-08**
Kurt Brotcke/Paul C. Taylor

Overview

The Center for Demographic Research at California State University, Fullerton develops population, employment, and other demographic projections used by the Orange County Transportation Authority for transportation planning studies. A recommendation to continue this arrangement is provided for Board of Directors review and approval.

Recommendation

Authorize the Chief Executive Officer to execute an option to Agreement C-6-0191, in an amount not to exceed \$114,396, with the California State University, Fullerton Center for Demographic Research, contingent on Board of Directors fiscal year 2007-08 budget approval.



BOARD AGENDA

ACTIONS

13. **Amendment to Agreements for On-Call Commuter Rail Support Services**
Abbe McClenahan/Paul C. Taylor

Overview

On August 23, 2004, the Board of Directors approved agreements with three firms, in an amount not to exceed \$300,000, to provide on-call commuter rail planning and technical support services. All of the firms were retained in accordance with the Orange County Transportation Authority's procurement procedures for professional and technical services.

Recommendation

Authorize the Chief Executive Officer to execute an amendment to Agreements C-4-0893, C-4-0894, and C-4-0552 between the Orange County Transportation Authority and Booz Allen Hamilton, IBI Group, and STV Incorporated, in a cumulative amount not to exceed \$300,000, for on-call commuter rail support services and exercise the two-year option term to extend services through June 30, 2009, for all three agreements.

14. **Amendment to Agreement to Exercise First Option Year for Maintenance Services Along the Orange County Transportation Authority's Railroad Right-of-Ways**
Dinah Minter/Paul C. Taylor

Overview

On December 8, 2003, the Board of Directors approved an agreement with Joshua Grading & Excavating, in the amount of \$2,730,000, to provide preventative and corrective maintenance of the Orange County Transportation Authority's railroad right-of-ways. Joshua Grading & Excavating was retained in accordance with the Orange County Transportation Authority's procurement procedures for technical and professional services.

Recommendation

Authorize the Chief Executive Officer to exercise the first one-year option and execute Amendment No. 1 to Agreement C-3-0912 between the Orange County Transportation Authority and Joshua Grading & Excavating, in an amount not to exceed \$1,100,000, for preventative and corrective maintenance of the Orange County Transportation Authority's railroad right-of-ways.



BOARD AGENDA

ACTIONS

15. **Cooperative Agreement with the California Department of Transportation for the Garden Grove Freeway (State Route 22) Phase II/West Orange County Connection and Project Update**
T. Rick Grebner/Paul C. Taylor

Overview

The Orange County Transportation Authority proposes to enter into a cooperative agreement with the California Department of Transportation to secure federal funding and establish the roles and responsibilities for preliminary engineering and design of the Garden Grove Freeway (State Route 22) Phase II/West Orange County Connection.

Recommendations

- A. Authorize the Chief Executive Officer to execute Cooperative Agreement C-7-0038 between the Orange County Transportation Authority and the California Department of Transportation for preliminary engineering and design of the Garden Grove Freeway (State Route 22) Phase II/West Orange County Connection.
- B. Receive and file Phase II project update.

16. **Transportation Development Act Funding for Bicycle and Pedestrian Projects**
Ben Ku/Paul C. Taylor

Overview

The Orange County Transportation Authority receives funding under Article 3 of the Transportation Development Act for the bicycle and pedestrian facilities projects. In October of 1996, the Board of Directors directed these funds to be allocated to the Bus Stop Accessibility Program. Article 3 funds already reserved and forecasted through the end of the current fiscal year are sufficient for the successful completion of the Bus Stop Accessibility Program. Staff is recommending that future Article 3 funds be directed to a Bicycle and Pedestrian Facilities Program.



BOARD AGENDA

ACTIONS

16. (Continued)

Recommendations

- A. Authorize use of future Transportation Development Act Article 3 funds for bicycle and pedestrian facilities projects.
- B. Direct staff to draft a policy and procedures plan for administration of a Bicycle and Pedestrian Facilities Program and return to the Board of Directors for approval.

17. **Bus Stop Accessibility Program Construction Update**

Dipak Roy/Paul C. Taylor

Overview

The Orange County Transportation Authority continues to work collaboratively with Orange County cities to address the Americans with Disabilities Act deficiencies at bus stops. An update on the status of construction is presented.

Recommendation

Receive and file as an information item.

18. **Amendment to Agreement for the 91 Express Lanes Pavement Management Plan Update**

Dipak Roy/Paul C. Taylor

Overview

On August 14, 2003, the Board of Directors approved an agreement with BTC Laboratories, Inc./Bureau Veritas North America, in the amount of \$100,000, to produce a comprehensive Pavement Management Report for the 91 Express Lanes. BTC Laboratories, Inc./Bureau Veritas North America was retained in accordance with the Orange County Transportation Authority procurement procedures for architectural and engineering services. The original contract contained provisions for four annual amendments to update the initial report. Subsequently, the Board of Directors has approved two amendments bringing the contract amount to \$202,798.



BOARD AGENDA

ACTIONS

18. (Continued)

Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 3 to Agreement C-3-0525 between the Orange County Transportation Authority and BTC Laboratories, Inc./Bureau Veritas North America, in an amount not to exceed \$36,500, to update the 91 Express Lanes Pavement Management Report for fiscal year 2006-07.

19. **Grant Application for Air Quality Strategic Planning**

Michael Litschi/Paul C. Taylor

Overview

The Southern California Association of Governments has asked the Orange County Transportation Authority to nominate a project for federal grant funding to be used on regional transportation planning studies. Staff proposes applying for grant funding to complete an Air Quality Strategic Plan.

Recommendation

Direct staff to work with the Southern California Association of Governments to develop a grant application for \$150,000 to complete an Air Quality Strategic Plan in fiscal year 2007-08.

20. **Long-Range Transportation Plan Short-Term Actions Progress Report**

Michael Litschi/Paul C. Taylor

Overview

The Long-Range Transportation Plan establishes a vision for Orange County's transportation system over the next 25 years. A progress report on short-term actions supporting the Long-Range Transportation Plan is presented for review and approval.



BOARD AGENDA

ACTIONS

20. (Continued)

Recommendations

- A. Approve an updated list of short-term actions to support the Long-Range Transportation Plan.
- B. Direct staff to return with a progress report in six months.

21. **Update on the Proposition 1B Corridor Mobility Improvement Account Project Submissions**

Jennifer Bergener/Paul C. Taylor

Overview

On November 7, 2006, California voters passed Proposition 1B, which provides \$19.9 billion for investment in transportation infrastructure. Proposition 1B established the Corridor Mobility Improvement Account, which specifies \$4.5 billion of the \$19.9 billion for investment in the state highway system. On February 28, 2007, the California Transportation Commission adopted a program of Corridor Mobility Improvement Account projects, which includes five projects for Orange County.

Recommendations

- A. Approve the updated project match amounts and sources for the approved Corridor Mobility Improvement Account projects.
- B. Authorize the use of \$74 million in State Transportation Improvement Program funds as the required match for the Corridor Mobility Improvement Account project on the Riverside Freeway (State Route 91) between the Costa Mesa Freeway (State Route 55) and Gypsum Canyon Road.
- C. Authorize the use of \$2.36 million in 91 Express Lanes toll revenues as the required match for the Riverside Freeway (State Route 91) eastbound lane project from the Foothill Transportation Corridor (State Route 241) to the Corona Expressway (State Route 71).



BOARD AGENDA

ACTIONS

21. (Continued)

- D. Direct staff to make all necessary amendments to the State Transportation Improvement Program, the Regional Transportation Plan, and the Regional Transportation Improvement Program to facilitate the programming of the adopted Corridor Mobility Improvement Account projects.

22. Master Agreement for Federal-Aid Projects

Jennifer Bergener/Paul C. Taylor

Overview

The Orange County Transportation Authority receives federal funding through many of the transportation programs authorized in federal transportation acts. These funds are used for various street, road, highway, and transit projects throughout the state. In order to access federal funding from the transportation bills, the Orange County Transportation Authority must execute a master agreement, specific to federal-aid projects, with the California Department of Transportation.

Recommendations

- A. Authorize the Chief Executive Officer to execute the Master Agreement for Federal-Aid Projects, Agreement No. 12-6071R, and all necessary program supplement agreements with the California Department of Transportation for the reimbursement of federally funded projects.
- B. Approve the attached resolution as required by the California Department of Transportation to execute the above agreement.



BOARD AGENDA

ACTIONS

- 23. Memorandum of Understanding with the Southern California Association of Governments for Cooperative Transit Planning**
Gregory Nord/Paul C. Taylor

Overview

In order to comply with federal regulations, the Orange County Transportation Authority and Southern California Association of Governments have developed a draft Memorandum of Understanding specifying cooperative procedures for carrying out transit planning and programming.

Committee Recommendation

Authorize the Chief Executive Officer to negotiate and execute the Memorandum of Understanding with the Southern California Association of Governments specifying cooperative transit planning and programming procedures with amended Government Code reference.

- 24. Engaging Private Companies and California Department of Transportation in Delivery of Projects**
Pradeep Gunaratne/Paul C. Taylor

Overview

With renewal of Measure M and allocation of funding under Proposition 1B, the Orange County Transportation Authority has at hand an immense program to deliver. This can only be accomplished with the help of private companies and the California Department of Transportation. This report outlines outreach to engage those stakeholders in delivery of projects.

Recommendation

Receive and file as an information item.



BOARD AGENDA

ACTIONS

25. Measure M Citizens Oversight Committee Annual Public Hearing and Findings

Alice T. Rogan/Ellen S. Burton

Overview

The Measure M Ordinance No. 2, passed in 1990, calls for a Citizens Oversight Committee to serve as a watchdog over the program of transportation improvements. As required by the Measure M Ordinance No. 2, the Citizens Oversight Committee conducted the 16th Annual Public Hearing on February 13, 2007. The Citizens Oversight Committee has found the Orange County Local Transportation Authority has acted in accordance with Measure M Ordinance No. 2 during fiscal year 2005/2006.

Recommendation

Receive and file as an information item.

Orange County Local Transportation Authority Consent Calendar Matters

26. Measure M Revenue Forecast

Kenneth Phipps/James S. Kenan

Overview

On October 24, 2005, the Orange County Transportation Authority Board of Directors approved the Measure M Extension Policy Guidance. This action directed staff to use a 30-year sales tax revenue estimate of \$11.862 billion in 2005 dollars based upon an average of projections prepared by Chapman University, California State University Fullerton and the University of California, Los Angeles.

Recommendations

- A. Receive and file the updated sales tax revenue estimate for Renewed Measure M.
- B. Direct staff to use a sales tax estimate based upon an average of projections prepared by Chapman University, California State University Fullerton and the University of California, Los Angeles for the remaining years of Measure M.



BOARD AGENDA

ACTIONS

27. Amendment to Cooperative Agreement with the Department of California Highway Patrol

T. Rick Grebner/Paul C. Taylor

Overview

On September 13, 2004, the Board of Directors approved a cooperative agreement with the Department of California Highway Patrol, in the amount of \$1,000,000, to provide traffic control services for the Garden Grove Freeway (State Route 22) project. Two previous amendments totaling \$400,000 were processed in September and November 2006. An amendment is required to continue these services.

Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 3 to Cooperative Agreement C-4-0588 between the Orange County Transportation Authority and the Department of California Highway Patrol, in an amount not to exceed \$550,000, for additional traffic control services.

Orange County Transit District Consent Calendar Matters

28. Agreement for Asphalt Pavement Reconstruction at the Garden Grove Base

James J. Kramer/Paul C. Taylor

Overview

As part of the Orange County Transportation Authority's Fiscal Year 2006-07 Budget, the Orange County Transportation Authority's Board of Directors approved asphalt pavement reconstruction at the Garden Grove Base. Bids were received in accordance with the Orange County Transportation Authority's public works procurement procedures.



BOARD AGENDA

ACTIONS

28. (Continued)

Recommendations

- A. Authorize the Board of Directors to find the low bidder, R.J. Noble Company, non-responsive and to reject their bid.
- B. Authorize the Board of Directors to find the second low bidder, Roadway Engineering, non-responsive and to reject their bid.
- C. Authorize the Chief Executive Officer to execute Agreement C-6-0895 between the Orange County Transportation Authority and Premier Paving, the lowest responsive, responsible bidder, in an amount not to exceed \$287,000, for asphalt pavement reconstruction at the Garden Grove Base.

29. **Agreement for Painting of Articulated Buses**

Al Pierce/John D. Byrd

Overview

As part of the Orange County Transportation Authority's Fiscal Year 2006-07 Budget, the Board approved funds for the repainting of 10 New Flyer articulated vehicles.

Recommendation

Authorize the Chief Executive Officer to execute Agreement C-6-0630 between the Orange County Transportation Authority and Pacific RV Body Works, Inc., in an amount not to exceed \$188,861, for the painting of 10 New Flyer 60-foot articulated buses.



BOARD AGENDA

ACTIONS

30. **Amendment to Agreement for Lot Sweeping Services**
Al Pierce/John D. Byrd

Overview

On April 11, 2005, the Board of Directors approved an agreement with Webco Sweeping, to provide parking lot sweeping services for facility maintenance for a one-year period with four option years.

Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 3 to Agreement C-4-1103 between the Orange County Transportation Authority and Webco Sweeping, to exercise the second option year, in an amount not to exceed \$57,000.

31. **Amendment to Agreement for Underground Storage Tank Testing and Repair Services**
Al Pierce/John D. Byrd

Overview

On June 12, 2006, the Board of Directors approved an agreement with Inland Petroleum Equipment and Repair, Inc., to provide underground storage tank testing and repair service for a one-year period with two option years.

Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 1 to Agreement C-6-0178 between the Orange County Transportation Authority and Inland Petroleum Equipment and Repair, Inc., in an amount not to exceed \$100,000.



BOARD AGENDA

ACTIONS

Regular Calendar

Orange County Transit District Regular Calendar Matters

32. ACCESS Service Update

Erin Rogers/John D. Byrd

Overview

In February 2006, the Orange County Transportation Authority Board of Directors awarded a contract to Veolia Transportation Services, Inc. for the management and operation of ACCESS, Contracted Fixed Route, Stationlink and Express Bus Service. Since Veolia commenced service on July 1, 2006, the quality of ACCESS service has not met contractual performance standards. On November 27, 2006, the Board of Directors approved a staff recommended 90-day evaluation period of Veolia's performance. This report summarizes progress made during the evaluation period.

Committee Recommendations

- A. Continue with Veolia Transportation Services, Inc., for the management and operation of ACCESS, Contracted Fixed Route, Stationlink and Express Bus Service; extend evaluation period through June 30, 2007.
- B. Continue to monitor the performance of Veolia Transportation Services, Inc., against contractual performance standards.
- C. Continue to provide weekly written updates, monthly oral updates to the Transit Planning and Operations Committee and no reports to the Board through June 30, 2007.

Other Matters

NOTE: ITEM 33 HAS BEEN PULLED

33. ~~Fiscal Year 2006-07 Second Quarter Performance Measures Report~~

~~James L. Cook, Jr./James S. Kenan~~

34. Garden Grove Freeway (State Route 22) Project Update

T. Rick Grebner/Paul C. Taylor



BOARD AGENDA

ACTIONS

- 35. **Chief Executive Officer's Report**
- 36. **Directors' Reports**
- 37. **Public Comments**

At this time, members of the public may address the Board of Directors regarding any items within the subject matter jurisdiction of the Board of Directors, but no action may be taken on off-agenda items unless authorized by law. Comments shall be limited to three (3) minutes per speaker, unless different time limits are set by the Chairman subject to the approval of the Board of Directors.

- 38. **Closed Session**

A Closed Session is not scheduled.

- 39. **Adjournment**

The next regularly scheduled meeting of the OCTA/OCTD/OCLTA/OCSAFE/OCSAAV Board will be held at **9:00 a.m. on April 9, 2007**, at OCTA Headquarters at 600 South Main Street, First Floor - Room 154, Orange, California.

Minutes of the Meeting of the
Orange County Transportation Authority
Orange County Service Authority for Freeway Emergencies
Orange County Local Transportation Authority
Orange County Transit District
Board of Directors
March 12, 2007

Call to Order

The March 12, 2007, regular meeting of the Orange County Transportation Authority and affiliated agencies was called to order by Chairman Cavecche at 9:05 a.m. at the Orange County Transportation Authority Headquarters, Orange, California.

Roll Call

Directors Present: Carolyn Cavecche, Chairman
Chris Norby, Vice Chair
Jerry Amante
Patricia Bates
Peter Buffa
Bill Campbell
Richard Dixon
Paul Glaab
Cathy Green
Allan Mansoor
John Moorlach
Curt Pringle
Miguel Pulido
Mark Rosen
Gregory T. Winterbottom
Cindy Quon, Governor's Ex-Officio Member

Also Present: Arthur T. Leahy, Chief Executive Officer
Wendy Knowles, Clerk of the Board
Laurena Weinert, Assistant Clerk of the Board
Kennard R. Smart, Jr., General Counsel
Members of the Press and the General Public

Directors Absent: Arthur C. Brown

Invocation

Director Rosen gave the invocation.

Pledge of Allegiance

Director Glaab led the Board and audience in the Pledge of Allegiance to the Flag of the United States of America.

Public Comments on Agenda Items

Chairman Cavecche announced that members of the public who wished to address the Board of Directors regarding any item appearing on the agenda would be allowed to do so by completing a Speaker's Card and submitting it to the Clerk of the Board.

Special Matters

There were no Special Matters presented.

Consent Calendar (Items 1 through 16)

Chairman Cavecche stated that all matters on the Consent Calendar would be approved in one motion unless a Board Member or a member of the public requested separate action on a specific item.

Director Campbell pulled item 4; Director Moorlach pulled items 5, 13, and 14.

Orange County Transportation Authority Consent Calendar Matters

1. Approval of Minutes

A motion was made by Vice Chairman Norby, seconded by Director Green, and declared passed by those present, to approve the minutes of the Orange County Transportation Authority and affiliated agencies' regular meeting of February 26, 2007.

Director Pulido was not present to vote on this item.

2. Audit Report for State Transportation Improvement Program Planning, Programming and Monitoring Program, Fiscal Year 2002-03 Work Program

A motion was made by Vice Chairman Norby, seconded by Director Green, and declared passed by those present, to receive and file the audit report for the State Transportation Improvement Program – Planning, Programming, and Monitoring Program, Fiscal Year 2002 03 Work Program.

Director Pulido was not present to vote on this item.

3. Orange County Taxi Administration Program Audit, Internal Audit Report No. 07-014

A motion was made by Vice Chairman Norby, seconded by Director Green, and declared passed by those present, to receive and file the compliance and operational review of the Orange County Taxicab Administration Program, Internal Audit Report No. 07-014.

Director Pulido was not present to vote on this item.

4. State Legislative Status Report

Director Campbell pulled this item, and requested staff look at Assembly Bill 1457, which, if passed, could effectively block the Foothill South, and suggest what position should be considered by the Board.

A motion was made by Director Campbell, seconded by Director Buffa, and declared passed by those present, to

A. Adopt the following recommended positions on legislation:

Sponsor AB 387 (Duvall, R-Brea) and SB 442 (Ackerman, R-Irvine) consistent with the adopted 2007 State Legislative Platform.

Co-Sponsor SB 184 (Alquist, D-Santa Clara, and Correa, D-Santa Ana) consistent with the adopted 2007 State Legislative Platform.

B. Add the following item to the 2007 State Legislative Platform:

Sponsor AB 256 (Huff, R-Diamond Bar) consistent with support concepts articulated in the adopted 2007 State Legislative Platform in Section III(h).

Director Pulido was not present to vote on this item.

5. Additional Funding for a Joint Transportation Study with the Los Angeles County Metropolitan Transportation Authority

This item was pulled by Director Moorlach, who inquired as to what is being studied and who is performing the study.

Paul Taylor, Executive Director of Development, responded and stated that the study is a scoping effort for the two agencies to work together to identify issues that cross the County line for transportation purposes. The study will involve working with the cities and the two counties to identify issues that should be studied in more depth. Mr. Taylor stated that this work will be overseen by OCTA staff and Los Angeles Metropolitan Transportation Authority staff jointly. A recommendation will come to the Board to award a contract for a consultant to augment staff in that effort.

5. (Continued)

A motion was made by Director Moorlach, seconded by Director Buffa, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute an agreement with the Los Angeles County Metropolitan Transportation Authority to share equally in funding a study, in an amount not to exceed \$300,000.

Director Pulido was not present to vote on this item.

6. Metrolink Weekend Promotional Fare

A motion was made by Vice Chairman Norby, seconded by Director Green, and declared passed by those present, to direct staff to end the Metrolink weekend promotional adult fare of 50 percent off regular weekday fares on June 30, 2007.

Director Pulido was not present to vote on this item.

7. Amendment to Agreement for Rideshare Support Services

A motion was made by Vice Chairman Norby, seconded by Director Green, and declared passed by those present, to authorize the Chief Executive Officer to execute Amendment No. 1 to Agreement C-6-0344 between the Orange County Transportation Authority and Inland Transportation Services, in an amount not to exceed \$100,000 from July 1, 2007 to June 30, 2008, for Rideshare Support Services.

Director Pulido was not present to vote on this item.

8. Approval of Local Transportation Fund Fiscal Year 2007-08 Apportionment Estimates

A motion was made by Vice Chairman Norby, seconded by Director Green, and declared passed by those present, to approve the Local Transportation Fund fiscal year 2007-08 apportionment estimates and authorize the Chief Executive Officer to advise all prospective claimants of the amounts of all area apportionments from the Orange County Local Transportation Fund for the following fiscal year.

Director Pulido was not present to vote on this item.

9. Second Quarter Fiscal Year 2006-07 Grant Status Report

A motion was made by Vice Chairman Norby, seconded by Director Green, and declared passed by those present, to receive and file as an information item.

Director Pulido was not present to vote on this item.

10. Fiscal Year 2006-07 Second Quarter Budget Status Report

A motion was made by Vice Chairman Norby, seconded by Director Green, and declared passed by those present, to receive and file as an information item.

Director Pulido was not present to vote on this item.

11. Updated Office Space Plan for Building 600

A motion was made by Vice Chairman Norby, seconded by Director Green, and declared passed by those present, to receive and file as an information item.

Director Pulido was not present to vote on this item.

Orange County Service Authority for Freeway Emergencies Consent Calendar Matters

12. Evaluation Criteria Weighting for Procurement of Freeway Service Patrol Services

A motion was made by Director Moorlach, seconded by Director Campbell, and declared passed by those present, to approve the proposed weighting allocation for the evaluation criteria so that the Request for Proposals for Freeway Service Patrol services can be released.

Director Pulido was not present to vote on this item.

Orange County Local Transportation Authority Consent Calendar Matters

13. Amendment to Agreement with Demo Unlimited, Inc., for the Santa Ana Freeway (Interstate 5) Gateway Project

A motion was made by Vice Chairman Norby, seconded by Director Green, and declared passed by those present, to authorize the Chief Executive Officer to execute Amendment No. 2 to Agreement C-5-2978 between the Orange County Transportation Authority and Demo Unlimited Inc., in an amount not to exceed \$257,600, for earth grading services.

Director Pulido was not present to vote on this item.

14. Amendment to Cooperative Agreement with the California Department of Transportation for Right-of-Way Services Related to the Santa Ana Freeway (Interstate 5) Gateway Project

Director Moorlach pulled this item and inquired what caused funds to be required that was not known previously.

Paul Taylor, Executive Director of Development, stated that there is an overall budget for this project, and at this point in time, it is understood how much is needed in the cooperative agreement with Caltrans. He further stated that these funds are in the budget and now being moved from the “unassigned” portion to the portion that is assigned to Caltrans to accomplish.

A motion was made by Director Moorlach, seconded by Director Campbell, and declared passed by those present, to:

- A. Authorize the Chief Executive Officer to execute Amendment No. 1 to Cooperative Agreement C-4-1081 between the Orange County Transportation Authority and the California Department of Transportation, in an amount not to exceed \$8,086,000, for additional right-of-way acquisition work that includes the railroad relocation costs not accounted for in the original agreement.
- B. Authorize the Chief Executive Officer to execute Amendment No. 2 to Cooperative Agreement C-4-1081 between the Orange County Transportation Authority and the California Department of Transportation, in an amount not to exceed \$5,639,000, for additional right-of-way acquisition work that includes utility relocation costs not accounted for in the original agreement.

Director Pulido was not present to vote on this item.

15. Anaheim Regional Transportation Intermodal Center Status Report

A motion was made by Vice Chairman Norby, seconded by Director Green, and declared passed by those present, to direct staff to identify roles and responsibilities for planning, building, and operating of the Anaheim Regional Transportation Intermodal Center, as provided for in the Memorandum of Understanding between the City of Anaheim and Orange County Transportation Authority.

Director Pulido was not present to vote on this item.

Orange County Transit District Consent Calendar Matters

16. Amendment to Agreement for Towing Services for Orange County Transportation Authority Vehicles

A motion was made by Vice Chairman Norby, seconded by Director Green, and declared passed by those present, to authorize the Chief Executive Officer to execute Amendment No. 1 to Agreement C-6-0016 between the Orange County Transportation Authority and Hadley Tow, to exercise the first option year, in an amount not to exceed \$130,000.

Director Pulido was not present to vote on this item.

Regular Calendar

Orange County Transportation Authority Regular Calendar Matters

17. Imperial Highway Grade Separation Project

Paul Taylor, Executive Director of Development, provided a verbal overview of this project and introduced Jim Beil, Deputy Director, Caltrans District 12, who provided highlights of the project and status of work done to date.

Mr. Beil introduced Matt Cugini, Senior Project Design Branch Chief, who provided a PowerPoint presentation and the various stages of this work.

A motion was made by Director Moorlach, seconded by Director Buffa, and declared passed by those present, to receive and file as an information item.

18. Goods Movement Policy

Chief Executive Officer (CEO), Arthur T. Leahy, provided opening comments on this policy and introduced Barry Engelberg, who provided a verbal report regarding OCTA's goods movement policy.

Director Dixon stated that he would like to see OCTA's representative to the Southern California Association of Governments (SCAG) meetings also participate on SCAG's Goods Movement Committee, as well as the Maglev Committee.

Director Amante stated that he felt there were two differences in approach with issues, and the explosive growth of containers coming through the County. He stated that he feels the Board needs to be concerned about whether or not local funds are being diverted from projects that could have otherwise been built had the expense been shared by those moving the goods, as well as the government getting the benefit of them.

18. (Continued)

Secondly, he stated that when the Board discusses setting policy, he feels it is important that mitigation get linked to movement due to the impacts on communities.

Chairman Cavecche inquired if there was a reason the Los Angeles/San Diego Rail Corridor was not included in this, and asked if it could be included. Mr. Leahy responded that it was meant to be excluded, as would the Interstate 5 and the State Route 91.

Director Pringle stated that he felt it would be appropriate if the Board wished to call out all of the various roadways and corridors in the County where goods may move; however, he hoped to not dilute that building the bridge in the Alameda Corridor would provide access to 25 percent of goods coming into the port.

A motion was made by Director Dixon, seconded by Vice Chairman Norby, and declared passed by those present, to adopt the proposed draft goods movement policy and incorporate the suggested changes (as reflected on Attachment A of staff report) and send letters to SCAG and AQMD with copies of the Goods Movement Policy, emphasizing goods movement issues and OCTA's concerns.

Director Bates suggested the Orange County Delegation be included in the letter mentioned in Director Dixon's motion.

19. Santa Ana Freeway (Interstate 5) Gateway Project Update

Paul Taylor, Executive Director of Development, provided opening comments for this item and introduced Charlie Guess, Program Manager, and Ken Bui, Caltrans Senior Resident Engineer.

Mr. Guess gave a PowerPoint and verbal presentation which provided an overview and summary of activities on the project. He advised that while there was a concern for schedule slippage at one time, a change order was issued to put the project on schedule.

A motion was made by Director Campbell, seconded by Director Amante, and declared passed by those present, to receive and file as an information item.

Other Matters

20. Google Transit Labs - Smart People, Smart Solutions, Real Results - OCTA Information Systems

Joe Tiernan, Section Manager, Information Systems, provided a demonstration of this innovative trip-planning program, which has been developed as part of the Google Transit website. Mr. Tiernan highlighted the purpose, capabilities, and benefits of this program.

Director Pringle requested that Metrolink schedule information be incorporated into the Google Trip Planner.

21. Personal Computer Transfer Program

Joe Tiernan, Section Manager, Information Systems, provided an update on this program, which transfers OCTA's retired personal computers (PCs) to the Orange County Department of Education (OCDE). For security purposes, the hard drive is removed from the transferred PC and OCDE installs an inexpensive replacement hard drive.

Director Moorlach asked Director Campbell if foster care programs or Orangewood have looked at receiving any of the PCs, and Director Campbell indicated staff has been requested to look into that.

Vice Chairman Norby requested a listing of which school districts and which schools have received the transferred PCs to date.

22. 91 Express Lanes History

Kirk Avila, Treasurer and General Manager of the 91 Express Lanes, gave a verbal and PowerPoint presentation on the history of the 91 Express Lanes, and provided a recap of the initial project, legislative issues, and ultimate purchase of the Lanes and offered more detailed individual presentations to any Board Member who would like one.

Director Campbell requested that data be provided on how much revenue is derived from non-Orange county residents using the 91 Express Lanes, and Vice Chairman Norby asked that this information be broken down by city and county of origin.

23. California Department of Transportation Report on Freeway Landscape Maintenance and Refuse Removal

James Pinheiro, Deputy District Director for Operations and Maintenance, Caltrans District 12, gave a PowerPoint and verbal presentation on this issue, initially raised several months ago at which time the Board had questions and requested Caltrans return with further information.

Mr. Pinheiro explained the Adopt-a-Highway program, what has taken place on landscaping maintenance issues, as well as refuse removal. He provided a phone number to contact Caltrans regarding sprinkler and maintenance complaints/questions. That number is: 949/936-3600. Director Winterbottom requested that this number be put on the website for reference.

24. ACCESS Service Update

Erin Rogers, Manager, Community Transportation Services, provided a PowerPoint and verbal report on the ACCESS issues and the performance by the contractor, Veolia. She stated that a full report will be provided to the Transit Planning and Operations Committee on March 22 and the Board on March 26, 2007 to open discussion on the future of the Veolia contract.

Director Moorlach requested information on how ACCESS drivers are compensated – salary or commissions, and trend lines for other properties incentivizing their ACCESS drivers with commissions paid. He also requested data regarding how and what information is provided to dispatchers in order to maximize their time in picking up passengers close to the driver's location after dropping off passengers.

Director Amante inquired if staff is looking at potentially changing the reservation policy, and CEO, Arthur T. Leahy, stated that there is Board approval in place to look at that policy and the issue will be re-visited soon.

Public comments were heard from:

Arnie Pike, resident of Placentia, who shared comments relative to an exchange with Director Winterbottom some days ago. He stated that he does not feel that on-time service is always achievable, due to traffic and other extenuating circumstances.

Frank Austin, representing the National Multiple Sclerosis Society, who stated that he has seen incremental progress by Veolia.

Kyle Minnis, representing Area Board and is a Santa Ana resident, stated that changes have been made and there is progress by Veolia.

Christie Rudder, representing the Dayle McIntosh Center, also stated she is seeing improvement in Veolia's service and would not favor a change of contractors.

25. Chief Executive Officer's Report

CEO, Arthur T. Leahy, advised the Board:

- √ that OCTA is on alert if evacuations are necessary as a result of fires currently burning in Anaheim and Orange. He also informed the Board that OCTA assisted with transportation service for firefighters.
- √ A new 91 Express Lanes publication was provided to Members, along with Bus Books to reflect recent service changes.
- √ The Orange County Business Council trip to Washington, D.C., takes place March 26-29, and OCTA is putting together message points to focus upon.
- √ A meeting will take place on March 16 in Sacramento with the California Transportation Commission regarding goods movement.

26. Directors' Reports

Chairman Cavecche reported that a trip was taken for the annual Delegation Meetings and dinner in Sacramento. She stated that several productive meetings were held. Attending with her were Directors Bates, Campbell, Glaab, Rosen, and Pringle. Director Glaab added that he felt the trip was well-organized and executed.

Vice Chairman Norby acknowledged staff's time and effort put into the OCTA Annual Report, which Directors were given at today's meeting. He suggested perhaps in the future that the Chairman should write the introductory letter in the report.

27. Public Comments

At this time, Chairman Cavecche stated that members of the public may address the Board of Directors regarding any items within the subject matter jurisdiction of the Board of Directors, but no action would be taken on off-agenda items unless authorized by law.

Public comment was heard from:

Arnie Pike, resident of Placentia, who requested OCTA advise ACCESS where to drop off passengers, and it is not always obvious to the drivers. He also asked that week-end same-day service be considered.

28. Closed Session

A Closed Session was not held at this meeting.

29. Adjournment

The meeting adjourned at 11:50 a.m., and Chairman Cavecche announced that the next regularly scheduled meeting of the OCTA/OCTD/OCLTA/OCSAFE/OCSSAAV Board will be held at **9:00 a.m. on March 26, 2007**, at OCTA Headquarters at 600 South Main Street, First Floor - Room 154, Orange, California.

ATTEST

Wendy Knowles
Clerk of the Board

Carolyn V. Cavecche
OCTA Chairman



OUT-OF-STATE TRAVEL

Board Member Only - Travel Authorization/Request For Payment

Attach copy of the **Travel Worksheet, Registration Forms**, and other pertinent documentation for this claim.
Travel **will not** be processed until all information is received.

CONFERENCE/SEMINAR INFORMATION

Name: Director Pringle **Job Title:** Board Member
Department: **Destination:** New York, NY
Program Name: New York Annual Rating Agency Trip

Description/Justification: Each year the Orange County Transportation Authority conducts a series of meetings with rating agencies, insurance companies, and investors in New York. The Authority representatives will be discussing project delivery schedules for the Renewed Measure M program, performance of sales tax collections, the 91 Express Lanes, progress on the current Measure M program, and the Orange County economy. Meetings will be scheduled with Moody's Investor Services, Standard & Poor's, Fitch, Financial Guaranty Insurance Company, Ambac, MBIA, Financial Security Assurance, Dexia Public Finance Bank, J.P. Morgan, and a number of institutional investors.

COMMENTS

Other- Airport parking and ground transportation
Meal Rate- \$64 - \$3 = \$61 per day

Conference/Seminar Date:	Departure Date: 6/04/07	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Carry
Payment Due Date:	Return Date: 6/08/07	Course Hours:

ESTIMATED EXPENDITURES

Transportation	\$400.00
Meals	\$305.00
Lodging	\$1,320.00
Registration	\$0.00
Other	\$50.00
Total	\$2,075.00

APPROVALS

Please Initial:

RV

Finance*

3/9/07

Date

* Funds are available for this travel request.

Please Sign:

Clerk of the Board

Date

ACCOUNTING CODES

Org. Key: 1120	Object: 7655	Job Key: A0001	JL: EBE
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Ref #: March 2007	Board Date: March 26, 2007	T/A #: FY 06/07- 234
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OCTA

ORANGE COUNTY
TRANSPORTATION AUTHORITY

RESOLUTION

THAI NGUYEN

WHEREAS, the Orange County Transportation Authority recognizes and commends Thai Nguyen; and

WHEREAS, be it known that Thai Nguyen has been a principal player at the Orange County Transportation Authority and has performed his responsibilities as a Coach Operator in a professional, safe, courteous, and reliable manner; and

WHEREAS, Thai Nguyen has demonstrated his integrity by maintaining an excellent work record for the last four years. His dedication exemplifies the high standards set forth for Orange County Transportation Authority employees; and

WHEREAS, Thai Nguyen's teamwork and partnership is evident as a member of the Santa Ana Base and his can-do spirit has earned the respect of his fellow Coach Operators.

NOW, THEREFORE, BE IT RESOLVED that the Authority does hereby declare Thai Nguyen as the Orange County Transportation Authority Coach Operator Employee of the Month for March 2007; and

BE IT FURTHER RESOLVED that the Orange County Transportation Authority Board of Directors recognizes Thai Nguyen's valued service to the Authority.

Dated: March 26, 2007

Carolyn V. Cavecche, Chairman
Orange County Transportation Authority

Arthur T. Leahy, Chief Executive Officer
Orange County Transportation Authority

OCTA Resolution No. 2007-10





ORANGE COUNTY
TRANSPORTATION AUTHORITY

RESOLUTION

BENEDICT DELLISKAVE

WHEREAS, the Orange County Transportation Authority recognizes and commends Benedict Delliskave; and

WHEREAS, be it known that Benedict Delliskave has been a principal player in our Maintenance Department with his innovative contributions, service and commitment; and

WHEREAS, be it known that Benedict Delliskave shares his expertise with fellow mechanics and always seeks ways to contribute to the productivity and success of the base.

NOW, THEREFORE, BE IT RESOLVED that the Authority does hereby declare Benedict Delliskave as the Orange County Transportation Authority Maintenance Employee of the Month for March 2007; and

BE IT FURTHER RESOLVED that the Orange County Transportation Authority Board of Directors recognizes Benedict Delliskave's valued service to the Authority.

Dated: March 26, 2007

Carolyn V. Cavecche, Chairman
Orange County Transportation Authority

Arthur T. Leahy, Chief Executive Officer
Orange County Transportation Authority

OCTA Resolution No. 2007-11





ORANGE COUNTY
TRANSPORTATION AUTHORITY

RESOLUTION

RYAN ARMSTRONG

WHEREAS, the Orange County Transportation Authority recognizes and commends Ryan Armstrong; and

WHEREAS, be it known that Ryan has performed his duties as OCTA's Public Information Specialist for the Authority's Marketing Department, demonstrating the highest level of creative quality and professionalism in all his dealings with public information and marketing programs; and

WHEREAS, Ryan's contributions to the overall public information materials on the Garden Grove Freeway (State Route 22) Improvement Project, OCTA website, multimedia presentations, I-5 Gateway Project and Bus Rapid Transit branding have demonstrated his superior qualifications to understand and create the most effective visual messages in communicating OCTA projects and services to a variety of audiences; and

WHEREAS, Ryan's knowledge and understanding of OCTA projects and services, coupled with his ability and professionalism to communicate with varied audiences, management and external customers, allow for greater efficiencies in completing projects on-time and within budget; and

WHEREAS, Ryan's superior teamwork, can-do attitude and dedication help create a progressive and productive working environment and demonstrate a high standard of the OCTA values.

NOW, THEREFORE, BE IT RESOLVED that the Authority does hereby declare Ryan Armstrong as the Orange County Transportation Authority Administrative Employee of the Month for March 2007; and

BE IT FURTHER RESOLVED that the Orange County Transportation Authority Board of Directors recognizes Ryan Armstrong's valued service to the Authority.

Dated: March 26, 2007

Carolyn V. Cavecche, Chairman
Orange County Transportation Authority

Arthur T. Leahy, Chief Executive Officer
Orange County Transportation Authority





ORANGE COUNTY
TRANSPORTATION AUTHORITY

RESOLUTION

DEPUTY DAN BOWDISH

WHEREAS, the Orange County Transportation Authority recognizes and commends Deputy Dan Bowdish; and

WHEREAS, Deputy Bowdish has been assigned to Transit Police Services since October 2004, handling the responsibilities involved with working at Transit Police Services with enthusiasm and a strong desire to provide the best service possible to OCTA, it's employees and the patrons who utilize the transportation system; and

WHEREAS, Deputy Bowdish has made or assisted in over 250 arrests in the past year for such violations as drug possession, possession of stolen property, possession of dangerous weapons, trespassing, assault on a coach operator, theft, fare evasion, and vandalism; and

WHEREAS, Deputy Bowdish has been responsive to the needs of OCTA in participating in such major enforcement actions such as Operation Lifesaver, Orange Shield 2006, Zero Tolerance Graffiti enforcement, Ride and Read Program, OCTAP Enforcement Day; and

WHEREAS, Deputy Bowdish's primary duties are to reduce trespassing and enforce all applicable laws on OCTA's railroad right of ways. He works in an undercover capacity and is tasked with patrolling the bus routes, bus stops, and transit centers. Deputy Bowdish always strives to perform his duties within the guidelines of OCTA and Transit Police Services.

NOW, THEREFORE, BE IT RESOLVED that the Authority does hereby declare Deputy Dan Bowdish as the Orange County Transportation Authority Transit Police Services Employee of the Quarter for March 2007; and

BE IT FURTHER RESOLVED that the Orange County Transportation Authority Board of Directors recognizes Deputy Dan Bowdish's valued service to the Authority.

Dated: March 26, 2007

Carolyn V. Cavecche, Chairman
Orange County Transportation Authority

Arthur T. Leahy, Chief Executive Officer
Orange County Transportation Authority





BOARD COMMITTEE TRANSMITTAL

March 26, 2007

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: State Legislative Status Report

Legislative and Government Affairs/Public Communications
Committee

March 15, 2007

Present: Directors Buffa, Campbell, Mansoor, and Rosen
Absent: Bates and Glaab

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendations (reflects change from staff recommendations)

A. Adopt the following recommended positions on legislation:

Co-Sponsor AB 1228 (Solorio, D–Santa Ana) consistent with the adopted 2007 State Legislative Platform.

Oppose AB 1457 (Huffman, D-San Rafael)

B. Add the following item to the 2007 State Legislative Platform:

Sponsor AB 1306 (Huff, R-Diamond Bar) consistent with support concepts articulated in the adopted 2007 State Legislative Platform.

BILL: AB 1457 (Huffman, D-San Rafael)
Introduced February 23, 2007

SUBJECT: Prohibits road construction in a state park, except under certain conditions.

STATUS: Pending committee assignment

SUMMARY AS OF MARCH 13, 2007:

AB 1457 would prohibit a state or local agency from constructing a road that physically encroaches upon, traverses, bisects, or impairs the recreational value of state park property, with certain exceptions. It also allows the Department of Parks and Recreation to recover the cost of determining whether the road meets those exceptions. Lastly, it permits civil action against the agency proceeding with a road that does not meet those exceptions.

The bill is yet another attempt to delay or prevent the 16-mile extension of the Foothill Transportation Corridor (State Route 241). Since the mid-1990s, the Foothill/Eastern Transportation Corridor Agency (F/ETCA) has worked with the Federal Highway Administration, the United States Environmental Protection Agency (U.S. EPA), the United States Fish and Wildlife Service, the United States Army Corps of Engineers (U.S. Army Corps of Engineers), the California Department of Transportation (Caltrans), the United States Marine Corps Camp Pendleton, and many others to identify and analyze various project alternatives for the State Route 241 (SR-241) known as "Foothill Transportation Corridor-South (FTC-S)."

The current alignment and Final Environmental Impact Report (FEIR) has been found to deliver the greatest amount of traffic relief and is the least environmentally damaging, practicable alternative according to the U.S. EPA and the U.S. Army Corps of Engineers. Other alternatives were evaluated and found to have more severe environmental and economic impacts, including loss of homes, jobs, and business.

This bill is similar to four other attempts to stop the SR-241 extension through the legislative process by prohibiting road development in state park lands. SB 1277 (Hayden, D-Santa Monica) was introduced during the 1999/2000 legislative session, SB 116 (Kuehl, D-Santa Monica) was introduced in the 2001/2002 session, and SB 1327 (Kuehl, D-Santa Monica) was introduced in 2003/2004. In the 2005/2006 legislative session, an attempt was made to subvert the SR-241 process through a budget amendment in Assembly Budget Subcommittee #5. All of these attempts to date have been defeated. The Orange County Transportation Authority (OCTA) has opposed all of these efforts and stated that the established review processes should be allowed to continue without interference from the Legislature.

EFFECTS ON ORANGE COUNTY:

This latest attempt marks the fifth straight legislative session that action has been taken to try to subvert the extensive \$17 million, six-year planning and negotiating process for this final road segment, which will complete Orange County's planned 67-mile toll road system. The Legislature should allow the local planning and development process to continue according to current law and not interfere with the processes it has already put in place to ensure that the most effective and least damaging transportation alternatives are chosen.

The FTC-S toll corridor is a vital Orange County transportation arterial that has been included in the Southern California Association of Government's Regional Transportation Plan, OCTA's FastForward assessment of transportation needs in 2030, the Orange County Master Plan of Arterial Highways, and the General Plans of the cities of San Clemente, San Juan Capistrano, and Mission Viejo.

OCTA POSITION:

Staff recommends: OPPOSE

ASSEMBLY BILL

No. 1457

**Introduced by Assembly Member Huffman
(Principal coauthor: Assembly Member Feuer)**

February 23, 2007

An act to add Section 5012.3 to the Public Resources Code, relating to parks and recreation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1457, as introduced, Huffman. Parks and recreation: state parks: roads.

(1) Under existing law, the Department of Parks and Recreation has control of the state park system. Existing law authorizes the department to impose conditions and restrictions on the development of a specified roadway on Mulholland Scenic Corridor and Topanga State Park or other state-owned parkland, and upon contiguous portions of Mulholland Drive, if the Director of Parks and Recreation finds that geologic or other circumstances exist that cause or may cause substantial damage to state-owned park resources.

This bill would prohibit a state or local agency, as defined, from funding the construction of, seeking funding to construct, or authorizing or approving the construction of, a road, as defined, or portion thereof, or making an improvement or extension to an existing road, that will physically encroach upon, traverse, bisect, or impair the recreational value of a state park property, as defined, unless the director determines that specified conditions are met. The bill would authorize the department to recover the costs incurred by the department as a result of making those determinations by imposing a fee for those costs on the proponent of the project for the road. The bill would authorize a

person or class of persons to file a civil action to enjoin a person or entity, including a state or local agency, that is alleged to violate the prohibition.

To the extent the bill would impose new requirements on a local agency, to determine whether a project falls within the prohibition, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5012.3 is added to the Public Resources
- 2 Code, to read:
- 3 5012.3. (a) Notwithstanding any other provision of law, and
- 4 except as provided in subdivision (b), a state or local agency shall
- 5 not fund the construction of, seek funding to construct, or authorize
- 6 or approve the construction of, a road or portion thereof, or make
- 7 an improvement or extension to an existing road, that will
- 8 physically encroach upon, traverse, bisect, or impair the
- 9 recreational value of a state park property.
- 10 (b) Subdivision (a) does not apply if the director determines
- 11 that all of the following conditions are met:
- 12 (1) The project for the road includes all feasible planning to
- 13 minimize harm to the state park property.
- 14 (2) There are no feasible alternatives to the project for the road
- 15 that would avoid impacting the state park property.
- 16 (3) One of the following applies:
- 17 (A) The road is necessary for the operation, maintenance, or
- 18 use of the state park property for state park purposes.
- 19 (B) The road is necessary for the prevention or suppression of
- 20 fires that pose a threat to life and property.
- 21 (C) The road is necessary for the construction, operation, or
- 22 maintenance of utilities located on the state park property.

1 (c) Costs incurred by the department as a result of making the
2 determinations set forth in subdivision (b) may be recovered by
3 the department by imposing a fee for those costs on the proponent
4 of the project for the road.

5 (d) (1) A person or class of persons may file a civil action to
6 enjoin a person or entity, including a state or local agency, that is
7 alleged to be violating this section.

8 (2) A civil action brought pursuant to paragraph (1) may be
9 brought in the superior court in the county in which the violation
10 occurs.

11 (3) Injunctive relief provided pursuant to this subdivision shall
12 not restrict any other right that a person or class of persons may
13 have under a statute or common law, including the right to seek
14 other legal remedies against the state or a local agency.

15 (e) As used in this section, the following terms have the
16 following meanings:

17 (1) "Local agency" means a county, general law or charter city,
18 town, school district, municipal corporation, district, joint powers
19 authority, political subdivision of the state, or a board, commission,
20 or agency thereof, or other local or regional public agency.

21 (2) "Road" means a highway, as defined in Section 360 of the
22 Vehicle Code, street, as defined in Section 590 of the Vehicle
23 Code, toll road or toll highway, as defined in Section 611 of the
24 Vehicle Code, or major thoroughfare.

25 (3) "State agency" includes a state department, division, bureau,
26 board, commission, or any other office within a state agency.

27 (4) "State park property" includes real property or an interest
28 in real property, that is owned, leased, or held under a conservation
29 easement by the department or otherwise under the jurisdiction or
30 control of the department.

31 SEC. 2. If the Commission on State Mandates determines that
32 this act contains costs mandated by the state, reimbursement to
33 local agencies and school districts for those costs shall be made
34 pursuant to Part 7 (commencing with Section 17500) of Division
35 4 of Title 2 of the Government Code.



March 15, 2007

To: Legislative and Government Affairs/Public Communications Committee

From: Arthur T. Leahy, Chief Executive Officer

Subject: State Legislative Status Report

Overview

As part of the 2007 State Legislative Platform, the Orange County Transportation Authority Board of Directors approved four sponsor bills for this session, the last of which has now been introduced. Affirmation of the sponsor position for that bill is requested. Additionally, Assembly Member Huff requests sponsorship for AB 1306, a bill that requires all gasoline sales tax funds to flow to Proposition 42.

Recommendations

A. Adopt the following recommended positions on legislation:

Co-Sponsor AB 1228 (Solorio, D-Santa Ana) consistent with the adopted 2007 State Legislative Platform.

B. Add the following item to the 2007 State Legislative Platform:

Sponsor AB 1306 (Huff, R-Diamond Bar) consistent with support concepts articulated in the adopted 2007 State Legislative Platform.

Discussion

Sponsor Bill Introduced

In the 2007 State Legislative Platform, the Orange County Transportation Authority (OCTA) Board of Directors approved the sponsorship of four bills in the 2007 legislative session. The last of the four sponsor bills has been introduced as AB 1228 (Solorio, D-Santa Ana). This bill would extend the initial operating segment (IOS) for the California high-speed train to the City of

Anaheim. It is currently proposed to run only from San Francisco to Union Station in Los Angeles.

AB 1228 is similar to AB 1173 (Tran, R-Garden Grove), a bill co-sponsored by the Orange County Transportation Authority (OCTA) and the City of Anaheim in the 2005-2006 legislative session. However, AB 1228 was modified to prohibit the use of funds from the voter-approved bond act for construction costs and instead will allow funding to be only available for use on planning, environmental, engineering, and right-of-way acquisition costs for the Los Angeles to Anaheim segment. This was done to reduce the associated costs with adding the Anaheim segment to the overall system, which was a concern about AB 1173 noted last year. Funding for the construction of the segment could come from revenue-backed bonds and federal funds.

Locally, the OCTA Board of Directors approved the allocation of \$7 million in local funds in September 2006 for preliminary engineering and environmental studies of the proposed segment to Anaheim as a demonstration of the local commitment to the project. These funds are anticipated to be expended in fiscal years 2007-2008 and 2008-2009. An analysis of the bill is attached (Attachment A). Staff recommends: CO-SPONSOR.

Sponsorship Request for AB 1306

Assembly Member Bob Huff (R-Diamond Bar) has introduced AB 1306, which eliminates the statute requiring the deposit of what are commonly referred to as "spillover" revenues in the Public Transportation Account (PTA), thereby distributing the funds to the Transportation Investment Fund (Proposition 42).

Assembly Member Huff contacted OCTA after reviewing a copy of the adopted 2007 State Legislative Platform (Platform) and informed staff that his office would like to carry legislation this year to implement the item noted in the Platform, Key Issues "Spillover" section (a). This item states that OCTA will "support the elimination of the statute that requires the "spillover" set-aside, thus allowing all gasoline sales tax funds to flow to Proposition 42."

"Spillover" revenues are determined by a formula created in 1971 that compares the state sales tax on gasoline to a 1/4-cent sales tax on all goods. When the sales tax on gasoline is more, this amount is called "spillover." Arguably, the voters did not realize this strange calculation was in effect when Proposition 42 was passed. At that time, the voters intended to direct the state sales tax on gasoline to transportation.

Since "spillover" is not protected under Proposition 42, in the years it has been generated, over \$1.667 billion has been diverted to fund other state obligations. The Governor's January Budget contains a proposal to divert another \$617 million in spillover funding to fund Department of Education obligations for home-to-school transportation.

Assembly Member Huff has requested OCTA specifically articulate a "sponsor" position on this bill rather than just a "support" position as the concept originated from our adopted legislative platform as described above. An analysis of the bill is attached (Attachment B). To prevent the continued loss of designated transportation funding, staff recommends: SPONSOR.

Summary

The last of the four previously noted sponsor bills has been introduced and affirmation of the sponsor position for that bill is requested. Additionally, Assembly Member Huff requests sponsorship for AB 1306, a bill that requires all gasoline sales tax funds to flow to Proposition 42.

Attachments

- A. Analysis of AB 1228 (Solorio, D-Santa Ana)
- B. Analysis of AB 1306 (Huff, R-Diamond Bar)
- C. Orange County Transportation Authority Legislative Matrix

Prepared by:

Wendy Villa
Manager, State Relations
(714) 560-5595

Approved by:

P. Sue Zuhlke
Chief of Staff
(714) 560-5574

BILL: AB 1228 (Solorio, D-Santa Ana)
Introduced February 23, 2007

SUBJECT: Extends the initial operating segment of the California high-speed train to the City of Anaheim.

STATUS: Pending committee assignment

SUMMARY AS OF MARCH 8 , 2007:

AB 1228 would extend the initial operating segment (IOS) for the California high-speed train to the City of Anaheim. It is currently proposed to run from San Francisco to Union Station in Los Angeles. Funding for planning and construction of this project is dependent upon passage of the Safe, Reliable, High-Speed Passenger Train Bond Act for the 21st Century (Act), created with the approval of SB 1856 (Chapter 697, Statutes of 2002). The Act, subject to voter approval, would provide \$9 billion for construction of the high-speed rail system and \$995 million for feeder rail service. Although the Act was scheduled to be placed on the November 2004 ballot, it has twice been deferred to 2006 and 2008. The Governor's January Budget proposes to defer the Act indefinitely in order to provide additional debt capacity for other bond proposals. The Governor has also proposed to lower funding for the California High-Speed Rail Authority (CHSRA) from \$14.4 million last year to \$1.2 million, despite CHSRA's request for \$103 for the next phase of studies.

The CHSRA was created by the Legislature by SB 1420 (Chapter 796, Statutes of 1996) to develop a plan for the construction, operation, and financing of a statewide, intercity high-speed passenger rail system. CHSRA consists of nine members, five appointed by the Governor, two by the Senate Rules Committee and two by the Speaker of the Assembly.

CHSRA was the successor agency to the Intercity High-Speed Rail Commission, which was established in 1993 to prepare a 20-year high-speed intercity ground transportation plan. The Commission submitted a report to the Legislature that found that intercity high-speed train network was technically, financially, and environmentally feasible for California. The CHSRA business plan, as submitted to the Legislature in 2000, envisioned a 700-mile-long high-speed train system capable of speeds in excess of 200 miles per hour on dedicated, fully grade separated tracks running from San Diego in the south to San Francisco, Oakland, and Sacramento in the north. The total cost for the system is estimated at \$38 billion, with an operational date of 2020.

Please note that AB 1228 is similar to AB 1173 (Tran), a bill co-sponsored by the Orange County Transportation Authority (OCTA) and the City of Anaheim in the last session. However, AB 1228 was modified to prohibit the use of funds from the voter-approved bond act for construction costs and instead will allow funding to be only available for use on planning, environmental, engineering, and right-of-way acquisition costs for the Los Angeles to Anaheim segment. This was done to reduce the associated costs with adding the Anaheim segment to the overall system, which was a concern about AB 1173 noted by the Assembly Appropriations Committee last year.

Funding for the construction of the segment could come from revenue-backed bonds and federal funds.

EFFECTS ON ORANGE COUNTY:

System-wide, the Los Angeles (Union Station) to Anaheim segment is the most cost effective high-speed link in terms of the number of passenger boardings per mile, with a projected 8.4 million annual boardings in Anaheim. The mid-range projections for annual boardings at the Anaheim Regional Transportation Intermodal Center (ARTIC) would not only have one of the highest boarding rates but largest revenue-generating capacity in the entire CHSRA system. The segment between Los Angeles and Anaheim would use the existing LOSSAN corridor and include a station in Norwalk. The length of the segment is 30.1 miles and would cost a projected \$1.2 billion. It is estimated that while this corridor extension would be three percent of the total system cost and four percent of total system miles, it would carry 12 percent of the total annual projected high-speed rail passengers.

It is also estimated that a high-speed rail extension to Anaheim would provide substantial congestion relief, expand mobility options, improve safety, and provide air quality improvements. Currently, the LOSSAN corridor rail tracks between Los Angeles and Orange County mutually accommodate freight service as well as Metrolink commuter rail service and Amtrak passenger service. Currently, 45 freight trains and 50 passenger trains pass through this corridor each day, a number that is projected to increase to 193 by 2020. The increase in train volume means that rail crossing gates will be down for longer periods of time, further delaying Orange County and Los Angeles County motorists at these rail crossings.

There are eight grade crossings in Los Angeles County and 10 grade crossings in Orange County along this section of the LOSSAN corridor. During the last 20 years, 53 accidents have occurred, including 24 fatalities. An extension of high-speed rail to Anaheim would separate the rail from cross traffic and add additional track capacity, thereby providing dedicated tracks for freight and passenger trains and allowing for more efficient movement of goods and individuals, while improving air quality, safety, and reducing congestion.

Locally, the OCTA Board of Directors approved the allocation of \$7 million in local funds in September 2006 for preliminary engineering and environmental studies of the proposed segment to Anaheim as a demonstration of the local commitment to the project. These funds are anticipated to be expended in fiscal years 2007-2008 and 2008-2009.

OCTA POSITION:

Staff recommends: CO-SPONSOR

ASSEMBLY BILL

No. 1228

Introduced by Assembly Member Solorio

February 23, 2007

An act to amend Sections 2704.04 and 2704.09 of the Streets and Highways Code, and to amend Sections 1, 3, and 4 of Chapter 697 of the Statutes of 2002, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1228, as introduced, Solorio. Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century.

Existing law provides for submission of the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century to the voters for approval at the November 4, 2008, statewide general election. Subject to voter approval, the act would provide for the issuance of \$9.95 billion of general obligation bonds, \$9 billion of which would be available in conjunction with any available federal funds for planning and construction of a high-speed train system pursuant to the business plan of the High-Speed Rail Authority, and \$950 million of which would be available for capital projects on other passenger rail lines to provide connectivity to the high-speed train system and for capacity enhancements and safety improvements to those lines. Existing law specifies that the initial segment of the high-speed train system to be constructed is San Francisco to Los Angeles, and also specifies certain maximum express service travel times to be achieved for this and future corridors.

This bill would instead provide that Anaheim is to be the southern terminus of the initial segment of the high-speed train system. For the Anaheim-Irvine segment, the bill would provide that no general

obligation bond funds shall be available for construction, but that those funds shall be available only for eligible planning, environmental, and engineering costs. The bill would make other related changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 2704.04 of the Streets and Highways Code, as added by Section 2 of Chapter 697 of the Statutes of 2002, is amended to read:

2704.04. (a) It is the intent of the Legislature by enacting this chapter and of the people of California by approving the bond measure pursuant to this chapter to initiate the construction of a high-speed train network consistent with the authority's Final Business Plan of June 2000.

(b) (1) Nine billion dollars (\$9,000,000,000) of the proceeds of bonds authorized pursuant to this chapter, as well as federal funds and other revenues made available to the authority, to the extent consistent with federal and other fund source conditions, shall be used for planning and eligible capital costs, as defined in subdivision (c), for the segment of the high-speed train system between San Francisco Transbay Terminal and Los Angeles Union Station the Anaheim Regional Transportation Intermodal Center. Once construction of the ~~San Francisco-Los Angeles~~ San Francisco-Anaheim segment is fully funded, all remaining funds described in this subdivision shall be used for planning and eligible capital costs, as defined in subdivision (c), for the following additional high-speed train segments without preference to order:

(A) Oakland-San Jose.

(B) Sacramento-Merced.

(C) Los Angeles-Inland Empire.

(D) Inland Empire-San Diego.

(E) ~~Los Angeles-Irvine~~ Anaheim-Irvine.

(2) *For the Anaheim-Irvine initial operating segment, no general obligation bond funds shall be used for the actual construction of the segment. Those bond funds shall only be used for eligible planning, environmental, and engineering costs.*

(2)

1 (3) Revenues generated by operations above and beyond
2 operating and maintenance costs shall be used to fund construction
3 of the high-speed train system.

4 (c) Capital costs eligible to be paid from proceeds of bonds
5 authorized for high-speed train purposes pursuant to this chapter
6 include all activities necessary for acquisition of right-of-way,
7 construction of tracks, structures, power systems, and stations,
8 purchase of rolling stock and related equipment, and other related
9 capital facilities and equipment.

10 (d) Proceeds of bonds authorized pursuant to this chapter shall
11 not be used for any operating or maintenance costs of trains or
12 facilities.

13 (e) The State Auditor shall perform periodic audits of the
14 authority's use of proceeds of bonds authorized pursuant to this
15 chapter for consistency with the requirements of this chapter.

16 SEC. 2. Section 2704.09 of the Streets and Highways Code,
17 as added by Section 2 of Chapter 697 of the Statutes of 2002, is
18 amended to read:

19 2704.09. The high-speed train system to be constructed
20 pursuant to this chapter shall have the following characteristics:

21 (a) Electric trains that are capable of sustained maximum
22 revenue operating speeds of no less than 200 miles per hour.

23 (b) Maximum express service travel times for each corridor that
24 shall not exceed the following:

25 (1) ~~San Francisco-Los Angeles Union Station-San~~
26 ~~Francisco-Anaheim~~: two hours, 42 minutes.

27 (2) Oakland-Los Angeles Union Station: two hours, 42 minutes.

28 (3) San Francisco-San Jose: 31 minutes.

29 (4) San Jose-Los Angeles: two hours, 14 minutes.

30 (5) San Diego-Los Angeles: one hour.

31 (6) Inland Empire-Los Angeles: 29 minutes.

32 (7) Sacramento-Los Angeles: two hours, 22 minutes.

33 (8) Sacramento-San Jose: one hour, 12 minutes.

34 *The travel time in this subdivision may be appropriately adjusted*
35 *by the authority to reflect the amendments to this section extending*
36 *the southern terminal of the initial corridor from Los Angeles to*
37 *Anaheim.*

38 (c) Achievable operating headway (time between successive
39 trains) shall be five minutes or less.

1 (d) The total number of stations to be served by high-speed
2 trains for all of the segments described in subdivision (b) of Section
3 2704.04 shall not exceed 24.

4 (e) Trains shall have the capability to transition intermediate
5 stations, or to bypass those stations, at mainline operating speed.

6 (f) For each corridor described in subdivision (b), passengers
7 shall have the capability of traveling from any station on that
8 corridor to any other station on that corridor without being required
9 to change trains.

10 (g) In order to reduce impacts on communities and the
11 environment, the alignment for the high-speed train system shall
12 follow existing transportation or utility corridors to the extent
13 possible.

14 (h) Stations shall be located in areas with good access to local
15 mass transit or other modes of transportation.

16 (i) The high-speed train system shall be planned and constructed
17 in a manner that minimizes urban sprawl and impacts on the natural
18 environment.

19 (j) Preserving wildlife corridors and mitigating impacts to
20 wildlife movement where feasible in order to limit the extent to
21 which the system may present an additional barrier to wildlife's
22 natural movement.

23 SEC. 3. Section 1 of Chapter 697 of the Statutes of 2002, as
24 amended by Section 1 of Chapter 71 of the Statutes of 2004, is
25 amended to read:

26 Section 1. (a) In light of the events of September 11, 2001, it
27 is very clear that a high-speed passenger train network as described
28 in the High-Speed Rail Authority's Business Plan is essential for
29 the transportation needs of the growing population and economic
30 activity of this state.

31 (b) The initial high-speed train network linking San Francisco
32 and the ~~bay area~~ *Bay Area* to ~~Los Angeles~~ *Anaheim* will serve as
33 the backbone of what will become an extensive 700-mile system
34 that will link all of the state's major population centers, including
35 Sacramento, the ~~bay area~~ *Bay Area*, the Central Valley, Los
36 Angeles, the Inland Empire, Orange County, and San Diego, and
37 address the needs of the state.

38 (c) The high-speed passenger train bond funds are intended to
39 encourage the federal government and the private sector to make

1 a significant contribution toward the construction of the high-speed
2 train network.

3 (d) The initial segments shall be built in a manner that yields
4 maximum benefit consistent with available revenues.

5 (e) After the initial investment from the state, operating revenues
6 from the initial segments and funds from the federal government
7 and the private sector will be used to pay for expansion of the
8 system. It is the intent of the Legislature that the entire high-speed
9 train system shall be constructed as quickly as possible in order
10 to maximize ridership and the mobility of Californians.

11 (f) At a minimum, the entire 700-mile system described in the
12 High-Speed Rail Authority's Business Plan should be constructed
13 and in revenue service by 2020.

14 SEC. 4. Section 3 of Chapter 697 of the Statutes of 2002, as
15 amended by Section 3 of Chapter 44 of the Statutes of 2006 is
16 amended to read:

17 Sec. 3. Section 2 of Chapter 697 of the Statutes of 2002, as
18 amended by Sections 2 and 3 of Chapter 71 of the Statutes of 2004,
19 *as further amended by Sections 1 and 2 of Chapter 44 of the*
20 *Statutes of 2006*, and as further amended by Sections 1 and 2 of
21 the act amending this section in the ~~2005-06~~ 2007-08 Regular
22 Session, shall take effect upon the adoption by the voters of the
23 Safe, Reliable High-Speed Passenger Train Bond Act for the 21st
24 Century, as set forth in Section 2 of Chapter 697 of the Statutes
25 of 2002, as amended by Sections 2 and 3 of Chapter 71 of the
26 Statutes of 2004, *as further amended by Sections 1 and 2 of*
27 *Chapter 44 of the Statutes of 2006*, and as further amended by
28 Sections 1 and 2 of the act amending this section in the ~~2005-06~~
29 2007-08 Regular Session.

30 SEC. 5. Section 4 of Chapter 697 of the Statutes of 2002, as
31 amended by Section 4 of Chapter 44 of the Statutes of 2006, is
32 amended to read:

33 Sec. 4. (a) Section 2 of Chapter 697 of the Statutes of 2003,
34 as amended by Sections 2 and 3 of Chapter 71 of the Statutes of
35 2004, *as further amended by Sections 1 and 2 of Chapter 44 of the*
36 *Statutes of 2006*, and as further amended by Sections 1 and 2 of
37 the act amending this section in the ~~2005-06~~ 2007-08 Regular
38 Session, shall be submitted to the voters at the November 4, 2008,
39 general election in accordance with provisions of the Government

1 Code and the Elections Code governing the submission of statewide
2 measures to the voters.

3 (b) Notwithstanding any other provision of law, all ballots of
4 the November 4, 2008, general election shall have printed thereon
5 and in a square thereof, exclusively, the words “Safe, Reliable
6 High-Speed Passenger Train Bond Act for the 21st Century” and
7 in the same square under those words, the following in 8-point
8 type: “This act provides for the Safe, Reliable High-Speed
9 Passenger Train Bond Act for the 21st Century. For the purpose
10 of reducing traffic on the state’s highways and roadways, upgrading
11 commuter transportation, improving people’s ability to get safely
12 from city to city, alleviating congestion at airports, reducing air
13 pollution, and providing for California’s growing population, shall
14 the state build a high-speed train system and improve existing
15 passenger rail lines serving the state’s major population centers
16 by creating a rail trust fund that will issue bonds totaling \$9.95
17 billion, paid from existing state funds at an average cost of _____
18 dollars (\$_____) per year over the 30-year life of the bonds, with
19 all expenditures subject to an independent audit?” The blank space
20 in the question to appear on the ballot pursuant to this subdivision
21 shall be filled in by the Attorney General with the appropriate
22 figure provided by the Legislative Analyst relative to the annual
23 average cost of the bonds. Opposite the square, there shall be left
24 spaces in which the voters may place a cross in the manner required
25 by law to indicate whether they vote for or against the measure.

26 (c) Notwithstanding Sections 13247 and 13281 of the Elections
27 Code, the language in subdivision (b) shall be the only language
28 included in the ballot label for the condensed statement of the
29 ballot title, and the Attorney General shall not supplement, subtract
30 from, or revise that language, except that the Attorney General
31 may include the financial impact summary prepared pursuant to
32 Section 9087 of the Elections Code and Section 88003 of the
33 Government Code. The ballot label is the condensed statement of
34 the ballot title and the financial impact summary.

35 (d) Where the voting in the election is done by means of voting
36 machines used pursuant to law in the manner that carries out the
37 intent of this section, the use of the voting machines and the

1 expression of the voters' choice by means thereof are in compliance
2 with this section.

O

BILL: AB 1306 (Huff, R-Diamond Bar)
Introduced February 23, 2007

SUBJECT: Eliminates the statute requiring the spillover set-aside, thereby directing all gasoline sales tax funds to Proposition 42

STATUS: Pending committee assignment

SUMMARY AS OF MARCH 8, 2007:

AB 1306 would eliminate the statute requiring the deposit of what are commonly referred to as “spillover” revenues in the Public Transportation Account (PTA), thereby distributing the funds to the Transportation Investment Fund (Proposition 42).

Enacted in 1971, the Transportation Development Act (TDA) was designed to enhance transportation funding in California without increasing the overall sales tax rate on goods by reducing the state sales tax on all goods by one-quarter percent and allowing each county board of supervisors to impose a one-quarter percent sales tax for local transportation purposes. All 58 counties chose to enact the one-quarter percent sales tax.

As the reduction in the state sales tax would impact state General Fund revenues, a state sales tax was then imposed on gasoline to mitigate the loss to the General Fund. At the time, the amount of revenue generated by imposing the state sales tax on gasoline was equivalent to the one-quarter percent sales tax on all goods thus holding harmless the General Fund from any loss of revenue.

As gas prices increase, the state sales tax on gasoline could generate more revenue than the state loses through the diversion of the one-quarter cent sales tax on all goods to counties. The imposition of the state sales tax on gasoline was not intended to create a windfall for the General Fund, so legislation was enacted that required any excess revenue be transferred to what is now known as the Public Transportation Account (PTA) to be used for transit purposes. This excess revenue has become known as “spillover.”

In 2002, the voters approved Proposition 42 which dedicated the state sales tax on gasoline that is transferred to the General Fund to the Transportation Investment Fund for transportation purposes. As “spillover” goes directly from the Retail Sales Tax Fund to the PTA, it is never transferred to the General Fund, and therefore, is not available for the purposes of Proposition 42.

Proposition 1A, approved by the voters in November 2006, is designed to further protect against the Legislature’s continued diversion of transportation funding to other purposes. Unfortunately, unless that protection is extended to include broader transportation funding, the “loophole” for Proposition 42 will never be closed. One of the ways to help ensure that transportation funding goes for transportation purposes is to

eliminate the statute that requires the spillover set-aside, thus allowing all gasoline sales tax funds to flow to Proposition 42.

This will not only further protect transportation funding, but it will open up previously designated “transit” funds to wider transportation purposes. By being subject to the Proposition 42 formula rather than the PTA formula, these funds will have broader application and use. Furthermore, it completes the intent of the voters when they passed Proposition 42 – which is to have gasoline sales tax funds go to transportation.

EFFECTS ON ORANGE COUNTY:

Of the \$1.677 billion in statewide PTA funds that have been diverted away from transit purposes in since 2000, the Orange County Transportation Authority (OCTA) has experienced a loss of \$46.4 million from this funding source. These funds could have provided approximately 487,000 vehicle service hours. The Governor’s fiscal year 2007-2008 January Budget proposal proposes an additional loss of \$1.1 billion in PTA spillover and capital funding, resulting in a \$43 million loss for OCTA.

Additionally, despite the fact that additional “spillover” money has been generated by higher fuel prices, transit agencies have not been able to “offset” their costs by receiving these added funds. From 2001 to 2006, OCTA experienced a 140 percent increase in fuel prices, yet the PTA “spillover” funds created by the higher fuel prices have typically been retained by the Legislature for other purposes.

OCTA POSITION:

Staff recommends: SPONSOR

ASSEMBLY BILL

No. 1306

Introduced by Assembly Member Huff

February 23, 2007

An act to amend Section 7102 of the Revenue and Taxation Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1306, as introduced, Huff. Sales taxes on gasoline.

Existing law, pursuant to Proposition 116 of 1990, an initiative act, creates the Public Transportation Account as a trust fund in the State Transportation Fund, and provides that funds shall be deposited in the account from a specified portion of the sales taxes on gasoline and diesel fuel, and that the moneys in the account shall be available for expenditure only for transportation planning and mass transportation purposes. These provisions may be amended by the Legislature only by a $\frac{2}{3}$ vote of both houses of the Legislature and only if the amending statute is consistent with, and furthers the purposes of, the initiative act.

Existing law requires the remaining state revenues from sales taxes on gasoline to be deposited in the General Fund. Article XIX B of the California Constitution, commencing with the 2003–04 fiscal year, requires the portion of sales taxes on gasoline that are deposited in the General Fund to be transferred to the Transportation Investment Fund for allocation to various transportation purposes.

This bill would reduce the portion of gasoline sales tax revenues that are deposited in the Public Transportation Account by eliminating what is commonly known as the “spillover” formula. The bill would thereby increase the revenues from the sales tax on gasoline that are deposited in the General Fund, and by operation of Article XIX B of the

Constitution, would require those revenues to be subsequently transferred to the Transportation Investment Fund.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) California currently has the most congested roads in the
4 nation, and those roads are in a major state of disrepair. Drivers
5 spend \$20.7 billion in extra fuel each year and spend 500,000 hours
6 stuck in traffic every day because of overcrowded roads.

7 (b) In 2002, 69 percent of California voters approved Proposition
8 42, which adopted Article XIX B of the California Constitution,
9 in order to ensure that existing taxes paid on gasoline sales were
10 dedicated to improving roads, reducing congestion, and enhancing
11 transportation safety.

12 (c) In 2006, California voters reaffirmed their commitment to
13 Proposition 42 by overwhelmingly approving Proposition 1A,
14 which closed a legal loophole, in order to prevent taxes on gasoline
15 sales from being diverted from transportation projects to other
16 purposes. Proposition 1A was approved by 77 percent of California
17 voters.

18 (d) Current law includes another loophole that results in some
19 sales taxes on gasoline not being included in the calculation of
20 revenues subject to Article XIX B of the Constitution. These funds,
21 known as “spillover” funds, have been raided in recent years rather
22 than being used for their intended purpose to fund vital public
23 transportation projects.

24 SEC. 2. Section 7102 of the Revenue and Taxation Code is
25 amended to read:

26 7102. The money in the fund shall, upon order of the Controller,
27 be drawn therefrom for refunds under this part, credits or refunds
28 pursuant to Section 60202, and refunds pursuant to Section 1793.25
29 of the Civil Code, or be transferred in the following manner:

30 (a) (1) ~~All revenues, less refunds, derived under this part at the~~
31 ~~4 $\frac{3}{4}$ percent rate, including the imposition of sales and use taxes~~
32 ~~with respect to the sale, storage, use, or other consumption of motor~~
33 ~~vehicle fuel which would not have been received if the sales and~~

1 use tax rate had been 5 percent and if motor vehicle fuel, as defined
2 for purposes of the Motor Vehicle Fuel License Tax Law (Part 2
3 (commencing with Section 7301)), had been exempt from sales
4 and use taxes, shall be estimated by the State Board of
5 Equalization, with the concurrence of the Department of Finance,
6 and shall be transferred quarterly to the Public Transportation
7 Account, a trust fund in the State Transportation Fund, except as
8 modified as follows:

9 (A) For the 2001-02 fiscal year, those transfers may not be more
10 than eighty-one million dollars (\$81,000,000) plus one-half of the
11 amount computed pursuant to this paragraph that exceeds
12 eighty-one million dollars (\$81,000,000).

13 (B) For the 2002-03 fiscal year, those transfers may not be more
14 than thirty-seven million dollars (\$37,000,000) plus one-half of
15 the amount computed pursuant to this paragraph that exceeds
16 thirty-seven million dollars (\$37,000,000).

17 (C) For the 2003-04 fiscal year, no transfers shall be made
18 pursuant to this paragraph, except that if the amount to be otherwise
19 transferred pursuant to this paragraph is in excess of eighty-seven
20 million four hundred fifty thousand dollars (\$87,450,000), then
21 the amount of that excess shall be transferred.

22 (D) For the 2004-05 fiscal year, no transfers shall be made
23 pursuant to this paragraph, and of the amount that would otherwise
24 have been transferred, one hundred forty million dollars
25 (\$140,000,000) shall instead be transferred to the Traffic
26 Congestion Relief Fund as partial repayment of amounts owed by
27 the General Fund pursuant to Item 2600-011-3007 of the Budget
28 Act of 2002 (Chapter 379 of the Statutes of 2002).

29 (E) For the 2005-06 fiscal year, no transfers shall be made
30 pursuant to this paragraph.

31 (F) For the 2006-07 fiscal year, the revenues estimated pursuant
32 to this paragraph shall, notwithstanding any other provision of this
33 paragraph or any other provision of law, be transferred and
34 allocated as follows:

35 (i) The first two hundred million dollars (\$200,000,000) shall
36 be transferred to the Transportation Deferred Investment Fund as
37 partial repayment of the amounts owed by the General Fund to
38 that fund pursuant to Section 7106.

39 (ii) The next one hundred twenty-five million dollars
40 (\$125,000,000) shall be transferred to the Bay Area Toll Account

1 ~~for expenditure pursuant to Section 188.6 of the Streets and~~
2 ~~Highways Code.~~

3 ~~(iii) Of the remaining revenues, thirty-three million dollars~~
4 ~~(\$33,000,000) shall be transferred to the Public Transportation~~
5 ~~Account to support appropriations from that account in the Budget~~
6 ~~Act of 2006.~~

7 ~~(iv) The remaining revenues shall be transferred to the Public~~
8 ~~Transportation Account for allocation as follows:~~

9 ~~(I) Twenty percent to the Department of Transportation for~~
10 ~~purposes of Section 99315 of the Public Utilities Code.~~

11 ~~(II) Forty percent to the Controller, for allocation pursuant to~~
12 ~~Section 99314 of the Public Utilities Code.~~

13 ~~(III) Forty percent to the Controller, for allocation pursuant to~~
14 ~~Section 99313 of the Public Utilities Code.~~

15 (2) All revenues, less refunds, derived under this part at the
16 $4\frac{3}{4}$ -percent rate, resulting from increasing, after December 31,
17 1989, the rate of tax imposed pursuant to the Motor Vehicle Fuel
18 License Tax Law on motor vehicle fuel, as defined for purposes
19 of that law, shall be transferred quarterly to the Public
20 Transportation Account, a trust fund in the State Transportation
21 Fund.

22 (3)

23 (2) All revenues, less refunds, derived under this part at the
24 $4\frac{3}{4}$ -percent rate from the imposition of sales and use taxes on fuel,
25 as defined for purposes of the Use Fuel Tax Law (Part 3
26 (commencing with Section 8601)) and the Diesel Fuel Tax Law
27 (Part 31 (commencing with Section 60001)), shall be estimated
28 by the State Board of Equalization, with the concurrence of the
29 Department of Finance, and shall be transferred quarterly to the
30 Public Transportation Account, a trust fund in the State
31 Transportation Fund.

32 (4)

33 (3) All revenues, less refunds, derived under this part from the
34 taxes imposed pursuant to Sections 6051.2 and 6201.2 shall be
35 transferred to the Sales Tax Account of the Local Revenue Fund
36 for allocation to cities and counties as prescribed by statute.

37 (5)

38 (4) All revenues, less refunds, derived from the taxes imposed
39 pursuant to Section 35 of Article XIII of the California Constitution
40 shall be transferred to the Public Safety Account in the Local Public

1 Safety Fund created in Section 30051 of the Government Code
2 for allocation to counties as prescribed by statute.

3 (b) The balance shall be transferred to the General Fund.

4 (c) The estimates required by subdivision (a) shall be based on
5 taxable transactions occurring during a calendar year, and the
6 transfers required by subdivision (a) shall be made during the fiscal
7 year that commences during that same calendar year. Transfers
8 required by paragraphs (1); *and* (2), ~~and (3)~~ of subdivision (a) shall
9 be estimated by the State Board of Equalization, with the
10 concurrence of the Department of Finance, and shall be made
11 quarterly.

12 (d) Notwithstanding the designation of the Public Transportation
13 Account as a trust fund pursuant to subdivision (a), the Controller
14 may use the Public Transportation Account for loans to the General
15 Fund as provided in Sections 16310 and 16381 of the Government
16 Code. The loans shall be repaid with interest from the General
17 Fund at the Pooled Money Investment Account rate.

18 (e) The Legislature may amend this section, by statute passed
19 in each house of the Legislature by rollcall vote entered in the
20 journal, two-thirds of the membership concurring, if the statute is
21 consistent with, and furthers the purposes of this section.

Orange County Transportation Authority Legislative Matrix

(► Denotes changes from the last report)

OCTA Sponsored Legislation

- AB 256 **AUTHOR:** Huff (R)
TITLE: State Highway Operation and Protection Programs
INTRODUCED: 2/05/2007
HEARING: 3/12/2007 1:30 pm
LOCATION: Assembly Transportation Committee
COMMENTARY:
Relates to the state highway operation and protection program. Appropriates to the department, from funds in the State Highway Account the amount identified for traffic safety projects.
STATUS:
2/22/2007 To ASSEMBLY Committee on TRANSPORTATION.
- AB 387 **AUTHOR:** Duvall (R)
TITLE: Design-Build: Transit Contracts
INTRODUCED: 2/15/2007
LOCATION: Assembly
COMMENTARY:
Amends law that authorizes transit operators to enter into design-build contracts according to specified procedures. Provides that the prequalification process is optional for technology or surveillance procurements designed to enhance safety, disaster preparedness, and homeland security efforts. Authorizes transit operators to enter into design-build contract for transit projects that involve state highway construction or local street and road projects.
STATUS:
2/15/2007 INTRODUCED.
- SB 184 **AUTHOR:** Alquist (D) and Correa (D)
TITLE: Transportation Projects
INTRODUCED: 2/06/2007
HEARING: 3/27/2007 1:30 pm
LOCATION: Senate Transportation and Housing Committee
COMMENTARY:
Limits provisions of existing law that authorizes a regional or local entity that is the sponsor of, or is eligible to receive funding for, a project contained in the state transportation improvement program to expend its own funds for any component of a project within its jurisdiction that is included in an adopted state transportation improvement program, and for which the California Transportation Commission has not made an allocation to projects advanced for expenditure by an eligible entity.
STATUS:
2/15/2007 To SENATE Committee on TRANSPORTATION and HOUSING.

► SB 442

AUTHOR: Ackerman(R)
TITLE: Public Contracts: Transit Projects: Design-Build
INTRODUCED: 2/21/2007
LOCATION: Senate

COMMENTARY:

Amends existing law that authorizes transit operators to enter into design-build contracts. Specifies that such provisions apply only to transit projects, and that transit projects do not include highway construction or local street and road projects. Specifies that project include, but are not limited to, high-occupancy vehicle lane connecting the Garden Grove Freeway (State Route 22) to the San Diego (Interstate 405) and the San Gabriel (Interstate 605) freeways.

STATUS:

2/28/2007

To SENATE Committee on TRANSPORTATION AND HOUSING.

Bills Being Monitored

Infrastructure Bond Bills

- SB 9 **AUTHOR:** Lowenthal (D)
TITLE: Trade Corridor Improvement: Transportation Project
INTRODUCED: 12/04/2006
LOCATION: Senate Rules Committee
COMMENTARY:
Amends existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act. Requires a sum to be transferred to the Trade Corridors Improvement Fund. Provides for infrastructure improvements along federally designated Trade Corridors of National Significance. Sets forth the intent of the Legislature to enact legislation that establishes a process for the selection of transportation projects.
STATUS:
1/18/2007 To SENATE Committee on RULES.
- SB 19 **AUTHOR:** Lowenthal (D)
TITLE: Trade Corridor: Projects to Reduce Emissions: Funding
INTRODUCED: 12/04/2006
LOCATION: Senate Rules Committee
COMMENTARY:
Declares the intent of the Legislature to enact legislation that establishes conditions and criteria for projects funded under provisions of the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006.
STATUS:
1/18/2007 To SENATE Committee on RULES.
- SB 45 **AUTHOR:** Perata (D)
TITLE: Transportation Funds for Capital Projects
INTRODUCED: 12/22/2006
LOCATION: Senate Rules Committee
COMMENTARY:
States the intent of the Legislature to enact legislation that would establish the application process for allocations from the Transit System Safety, Security, and Disaster Response Account.
STATUS:
1/18/2007 To SENATE Committee on RULES.
- SB 47 **AUTHOR:** Perata (D)
TITLE: Transportation Bonds
INTRODUCED: 12/22/2006
LOCATION: Senate Rules Committee
COMMENTARY:
States the intent of the Legislature to enact provisions governing project eligibility, matching fund requirements, and the application process relative to allocation of bond proceeds of the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 to the State-Local Partnership Program.
STATUS:
1/18/2007 To SENATE Committee on RULES.

AB 32 (Greenhouse Gas Emissions) Implementation Bills

- AB 6 **AUTHOR:** Houston (R)
 TITLE: Greenhouse Gases: Market-Based Compliance Mechanisms
 INTRODUCED: 12/04/2006
 LOCATION: Assembly Natural Resources Committee
 COMMENTARY:
 Requires the State Air Resources Board to adopt market-based compliance mechanisms to reduce emissions of greenhouse gases.
 STATUS:
 2/01/2007 To ASSEMBLY Committee on NATURAL RESOURCES.
- AB 109 **AUTHOR:** Nunez (D)
 TITLE: Global Warming Solutions Act of 2006: Annual Report
 INTRODUCED: 1/05/2007
 LOCATION: Assembly Natural Resources Committee
 COMMENTARY:
 Requires the State Air Resources Board to report to the Legislature annually the status and progress of implementing the Global Warming Solutions Act of 2006. Requires the state to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions levels in 1990 to be achieved by 2020.
 STATUS:
 2/01/2007 To ASSEMBLY Committee on NATURAL RESOURCES.
- AB 242 **AUTHOR:** Blakeslee (R)
 TITLE: Energy Policy: Emissions of Greenhouse Gases
 INTRODUCED: 2/01/2007
 LOCATION: ASSEMBLY
 COMMENTARY:
 Makes legislative findings and declarations regarding the policy and intent of the state with regard to reductions in emissions of greenhouse gases.
 STATUS:
 2/01/2007 INTRODUCED.

Other Bills

- AB 38 **AUTHOR:** Nava (D)
TITLE: State Agencies: Office of Homeland Security
INTRODUCED: 12/04/2006
LOCATION: Assembly Governmental Organization Committee
COMMENTARY:
Transfers the Office of Homeland Security to become a division of the Office of Emergency Services.
STATUS:
2/01/2007 To ASSEMBLY Committee on GOVERNMENTAL ORGANIZATION.
- AB 57 **AUTHOR:** Soto (D)
TITLE: Highways: Safe Routes to School Construction Program
INTRODUCED: 12/04/2006
LOCATION: Assembly Transportation Committee
COMMENTARY:
Deletes the January 1, 2008, repeal date of the Safe Routes to School construction program, thereby extending the provisions indefinitely. Deletes the January 1, 2008, repeal date of provisions authorizing state and local entities to secure and expend federal funds for programs related to bicycles and pedestrian safety and traffic-calming measures in high-hazard locations.
STATUS:
2/01/2007 To ASSEMBLY Committee on TRANSPORTATION.
- AB 169 **AUTHOR:** Levine (D)
TITLE: Joint Powers Authorities: Indian Tribes
INTRODUCED: 1/23/2007
LOCATION: ASSEMBLY
COMMENTARY:
Provides that 16 federally recognized Indian tribes may participate in the Southern California Association of Governments, a joint powers authority, for specified purposes and subject to specified conditions in the 6-county region of the Southern California Association of Governments.
STATUS:
1/23/2007 INTRODUCED.
- AB 1228 **AUTHOR:** Solorio (D)
TITLE: High-Speed Passenger Train Bond Act
INTRODUCED: 2/23/2007
LOCATION: ASSEMBLY
COMMENTARY:
Relates to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century. Provides that Anaheim is to be the Southern terminus of the initial segment of the high-speed train system. Provides that for the Anaheim-Irvine segment, no general obligation bond funds shall be available for construction, but that those funds shall be available only for eligible planning, environmental, and engineering costs.
STATUS:
2/23/2007 INTRODUCED.

► AB 1306

AUTHOR: Huff (R)
TITLE: Sales Tax on Gasoline
INTRODUCED: 2/23/2007
LOCATION: ASSEMBLY
COMMENTARY:

Reduces the portion of gasoline sales tax revenues that are deposited in the Public Transportation Account by eliminating what is commonly known as the spillover formula. Increase revenues from the sales tax on gasoline that are deposited in the General Fund. Requires those revenues to be transferred to the Transportation Investment Fund.

STATUS:
2/23/2007 INTRODUCED.

ACA 1

AUTHOR: Dymally (D)
TITLE: Elections: Redistricting
INTRODUCED: 12/04/2006
LOCATION: ASSEMBLY
COMMENTARY:

Proposes an amendment to the Constitution to require the appointment of the Independent Redistricting Commission that would be charged with establishing, by February 28 of each year ending in the number one, congressional, Assembly, Senate, and State Board of Equalization districts of equal population in compliance with the United States Constitution, pursuant to a mapping process for each district in accordance with specified goals.

STATUS:
12/04/2006 INTRODUCED.

ACA 2

AUTHOR: Walters (R)
TITLE: Eminent Domain
INTRODUCED: 12/04/2006
LOCATION: ASSEMBLY
COMMENTARY:

Proposes an amendment to the Constitution of the State to permit private property to be taken or damaged only for a stated public use and only when just compensation has been paid to, or into court for, the owner of the property. Prohibits, with respect to both new and pending eminent domain projects that involve the exercise of the power of eminent domain, a community redevelopment agency, commission, or joint powers agency that has the power of eminent domain from exercising such power unjustly.

STATUS:
12/04/2006 INTRODUCED.

ACA 3

AUTHOR: Gaines (R)
TITLE: Expenditure Limits
INTRODUCED: 12/04/2006
LOCATION: ASSEMBLY
COMMENTARY:

Limits total state General Fund and special fund expenditures to an annual increase of no more than the increase in the cost of living, multiplied by the percentage increase in state population. Requires excess revenues to be allocated in prescribed amounts to a reserve account, to the State School Fund, and to personal income taxpayers.

STATUS:
12/04/2006 INTRODUCED.

ACA 4

AUTHOR: Villines (R)
TITLE: Reapportionment
INTRODUCED: 12/04/2006
LOCATION: ASSEMBLY

COMMENTARY:

Requires the Independent Citizens' Commission on Redistricting, on or before February 1 of the year following the year in which the national census is taken, to adjust the boundary lines of the Senate, Assembly, congressional, and State Board of Equalization districts in conformance with certain standards, prioritized in a certain order consistent with specified federal law.

STATUS:
12/04/2006 INTRODUCED.

► SB 33

AUTHOR: Simitian (D)
TITLE: Vehicles: Wireless Telephones and Mobile Service
LAST AMEND: 2/14/2007
HEARING: 3/27/2007 1:30 pm
LOCATION: Senate Transportation and Housing Committee

COMMENTARY:

Prohibits a person possessing a valid instruction permit, student license, or provisional license, from driving a motor vehicle while using a wireless telephone. Prohibits such a person from driving a motor vehicle while using a handset equipped with a hands-free device or while using a mobile service device. Prohibits a law enforcement officer from stopping a vehicle for the sole purpose of determining whether the driver is violating the second prohibition. Prohibits a violation point from being given.

STATUS:
2/14/2007 From SENATE Committee on TRANSPORTATION AND HOUSING with author's amendments.
2/14/2007 *In SENATE. Read second time and amended. Re-referred to Committee on TRANSPORTATION AND HOUSING.*

SB 56

AUTHOR: Runner G (R)
TITLE: Highway Construction Contracts
INTRODUCED: 1/10/2007
LOCATION: Senate Transportation and Housing Committee

COMMENTARY:

Declares the intent of the Legislation to authorize a demonstration program that would allow a careful examination of the benefits and challenges of using a design-build method of procurement for transportation projects. Authorizes certain state and local transportation entities to use a design-build process for contracting on transportation projects. Requires a transportation entity to implement a labor compliance program for design-build projects. Establishes a procedure for submitting bids.

STATUS:
1/25/2007 To SENATE Committees on TRANSPORTATION AND HOUSING and RULES.

SB 61

AUTHOR: Runner G (R)
TITLE: Transportation: Public Private-Partnerships
INTRODUCED: 1/16/2007
LOCATION: Senate Transportation and Housing Committee
COMMENTARY:

Authorizes the Department of Transportation or regional transportation agency nominating a project to pay a stipend to proposers of a project under certain conditions. Authorizes the department or regional transportation agencies to enter into agreement under which a private entity constructs a transportation project that is operated without the charging of a toll or user fee, but where the private entity receives compensation in the form of a shadow toll or other type of payment.

STATUS:
1/25/2007 To SENATE Committee on TRANSPORTATION AND HOUSING.

► SB 113

AUTHOR: Calderon R (D)
TITLE: Presidential Primary Election
LAST AMEND: 2/09/2007
LOCATION: To enrollment
COMMENTARY:

Requires that the presidential primary election be held on the first Tuesday in February in any year evenly divisible by the number 4.

STATUS:
3/6/2007 *In ASSEMBLY. Read third time. Passed ASSEMBLY. To enrollment.*

► SB 124

AUTHOR: Ducheny (D)
TITLE: Evasion of Tolls: Registered Owner
INTRODUCED: 1/23/2007
HEARING: 3/27/2007 1:30 pm
LOCATION: Senate Transportation and Housing Committee
COMMENTARY:

Defines registered owner, for purposes of liability for a toll evasion violation, to include a person registered as the owner of the vehicle by the appropriate agency or authority of another state, the District of Columbia, or a territory or possession of the United States.

STATUS:
2/01/2007 To SENATE Committee on TRANSPORTATION AND HOUSING.

SCA 1

AUTHOR: McClintock (R)
TITLE: Eminent Domain: Condemnation Proceedings
LAST AMEND: 2/05/2007
LOCATION: Senate Judiciary Committee

COMMENTARY:

Relates to eminent domain proceedings. Provides that private property may be taken or damaged only for a stated public use, and not without the consent of the owner for purposes of economic development, increasing tax revenue, or any other private use, nor for maintaining the present use by a different owner. Requires that property acquired in eminent domain be owned and occupied by the condemnor.

STATUS:

2/05/2007 From SENATE Committee on JUDICIARY with author's amendments.
2/05/2007 In SENATE. Read second time and amended. Re-referred to Committee on JUDICIARY.

SCA 5

AUTHOR: McClintock (R)
TITLE: State and Local Government Finance: Voter Approval
INTRODUCED: 1/30/2007
LOCATION: Senate Revenue and Taxation Committee

COMMENTARY:

Proposes an amendment to the Constitution to establish, for purposes of both state and local taxation, a constitutional definition of a "tax" as any monetary exaction imposed by a governmental entity. Provides exclusions. Recasts the definition of a special tax as a tax whose revenues are required by law.

STATUS:

2/15/2007 To SENATE Committees on REVENUE AND TAXATION, LOCAL GOVERNMENT, and ELECTIONS, REAPPORTIONMENT, AND CONSTITUTIONAL AMENDMENTS.



BOARD COMMITTEE TRANSMITTAL

March 26, 2007

To: Members of the Board of Directors
From: Wendy Knowles, Clerk of the Board
Subject: Federal Legislative Status Report

Legislative and Government Affairs/Public Communications
Committee

March 15, 2007

Present: Directors Buffa, Campbell, Mansoor, and Rosen
Absent: Bates and Glaab

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendation

Receive and file as an information item.



March 15, 2007

To: Legislative and Government Affairs/Public Communications Committee

From: Arthur T. Leahy, Chief Executive Officer *mw*

Subject: Federal Legislative Status Report

Overview

The Federal Legislative Status Report provides information on the progress of the technical corrections bill to the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users, an update on 2007 federal legislative strategy, and the monthly reports from the federal advocates.

Recommendation

Receive and file as an information item.

Background

On Thursday, March 1, the House Transportation and Infrastructure Committee marked-up House of Representatives (H.R.) 1195 (Oberstar D-MN), to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), to make technical corrections, and for other purposes.

The Orange County Transportation Authority (OCTA), and its federal representatives have been actively working to include language in the technical corrections bill to authorize the Riverside Freeway (State Route 91) improvement projects, Maglev contract authority and corridor definition to include the segment from Primm, Nevada, to Anaheim, California, and an amendment to the Los Angeles-San-Diego-San Luis Obispo (LOSSAN) Rail Corridor Agency to ensure the project definition includes the entire LOSSAN Corridor.

The committee mark-up of H.R. 1195 included the LOSSAN language and language for the Maglev contract authority but did not include the full Maglev corridor definition or the State Route 91 (SR-91) project authorization.

OCTA staff have been informed that there is a manager's amendment being drafted that will be offered when the bill is considered on the House floor, which is anticipated to be within the next two to three weeks. OCTA's federal advocates are working with the House Transportation and Infrastructure Committee members and staff to advocate for the Maglev project definition from Primm to Anaheim, and authorization of the SR-91 projects as part of the manager's amendment.

H.R. 1195 also extends the life of Section 1909, the National Surface Transportation Policy and Revenue Study Commission, authorized as part of the 2005 highway and transit reauthorization law and tasked with studying the future of the federal surface transportation program. The bill extends the commission's life from July 2007 to December 2007, and adds \$2 million for its costs. Finding long-term revenue sources for highway funding, as the Highway Trust Fund is being depleted, is one of the tasks of the commission.

Federal Legislative Strategy

With regard to current year legislative strategy, OCTA staff is continuing to follow-up on the direction set by Chairman Cavecche and Director Bates, as Chair of the Legislative and Government Affairs/Public Communications Committee (LGA) to provide a more strategic approach to the federal advocacy process. The action items developed and previously reported to this committee will continue to be tracked and reported to LGA.

With regard to working with the Orange County Business Council (OCBC) on the need for impact mitigation from sources beyond traditional transportation funding, as a requirement of any expansion, the Regional Planning and Highways Committee approved the proposed goods movement policy on Monday, March 5. Once the policy is adopted by the full Board, staff will coordinate follow-up with the OCBC to discuss potential joint advocacy efforts. In addition, a strategic planning session with OCBC staff is being planned prior to the upcoming trip to Washington D.C. in March.

The Manager of Federal Affairs position has been officially posted on OCTA's website and advertised on a variety of online job bank sites. The job announcement was also circulated to the Self-Help Counties Coalition and the Regional Transportation Planning Agencies distribution list.

Monthly Reporting

Lastly, the federal advocates continue to report monthly on their activities on behalf of OCTA. The monthly reports are attached for Blank Rome Government Relations, Potomac Partners DC, and James F. McConnell (Attachments A-C).

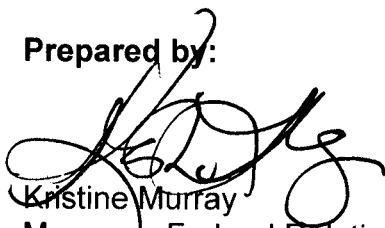
Summary

The federal legislative status report includes an update on H.R. 1195, the SAFETEA-LU technical corrections, an update on 2007 federal legislative strategy, and the monthly reports from the federal advocates.

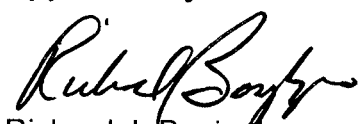
Attachments

- A. Blank Rome Government Relations, Monthly Report, January 2007
- B. Potomac Partners DC, Monthly Report, February 2007
- C. James F. McConnell, Monthly Report, February 2007

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**Blank Rome Government Relations Monthly Report
January 2007**

**BLANK ROME GOVERNMENT RELATIONS LLC
NARRATIVE OF WASHINGTON ACTIVITIES OF INTEREST TO OCTA
JANUARY 2007**

- WEEKLY UPDATE; REVIEW SCORECARD
- E-MAIL EXCHANGES WITH R. BACIGALUPIO, P. CURTIS AND MEMORANDUM TO CLIENT
- PREPARE WEEKLY UPDATES
- INFRASTRUCTURE PROTECTION CONFERENCE CALL
- TELEPHONE CONFERENCES WITH P. CURTIS AND R. BACIGALUPO
- READ PRESS CLIPS
- CONFERENCE CALL
- ATTEND BIWEEKLY NEW STARTS WORKING GROUP MEETINGS; PREPARE SUMMARY NOTES TO CLIENT
- RESEARCH & WRITE TALKING POINTS FOR MAYOR PRINGLE'S HILL MEETINGS
- WORK ON MAYOR PRINGLE'S TRIP TO DC
- SET-UP MEETING MAYOR PRINGLE WITH SENATOR BOXER'S OFFICE
- SET-UP MEETING FOR MAYOR PRINGLE WITH CONGRESSMAN OBERSTAR'S OFFICE
- TELEPHONE CONVERSATION AND E-MAIL EXCHANGES WITH L. SAROFF
- MEETING WITH MAYOR PRINGLE AND A. LEAHY
- MEETING WITH L. SAROFF, A. LEAHY AND MAYOR PRINGLE

WEEK ENDING JANUARY 3, 2007

Congressional Schedule

The 110th Congress convenes on Thursday, January 4, 2007, with the House and Senate scheduled to meet at noon to swear in new members and elect new leaders. The House will get right to work and plans to vote on ethics and lobbying rules on Thursday afternoon. The House will also be in session on January 5 and plans to vote on additional rules changes dealing with earmark disclosure and pay-as-you-go budgeting rules. Lobbying and ethics reform are just one piece of Speaker-elect Nancy Pelosi's (D-CA) 100-hour agenda. House Democrats also plan to address legislation to raise the minimum wage, to implement additional Sept. 11 commission recommendations, to curtail certain oil and gas subsidies, and to reduce student loan interest rates.

Senate Democrats will push similar proposals, but will move at a slower pace. The Senate will start actively working on lobbying and ethics rules changes next week. Congress will be in session for the first seven weeks of the year and unlike past years, will not break before President Bush's State of the Union scheduled for January 23.

With the start of the 110th Congress, Democrats will have a 233-202 majority in the House and a 51-49 majority in the Senate (including one Independent who will caucus with the Democrats). In reality, Senate Democrats will only have a working majority of 50-49 as South Dakota Senator Tim Johnson (D) remains hospitalized from emergency brain surgery in December. More information on Johnson's condition is expected by the end of the week.

Fiscal 2007 Appropriations Update

No timetable has been announced for the joint resolution that will be used to finish the fiscal 2007 appropriations process. Incoming Appropriations chairmen David R. Obey (WI) and Robert Byrd (WV) announced in December that they plan to leave earmarks out of the package and essentially continue fiscal 2007 funding at 2006 levels, allowing for funding increases for certain needs and priorities. Even though there may be a desire to finish the fiscal 2007 process before President Bush announces his fiscal 2008 budget on February 5, it will be tough for Congress to complete the joint resolution before that time. The current continuing resolution (CR) expires on February 15.

110th Congress – Committee Organization

As expected, incoming House Appropriations Chairman Obey will restructure subcommittee jurisdictions for the 110th Congress. An official announcement will be offered later this week. Obey plans to expand the number of subcommittees from 10 to 12. (In 2005, Appropriations Chairman Jerry Lewis (R-CA) reduced the number of subcommittees from 13 to 10.) Obey will create a new Financial Services Subcommittee, which will pull jurisdiction from the Transportation-Treasury and Science-State-Justice subcommittees, and restore the old Legislative Branch panel as a separate subcommittee. The remaining subcommittee structures will be realigned to match up cleanly with the Senate.

The Treasury Department, Postal Service, General Services Administration, Executive Office of the President, Office of Personnel Management and other general government-related agencies will all move into the new Financial Services panel. In addition, the Financial Services panel will pick up jurisdiction over agencies such as the Consumer Product Safety Commission, FEC, and Federal Deposit Insurance Corporation to the new subcommittee. The Transportation panel will retain jurisdiction over housing and urban development funding, focusing on infrastructure-related matters.

Technical Interoperability Communication Area Scorecards

Today, the Department of Homeland Security (DHS) released a report detailing interoperability scorecards for 75 urban and metropolitan areas. The newly combined Orange County Urban Area, covering Anaheim and Santa Ana, as well as 32 other Orange County cities and two state universities, received the following scores:

- Governance: Advanced Implementation - Decision making bodies proactively look to expand membership to ensure representation from broader public support disciplines and other levels of government, while updating their agreements and strategic plans on a regular basis.
- Standard Operating Procedures (SOP): Established Implementation - Existing regional SOPs were reviewed and included in the TICP ((Tactical Interoperable Communications Plan), and are in use by included agencies. NIMS (National Incident Management System)-compliant command and control has been instituted by all agencies and disciplines in the region. Despite minor issues, all SOPs were successfully demonstrated during exercise(s).
- Usage: Established Implementation - First responders use interoperability solutions regularly and easily. The region demonstrated successful multi-agency (which may have included state, federal, and support organizations) communications during exercise(s).

The complete report and additional information about the individual scorecards can be found at: http://www.dhs.gov/xprepresp/gc_1167767584358.shtm#legend. The report states that DHS will provide a more comprehensive analysis of the scorecards during the second quarter of 2007 and will use the information "to align its programs and resources to best address the communications needs of first responders."

On a related note, we believe that DHS is close to releasing its fiscal year 2007 grant guidance. We will provide you with more information about the grant guidance as it becomes available.

WEEK ENDING JANUARY 10, 2007

Appropriations Update

No timeline has been announced for the year-long continuing resolution (CR) that will be used to

finish the fiscal 2007 spending process. Appropriation committee members plan to meet over the next few weeks to hash out the specifics. The current CR expires on February 15 and Congress will likely wait until right before that deadline to take action.

In the meantime, the House marched ahead this week on the "100 Hours" agenda. After passing lobbying and ethics rules changes last week (more information below), this week the House passed legislation to implement the 9/11 Commission recommendation on Tuesday and also plans to vote on a minimum wage increase, stem cell funding, and prescription drug negotiations before the week is up. Next week, the House will tackle lowering the rate of student loans and ending tax breaks for oil companies.

Fiscal 2007 Homeland Security Grant Program

Last week, the Department of Homeland Security released its fiscal 2007 grant guidance for the five programs that comprise the Homeland Security Grant Program (HSGP). One important change about the program from previous years is that grantees will have 36 months from the date of the award to spend the money. This is a change from past years when grantees only had 24 months to use the dollars. In total, \$1.7 billion in grants will be made available through the following programs:

- State Homeland Security Program (SHSP)- \$509.3 million
- Law Enforcement Terrorism Prevention Program (LETPP)- \$363.8 million
- Urban Areas Security Initiative (UASI)- \$746.9 million
- Metropolitan Medical Response System (MMRS)- \$32.0 million
- Citizen Corps Program (CCP)- \$14.6 million

The fiscal 2007 UASI money is divided into two tiers. The six highest-risk areas are in the top tier and are eligible for 55 percent - or \$410.7 million - of the UASI funding. In addition, the six highest-risk areas may use 25 percent of their UASI funding for personnel costs if the law enforcement officers are working on counterterrorism operations. The six areas are: the National Capital Region, the San Francisco Bay area, Chicago, Houston, Los Angeles/Long Beach and New York City/Northern New Jersey. The remaining 40 areas, including the Anaheim/Santa Ana, will compete for \$336.1 million.

Grant applications are due on April 5, 2007 and DHS has indicated that they will offer assistance throughout the application period to applicants interested in a review before the final application is submitted. A ten-page overview of the grant guidance can be found at www.dhs.gov.

DHS followed last week's announcement with yesterday's release of \$447 million as part of the Infrastructure Protection Program. This year, the department will award \$163.95 million in the Transit Security Grant Program (TSGP) to provide funding to transit systems in high-risk urban areas to protect critical infrastructure; \$201.17 million through the Port Security Grant Program; \$7.83 million through the Ferry Security Grant Program; \$11.64 million for the Intercity Bus Security Grant Program; \$11.64 million for the Trucking Security Program; and \$48.5 million

for the Buffer Zone Protection Program.

TSGP is divided into Tier I and Tier II. The Greater Los Angeles Area, covering Los Angeles/Long Beach and Anaheim/Santa Ana UASI Areas, is a Tier I recipient and eligible for \$7 million. The remaining Tier I recipients of the Transit Security Grant Program include: \$61 million for New York/New Jersey/Connecticut; \$18.2 million for the National Capital Region; \$15.3 million for Boston; \$13.8 million for San Francisco; \$12.8 million for Chicago, \$9.7 million for Philadelphia; \$3.4 million for Atlanta; and \$8 million for Amtrak. Tier II cities in TSGP will compete for an allocation of the remaining \$14.2 million available.

Ethics and Lobbying Reform

Last week, the House passed ethics and lobbying reform addressing gifts, travel, and earmarks. The Senate began consideration of their own version of reform this week. The Senate is expected to debate the rules changes into next week.

The House rules adopted ban all gifts, meals, and travel. The House earmark rules require that Members disclose their earmark request and provide justification and certification that the provisions will not benefit the lawmaker or his/her spouse. In addition, leaders cannot promise earmarks in exchange for votes on legislation.

The earmark package in the Senate requires disclosure of all earmarks and their sponsors on the Internet at least 48 hours before the Senate considers legislation containing the provisions. The requirement would apply to spending, authorizing, and tax measures. The Senate plan also would create a new point of order against provisions included in conference reports that were not in either chamber's version of the bill. Sixty votes would be needed to override the point of order.

Below is a chart providing a broad overview of the ethics changes in both the House and the Senate from the January 8 edition of the Washington Post.

WEEK ENDING JANUARY 18, 2007

Fiscal 2007 Appropriations Update

House and Senate negotiators are hoping to reach agreement by the end of next week on the joint funding resolution that will be used to finish up the fiscal 2007 spending process. Democrats are working to make progress on the resolution before February 5, when President Bush sends his fiscal 2008 budget to Capitol Hill, which will also include a supplemental spending request of about \$100 billion for Iraq and Afghanistan. While the fiscal 2007 funding resolution is generally expected to be based on fiscal 2006 levels, Democrats are looking at ways to reallocate some money to their own domestic priorities. One way they will find extra money is by eliminating earmarks. As much as \$6 billion might be available, according to preliminary estimates, but there continues to be internal debate as to exactly what defines an earmark.

The current continuing resolution (CR) expires on February 15, but if an agreement can be reached quickly, the House may take up the joint resolution as early as the week of January 29. Senate Democratic leaders are said to be considering waiting until right before the deadline to act as a way to avoid extended debate and possible amendments.

House Transportation and Infrastructure Subcommittee Membership

The House Transportation and Infrastructure Committee announced its subcommittee membership list during its January 17 organizational meeting. Chairman James Oberstar (D-MN) and ranking member John Mica (R-FL) serve as ex officio members on each of the six subcommittees.

Aviation Subcommittee

Democratic members include:

Chairman Jerry F. Costello (IL), Bob Filner (CA), Leonard L. Boswell (IA), Rick Larsen (WA), Russ Carnahan (MO), John T. Salazar (CO), Daniel Lipinski (IL), Nick Lampson (TX), Zachary T. Space (Ohio), Bruce L. Braley (Iowa), Harry E. Mitchell (Ariz.), John J. Hall (N.Y.), Steve Kagen (Wis.), Steve Cohen (Tenn.), Nick J. Rahall (W.Va), Peter A. DeFazio (Ore.), Eleanor Holmes Norton (D.C.), Corrine Brown (Fla.), Eddie Bernice Johnson (Texas), Juanita Millender-McDonald (Calif.), Ellen O. Tauscher (Calif.), Tim Holden (Pa.), Michael E. Capuano (Mass.), Doris O. Matsui (Calif.), Mazie Hirono (Hawaii).

Republican members include:

Ranking member Thomas E. Petri (Wis.), Howard Coble (N.C.), John J. Duncan (Tenn.), Vernon J. Ehlers (Mich.), Steven C. LaTourette (Ohio), Frank A. LoBiondo (N.J.), Jerry Moran (Kan.), Robin Hayes (N.C.), Sam Graves (Mo.), John Boozman (Ariz.), Jim Gerlach (Pa.), Mario Diaz-Balart (Fla.), Kenny Marchant (Texas), Charles W. Dent (Pa.), Ted Poe (Texas), David G. Reichert (Wash.), Connie Mack (Fla.), Randy Kuhl (N.Y.), Lynn A. Westmoreland (Ga.), Mary Fallin (Okla.), Vern Buchanan (Fla.).

Coast Guard and Maritime Transportation Subcommittee

Democratic members include:

Chairman Elijah E. Cummings (Md.), Gene Taylor (Miss.), Rick Larsen (Wash.), Corrine Brown (Fla.), Juanita Millender-McDonald (Calif.), Brian Higgins (N.Y.), Brian Baird (Wash.), Timothy H. Bishop (N.Y.).

Republican members include:

Ranking member Steve LaTourette (Ohio), Don Young (Alaska), Howard Coble (N.C.), Wayne T. Gilchrest (Md.), Frank A. LoBiondo (N.J.), Ted Poe (Texas).

Economic Development, Public Buildings, and Emergency Management Subcommittee

Democratic members include:

Chairman Eleanor Holmes Norton (D.C.), Michael H. Michaud (Maine), Jason Altmire (Pa.), Michael A. Arcuri (N.Y.), Christopher P. Carney (Pa.), Timothy J. Walz (Minn.), Steve Cohen (Tenn.).

Republican members include:

Ranking member Sam Graves (Mo.), Bill Shuster (Pa.), Kenny Marchant (Texas), Charles W. Dent (Pa.), Randy Kuhl (N.Y.).

Highways and Transit Subcommittee

Democratic members include:

Chairman Peter A. DeFazio (Ore.), Nick J. Rahall (W.Va.), Jerrold Nadler (N.Y.), Juanita Millender-McDonald (Calif.), Ellen O. Tauscher (Calif.), Tim Holden (Pa.), Michael E. Capuano (Mass.), Julia Carson (Ind.), Timothy H. Bishop (N.Y.), Michael H. Michaud (Maine), Brian Higgins (N.Y.), Grace F. Napolitano (Calif.), Mazie K. Hirono (Hawaii), Jason Altmire (Pa.), Timothy J. Walz (Minn.), Heath Shuler (N.C.), Michael A. Arcuri (N.Y.), Christopher P. Carney (Pa.), Jerry McNerney (Calif.), Bob Filner (Calif.), Elijah E. Cummings (Md.), Brian Baird (Wash.), Daniel Lipinski (Ill.), Doris O. Matsui (Calif.), Steve Cohen (Tenn.), Zachary T. Space (Ohio), Bruce L. Braley (Iowa), Harry E. Mitchell (Ariz.).

Republican members include:

Ranking member John J. Duncan (Tenn.), Don Young (Alaska), Thomas E. Petri (Wis.), Howard Coble (N.C.), Richard H. Baker (La.), Gary G. Miller (Calif.), Robin Hayes (N.C.), Henry E. Brown (S.C.), Timothy V. Johnson (Ill.), Todd Russell Platts (Pa.), John Boozman (Ark.), Jim Gerlach (Pa.), Mario Diaz-Balart (Fla.), Kenny Marchant (Texas), Charles W. Dent (Pa.), Ted Poe (Texas), David G. Reichert (Wash.), Charles W. Boustany (La.), Jean Schmidt (Ohio), Candice S. Miller (Mich.), Thelma D. Drake (Va.), Mary Fallin (Okla.), Vern Buchanan (Fla.).

Railroads, Pipelines, and Hazardous Materials Subcommittee

Democratic members include:

Chairman Corrine Brown (Fla.), Jerrold Nadler (N.Y.), Leonard L. Boswell (Iowa), Julia Carson (Ind.), Grace F. Napolitano (Calif.), Nick Lampson (Texas), Zachary T. Space (Ohio), Bruce L. Braley (Iowa), Timothy J. Walz (Minn.), Nick J. Rahall (W.Va.), Peter A. DeFazio (Ore.), Jerry F. Costello (Ill.), Eddie Bernice Johnson (Texas), Elijah E. Cummings (Md.), Michael H. Michaud (Maine), Daniel Lipinski (Ill.).

Republican members include:

Ranking member Bill Shuster (Pa.), Thomas E. Petri (Wis.), Wayne T. Gilchrest (Md.), Steven C. LaTourette (Ohio), Jerry Moran (Kan.), Gary G. Miller (Calif.), Henry Brown (S.C.), Timothy V. Johnson (Ill.), Todd Russell Platts (Pa.), Sam Graves (Mo.), Jim Gerlach (Pa.), Mario Diaz-Balart (Fla.), Lynn A. Westmoreland (Ga.).

Water Resources and Environment Subcommittee

Democratic members include:

Chairman Eddie Bernice Johnson (Texas), Gene Taylor (Miss.), Brian Baird (Wash.), Doris O. Matsui (Calif.), Jerry F. Costello (Ill.), Timothy H. Bishop (N.Y.), Brian Higgins (N.Y.), Russ Carnahan (Mo.), John T. Salazar (Colo.), Mazie K. Hirono (Hawaii), Heath Shuler (N.C.), Harry E. Mitchell (Ariz.), John J. Hall (N.Y.), Steve Kagen (Wis.), Jerry McNerney (Calif.), Eleanor Holmes Norton (D.C.), Bob Filner (Calif.), Ellen O. Tauscher (Calif.), Michael E. Capuano (Mass.), Grace F. Napolitano (Calif.), Michael A. Arcuri (N.Y.).

Republican members include:

Ranking member Richard H. Baker (La.), John J. Duncan (Tenn.), Wayne T. Gilchrest (Md.), Vernon J. Ehlers (Mich.), Frank A. LoBiondo (N.J.), Gary G. Miller (Calif.), Robin Hayes (N.C.), Henry E. Brown (S.C.), Todd Russell Platts (Pa.), Bill Shuster (Pa.), John Boozman (Ark.), Connie Mack (Fla.), Randy Kuhl (N.Y.), Charles W. Boustany (La.), Jean Schmidt (Ohio), Candice S. Miller (Mich.), Thelma D. Drake (Va.).

Amtrak

As they have in past years, Senators Frank Lautenberg (D-NJ) and Trent Lott (R-MS) introduced an Amtrak reform bill this week (S. 294) to authorize \$11.4 billion for Amtrak over six years and implement a strategic overhaul plan that would provide states with grants to improve rail infrastructure. S. 294 would authorize \$3.3 billion in operating subsidies and \$4.9 billion for capital grants. It also would authorize programs to improve rail security and implement operational changes, including establishing a more transparent financial accounting system. Lautenberg and Lott plan to offer an amendment to authorize the Transportation secretary to issue \$1.3 billion a year in rail bonds, a change that would bump the package's total assistance to Amtrak to \$19.2 billion.

The Republican-controlled House blocked a similar measure in 2005, after the Senate had endorsed the provision, 93-6, as part of a budget bill. Amtrak has not been reauthorized since 2002 and with a Democratic Congress this may turn into a year of activity for Amtrak. In his press release, Lott said, "Congress is long overdue in acting on a bill requiring Amtrak to meet realistic goals in return for a funding stream. We can't keep asking Amtrak to operate like a business while we string the company along year to year."

The Senate bill may begin to move as early as February. The House is likely to introduce its own Amtrak plan, although specifics have not been developed.

National Surface Transportation Policy and Revenue Study Commission

Top Democrats on the House Transportation and Infrastructure Committee (T&I) said this week that the National Surface Transportation Policy and Revenue Study Commission, authorized by SAFETEA-LU, is placing too much emphasis on private investment in roads and not looking at other funding mechanisms. T&I Chairman James Oberstar (D-MN) said that the commission's staff "are being driven by the Office of Management and Budget and are limited in the scope of options that they can consider." Oberstar said he plans to have lawmakers start their own inquiry into additional ways to boost revenue into the Highway Trust Fund.

Ethics and Lobbying Reform

The Senate expected to finish up S. 1, the ethics and lobbying reform bill this week, but it has stalled over Republicans efforts to force a vote on an amendment to give President Bush line-item veto power. A vote to invoke cloture and end debate on S. 1 failed last night and it is unclear what Senate Majority Leader Harry Reid (D-NV) will do next.

Even though the bill is now stalled over a different matter, an unexpected battle over earmark reform was resolved earlier this week with the Senate voting in favor of a broader definition of an earmark that mirrored the House definition. Under the definition in the original Senate bill, only earmarks directed towards nonfederal entities would have required public disclosure. Under the earmark definition eventually passed by the Senate, an earmark subject to public disclosure includes special projects in federal agency budgets, such as a Pentagon contract, as well as nonfederal projects. Lawmakers will be required to post their earmarks on the Internet 48 hours before a vote. In addition, the Senate approved another amendment this week to bar lawmakers from including earmarks in the classified parts of a bill or a conference report without language in unclassified terms describing the project, funding levels, and the sponsor. With the bill now stalled in the Senate, we do not know when these news rules will be implemented.

On a related matter, the ranking Republican on the House T&I Committee, Rep. John Mica (R-FL) announced this week that Republicans on the committee will be subject to earmark and travel disclosure requirements that are more stringent than the recently adopted House rules. Mica says he plans to require that all GOP earmark requests be submitted 24 hours before committee consideration of legislation and be available for public review. In addition, Mica said committee Republicans and staff will be required to submit detailed travel requests and reports for trips, which will also be made available to the public.

WEEK ENDING JANUARY 25, 2007

Fiscal 2007 Appropriations Update

House Majority Leader Steny Hoyer (D-MD) announced yesterday that the House plans to bring the omnibus fiscal 2007 appropriations bill to the floor on January 31. However, bipartisan negotiations between the House and the Senate continue as final details are still being worked on. The package is unlikely to be open to amendments in the House. While the Senate cannot block its members from offering amendments, leaders will probably make every effort to bring a carefully negotiated, bipartisan deal to the Senate floor to avoid it getting blocked. The Senate plans to take up the joint resolution the week of February 5.

Discussions continue in regards to transportation funding and no decision has been made as to whether SAFETEA-LU funding levels will be adhered to. The Appropriators have a tough problem on their hands given that they have about \$8 billion to work with, which is the difference between the fiscal 2006 discretionary spending level and the \$873 billion cap they are working with on overall fiscal 2007 appropriations. They are getting pressure for additional funding on many programs across the board and sticking to SAFETEA funding levels would cost about half of the \$8 billion (approx \$3.4 billion for highways and \$474 million for transit). Of some consolation for transit, unlike the highway section, the big funding jump in transit during SAFETEA is between fiscal 2007 and fiscal 2008, not between fiscal 2006 and fiscal 2007.

The omnibus joint resolution will not have earmarks, including New Starts. All funds will be distributed by FTA, but they are expected to distribute the New Starts funds according to their budget request and all Full Funding Grant Agreements (FFGAs) should be honored regardless of outcome of the fiscal 2006 versus fiscal 2007. They will also have to find a way to distribute all

of the bus discretionary money. About half of the fiscal 2007 bus discretionary money was earmarked in SAFETEA and those earmarks are likely to be honored, leaving FTA to come up with a process to distribute the rest.

As for starting the fiscal 2008 process, a Democratic staff member for the House Appropriations Committee told a budget conference this week that the committee hopes to move its first spending bill by May 15.

Public-Private Partnerships

The Federal Transit Administration (FTA) announced the opening of the application period for the Public-Private Partnership (PPP) Pilot Program. To be considered in FTA's first quarterly review of applications to the Pilot Program, applications must be received by FTA on or before March 31, 2007. Applications received by FTA between March 31, 2007, and July 1, 2007, will be reviewed in FTA's second quarterly review of applications to the Pilot Program. Established in SAFETEA, the Public-Private Partnership Pilot Program is intended to demonstrate the advantages and disadvantages of PPPs for certain new fixed guideway capital projects funded by FTA. In particular, the Pilot Program is intended to study whether, in comparison to conventional procurements, PPPs better reduce and allocate risks associated with new construction, accelerate project delivery, improve the reliability of projections of project costs and benefits, and enhance project performance. The Pilot Program will study projects that, among other things, utilize methods of procurement that integrate risk-sharing and streamline project development, engineering, construction, operation, and maintenance.

The entire announcement can be found at
<http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/E7-651.htm>.

Transportation Funding

Last week, the National Academy of Public Administration, representing the top organizations of state, local and county officials, announced the formation of the Intergovernmental Forum on Transportation Finance to identify short- and long-term alternatives to the growing highway funding crisis. The group said with the federal highway trust fund slated to run out of money soon, and growing frustrations over traffic congestion, highway safety, and uncertain energy supplies, workable strategies need to be developed to finance future transportation needs. The forum is expected to bring together high-level leaders working at all levels of government to build collaborative options that will consider the balanced needs of transportation, energy policy, national security, and the environment.

The forum will hold a series of public meetings and panels throughout 2007 and will conclude with a final report and specific recommendations. Other forum members represent the National Governors Association, National Conference of State Legislatures, National League of Cities, National Association of Counties, International City/County Management Association and Council of State Governments, and designees from the administration and Congress.

Transit Security

Transit security was the topic of two Senate hearings last week. The Senate Banking, Housing and Urban Affairs Committee held a hearing focused on the state of transit security in the United States and the need to provide more funding to transit security. Federal funding for rail security lags far behind funding for aviation security. Since 2001, the United States has spent over \$7.50 per passenger on aviation security, but less than one penny per transit rider on transit security. Many lawmakers support efforts to distribute the funding in a more even manner.

In addition, the Senate Commerce, Science and Transportation Committee also held a hearing on federal efforts for rail and surface transportation security. The Government Accountability Office (GAO) testified at the Commerce hearing and faulted the Department of Homeland Security for failing to complete a comprehensive risk assessment for the nation's transportation systems. GAO called for "enhanced federal leadership" to bolster the effort. In his testimony before the committee, Transportation Security Administration (TSA) Administrator Kip Hawley acknowledged that his agency's risk assessment of passenger rail networks was ongoing, but said it had already identified a top priority -- high-density systems with underground tunnels.

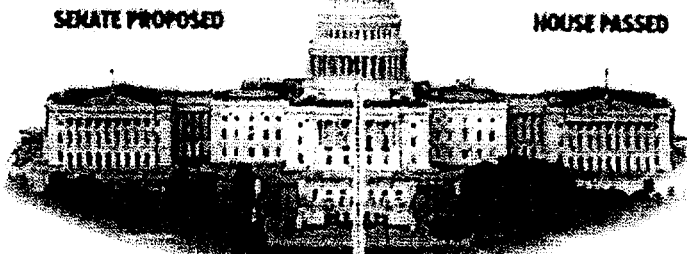
As additional security measures for U.S. rail passenger systems, the GAO suggested that TSA adopt practices used by foreign rail operators, such as the random screening of passengers and covert testing to help keep rail employees alert to security threats. The GAO also faulted the TSA for the security directives issued by the agency to Amtrak and other U.S. rail operators in the wake of the March 2004 attack on the Madrid rail system. The GAO said the directives left U.S. operators confused as to how to implement them and whether TSA intended to enforce them.

House Transportation and Infrastructure Committee

House T&I Chairman James Oberster (D-MN) spoke at the U.S. Conference of Mayors Annual Winter Meeting this week and laid out many of his committee's goals for the year. His agenda include reauthorization of the Water Resources Development Act, Coast Guard reauthorization, Amtrak reauthorization, a SAFETEA technical corrections bill, transit security legislation, Revolving Loan Fund reauthorization, and Federal Aviation Administration reauthorization. While he did not give a specific timeline for most of these items, he said that he hopes to complete a reauthorization of Amtrak within six months and hopes to complete the SAFETEA technical corrections bill before the end of February.

Ethics Rules in the Two Chambers

The House has passed new rules placing lobbyists at a distance from lawmakers and their staffs. The quick action places pressure on the Senate, which so far has done nothing on ethics, to act in kind. Reform-minded Democrats, such as Sens. Russell Feingold (Wis.) and Barack Obama (Ill.), plan to take many of the House's provisions and add some tougher ones of their own, such as a powerful new Office of Public Integrity. The Senate is expected to take weeks to hammer out its ethics legislation. Its starting point — a proposal approved by Senate Democratic leaders — is weak tea compared with the House-passed plan. Here are some major differences:

SENATE PROPOSED		HOUSE PASSED	
			
Gifts	Would ban gifts and meals from lobbyists or organizations that employ lobbyists.		Bans gifts and meals.
Travel	No travel limitations proposed.		Bans travel planned or paid for by lobbyists or organizations that employ them.
	No ban on corporate jets proposed.		Bans the use of corporate jets.
Earmarks	Disclosure requirements would be limited to certain narrow projects.		Earmarks must be fully disclosed before members are asked to vote on them.
Training	Employees would have to participate in annual ethics training.		Annual ethics training required.

THE WASHINGTON POST

Model Legislation for Public-Private Partnerships

The Transportation Department (DOT) released model legislation this week to give states flexibility to contract with the private sector to invest in and manage transportation projects. The model legislation, part of DOT's initiative to reduce congestion, is based on a survey of existing state laws that authorize public-private partnerships in building, owning or operating highways, mass transit, railroads, airports, seaports or other transportation infrastructure. The legislation aims to help states reduce or remove barriers to private-sector investment in transportation infrastructure and is intended to be used as a starting point for states to craft laws that are most appropriate for their unique needs. Issues addressed by the model legislation include which modes of transportation would be eligible for private investment, when tolls may be collected, innovative procurement methods, and upkeep requirements for leased roads. The model legislation can be found at DOT's website at <http://www.fhwa.dot.gov/ppp/legislation.htm>.

**Potomac Partners DC Monthly Report
February 2007**

Potomac Partners DC
210 D Street, SE
Washington, DC 20003
(202) 544-4848
Fax: (202) 544-4229

Lobbyist Activity Report

February, 2007

Summary of activities on behalf of OCTA and legislative report:

- Participated in Legislative Committee meeting conference call to brief members on status of current federal legislative efforts.
- Coordinated with OCTA staff and with Washington DC lobbying team on FY 2008 appropriation requests.
- Engaged in follow up discussions regarding the ARTIC project with the staff of Congressman Lewis, Congressman Mica, and Congressman Gary Miller and Transportation & Infrastructure minority staff.
- Worked with Congressman Gary Miller's to insert legislative language in the SAFETEA LU Technical Corrections bill on behalf of OCTA and related transportation projects to include California State Route 91 Projects authorization, MAGLEV Project, and the inclusion of the LOSSAN Corridor in the Fixed Guide-way Project Description. Followed up by meeting with Rusty Robert's, Congressman Mica's Chief of Staff with regard to the Technical Correction request strategy.
- Working to develop early request strategy with key Transportation & Infrastructure committee members and their staff for the next Highway Reauthorization Bill.

**James F. McConnell Monthly Report
February 2007**

**JAMES F. MCCONNELL
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E-mail: jmcconnell@tfgnet.com**

**ORANGE COUNTY TRANSPORTATION AUTHORITY
Washington Report
February 2007**

Congress finally finished the Fiscal Year 2007 appropriations process in February with enactment of a joint resolution (H. J. Res. 20) to fund the operations of Government more or less at the FY 2006 level. The joint resolution was billed as being free of earmarks. That is not exactly true, however. The continuing resolution enacted in November to finance the Government until February 15 was four pages long. The joint resolution passed two weeks ago was 53 pages in length. The additional 49 pages may not have appropriated dollars for a bridge here or a dam there, but it contained a lot of detailed instructions on how funds were to be expended during the remaining seven and a half months of FY 07.

For the most part, however, agencies were given lump sums of money for the programs under their jurisdiction. The enacted funding in the FY 06 appropriations bills is to be the guideline to the Executive Branch on how programs should be funded for the remainder of this fiscal year.

Meanwhile, the President submitted his proposed budget for FY 2008 to Congress on February 5. It contains an obligation limitation for the Federal-aid highway program of \$39.585 billion, the exact amount authorized in SAFETEA-LU. For FTA, the Administration requests \$9.422 billion, some \$300 million less than the authorized amount. Nearly all of that is taken from the transit new starts program, which Congress is almost certain to restore during the markup of FY 08 appropriations bills.

With submission of the President's budget, individual Members and Senators set their deadlines for submission of appropriations requests. Senator Feinstein set the earliest deadline—February 22—with others following at later dates through mid-March. During the month, I worked with OCTA and the Orange County delegation staff to get the various forms required by both Senators, the delegation, and the Appropriations Committees in order with the accompanying background data and prioritization that is

required. The forms are not uniform in all offices, so there has been a good deal of labor intensive activity required to meet the varying requirements of the individual offices. In addition, the Members themselves must also submit a form to the various Appropriations subcommittees for each project request being made. I have been working throughout the month with the delegation to see to it that they have the information they need to prepare these forms.

At various times during the month, I also met with the six Members of the delegation themselves and discussed priorities for the upcoming budget and appropriations cycle. Work began on drafting a delegation letter to the House Transportation Appropriations Subcommittee in addition to the individual request letters that each Member submits. Efforts on the appropriations requests will continue throughout March.



BOARD COMMITTEE TRANSMITTAL

March 26, 2007

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: Funding for the Environmental Phase of a Planned Metrolink Station in the City of Placentia

Transit Planning and Operations Committee

March 8, 2007

Present: Directors Brown, Dixon, Green, Moorlach, and Winterbottom
Absent: Directors Norby and Pulido

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendations

- A. Authorize the use of \$81,000 of Commuter Urban Rail Endowment funds for the environmental phase of the development of a planned Metrolink station in the City of Placentia.
- B. Authorize the Chief Executive Officer to enter into a cooperative agreement with the City of Placentia for funding and implementation of the environmental phase to develop the planned Metrolink station in the City of Placentia.



March 8, 2007

To: Transit Planning and Operations Committee

From: Arthur T. Leahy, Chief Executive Officer

Subject: Funding for the Environmental Phase of a Planned Metrolink Station in the City of Placentia

Overview

The Orange County Transportation Authority Board of Directors authorized staff to request State Transportation Improvement Program funds for the plans, specifications, and estimates phase of a planned Metrolink station in the City of Placentia, which was subsequently approved by the California Transportation Commission. Staff is proposing funding for the environmental phase of the project.

Recommendations

- A. Authorize the use of \$81,000 of Commuter Urban Rail Endowment funds for the environmental phase of the development of a planned Metrolink station in the City of Placentia.
- B. Authorize the Chief Executive Officer to enter into a cooperative agreement with the City of Placentia for funding and implementation of the environmental phase to develop the planned Metrolink station in the City of Placentia.

Background

Adoption of the 2006 State Transportation Improvement Program (STIP) funds on April 27, 2006, made available approximately \$730 million in Public Transportation Account (PTA) funds over five years (approximately \$70 million in fiscal years 2006-07 and 2007-08). These funds were made available due to a shortage of PTA projects in the 2006 STIP.

In May 2006, the California Transportation Commission (CTC) requested that agencies submit requests for eligible projects. In an effort to capture some of the available funding, staff proposed to submit funding for the plans,

specifications, and estimates (PS&E) phase of a planned Metrolink station in the City of Placentia (City).

On June 26, 2006, the Board of Directors (Board) approved \$2.5 million in STIP funds for the PS&E phase of the project. The CTC approved funding on September 7, 2006.

Discussion

The City is leading the effort to develop a Metrolink station located on the south side of the Burlington Northern Santa Fe railroad, between Melrose and Main streets. The station will be served by Metrolink's 91 Line, which operates from downtown Riverside to downtown Los Angeles. The development of the station is one component of a larger downtown development plan. Orange County Transportation Authority (OCTA) staff and Metrolink staff participated in a planning open house hosted by City staff and attended by members of the public.

The City has estimated the total project cost at \$31.7 million. The City has also identified a two phase development of the station. Phase one is estimated at approximately \$16.6 million and would provide a new station track, platforms, shelters, parking, and bus access. The City intended to include the environmental phase of the planned station project as part of a larger downtown development plan using \$650,000 in developer fees. The environmental phase was expected to be complete by May 2007. The environmental document is required prior to requesting allocation of the PS&E funds from the CTC. Under CTC guidelines, the allocation of the PS&E phase funds must be requested in the current fiscal year or the funds will be lost to the project. The funds will revert back to OCTA's County share, but will not be available for programming until the end of the share period in fiscal year 2011-12.

In late 2006, City staff informed OCTA staff that the environmental phase of the larger downtown development plan would not be completed in time to comply with the CTC deadline for the PS&E phase. OCTA staff suggested that the Metrolink station environmental phase be completed separate from the larger project in order to meet CTC funding deadlines. City staff agreed and retained professional services in January 2007, and planned to use a portion of the \$100,000 in Go Local funds that they were anticipating in receiving. However, based upon the discussion at the January 25, 2007, Transit Planning and Operations Committee meeting where the Go Local program was discussed, staff does not feel that this is an eligible use of Go Local funds. Staff believes that the planned station still has merit and should move forward and

recommends the use of \$81,000 in Commuter Urban Rail Endowment (CURE) funds to fund the environmental phase of the planned Metrolink station in the City. Construction phase funding has not yet been identified, but could come from future STIP funds or from renewed Measure M. The City has requested funding for the environmental phase of the station (Attachment A).

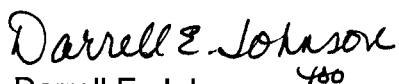
Summary

Staff is seeking Board approval to use \$81,000 in CURE funds for the environmental phase of the planned Metrolink station in the City of Placentia.

Attachment

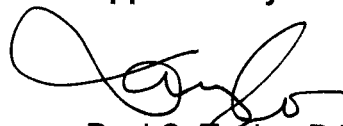
- A. Letter from City of Placentia dated February 27, 2007

Prepared by:



Darrell E. Johnson
Department Manager, Programming,
Development & Commuter Rail
(714) 560-5343

Approved by:



Paul C. Taylor, P.E.
Executive Director, Development
(714) 560-5431

The People are the City

Mayor
CONSTANCE UNDERHILL

City Administrator
ROBERT C. DOMINGUEZ



Councilmembers:
JOSEPH V. AGUIRRE
SCOTT P. BRADY
RUSSELL J. RICE
GREG SOWARDS

401 East Chapman Avenue - Placentia, California 92870

February 27, 2007

Mr. Paul Taylor
Executive Director, Planning, Development & Commuter Services
Orange County Transportation Authority
550 South Main Street
Orange, CA 92863

**SUBJECT: Request For Funding Assistance For Placentia Westgate Metrolink Station
Environmental Impact Report (EIR)**

Dear Paul:

The City of Placentia would like to request assistance to fund the Placentia Westgate Metrolink Station EIR. The City is requesting \$80,755.00 from OCTA. The City awarded a contract to Crawford Multari & Clark Associates on January 16, 2007, and is requesting funds to cover costs from the start date to forward. The City had originally planned to combine the Metrolink Station environmental process with the current Westgate Specific Plan EIR. Unfortunately, the EIR for the Specific Plan contains many controversial issues that will take significantly longer to complete than previously anticipated.


The recent availability of the "Go Local" funds provided an opportunity for the City to expedite the development of the Placentia Westgate Station and address transportation needs by increasing ridership opportunities to the Metrolink system. While the application process was initiated to fund the EIR, it was disclosed to City Staff by OCTA that particular restrictions to the "Go Local" funds did not allow an EIR to be used on the corridor that the Placentia Westgate Metrolink Station will be located.

As a result of the recent developments regarding the "Go Local" funds, the City is concerned about the timing for completing the EIR. The City must have a completed EIR prior to requesting additional funds at the June 2007 CTC meeting. In June, the CTC will provide approval for \$2.5 million, which the City will use for the design and engineering stage of the station. The City has already solicited consultants for development of the EIR and is proceeding to move forward as quickly as possible.

Placentia Westgate Metrolink Station EIR Funding Request
February 27, 2007
Page 2

The City of Placentia appreciates the efforts of you and your staff at OCTA, and look forward to working together in partnership to develop the Placentia Westgate Metrolink Station. Should you have any questions or need more information, please contact Andrew Muth, City Engineer, at 714-993-8245 or myself at 714-993-8117. Thank you for your consideration.

Sincerely,



Robert Domínguez
City Administrator
City of Placentia



BOARD COMMITTEE TRANSMITTAL

March 26, 2007

To: Members of the Board of Directors
From: ^{WK}Wendy Knowles, Clerk of the Board
Subject: 2006 State Transportation Improvement Program Augmentation

Regional Planning and Highways Committee

March 19, 2007

Present: Directors Amante, Cavecche, Dixon, Glaab, Green, Mansoor, Norby,
Pringle, and Rosen
Absent: None

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendations

- A. Adopt the augmented 2006 State Transportation Improvement Program and authorize the Chief Executive Officer to submit the adopted program to the California Transportation Commission.
- B. Direct staff to make all necessary amendments to the State Transportation Improvement Program, the Regional Transportation Plan, and the Regional Transportation Improvement Program, as well as execute any necessary agreements to facilitate the above action.



March 19, 2007

To: Regional Planning and Highways Committee
From: Arthur T. Leahy, Chief Executive Officer
Subject: 2006 State Transportation Improvement Program Augmentation

Overview

On November 7, 2006, California voters passed Proposition 1B, which includes numerous funding elements. One element provides additional funding through the State Transportation Improvement Program. When combined with existing program revenues, Orange County may receive \$191 million of transportation funding from this source. A program of projects for use of these funds is presented for Board of Directors approval.

Recommendations

- A. Adopt the augmented 2006 State Transportation Improvement Program and authorize the Chief Executive Officer to submit the adopted program to the California Transportation Commission.
- B. Direct staff to make all necessary amendments to the State Transportation Improvement Program, the Regional Transportation Plan, and the Regional Transportation Improvement Program, as well as execute any necessary agreements to facilitate the above action.

Background

The State Transportation Improvement Program (STIP) is the major source of funding for transportation improvements in the State of California. Revenues from federal and state sources are consolidated into the STIP. The normal STIP cycle begins in July of every odd-numbered year with the release and adoption of the fund estimate and guidelines, and culminates in adoption of the program the following April. The latest adopted STIP for Orange County (in 2006) includes the projects listed in Attachment A.

Proposition 1B includes various funding categories including a mid-term infusion of \$2 billion to augment traditional STIP revenues. This translates to

approximately \$100 million in new programming capacity for Orange County. The California Transportation Commission (CTC) has set April 2, 2007, as the deadline for agencies to submit their requests and expects to adopt the augmented STIP in June of 2007. The Orange County Transportation Authority (OCTA) is responsible for the development, submittal, and programming of STIP funds for regional projects for Orange County. The California Department of Transportation (Caltrans) separately submits a request for interregional projects to the CTC for their approval and adoption.

Discussion

Proposition 1B STIP augmentation revenues of approximately \$100 million for Orange County, combined with \$47.4 million in carry-over programming capacity from the prior STIP cycle and an additional year (fiscal year 2011-12) of programming capacity as included in the fund estimate for the augmentation, will provide a total of \$191 million for programming in Orange County. Staff has prepared a program of projects for use of these funds. In developing the augmented 2006 STIP staff considered the following:

- Compatibility with STIP guidelines and funding constraints
- Prior funding commitments and project cost increases
- Project readiness
- Appropriateness of funding
- Board of Directors' (Board) direction and Long-Range Transportation Plan goals

OCTA staff, in coordination with Caltrans, reviewed and updated the schedule and cost estimates for all current STIP projects. This review indicated cost increases totaling \$32.4 million for eight projects and a decrease of \$6.3 million to one project. Individual cost changes are identified in Attachment A. Of significant note, there are six projects that have forecasted cost increases in excess of 20 percent and one project with 35 percent of savings. These projects are discussed below.

Santa Ana Freeway (Interstate 5) Culver Drive and Interstate 5 (I-5) Oso Parkway Interchanges

The initial cost estimates for these projects were based on feasibility studies and were developed prior to final design. Design is now complete on these two projects and the cost estimates have been updated to reflect current year construction costs. There is some additional risk associated with the right-of-way estimate for the Oso Parkway project due to uncertainty regarding

the number of utilities that may need to be relocated. Caltrans and OCTA will continue to review the right-of-way implications and update costs accordingly.

El Camino Real Soundwall and Avenida Vaquero Soundwall

These soundwalls were originally programmed as part of the 2004 STIP. During the two years following the 2004 STIP development, construction prices in California rose significantly due to increased material costs. The cost estimates have been updated to reflect current year construction costs and now include the standard Caltrans oversight cost.

San Diego Freeway (Interstate 405) Auxiliary Lane from Magnolia Avenue to Beach Boulevard

This project was previously proposed to be completely funded through the Orange County's regional STIP; however, Caltrans was able to secure funding for a portion of the project through the State Highway Operation and Protection Program (SHOPP). The total cost reduction to this project is \$6.3 million.

Fullerton Station Parking Expansion

The Fullerton Station Parking Expansion project has a forecasted cost increase of approximately \$16.8 million. The updated cost estimate is based on recent prices for another similar parking structure. This increase is due in part to the increased Metrolink service, subsequent ridership forecasts, and resulting increased parking demand. Additionally, the City of Fullerton desires to have a subterranean level of the parking structure, which adds additional costs to the project. This project will provide a 1,000-space parking structure.

Tustin Metrolink Station Parking Expansion

This project was originally funded as part of the 2006 STIP and called for 500 spaces. In response to the increased Metrolink service, OCTA, in coordination with the City of Tustin, has updated the project study report to now include 750 spaces. The cost for the project has been updated accordingly and reflects recent bid prices.

In addition to addressing the cost adjustments on existing projects, staff is proposing four new highway projects and construction-phase funding for a transit project.

Riverside Freeway (State Route 91) – Add One Lane in Each Direction from the Costa Mesa Freeway (State Route 55) to Gypsum Canyon Road

This project is vital to the continued improvement in congestion relief on this corridor. This project was submitted as part of OCTA Corridor Mobility Improvement Account (CMIA) project nominations. The CTC provided \$22 million in funding, which is subject to state budget approval and issuance of state bonds. Staff is proposing to fund the required local match through the STIP augmentation funds. The total proposed STIP contribution for this project is \$74 million.

Ortega Highway (State Route 74) – Widening from Calle Entradero to Antonio Parkway

This project was previously approved by the Board to be submitted as part of the 2006 STIP. The CTC did not approve the project at the time due to funding constraints. The project is funded by multiple sources including local funds, Combined Transportation Funding Program grants, and anticipated STIP interregional funds. These anticipated STIP interregional funds are prioritized by Caltrans in Sacramento based on statewide needs. Staff recommends that the City of San Juan Capistrano and the County of Orange work closely to secure full funding for this project because there is limited opportunity for OCTA to provide additional funding. The total proposed STIP contribution to this project is \$10 million.

I-5 – at State Route 74 (SR-74) - Improve the Interchange

This project was previously approved by the Board as a priority and submitted as part of the CMIA project nominations; however, this project was not included in the CTC's adopted CMIA program. This project complements the SR-74 widening project noted above. To date, OCTA has been supportive of the City of San Juan Capistrano, which has been the lead agency on this project given the need to balance transportation needs and local issues. Timely completion of the environmental review process, however, is critical to Orange County's ability to secure the recommended \$52.5 million in STIP funding for this project.

State Route 55 (SR-55) – Southbound Auxiliary Lanes from Dyer Road to MacArthur Boulevard

This project is complementary to a larger \$28 million Caltrans SHOPP project to provide auxiliary lanes on southbound SR-55 from Edinger Avenue to Dyer Road. The total proposed STIP contribution for this project is \$2.6 million.

Placentia Metrolink Station Construction Phase

The Board previously approved programming the design phase of this project as part of the 2006 STIP. The environmental work is anticipated to be complete this year, and a request to allocate the STIP design funds is anticipated in June. Staff is now proposing to fund the construction phase of the station. The total proposed new STIP contribution for this project is \$16.6 million.

In developing these recommendations, staff also considered a number of other projects including:

Several of OCTA nominations for the Proposition 1B CMIA funds were not funded by the CTC. Staff intends to submit the previously nominated Orange Freeway (State Route 57) and State Route 91 (SR-91) projects for consideration for funding through other Proposition 1B programs such as the Trade Corridor Improvement (goods movement) Program. The Gene Autry Way carpool drop-ramp that was also part of CMIA applications can be more appropriately funded with federal Congestion Mitigation and Air Quality funds. A recommendation for funding options for these projects will be presented to the Board by May of 2007.

There are a number of railroad-highway grade separation projects that are at various stages of development. These include State College Boulevard, Kramer Avenue, and Placentia Avenue crossings along the Burlington Northern Santa Fe railway corridor and the Sand Canyon Avenue and Red Hill Avenue crossing along the Los Angeles-San Diego-San Luis Obispo rail corridor, to name a few. These projects will be recommended for funding in coming months, pending Board discussion and guidance on grade separation priorities. The Proposition 1B Trade Corridor Improvement Program may be a potential funding source for crossings along the rail freight corridor.

In addition, OCTA continues to develop and implement soundwalls. OCTA's Fiscal Year 2007-08 Budget includes funding for project development work on soundwalls. Construction funding for new soundwall projects will be considered during the 2008 STIP recommendations in October of 2007.

In total, staff is proposing to program \$155.7 million in new projects or supplemental phases to existing projects and \$26 million (net) to augment existing projects. This would leave a reserve of approximately \$10.5 million. These funds can be held in reserve until the 2008 STIP programming cycle and

will be used to fund new projects or augment existing projects. The complete proposal for the augmented 2006 STIP is summarized in Attachment B.

Next Steps

With Board approval, staff will finalize the nomination packages for CTC review and pursue the projects to their final approval in June of 2007. Staff will also update the OCTA Comprehensive Funding Strategy matrix and return to the Board to reflect the recent funding changes as well as the outcome of Board discussions regarding implementation of the Renewed Measure M program. Finally, staff will begin working on the development of the 2008 STIP programming priorities. Based on prior year STIP fund estimates, OCTA will have approximately an additional \$60 million of new funding available for programming as part of the 2008 STIP. The timetable for action starts with review of a program of projects in October of 2007 and adoption by the CTC in April of 2008.

Summary

OCTA has approximately \$191 million in STIP programming capacity. Staff is proposing to program \$155.7 million towards capacity projects such as widening of SR-91 and reconstruction of the SR-74 interchange at I-5. Another \$26 million (net) is recommended to augment existing projects that eliminate freeway chokepoint projects along I-5, provide soundwalls, and increase parking spaces at the Fullerton and Tustin train stations.

Attachments

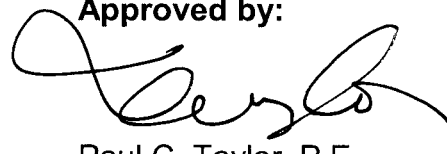
- A. 2006 STIP Project Cost Updates (\$1,000's)
- B. Proposed Augmented 2006 STIP (\$1,000's)

Prepared by:



Kia Mortazavi
Director, Strategic Planning
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Approved by:



Paul C. Taylor, P.E.
Executive Director, Development
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2006 STIP Project Cost Updates
(\$1,000's)

Agency	Rte	Project	Existing Project Cost	Updated Project Cost	Variance
Caltrans	5	Camino Capistrano interchange improvements	16,946	18,048	1,102
Caltrans	5	Culver Drive southbound off-ramp widening	2,227	3,206	979
OCTA	5	Rt 5 San Clemente El Camino Real soundwall (S/O)	3,378	4,498	1,120
OCTA	5	Rt 5 San Clemente Avenida Vaquero soundwall (S/O)	2,234	3,196	962
OCTA	5	Rt 5 Oso Parkway SB off-ramp, storage lane	20,189	27,603	7,414
Caltrans	5	Jamboree SB off ramp and auxiliary lane	8,072	8,533	461
Caltrans	405	Magnolia Av-Beach Bl, aux lane	17,942	11,617	(6,325)
Fullerton	loc	Fullerton Transportation Center Parking	15,700	32,469	16,769
OCTA	rail	Tustin Rail Station parking expansion	7,000	10,600	3,600
		TOTAL	93,688	119,770	26,082

S/O = state only funding, not eligible for federal highway funds

Proposed Augmented 2006 STIP
(\$1,000's)

Agency	Rte	Project	Total	Project Totals by Fiscal Year							Project Totals by Component					
				Prior	06-07	07-08	08-09	09-10	10-11	11-12	RW	Const	E & P	PS&E	R/W sup	Con Sup
Caltrans	5	Camino Capistrano interchange improvements	18,048	185	-	2,316	-	15,547	-	-	169	13,447	185	1,850	297	2,100
Caltrans	5	Culver Drive southbound off-ramp widening (04S-26)	3,206	349	-	2,857	-	-	-	-	15	2,307	17	292	25	550
OCTA	loc	Rt 5 San Clemente El Camino Real soundwall (S/O)	4,498	-	-	736	3,762	-	-	-	25	3,074	-	646	65	688
OCTA	loc	Rt 5 San Clemente Avenida Vaquero soundwall (S/O)	3,196	-	-	650	2,546	-	-	-	10	1,958	-	620	20	588
OCTA	loc	Rt 5 Oso Parkway SB off-ramp, storage lane (04S-26)	27,603	2,120	-	1,326	24,157	-	-	-	676	20,985	306	1,814	650	3,172
Caltrans	5	Jamboree SB off ramp and auxiliary lane	8,533	-	-	435	989	-	-	-	16	6,150	435	917	56	959
Caltrans	405	Magnolia Av-Beach Bl. aux lane	11,617	2,470	-	9,147	-	-	-	-	20	7,815	650	1,750	50	1,332
Fullerton	loc	Fullerton Transportation Center Parking (RTIP)	32,469	-	-	3,250	29,219	-	-	-	3,250	29,219	-	-	-	-
SCRRA	rail	Orange Metrolink ped overcrossing (increase)	5,000	-	5,000	-	-	-	-	-	-	5,000	-	-	-	-
OCTA	bus	Bus rapid transit, rolling stock, infrastructure, feeders	125,000	-	-	8,310	116,690	-	-	-	-	116,690	-	8,310	-	-
OCTA	rail	Orange County Metrolink maintenance facility study	4,000	-	-	-	4,000	-	-	-	-	-	4,000	-	-	-
OCTA	rail	Irvine Transportation Center parking expansion	20,000	-	20,000	-	-	-	-	-	-	20,000	-	-	-	-
OCTA	rail	Tustin Rail Station parking expansion	10,600	-	-	1,100	9,500	-	-	-	-	9,500	-	1,100	-	-
Irvine	loc	Jeffrey Road Grade Separation	24,000	-	24,000	-	-	-	-	-	-	24,000	-	-	-	-
Placentia	rail	Placentia Rail Station ^{2,3}	19,100	-	2,500	-	-	16,600	-	-	-	16,600	-	2,500	-	-
Caltrans	5	I-5 at SR-74 Interchange Improvements ^{1,3}	52,500	-	-	-	37,725	-	-	14,775	32,400	8,514	-	2,325	3,000	6,261
Caltrans	74	Widen, Calle Entradero to Antonio Parkway ³	10,000	-	-	-	10,000	-	-	-	-	10,000	-	-	-	-
Caltrans	91	Widen, SR-55 to Gypsum ³	74,000	-	-	13,813	3,510	-	-	56,677	3,087	47,800	4,763	9,050	423	8,877
Caltrans	55	Southbound auxiliary lanes from Dyer to MacArthur ³	2,619	-	-	586	-	2,033	-	-	4	1,662	166	412	4	371
TOTAL			455,989	5,124	51,500	44,526	242,098	34,180	7,109	71,452	39,672	344,721	10,522	31,586	4,590	24,898

1. Total project cost is \$75 M; Local Funds City of San Juan

2. Project includes \$2.5M of previously approved funds for PS&E and new funds of \$16.6 for construction

3. Indicates new programming as part of the augmentation totaling \$155.7 M, exclusive of \$2.5 M of prior programming for Placentia Station



BOARD COMMITTEE TRANSMITTAL

March 26, 2007

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: Agreement with California State University, Fullerton for Center of Demographic Services for Fiscal Year 2007-08

Regional Planning and Highways Committee

March 19, 2007

Present: Directors Amante, Cavecche, Dixon, Glaab, Green, Mansoor, Norby, Pringle, and Rosen
Absent: None

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendation

Authorize the Chief Executive Officer to execute an option to Agreement C-6-0191, in an amount not to exceed \$114,396, with the California State University, Fullerton Center for Demographic Research, contingent on Board of Directors fiscal year 2007-08 budget approval.



March 19, 2007

To: Regional Planning and Highways Committee

From: Arthur T. Leahy, Chief Executive Officer

Subject: Agreement with the California State University, Fullerton Center for Demographic Research for Fiscal Year 2007-08

Overview

The Center for Demographic Research at California State University, Fullerton develops population, employment, and other demographic projections used by the Orange County Transportation Authority for transportation planning studies. A recommendation to continue this arrangement is provided for Board of Directors review and approval.

Recommendation

Authorize the Chief Executive Officer to execute an option to Agreement C-6-0191, in an amount not to exceed \$114,396, with the California State University, Fullerton Center for Demographic Research, contingent on Board of Directors fiscal year 2007-08 budget approval.

Background

Since 1996, the Orange County Transportation Authority (OCTA) and other agencies have jointly funded the Center for Demographic Research (CDR) at California State University, Fullerton for the preparation of demographic projections for use in various planning activities. The CDR is sponsored by OCTA, the County of Orange, Orange County Division of the League of California Cities, Transportation Corridor Agencies, Orange County Sanitation District, Municipal Water District of Orange County, Orange County Water District, and the County of Orange Clerk-Recorder.

Each agency contributes funding toward a series of on-going demographic data deliverables including Orange County Projections, a critical data source used by OCTA and others for travel demand forecasting. For example, the 2006 Long-Range Transportation Plan relies upon population, housing, and employment forecasts developed by CDR and subsequently adopted by the

Orange County Council of Governments (OCCOG). The OCCOG-adopted demographics also become Orange County's growth forecasts for the Southern California Association of Governments Regional Transportation Plan. Each local agency is directly involved in demographic data development with CDR, and this "bottom up" approach has worked well in addressing issues early in the process.

Discussion

The proposed amendment with CDR and other agencies continues this cooperative effort for fiscal year (FY) 2007-08. In May 2006, the Board of Directors (Board) approved Agreement C-6-0191 with CDR for FY 2006-07 demographic services, in an amount not to exceed \$110,003 (Attachment A). This action included option years for FY 2007-08 and 2008-09. Both option years are subject to subsequent Board approval. Staff is returning with the FY 2007-08 option for Agreement C-6-0191.

OCTA's commitment for FY 2007-08 under this option is \$114,396, an increase of 4 percent over FY 2006-07. The increase is the product of increased labor costs due to inflation. OCTA and other agencies' funds will be used for traffic-zone level demographic projections for travel forecasting, as well as supporting other CDR activities. These other CDR activities include the preparation of the annual Orange County Progress Report, Orange County Facts and Figures, Orange County Profiles, and other reports. Funding for this agreement is included in the proposed OCTA FY 2007-08 Budget, Strategic Planning Division, Account No. 0010-7519-A4362-F5F. Execution of the option is contingent on Board adoption of the FY 2007-08 budget.

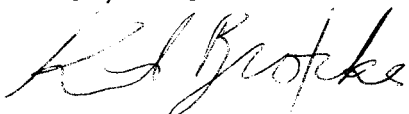
Summary

Execution of an option to Agreement C-6-0191 with the California State University, Fullerton Center for Demographic Research is presented for review and approval. With approval, staff will execute the FY 2007-08 option to the agreement subject to Board approval of the FY 2007-08 budget.

Attachment

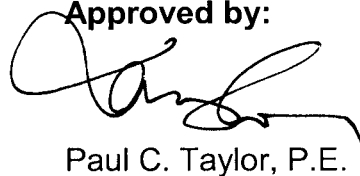
- A. California State University, Fullerton, Center for Demographic Research,
Agreement C-6-0191 Fact Sheet

Prepared by:



Kurt Brotcke
Manager, Planning and Analysis
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Approved by:



Paul C. Taylor, P.E.
Executive Director, Development
(714) 560-5431

ATTACHMENT A

California State University, Fullerton Center for Demographic Research Agreement C-6-0191 Fact Sheet

1. May 22, 2006, Agreement C-6-0191 for \$110,003 approved by Board of Directors.
 - Provide demographic services for the Orange County Transportation Authority, County of Orange, Orange County Division of the League of California Cities, Transportation Corridor Agencies, Orange County Sanitation District, Municipal Water District of Orange County, Orange County Water District, and the County of Orange Clerk-Recorder.
 - Agreement includes provision for option years for fiscal years 2007-08 and 2008-09.
2. January 11, 2007, Agreement C-6-0191 amended to add Orange County Council of Governments and delete Orange County Division of the League of California Cities.
 - Administrative change only. No changes made to term or dollar amount.
3. Amendment No. 2, Agreement C-6-0191, \$114, 396 pending approval by the Board of Directors. Amendment No. 2 will add funding of option year for fiscal year 2007-08.

Total committed to date for California State University, Fullerton Center for Demographic Research, Agreement C-6-0191: \$110,003. Including the pending amendment for \$114,396, the total commitment would be \$224,399.



March 20, 2007

To: Members of the Board of Directors
From: ^{WK}Wendy Knowles, Clerk of the Board
Subject: **Board Committee Transmittal for Agenda Item**

The following item is being discussed at a Committee meeting which takes place subsequent to distribution of the Board agenda. Therefore, you will be provided a transmittal following that Committee meeting (and prior to the Board meeting) informing you of Committee action taken.

Thank you.



March 22, 2007

To: Transit Planning and Operations Committee
From: Arthur T. Leahy, ^{AS} Chief Executive Officer
Subject: Amendment to Agreements for On-Call Commuter Rail Support Services

Overview

On August 23, 2004, the Board of Directors approved agreements with three firms, in an amount not to exceed \$300,000, to provide on-call commuter rail planning and technical support services. All of the firms were retained in accordance with the Orange County Transportation Authority's procurement procedures for professional and technical services.

Recommendation

Authorize the Chief Executive Officer to execute an amendment to Agreements C-4-0893, C-4-0894, and C-4-0552 between the Orange County Transportation Authority and Booz Allen Hamilton, IBI Group, and STV Incorporated, in a cumulative amount not to exceed \$300,000, for on-call commuter rail support services and exercise the two-year option term to extend services through June 30, 2009, for all three agreements.

Background

As part of the Commuter Rail Program, the Orange County Transportation Authority (OCTA) contracts for professional and technical services to provide staff with on-call technical expertise in passenger railroad and commuter rail planning and programming. On August 23, 2004, the Board of Directors (Board) awarded contracts on a competitive basis to three on-call firms to provide services for a base period of three years, in the amount not to exceed \$300,000, with one two-year option. The scope of the work provided by the technical firms includes technical support in the areas of commuter rail, intercity rail, high-speed rail, special trains, planning studies, evaluation of operating and capital subsidy calculations, prioritization of commuter rail operating and capital projects, and representation of OCTA interests at technical advisory committee meetings.

Discussion

This procurement was originally handled in accordance with the OCTA's procedures for professional and technical services. It has become necessary to amend the agreements to exercise the two-year option term to continue on-call commuter rail planning and technical support services.

On June 15, 2004, a Request for Proposals (RFP) was sent to 420 firms registered on CAMMNET. On July 8, 2004, 16 offers were received. An evaluation committee composed of OCTA staff from the Commuter Rail Services section, Contract Administration and Materials Management Department, Capital Planning section, Long Range Planning section, and Riverside County Transportation Commission was established to review all offers submitted. The offers were evaluated based on firm qualifications, staffing and project organization, work plan, price, and completeness of response as established in the RFP.

On August 23, 2004, the Board awarded three contracts for a term of three years through June 30, 2007. It has become necessary to amend the agreements to exercise the two-year option term to extend services through June 30, 2009.

On August 22, 2005, the Board approved amendments to increase the aggregate funding by \$300,000 for all three agreements for a new combined, not-to-exceed value of \$600,000 (Attachment A). Subsequent administrative amendments were approved by the purchasing agent. This amendment, in the amount of \$300,000, will increase the total aggregate agreements amount to \$900,000 and extend the contract term to June 30, 2009.

Primary work tasks in fiscal year (FY) 2007-08 will include planning support services, ongoing project management support for the grade crossing enhancement program and the commuter rail station needs assessment project, as well as other as needed technical support. Staff recommends extending all three contract terms for continued support on existing projects and access to technical expertise needed to support the Commuter Rail Program. All three firms have performed satisfactorily and will continue with the profit and overhead rates as approved under the initial agreement plus a 3.5 percent escalation. The escalation rate of 3.5 percent is considered fair and reasonable compared to standard industry rates and to the Consumer Price Index increase of 4.5 percent in the past year.

Fiscal Impact

Funds have been proposed in OCTA's FY 2007-08 Budget, Development Division, Account 0093-7519-A0001-DH6, Commuter and Urban Rail Endowment Fund.

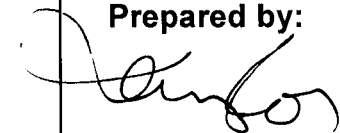
Summary

Based on the continued need for on-call commuter rail support services, staff recommends approval of amendments, in a cumulative amount not to exceed \$300,000, to Agreement C-4-0893 with Booz Allen Hamilton, Agreement C-4-0894 with IBI Group, and Agreement C-4-0552 with STV Incorporated, for a total aggregate contract value of \$900,000, and to exercise the two-year option term for the period July 1, 2007, through June 30, 2009.

Attachment

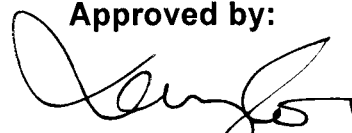
- A. Agreements C-4-0893, C-4-0894, and C-4-0552 Fact Sheet

Prepared by:



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Principal Transportation Analyst
Commuter Rail Services
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Approved by:



Paul C. Taylor, P.E.
Executive Director, Development
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**Agreements C-4-0893, C-4-0894, and C-4-0552
Fact Sheet**

**Booz Allen Hamilton
Agreement C-4-0893 Fact Sheet**

1. August 23, 2004, Agreement C-4-0893, one of three on-call firms with a cumulative contract amount of \$300,000, approved by Board of Directors.
 - On-call commuter rail technical support services.
2. May 3, 2005, Amendment No. 1 to Agreement C-4-0893, \$0, approved by purchasing agent.
 - Administrative change only. Revise schedule of fees to add personnel authorized to work under the agreement.
3. August 22, 2005, Amendment No. 2 to Agreement C-4-0893, to amend the maximum obligation by \$300,000, for a total aggregate not-to-exceed contract amount of \$600,000, approved by the Board of Directors.
 - Continued on-call commuter rail technical support services.
4. May 15, 2006, Amendment No. 3 to Agreement C-4-0893, \$0, approved by the purchasing agent.
 - Administrative change only. Revise schedule of fees to add personnel authorized to work under the agreement.
5. March 26, 2007, Amendment No. 4 to Agreement C-4-0893, in a not-to-exceed cumulative amount of \$300,000, in conjunction with two other on-call firms, pending approval by the Board of Directors.
 - Exercise the first two-year option term extending the agreement through June 30, 2009, to provide continued on-call commuter rail technical support services to support staff.

Total committed to Booz Allen Hamilton after approval of Amendment No. 4 to Agreement C-4-0893: \$900,000 in conjunction with two other on-call firms.

IBI Group
Agreement C-4-0894 Fact Sheet

1. August 23, 2004, Agreement C-4-0894, one of three on-call firms with a cumulative contract amount of \$300,000, approved by Board of Directors.
 - On-call commuter rail technical support services.
2. August 22, 2005, Amendment No. 1 to Agreement C-4-0894, to amend the maximum obligation by \$300,000, for a total aggregate not-to-exceed contract amount of \$600,000, approved by the Board of Directors.
 - Continued on-call commuter rail technical support services.
3. March 26, 2007, Amendment No. 2 to Agreement C-4-0894, in a not-to-exceed cumulative amount of \$300,000, in conjunction with two other on-call firms, pending approval by the Board of Directors.
 - Exercise the first two-year option term extending the agreement through June 30, 2009, to provide continued on-call commuter rail technical support services to support staff.

Total committed to IBI Group after approval of Amendment No. 2 to Agreement C-4-0894: \$900,000 in conjunction with two other on-call firms.

STV Incorporated
Agreement C-4-0552 Fact Sheet

1. August 23, 2004, Agreement C-4-0552, one of three firms with a cumulative contract amount of \$300,000, approved by Board of Directors.
 - On-call commuter rail technical support services.
2. August 22, 2005, Amendment No. 1 to Agreement C-4-0552, to amend the maximum obligation by \$300,000, for a total aggregate not-to-exceed contract amount of \$600,000, approved by the Board of Directors.
 - Continued on-call commuter rail technical support services to support staff.
3. February 24, 2006, Amendment No. 2 to Agreement C-4-0552, \$0, approved by the purchasing agent.

- Administrative change only. Revise schedule of fees to add personnel authorized to work under the agreement.
4. March 23, 2007, Amendment No. 3 to Agreement C-4-0552, in a not-to-exceed cumulative amount of \$300,000, in conjunction with two other on-call firms, pending approval by Board of Directors.
- Exercise the first two-year option term extending the agreement through June 30, 2009, to provide continued on-call commuter rail technical support services to support staff.

Total committed to STV Inc., after approval of Amendment No. 3 to Agreement C-4-0552: \$900,000 in conjunction with two other on-call firms.



March 20, 2007

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: **Board Committee Transmittal for Agenda Item**

The following item is being discussed at a Committee meeting which takes place subsequent to distribution of the Board agenda. Therefore, you will be provided a transmittal following that Committee meeting (and prior to the Board meeting) informing you of Committee action taken.

Thank you.



March 22, 2007

To: Transit Planning and Operations Committee

From: Arthur T. Leahy, Chief Executive Officer

Subject: Amendment to Agreement to Exercise First Option Year for Maintenance Services Along the Orange County Transportation Authority's Railroad Right-of-Ways

Overview

On December 8, 2003, the Board of Directors approved an agreement with Joshua Grading & Excavating, in the amount of \$2,730,000, to provide preventative and corrective maintenance of the Orange County Transportation Authority's railroad right-of-ways. Joshua Grading & Excavating was retained in accordance with the Orange County Transportation Authority's procurement procedures for technical and professional services.

Recommendation

Authorize the Chief Executive Officer to exercise the first one-year option and execute Amendment No. 1 to Agreement C-3-0912 between the Orange County Transportation Authority and Joshua Grading & Excavating, in an amount not to exceed \$1,100,000, for preventative and corrective maintenance of the Orange County Transportation Authority's railroad right-of-ways.

Background

On April 22, 1991, the Orange County Transportation Authority (Authority) approved a Measure M Freeway Program Strategic Plan. One of the projects included in the Measure M program is the maintenance of the Authority-owned railroad right-of-ways.

The Authority owns over 60 miles of railroad right-of-ways throughout the County, all of which must comply with both local and federal regulations regarding weed abatement, fire prevention, and nuisance liability standards on a continual basis. The maintenance service provided covers both the commuter rail right-of-way and the Pacific Electric right-of-way.

The contractor is responsible for maintaining this property. This includes, but is not limited to, weed abatement, brush clearance, herbicide application, rodent control, maintenance of drainage channels and embankments, graffiti abatement, debris removal, fencing installation and repair work, grading and/or barrier construction and repair, and signage installation and repairs.

Discussion

This procurement was originally handled in accordance with the Authority's procurement procedures for technical and professional services. The original agreement was awarded on a competitive basis. The agreement term was for three years with two one-year options available. It has become necessary to amend the agreement in order to exercise the first one-year option to continue maintenance services on the railroad right-of-ways.

Staff requested a price proposal from Joshua Grading & Excavating to perform this additional work. The proposal was reviewed by the internal auditor and the cost was found to be fair and reasonable for the work to be performed.

Per the terms of the original contract, in the amount of \$2,730,000, the initial three-year period expires on April 12, 2007; therefore, the first one-year option period is to begin April 13, 2007. Amendment No. 1 to Agreement C-3-0912, in the amount of \$1,100,000, will increase the total agreement amount to \$3,830,000 (Attachment A).

Fiscal Impact

The additional work described in Amendment No. 1 to Agreement C-3-0912 was approved in the Authority's Fiscal Year 2007 Budget, Development Division, accounts 0010-7517/T1000-ASA, 0093-7517/D2601-AB9, and 1722-7517/D2601-AR7, and is funded through a combination of Commuter Urban Rail Endowment and Measure M funds.

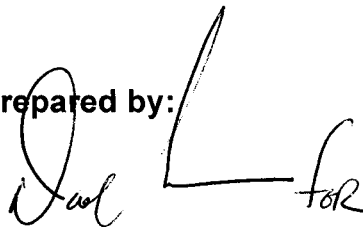
Summary

Staff recommends approval of Amendment No. 1, in an amount not to exceed \$1,100,000, to Agreement C-3-0912 with Joshua Grading & Excavating to continue preventative and corrective maintenance of the Authority's railroad right-of-ways for a one-year period.

Attachment

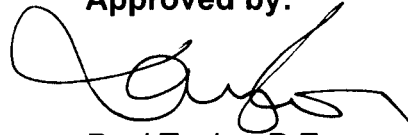
- A. Joshua Grading & Excavating, Agreement C-3-0912 Fact Sheet

Prepared by:

A handwritten signature in black ink, appearing to read "Dinah Minter", with a long horizontal line extending to the right.

Dinah Minter
Department Manager
714-560-5740

Approved by:

A handwritten signature in black ink, appearing to read "Paul Taylor", with a long horizontal line extending to the right.

Paul Taylor, P.E.
Executive Director, Development
714-560-5431

ATTACHMENT A

**Joshua Grading & Excavating
Agreement C-3-0912 Fact Sheet**

1. December 8, 2003, Agreement C-3-0912, \$2,730,000, approved by Board of Directors.
 - To provide preventative and corrective maintenance of the Orange County Transportation Authority's (Authority) railroad right-of-ways.
 - Initial three-year period will expire on April 12, 2007.
2. March 26, 2007, Amendment No. 1 to Agreement C-3-0912, \$1,100,000, pending approval by the Board of Directors.
 - Exercise first option year term to provide preventative and corrective maintenance of the Authority's railroad right-of-ways.

Total committed to Joshua Grading & Excavating after approval of Amendment No. 1 to Agreement C-3-0912: \$3,830,000.



BOARD COMMITTEE TRANSMITTAL

March 26, 2007

To: Members of the Board of Directors

From: ^{WV} Wendy Knowles, Clerk of the Board

Subject: Cooperative Agreement with the California Department of Transportation for the Garden Grove Freeway (State Route 22) Phase II/West Orange County Connection and Project Update

Regional Planning and Highways Committee

March 19, 2007

Present: Directors Amante, Cavecche, Dixon, Glaab, Green, Mansoor, Norby, Pringle, and Rosen

Absent: None

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendations

- A. Authorize the Chief Executive Officer to execute Cooperative Agreement C-7-0038 between the Orange County Transportation Authority and the California Department of Transportation for preliminary engineering and design of the Garden Grove Freeway (State Route 22) Phase II/West Orange County Connection.
- B. Receive and file Phase II project update.



March 19, 2007

To: Regional Planning and Highways Committee

From: Arthur T. Leahy, Chief Executive Officer

Subject: Cooperative Agreement with the California Department of Transportation for the Garden Grove Freeway (State Route 22) Phase II/West Orange County Connection and Project Update

Overview

The Orange County Transportation Authority proposes to enter into a cooperative agreement with the California Department of Transportation to secure federal funding and establish the roles and responsibilities for preliminary engineering and design of the Garden Grove Freeway (State Route 22) Phase II/West Orange County Connection.

Recommendations

- A. Authorize the Chief Executive Officer to execute Cooperative Agreement C-7-0038 between the Orange County Transportation Authority and the California Department of Transportation for preliminary engineering and design of the Garden Grove Freeway (State Route 22) Phase II/West Orange County Connection.
- B. Receive and file Phase II project update.

Background

On September 22, 2004, the Orange County Transportation Authority (Authority) began construction on Phase I of the Garden Grove (State Route 22) improvement project constructing a high-occupancy vehicle (HOV) lane between the Costa Mesa Freeway (State Route 55) and Valley View Street. Due to funding constraints at that time, the direct HOV connectors from the State Route 22 (SR-22) to the San Diego Freeway (Interstate 405) and the San Gabriel River Freeway (Interstate 605) were not included. This excluded work is referred to as Phase II.

Recognizing the importance of continuing the SR-22 improvements, on November 28, 2005, the Board of Directors (Board) approved a Comprehensive Funding Strategy and Policy Direction, allocating State Transportation Improvement Program (STIP) funds to Phase II. On June 26, 2006, the Board further revised this policy direction to allow the re-programming of STIP financing with federal funding.

Presently the Authority does not have the legislative authority to proceed with a design-build project using the best value procurement criteria for Phase II. This method was used on Phase I; however, the enabling legislation has expired. Accordingly, on August 28, 2006, the Board approved an implementation plan to move forward with the preliminary design phase of the project, which allowed the flexibility to decide the project-delivery method sometime in the future. This plan was approved in order to avoid delays to the engineering phase while pursuing design-build legislation, while also allowing time to better define the project scope and cost estimate.

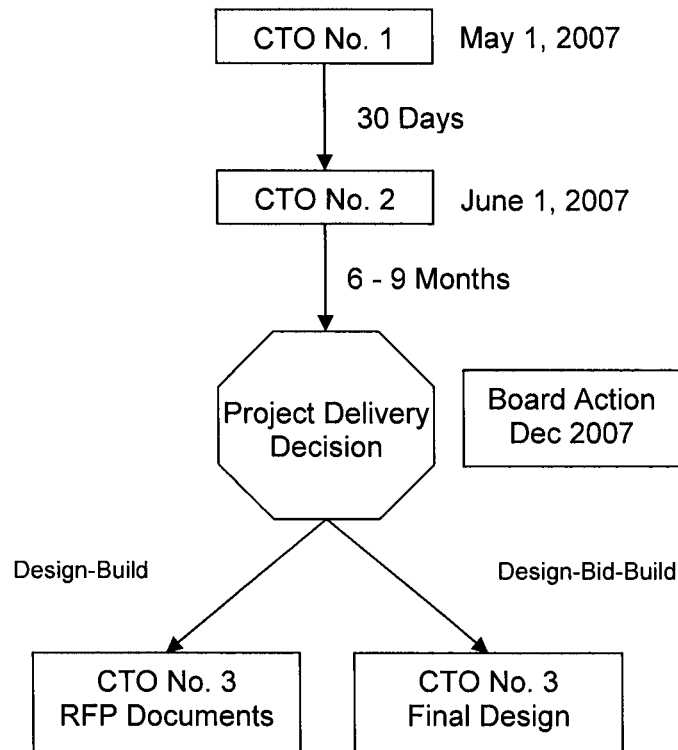
The approved implementation plan segregated the design portion of Phase II into two segments. The corresponding design contracts for each segment will be task order-based allowing greater flexibility through the design process. The initial Contract Task Order (CTO) No.1 would define the scope of the work that can be developed during the preliminary engineering phase for use in either a design-build or traditional (design-bid-build) project. The duration of CTO No. 1 is expected to be approximately one month. Upon completion of CTO No. 1, CTO No. 2 would be initiated for preliminary engineering for the two segments of Phase II. Preliminary engineering is anticipated to develop the plans to approximately a 35 percent stage.

The duration of CTO No. 2 is expected to be approximately six to nine months. During this phase, critical project issues would be examined to formulate the most effective project delivery strategy. These critical project issues include the following:

- Legislative authority for delivery method
- Acquisition schedule for Department of the Navy highway easement
- Scoping of major utility relocations
- Further refinement of the project cost estimates

Near the completion of CTO No. 2, the Board will be asked to make a policy decision regarding the project delivery method. Upon Board direction, CTO No. 3 would be initiated for final design plans (traditional project delivery) or the development of a design-build Request for Proposals.

The flow chart below depicts development of the preliminary engineering portion for Phase II. The provided dates assume federal funding authorization is received on May 1, 2007:



On December 11, 2006, the Board approved the selection of Parsons Transportation Group (Parsons) and TRC Solutions, Inc. (TRC), to provide design services for the two segments of Phase II. At that time, the Board requested that staff return to the Board for final review and approval of the engineering contracts before execution. The financial audits for the firms have been completed, and staff is presently negotiating the technical level of effort with each selected consultant. Staff anticipates returning to the Board in April 2007 for approval of the contracts.

Discussion

The Phase II project is a partnership between the Authority, the California Department of Transportation (Caltrans), and the Federal Highway Administration (FHWA).

The engineering portion of Phase II is funded by federal Congestion Mitigation and Air Quality (CMAQ) funds. The Authority is required to follow established processes and procedures to qualify for this federal funding. As part of these procedures, a cooperative agreement with Caltrans is required to initiate preliminary engineering and design of this project.

The proposed Cooperative Agreement C-7-0038 with Caltrans includes preliminary engineering, design, and right-of-way (ROW) acquisition responsibilities. A separate cooperative agreement will be prepared for the construction phase of Phase II using CMAQ funds as well as Proposition 1B funds approved by the California Transportation Commission on February 28, 2007. For simplicity and timeliness, this cooperative agreement assumes the design-bid-build delivery method. This agreement will need to be amended should design-build be selected by the Board and legislative authority is attained.

The following briefly describes the purpose and content of the cooperative agreement with Caltrans and summarizes some of the major responsibilities of both the Authority and Caltrans for Phase II.

The cooperative agreement requires Caltrans to provide the following services to the Authority:

- Work with Authority to assure that all state and federal procedures are followed and necessary approvals obtained
- Provide, at no cost to the Authority, independent quality assurance reviews and approvals
- Provide quality assurance reviews for all ROW activities
- Prepare superseding freeway agreements with the local agencies if required

-
- Consult with the Authority in a timely manner of Caltrans standard changes, specifically including design criteria modifications for bridges and project roadway elements

The cooperative agreement requires the Authority to:

- Develop project plans, specifications, and cost estimates
- Perform all ROW acquisition activities
- Identify and locate all utility facilities within the project area as part of its design responsibility and to provide plans for protection, relocation, or removal
- Be responsible for funding 100 percent of all design engineering and ROW acquisition costs

Project Update:

The first step in the process to enable the Authority to proceed with preliminary engineering using federal funds is to obtain a Transportation Improvement Program (TIP) amendment. This amendment was submitted to the Southern California Association of Governments in November 2006 and is anticipated to be approved in March 2007. This TIP amendment along with the executed cooperative agreement will be submitted with an authorization to proceed (ATP) package to Caltrans and FHWA for their review and approval. The anticipated date for FHWA to issue the ATP is May 1, 2007.

Staff continues to expedite necessary project deliverables to keep the project moving forward. For example, the first two items of work to be completed to support the preliminary engineering phase are the aerial mapping and field surveys. Awaiting FHWA authorization to begin design work, the Authority is advancing the aerial mapping and survey studies by utilizing existing on-call survey services currently under contract. The aerial mapping and survey information will be provided to each design team in order to initiate the preliminary engineering process. Performing this critical design support activity will enable preliminary design work to begin immediately upon receiving FHWA approval.

Other ongoing project activities include the following:

- Reviewing a feasibility study for utility relocation within the Navy property
- Reviewing soundwall request from City of Seal Beach
- Coordinating with utility owners
- Coordinating with FHWA the impact of new air quality requirements
- Coordinating environmental re-evaluation with Caltrans and FHWA
- Project coordination meetings with Caltrans, FHWA, and the cities of Garden Grove, Westminster, Seal Beach, Los Alamitos, and the Rossmoor community
- Developing a public outreach strategy

Next Steps:

Staff anticipates returning to the Board in April 2007 for final review and approval of the contracts with Parsons and TRC, respectively, prior to contract execution.

Fiscal Impact

There is no cost associated with this cooperative agreement.

Summary

Staff requests Board approval of a cooperative agreement between the Orange County Transportation Authority and the California Department of Transportation outlining specific responsibilities for the design portion of the Garden Grove Freeway (State Route 22) Phase II improvement project.

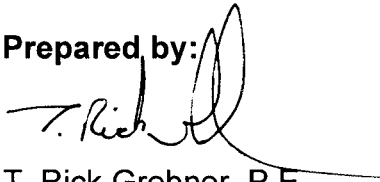
**Cooperative Agreement with the California Department of
Transportation for the Garden Grove Freeway (State
Route 22) Phase II/West Orange County Connection and
Project Update**

Page 7

Attachment

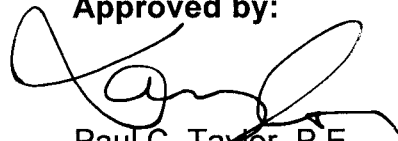
A. District Agreement No. 12-564, Authority Agreement No. C-7-0038

Prepared by:



T. Rick Grebner, P.E.
Program Manager
(714) 560-5729

Approved by:



Paul C. Taylor, P.E.
Executive Director, Development
(714) 560-5431

District Agreement No. 12-564
Authority Agreement No. C-7-0038

DRAFT

12-ORA-22-PM 0.65/0.92
12-ORA-405-PM 20.4/22.63
12-071621

12-ORA-405-PM 22.63/23.96
12-ORA-605-PM 0.00/0.99
12-071631

State Route 22/West Orange County Connection
District Agreement No. 12-564

COOPERATIVE AGREEMENT

This AGREEMENT, entered into on _____, 2007, is between the STATE OF CALIFORNIA, acting by and through its Department of Transportation, referred to herein as "STATE", and

ORANGE COUNTY TRANSPORTATION AUTHORITY,
a Public Corporation of the State of California,
referred to herein as "AUTHORITY."

RECITALS

1. STATE and AUTHORITY, pursuant to Streets and Highways Code Section 130, are authorized to enter into a Cooperative Agreement for improvements to State highways within the Cities of Westminster, Seal Beach, Rossmoor and Los Alamitos, County of Orange].
2. AUTHORITY desires State highway improvements consisting of adding High Occupancy Vehicle (HOV) lanes in each direction on I-405 between SR-22 and I-605, direct freeway-to-freeway HOV connectors from westbound SR-22 to northbound I-405, and return movement, and from northbound I-405 and northbound I-605, and return movement, and numerous soundwalls and retaining walls referred to herein as "PROJECT", and is willing to fund one hundred percent (100%) of all capital outlay and support costs, except that costs of STATE's independent quality assurance of design and right of way activities will be borne by STATE.
3. It is anticipated that Federal-aid funds will be allocated for financing costs of PROJECT as shown on Exhibit A, Finance Letter, attached hereto and made a part of this Agreement.
4. Construction of said PROJECT will be the subject of a separate future Agreement.
5. The parties hereto intend to define herein the terms and conditions under which PROJECT is to be developed and designed.

SECTION I

AUTHORITY AGREES:

1. To be responsible for funding one hundred percent (100%) of all design engineering costs, including but not limited to, costs for preparation of contract documents and advertising and awarding the PROJECT construction contract, but excluding costs referred to in Section II, Article (1) of this Agreement.
2. To carry out PROJECT with AUTHORITY forces and consultants. PROJECT is to be implemented in accordance with the approved Project Report (PR) for the State Route 22/West Orange County Connection, approved March 13, 2003, provided by STATE, and made a part of this Agreement. PROJECT is also to be implemented in accordance with all applicable Federal, State, and local laws, rules, regulations, policies, procedures, manuals, standard plans and specifications, roadway maintenance and structure maintenance reports, and other standards including, but not limited to compliance with applicable Federal Highway Administration (FHWA) requirements, herein referred to as "STANDARDS". Modifications that constitute a change to the approved PR shall be approved by STATE and FHWA in a Supplemental Project Report (SPR), which could include supplemental documents,

when deemed necessary. The SPR shall be signed by a Civil Engineer registered in the State of California. Any exceptions to applicable STANDARDS shall first be approved by STATE via the process outlined in STATE's Highway Design Manual and appropriate memorandums and design bulletins published by STATE. In the event STATE requires a change in STANDARDS, implementation of new or revised STANDARDS shall be done as part of the work on PROJECT in accordance with STATE's current Highway Design Manual Section 82.5, "Effective Date for Implementing Revisions to Design Standards". STATE shall consult with AUTHORITY in a timely manner regarding effect of required changes on PROJECT, specifically the implementation of Load Resistant Factor Design (LRFD) changes for structures currently being developed by the STATE, including structure geotechnical editions/requirements.

3. To have detailed Plans, Specifications and Estimate (PS&E) prepared at no cost to STATE and to submit to STATE for review and approval at appropriate stages of development. The PS&E shall be prepared using U.S. Customary (English) units. Final plans and standard special provisions shall be signed by a Civil Engineer registered in the State of California.
4. To permit STATE to participate in the selection of personnel who will prepare the PS&E, provide the right of way engineering services, and perform right of way activities. AUTHORITY agrees to consider any request by STATE to discontinue the services of any personnel considered by STATE to be unqualified on the basis of credentials, professional expertise, failure to perform in accordance with scope of work and/or other pertinent criteria.
5. Personnel who prepare the PS&E and right of way maps shall be available to STATE, at no cost to STATE, through completion of construction of PROJECT to discuss problems which may arise during construction and/or to make design revisions for contract change orders.
6. To make written application to STATE for necessary encroachment permits authorizing AUTHORITY forces or consultants entry onto STATE's right of way to perform surveying and other investigative activities required for preparation of the PS&E.
7. To identify and locate all utility facilities within the PROJECT area as part of its PROJECT design responsibility. All utility facilities not relocated or removed in advance of construction shall be identified on the PROJECT plans and specifications.
8. To identify and locate all high and low risk underground facilities within the PROJECT area and to protect or otherwise provide for such facilities, all in accordance with STATE's *"Manual on High and Low Risk Underground Facilities Within Highway Rights of Way"*. AUTHORITY hereby acknowledges receipt of STATE's *"Manual on High and Low Risk Underground Facilities Within Highway Rights of Way"*.

9. If any existing public and/or private utility facilities conflict with PROJECT construction or violate STATE's encroachment policy, AUTHORITY shall make all necessary arrangements with the owners of such facilities for their protection, relocation or removal in accordance with STATE policy and procedure for those facilities located within the limits of work providing for the improvement to the State highway and in accordance with AUTHORITY policy for those facilities located outside of the limits of work for the State highway. Total costs of such protection, relocation or removal shall be in accordance with STATE policy and procedure.
10. To furnish evidence to STATE, in a form acceptable to STATE, that arrangements have been made for the protection, relocation, or removal of all conflicting facilities within STATE's right of way and that such work will be completed prior to the award of the contract to construct PROJECT or as covered in the Special Provisions for said contract. This evidence shall include a reference to all required State highway encroachment permits.
11. AUTHORITY shall require the utility owner and/or its contractors performing the relocation work within the STATE's right of way to obtain a STATE encroachment permit prior to the performance of said relocation work.
12. To perform all right of way activities, including all eminent domain activities, if necessary, at no cost to STATE, in accordance with procedures acceptable to STATE, and in compliance with all applicable State and Federal laws and regulations, subject to STATE oversight to insure that the completed work is acceptable for incorporation into the State highway right of way.
13. To perform, with participation of STATE, first and, if necessary, second level reviews similar to the existing STATE process, which may run concurrently, prior to seeking a Resolution of Necessity for eminent domain.
14. To transfer title to properties to be incorporated into STATE's highway right of way in a manner acceptable to STATE and free and clear of all encumbrances except as approved by STATE. Acceptance of said title by STATE is subject to a prior review and approval of a Policy of Title Insurance issued in the name of the State of California.
15. To certify legal and physical control of rights of way ready for construction, and that all rights of way were acquired in accordance with applicable State and Federal laws and regulations subject to review and concurrence by STATE prior to the advertisement for bids for construction of PROJECT.
16. To comply with the requirements of existing utility agreements of record.
17. If AUTHORITY desires to have STATE advertise, award and administer the construction contract for PROJECT, AUTHORITY shall provide all plans prepared by AUTHORITY's consultant and submit on a CD in .dgn file format using the latest Microstation Version as directed by District 12 CADD personnel. The plans shall include the Engineer's signature and seal. STATE reserves the right to modify

submittal requirements and STATE shall provide AUTHORITY advance notice of any such modifications. STATE shall provide AUTHORITY with latest Caltrans *Plans Preparation Manual*.

SECTION II

STATE AGREES:

1. To provide, at no cost to AUTHORITY, independent quality assurance of work on PROJECT done by AUTHORITY forces or its consultants, and to provide prompt reviews and approvals as agreed to and as appropriate, of submittals by AUTHORITY, and to cooperate in timely processing of PROJECT.
2. To work with AUTHORITY to assure that all applicable State and Federal procedures are followed and approvals obtained.
3. To prepare, if required, superceding Freeway Agreements with the local agencies for PROJECT.
4. To provide, at no cost to AUTHORITY, independent quality assurance of all right of way activities undertaken by AUTHORITY, or its designee, pursuant to this Agreement.
5. To issue, at no cost to AUTHORITY upon proper application by AUTHORITY, an encroachment permit to AUTHORITY authorizing entry onto STATE's right of way to perform survey and other investigative activities required for preparation of the PS&E. If AUTHORITY uses consultants rather than its own staff to perform required work, the consultants will also be required to obtain an encroachment permit. The permit will be issued at no cost upon proper application by the consultants.

SECTION III

IT IS MUTUALLY AGREED:

1. All obligations of STATE under the terms of this Agreement are subject to the appropriation of resources by the Legislature and the allocation of resources by the California Transportation Commission.
2. The parties hereto will carry out PROJECT in accordance with the Scope of Work, attached and made a part of this Agreement, which outlines the specific responsibilities of the parties hereto. The attached Scope of Work may in the future be modified in writing to reflect changes in the responsibilities of the respective parties. Such modifications shall be concurred with by AUTHORITY's Executive Officer or other official designated by AUTHORITY and STATE's District Director, District 12, and become a part of this Agreement after written concurrence by the respective officials of the parties.

3. That any hazardous material or contamination found within the existing State highway right of way during PROJECT site investigations or utility relocation work, shall be handled as part of and funded by PROJECT. AUTHORITY will be responsible for all investigation, remedy, remedial action, and/or protection of such right of way, as required, by statute, or local, State, or Federal regulatory control agencies having jurisdiction. However, for any said hazardous material or contamination found within existing State highway right of way, STATE will sign the manifests if the hazardous waste is of HM-1 Category. HM-1 category is hazardous waste which State or Federal regulatory control agencies having jurisdiction have determined must be remediated regardless of whether disturbed by PROJECT or not. If hazardous waste is of HM-2 Category, STATE and AUTHORITY will jointly sign the manifests. HM-2 Category is hazardous waste which State or Federal regulatory agencies having jurisdiction would have allowed to remain in place if undisturbed or otherwise protected in place should PROJECT not proceed. Locations subject to cleanup include utility relocation work required for PROJECT.
4. That for any hazardous material or contamination found within any proposed new right of way acquired by AUTHORITY for PROJECT or local road right of way, as a result of PROJECT site investigations, or utility relocation work, AUTHORITY will make the proper owner or local agency responsible for all investigation, remedy, remedial action, and/or protection of such right of way, as required by statute, or local, State, or Federal regulatory control agencies having jurisdiction. If the AUTHORITY is unable to make the private property owner or local agency perform said investigation, remedy, remedial action, and/or protection of such right of way as required by statute, local, State or Federal regulatory control agencies having jurisdictions, it shall be handled as part of and funded by PROJECT. If the property owner or local agency responsible for the hazardous material or contamination is not able to do so, AUTHORITY will then sign the manifests. AUTHORITY shall provide written certification to STATE that all new right of way is clean prior to transfer of title to STATE.
5. Nothing in the provisions of this Agreement is intended to create duties or obligations to or rights in third parties not parties to this Agreement or affect the legal liability of either party to the Agreement by imposing any standard of care with respect to the maintenance of State highways different from the standard of care imposed by law.
6. The parties to this Agreement understand and agree that STATE's independent quality assurance is defined as the activities performed by STATE for PROJECT to ensure that AUTHORITY's quality assurance activities results in PROJECT being developed in accordance with STANDARDS, and the quality control plan provided by AUTHORITY.
6. Neither STATE nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by AUTHORITY under or in connection with any work, authority or jurisdiction arising under this Agreement. It is understood and agreed that AUTHORITY shall fully defend, indemnify and save harmless STATE and all of its officers and employees

from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortuous, contractual, inverse condemnation or other theories or assertions of liability occurring by reason of anything done or omitted to be done by AUTHORITY under this Agreement.

7. Neither AUTHORITY nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by STATE, under or in connection with any work, authority or jurisdiction arising under this Agreement. It is understood and agreed that STATE shall fully defend, indemnify and save harmless the AUTHORITY and all of its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortuous, contractual, inverse condemnation and other theories or assertions of liability occurring by reason of anything done or omitted to be done by STATE under this Agreement
9. If a decision is made by AUTHORITY to deliver PROJECT as a Design-Build project at any time during this Agreement term, than Agreement shall be terminated and a new Agreement executed.
10. Except as otherwise provided in Article 9 above, this Agreement shall terminate upon completion and acceptance of the contract for PROJECT or on December 31, 2009, whichever is earlier in time.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

Will Kempton
Director of Transportation

By: _____
Jim Beil
Deputy District Director
Capital Projects Outlay Program

APPROVED AS TO FORM AND PROCEDURE:

By: _____
Attorney
Department of Transportation

CERTIFIED AS TO FUNDS:

By: _____
District Budget Manager

ORANGE COUNTY
TRANSPORTATION
AUTHORITY

By: _____
Arthur T. Leahy
Chief Executive Officer

APPROVED AS TO FORM:

By: _____
Kennard R. Smart, Jr.
AUTHORITY General Counsel

APPROVED:

By: _____
Paul Taylor, Director

SCOPE OF WORK

1. This Scope of Work outlines the specific areas of responsibility for various project development activities for the proposed improvements consisting of adding High Occupancy Vehicle (HOV) lanes in each direction on I-405 between SR-22 and I-605, direct freeway-to-freeway HOV connectors from westbound SR-22 to northbound I-405, and return movement, and from northbound I-405 and northbound I-605, and return movement, and numerous soundwalls and retaining walls 1. AUTHORITY and STATE concur that the proposal is a Category-as defined in STATE's Project Development Procedures Manual.
2. STATE will perform independent quality assurance reviews, and approve all project development reports, studies, and plans, and provide all necessary implementation activities up to, but not including advertising of the project.
3. STATE will provide the revised freeway agreement and obtain approval of the new public road connection(s) from the California Transportation Commission.
4. All phases of the project, from inception through construction, whether done by AUTHORITY or STATE, will be developed in accordance with all policies, procedures, practices, and standards that STATE would normally follow, herein referred to as STANDARDS.
5. Detailed steps in the project development process are attached to this Scope of Work. These Attachments are intended as a guide to STATE and AUTHORITY staff.

ATTACHMENT 1
PLANNING PHASE ACTIVITIES

PROJECT ACTIVITY	RESPONSIBILITY	
	STATE	LOCAL AGENCY
1. PROJECT APPROVAL		
Lead Agency for Re-Evaluation of Environment		
Document in Accordance with Procedures	X	X
Prepare Draft Supplemental Project Report (DSPR)		X
Finalize and Submit Supplemental Project Report		
with Environmental Documentation for Approval		X
Approve Supplemental Project Report	X	

ATTACHMENT 2

DESIGN PHASE ACTIVITIES

PROJECT ACTIVITY	RESPONSIBILITY	
	STATE	LOCAL AGENCY
1. PRELIMINARY COORDINATION		
Request 1 - Phase EA	X	
Field Review of Site		X
Prepare Revised Traffic Analysis		X
Prepare Revised Future Traffic Volumes		X
Prepare Revised Project Geometrics and Profiles		X
Prepare Revised Layouts and Estimates		X
Prepare Revised Operational Analysis		X
Obtain Surveys & Aerial Mapping		X
Obtain Copies of Assessor Maps and Other R/W Maps		X
Obtain Copies of As-Builts		X
Determine Need for Permits from Other Agencies		X
Request Permits		X
Initial Hydraulics Discussion with District Staff		X
Initial Electrical Design Discussion with District Staff		X
Initial Traffic & Signing Discussion with District Staff		X
Initial Landscape Design Discussion with District Staff		X
Plan Sheet Format Discussion		X
Provide Revised Geometrics		
Review and Approve Revised Project Geometrics and Operational Analysis		X
Approve Revised Project Geometrics and Operational Analysis	X	
Send Approved Geometrics to Local Agencies for Review		X
Revise Approved Geometrics if Required		X
Approve Final Geometrics	X	
2. ENGINEERING STUDIES AND REPORTS		
Prepare & Submit Materials Report & Typical Section		X
Review and Approve Materials Report & Typical Section	X	
Prepare & Submit Landscaping Recommendation		X
Review & Approve Landscaping Recommendation	X	
Prepare & Submit Hydraulic Design Studies		X

PROJECT ACTIVITY	RESPONSIBILITY	
	STATE	LOCAL AGENCY
Review & Approve Hydraulic Design Studies	X	
Prepare & Submit Bridge General Plan & Structure Type Selection		X
Review & Approve Bridge General Plan & Structure Type Selection	X	
3. R/W ACQUISITION & UTILITIES		
Request Utility Verification		X
Request Preliminary Utility Relocation Plans from Utilities		X
Prepare R/W Requirements		X
Prepare R/W and Utility Relocation Cost Estimates		X
Submit R/W Requirements & Utility Relocation Plans for Review		X
Review and Comment on R/W Requirements	X	
Longitudinal Encroachment Review	X	
Longitudinal Encroachment Application to District		X
Approve Longitudinal Encroachment Application	X	
Request Final Utility Relocation Plans		X
Check Utility Relocation Plans		X
Submit Utility Relocation Plans for Approval		X
Provide Independent Quality Assurance for Utility Relocation Plans	X	
Submit Final R/W Requirements for Review & Approval		X
Fence and Excess Land Review	X	
R/W Layout Review	X	
Approve R/W Requirements	X	
Obtain Title Reports		X
Complete Appraisals		X
Review and Approve Appraisals for Setting Just Compensation	X	
Prepare Acquisition Documents		X
Acquire R/W		X
Open escrows and Make Payments		X
Obtain Resolution of Necessity		X
Perform Eminent Domain Proceedings		X
Provide Displacee Relocation Services		X
Prepare Relocation Payment Valuations		X
Provide Displacee Relocation Payments		X
Perform Property Management Activities		X
Perform R/W Clearance Activities		X

PROJECT ACTIVITY	RESPONSIBILITY	
	STATE	LOCAL AGENCY
Prepare and Submit Certification of R/W		X
Review and Approve Certification of R/W	X	
Transfer R/W to STATE - Approve & Record Title Transfer Documents	X	
Prepare R/W Record Maps		X
4. PREPARATION OF PLANS, SPECIFICATIONS AND ESTIMATES		
Prepare and Submit Preliminary Stage Construction Plans		X
Independent Quality Assurance Review Preliminary Stage Construction Plans		X
Calculate and Plot Geometrics		X
Cross-Sections & Earthwork Quantities Calculation		X
Prepare and Submit BEES Estimate		X
Put Estimate in BEES	X	
Local Review of Preliminary Drainage Plans and Sanitary Sewer and Adjustment Details		X
Prepare & Submit Preliminary Drainage Plans		X
Independent Quality Assurance Review Preliminary Drainage Plans	X	
Prepare Traffic Striping and Roadside Delineation Plans & Submit for Review		X
Independent Quality Assurance Review Traffic Striping and Roadside Delineation Plans	X	
Prepare & Submit Landscaping and/or Erosion Control Plans		X
Independent Quality Assurance Review Landscaping and/or Erosion Control Plans	X	
Prepare & Submit Preliminary Electrical Plans		X
Independent Quality Assurance Review Preliminary Electrical Plans	X	
Prepare & Submit Preliminary Signing Plans		X
Independent Quality Assurance Review Preliminary Signing Plans	X	
Quantity Calculations		X
Safety Review	X	X

PROJECT ACTIVITY	RESPONSIBILITY	
	STATE	LOCAL AGENCY
Prepare Specifications		X
Prepare & Submit Checked Structure Plans		X
Independent Quality Assurance Review & Approve Checked Structure Plans		X
Prepare Final Contract Plans		X
Prepare Lane Closure Requirements		X
Independent Quality Assurance Review and Approve Lane Closure Requirements	X	
Prepare & Submit Striping Plan		X
Independent Quality Assurance Review & Approve Striping Plan	X	
Prepare Final Estimate		X
Prepare & Submit Draft PS&E		X
Independent Quality Assurance Review Draft PS&E	X	
Finalize & Submit PS&E to District		X

ATTACHMENT 3
DEFINITIONS

Basic Design Features - A general description of the facility:

- n Design speed of State highway facility and Local Agency roads and streets.
- n Number of through lanes, auxiliary lanes and locations of interchanges and separations.
- n Widths of through lanes, medians, and shoulders for both the State highway facility and local roads and streets.
- n Need for special feature such as soundwalls, transportation system management plans, HOV lanes, bridge widening, ramp metering, etc. See Figure 2-1.3A of State Project Development Procedures Manual for additional discussion of items to be considered as basic design features.

Mandatory and Advisory Design Standards - See Index 82.3 of State's Highway Design Manual for the definition and listing of these items.



BOARD COMMITTEE TRANSMITTAL

March 26, 2007

To: Members of the Board of Directors
From: Wendy Knowles, Clerk of the Board ^{WK}
Subject: Transportation Development Act Funding for Bicycle and Pedestrian Projects

Regional Planning and Highways Committee

March 19, 2007

Present: Directors Amante, Cavecche, Dixon, Glaab, Green, Mansoor, Norby, Pringle, and Rosen
Absent: None

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendations

- A. Authorize use of future Transportation Development Act Article 3 funds for bicycle and pedestrian facilities projects.
- B. Direct staff to draft a policy and procedures plan for administration of a Bicycle and Pedestrian Facilities Program and return to the Board of Directors for approval.



March 19, 2007

To: Regional Planning and Highways Committee

From: Arthur T. Leahy, ^{AW} Chief Executive Officer

Subject: Transportation Development Act Funding for Bicycle and Pedestrian Projects

Overview

The Orange County Transportation Authority receives funding under Article 3 of the Transportation Development Act for the bicycle and pedestrian facilities projects. In October of 1996, the Board of Directors directed these funds to be allocated to the Bus Stop Accessibility Program. Article 3 funds already reserved and forecasted through the end of the current fiscal year are sufficient for the successful completion of the Bus Stop Accessibility Program. Staff is recommending that future Article 3 funds be directed to a Bicycle and Pedestrian Facilities Program.

Recommendations

- A. Authorize use of future Transportation Development Act Article 3 funds for bicycle and pedestrian facilities projects.
- B. Direct staff to draft a policy and procedures plan for administration of a Bicycle and Pedestrian Facilities Program and return to the Board of Directors for approval.

Background

The Transportation Development Act was enacted in 1971 by the California Legislature to provide funding for transit purposes. A small portion of these funds is further designated for pedestrian and bicycle facilities (these funds are also referred to as Article 3). Prior to 1996, Article 3 funds under the direction of the Orange County Transportation Commission, and subsequently Orange County Transportation Authority (OCTA), were used for a local Bicycle and Pedestrian Facilities (BPF) Program. The funds were distributed to the local

agencies. Half the funds were distributed via formula while the other half were allocated through a competitive call for projects.

On October 17, 1996, the OCTA Board of Directors (Board) authorized funding under Article 3 to be allocated to the Bus Stop Accessibility Program (BSAP). The BSAP was established to expedite implementation of the requirements of the Americans with Disabilities Act (ADA) of 1990. The ADA requires that new bus stops be accessible, but bus stops already in existence are not required to meet the new standards until they are reconstructed; however, the Board decided that all bus stops should be made accessible to everyone, thus the BSAP was created.

Additionally, a portion of the Federal Section 5307 Urbanized Area Formula Grant Program (Section 5307) funds can go towards bus stop enhancements. Section 5307 makes federal funds available for transit capital assistance to urbanized areas with populations of 50,000 or more. Federal guidelines require that 1 percent of these funds be used for transit enhancements, such as ADA bus stop modifications. OCTA has opted to use these funds for the BSAP program to augment the Article 3 funds and further expedite its delivery.

Staff has determined that funds already reserved and forecasted through the end of the fiscal year (FY) 2006-07 under Article 3 and Section 5307 will be sufficient for the successful completion of the BSAP. Expenditures to date total approximately \$10 million and an additional \$3.5 million is required to complete the program, for a total program cost of \$13.5 million. Upon completion, Article 3 will have funded \$9.8 million of the total project cost and the remaining balance of \$3.7 million will have been funded through the Section 5307 program. In addition, staff intends to recommend use of Section 5307 funds for the BSAP program should additional funds be needed in the future.

Discussion

With the completion of the BSAP program in sight, staff is seeking Board direction regarding future uses of Article 3 funds. Board direction at this time will enable timely startup of the next program.

Article 3 will generate approximately \$2.8 million annually. A five-year program of projects, not including local match, can thus fund an approximately \$14 million program of projects over FY 2007-08 through 2011-12.

OCTA currently allocates federal Transportation Enhancement (TE) activities funds to fund BPF and landscaping projects. The number of applications for BPF through TE has doubled in two years and has to compete against landscaping projects for funding. Refer to Attachment A for more details. It should also be noted that the additional funding for bike trail projects can provide greater flexibility to the Board on uses of the related federal TE funds for bike trail projects or landscaping projects.

Staff has reviewed and analyzed potential options, which include OCTA-initiated BPF improvement or enhancements projects, additional transit enhancements projects, or retain a reserve until a specific project is identified. While these are all good candidate options, staff believes that funds would be best used to fund BPF projects through a competitive program, as was previously done. A recommendation was also made by the Citizens Advisory Committee, as part of their input on the Renewed Measure M program, to provide funding for commuter bikeways and pedestrian accessibility improvements.

However the Board should decide to direct the Article 3 funds, staff will develop policies and procedures for the administration and distribution of these funds and return to the Board for approval.

Summary

The BSAP is fully funded through its completion. There is significant need and desire for additional investment in BPF in Orange County. Staff recommends that the Article 3 funds be directed to BPF. Staff will draft a plan for administering these funds and will return to the Board for approval.

Attachment

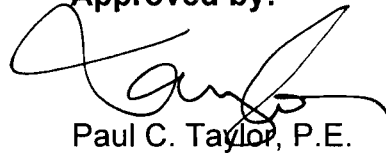
- A. Summary of Requests for Federal Transportation Enhancement Funds

Prepared by:



Ben Ku
Associate Transportation Analyst
Capital Programs
(714) 560-5473

Approved by:



Paul C. Taylor, P.E.
Executive Director
Development
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Summary of Requests for Federal Transportation Enhancement Funds

The Orange County Transportation Authority (OCTA) divides federal Transportation Enhancement (TE) funds equally between bicycle trail and landscaping enhancement projects.

In the 2004 TE call for projects, OCTA received 46 applications totaling \$21.3 million, 13 bicycle and pedestrian facilities projects and 33 landscaping projects. Only seven of the bicycle and pedestrian projects and eight landscaping projects could be approved, totaling \$7.1 million.

In the 2006 TE call for projects, OCTA received 62 applications requesting \$21.7 million. This included 23 bike and pedestrian facilities applications and 39 landscaping applications. Of the total 62 applications, \$8.1 million was available for 17 bike/pedestrian and 10 landscaping projects.



March 20, 2007

To: Members of the Board of Directors
From: Wendy Knowles, Clerk of the Board ^{Wk}
Subject: **Board Committee Transmittal for Agenda Item**

The following item is being discussed at a Committee meeting which takes place subsequent to distribution of the Board agenda. Therefore, you will be provided a transmittal following that Committee meeting (and prior to the Board meeting) informing you of Committee action taken.

Thank you.



March 22, 2007

To: Transit Planning and Operations Committee
From: Arthur T. Leahy, Chief Executive Officer
Subject: Bus Stop Accessibility Program Construction Update

Overview

The Orange County Transportation Authority continues to work collaboratively with Orange County cities to address the Americans with Disabilities Act deficiencies at bus stops. An update on the status of construction is presented.

Recommendation

Receive and file as an information item.

Background

The Orange County Transportation Authority's (Authority) fixed-route bus service uses more than 6,000 stops throughout the County. The Authority is making all bus stops accessible to persons with disabilities as required by the Americans with Disabilities Act (ADA). In 1996, the Board of Directors dedicated the use of the Transportation Development Act Article 3 funds to bring the Authority's bus stops into compliance with the ADA standards. The Bus Stop Accessibility Program (BSAP) was established to address ADA deficiencies present at bus stops throughout the County. A 1996 study found that a majority of Orange County's bus stops required improvements to comply with federal access standards. The modifications include constructing wheelchair ramps at intersections, adding sidewalks, and removing or relocating obstructions, such as shelters, benches, signs, and landscaping.

During the first phase of the BSAP, bus stop improvements were performed by local agencies. In total, over \$2.4 million was allocated to cities to improve accessibility to approximately 1,750 bus stops. Of the 1,750 stops, 1,335 required construction improvements.

The second phase of the program was managed by the Authority. Phase 2 included 1,250 bus stops located throughout 25 cities and unincorporated portions of the County. These stops were high-use stops prioritized by the

likelihood of use by persons with disabilities. Of the 1,250 stops, 965 required construction improvements. The total cost for Phase 2 was \$2 million. Phase 2 brought the total of ADA-compliant stops to approximately 3,000.

The third phase of the BSAP is underway and engineering design is nearly complete for the remaining stops. Invitation for Bids are planned to be issued incrementally for the remaining construction packages. This approach will allow the construction of ADA bus stop improvements to occur sooner and will provide more contracting opportunities with the Authority. In Phase 3, construction improvements are being performed at all four corners of the intersection to provide continuous accessibility from all sides leading to the bus stop. This was not done in previous phases. Recent changes to the ADA Accessibility Guidelines, revised in 2002, required accessibility from all four corners of the intersection leading to the bus stop. Furthermore, in 2003, new federal requirements to provide detectable warning devices, known as truncated domes, at each wheelchair ramp became part of the improvements. Detectable warning devices are distinctive tactile surfacing, on the surface of curb ramps, to warn people with vision impairments of their approach to streets.

This phase will address the remaining 3,500 stops in the County with an estimated cost of \$7.5 million.

Discussion

Construction of Phase 3 of the BSAP is currently underway. A total of 12 construction packages are anticipated to be issued during Phase 3. Of the 12 packages, seven have been constructed to date. Completion of Phase 3 will bring all bus stops into ADA compliance. The status of the design, construction, funding, and schedule is described below.

Design and Construction

The design for Phase 3 is 95 percent complete. Construction package 8, in the cities of Tustin and Irvine has been awarded; construction will start in March. The design for construction package 9, in the cities of San Juan Capistrano, Mission Viejo, and Rancho Santa Margarita is nearing completion and is expected to be issued for bid in March 2007. Construction packages 10, 11, and 12 are scheduled to be issued for bid by September 2007. Construction package 8, in the cities of Tustin and Irvine, is scheduled to begin construction in March 2007. Construction packages 10, 11, and 12 will be in the cities of Laguna Woods, Laguna Hills, Aliso Viejo, Laguna Beach, Laguna Niguel, Dana Point, San Juan Capistrano, and San Clemente.

Funding

The BSAP program is funded with Transportation Development Act Article 3 Funds.

A summary of the project budget for the BSAP program is shown below:

Design	\$ 1,458,000
Construction (including contingency)	\$10,700,000
Construction Management	\$ 1,153,000
Project Management Services	<u>\$ 494,000</u>
Total	\$13,805,000

Schedule

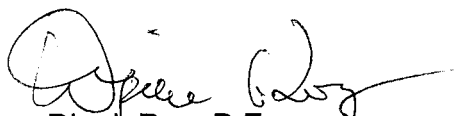
The construction of Phases 1 and 2 of the BSAP program was completed in Spring 2000 and Spring 2003 respectively. The construction of Phase 3 is scheduled to be completed by December 2007.

Summary

The Authority and Orange County cities continue to work together to address ADA deficiencies present at bus stops. Significant progress has been made to complete the remaining construction packages in Phase 3. Completion of Phase 3 will bring all bus stop into ADA compliance.

Attachment

None.

Prepared by:

Dipak Roy, P.E.
Project Manager
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Approved by:

Paul C. Taylor, P.E.
Executive Director, Development
(714) 560-5431



BOARD COMMITTEE TRANSMITTAL

March 26, 2007

To: Members of the Board of Directors
From: Wendy Knowles, Clerk of the Board ^{WV}
Subject: Amendment to Agreement for the 91 Express Lanes Pavement Management Plan Update

Regional Planning and Highways Committee

March 19, 2007

Present: Directors Amante, Cavecche, Dixon, Glaab, Green, Mansoor, Norby, Pringle, and Rosen
Absent: None

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 3 to Agreement C-3-0525 between the Orange County Transportation Authority and BTC Laboratories, Inc./Bureau Veritas North America, in an amount not to exceed \$36,500, to update the 91 Express Lanes Pavement Management Report for fiscal year 2006-07.



March 19, 2007

To: Regional Planning and Highways Committee
From: Arthur T. Leahy, Chief Executive Officer
Subject: Amendment to Agreement for the 91 Express Lanes Pavement Management Plan Update

Overview

On August 14, 2003, the Board of Directors approved an agreement with BTC Laboratories, Inc./Bureau Veritas North America, in the amount of \$100,000, to produce a comprehensive Pavement Management Report for the 91 Express Lanes. BTC Laboratories, Inc./Bureau Veritas North America was retained in accordance with the Orange County Transportation Authority procurement procedures for architectural and engineering services. The original contract contained provisions for four annual amendments to update the initial report. Subsequently, the Board of Directors has approved two amendments bringing the contract amount to \$202,798.

Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 3 to Agreement C-3-0525 between the Orange County Transportation Authority and BTC Laboratories, Inc./Bureau Veritas North America, in an amount not to exceed \$36,500, to update the 91 Express Lanes Pavement Management Report for fiscal year 2006-07.

Background

When the California Private Transportation Company (CPTC) originally constructed the 91 Express Lanes, there were no long-term provisions for data collection and observation necessary to evaluate and provide maintenance recommendations for the pavement structural section on an on-going basis.

After purchasing the 91 Express lanes from the CPTC, the Orange County Transportation Authority (Authority) determined that it would be prudent to develop a plan for regular assessment of the pavement conditions. Such

assessments are intended to inform development of a comprehensive preventive maintenance plan for this critical portion of the local transportation infrastructure.

Following a competitive, qualifications-based consultant selection process, on August 14, 2003, BTC Laboratories, Inc./Bureau Veritas North America of Irvine, California was awarded a \$100,000 contract to produce a comprehensive Pavement Management Report (PMR).

This initial effort was completed in fiscal year (FY) 2003-04. Work consisted of pavement surface condition observation, core sampling and analysis, friction and roughness testing, and deflection testing. This comprehensive data collection provided a solid basis for development of the initial PMR.

In FY 2004-05, the Board of Directors (Board) authorized Amendment No. 1 to the existing contract. This authorization enabled completion of the first annual update. Much of the work done on the first update consisted of pavement surface condition observation. While this review indicated some significant deterioration in certain areas, the overall pavement still maintained a pavement condition index (PCI) of "very good."

In FY 2005-06, the Board authorized Amendment No. 2 to the existing contract. This authorization enabled completion of the second annual update. Work on this second update consisted of pavement surface condition observation, core sampling and analysis, friction and roughness testing, and deflection testing. While this review again indicated some significant deterioration in certain areas, the overall pavement still maintained a PCI of "very good."

Discussion

The initial agreement contained provisions for four annual amendments to update the baseline PMR; therefore, pricing for the annual amendments was established in the original agreement, and no new price proposals were requested.

For FY 2006-07, staff recommends authorization of Amendment No. 3, in an amount not to exceed \$36,500. This amendment will enable additional surface condition observations to log surface distress and evaluate the rate of surface distress development. The collected data will be used to compare with the previous three years to evaluate deterioration rates and recommend future maintenance repairs.

The original agreement was awarded on August 14, 2003. This agreement was amended previously on August 16, 2004 and September 30, 2005 (Attachment A). The total amount after approval of Amendment No. 3 will be \$239,298.

Fiscal Impact

The additional work described in Amendment No. 3 to Agreement C-3-0525 was approved in the Authority's FY 2006-07 Budget, Development Division, Account 0036-7519-B0001-CH2, and is funded through 91 Express Lanes Revenues.


Summary

Staff requests approval of contract amendment No. 3 to update the 91 Express Lanes Pavement Management Report for FY 2006-07.


Attachment

- A. Agreement C-3-0525 Fact Sheet, Laboratories, Inc./Bureau Veritas North America

Prepared by:


For Dipak Roy, P.E.
Project Manager
(714) 560-5863

Approved by:


Kirk Avila
General Manager, 91 Express Lanes
(714) 560-5674

ATTACHMENT A

Agreement C-3-0525 Fact Sheet BTC Laboratories, Inc./Bureau Veritas North America

1. August 14, 2003, Agreement C-3-0525, \$100,000, approved by the Board of Directors.
 - Produce a comprehensive Pavement Management Report (PMR) for the 91 Express Lanes.
2. August 23, 2004, Amendment No. 1 to Agreement C-3-0525, \$22,798, approved by the Board of Directors.
 - Annual update of the PMR for fiscal year 2004-05
3. September 30, 2005, Amendment No. 2 to Agreement C-3-0525, \$80,000, approved by Board of Directors.
 - Annual update of the PMR for fiscal year 2005-06
4. March 26, 2007 Amendment No. 3 to Agreement C-3-0525, \$36,500, pending approval by Board of Directors.
 - Annual update of the PMR for fiscal year 2006-07

Total committed to BTC Laboratories, Inc./Bureau Veritas North America, after approval of Amendment No. 3 to Agreement C-3-0525: \$239,298.



BOARD COMMITTEE TRANSMITTAL

March 26, 2007

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: Grant Application for Air Quality Strategic Planning

Regional Planning and Highways Committee

March 19, 2007

Present: Directors Amante, Cavecche, Dixon, Glaab, Green, Mansoor, Norby, Pringle, and Rosen
Absent: None

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendation

Direct staff to work with the Southern California Association of Governments to develop a grant application for \$150,000 to complete an Air Quality Strategic Plan in fiscal year 2007-08.



March 19, 2007

To: Regional Planning and Highways Committee
From: Arthur T. Leahy, Chief Executive Officer
Subject: Grant Application for Air Quality Strategic Planning

Overview

The Southern California Association of Governments has asked the Orange County Transportation Authority to nominate a project for federal grant funding to be used on regional transportation planning studies. Staff proposes applying for grant funding to complete an Air Quality Strategic Plan.

Recommendation

Direct staff to work with the Southern California Association of Governments to develop a grant application for \$150,000 to complete an Air Quality Strategic Plan in fiscal year 2007-08.

Background

Each year, the Southern California Association of Governments (SCAG) develops a work plan for use of federal Overall Work Program (OWP) funds for proposed regional transportation planning activities. As part of the OWP, SCAG suballocates and administers federal grants that agencies can use for regional transportation planning projects. The OWP planning studies are designed to address the social, economic, and environmental impacts of transportation decisions in the region.

Discussion

Staff has identified a need to develop a comprehensive Air Quality Strategic Plan that would identify Orange County roles and responsibilities in enhancing air quality in the region. The Air Quality Strategic Plan will provide the Orange County Transportation Authority (OCTA) with an assessment of its current contributions toward enhancing air quality in the region and will help guide how

future transportation priorities can be aligned with regional air quality regulations.

The Air Quality Strategic Plan will clarify how emerging air quality issues, such as those related to carbon dioxide emissions, could impact OCTA's projects and services. In addition, the plan will help OCTA develop a long-term strategy for meeting stiff new federal regulations for reducing levels of ground-level ozone and fine particulate matter.

The Air Quality Strategic Plan also could be used to explore the air quality issues associated with proposed changes to the rules governing access to Orange County's high-occupancy vehicle (HOV) lane system. OCTA staff is currently working with the California Department of Transportation to explore options for providing continuous access to Orange County HOV lanes and allowing single occupant vehicles to use HOV lanes during off-peak hours. Such a change may require OCTA to develop alternative transportation control measures and take other steps to account for the air quality impacts of the revised HOV lane policies.

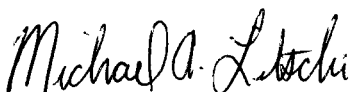
OCTA intends to fulfill the grant's local match requirement by providing in-kind services to SCAG in the form of staff support during the development of the Air Quality Strategic Plan; therefore, a cash local match would not be required.

Summary

Staff proposes working with SCAG to develop a grant application for an Air Quality Strategic Plan, which will help guide future transportation planning efforts in Orange County.

Attachment

None.

Prepared by:

Michael A. Litschi
Section Manager, Long-Range Strategies
(714) 560-5581

Approved by:

Paul C. Taylor, P.E.
Executive Director, Development
(714) 560-5431



BOARD COMMITTEE TRANSMITTAL

March 26, 2007

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: Long-Range Transportation Plan Short-Term Actions Progress Report

Regional Planning and Highways Committee

March 19, 2007

Present: Directors Amante, Cavecche, Dixon, Glaab, Green, Mansoor, Norby,
Pringle, and Rosen
Absent: None

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendations

- A. Approve an updated list of short-term actions to support the Long-Range Transportation Plan.
- B. Direct staff to return with a progress report in six months.



March 19, 2007

To: Regional Planning and Highways Committee
From: Arthur T. Leahy, Chief Executive Officer
Subject: Long-Range Transportation Plan Short-Term Actions Progress Report

Overview

The Long-Range Transportation Plan establishes a vision for Orange County's transportation system over the next 25 years. A progress report on short-term actions supporting the Long-Range Transportation Plan is presented for review and approval.

Recommendations

- A. Approve an updated list of short-term actions to support the Long-Range Transportation Plan.
- B. Direct staff to return with a progress report in six months.

Background

The Orange County Transportation Authority's (OCTA) 2006 Long-Range Transportation Plan (LRTP) establishes a blueprint for Orange County's transportation system through 2030. The LRTP and Program Environmental Impact Report were approved by the OCTA Board of Directors (Board) on July 24, 2006. On August 14, 2006, the Board approved a set of short-term actions designed to refine and advance the 2006 LRTP. Short-term actions are recommended activities between fiscal years (FY) 2006-07 and 2009-10.

Discussion

In August 2006, the OCTA Board approved a series of key strategies that guide the short-term action plan for the LRTP. The overall strategies previously approved by the Board include:

1. Refining specific strategies to improve travel between Riverside and Orange counties
2. Developing strategies to improve mobility in south, west, and central Orange County through major investment studies and related efforts
3. Continuing efforts to get freeway projects shelf-ready for construction including the Renewed Measure M program
4. Working with cities to develop plans to address both arterial bottlenecks and consistent pavement management systems
5. Improving freeway and arterial efficiencies through signal synchronization and a countywide freeway operations plan
6. Supporting efforts to expand transportation choices through new Metrolink, bus rapid transit, and local transit initiatives
7. Participating in local and regional efforts to plan for high-speed ground transportation
8. Strengthening coordination efforts with other agencies and counties in the areas of intercounty travel, goods movement, transit expansion, and the 2007 Regional Transportation Plan

The actions presented in Attachment A advance and refine the major strategies listed above and prepare OCTA for the next LRTP update in 2010. These short-term actions recommend specific corridor studies and coordination activities for the next four years, including additional freeway and toll road studies, improved definition of transit strategies, development of better systems to manage arterial operations, and an improved pavement maintenance process countywide.

Staff will provide updates on these activities every six months. The next update will incorporate Board direction emerging from the current discussion related to early priorities for the Renewed Measure M program. Actions slated for FY 2006-07 are consistent with OCTA's FY 2006-07 Budget. Future activities are subject to Board authorization through the annual budget process.

Summary

An updated list of short-term actions supporting the 2006 LRTP is presented for review and approval subject to budget authorization.

Attachment

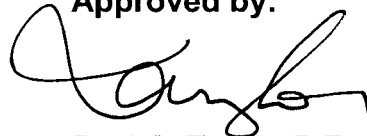
- A. LRTP Short-Term Actions Progress Report – Fiscal Years 2006-07 to 2009-10

Prepared by:



Michael Litschi
Section Manager, Long-Range Strategies
(714) 560-5581

Approved by:



Paul C. Taylor, P.E.
Executive Director, Development
(714) 560-5431

L RTP Short-Term Actions Progress Report

Fiscal Years 2006-07 to 2009-10

CORRIDOR STUDIES / INTERCOUNTY COORDINATION			
Project	Goal	Status	Schedule
South Orange County Major Investment Study	Complete study by December 2007.	Draft purpose and need statement completed; initial alternatives scheduled for release in Spring 2007.	06-07 to 07-08
	Initiate more detailed engineering analysis on specific projects.	Pending completion of MIS.	07-08 to 09-10
Central County Major Investment Study	Initiate study by Fall 2007 and complete by Fall 2009.	Evaluation of SR-57 Extension underway. Major Investment Study scheduled for Summer 2007 start.	06-07 to 08-09
OC/LA Intercounty Study	Initiate study by Summer 2007 and complete by Summer 2008.	Study scheduled for start-up by Summer 2007.	06-07 to 08-09
RCTC Coordination	Continue coordination activities with RCTC.	Ongoing coordination through SR-91 Advisory Committee, ROCA, and one-on-one meetings.	06-07 to 09-10
SANDAG Coordination	Continue coordination activities with SANDAG.	Periodic meetings with OCTA and SANDAG Board members and staff.	06-07 to 09-10
2007 RTP Coordination	Continue coordination efforts with SCAG.	Orange County RTP priorities submitted to SCAG in March 2007. Ongoing coordination under way.	06-07 to 09-10
FREEWAYS AND TOLL ROADS			
Project	Goal	Status	Schedule
Freeway Chokepoint Program	Integrate freeway chokepoint program into Renewed Measure M program.	Efforts under way on various projects in Orange County.	06-07 to 09-10
SR-91 Viaduct Study	Initiate study by Fall 2006 and complete by Summer 2007.	Study under way by RCTC. Expected completion by June 2007.	06-07 to 07-08
RC-OC Corridor Feasibility Studies	Initiate studies by Fall 2006 and complete by Winter 2008.	Geotechnical technical studies under way by MWD. Separate RCTC studies planned for Fall 2007.	06-07 to 08-09
91 Express Lanes/SR-241 Connector Feasibility Study	Evaluate feasibility of Express Lanes/241 connector and Express Lanes extension.	Study to start by Summer 2007. Joint effort by OCTA, TCA, and RCTC.	07-08
Joint Toll and Revenue Study	(Effort moved to 91 Express Lanes/SR-241 Connector Feasibility Study.)	(Effort moved to 91 Express Lanes/SR-241 Connector Feasibility Study.)	07-08
Costa Mesa Freeway Improvement Plan	Initiate study by Summer 2007 and complete by Fall 2008.	Study to start by Summer 2007. Consultant selection under way.	06-07 to 07-08

L RTP Short-Term Actions Progress Report

Fiscal Years 2006-07 to 2009-10

Costa Mesa Freeway Access Study	Initiate study by Spring 2007 and complete by Summer 2008.	Study to start in Spring 2007. Consultant selection under way.	06-07 to 07-08
Freeway Operations Study	Initiate study by Fall 2008 and complete by Fall 2009.	Proposed to start in FY 08-09. Ongoing analysis under way with Caltrans.	08-09 to 09-10
Ortega Highway Operations Plan	Initiate study by Summer 2007 and complete by Fall 2008.	Study to start by Summer 2007.	06-07 to 07-08
SR-91 Implementation Plan	Continue annual updates to SR-91 Implementation Plan.	2007 update under way. Board presentation planned for Summer 2007.	06-07 to 09-10

Project	Goal	Status	Schedule
Signal Synchronization	Complete Euclid Street corridor project by Fall 2007.	In progress.	06-07
	Complete Oso Parkway/Pacific Park project by Summer 2008.	Starting Spring 2007.	07-08
	Prepare countywide signal synchronization master plan.	Request for funding in FY 2007-08 budget.	07-08 to 08-09
	Expand network to additional streets and corridors.	Contingent on outcome of countywide signal synchronization plan.	08-09 to 09-10
Pavement Management System	Develop countywide standardized pavement management system.	Consultant selection by the end of March 2007; software will be selected by the end of the 2007.	07-08 to 08-09
Arterial Operations Plan	Develop Arterial Operations Plan to address street chokepoints.	Request for funding in FY 2007-08 budget.	07-08 to 08-09

L RTP Short-Term Actions Progress Report

Fiscal Years 2006-07 to 2009-10

TRANSIT Project	Goal	Status	Schedule
Metrolink Expansion Program	Continue Metrolink project development and implementation activities.	Ongoing	06-07 to 09-10
Transit Phasing Strategy	Develop phasing strategy for transit service to 2015.	Phase I (Input to CBP) complete. Analysis of new markets underway.	06-07 to 07-08
Long-Term Facilities Plan	Develop facilities plan for transit phasing strategy.	Proposed for FY 2007-08 Budget. Start by Winter 2007.	07-08 to 08-09
High-Speed Ground Transportation	Coordinate high-speed rail and Maglev initiatives including station planning.	Memorandum of Understanding with CHSRA executed. Development efforts under way.	07-08 to 09-10
Local Transit Initiatives	Coordinate local transit initiatives for extensions to Metrolink system.	Cooperative agreements executed with various agencies for preliminary planning.	06-07 to 09-10
Safe Transit Stops Program	Define passenger amenities for 100 busiest transit stops in Orange County.	Proposed for FY 2008-09 Budget. Start by Winter 2008.	08-09
Community Based Transit	Coordinate community-based transit program with local agencies.	Proposed for FY 2008-09 Budget. Start by Winter 2008.	08-09
BRT Coordination	Coordinate BRT and signal synchronization systems.	Ongoing coordination efforts under way.	06-07 to 09-10

OTHER ACTIVITIES Project	Goal	Status	Schedule
OCTAM Update	Update forecasting model with new demographics and to SCAG model.	Demographics adopted by OCCOG. OCTAM changes under way.	06-07 to 07-08
L RTP Technology Component	Develop technology component for next L RTP (511, ITS)	Proposed for 08-09 Budget. Currently working with cities on inventory of ITS and signal projects.	08-09 to 09-10
Goods Movement	Finalize Multi-County Goods Movement Action Plan by Spring 2007.	Draft action plan out for comment.	06-07



BOARD COMMITTEE TRANSMITTAL

March 26, 2007

To: Members of the Board of Directors
WV
From: Wendy Knowles, Clerk of the Board
Subject: Update on the Proposition 1B Corridor Mobility Improvement Account Project Submissions

Regional Planning and Highways Committee

March 19, 2007

Present: Directors Amante, Cavecche, Dixon, Glaab, Green, Mansoor, Norby, Pringle, and Rosen
Absent: None

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendations

- A. Approve the updated project match amounts and sources for the approved Corridor Mobility Improvement Account projects.
- B. Authorize the use of \$74 million in State Transportation Improvement Program funds as the required match for the Corridor Mobility Improvement Account project on the Riverside Freeway (State Route 91) between the Costa Mesa Freeway (State Route 55) and Gypsum Canyon Road.
- C. Authorize the use of \$2.36 million in 91 Express Lanes toll revenues as the required match for the Riverside Freeway (State Route 91) eastbound lane project from the Foothill Transportation Corridor (State Route 241) to the Corona Expressway (State Route 71).
- D. Direct staff to make all necessary amendments to the State Transportation Improvement Program, the Regional Transportation Plan, and the Regional Transportation Improvement Program to facilitate the programming of the adopted Corridor Mobility Improvement Account projects.



March 19, 2007

To: Regional Planning and Highways Committee

From: Arthur T. Leahy, Chief Executive Officer

Subject: Update on the Proposition 1B Corridor Mobility Improvement Account Project Submissions

Overview

On November 7, 2006, California voters passed Proposition 1B, which provides \$19.9 billion for investment in transportation infrastructure. Proposition 1B established the Corridor Mobility Improvement Account, which specifies \$4.5 billion of the \$19.9 billion for investment in the state highway system. On February 28, 2007, the California Transportation Commission adopted a program of Corridor Mobility Improvement Account projects, which includes five projects for Orange County.

Recommendations

- A. Approve the updated project match amounts and sources for the approved Corridor Mobility Improvement Account projects.
- B. Authorize the use of \$74 million in State Transportation Improvement Program funds as the required match for the Corridor Mobility Improvement Account project on the Riverside Freeway (State Route 91) between the Costa Mesa Freeway (State Route 55) and Gypsum Canyon Road.
- C. Authorize the use of \$2.36 million in 91 Express Lanes toll revenues as the required match for the Riverside Freeway (State Route 91) eastbound lane project from the Foothill Transportation Corridor (State Route 241) to the Corona Expressway (State Route 71).
- D. Direct staff to make all necessary amendments to the State Transportation Improvement Program, the Regional Transportation Plan, and the Regional Transportation Improvement Program to facilitate the programming of the adopted Corridor Mobility Improvement Account projects.

Background

Proposition 1B was passed by California voters on November 7, 2006. Within Proposition 1B are 12 individual program categories. Four categories, totaling \$9 billion, will be distributed via formula or direct earmark. Of this \$9 billion, the Orange County Transportation Authority (OCTA) expects to receive approximately \$307 million (comprised of \$210 million for transit and \$97 million for highway or transit projects), while Orange County cities and the County would receive approximately \$156 million in additional funding for local streets and roads.

The remaining eight program categories, totaling \$10.9 billion, will be distributed on a competitive basis. The largest competitive program is the Corridor Mobility Improvement Account (CMIA) at \$4.5 billion. The CMIA focuses specifically on relieving congestion on the state highway system. The statute requires that the California Transportation Commission (CTC) adopt an initial program of projects by March 1, 2007. Projects funded through the CMIA must commence construction no later than December 31, 2012.

On December 11, 2006, the OCTA's Board of Directors (Board) authorized the Chief Executive Officer to submit project nominations, including a local match commitment, to the CTC. A complete list of the projects authorized for submission is included in Attachment A.

Discussion

On February 28, 2007, the CTC adopted an initial program of projects, totaling \$4.3 billion, for CMIA funding. This program included five projects for Orange County. These projects and the approved funding levels are shown in Attachment B.

The CTC evaluated 149 project nominations, which requested a total of \$11.3 billion in CMIA funds. The projects were evaluated based on project readiness for construction, demonstrable congestion relief and connectivity benefits, and geographic balance.

The adopted program included a lower amount of CMIA funding than proposed for the two projects on the Riverside Freeway (State Route 91). The CTC, in evaluating each project, determined that the CMIA funds would be programmed as a percentage of the net construction cost for each project. In addition, consideration had to be given to the available programming capacity. This resulted in a slightly lower than requested amount of CMIA funds for the projects. In order to fully fund and deliver these projects, additional funds will

be required. Staff requests Board approval to commit additional funds, in the amount of \$2.36 million, from 91 Express Lanes toll revenues to the State Route 91 (SR-91) eastbound lane project from the Foothill Transportation Corridor (State Route 241) to Corona Expressway (State Route 71), and \$74 million of State Transportation Improvement Program (STIP) funds to the SR-91 from the Costa Mesa Freeway (State Route 55) to the Gypsum Canyon Road project. The other three projects were funded at proposed amounts and will utilize previously Board-approved match rates and sources.

The \$2.36 million from the 91 Express Lanes will come from toll revenues that would otherwise be used to retire the subordinate debt for the 91 Express Lanes. The use of these funds will not delay the full retirement of the subordinate debt beyond the current anticipated date of fiscal year 2010-11.

The remaining two projects on SR-91 and one project on the Orange Freeway (State Route 57) were identified as good CMIA candidate projects, but were not recommended for funding due to a later delivery date. The two projects submitted on the Santa Ana Freeway (Interstate 5) were not recommended for funding through the CMIA because CTC felt they did not fit the CMIA program well. A complete summary of CTC's actions relative to Orange County's submission is included in Attachment B. Staff will continue to seek alternate funding sources for the outstanding projects.

Also included in the CTC's adoption of the CMIA program of projects was the establishment of a project delivery council to specifically monitor and oversee the progress of CMIA projects. This action was in direct response to the Governor's executive order of January 24, 2007, on Proposition 1B accountability. This council will consist of CTC staff, California Department of Transportation (Caltrans) staff, and local agency representatives. This council will also have purview to recommend corrective strategies and actions for projects that have missed milestones and/or increased in cost. Additionally, the CTC mandated that final cost and schedule estimates are to be signed by the Caltrans director, regional agency directors, and the CTC executive director.

Next Steps

In response to the Governor's executive order and the CTC's establishment of the delivery council, CMIA projects will be held to a higher standard of accountability and timely delivery. Staff will work with Caltrans to determine how to best deliver these projects through the required development and approval process.

The CMIA funded projects along State Route 57 were submitted with Measure M freeway program funds as the matching funds, totaling \$91 million. Staff will develop an action plan and timetable to implement the required amendments to the Measure M freeway expenditure plan.

Summary

The CTC adopted the CMIA initial program of projects on February 28, 2007, including five projects, total \$384 million for Orange County. In response to the adoption, staff is requesting approval to increase the local match rate for both projects on the SR-91. The increased match will be funded by \$2.36 million of toll revenues and \$74 million of STIP funds. The overall match for the selected projects is \$374 million resulting in a combined \$757.5 million program of highway improvements.

Attachments

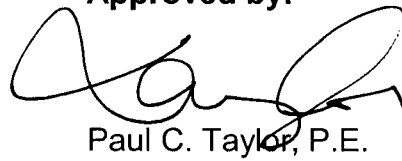
- A. Proposed Corridor Mobility Improvement Account (CMIA) Project Nominations
- B. Summary of CTC CMIA Recommendations

Prepared by:



Jennifer Bergener
Section Manager, Capital Programs
(714) 560-5462

Approved by:



Paul C. Taylor, P.E.
Executive Director, Development
(714) 560-5431

Proposed Corridor Mobility Improvement Account (CMIA) Project Nominations

Freeway Corridor	Description	Estimated Project Cost (in millions)	Proposed CMIA Share	Proposed Local Share	Match Source
I-405 / I-605 / SR-22*	HOV Connectors 405/22 & 405/605 , 2nd HOV lane on 405 from 22 to 605	\$ 400.0 \$	200.0 \$	200.0	Federal Congestion Mitigation & Air Quality Congestion
I-405 / SR-22 Corridor Total		\$ 400.0 \$	200.0 \$	200.0	
SR-91	Eastbound lane from SR-241 to SR-71	\$ 80.5 \$	73.8 \$	6.7	Riverside County Transportation Commission and Toll Revenues
SR-91	Add 1 lane in each direction SR-55 to Gypsum Canyon Road	\$ 96.0 \$	48.0 \$	48.0	Renewed Measure M
SR-91	Westbound lane from SR-55 to Tustin Ave	\$ 95.0 \$	47.5 \$	47.5	Renewed Measure M
SR-91	Westbound lanes from SR-57 to I-5	\$ 72.0 \$	36.0 \$	36.0	Renewed Measure M
SR-91 Corridor Total		\$ 343.5 \$	205.3 \$	138.5	
SR-57	Northbound lane from Lambert to Tonner Canyon	\$ 157.0 \$	112.0 \$	45.0	1990 Measure M Fwy Program Savings
SR-57	Northbound lanes from Orangethorpe to Lambert	\$ 140.0 \$	70.0 \$	70.0	1990 Measure M Fwy Program Savings
SR-57	Northbound lanes from Katella to SR-91 Connector	\$ 41.0 \$	20.0 \$	21.0	1990 Measure M Fwy Program Savings
SR-57 Corridor Total		\$ 338.0 \$	202.0 \$	136.0	
I-5	Improve I-5/SR-74 Interchange	\$ 75.0 \$	38.0 \$	37.0	Local Developer Funds and Renewed Measure M
I-5	Gene Autry HOV Connection to the west	\$ 35.0 \$	17.5 \$	17.5	Federal Congestion Mitigation & Air Quality Congestion
I-5 Corridor Total		\$ 110.0 \$	55.5 \$	54.5	
Total		\$ 1,191.5 \$	662.8 \$	529.0	

* Design / Build could reduce project costs by \$100 million

**Summary of CTC
CMIA Recommendations**

Freeway Corridor	Project Title	Total Project Cost (1,000's)	CMIA Requested	Approved CMIA Share	Local Share	Local Share Source	Estimated Construction Start
Recommended for Funding							
I-405/I-605/ SR-22	HOV Connectors 405/22 & 405/605, 2nd HOV lane on I-405 from SR-22 to I-605	400,000	200,000	200,000	200,000	Federal Congestion Mitigation & Air Quality Funds	March 2010
SR-91	Eastbound lane from SR-241 to SR-71	80,500	73,800	71,440	9,060	Riverside County Transportation Commission and Toll Revenues	August 2009
SR-91	Add 1 lane each direction from SR-55 to Gypsum Canyon Road	96,000	48,000	22,000	74,000	State Transportation Improvement Program (STIP)	February 2012
SR-57	Northbound lanes from Katella to SR-91 Connector	41,000	20,086	20,086	20,914	1990 Measure M Fwy Program Savings	May 2011
SR-57	Northbound lanes from Orangethorpe to Lambert	140,000	70,000	70,000	70,000	1990 Measure M Fwy Program Savings	June 2010
	TOTAL	757,500	411,886	383,526	373,974		



BOARD COMMITTEE TRANSMITTAL

March 26, 2007

To: Members of the Board of Directors
From: ^{Wk} Wendy Knowles, Clerk of the Board
Subject: Master Agreement for Federal-Aid Projects

Regional Planning and Highways Committee

March 19, 2007

Present: Directors Amante, Cavecche, Dixon, Glaab, Green, Mansoor, Norby, Pringle, and Rosen
Absent: None

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendations

- A. Authorize the Chief Executive Officer to execute the Master Agreement for Federal-Aid Projects, Agreement No. 12-6071R, and all necessary program supplement agreements with the California Department of Transportation for the reimbursement of federally funded projects.
- B. Approve the attached resolution as required by the California Department of Transportation to execute the above agreement.



March 19, 2007

To: Regional Planning and Highways Committee
From: Arthur T. Leahy, Chief Executive Officer
Subject: Master Agreement for Federal-Aid Projects

Overview

The Orange County Transportation Authority receives federal funding through many of the transportation programs authorized in federal transportation acts. These funds are used for various street, road, highway, and transit projects throughout the state. In order to access federal funding from the transportation bills, the Orange County Transportation Authority must execute a master agreement, specific to federal-aid projects, with the California Department of Transportation.

Recommendations

- A. Authorize the Chief Executive Officer to execute the Master Agreement for Federal-Aid Projects, Agreement No. 12-6071R, and all necessary program supplement agreements with the California Department of Transportation for the reimbursement of federally funded projects.
- B. Approve the attached resolution as required by the California Department of Transportation to execute the above agreement.

Background

The passage of the first transportation act, the Intermodal Surface Transportation Efficiency Act of 1991, and the subsequent acts, the Transportation Equity Act for the 21st Century, and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) authorized usage of federal funds for surface transportation programs for highways, highway safety, and transit. These transportation programs include, but are not limited to, the Surface Transportation Program, the Congestion Mitigation and Air Quality Improvement Program, the Transportation Enhancement Program, Highway Safety Improvement Program and the Highway Bridge Program.

Discussion

The execution of the Master Agreement for Federal Aid Projects, Agreement No. 12-6071R, is required by the California Department of Transportation (Caltrans) in order to access the federal-aid funds for use on transportation projects. This agreement must be accompanied by a certifying resolution (Attachment A), which authorizes the Chief Executive Officer to sign and execute the agreement as well as the necessary program supplement agreements. Orange County Transportation Authority (OCTA) legal counsel has reviewed and approved the agreement (Attachment B). (This agreement replaces the previous master agreement that OCTA had executed with Caltrans for federal-aid projects, which has expired.)

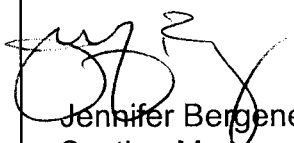
The master agreement governs the general use of federal-aid projects in Orange County. The program supplements govern the use of federal funds on specific projects. A program supplement is executed for each individual project and references all provisions of the master agreement. Program supplements will be executed only for projects previously approved by the Board of Directors, consistent with adopted programming policies as outlined by the Comprehensive Funding Strategy and Policy Direction, adopted June 2006.

Summary

In order to access federal funding from transportation programs authorized in federal transportation acts, including the current SAFETEA-LU and subsequent transportation reauthorization bills, OCTA must execute a master agreement, specific to federal-aid projects with Caltrans.

Attachments

- A. Orange County Transportation Authority Authorization for the Execution of a Master Agreement and Program Supplements for Federal-Aid Projects
- B. Master Agreement Administering Agency-State Agreement for Federal-Aid Projects

Prepared by:

Jennifer Bergener
Section Manager, Capital Programs
Capital Planning
(714) 560-5462

Approved by:

Paul C. Taylor, P.E.
Executive Director, Development
(714) 560-5431

ORANGE COUNTY TRANSPORTATION AUTHORITY

**AUTHORIZATION FOR THE EXECUTION OF A MASTER AGREEMENT AND
PROGRAM SUPPLEMENTS FOR FEDERAL-AID PROJECTS**

WHEREAS, the Orange County Transportation Authority (OCTA) is eligible to receive Federal and/or State funding for certain transportation projects, through the California Department of Transportation and

WHEREAS, Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements and/or Fund Transfer Agreements need to be executed with the California Department of Transportation before such funds could be claimed and

NOW THEREFORE, BE IT FURTHER RESOLVED by the Board of Directors of OCTA that the fund recipient agrees to comply with all conditions and requirements set forth in this AGREEMENT and the applicable statutes, regulations, and guidelines for all State funded transit projects.

NOW THEREFORE, BE IT FURTHER RESOLVED that the Chief Executive Officer or his delegate be authorized to execute the Master Agreement and all Program Supplements for State funded transit projects and any Amendments thereto with the California Department of Transportation.

ADOPTED, SIGNED, AND APPROVED THIS 26TH DAY OF MARCH 2007

AYES:

NOES:

ABSENT:

ATTEST:

Wendy Knowles
Clerk of the Board

Carolyn Cavecche, Chairman
Orange County Transportation Authority

MASTER AGREEMENT
ADMINISTERING AGENCY-STATE AGREEMENT FOR
FEDERAL-AID PROJECTS

12 Orange County Transportation Authority

District Administering Agency

Agreement No. 12-6071R

This AGREEMENT, is entered into effective this _____ day of _____, 2006, by and between the Orange County Transportation Authority, hereinafter referred to as "ADMINISTERING AGENCY," and the State of California, acting by and through its Department of Transportation (Caltrans), hereinafter referred to as "STATE, and together referred to as "PARTIES" or individually as a "PARTY."

RECITALS:

1. WHEREAS, the Congress of the United States has enacted the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 and subsequent Transportation Authorization Bills to fund transportation programs. These transportation programs include, but are not limited to, the Surface Transportation Program (STP), the Congestion Mitigation and Air Quality Improvement Program (CMAQ), the Transportation Enhancement Program (TE), Highway Safety Improvement Program (HSIP) and the Highway Bridge Program (HBP) (collectively the "PROGRAMS"); and
2. WHEREAS, the Legislature of the State of California has enacted legislation by which certain federal-aid funds may be made available for use on local transportation related projects of public entities qualified to act as recipients of these federal-aid funds in accordance with the intent of federal law; and
3. WHEREAS, before federal-funds will be made available for a specific program project, ADMINISTERING AGENCY and STATE are required to enter into an agreement to establish terms and conditions applicable to the ADMINISTERING AGENCY when receiving federal funds for a designated PROJECT facility and to the subsequent operation and maintenance of that completed facility.

NOW, THEREFORE, the PARTIES agree as follows:

ARTICLE I - PROJECT ADMINISTRATION

1. This AGREEMENT shall have no force or effect with respect to any program project unless and until a project-specific Program Supplement to this AGREEMENT for federal-aid projects, hereinafter referred to as "PROGRAM SUPPLEMENT", has been fully executed by both STATE and ADMINISTERING AGENCY.
2. The term "PROJECT", as used herein, means that authorized transportation related project and related activities financed in part with federal-aid funds as more fully-described in an "Authorization/ Agreement Summary" or "Amendment/Modification Summary", herein referred to as "E-76" or "E-76 (AMOD)" document authorized by STATE or the Federal Highway Administration (FHWA).
3. The E-76/E-76(AMOD) shall designate the party responsible for implementing PROJECT, type of work and location of PROJECT.
4. The PROGRAM SUPPLEMENT sets out special covenants as a condition for the ADMINISTERING AGENCY to receive federal-aid funds from/through STATE for designated PROJECT. The PROGRAM SUPPLEMENT shall also show these Federal Funds that have been initially encumbered for PROJECT along with the matching funds to be provided by ADMINISTERING AGENCY and/or others. Execution of PROGRAM SUPPLEMENT by the PARTIES shall cause ADMINISTERING AGENCY to adopt all of the terms of this AGREEMENT as though fully set forth therein in the PROGRAM SUPPLEMENT. Unless otherwise expressly delegated in a resolution by the governing body of ADMINISTERING AGENCY, and with written concurrence by STATE, the PROGRAM SUPPLEMENT shall be approved and managed by the governing body of ADMINISTERING AGENCY.
5. ADMINISTERING AGENCY agrees to execute and return each project-specific PROGRAM SUPPLEMENT within ninety (90) days of receipt. The PARTIES agree that STATE may suspend future authorizations/obligations and invoice payments for any on-going or future federal-aid project performed by ADMINISTERING AGENCY if any project-specific PROGRAM SUPPLEMENT is not returned within that ninety (90) day period unless otherwise agreed by STATE in writing.
6. ADMINISTERING AGENCY further agrees, as a condition to the release and payment of Federal Funds encumbered for the PROJECT described in each PROGRAM SUPPLEMENT, to comply with the terms and conditions of this AGREEMENT and all of the agreed-upon Special Covenants or Remarks incorporated within the PROGRAM SUPPLEMENT, and Cooperative/Contribution Agreement where appropriate, defining and identifying the nature of the specific PROJECT.
7. Federal, State and matching funds will not participate in PROJECT work performed in advance of the approval of the E-76 or E-76 (AMOD), unless otherwise stated in the executed project-specific PROGRAM SUPPLEMENT. ADMINISTERING AGENCY agrees that it will only proceed with the work authorized for that specific phase(s) on the project-specific E-76 or E-76 (AMOD). ADMINISTERING AGENCY further agrees to not proceed with future phases of PROJECT prior to receiving an E-76 (AMOD) from STATE for that phase(s) unless no Further Federal funds are

needed or for those future phase(s).

8. That PROJECT or portions thereof, must be included in a federally approved Federal Statewide Transportation Improvement Program (FSTIP) prior to ADMINISTERING AGENCY submitting the "Request for Authorization".

9. ADMINISTERING AGENCY shall conform to all State statutes, regulations and procedures (including those set forth in the Local Assistance Procedures Manual and the Local Assistance Program Guidelines, hereafter collectively referred to as "LOCAL ASSISTANCE PROCEDURES") relating to the federal-aid program, all Title 23 federal requirements, and all applicable federal laws, regulations, and policy and procedural or instructional memoranda, unless otherwise specifically waived as designated in the executed project-specific PROGRAM SUPPLEMENT.

10. If PROJECT is not on STATE-owned right of way, PROJECT shall be constructed in accordance with LOCAL ASSISTANCE PROCEDURES that describes minimum statewide design standards for local agency streets and roads. LOCAL ASSISTANCE PROCEDURES for projects off the National Highway System (NHS) allow STATE to accept either the STATE's minimum statewide design standards or the approved geometric design standards of ADMINISTERING AGENCY. Additionally, for projects off the NHS, STATE will accept ADMINISTERING AGENCY-approved standard specifications, standard plans, materials sampling and testing quality assurance programs that meet the conditions described in the then current LOCAL ASSISTANCE PROCEDURES.

11. If PROJECT involves work within or partially within STATE-owned right-of-way, that PROJECT shall also be subject to compliance with the policies, procedures and standards of the STATE Project Development Procedures Manual and Highway Design Manual and where appropriate, an executed cooperative agreement between STATE and ADMINISTERING AGENCY that outlines the PROJECT responsibilities and respective obligations of the PARTIES. ADMINISTERING AGENCY and its' contractors shall each obtain an encroachment permit through STATE prior to commencing any work within STATE rights of way or work which affects STATE facilities.

12. When PROJECT is not on the State Highway System but includes work to be performed by a railroad, the contract for such work shall be prepared by ADMINISTERING AGENCY or by STATE, as the PARTIES may hereafter agree. In either event, ADMINISTERING AGENCY shall enter into an agreement with the railroad providing for future maintenance of protective devices or other facilities installed under the contract.

13. If PROJECT is using STATE funds, the Department of General Services, Division of the State Architect, or its designee, shall review the contract PS&E for the construction of buildings, structures, sidewalks, curbs and related facilities for accessibility and usability. ADMINISTERING AGENCY shall not award a PROJECT construction contract for these types of improvements until the State Architect has issued written approval stating that the PROJECT plans and specifications comply with the provisions of sections 4450 and 4454 of the California Government Code, if applicable. Further requirements and guidance are provided in Title 24 of the California Code of Regulations.

14. ADMINISTERING AGENCY will advertise, award and administer PROJECT in accordance with the current LOCAL ASSISTANCE PROCEDURES unless otherwise stated in the executed

15. ADMINISTERING AGENCY shall provide or arrange for adequate supervision and inspection of each PROJECT. While consultants may perform supervision and inspection work for PROJECT with a fully qualified and licensed engineer, ADMINISTERING AGENCY shall provide a full-time employee to be in responsible charge of each PROJECT.

16. ADMINISTERING AGENCY shall submit PROJECT-specific contract award documents to STATE's District Local Assistance Engineer within sixty (60) days after contract award. A copy of the award documents shall also be included with the submittal of the first invoice for a construction contract by ADMINISTERING AGENCY to: Department of Transportation, Division of Accounting Local Programs Accounting Branch, MS #33, PO Box 942874, Sacramento, California 94274-0001.

17. ADMINISTERING AGENCY shall submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure by ADMINISTERING AGENCY to submit a "Report of Expenditures" within one hundred eighty(180) days of project completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current LOCAL ASSISTANCE PROCEDURES.

18. ADMINISTERING AGENCY shall comply with: (i) section 504 of the Rehabilitation Act of 1973 which prohibits discrimination on the basis of disability in federally assisted programs; (ii) the Americans with Disabilities Act (ADA) of 1990 which prohibits discrimination on the basis of disability irrespective of funding; and (iii) all applicable regulations and guidelines issued pursuant to both the Rehabilitation Act and the ADA.

19. The Congress of the United States, the Legislature of the State of California and the Governor of the State of California, each within their respective jurisdictions, have prescribed certain nondiscrimination requirements with respect to contract and other work financed with public funds. ADMINISTERING AGENCY agrees to comply with the requirements of the FAIR EMPLOYMENT PRACTICES ADDENDUM (Exhibit A attached hereto) and the NONDISCRIMINATION ASSURANCES (Exhibit B attached hereto). ADMINISTERING AGENCY further agrees that any agreement entered into by ADMINISTERING AGENCY with a third party for performance of PROJECT-related work shall incorporate Exhibits A and B (with third party's name replacing ADMINISTERING AGENCY) as essential parts of such agreement to be enforced by that third party as verified by ADMINISTERING AGENCY.

ARTICLE II - RIGHTS OF WAY

1. No contract for the construction of a federal-aid PROJECT shall be awarded until all necessary rights of way have been secured. Prior to the advertising for construction of PROJECT, ADMINISTERING AGENCY shall certify and, upon request, shall furnish STATE with evidence that all necessary rights of way are available for construction purposes or will be available by the time of award of the construction contract.
2. ADMINISTERING AGENCY agrees to indemnify and hold STATE harmless from any liability that may result in the event the right of way for a PROJECT, including, but not limited to, being clear as certified or if said right of way is found to contain hazardous materials requiring treatment or removal to remediate in accordance with Federal and State laws. The furnishing of right of way as provided for herein includes, in addition to all real property required for the PROJECT, title free and clear of obstructions and encumbrances affecting PROJECT and the payment, as required by applicable law, of relocation costs and damages to remainder real property not actually taken but injuriously affected by PROJECT. ADMINISTERING AGENCY shall pay, from its own non-matching funds, any costs which arise out of delays to the construction of PROJECT because utility facilities have not been timely removed or relocated, or because rights of way were not available to ADMINISTERING AGENCY for the orderly prosecution of PROJECT work.
3. Subject to STATE approval and such supervision as is required by LOCAL ASSISTANCE PROCEDURES over ADMINISTERING AGENCY's right of way acquisition procedures, ADMINISTERING AGENCY may claim reimbursement from Federal Funds for expenditures incurred in purchasing only the necessary rights of way needed for the PROJECT after crediting PROJECT with the fair market value of any excess property retained and not disposed of by ADMINISTERING AGENCY.
4. When real property rights are to be acquired by ADMINISTERING AGENCY for a PROJECT, said ADMINISTERING AGENCY must carry out that acquisition in compliance with all applicable State and Federal laws and regulations, in accordance with State procedures as published in State's current LOCAL ASSISTANCE PROCEDURES and STATE's Right-of-Way Manual, subject to STATE oversight to ensure that the completed work is acceptable under the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.
5. Whether or not federal-aid is to be requested for right of way, should ADMINISTERING AGENCY, in acquiring right of way for PROJECT, displace an individual, family, business, farm operation, or non-profit organization, relocation payments and services will be provided as set forth in 49 CFR, Part 24. The public will be adequately informed of the relocation payments and services which will be available, and, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from his/her dwelling or to move his/her business or farm operation without at least ninety (90) days written notice from ADMINISTERING AGENCY. ADMINISTERING AGENCY will provide STATE with specific assurances, on each portion of the PROJECT, that no person will be displaced until comparable decent, safe and sanitary replacement housing is available within a reasonable period of time prior to displacement, and that ADMINISTERING AGENCY's relocation program is realistic and adequate to provide

orderly, timely and efficient relocation of PROJECT- displaced persons as provided in 49 CFR, Part 24.

6. ADMINISTERING AGENCY shall, along with recording the deed or instrument evidencing title in the name of the ADMINISTERING AGENCY or their assignee, shall also record an Agreement Declaring Restrictive Covenants (ADRC) as a separate document incorporating the assurances included within Exhibits A and B and Appendices A, B, C and D of the AGREEMENT, as appropriate.

ARTICLE III - MAINTENANCE AND MANAGEMENT

1. ADMINISTERING AGENCY will maintain and operate the property acquired, developed, constructed, rehabilitated, or restored by PROJECT for its intended public use until such time as the parties might amend this AGREEMENT to otherwise provide. With the approval of STATE, ADMINISTERING AGENCY or its successors in interest in the PROJECT property may transfer this obligation and responsibility to maintain and operate PROJECT property for that intended public purpose to another public entity.

2. Upon ADMINISTERING AGENCY's acceptance of the completed federal-aid construction contract or upon contractor being relieved of the responsibility for maintaining and protecting PROJECT, ADMINISTERING AGENCY will be responsible for the maintenance, ownership, liability, and the expense thereof, for PROJECT in a manner satisfactory to the authorized representatives of STATE and FHWA and if PROJECT falls within the jurisdictional limits of another Agency or Agencies, it is the duty of ADMINISTERING AGENCY to facilitate a separate maintenance agreement(s) between itself and the other jurisdictional Agency or Agencies providing for the operation, maintenance, ownership and liability of PROJECT. Until those agreements are executed, ADMINISTERING AGENCY will be responsible for all PROJECT operations, maintenance, ownership and liability in a manner satisfactory to the authorized representatives of STATE and FHWA. If, within ninety (90) days after receipt of notice from STATE that a PROJECT, or any portion thereof, is not being properly operated and maintained and ADMINISTERING AGENCY has not satisfactorily remedied the conditions complained of, the approval of future federal-aid projects of ADMINISTERING AGENCY will be withheld until the PROJECT shall have been put in a condition of operation and maintenance satisfactory to STATE and FHWA. The provisions of this section shall not apply to a PROJECT that has been vacated through due process of law with STATE's concurrence.

3. PROJECT and its facilities shall be maintained by an adequate and well-trained staff of engineers and/or such other professionals and technicians as PROJECT reasonably requires. Said operations and maintenance staff may be employees of ADMINISTERING AGENCY, another unit of government, or a contractor under agreement with ADMINISTERING AGENCY. All maintenance will be performed at regular intervals or as required for efficient operation of the complete PROJECT improvements.

ARTICLE IV - FISCAL PROVISIONS

1. All contractual obligations of STATE are subject to the appropriation of resources by the Legislature and the allocation of resources by the California Transportation Commission (CTC).
2. STATE'S financial commitment of Federal Funds will occur only upon the execution of this AGREEMENT, the authorization of the project-specific E-76 or E-76 (AMOD), the execution of each project-specific PROGRAM SUPPLEMENT, and STATE's approved finance letter.
3. ADMINISTERING AGENCY may submit signed duplicate invoices in arrears for reimbursement of participating PROJECT costs on a monthly or quarterly progress basis once the project-specific PROGRAM SUPPLEMENT has been executed by STATE.
4. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six (6) months commencing after the funds are encumbered on either the project-specific PROGRAM SUPPLEMENT or through a project-specific finance letter approved by STATE. STATE reserves the right to suspend future authorizations/obligations, and invoice payments for any on-going or future federal-aid project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six (6) month period
5. Invoices shall be submitted on ADMINISTERING AGENCY letterhead that includes the address of ADMINISTERING AGENCY and shall be formatted in accordance with LOCAL ASSISTANCE PROCEDURES.
6. Invoices must have at least one copy of supporting backup documentation for costs incurred and claimed for reimbursement by ADMINISTERING AGENCY. Acceptable backup documentation includes, but is not limited to, agency's progress payment to the contractors, copies of cancelled checks showing amounts made payable to vendors and contractors, and/or a computerized summary of PROJECT costs.
7. Payments to ADMINISTERING AGENCY can only be released by STATE as reimbursement of actual allowable PROJECT costs already incurred and paid for by ADMINISTERING AGENCY.
8. An Indirect Cost Rate Proposal and Central Service Cost Allocation Plan and related documentation are to be provided to STATE (Caltrans Audits & Investigations) annually for review and approval prior to ADMINISTERING AGENCY seeking reimbursement of indirect cost incurred within each fiscal year being claimed for federal reimbursement.
9. Once PROJECT has been awarded, STATE reserves the right to de-obligate any excess Federal Funds from the construction phase of PROJECT if the contract award amount is less than the obligated amount, as shown on the PROJECT E-76 or E-76 (AMOD).
10. STATE will withhold the greater of either two (2) percent of the total of all Federal Funds encumbered for each PROGRAM SUPPLEMENT or \$40,000 until ADMINISTERING AGENCY submits the Final Report of Expenditures for each completed PROGRAM SUPPLEMENT PROJECT.

11. The estimated total cost of PROJECT, the amount of Federal Funds obligated, and the required matching funds may be adjusted by mutual consent of the PARTIES hereto with a finance letter, a detailed estimate, if required, and approved E-76 (AMOD). Federal-aid funding may be increased to cover PROJECT cost increases only if such funds are available and FHWA concurs with that increase.

12. When additional federal-aid funds are not available, ADMINISTERING AGENCY agrees that the payment of Federal Funds will be limited to the amounts authorized on the PROJECT specific E-76 / E-76 (AMOD) and agrees that any increases in PROJECT costs must be defrayed with ADMINISTERING AGENCY's own funds.

13. ADMINISTERING AGENCY shall use its own non-Federal Funds to finance the local share of eligible costs and all expenditures or contract items ruled ineligible for financing with Federal Funds. STATE shall make the determination of ADMINISTERING AGENCY's cost eligibility for federal fund financing of PROJECT costs.

14. ADMINISTERING AGENCY will reimburse STATE for STATE's share of costs for work performed by STATE at the request of ADMINISTERING AGENCY. STATE's costs shall include overhead assessments in accordance with section 8755.1 of the State Administrative Manual.

15. Federal and state funds allocated from the State Transportation Improvement Program (STIP) are subject to the timely use of funds provisions enacted by Senate Bill 45, approved in 1997, and subsequent STIP Guidelines and State procedures approved by the CTC and STATE.

16. Federal Funds encumbered for PROJECT are available for liquidation for a period of seven (7) years from the beginning of the State fiscal year the funds were appropriated in the State Budget. State funds encumbered for PROJECT are available for liquidation only for five (5) years from the beginning of the State fiscal year the funds were appropriated in the State Budget. Federal or state funds not liquidated within these periods will be reverted unless an Cooperative Work Agreement (CWA) is submitted by ADMINISTERING AGENCY and approved by the California Department of Finance (per Government Code section 16304). The exact date of fund reversion will be reflected in the STATE signed finance letter for PROJECT.

17. Payments to ADMINISTERING AGENCY for PROJECT-related travel and subsistence (per diem) expenses of ADMINISTERING AGENCY forces and its contractors and subcontractors claimed for reimbursement or as local match credit shall not exceed rates authorized to be paid rank and file STATE employees under current State Department of Personnel Administration (DPA) rules. If the rates invoiced by ADMINISTERING AGENCY are in excess of DPA rates, ADMINISTERING AGENCY is responsible for the cost difference, and any overpayments inadvertently paid by STATE shall be reimbursed to STATE by ADMINISTERING AGENCY on demand within thirty (30) days of such invoice.

18. ADMINISTERING AGENCY agrees to comply with Office of Management and Budget (OMB) Circular A-87, Cost Principles for State and Local Governments, and 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

19. ADMINISTERING AGENCY agrees, and will assure that its contractors and subcontractors will be obligated to agree that (a) Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allowability of individual PROJECT cost items and (b) those parties shall comply with federal administrative procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Every sub-recipient receiving PROJECT funds as a contractor or sub-contractor under this AGREEMENT shall comply with Federal administrative procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

20. Any PROJECT costs for which ADMINISTERING AGENCY has received payment or credit that are determined by subsequent audit to be unallowable under OMB Circular A-87, 48 CFR, Chapter 1, Part 31 or 49 CFR, Part 18, are subject to repayment by ADMINISTERING AGENCY to STATE. Should ADMINISTERING AGENCY fail to reimburse moneys due STATE within thirty 30 days of demand, or within such other period as may be agreed in writing between the PARTIES hereto, STATE is authorized to intercept and withhold future payments due ADMINISTERING AGENCY from STATE or any third-party source, including but not limited to, the State Treasurer, the State Controller and the CTC.

21. Upon written demand by STATE, any overpayment to ADMINISTERING AGENCY of amounts invoiced to STATE shall be returned to STATE.

22. Should ADMINISTERING AGENCY fail to refund any moneys due STATE as provided hereunder or should ADMINISTERING AGENCY breach this AGREEMENT by failing to complete PROJECT without adequate justification and approval by STATE, then, within thirty 30 days of demand, or within such other period as may be agreed to in writing between the PARTIES, STATE, acting through the State Controller, the State Treasurer, or any other public entity or agency, may withhold or demand a transfer of an amount equal to the amount paid by or owed to STATE from future apportionments, or any other funds due ADMINISTERING AGENCY from the Highway Users Tax Fund or any other sources of funds, and/or may withhold approval of future ADMINISTERING AGENCY federal-aid projects.

23. Should ADMINISTERING AGENCY be declared to be in breach of this AGREEMENT or otherwise in default thereof by STATE, and if ADMINISTERING AGENCY is constituted as a joint powers authority, special district, or any other public entity not directly receiving funds through the State Controller, STATE is authorized to obtain reimbursement from whatever sources of funding are available, including the withholding or transfer of funds, pursuant to Article IV - 22, from those constituent entities comprising a joint powers authority or by bringing of an action against ADMINISTERING AGENCY or its constituent member entities, to recover all funds provided by STATE hereunder.

24. ADMINISTERING AGENCY acknowledges that the signatory party represents the ADMINISTERING AGENCY and further warrants that there is nothing within a Joint Powers Agreement, by which ADMINISTERING AGENCY was created, if any exists, that would restrict or otherwise limit STATE's ability to recover State funds improperly spent by ADMINISTERING AGENCY in contravention of the terms of this AGREEMENT.

ARTICLE V
AUDITS, THIRD PARTY CONTRACTING, RECORDS RETENTION AND REPORTS

1. STATE reserves the right to conduct technical and financial audits of PROJECT work and records when determined to be necessary or appropriate and ADMINISTERING AGENCY agrees, and shall require its contractors and subcontractors to agree, to cooperate with STATE by making all appropriate and relevant PROJECT records available for audit and copying as required by paragraph three (3) of ARTICLE V.

2. ADMINISTERING AGENCY, its contractors and subcontractors shall establish and maintain an accounting system and records that properly accumulate and segregate incurred PROJECT costs and matching funds by line item for the PROJECT. The accounting system of ADMINISTERING AGENCY, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles, enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices sent to or paid by STATE.

3. For the purpose of determining compliance with Title 21, California Code of Regulations, Chapter 21; section 2500 et seq., when applicable, and other matters connected with the performance of ADMINISTERING AGENCY's contracts with third parties, ADMINISTERING AGENCY, ADMINISTERING AGENCY's contractors and subcontractors, and STATE shall each maintain and make available for inspection and audit all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts. All of the above referenced parties shall make such AGREEMENT and PROGRAM SUPPLEMENT materials available at their respective offices at all reasonable times during the entire PROJECT period and for three (3) years from the date of final payment to ADMINISTERING AGENCY under any PROGRAM SUPPLEMENT. STATE, the California State Auditor, or any duly authorized representative of STATE or the United States, shall each have access to any books, records, and documents that are pertinent to a PROJECT for audits, examinations, excerpts, and transactions and ADMINISTERING AGENCY shall furnish copies thereof if requested.

4. ADMINISTERING AGENCY is required to have an audit in accordance with the Single Audit Act of OMB Circular A-133 if it receives a total of \$500,000 or more in Federal Funds in a single fiscal year. The Federal Funds received under a PROGRAM SUPPLEMENT are a part of the Catalogue of Federal Domestic Assistance (CFDA) 20.205, Highway Planning and Research.

5. ADMINISTERING AGENCY agrees to include all PROGRAM SUPPLEMENTS adopting the terms of this AGREEMENT in the schedule of projects to be examined in ADMINISTERING AGENCY's annual audit and in the schedule of projects to be examined under its single audit prepared in accordance with OMB Circular A-133.

6. ADMINISTERING AGENCY shall not award a construction contract over \$10,000 or other contracts over \$25,000 (excluding professional service contracts of the type which are required to be procured in accordance with Government Code sections 4525 (d), (e) and (f) on the basis of a noncompetitive negotiation for work to be performed under this AGREEMENT without the prior written approval of STATE. Contracts awarded by ADMINISTERING AGENCY, if intended as local match credit, must meet the requirements set forth in this AGREEMENT regarding local match funds.

7. Any subcontract entered into by ADMINISTERING AGENCY as a result of this AGREEMENT shall contain all of the provisions of ARTICLE IV, FISCAL PROVISIONS, and this ARTICLE V, AUDITS, THIRD-PARTY CONTRACTING RECORDS RETENTION AND REPORTS, and shall mandate that travel and per diem reimbursements and third-party contract reimbursements to subcontractors will be allowable as PROJECT costs only after those costs are incurred and paid for by the subcontractors.

8. To be eligible for local match credit, ADMINISTERING AGENCY must ensure that local match funds used for a PROJECT meet the fiscal provisions requirements outlined in ARTICLE IV in the same manner as required of all other PROJECT expenditures.

9. In addition to the above, the pre-award requirements of third-party contractor/consultants with ADMINISTERING AGENCY should be consistent with LOCAL ASSISTANCE PROCEDURES.

ARTICLE VI -FEDERAL LOBBYING ACTIVITIES CERTIFICATION

1. By execution of this AGREEMENT, ADMINISTERING AGENCY certifies, to the best of the signatory officer's knowledge and belief, that:

A. No federal or state appropriated funds have been paid or will be paid, by or on behalf of ADMINISTERING AGENCY, to any person for influencing or attempting to influence an officer or employee of any STATE or federal agency, a member of the State Legislature or United States Congress, an officer or employee of the Legislature or Congress, or any employee of a Member of the Legislature or Congress in connection with the awarding of any STATE or federal contract, including this AGREEMENT, the making of any STATE or federal loan, the entering into of any cooperative contract, and the extension, continuation, renewal, amendment, or modification of any STATE or federal contract, grant, loan, or cooperative contract.

B. If any funds other than federal appropriated funds have been paid, or will be paid, to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of Congress, an officer or employee of Congress or an employee of a member of Congress in connection with this AGREEMENT, grant, local, or cooperative contract, ADMINISTERING AGENCY shall complete and submit Standard Form-LLL, "Disclosure Form to Rep Lobbying," in accordance with the form instructions.

C. This certification is a material representation of fact upon which reliance was placed when this AGREEMENT and each PROGRAM SUPPLEMENT was or will be made or entered into. Submission of this certification is a prerequisite for making or entering into this AGREEMENT imposed by Section 1352, Title 31, United States Code. Any party who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

2. ADMINISTERING AGENCY also agrees by signing this AGREEMENT that the language of this certification will be included in all lower tier sub-agreements which exceed \$100,000 and that all such sub-recipients shall certify and disclose accordingly.

ARTICLE VII - MISCELLANEOUS PROVISIONS

1. ADMINISTERING AGENCY agrees to use all State funds reimbursed hereunder only for transportation purposes that are in conformance with Article XIX of the California State Constitution and the relevant Federal Regulations.
2. This AGREEMENT is subject to any additional restrictions, limitations, conditions, or any statute enacted by the State Legislature or adopted by the CTC that may affect the provisions, terms, or funding of this AGREEMENT in any manner.
3. ADMINISTERING AGENCY and the officers and employees of ADMINISTERING AGENCY, when engaged in the performance of this AGREEMENT, shall act in an independent capacity and not as officers, employees or agents of STATE or the federal government.
4. Each project-specific PROGRAM SUPPLEMENT shall separately establish the terms and funding limits for each described PROJECT funded under the AGREEMENT. No federal or state funds are obligated against this AGREEMENT.
5. ADMINISTERING AGENCY certifies that neither ADMINISTERING AGENCY nor its principals are suspended or debarred at the time of the execution of this AGREEMENT. ADMINISTERING AGENCY agrees that it will notify STATE immediately in the event a suspension or a debarment occurs after the execution of this AGREEMENT.
6. ADMINISTERING AGENCY warrants, by execution of this AGREEMENT, that no person or selling agency has been employed or retained to solicit or secure this AGREEMENT upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by ADMINISTERING AGENCY for the purpose of securing business. For breach or violation of this warranty, STATE has the right to annul this AGREEMENT without liability, pay only for the value of the work actually performed, or in STATE's discretion, to deduct from the price of consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.
7. In accordance with Public Contract Code section 10296, ADMINISTERING AGENCY hereby certifies under penalty of perjury that no more than one final unappealable finding of contempt of court by a federal court has been issued against ADMINISTERING AGENCY within the immediate preceding two (2) year period because of ADMINISTERING AGENCY's failure to comply with an order of a federal court that orders ADMINISTERING AGENCY to comply with an order of the National Labor Relations Board.
8. ADMINISTERING AGENCY shall disclose any financial, business, or other relationship with STATE, FHWA or FTA that may have an impact upon the outcome of this AGREEMENT. ADMINISTERING AGENCY shall also list current contractors who may have a financial interest in the outcome of this AGREEMENT.
9. ADMINISTERING AGENCY hereby certifies that it does not now have nor shall it acquire any financial or business interest that would conflict with the performance of PROJECT under this

AGREEMENT.

10. ADMINISTERING AGENCY warrants that this AGREEMENT was not obtained or secured through rebates, kickbacks or other unlawful consideration either promised or paid to any STATE employee. For breach or violation of this warranty, STATE shall have the right, in its discretion, to terminate this AGREEMENT without liability, to pay only for the work actually performed, or to deduct from the PROGRAM SUPPLEMENT price or otherwise recover the full amount of such rebate, kickback, or other unlawful consideration.

11. Any dispute concerning a question of fact arising under this AGREEMENT that is not disposed of by agreement shall be decided by the STATE's Contract Officer who may consider any written or verbal evidence submitted by ADMINISTERING AGENCY. The decision of the Contract Officer, issued in writing, shall be conclusive and binding on the PARTIES on all questions of fact considered and determined by the Contract Officer.

12. Neither the pending of a dispute nor its consideration by the Contract Officer will excuse ADMINISTERING AGENCY from full and timely performance in accordance with the terms of this AGREEMENT.

13. Neither ADMINISTERING AGENCY nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by, under or in connection with any work, authority or jurisdiction arising under this AGREEMENT. It is understood and agreed that STATE shall fully defend, indemnify and save harmless the ADMINISTERING AGENCY and all of its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortuous, contractual, inverse condemnation and other theories or assertions of liability occurring by reason of anything done or omitted to be done by STATE under this AGREEMENT.

14. Neither STATE nor any officer or employee thereof shall be responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by ADMINISTERING AGENCY under, or in connection with, any work, authority or jurisdiction arising under this AGREEMENT. It is understood and agreed that ADMINISTERING AGENCY shall fully defend, indemnify and save harmless STATE and all of its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortuous, contractual, inverse condemnation or other theories or assertions of liability occurring by reason of anything done or omitted to be done by ADMINISTERING AGENCY under this AGREEMENT.

15. STATE reserves the right to terminate funding for any PROJECT upon written notice to ADMINISTERING AGENCY in the event that ADMINISTERING AGENCY fails to proceed with PROJECT work in accordance with the project-specific PROGRAM SUPPLEMENT, the bonding requirements if applicable, or otherwise violates the conditions of this AGREEMENT and/or PROGRAM SUPPLEMENT, or the funding allocation such that substantial performance is significantly endangered.

16. No termination shall become effective if, within thirty (30) days after receipt of a Notice of Termination, ADMINISTERING AGENCY either cures the default involved or, if not reasonably susceptible of cure within said thirty (30) day period, ADMINISTERING AGENCY proceeds thereafter to complete the cure in a manner and time line acceptable to STATE. Any such termination shall be accomplished by delivery to ADMINISTERING AGENCY of a Notice of Termination, which notice shall become effective not less than thirty (30) days after receipt, specifying the reason for the termination, the extent to which funding of work under this AGREEMENT is terminated and the date upon which such termination becomes effective, if beyond thirty (30) days after receipt. During the period before the effective termination date, ADMINISTERING AGENCY and STATE shall meet to attempt to resolve any dispute. In the event of such termination, STATE may proceed with the PROJECT work in a manner deemed proper by STATE. If STATE terminates funding for PROJECT with ADMINISTERING AGENCY, STATE shall pay ADMINISTERING AGENCY the sum due ADMINISTERING AGENCY under the PROGRAM SUPPLEMENT and/or STATE approved finance letter prior to termination, provided, however, ADMINISTERING AGENCY is not in default of the terms and conditions of this AGREEMENT or the project-specific PROGRAM SUPPLEMENT and that the cost of PROJECT completion to STATE shall first be deducted from any sum due ADMINISTERING AGENCY.

17. In case of inconsistency or conflicts with the terms of this AGREEMENT and that of a project-specific PROGRAM SUPPLEMENT, the terms stated in that PROGRAM SUPPLEMENT shall prevail over those in this AGREEMENT.

18. Without the written consent of STATE, this AGREEMENT is not assignable by ADMINISTERING AGENCY either in whole or in part.

19. No alteration or variation of the terms of this AGREEMENT shall be valid unless made in writing and signed by the PARTIES, and no oral understanding or agreement not incorporated herein shall be binding on any of the PARTIES.

IN WITNESS WHEREOF, the PARTIES have executed this AGREEMENT by their duly authorized officers.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

Orange County Transportation Authority

By _____

By _____

Chief, Office of Project Implementation
Division of Local Assistance

Orange County Transportation Authority
Representative Name & Title
(Authorized Governing Body Representative)

Date _____

Date _____

EXHIBIT A

FAIR EMPLOYMENT PRACTICES ADDENDUM

1. In the performance of this Agreement, ADMINISTERING AGENCY will not discriminate against any employee for employment because of race, color, sex, sexual orientation, religion, ancestry or national origin, physical disability, medical condition, marital status, political affiliation, family and medical care leave, pregnancy leave, or disability leave. ADMINISTERING AGENCY will take affirmative action to ensure that employees are treated during employment without regard to their race, sex, sexual orientation, color, religion, ancestry, or national origin, physical disability, medical condition, marital status, political affiliation, family and medical care leave, pregnancy leave, or disability leave. Such action shall include, but not be limited to, the following: employment; upgrading; demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. ADMINISTERING AGENCY shall post in conspicuous places, available to employees for employment, notices to be provided by STATE setting forth the provisions of this Fair Employment section.

2. ADMINISTERING AGENCY, its contractor(s) and all subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code Section 12900 et seq.), and the applicable regulations promulgated thereunder (California code of Regulations, Title 2, Section 7285.0 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code, Section 12900(a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations are incorporated into this AGREEMENT by reference and made a part hereof as if set forth in full. Each of the ADMINISTERING AGENCY'S contractors and all subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreements, as appropriate.

3. ADMINISTERING AGENCY shall include the nondiscrimination and compliance provisions of this clause in all contracts and subcontracts to perform work under this AGREEMENT.

4. ADMINISTERING AGENCY will permit access to the records of employment, employment advertisements, application forms, and other pertinent data and records by STATE, the State Fair Employment and Housing Commission, or any other agency of the State of California designated by STATE, for the purposes of investigation to ascertain compliance with the Fair Employment section of this Agreement.

5. Remedies for Willful Violation:

(a) STATE may determine a willful violation of the Fair Employment provision to have occurred upon receipt of a final judgment to that effect from a court in an action to which ADMINISTERING AGENCY was a party, or upon receipt of a written notice from the Fair Employment and Housing Commission that it has investigated and determined that ADMINISTERING AGENCY has violated the Fair Employment Practices Act and had issued an order under Labor Code Section 1426 which has become final or has obtained an injunction under Labor Code Section 1429.

(b) For willful violation of this Fair Employment Provision, STATE shall have the right to terminate this Agreement either in whole or in part, and any loss or damage sustained by STATE in securing the goods or services thereunder shall be borne and paid for by ADMINISTERING AGENCY and by the surety under the performance bond, if any, and STATE may deduct from any moneys due or thereafter may become due to ADMINISTERING AGENCY, the difference between the price named in the Agreement and the actual cost thereof to STATE to cure ADMINISTERING AGENCY's breach of this Agreement.

EXHIBIT B

NONDISCRIMINATION ASSURANCES

ADMINISTERING AGENCY HEREBY AGREES THAT, as a condition to receiving any federal financial assistance from the STATE, acting for the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the ACT), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964" (hereinafter referred to as the REGULATIONS), the Federal-aid Highway Act of 1973, and other pertinent directives, to the end that in accordance with the ACT, REGULATIONS, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, national origin, religion, age or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which ADMINISTERING AGENCY receives federal financial assistance from the Federal Department of Transportation. ADMINISTERING AGENCY HEREBY GIVES ASSURANCE THAT ADMINISTERING AGENCY will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) (1) of the REGULATIONS.

More specifically, and without limiting the above general assurance, ADMINISTERING AGENCY hereby gives the following specific assurances with respect to its federal-aid Program:

1. That ADMINISTERING AGENCY agrees that each "program" and each "facility" as defined in subsections 21.23 (e) and 21.23 (b) of the REGULATIONS, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the REGULATIONS.

2. That ADMINISTERING AGENCY shall insert the following notification in all solicitations for bids for work or material subject to the REGULATIONS made in connection with the federal-aid Program and, in adapted form, in all proposals for negotiated agreements:

ADMINISTERING AGENCY hereby notifies all bidders that it will affirmatively insure that in any agreement entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, national origin, religion, age, or disability in consideration for an award.

3. That ADMINISTERING AGENCY shall insert the clauses of Appendix A of this assurance in every agreement subject to the ACT and the REGULATIONS.

4. That the clauses of Appendix B of this Assurance shall be included as a covenant running with the land, in any deed effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where ADMINISTERING AGENCY receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where ADMINISTERING AGENCY receives federal financial assistance in the form, or for the acquisition, of real property or an interest in real property, the Assurance shall extend to rights to space on, over, or under such property.

7. That ADMINISTERING AGENCY shall include the appropriate clauses set forth in Appendix C and D of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the ADMINISTERING AGENCY with other parties:

Appendix C;

(a) for the subsequent transfer of real property acquired or improved under the federal-aid Program; and

Appendix D;

(b) for the construction or use of or access to space on, over, or under real property acquired, or improved under the federal-aid Program.

8. That this assurance obligates ADMINISTERING AGENCY for the period during which federal financial assistance is extended to the program, except where the federal financial assistance is to provide, or is in the form of, personal property or real property or interest therein, or structures, or improvements thereon, in which case the assurance obligates ADMINISTERING AGENCY or any transferee for the longer of the following periods:

(a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or

(b) the period during which ADMINISTERING AGENCY retains ownership or possession of the property.

9. That ADMINISTERING AGENCY shall provide for such methods of administration for the program as are found by the U.S. Secretary of Transportation, or the official to whom he delegates specific authority, to give reasonable guarantee that ADMINISTERING AGENCY, other recipients, sub-grantees, applicants, sub-applicants, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed by, or pursuant to, the ACT, the REGULATIONS, this Assurance and the Agreement.

10. That ADMINISTERING AGENCY agrees that the United States and the State of California have a right to seek judicial enforcement with regard to any matter arising under the ACT, the REGULATIONS, and this Assurance.

11. ADMINISTERING AGENCY shall not discriminate on the basis of race, religion, age, disability, color, national origin or sex in the award and performance of any STATE assisted contract or in the administration on its DBE Program or the requirements of 49 CFR Part 26. ADMINISTERING AGENCY shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non discrimination in the award and administration of STATE assisted contracts. ADMINISTERING AGENCY'S DBE Race-Neutral Implementation Agreement is incorporated by reference in this AGREEMENT. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved DBE Race-Neutral Implementation Agreement, STATE may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 USC 1001 and/or the Program Fraud Civil Remedies Act of 1985 (31USC 3801 es seq.)

THESE ASSURANCES are given in consideration of and for the purpose of obtaining any and all federal grants, loans, agreements, property, discounts or other federal financial assistance extended after the date hereof to ADMINISTERING AGENCY by STATE, acting for the U.S. Department of Transportation, and is binding on ADMINISTERING AGENCY, other recipients, subgrantees, applicants, sub-applicants, transferees, successors in interest and other participants in the federal-aid Highway Program.

APPENDIX A TO EXHIBIT B

During the performance of this Agreement, ADMINISTERING AGENCY, for itself, its assignees and successors in interest (hereinafter collectively referred to as ADMINISTERING AGENCY) agrees as follows:

(1) Compliance with Regulations: ADMINISTERING AGENCY shall comply with the regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the REGULATIONS), which are herein incorporated by reference and made a part of this agreement.

(2) Nondiscrimination: ADMINISTERING AGENCY, with regard to the work performed by it during the AGREEMENT, shall not discriminate on the grounds of race, color, sex, national origin, religion, age, or disability in the selection and retention of sub-applicants, including procurements of materials and leases of equipment. ADMINISTERING AGENCY shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the REGULATIONS, including employment practices when the agreement covers a program set forth in Appendix B of the REGULATIONS.

(3) Solicitations for Sub-agreements, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by ADMINISTERING AGENCY for work to be performed under a Sub-agreement, including procurements of materials or leases of equipment, each potential sub-applicant or supplier shall be notified by ADMINISTERING AGENCY of the ADMINISTERING AGENCY's obligations under this Agreement and the REGULATIONS relative to nondiscrimination on the grounds of race, color, or national origin.

(4) Information and Reports: ADMINISTERING AGENCY shall provide all information and reports required by the REGULATIONS, or directives issued pursuant thereto, and shall permit access to ADMINISTERING AGENCY's books, records, accounts, other sources of information, and its facilities as may be determined by STATE or FHWA to be pertinent to ascertain compliance with such REGULATIONS or directives. Where any information required of ADMINISTERING AGENCY is in the exclusive possession of another who fails or refuses to furnish this information, ADMINISTERING AGENCY shall so certify to STATE or the FHWA as appropriate, and shall set forth what efforts ADMINISTERING AGENCY has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of ADMINISTERING AGENCY's noncompliance with the nondiscrimination provisions of this agreement, STATE shall impose such agreement sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

(a) withholding of payments to ADMINISTERING AGENCY under the Agreement within a reasonable period of time, not to exceed 90 days; and/or

(b) cancellation, termination or suspension of the Agreement, in whole or in part.

(6) Incorporation of Provisions: ADMINISTERING AGENCY shall include the provisions of paragraphs (1) through (6) in every sub-agreement, including procurements of materials and leases of equipment, unless exempt by the REGULATIONS, or directives issued pursuant thereto. ADMINISTERING AGENCY shall take such action with respect to any sub-agreement or procurement as STATE or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance, provided, however, that, in the event ADMINISTERING AGENCY becomes involved in, or is threatened with, litigation with a sub-applicant or supplier as a result of such direction, ADMINISTERING AGENCY may request STATE enter into such litigation to protect the interests of STATE, and, in addition, ADMINISTERING AGENCY may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B TO EXHIBIT B

The following clauses shall be included in any and all deeds effecting or recording the transfer of PROJECT real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the U.S. Department of Transportation, as authorized by law, and upon the condition that ADMINISTERING AGENCY will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of federal-aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with the Regulations pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the ADMINISTERING AGENCY all the right, title, and interest of the U.S. Department of Transportation in, and to, said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto ADMINISTERING AGENCY and its successors forever, subject, however, to the covenant, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on ADMINISTERING AGENCY, its successors and assigns.

ADMINISTERING AGENCY, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns,

(1) that no person shall on the grounds of race, color, sex, national origin, religion, age or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed (:) (and) *

(2) that ADMINISTERING AGENCY shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (:) and

(3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the U.S. Department of Transportation shall have a right to re-enter said lands and facilities on said land, and the above-described land and facilities shall thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this deed.*

* Reverter clause and related language to be used only when it is determined that such a clause is

necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX C TO EXHIBIT B

The following clauses shall be included in any and all deeds, licenses, leases, permits, or similar instruments entered into by ADMINISTERING AGENCY, pursuant to the provisions of Assurance 7(a) of Exhibit B.

The grantee (licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.), shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of Secretary, Part 21, Nondiscrimination in federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, ADMINISTERING AGENCY shall have the right to terminate the (license, lease, permit etc.) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, ADMINISTERING AGENCY shall have the right to re-enter said land and facilities thereon, and the above-described lands and facilities shall thereupon revert to and vest in and become the absolute property of ADMINISTERING AGENCY and its assigns.

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX D TO EXHIBIT B

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the ADMINISTERING AGENCY, pursuant to the provisions of Assurance 7 (b) of Exhibit B.

The grantee (licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that:

(1) no person on the ground of race, color, sex, national origin, religion, age or disability, shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in the use of said facilities;

(2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the ground of race, color, sex, national origin, religion, age or disability shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination; and

(3) that the (grantee, licensee, lessee, permittee, etc.,) shall use the premises in compliance with the Regulations.

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, ADMINISTERING AGENCY shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, ADMINISTERING AGENCY shall have the right to re-enter said land and facilities thereon, and the above-described lands and facilities shall thereupon revert to and vest in and become the absolute property of ADMINISTERING AGENCY, and its assigns.

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.



March 20, 2007

To: Members of the Board of Directors
From: Wendy Knowles, Clerk of the Board
Subject: **Board Committee Transmittal for Agenda Item**

The following item is being discussed at a Committee meeting which takes place subsequent to distribution of the Board agenda. Therefore, you will be provided a transmittal following that Committee meeting (and prior to the Board meeting) informing you of Committee action taken.

Thank you.



March 22, 2007

To: Transit Planning and Operations Committee
From: Arthur T. Leahy, ^{pu} Chief Executive Officer
Subject: Memorandum of Understanding with the Southern California Association of Governments for Cooperative Transit Planning

Overview

In order to comply with federal regulations, the Orange County Transportation Authority and Southern California Association of Governments have developed a draft Memorandum of Understanding specifying cooperative procedures for carrying out transit planning and programming.

Recommendation

Authorize the Chief Executive Officer to negotiate and execute the Memorandum of Understanding with the Southern California Association of Governments specifying cooperative transit planning and programming procedures.

Background

Federal regulations require the Southern California Association of Governments (SCAG) and public transit operators, including the Orange County Transportation Authority (OCTA), to have agreements specifying the responsibilities of the parties for carrying out the metropolitan transportation planning process. The Orange County Transportation Commission (OCTC), the City of Laguna Beach, and SCAG entered into a Memorandum of Understanding (MOU) for transit coordination in 1980 that defined minimum coordination criteria for planning and programming inter-county public transit service within the SCAG region (Attachment A). However, current federal regulations have altered the purpose and need for such a MOU. As a result, the Federal Transit Administration (FTA), through a triennial audit (Attachment B), has required SCAG to review and update the OCTC/Laguna Beach/SCAG MOU.

Discussion

OCTA staff worked with SCAG staff to develop a draft MOU (Attachment C) that incorporates comments from both parties' legal counsels and ensures consistency with the current federal regulations presented in the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: a Legacy for Users, or SAFETEA-LU. The current purpose and need for the MOU is to allow for operators of public transit to establish a meaningful planning role with SCAG.

The draft MOU cites OCTA's responsibilities for:

- Programming state and federal transit funds within Orange County
- Planning transit capital projects and service for Orange County
- Preparing short-range transit plans and long-range expenditure plans
- Submitting projects, plans, and programs to SCAG for inclusion in the Regional Transportation Plan (RTP) and Regional Transportation Improvement Program (RTIP)
- Complying with state and federal transit requirements and regulations
- Participating in SCAG's forums for discussion of regional transportation issues

Laguna Beach has agreed that OCTA will act on its behalf.

The draft MOU also cites SCAG's responsibilities for:

- Preparing and updating the RTP and RTIP
- Providing a forum for discussion of regional transportation issues
- Making findings related to air quality conformity

Current FTA regulations require OCTA have an up-to-date MOU with SCAG. A similar MOU, developed by SCAG and the Los Angeles County Metropolitan Transportation Authority, has been reviewed by FTA staff and deemed sufficient in meeting federal regulations. With Board of Directors' approval, staff will finalize and execute the MOU and update the document as future changes in state law and federal regulations modify formal relationships between the two agencies.

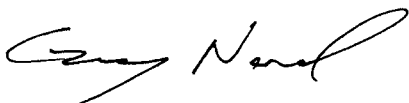
Summary

OCTA and SCAG staff have collaborated, with the aid from both agencies' legal counsels, to develop a draft MOU that conforms to federal laws and regulations. The draft MOU cites roles and relationships of OCTA and SCAG in meeting transportation planning and programming responsibilities.

Attachments

- A. Memorandum of Understanding for Transit Coordination
- B. Letter from the U.S. Department of Transportation to the Southern California Association of Governments (SCAG) regarding 2005/2006 SCAG Planning Certification Review Report
- C. Draft Memorandum of Understanding Between the Southern California Association of Governments and Orange County Transportation Authority

Prepared by:



Gregory R. Nord
Associate Transportation Analyst
(714) 560-5885

Approved by:



Paul C. Taylor, P.E.
Executive Director, Development
(714) 560-5431

MEMORANDUM OF UNDERSTANDING
FOR
TRANSIT COORDINATION

I
Preamble

This Memorandum of Understanding is entered into this _____ day of _____ 19____, between the Southern California Association of Governments (hereinafter referred to as SCAG), the Orange County Transportation Commission (hereinafter referred to as County Transportation Commission or CTC), ~~County Association of Governments (hereinafter called sub-regional agency)~~, and (city)(transit district)(joint powers agency) of Laguna Beach, a public transit operator, for the purpose of assuring cooperative, effective and coordinated transit planning, programming and service delivery in the SCAG region.

II
Recitals

A. Each of the signators to this Memorandum engages in transit planning, programming and/or service delivery under the provisions of federal, state, and local laws, regulations, and formal agreements.

B. SCAG, a joint powers agency established pursuant to Section 6500 et seq. of the California Government Code, is the areawide planning agency responsible for regionwide transportation planning. SCAG has established and maintained close working relationships with various federal, state, and local agencies in carrying out a continuing, cooperative, and comprehensive regional transportation planning process. This process complies with state and federal laws and regulations.

Joint federal regulations (40 FR 42976) issued by the Federal Highway Administration (FHWA) and Urban Mass Transportation Administration (UMTA) require the Governor to designate a Metropolitan Planning Organization (MPO) for each urbanized area or group of contiguous urbanized areas, and promulgate rules for states and MPO's carrying out areawide transportation planning in urbanized areas. The Governor has designated SCAG the MPO for the area within its jurisdiction in accordance with federal requirements. As MPO, SCAG is responsible for developing and annually endorsing the planning work programs, transportation plan, and transportation improvement program for the region, in accordance with federal regulations. Pursuant to Section 130301 (j) of the California Public Utilities Code, SCAG is responsible for the administration of the regional program for the expenditure of Transportation Development Act funds.

C. County Transportation Commissions, established by the County Transportation Commission Act (Section 13000 et seq. of the California Public Utilities Code), are countywide agencies responsible for the approval of all projects utilizing federal and state transit funds within their jurisdictions, and are further responsible for coordination of transit planning, programming, and operations within and between their jurisdictions. Pursuant to Section 130303 of the California Public Utilities Code, CTCs are required to prepare a transportation improvement program to include transit facilities and services within the jurisdiction of each commission. Pursuant to Section 130306 of the California Public Utilities Code, CTCs are responsible for determining the program to be funded by funds allocated under the Transportation Development Act within their jurisdictions.

D. Sub-regional agencies, county-wide voluntary associations of governments, are responsible for carrying out a variety of planning activities within the area of their member jurisdictions.

E. Public transit operators, established pursuant to municipal utility powers or enabling legislation, acting individually or collectively, are responsible for providing public transit service in accordance with federal, state and local laws and regulations within the scope of a unified or officially coordinated public transportation system as part of the comprehensive planned development of the urban area.

F. Within the regulations governing the provision of public transit service, there exists the requirement that there shall be an agreement between the MPO and publicly owned operators of mass transportation services which specifies cooperative procedures for carrying out transportation planning and programming (FHWA/UMTA regulations 450.018 (c) Fed. Reg., Vol. 40, No. 181, Sept. 17, 1975)

G. Within the SCAG region, the roles and relationships between SCAG and other transportation-related agencies and commissions are described in the "Subregional/Regional Relationships" policy document adopted by the SCAG Executive Committee in November 1977, and further defined in the Transportation Memorandum of Understanding between SCAG, LACTC, OCTC, SBCTC, RCTC, VCAG and IVAG, adopted by the SCAG Executive Committee in December 1978.

H. Within the Transportation Coordination and Monitoring Section (Chapter 5) of the Transportation Memorandum of Understanding cited in (g) above, there are incorporated, by reference, roles and relationships to be defined in a Transit Memorandum of Understanding.

III COORDINATIVE AGREEMENT

Now, therefore, in consideration of the mutual benefits to the parties hereto, to mass transportation within the region and in consideration of the covenants and conditions herein contained, the parties agree as follows:

A. To jointly engage in efforts to meet all provisions required by Federal and State laws, administrative directives and guidelines for coordinated transportation planning, programming and operations in order to assure the region's ability to meet Federal and State requirements for continued financial support for public transit.

B. To participate in the activities of technical and policy committees established by regional and sub-regional agencies and transportation commissions.

C. To recognize that although each CTC and subregional agency may establish more stringent and specific requirements for intersystem coordination between operators, SCAG has established the following minimum regional requirements for adequate levels of inter-system coordination.

1. A description of the coordinative arrangements between those systems which intersect with or adjoin service provided by another transit system shall be documented in applicable short range transit plans.
2. Areas of coordination shall include as appropriate: types of service, schedules, routes, exchange of transfers, fares, joint use of facilities, public information and other collaborative measures which would promote effective coordination and avoid duplication.
3. Adequate levels of coordination shall be based on the degree of system interaction and potentials for increased operational efficiency.

D. To recognize that SCAG will evaluate applications for State and Federal funding assistance which include proposals to establish new inter-county public transit systems or significantly expand the operating areas of existing systems into other counties only after the following have been accomplished.

1. Documentation of coordination between the applicant and the municipal and/or county governments in whose jurisdiction the proposed service will be provided which indicates mutual agreement on the introduction of such service.
2. Documentation of coordination between the applicant and other public transit operator(s) providing service in or immediately adjoining the area to be served which 1) describes the type and extent of proposed new service and 2) includes a response indicating the anticipated impact the new service would have on existing transit operations.
3. Documentation that the proposed service is consistent with adopted SCAG transit policies and other applicable regional policies in the Regional Transportation Plan.
4. Documentation of the rationale (including supporting evidence) upon which the proposed new or significantly expanded transit operating entity will serve the area in question more effectively than the existing operator(s).
5. Documentation that such proposed service has been reviewed and concurred in by the affected County Transportation Commissions and/or subregional agencies.

E. To recognize that the County Transportation Commissions and the subregional agencies will evaluate applications for State and Federal funding assistance which include proposals to establish new intra-county public transit systems or significantly expand the operating areas of existing systems within their respective jurisdictions only after criteria established by the CTCs or the subregional agencies have been fully met.

F. To recognize that SCAG will evaluate conformance with county-wide and regional criteria for transit service coordination in cases having regional significance.

G. To recognize that inter-operator and inter-county disputes will be resolved in the first instance by the appropriate CTCs and sub-regional agencies and that SCAG will work with the CTCs and sub-regional agencies in the resolution of unresolved issues which are regionally significant.

H. This Memorandum of Understanding may be amended, modified or expanded only by written agreement of the parties.

In Witness Whereof, the parties hereto have caused this Memorandum of Understanding to be executed by their respective officers, duly authorized.

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

Ed Jones
Edwin Jones,
President

Mark A. Pisano
Mark A. Pisano
Executive Director

Date: 12/6/79
Recommended for Approval

Approved as to form and procedure

Colin Lennard
Attorney for Southern California
Association of Governments

ORANGE COUNTY TRANSPORTATION COMMISSION

Chairman

Sherrill D. Davis
Executive Director

Date: 1/3/80
Recommended for Approval

Approved as to form and procedure

Attorney for Orange County Transportation Commission

ORANGE COUNTY TRANSIT DISTRICT

James Reichert
General Manager

Chairman, Board of Directors

Approved as to form and procedure

Attorney for Orange County Transit District



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CALIFORNIA DIVISION
650 Capitol Mall, Suite 4-100
Sacramento, CA. 95814

IN REPLY REFER TO

HDA-CA

Document # S48880

APR - 4 2006

Honorable Toni Young
President, Regional Council
Southern California Association of Governments
818 West 7th Street, 12th Floor
Los Angeles, CA 90017

Dear Ms. Young:

SUBJECT: 2005/2006 Southern California Association of Governments (SCAG) Planning Certification Review Report

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) are pleased to transmit the final report of the triennial federal certification review of the Los Angeles metropolitan region's transportation planning process as carried out by the Southern California Association of Governments (SCAG).

The report contains two corrective actions and several recommendations. Conditioned upon resolution of the corrective actions cited in this report, FHWA and FTA jointly certify the metropolitan transportation planning process, as carried out by SCAG, as meeting the requirements of 23 CFR 450 and 49 CFR 613. This certification is valid for one year from the date of this letter, by which time, SCAG must resolve Corrective Action 1. Corrective Action 2 must be resolved with SCAG's next RTP. Periodically, FHWA and FTA will review the status of the corrective actions and make a further determination to fully certify the planning process.

We thank you and your staff for your time and assistance in completing this review. We also appreciate the participation of the County Commissioners for providing their point of view on the planning process and their role in the process.

If you have any questions regarding the certification review or need further information, please contact Grace Balmir at (213) 202-3953 or Ted Matley at (415) 744-2590.

Sincerely,

Leslie Rogers
Regional Administrator
Federal Transit Administration

For
Gene Fong
Division Administrator
Federal Highway Administration

Enclosure : Document 48891



U.S. DEPARTMENT OF TRANSPORTATION
Joint Certification Review of the
Southern California Area
Metropolitan Transportation Planning Process
prepared by the
Federal Highway Administration
and
Federal Transit Administration
April 2006

Final Report

FORWARD

Pursuant to 23 U.S.C. 134(i)(5) and 49 U.S.C. 1607, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) must jointly certify the metropolitan transportation planning process in Transportation Management Areas (TMA) at least every three years. A TMA is an urbanized area, as defined by the U.S. Census, with a population of over 200,000.

In general, the review consists of three primary activities: a site visit, a review of planning products (in advance of and during the site visit) and preparation of a report that summarizes the review and makes recommendations. The review focuses on compliance with federal regulations, challenges, successes and experiences of the cooperative relationship among the Metropolitan Planning Organizations (MPO), the state department of transportation and the transit operators in conducting the metropolitan transportation planning process. Joint FHWA and FTA certification review guidelines provide agency field reviewers with latitude and flexibility to tailor the review to reflect local issues and needs. Consequently, the scope and depth of the certification review reports may vary significantly.

The certification review process is only one of several methods used to assess the quality of a local metropolitan transportation planning process, compliance with applicable statutes and regulations and the level and type of technical assistance needed to enhance the effectiveness of the planning process. Other activities that provide opportunities for assessing the quality of the planning process include the Overall Work Program review and approval; metropolitan transportation plan reviews; metropolitan and statewide transportation improvement program findings; air quality conformity determinations (in non-attainment and maintenance areas) and a range of other formal and less formal involvements by both FHWA and FTA. The results of these other processes are considered in the certification review process.

While the certification review report itself may not fully document those many intermediate and on going checkpoints, the final action is based upon the cumulative findings of the entire review effort. The review process is tailored to focus on topics of significance in each metropolitan planning area. Federal reviewers prepare certification reports to document the results of the review process. The reports and final actions are the joint responsibility of the appropriate FHWA and FTA field offices. The content will vary to reflect the planning process reviewed, whether or not they relate explicitly to formal findings of the review.

SUMMARY OF CORRECTIVE ACTIONS AND RECOMMENDATIONS

The Southern California Association of Governments (SCAG) faces significant challenges in its mission due to the dynamic nature and significant mobility issues in the region. The need to integrate the existing structure of state and local agencies involved in the planning, development and implementation of transportation projects and services in the region pose a challenge to regional planning efforts. Despite these challenges, SCAG consistently demonstrates creativity and a continued effort to constructively conduct and improve the regional transportation planning process in the Southern California Region.

To further improve the performance of SCAG in meeting the goals and requirements of the regional transportation planning process, the following corrective actions are made:

Corrective Action 1. To comply with metropolitan planning and programming requirements outlined in 23CFR, Part 450.310(b), SCAG shall enter into agreements with the region's publicly owned transit operators that document the collaborative planning and programming processes currently existing in the region or take other action as detailed in the regulations under 23CFR, Part 450.314 (c) sufficient to address this requirement. This corrective action must be resolved within one year from the issuance of this certification review report.

Corrective Action 2. FHWA and FTA are issuing a corrective action requiring SCAG to reflect the cost of individual projects in all future RTPs. SCAG did not reflect the individual cost of all projects included in 2004 RTP. SCAG only included project costs for new projects being added to the 2004 RTP. "Baseline" projects that were carried over from the 2002 RTP did not reflect project costs. Each project included in the financially constrained RTP should include all the costs (environment, design, construction, right of way, etc) to build the project. Project costs are needed to determine that the RTP is financially constrained and in the development of NEPA documents in order to determine that the project as described in the NEPA document is correctly reflected the RTP. This corrective action must be resolved in SCAG's next RTP.

In addition, the following recommendations are made:

1. When SCAG adopted its current TIP, several viable projects that weren't implemented from the previous TIP, were not included in the current TIP. The failure to include these projects resulted in project delays while the projects were amended into the current TIP. SCAG needs to develop or improve its current process to assure viable projects from a previous TIP are included when a new TIP is adopted.
2. SCAG continues to process numerous TIP amendments. SCAG needs to review its current TIP amendment process and identify ways to reduce the number of TIP amendments.

3. To improve the regional planning process and demonstrate financial constraint of the RTP and TIP, SCAG needs to develop more comprehensive financial planning documentation that fully describes each element of the plan:
 - revenues, including proposed new revenues,
 - project cost estimates (including those for committed projects), and
 - operations and maintenance.

For proposed new revenues, the financial plan needs to include more specific details on the strategies to be implemented to bring these new revenues to fruition. SCAG needs to continue to work with FHWA, FTA, and the region's transportation partners and stakeholders as it develops its new financial plan, allowing sufficient time for all parties to review and comment on the assumptions to be included in the plan. The financial plan also needs to be completed in sufficient time for it to be circulated to the public as part of the normal RTP and TIP circulation

4. SCAG should continue efforts to convene regular meetings of all pertinent federal agencies and other stakeholders for continuing discussions of regional goods movement issues.
5. SCAG should consider reallocating or seeking additional funds for ITS planning needs.
6. SCAG has been making significant progress in addressing the timely implementation of transportation control measures (TCMs) from the applicable State Implementation Plans (SIP). FHWA and FTA would like to see continued progress in this area, especially the documentation of the process for assessing timely implementation of TCM1.
7. SCAG should review the interagency consultation procedures for RTP and TIP amendments. The procedures should be discussed at the Conformity Working Group to assure there is concurrence on these procedures. If necessary, the procedures should be updated accordingly. For example, FHWA and FTA recommend that as part of interagency consultation, SCAG bring all proposed TIP amendments to the Conformity Working Group for review/discussion of the air quality implications of the proposed amendment.
8. To increase the ability of the public to participate in the regional planning process, SCAG should develop and publish a "Citizens Guide" or similar document to assist citizens in understanding and engaging in the process.
9. To meet the requirements of the Executive Order on Environmental Justice and Title VI of the Civil Rights Act of 1964, SCAG should apply, on a regional basis, an Environmental Justice measure for the impact of freight activities on low-income and minority communities as they are identified through regional Environmental Justice analysis.

Conditioned upon resolution of the corrective actions cited in this report, FHWA and FTA jointly certify the metropolitan transportation planning process, as carried out by SCAG, meets the requirements of 23 CFR 450 and 49 CFR 613. This certification is valid for

one year from the date of this report, by which time, SCAG must resolve Corrective Action 1. Periodically, FHWA and FTA will review the status of the corrective actions and make a further determination to fully certify the planning process.

**Memorandum of Understanding
Between The Southern California Association of Governments and Orange
County Transportation Authority**

RECITALS

WHEREAS, the Southern California Association of Governments (SCAG) is a joint powers agency formed pursuant to Title 1, Division 7, Chapter 5 of the California Government Code (section 6500 et seq.) and is the Metropolitan Planning Organization (MPO) recognized under 23 U.S.C. 134;

WHEREAS, SCAG is required pursuant to federal and state law to prepare, adopt and submit a Regional Transportation Plan (RTP);

WHEREAS, SCAG pursuant to state and federal law is required to prepare, adopt and submit a multi-year Regional Transportation Improvement Program (RTIP);

WHEREAS, SCAG is required pursuant to state and federal law and agreements to coordinate its planning activities with stakeholders, including County Transportation Commissions (CTCs) and is specifically required pursuant to 23 Code of Federal Regulation 450.310(b) to enter into agreements with operators of publicly owned transit services to specify cooperative procedures for carrying out transportation planning (including corridor and subarea studies) and programming;

WHEREAS, Orange County Transportation Authority (OCTA) is a County Transportation Commission created pursuant to Public Utilities Code section 130052 et seq. and is charged pursuant thereto for approval of all projects utilizing federal and state highway and transit funds and is responsible for transportation programming and short range planning;

WHEREAS, transportation agencies in Orange County, California are consolidated into a single, countywide transportation agency to promote collaborative multimodal transportation planning of highways, roads, transit and rail services, and unify transportation decision making;

WHEREAS, OCTA (formerly known as Orange County Transportation Commission) is known as the consolidated transit and transportation agency in Orange County;

WHEREAS, OCTA is the Regional Transportation Planning Agency (RTPA) for Orange County, the state counterpart to the federal MPO designation;

WHEREAS, SCAG and the State of California, acting through the Department of Transportation entered into a Memorandum of Understanding dated June 22, 2005 to provide for Comprehensive Federal Transportation Planning;

WHEREAS, SCAG and OCTA entered into a 1979 Memorandum of Understanding for the purpose of defining the roles and relationships in meeting the transportation planning and programming responsibilities;

WHEREAS, SCAG and OCTA additionally entered into a 1980 Memorandum of Understanding for the purpose, in part, of assuring cooperative, effective, and coordinated transit planning and programming;

WHEREAS, OCTA and four other CTCs in the SCAG region are members of a Joint Powers Authority that oversee implementation and operation of the Metrolink System in the SCAG region;

WHEREAS, OCTA and the City of Laguna Beach entered into an agreement ("Memorandum of Understanding No. 1-2179 between Orange County Transportation Authority and the City of Laguna Beach," December 18, 2001"), as amended, related to the operation of the Laguna Beach Municipal Transit Line;

WHEREAS, SCAG and OCTA desire to integrate and clarify consistently with the above referenced agreements, the roles, responsibilities and coordination of the regional transportation planning requirements and to utilize this MOU to fulfill the requirements of state and federal law and in particular the requirements set forth in 23 CFR 450.310(b) and any successors thereto.

NOW, THEREFORE IN CONSIDERATION OF THE MUTUAL PROMISES AND COVENANTS PROVIDED FOR HEREIN, SCAG AND OCTA HEREBY AGREE AS FOLLOWS:

Section I

PLANNING AND COORDINATION PROCESS

- 1.1 **SCAG's Role:** The parties recognize SCAG as the agency with the overall responsibility for comprehensive and coordinated regional transportation planning in the six county SCAG region. In accordance with federal law, these responsibilities include but are not limited to: providing a forum for regional transportation issues, developing and adopting goals and objectives for the region, and determining air quality conformity with the State Implementation Plan.
- 1.2 **County Transportation Commission-Role:** The parties recognize OCTA is responsible for capital and service planning for Orange County and for programming state and federal transit funds within Orange County.
 - a. OCTA is responsible for preparing a short range transit plan which includes transit studies, transit capital and operating needs and ensuring that transit operators in Orange County, including the City of Laguna Beach (operator of the Laguna Beach Municipal Transit Line), participate

in the transportation planning and programming processes, including the development of corridor and sub-regional studies, and in the development of short range and long range county transportation plans and programs.

- b. OCTA, in coordination with SCAG and the state Department of Transportation, is responsible for preparing short range transportation improvement programs (short range TIPs) for Orange County, pursuant to Pub. Util. Code Section 130303 and 130304, and long-range expenditure plans, as applicable, in accordance with Pub. Util. Code Section 130303.1.
- c. In developing the county plans, OCTA shall ensure that the transit capital and operating needs identified in short range transit plans or through other transit plans are considered in developing countywide transportation plans and short range TIPs, and in funding countywide transit programs. OCTA is also responsible for ensuring that the transit projects, plans and programs identified in the countywide planning process and in the short range TIPs are recommended to SCAG for inclusion in the RTP and RTIP, respectively, and regional transportation planning studies.
- d. In carrying out its responsibilities under this MOU, OCTA shall comply with the following requirements, referenced in SCAG's annual Certifications and Assurances (FHWA and FTA "Metropolitan Transportation Planning Process Certification") submitted as part of SCAG's Overall Work Program, pursuant to 23 U.S.C. 134 and 23 CFR 450.334:
 - (1) Title VI of the Civil Rights Act of 1964, as amended, 49 U.S.C. 5332, 42 U.S.C. 2000d, and the United States Department of Transportation (U.S. DOT) implementing regulations, 49 C.F.R. Part 21, and related federal guidelines including but not limited to FTA/FHWA Circular 4702.1 and any successors thereto; and
 - (2) The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 et seq., U.S. DOT implementing regulations, 49 C.F.R. parts 27, 37, and 38, and any successors thereto.

1.3 Coordination Process: SCAG shall engage in a consultative process with OCTA in the regional planning process to ensure that the transportation needs of Orange County are identified, consistent with applicable law and in particular to meet the requirements of the federal regulations pertaining to the roles and responsibilities of the parties in regional transportation planning.

- a. SCAG will provide timely notice of the opportunity to comment on its Draft RTP and Draft TIP to the parties and the opportunity to participate in Overall Work Program development.
- b. SCAG will provide public transportation service providers the opportunity to propose priority order for projects to be listed in a

- financially constrained Transportation Improvement Program and to actively participate in the development of the RTP and RTIP.
- c. SCAG shall continue maintaining the Regional Transit Task Force or a successor group, to provide a forum for OCTA and other CTCs and transit operators to participate to ensure that transit priorities meet the region's mobility and air quality goals.
 - d. OCTA agrees to participate in SCAG's Plans and Programs Technical Advisory Committee or any successor group established to serve the same function which shall also serve as a forum to ensure that local transportation projects, plans and programs are effectively integrated into the Regional Transportation Improvement Plan.
 - e. The Executive Officers of SCAG and the CTCs shall continue to meet regularly to ensure executive coordination of regional/county/local transportation issues, including issues regarding transit coordination.

Section 2

General Provisions

2.1 Drafting: This MOU has been prepared by all parties and has been reviewed and endorsed by each.

2.2 Amendments: This MOU may be amended only by the execution by all parties of a written amendment.

2.3 Indemnity: Each of the parties to this MOU is a public entity. Pursuant to Government Code Section 895.4, each party shall indemnify, defend and hold each of the other parties, and their respective officers, agents and employees harmless from and against any liability and expenses, including defense costs, any costs or liability on account of bodily injury, death or personal injury of any person or for damage to or loss of risk of property, any legal fees and any claims for damages attributable only to performance of responsibilities in Section 1 (Planning and Coordination Process) of this MOU by the indemnifying party (Indemnitor) or its officers, agents, employees, contractors and subcontractors under this MOU, except to the extent caused by the negligence or willful misconduct of an indemnified party (Indemnitee).

2.4 Termination: Any party may terminate this Memorandum of Understanding upon ninety (90) days written notice to each party, providing that the notice of termination set forth the effective date of termination and the reason for termination. Additionally, the notice of termination shall provide that the parties during the period prior to the effective date of termination shall meet to try to resolve any dispute. In the event that the termination is for cause, the termination shall not be effective if the party cures the default in its performance within the ninety day period.

2.5 Jurisdiction and Venue: This MOU shall be deemed an Agreement under the laws of the State of California, and for all purposes shall be interpreted in accordance with such laws. All parties hereby agree and consent to the exclusive jurisdiction of the courts of the State of California and that the venue of any action brought hereunder shall be in Los Angeles County, California.

2.6 Non-assignment. No party may assign this Memorandum of understanding, or any part thereof, without the written consent of each party to this MOU.

2.7 Notice. Any notice or notices required or permitted to be given pursuant to this MOU may be personally served on the other party by the party giving such notice, or may be served by certified mail, return receipt requested, to the following addresses:

Executive Director
Southern California Association of Governments
818 West 7th Street, 12th Floor
Los Angeles, California 90017-3435

Chief Executive Officer
Orange County Transportation Authority
550 South Main St.
P.O. Box 14184
Orange, California 92863-1584

2.7 Order of Precedence. In the event of a conflict between and among this MOU and Exhibit A, the order of precedence shall be:

Amendments to the MOU
MOU

2.8 Effective Date. This MOU shall be effective on the date (meaning the last date indicated below) all parties have fully executed this MOU.

IN WITNESS WHEREOF, the parties have caused this MOU to be executed by their duly authorized representatives.

The Southern California Association of Governments

By: _____
Mark Pisano
Executive Director

Date: _____

Approved as to Form:

Joanna Africa
Acting Director of Legal Services

Date: _____

Orange County Transportation Authority

By: _____
Arthur T. Leahy
Chief Executive Officer

Date: _____

Approved as to Form:

Date: _____



BOARD COMMITTEE TRANSMITTAL

March 26, 2007

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: Engaging Private Companies and California Department of Transportation in Delivery of Projects

Regional Planning and Highways Committee

March 19, 2007

Present: Directors Amante, Cavecche, Dixon, Glaab, Green, Mansoor, Norby, Pringle, and Rosen
Absent: None

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendation

Receive and file as an information item.



March 19, 2007

To: Regional Planning and Highways Committee
From: ^{AL} Arthur T. Leahy, Chief Executive Officer
Subject: Engaging Private Companies and California Department of Transportation in Delivery of Projects

Overview

With renewal of Measure M and allocation of funding under Proposition 1B, the Orange County Transportation Authority has at hand an immense program to deliver. This can only be accomplished with the help of private companies and the California Department of Transportation. This report outlines outreach to engage those stakeholders in delivery of projects.

Recommendation

Receive and file as an information item.

Background

Identification and programming of projects on the state highway system is a continuous process operated by the Development Division of the Orange County Transportation Authority (OCTA). This involves regular dialog with the California Department of Transportation (Caltrans), affected cities, and the community of private companies who provide architectural, engineering and construction management services (consultants), and who build the projects (contractors). It is very important to provide consistent information to those public and private stakeholders about the need, prioritization, and plans for upcoming projects. This exchange of information is made especially critical by allocation to OCTA of Proposition 1B funding, renewal of Measure M and impending setting of priorities for project delivery by the OCTA Board of Directors (Board).

Discussion

History has demonstrated the many opportunities for Caltrans District 12, consultants, and contractors to team up with OCTA to deliver much needed transportation improvements in Orange County.

Since the passage Measure M, OCTA has partnered with Caltrans and the consulting and contracting communities to deliver our highway widening and chokepoint, retrofit soundwall, landscaping, and transitway programs. The lead in design, right-of-way acquisition and certification, and construction management of a significant portion of the Measure M projects has been taken by Caltrans, all of which have been built by private construction companies.

Except for the Garden Grove Freeway (State Route 22), Caltrans has administered the construction contracts on all projects on its right-of-way. Many Caltrans employees and consultants have won awards from and for OCTA for jobs well done. Most projects were delivered with the assistance of private engineering consultants, with Caltrans performing oversight during delivery of the plans, specifications, and estimates prepared by private companies.

OCTA staff plans to recommend that the Board continue with a similar process in delivering the Renewed Measure M program and projects funded by Proposition 1B. In furtherance of current projects as well as those that lie ahead, OCTA staff attends and provides updates on its program at the Caltrans District 12 Professional Liaison Committee meetings and holds regular monthly meetings with Caltrans to review current and future work. At these monthly meetings, staff discusses the status of chokepoint and soundwall projects, the State Transportation Improvement Program, and upcoming Measure M projects. In addition, OCTA managers have begun attending Caltrans staff meetings to give special commendations for exemplary work by Caltrans on OCTA-sponsored projects. Meetings are also being held with Caltrans District 12 upper management to discuss ways to share the upcoming work and deliver the ambitious program for Orange County.

OCTA staff will evaluate and recommend roles for consultants and Caltrans on projects based on expertise, schedule, and other critical needs, and will recommend that the Board designate Caltrans to take the lead on some projects. The Board will receive assurance of accountability on all deliverables from Caltrans by provisions of state law and tightly-drawn cooperative agreements. In addition to taking the lead on some projects, it may be that

Caltrans is best suited to perform particular functions on many of OCTA's state-highway projects.

All project work not assigned to Caltrans will be performed by private companies. OCTA staff has undertaken an aggressive approach to informing the communities of consultants and contractors of specific business opportunities on upcoming projects. Staff will continue to make presentations to the American Society of Civil Engineers, the Construction Management Association of America, the Association of General Contractors, and the Women's Transportation Seminar, to name just a few stakeholder organizations. In addition, consultants and contractors actively seek and receive information on how OCTA views their role in project delivery through regular written reports to the Board.

Moreover, OCTA conducts monthly 'Vendor Orientation Sessions' to assist vendors in understanding OCTA's procurement process and to identify opportunities for the consulting and contracting communities. The Development Division will work with the Contracts Administration and Materials Management Department and the Marketing Department to ensure that a consistent message is brought forth and that consultants and contractors have an understanding of how to do business with OCTA.

Once the Board approves policies and priorities for the Renewed Measure M program and the Proposition 1B funded projects, staff will place the entire program on the OCTA web page with a timeline and responsibilities for the delivery of all the projects. This will give consultants and contractors an opportunity to position themselves for the delivery of these projects.

Summary

This document provides an overview of the program for providing information about the opportunities for Caltrans and the consulting and construction community in delivering upcoming projects.

Attachment

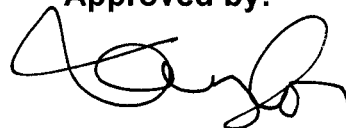
None.

Prepared by:



Pradeep Gunaratne
Chief Engineer, Development
(714) 560-5648

Approved by:



Paul C. Taylor, P.E.
Executive Director, Development
(714) 560-5431



BOARD COMMITTEE TRANSMITTAL

March 26, 2007

To: Members of the Board of Directors
From: Wendy Knowles, Clerk of the Board ^{WV}
Subject: Measure M Citizens Oversight Committee Annual Public Hearing and Findings

Transportation 2020 Committee

March 12, 2007

Present: Directors Amante, Buffa, Campbell, Cavecche, Dixon, and Pringle
Absent: Director Brown

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendation

Receive and file as an information item.



March 12, 2007

To: Transportation 2020 Committee

From: Arthur T. Leahy, ^{ATL}Chief Executive Officer

Subject: Measure M Citizens Oversight Committee Annual Public Hearing and Findings

Overview

The Measure M Ordinance No. 2, passed in 1990, calls for a Citizens Oversight Committee to serve as a watchdog over the program of transportation improvements. As required by the Measure M Ordinance No. 2, the Citizens Oversight Committee conducted the 16th Annual Public Hearing on February 13, 2007. The Citizens Oversight Committee has found the Orange County Local Transportation Authority has acted in accordance with Measure M Ordinance No. 2 during fiscal year 2005/2006.

Recommendation

Receive and file as an information item.

Background

The Measure M Citizens Oversight Committee (COC) is required by the Traffic Improvement and Growth Management Plan Ordinance No. 2. The COC is an independent committee representing all five supervisorial districts in Orange County. The COC is responsible for ensuring the transportation projects in Measure M are implemented according to the expenditure plan approved by the voters in 1990. The COC meets bimonthly to review progress on the implementation of the Measure M.

Annually, the COC is required to hold a public hearing to hear comments from citizens regarding Measure M as part of their oversight effort to determine whether the Orange County Transportation Authority (OCTA), acting as the Orange County Local Transportation Authority (OCLTA), is proceeding in accordance with the Measure M Traffic Improvement and Growth Management Plan. The results of the hearing and the findings of the COC are transmitted to

the OCTA Board Members annually. The COC has consistently found OCTA in compliance for the past 15 years.

Discussion

The 16th Measure M Annual Public Hearing took place on February 13, 2007. The hearing was publicized through news releases and public notices. There were no public comments.

After the public hearing and review of the annual financial audit of OCLTA and all other information the committee members have been provided to date, the COC made the determination at their February meeting that during fiscal year 2005/2006, the OCTA has acted in accordance with the Measure M Traffic Improvement and Growth Management Plan. Acting on behalf of the COC, the committee co-chairperson has prepared an official letter stating their findings (Attachment A).

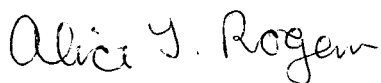
Summary

Subsequent to bimonthly meetings and the Measure M Annual Public Hearing on February 13, 2007, the Measure M COC has determined that OCTA is proceeding in accordance with the Measure M Traffic Improvement and Growth Management Plan.

Attachment

A. Annual Measure M Public Hearing Memo

Prepared by:

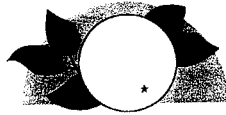


Alice T. Rogan
Community Relations Officer
(714) 560-5577

Approved by:



Ellen S. Burton
Executive Director, External Affairs
(714) 560-5923



MEASURE M
Citizens Oversight Committee

February 13, 2007

To: Carolyn V. Cavecche, Chairman
Board of Directors
Orange County Transportation Authority

From: Citizens Oversight Committee

Subject: Annual Measure M Public Hearing

In accordance with Policy Resolution No. 1 "Citizens Oversight Committee," the Citizens Oversight Committee (COC) held an annual public hearing on February 13, 2007, to determine whether the Orange County Transportation Authority (Authority) is proceeding in accordance with the countywide Traffic Improvement and Growth Management Plan (Plan), dated May 22, 1989. The hearing was well publicized. No items were presented at the hearing to indicate that the Authority was not proceeding in accordance with the Plan during 2006.

Based upon the above-mentioned hearing, 2005/06 LTA financial audit results and all other information the COC has to date, the COC hereby finds the Authority is proceeding in accordance with the Plan.

In addition, in accordance with Ordinance No. 2, Section 12, Paragraph B.3, I certify that the expenditures from the trust fund, through fiscal year ending June 30, 2006, have been spent on specific transportation purposed identified in the Plan.

Sincerely,

David Sundstrom, Chairman
Measure M Citizens Oversight Committee
Orange County Auditor-Controller



BOARD COMMITTEE TRANSMITTAL

March 26, 2007

To: Members of the Board of Directors
From: Wendy Knowles, Clerk of the Board
Subject: Measure M Revenue Forecast

Transportation 2020 Committee

March 12, 2007

Present: Directors Amante, Buffa, Campbell, Cavecche, Dixon, and Pringle
Absent: Director Brown

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendations

- A. Receive and file the updated sales tax revenue estimate for Renewed Measure M.
- B. Direct staff to use a sales tax estimate based upon an average of projections prepared by Chapman University, California State University Fullerton and the University of California, Los Angeles for the remaining years of Measure M.



March 12, 2007

To: Transportation 2020 Committee
From: ^{ATL & RB} Arthur T. Leahy, Chief Executive Officer
Subject: Measure M Revenue Forecast

Overview

On October 24, 2005, the Orange County Transportation Authority Board of Directors approved the Measure M Extension Policy Guidance. This action directed staff to use a 30-year sales tax revenue estimate of \$11.862 billion in 2005 dollars based upon an average of projections prepared by Chapman University, California State University Fullerton and the University of California, Los Angeles.

Recommendations

- A. Receive and file the updated sales tax revenue estimate for Renewed Measure M.
- B. Direct staff to use a sales tax estimate based upon an average of projections prepared by Chapman University, California State University Fullerton and the University of California, Los Angeles for the remaining years of Measure M.

Background

Since 1991, the Orange County Transportation Authority (OCTA) has used a sales tax revenue estimate based on projections prepared by Chapman University. Each year, Chapman University has developed pessimistic, mid-range, and optimistic projections of taxable sales based on a range of assumptions, over a 20-year horizon. Historically for Measure M (M1), OCTA staff has conservatively programmed only 95 percent of the mid-range taxable sales growth factors.

During the development of revenue forecasts for Renewed Measure M (M2), several of OCTA's business community partners, including the Orange County Business Council, the Irvine Company, the Automobile Club of Southern

California and others strongly advised the use of multiple estimates. On October 24, 2005, the OCTA Board of Directors approved the Measure M Extension Policy Guidance, formally directing staff to use a sales tax revenue estimate based upon an average of projections prepared by Chapman University, California State University Fullerton and the University of California, Los Angeles for forecasting Measure M2 revenues.

Discussion

Each of the three universities has prepared an updated projection of sales tax growth and inflation factors. From these, OCTA staff has calculated the "real growth" to determine the current buying power of this revenue stream. The average 30-year Measure M2 sales tax revenue estimate for 2007 is \$12.792 billion. Discounting back two years for comparison purposes, the 2005 buying power of the current estimate is \$11.764 billion, a reduction of \$97.7 million versus the sales tax revenue estimate developed in 2005. This \$97.7 million represents a reduction of only 0.82 percent in available revenue.

Tabular exhibits of each of these forecasts are included:

2007 - 3 University Average Forecast (2007 dollars) in Attachment A;
2007 - 3 University Average Forecast (2005 dollars) in Attachment B; and
2005 - 3 University Average Forecast (2005 dollars) in Attachment C.

For the remaining Measure M1 period, OCTA staff is currently conservatively programming only 95 percent of the mid-range taxable sales growth factors from Chapman University. This inconsistency in forecasting methodology for Measure M1 and Measure M2 results in a discrepancy in projected sales tax revenues between today and March 31, 2011.

Fiscal Impact

There is no additional cost since all three universities already provide this information. Adopting the Board approved Measure M2 forecasting methodology for Measure M1 would result in an increase of \$19.4 million in the nominal revenue forecast. The projected total nominal sales tax forecast would increase to \$4.319 billion.

Summary

Receive and file the updated sales tax revenue forecasts for Measure M2 and direct staff to use a consistent revenue forecasting methodology across both sales tax measures.

Attachments

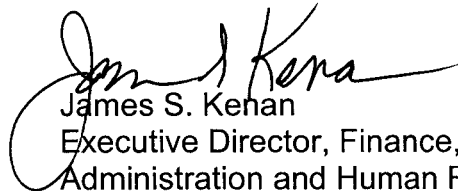
- A. 2007 - 3 University Average Forecast Orange County Transportation Authority Measure M Sales Tax Extension Revenue Forecasts (2007 dollars).
- B. 2007 - 3 University Average Forecast Orange County Transportation Authority Measure M Sales Tax Extension Revenue Forecasts (2005 dollars).
- C. 2005 - 3 University Average Forecast Orange County Transportation Authority Measure M Sales Tax Extension Revenue Forecasts (2007 dollars).

Prepared by:



Kenneth Phipps
Director, Finance, Administration and
Human Resources
(714) 560-5637

Approved by:



James S. Kenan
Executive Director, Finance,
Administration and Human Resources
(714) 560-5678

2007 - 3 University Average Forecast
Orange County Transportation Authority
Measure M Sales Tax Extension Revenue Forecasts (2007 dollars)

Fiscal Year	Chapman Forecast	Growth Rate	UCLA Forecast	Growth Rate	CSUF Forecast	Growth Rate [^]	Average Baseline	Average Growth [^]
2010-11	*							
2010-11	75,821,141	2.08%	77,132,788	2.64%	77,261,038	1.77%	\$ 76,738,323	2.16%
2011-12	309,316,374	1.99%	319,321,619	3.50%	315,308,742	2.03%	314,640,711	2.50%
2012-13	315,504,146	2.00%	328,835,750	2.98%	321,914,133	2.09%	322,060,825	2.36%
2013-14	321,789,266	1.99%	338,500,160	2.94%	329,802,899	2.45%	329,985,290	2.46%
2014-15	327,924,191	1.91%	347,178,550	2.56%	337,959,076	2.47%	337,622,609	2.31%
2015-16	333,930,245	1.83%	354,931,356	2.23%	347,506,037	2.82%	345,376,127	2.30%
2016-17	340,007,895	1.82%	361,925,274	1.97%	355,503,146	2.30%	352,389,358	2.03%
2017-18	346,168,780	1.81%	368,540,638	1.83%	361,589,558	1.71%	358,675,826	1.78%
2018-19	352,370,252	1.79%	374,557,613	1.63%	368,018,621	1.78%	364,895,394	1.73%
2019-20	358,603,247	1.77%	379,983,003	1.45%	376,638,668	2.34%	371,657,686	1.85%
2020-21	364,825,632	1.74%	387,393,497	1.95%	387,755,717	2.95%	379,880,040	2.21%
2021-22	371,051,725	1.71%	398,837,465	2.95%	395,462,473	1.99%	388,298,456	2.22%
2022-23	377,363,217	1.70%	408,365,889	2.39%	400,412,939	1.25%	395,212,550	1.78%
2023-24	383,746,201	1.69%	418,948,862	2.59%	404,536,944	1.03%	402,211,698	1.77%
2024-25	390,170,288	1.67%	430,186,421	2.68%	410,275,344	1.42%	409,954,111	1.92%
2025-26	396,660,614	1.66%	440,127,846	2.31%	420,349,608	2.46%	418,740,665	2.14%
2026-27	403,353,502	1.69%	451,275,710	2.53%	433,381,889	3.10%	428,958,665	2.44%
2027-28	410,159,321	1.69%	462,445,710	2.48%	443,093,560	2.24%	438,114,670	2.13%
2028-29	417,079,974	1.69%	472,269,678	2.12%	450,255,322	1.62%	446,041,578	1.81%
2029-30	424,117,400	1.69%	472,269,678	0.00%	457,714,344	1.66%	451,013,350	1.11%
2030-31	431,273,570	1.69%	482,970,489	2.27%	466,771,368	1.98%	459,931,214	1.98%
2031-32	438,550,486	1.69%	493,913,762	2.27%	476,320,622	2.05%	469,128,221	2.00%
2032-33	445,950,186	1.69%	505,104,990	2.27%	486,164,675	2.07%	478,541,781	2.01%
2033-34	453,474,741	1.69%	516,549,792	2.27%	496,793,602	2.19%	488,335,005	2.05%
2034-35	461,126,260	1.69%	528,253,914	2.27%	507,608,762	2.18%	498,313,524	2.04%
2035-36	468,906,882	1.69%	540,223,230	2.27%	517,765,338	2.00%	508,203,390	1.98%
2036-37	476,818,789	1.69%	552,463,751	2.27%	527,966,334	1.97%	518,237,581	1.97%
2037-38	484,864,193	1.69%	564,981,620	2.27%	538,860,793	2.06%	528,631,027	2.01%
2038-39	493,045,348	1.69%	577,783,123	2.27%	549,913,528	2.05%	539,211,163	2.00%
2039-40	501,364,545	1.69%	590,874,685	2.27%	560,993,450	2.01%	549,937,840	1.99%
2040-41	*				429,220,126	2.01%	420,657,666	1.99%
TOTAL	\$ 12,057,706,494	1.76%	\$ 13,399,344,024	2.28%	\$ 12,953,118,655		\$ 12,791,596,341	2.03%

* Since Measure M went into effect 4/1/91 and will terminate 3/31/11, FY 2010-11 represents one quarter's collections and FY 2040-41 represents three quarter's collections.

[^] Nominal Growth Rate less CPI

2007 - 3 University Average Forecast
Orange County Transportation Authority
Measure M Sales Tax Extension Revenue Forecasts (2005 dollars)

Fiscal Year	Chapman Forecast	Growth Rate	UCLA Forecast	Growth Rate	CSUF Forecast	Growth Rate^	Average Baseline	Average Growth^
2010-11	69,736,018	2.08%	70,401,820	2.64%	71,580,327	1.77%	70,572,722	2.16%
2011-12	284,491,791	1.99%	291,456,120	3.50%	292,125,287	2.03%	289,360,656	2.50%
2012-13	290,182,955	2.00%	300,140,003	2.98%	298,245,008	2.09%	296,184,596	2.36%
2013-14	295,963,655	1.99%	308,961,052	2.94%	305,553,743	2.45%	303,472,363	2.46%
2014-15	301,606,214	1.91%	316,882,125	2.56%	313,110,228	2.47%	310,496,056	2.31%
2015-16	307,130,245	1.83%	323,958,385	2.23%	321,955,236	2.82%	317,626,611	2.30%
2016-17	312,720,124	1.82%	330,341,981	1.97%	329,364,348	2.30%	324,076,359	2.03%
2017-18	318,386,560	1.81%	336,380,058	1.83%	335,003,250	1.71%	329,857,735	1.78%
2018-19	324,090,325	1.79%	341,871,963	1.63%	340,959,608	1.78%	335,577,587	1.73%
2019-20	329,823,083	1.77%	346,823,908	1.45%	348,945,855	2.34%	341,796,557	1.85%
2020-21	335,546,082	1.74%	353,587,728	1.95%	359,245,510	2.95%	349,358,280	2.21%
2021-22	341,272,492	1.71%	364,033,042	2.95%	366,385,618	1.99%	357,100,312	2.22%
2022-23	347,077,448	1.70%	372,729,971	2.39%	370,972,095	1.25%	363,458,888	1.78%
2023-24	352,948,157	1.69%	382,389,424	2.59%	374,792,877	1.03%	369,895,684	1.77%
2024-25	358,856,671	1.67%	392,646,341	2.68%	380,109,354	1.42%	377,016,026	1.92%
2025-26	364,826,107	1.66%	401,720,231	2.31%	389,442,896	2.46%	385,096,618	2.14%
2026-27	370,981,849	1.69%	411,895,280	2.53%	401,516,963	3.10%	394,493,645	2.44%
2027-28	377,241,458	1.69%	422,090,533	2.48%	410,514,572	2.24%	402,914,003	2.13%
2028-29	383,606,685	1.69%	431,057,216	2.12%	417,149,756	1.62%	410,204,018	1.81%
2029-30	390,079,314	1.69%	431,057,216	0.00%	424,060,345	1.66%	414,776,328	1.11%
2030-31	396,661,155	1.69%	440,824,224	2.27%	432,451,440	1.98%	422,977,680	1.98%
2031-32	403,354,053	1.69%	450,812,536	2.27%	441,298,574	2.05%	431,435,746	2.00%
2032-33	410,159,881	1.69%	461,027,165	2.27%	450,418,830	2.07%	440,092,966	2.01%
2033-34	417,080,544	1.69%	471,473,240	2.27%	460,266,253	2.19%	449,099,346	2.05%
2034-35	424,117,979	1.69%	482,156,005	2.27%	470,286,216	2.18%	458,276,133	2.04%
2035-36	431,274,158	1.69%	493,080,823	2.27%	479,696,017	2.00%	467,371,390	1.98%
2036-37	438,551,084	1.69%	504,253,178	2.27%	489,146,972	1.97%	476,599,376	1.97%
2037-38	445,950,794	1.69%	515,678,680	2.27%	499,240,403	2.06%	486,157,753	2.01%
2038-39	453,475,360	1.69%	527,363,063	2.27%	509,480,473	2.05%	495,887,819	2.00%
2039-40	461,126,889	1.69%	539,312,195	2.27%	519,745,729	2.01%	505,752,653	1.99%
2040-41	351,680,642	1.69%	413,649,055	2.27%	397,661,199	2.01%	386,859,596	1.99%
TOTAL	\$ 11,089,999,776	1.76%	\$ 12,230,054,561	2.28%	\$ 12,000,724,980	2.07%	\$ 11,763,845,500	2.03%

* Since Measure M went into effect 4/1/91 and will terminate 3/31/11, FY 2010-11 represents one quarter's collections and FY 2040-41 represents three quarter's collections.

^ Nominal Growth Rate less CPI

**2005 - 3 University Average Forecast
Orange County Transportation Authority
Measure M Sales Tax Extension Revenue Forecasts (2005 dollars)**

Fiscal Year	Chapman Forecast	Growth Rate [^]	UCLA Forecast	Growth Rate [^]	CSUF Forecast	Growth Rate [^]	Average Baseline	Average Growth [^]
2010-11	\$ 67,255,255	2.08%	\$ 73,878,621	3.21%	\$ 69,649,874	1.91%	\$ 70,261,250	2.40%
2011-12	274,507,140	2.04%	305,230,852	3.29%	284,436,688	2.10%	287,998,458	2.47%
2012-13	280,080,475	2.03%	314,675,942	3.09%	290,673,798	2.19%	295,023,228	2.44%
2013-14	285,715,766	2.01%	323,695,530	2.87%	298,071,984	2.55%	302,323,598	2.47%
2014-15	291,330,981	1.97%	332,739,393	2.79%	305,854,372	2.61%	309,750,848	2.46%
2015-16	296,857,439	1.90%	341,269,471	2.56%	314,127,174	2.70%	317,149,120	2.39%
2016-17	302,364,092	1.85%	349,394,430	2.38%	321,977,917	2.50%	324,269,130	2.25%
2017-18	307,972,947	1.86%	358,115,377	2.50%	330,164,824	2.54%	331,720,521	2.30%
2018-19	313,666,199	1.85%	366,823,755	2.43%	338,253,972	2.45%	339,162,537	2.24%
2019-20	319,315,935	1.80%	375,772,254	2.44%	346,322,359	2.39%	346,653,453	2.21%
2020-21	324,836,579	1.73%	384,901,223	2.43%	354,350,613	2.32%	354,137,043	2.16%
2021-22	330,341,688	1.69%	392,995,486	2.10%	362,549,689	2.31%	361,351,415	2.04%
2022-23	335,940,096	1.69%	400,572,310	1.93%	371,242,947	2.40%	368,603,150	2.01%
2023-24	341,615,451	1.69%	408,844,708	2.07%	380,188,506	2.41%	376,176,916	2.05%
2024-25	347,320,785	1.67%	418,445,421	2.35%	389,709,885	2.50%	384,355,933	2.17%
2025-26	353,076,357	1.66%	427,601,727	2.19%	399,483,470	2.51%	392,495,592	2.12%
2026-27	359,012,346	1.68%	435,762,323	1.91%	409,608,730	2.53%	400,508,082	2.04%
2027-28	365,048,132	1.68%	443,028,485	1.67%	419,554,277	2.43%	408,220,185	1.93%
2028-29	371,185,393	1.68%	450,747,102	1.74%	429,723,853	2.42%	416,176,885	1.95%
2029-30	377,425,834	1.68%	458,320,286	1.68%	440,500,836	2.51%	424,319,033	1.96%
2030-31	383,771,191	1.68%	465,460,536	1.56%	451,636,218	2.53%	432,475,899	1.92%
2031-32	390,223,228	1.68%	472,238,479	1.46%	462,993,716	2.51%	440,623,953	1.88%
2032-33	396,783,737	1.68%	478,293,716	1.28%	474,307,473	2.44%	448,565,568	1.80%
2033-34	403,454,543	1.68%	483,745,275	1.14%	486,217,994	2.51%	456,538,301	1.78%
2034-35	410,237,500	1.68%	488,708,845	1.03%	498,770,436	2.58%	464,586,979	1.76%
2035-36	417,134,493	1.68%	493,237,976	0.93%	510,991,184	2.45%	472,420,146	1.69%
2036-37	424,147,440	1.68%	497,356,634	0.84%	520,412,196	1.84%	479,285,857	1.45%
2037-38	431,278,290	1.68%	500,979,665	0.73%	529,592,319	1.76%	485,953,820	1.39%
2038-39	438,529,025	1.68%	504,293,195	0.66%	538,763,637	1.73%	492,553,720	1.36%
2039-40	445,901,661	1.68%	507,530,345	0.64%	547,913,729	1.70%	499,156,382	1.34%
2040-41	340,048,685	1.68%	382,732,930	0.55%	416,121,011	1.26%	378,723,605	1.16%
TOTAL	\$ 10,726,378,686	1.77%	\$ 12,637,392,293	1.88%	\$ 12,294,165,683	2.31%	\$ 11,861,540,608	1.99%

* Since Measure M went into effect 4/1/91 and will terminate 3/31/11, FY 2010-11 represents one quarter's collections and FY 2040-41 represents three quarter's collections.

[^] Nominal Growth Rate less CPI



BOARD COMMITTEE TRANSMITTAL

March 26, 2007

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: Amendment to Cooperative Agreement with the Department of California Highway Patrol

Regional Planning and Highways Committee

March 19, 2007

Present: Directors Amante, Cavecche, Dixon, Glaab, Green, Mansoor, Norby, Pringle, and Rosen
Absent: None

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 3 to Cooperative Agreement C-4-0588 between the Orange County Transportation Authority and the Department of California Highway Patrol, in an amount not to exceed \$550,000, for additional traffic control services.



March 19, 2007

To: Regional Planning and Highways Committee

From: Arthur T. Leahy, ^WChief Executive Officer

Subject: Amendment to Cooperative Agreement with the Department of California Highway Patrol

Overview

On September 13, 2004, the Board of Directors approved a cooperative agreement with the Department of California Highway Patrol, in the amount of \$1,000,000, to provide traffic control services for the Garden Grove Freeway (State Route 22) project. Two previous amendments totaling \$400,000 were processed in September and November 2006. An amendment is required to continue these services.

Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 3 to Cooperative Agreement C-4-0588 between the Orange County Transportation Authority and the Department of California Highway Patrol, in an amount not to exceed \$550,000, for additional traffic control services.

Background

On August 23, 2004, the Board of Directors (Board) of the Orange County Transportation Authority (Authority) awarded the Garden Grove Freeway (State Route 22) design-build contract to the joint venture of Granite-Meyers-Rados. The Authority required the execution of various cooperative agreements for the implementation of the State Route 22 (SR-22) project. One such agreement was with the Department of California Highway Patrol (CHP) to provide traffic control services during construction.

On September 13, 2004, Cooperative Agreement C-4-0588, with the CHP for Construction Zone Enhanced Enforcement Program (COZEEP) services for the SR-22 project was approved by the Board. This agreement was necessary to provide traffic control services during operations typical to highway construction projects. These services are critical to ensure the safety of motorists and

workers during lane closure activities involving bridge demolition, erection and removal of temporary bridge support systems (falsework), installation and removal of temporary traffic barriers, lane striping, erection of overhead signs, landscaping, and other miscellaneous construction activities that require high visibility CHP participation. The level of CHP utilization can vary widely depending on contractor operations, construction activity scheduling, and the level of nighttime activity.

Discussion

Traffic control services provided by the CHP are authorized on an as-needed and time-and-materials basis. Although all traffic lanes are required to be open by April 30, 2007, nighttime and off-peak daytime lane closures will be required to perform punchlist work, street rehabilitation and repair, and landscaping installation through Project Acceptance, presently scheduled for the end of November 2007.

The original estimate of necessary COZEEL services during the life of the SR-22 project was budgeted as \$1,950,000. Due to the uncertainty of determining the total amount of services that would be required, the amount in the original agreement was intentionally set lower than the programmed amount. As the need for additional services was identified through the ongoing and changing construction operations, the contract was amended accordingly.

Cooperative Agreement C-4-0588 with the CHP has been previously amended twice, and the fact sheet summarizes this activity (Attachment A). The current value of the agreement is \$1,400,000. With approval of proposed Amendment No. 3, the revised contract value would increase to the full programmed amount of \$1,950,000

Fiscal Impact

The additional work described in Amendment No. 3 to Agreement C-4-0588 exceeds the amount originally approved in the Authority's Fiscal Year 2006-07 Budget, Development Division, Account 0010-9017-F7100-9MF, which is funded through the Local Transportation Authority. If approved by the Board, funds will be transferred within Account 0010-9017-F7100 to accommodate the additional requirements.

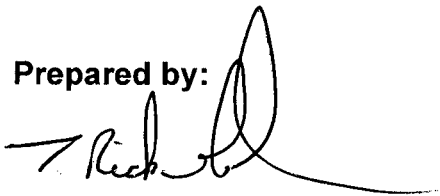
Summary

Staff recommends approval of Amendment No. 3, in the amount of \$550,000, to Cooperative Agreement C-4-0588 with the Department of California Highway Patrol for continued traffic control services.

Attachment

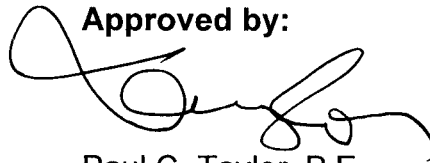
- A. Cooperative Agreement C-4-0588 Fact Sheet

Prepared by:



T. Rick Grebner, P.E.
Program Manager
(714) 560-5729

Approved by:



Paul C. Taylor, P.E.
Executive Director, Development
(714) 560-5431

ATTACHMENT A

Cooperative Agreement C-4-0588 Fact Sheet

1. September 13, 2004, Cooperative Agreement C-4-0588, \$1,000,000, approved by Board of Directors.
 - Traffic enforcement agreement for the Garden Grove Freeway (State Route 22) project.
2. September 14, 2006, Amendment No. 1 to Cooperative Agreement C-4-0588, \$100,000, approved by the Chief Executive Officer.
 - Additional funds to cover State Route 22 (SR-22) project traffic control services provided by the Department of California Highway Patrol (CHP).
3. November 27, 2006, Amendment No. 2 to Cooperative Agreement C-4-0588, \$300,000, approved by Board of Directors.
 - Additional funds to cover SR-22 project traffic control services provided by CHP.
4. March 26, 2007, Amendment No. 3 to Cooperative Agreement C-4-0588, \$550,000, pending approval by Board of Directors.
 - Additional funds to cover SR-22 project traffic control services provided by CHP.

Present Value of Cooperative Agreement C-4-0588:	\$1,400,000
Proposed Value of Amendment No. 3	<u>\$ 550,000</u>

Proposed Total Commitment to Cooperative Agreement C-4-0588:	\$1,950,000
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March 20, 2007

To: Members of the Board of Directors
From: ^{WK}Wendy Knowles, Clerk of the Board
Subject: **Board Committee Transmittal for Agenda Item**

The following item is being discussed at a Committee meeting which takes place subsequent to distribution of the Board agenda. Therefore, you will be provided a transmittal following that Committee meeting (and prior to the Board meeting) informing you of Committee action taken.

Thank you.



March 22, 2007

To: Transit Planning and Operations Committee
From: Arthur T. Leahy, Chief Executive Officer
Subject: Agreement for Asphalt Pavement Reconstruction at the Garden Grove Base

Overview

As part of the Orange County Transportation Authority's Fiscal Year 2006-07 Budget, the Orange County Transportation Authority's Board of Directors approved asphalt pavement reconstruction at the Garden Grove Base. Bids were received in accordance with the Orange County Transportation Authority's public works procurement procedures.

Recommendations

- A. Authorize the Board of Directors to find the low bidder, R.J. Noble Company, non-responsive and to reject their bid.
- B. Authorize the Board of Directors to find the second low bidder, Roadway Engineering, non-responsive and to reject their bid.
- C. Authorize the Chief Executive Officer to execute Agreement C-6-0895 between the Orange County Transportation Authority and Premier Paving, the lowest responsive, responsible bidder, in an amount not to exceed \$287,000, for asphalt pavement reconstruction at the Garden Grove Base.

Background

The Orange County Transit District (District), predecessor to the Orange County Transportation Authority (Authority), completed construction of the Garden Grove Base in 1977. In 1981, the District expanded the Garden Grove Base to provide additional bus parking on the old Pacific Electric Right-of-Way (PEROW), located adjacent to the Garden Grove Base. The existing asphalt pavement at the PEROW portion of the Garden Grove Base is 26 years old, in a deteriorated condition, and requires reconstruction.

On March 28, 2006, the Authority executed a contract task order with Miralles Associates to provide design and construction support services for the reconstruction of asphalt paving at the Garden Grove Base PEROW. The project consists of reconstruction of asphalt pavement in the bus parking area, which accommodates approximately 60 buses.

Discussion

This procurement was handled in accordance with the Authority's procedures for public works and construction projects, which conform to state requirements. Public work projects are handled as sealed bids and award is made to the lowest responsive, responsible bidder. The project was advertised on January 17 and January 22, 2007, in a newspaper of general circulation and on CAMMNET. A pre-bid conference was held on January 25, 2007, and was attended by eight contractors. Addendum No. 1 and Addendum No. 2 were issued on February 2 and February 16, 2007, respectively, to address administrative issues, respond to questions, and provide clarifications to the plans and specifications. On February 26, 2007, seven bids were received. All bids were reviewed by staff from the Development Division, and the Contracts Administration and Materials Management Department to ensure compliance with the terms and conditions, specifications, and drawings. The apparent low bidder, R.J. Noble Company, failed to acknowledge Addenda Nos. 1 and 2, which were substantive in nature. The apparent second low bidder, Roadway Engineering, failed to list all subcontractors and suppliers with a value of work greater than half of 1 percent in the bid document, as required by state statute. As a result, staff is requesting the Board of Directors to find R.J. Noble Company and Roadway Engineering as non-responsive. Listed below are the three low bids received. State law requires award to the lowest responsive, responsible bidder.

<u>Firm and Location</u>	<u>Bid Price</u>
R.J. Noble Company Orange, California	\$248,900
Roadway Engineering Riverside, California	\$259,772
Premier Paving Ontario, California	\$287,000

Fiscal Impact

The project was approved in the Authority's Fiscal Year 2006-07 Budget, Development, Account 1722-9022-D3122-DQ7, and is funded through the District.

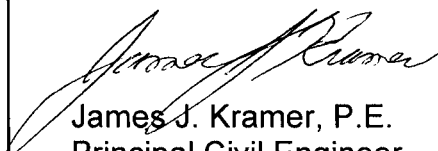
Summary

Staff has reviewed all bids and recommends approval of Agreement C-6-0895, in the amount of \$287,000, with Premier Paving, the lowest responsive, responsible bidder, for asphalt pavement reconstruction at the Garden Grove Base.

Attachment

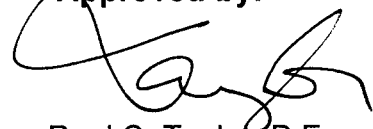
None.

Prepared by:



James J. Kramer, P.E.
Principal Civil Engineer
(714) 560-5866

Approved by:



Paul C. Taylor, P.E.
Executive Director, Development
(714) 560-5431



BOARD COMMITTEE TRANSMITTAL

March 26, 2007

To: Members of the Board of Directors

From: ^{WV} Wendy Knowles, Clerk of the Board

Subject: Agreement for Painting of Articulated Buses

Transit Planning and Operations Committee

March 8, 2007

Present: Directors Brown, Dixon, Green, Moorlach, and Winterbottom

Absent: Directors Norby and Pulido

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendation

Authorize the Chief Executive Officer to execute Agreement C-6-0630 between the Orange County Transportation Authority and Pacific RV Body Works, Inc., in an amount not to exceed \$188,861, for the painting of 10 New Flyer 60-foot articulated buses.



March 08, 2007

To: Transit Planning and Operations Committee
From: Arthur T. Leahy, ^{kw}Chief Executive Officer
Subject: Agreement for Painting of Articulated Buses

Overview

As part of the Orange County Transportation Authority's Fiscal Year 2006-07 Budget, the Board approved funds for the repainting of 10 New Flyer articulated vehicles.

Recommendations

Authorize the Chief Executive Officer to execute Agreement C-6-0630 between the Orange County Transportation Authority and Pacific RV Body Works, Inc., in an amount not to exceed \$188,861, for the painting of 10 New Flyer 60-foot articulated buses.

Background

The Orange County Transportation Authority (Authority) currently operates 50 articulated buses. Ten of these buses were purchased in 1999. The design life of these vehicles is 12 years or 500,000 miles. The model year 1999 low floor New Flyer buses have been in fixed route revenue service for over six years, which is considered the midlife of a heavy duty urban transit bus. The standard procedure is to paint buses at the midpoint in their life cycle. All 10 buses are at their midlife and are showing signs of paint oxidation, peeling, and some early evidence of corrosion.

Discussion

On December 1, 2006, a Request for Proposals (RFP) was issued. The procurement was advertised in a newspaper of general circulation on December 4, 2006, and December 11, 2006. An electronic notice was sent to 103 firms registered on CAMMNET. A pre-proposal meeting was held on

December 12, 2006, with three firms attending, Smith & Hartford, Fleet Refinishing, and The Spray Booth.

On January 5, 2007, two offers were received. The two offerors were Smith & Hartford and Pacific RV Body Works, Inc. Following the initial evaluations of the proposal based on a set of criteria such as technical merit, qualifications, resources, management, price, other financial impacts, and lead-time, both bidders were selected for interviews which were conducted on January 12, 2007. After completing the interviews and evaluations, the evaluation committee recommended to proceed and request the best and final offers from the prospective bidder. On January 25, 2007, the best and final offers were evaluated. Based on the evaluation committee's findings the following firm is recommended for consideration of an award.

Firm and Location

Pacific RV Body Works, Inc.
Garden Grove, California

Fiscal Impact

This project was approved in the Authority's Fiscal Year 2006-07 Budget, Transit Division/Maintenance Department, Account 2114-7613-D2108-D2C.

Summary

Staff recommends approval of Agreement C-6-0630, in the amount of \$188,861, to Pacific RV Body Works, Inc. for the painting of 10 New Flyer articulated buses.


Attachment

None.

Prepared by:


Al Pierce
Manager, Maintenance
714-560-5975

Approved by:


John D. Byrd
General Manager, Transit
714-560-5341

Proposal Evaluation Criteria Matrix

Firm: Smith & Harford						Weights	Average Weighted Score
Eval. Number	1	2	3	4	5		
Qualifications of Firm	3.0	3.0	4.0	3.0	4.0	4	13.6
Staffing/Proj. Organization	3.0	3.0	3.0	3.0	3.0	2	6.0
Work Plan	2.0	3.0	3.0	2.0	1.0	6	13.2
Cost and Price	5.0	4.0	4.0	4.0	5.0	6	26.4
Warranty	3.0	5.0	4.0	3.0	3.0	2	7.2
Overall Score	66.0	70.0	72.0	60.0	64.0		66
Firm: Pacific RV						Weights	Average Weighted Score
Eval. Number	1	2	3	4	5		
Qualification of Firm	5.0	4.0	5.0	5.0	5.0	4	19.2
Staffing/Proj. Organization	3.0	4.0	4.0	4.0	3.0	2	7.2
Work Plan	4.0	4.0	3.0	4.0	3.0	6	21.6
Cost and Price	3.0	3.0	3.0	4.0	3.0	6	19.2
Warranty	3.0	4.0	3.0	3.0	3.0	2	6.4
Overall Score	74.0	74.0	70.0	82.0	68.0		74



BOARD COMMITTEE TRANSMITTAL

March 26, 2007

To: Members of the Board of Directors
WK
From: Wendy Knowles, Clerk of the Board
Subject: Amendment to Agreement for Lot Sweeping Services

Transit Planning and Operations Committee

March 8, 2007

Present: Directors Brown, Dixon, Green, Moorlach, and Winterbottom
Absent: Directors Norby and Pulido

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 3 to Agreement C-4-1103 between the Orange County Transportation Authority and Webco Sweeping, to exercise the second option year, in an amount not to exceed \$57,000.



March 8, 2007

To: Transit Planning and Operations Committee
From: Arthur T. Leahy^{Ar}, Chief Executive Officer
Subject: Amendment to Agreement for Parking Lot Sweeping Services

Overview

On April 11, 2005, the Board of Directors approved an agreement with Webco Sweeping, to provide parking lot sweeping services for facility maintenance for a one-year period with four option years.

Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 3 to Agreement C-4-1103 between the Orange County Transportation Authority and Webco Sweeping, to exercise the second option year, in an amount not to exceed \$57,000.

Background

The Orange County Transportation Authority (Authority) owns 90 acres of property throughout Orange County. These facilities require parking lot sweeping services on a biweekly basis. The Authority requires the vendor to furnish a qualified labor force sufficient to complete all specified requirements in the prescribed time, and to furnish all materials and equipment to perform these services.

Agreement C-4-1103 provides ongoing parking lot sweeping services for the Authority's bases, transportation centers, and park and ride facilities. Webco Sweeping has provided parking lot sweeping services for the past four years with acceptable results. Currently, Webco Sweeping dedicates two employees, two sweeping trucks, and one spare sweeping truck to perform these services.

Discussion

This procurement was originally handled in accordance with the Authority's procedures for professional and technical services. The original agreement was awarded on a competitive basis. It has become necessary to amend the agreement due to exercising the second option year.

The original agreement awarded on April 11, 2005, was in the amount of \$50,000. Amendment No. 3, in the amount of \$57,000, will increase the total agreement amount to \$160,700 (Attachment A). The total increased amount this year is due, in part, to an estimated three percent consumer price index growth. The additional increase is due to the addition of the Irvine Construction Circle facility to the contract.

Fiscal Impact

The work described in Amendment No. 3 to Agreement C-4-1103 was approved in the Authority's Fiscal Year 2006-07 Budget, Transit Division, Maintenance Department, Account 2166-7611-D3107-99U, and is funded through the Local Transportation Fund.

Summary

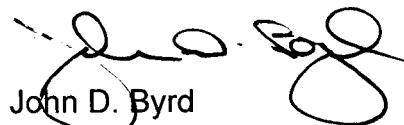
Staff recommends approval of Amendment No. 3, in the amount of \$57,000, to Agreement C-4-1103 with Webco Sweeping.

Attachment

- A. Webco Sweeping, Agreement C-4-1103 Fact Sheet

Prepared by:

Al Pierce
Manager, Maintenance
(714) 560-5975

Approved by:

John D. Byrd
General Manager, Transit
(714) 560-5341

**Webco Sweeping
Agreement C-4-1103 Fact Sheet**

1. April 11, 2005, Agreement C-4-1103, \$50,000, approved by Board of Directors.
 - Procurement of parking lot sweeping services.
2. March 6, 2006, Amendment No. 1 to Agreement C-4-1103, \$50,000, approved by manager of maintenance procurement.
 - Exercise the first option term.
3. October 10, 2006 Amendment No. 2 to Agreement C-4-1103, \$3,700, approved by manager of maintenance procurement.
 - Add additional task to scope of work to add the Irvine II location.
4. March 26, 2007, Amendment No. 3 to Agreement C-4-1103, \$57,000, pending approval by Board of Directors.
 - Exercise the second option term.

Total committed to Webco Sweeping, Agreement C-4-1103: \$160,700..



BOARD COMMITTEE TRANSMITTAL

March 26, 2007

To: Members of the Board of Directors
WK
From: Wendy Knowles, Clerk of the Board
Subject: Amendment to Agreement for Underground Storage Tank Testing and Repair Services

Transit Planning and Operations Committee

March 8, 2007

Present: Directors Brown, Dixon, Green, Moorlach, and Winterbottom
Absent: Directors Norby and Pulido

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 1 to Agreement C-6-0178 between the Orange County Transportation Authority and Inland Petroleum Equipment and Repair, Inc., in an amount not to exceed \$100,000.



March 8, 2007

To: Transit Planning and Operations Committee
From: Arthur T. Leahy, ^{AL}Chief Executive Officer
Subject: Amendment to Agreement for Underground Storage Tank Testing and Repair Services

Overview

On June 12, 2006, the Board of Directors approved an agreement with Inland Petroleum Equipment and Repair, Inc., to provide underground storage tank testing and repair service for a one-year period with two option years.

Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 1 to Agreement C-6-0178 between the Orange County Transportation Authority and Inland Petroleum Equipment and Repair, Inc., in an amount not to exceed \$100,000.

Background

The Orange County Transportation Authority (Authority) operates four bus bases. In support of these operations, the Authority is responsible for assuring that the underground storage tanks are in good working order, tested, and certified in compliance with local and state regulating agencies.

Discussion

This procurement was originally handled in accordance with the Authority's procedures for professional and technical services. The original agreement was awarded on a competitive basis. It has become necessary to amend the agreement due to exercising the first option year.

The original agreement awarded on June 12, 2006, was in the amount of \$100,000. Amendment No. 1, in the amount of \$100,000, will increase the total agreement amount to \$200,000 (Attachment A).

Fiscal Impact

The work described in Amendment No. 1 to Agreement C-6-0176 was approved in the Authority's Fiscal Year 2006-2007 Budget, Transit Division, Maintenance Department, Account 2166-7611-D3107-2X3, and is funded through the Local Transportation Fund.

Summary

Staff recommends approval of Amendment No. 1 to Agreement C-6-0178, in the amount of \$100,000, with Inland Petroleum Equipment and Repair, Inc.

Attachment

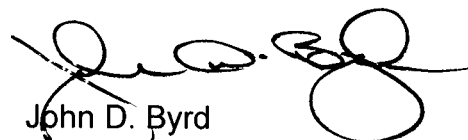
- A. Inland Petroleum Equipment and Repair, Inc., Agreement C-6-0178 Fact Sheet

Prepared by:



Al Pierce
Manager, Maintenance
(714) 560-5975

Approved by:



John D. Byrd
General Manager, Transit
(714) 560-5341

ATTACHMENT A

**Inland Petroleum Equipment and Repair, Inc.
Agreement C-6-0178 Fact Sheet**

1. June 12, 2006 Agreement C-6-0178, \$100,000, approved by Board of Directors.
 - Procurement of underground storage tank testing and repair services.
2. March 26, 2007, Amendment No. 1 to Agreement C-6-0178, \$100,000, pending approval by Board of Directors.
 - Exercise the first option year.

Total committed to Inland Petroleum Equipment and Repair, Inc., Agreement C-6-0178: \$200,000.



March 20, 2007

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: **Board Committee Transmittal for Agenda Item**

The following item is being discussed at a Committee meeting which takes place subsequent to distribution of the Board agenda. Therefore, you will be provided a transmittal following that Committee meeting (and prior to the Board meeting) informing you of Committee action taken.

Thank you.



March 22, 2007

To: Transit Planning and Operations Committee
From: Arthur T. Leahy, Chief Executive Officer
Subject: ACCESS Service Update

Overview

In February 2006, the Orange County Transportation Authority Board of Directors awarded a contract to Veolia Transportation Services, Inc. for the management and operation of ACCESS, Contracted Fixed Route, Stationlink and Express Bus Service. Since Veolia commenced service on July 1, 2006, the quality of ACCESS service has not met contractual performance standards. On November 27, 2006, the Board of Directors approved a staff recommended 90-day evaluation period of Veolia's performance. This report summarizes progress made during the evaluation period.

Recommendations

- A. Continue with Veolia Transportation Services, Inc., for the management and operation of ACCESS, Contracted Fixed Route, Stationlink and Express Bus Service; extend evaluation period through June 30, 2007.
- B. Continue to monitor the performance of Veolia Transportation Services, Inc., against contractual performance standards.
- C. Continue to provide weekly written updates and monthly oral updates to the Board of Directors through June 30, 2007.

Background

Since the July 1, 2006, transition to Veolia Transportation Services, Inc. (Veolia) the quality of ACCESS service has not met contractual performance standards. The most prevalent service issues have been buses running late (on-time performance) and dispatch and/or scheduling errors.

At the November 27, 2006, Board of Directors meeting, there was discussion regarding terminating the contract with Veolia for lack of performance. At that

time, the Board approved deferring termination of the contract and approved a staff recommended 90-day evaluation period of Veolia's performance. The intent of the Board action was to monitor Veolia's performance and make a decision regarding possible termination of the contract at the end of the evaluation period. (Attachment A)

Community Transportation Services (CTS) staff has provided weekly written reports and updates at all Transit Planning and Operations Committee meetings and nearly all Board of Directors meetings. At the beginning of the evaluation period, CTS staff began on-site management of ACCESS scheduling and dispatch functions, and hired a consultant to assess and evaluate the operation.

Discussion

Performance Indicators

Throughout the evaluation period, CTS staff has been closely monitoring key performance indicators, with emphasis on on-time performance, service delivery failure, and customer comments. There are contractual performance standards for these indicators and financial penalties associated with failure to meet the standards.

In the months prior to the transition, Laidlaw service quality had started to decline. On-time performance during the last four months of the Laidlaw contract dropped from 91 percent to 86 percent. The established performance standard in the Veolia contract for on-time performance is 94 percent. Veolia's performance in this area has been inconsistent, with on-time performance ranging from 86 percent to 92 percent.

Performance in this area has stabilized over the past three months, ranging from 89 to 91 percent, and trending in a positive direction. (Attachment B) While this remains below the performance standard, CTS staff is confident that operational strategies have been put in place to ensure that progress continues to be made.

Another contractual performance standard that is monitored very closely is service delivery failure. Service delivery failure is defined as any trip that arrives for a pick up in excess of 120 minutes past the scheduled time. Trips that are excessively late have the greatest negative impact on our customers. Performance in this area has significantly improved, dropping to four during the week of March 4, 2007 (Attachment C).

Customer satisfaction has been significantly impacted by the decline in service reliability which began after the contract was awarded in February 2006. The key indicator that measures customer satisfaction is customer comments received. Customer comments are tracked and monitored on a daily basis. The most common complaints received are buses running behind schedule, driver no-show, reservation operator error, driver judgment, and schedule error (Attachments D).

The contract performance standard for customer comments is one per 1,000 passengers. Since the start of the contract, performance in this area fell far below the contract standard. During the past two months, the trend for this indicator has been positive, with current performance at three comments per 1,000 passengers.

Management Stability and Project Staffing

The positive trend in these performance indicators can be attributed to a number of actions that have been taken during the 90-day evaluation period. Veolia has committed full-time executive level management to the project, and has filled all vacant management positions. In addition, a number of operational strategies and processes have been put in place to address service quality issues. Strategies appearing to have the biggest impact are in the area of scheduling and dispatching.

There has been significant work done and improvement made in scheduling. CTS staff has worked with Veolia staff to review all subscription trips and run templates. This has improved the efficiency of the schedules and identified problematic areas. The work done in this area has been positively reflected in the reduced number of customer comments received for schedule error. During the month of January, there were 83 customer comments received regarding schedule errors; that number dropped to 23 during the month of February.

In the area of radio dispatch, Veolia has added a Dispatch Manager position and increased the number of dispatchers from three to five. In addition, dispatching using geographic zones has been implemented. Assigning a geographic zone to each dispatcher will improve the dispatcher's ability to effectively communicate with the drivers as well as identify and remedy service issues.

Risk Analysis

In considering the action to be taken at the end of the 90-day evaluation period, the options along with the risks associated with each option must be considered. There are three viable options: continue the contract with Veolia; terminate the contract with Veolia and re-procure for the services; terminate the contract with Veolia and negotiate a sole-source agreement with Laidlaw Transit Services, Inc. In consideration of the progress being made, staff is recommending that the Authority continue the contract with Veolia.

If the Authority decides to terminate the contract with Veolia, under any scenario, there would be great risk of further service degradation. With any transition of this magnitude, the out-going contractor would begin to struggle to maintain service quality and the new contractor would experience a period of instability. At the last two Board meetings, ACCESS riders have spoken out against making another change for this reason. In addition, consultant Roy Glauthier concurs that in consideration of the progress being made, another change would carry greater risk than continuing the contract with Veolia. (Attachment E)

Financial Impact

The contract with Veolia is a three-year base term, with two one-year options. The Veolia cost proposal represented nearly a \$13 million dollar cost savings over the possible five years of the contract, or \$2.6 million per year. The next lowest cost proposal was from Laidlaw Transit Services, Inc. If Laidlaw were to assume the contract for the remaining base term, staff estimates that the difference in cost would range from \$6 to \$8 million, or up to \$10 million for the entire five-year term.

Summary

Veolia has continued to make incremental improvements in service delivery during the 90-day evaluation period, however, is still not achieving contractual performance standards. Staff recommends continuing the contract with Veolia with an extended evaluation period through the remainder of the first year of the contract, to June 30, 2007.

Attachments

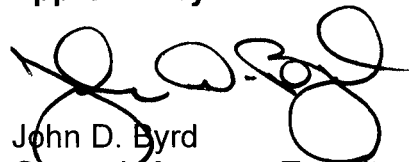
- A. November 27, 2006 Staff Report
- B. Weekly and Monthly On-Time Performance
- C. Service Delivery Failure
- D. Weekly Customer Comments
- E. Roy E. Glauthier Working Memo

Prepared by:



Erin Rogers
Manager
Community Transportation Services
(714) 560-5367

Approved by:



John D. Byrd
General Manager, Transit
(714) 560-5341



November 27, 2006

To: Members of the Board of Directors
From: Arthur T. Leahy, Chief Executive Officer
Subject: ACCESS Service Update

Overview

On February 27, 2006, the Orange County Transportation Authority awarded a contract for the management and operation of ACCESS, contracted fixed route, Stationlink, and express bus services to Veolia Transportation Services, Inc. Veolia Transportation Services, Inc., assumed operation of these services on July 1, 2006. Since that time, ACCESS service quality has declined. This report provides an update on Veolia Transportation Services, Inc., progress in meeting contractual performance standards in operating ACCESS services.

Recommendations

- A. Defer action on the contract with Veolia Transportation Services, Inc., at this time; return to the Board of Directors with an update on contract compliance in 90 days.
- B. Continue to monitor the performance of Veolia Transportation Services, Inc., against contractual performance standards.
- C. Continue to provide weekly and monthly written reports to the Board of Directors.
- D. Provide oral reports to the Board of Directors quarterly.

Background

In 2005, a procurement was conducted for ACCESS, contracted fixed route, Stationlink, and express bus services. At that time, two separate Requests for Proposals (RFP) were issued, one for ACCESS service and one for contracted fixed route service. Best and final offers were solicited for combining all of the services. After staff analyzed the proposals, significant cost savings was identified by continuing to operate the services under a single contracting

arrangement. The Veolia Transportation Services, Inc., (Veolia) cost proposal represented a savings of nearly \$6 million during the initial term of the contract, and approximately \$13 million if the option terms were exercised.

The Veolia work plan exhibited a level of enthusiasm for the project and provided a detailed, thoughtful approach consistent with the Orange County Transportation Authority's (Authority) desire to explore creative and innovative service methods. The work plan also detailed a taxi element to the ACCESS operations plan including subcontracting arrangements with local taxi companies and the use of a computerized trip brokering service.

Work on the transition began immediately after the contract award on February 27, 2006, and continued through July 1, 2006. Veolia's plan included operating from the Authority's Irvine Base (Sand Canyon) and retaining as many existing Laidlaw Transit Services (Laidlaw) employees as possible.

Since the July 1, 2006, the quality of ACCESS service has declined. Issues related to the service were elevated to the Board of Directors when members of the public came to the Board meeting to complain of poor service quality. Staff has provided weekly written reports to the Board of Directors and oral updates at all Transit Planning and Operations Committee and Board of Directors meetings.

Discussion

Veolia began experiencing challenges meeting the demands of the ACCESS service immediately following the contract transition. The three factors that had the most significant negative impact on Veolia's ability to provide quality service were driver shortage, lack of scheduling and dispatching procedures, and the logistics of the facility such as driver check in procedures and bus parking. As a result of this, the reliability of the service (on-time performance) has declined, and in turn, caused an increase in customer complaints.

In the months leading up to the transition, Laidlaw service quality had started to decline. On-time performance for the last four months of the Laidlaw contract dipped from 91 percent to 86 percent. The service standard in the Veolia contract is 94 percent on-time performance. At the start of the contract, Veolia was performing far below the standard at approximately 87 percent on-time. Veolia has made incremental improvements in this area and is currently operating at 92 percent on-time. While this is still below the contractual performance standard, it is consistent with the performance of Laidlaw prior to the transition (Attachment A).

Customer satisfaction has been significantly impacted by the decline in the service reliability leading up to the transition and in the months that followed. The most common customer complaints are: buses behind schedule, driver no-show, reservation operator error, driver judgment, and schedule error (Attachment B). The contractual standard for customer complaints is one per 1,000 passengers. While the overall number of complaints being received is beginning to decline, performance is still far below the standard (Attachment C).

Veolia was formally notified of lack of performance in meeting contractual performance standards on September 26, 2006, and was required to submit a 30- and 60-day action plan to address deficiencies. Staff has been monitoring progress against this plan and against the contractual performance standards. At this time, Veolia is proactively addressing operational issues and showing incremental improvement in overall service quality.

The contract has provisions for penalties and incentives associated with the performance standards to be applied after the first 60 days of the contract. The penalties for lack of performance applied during the month of September totaled \$371,774 (Attachment D). Of this total, \$315,000 was assessed as a result of trips in excess of 120 minutes late, or service delivery failure, as defined in the contract. Other penalties assessed are associated with failure to meet the on-time performance standard, the customer service standard, standards associated with the call center such as telephone hold times and late submittal of required reports.

Summary

Veolia assumed operation of ACCESS, contracted fixed route, Stationlink and express bus service on July 1, 2006. The quality of ACCESS service has not met contractual performance standards since that time. Veolia is proactively addressing service deficiencies and showing incremental improvements in service quality. Staff recommends deferring action at this time and continuing to monitor performance against contract performance standards.

Attachments

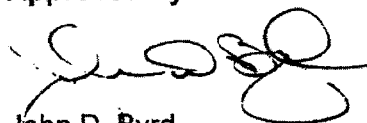
- A. ACCESS Monthly On-Time Performance
- B. ACCESS Monthly Customer Comments
- C. ACCESS Weekly Customer Comments vs. Contract Standard
- D. Veolia Penalties and Incentives, September 2006

Prepared by:



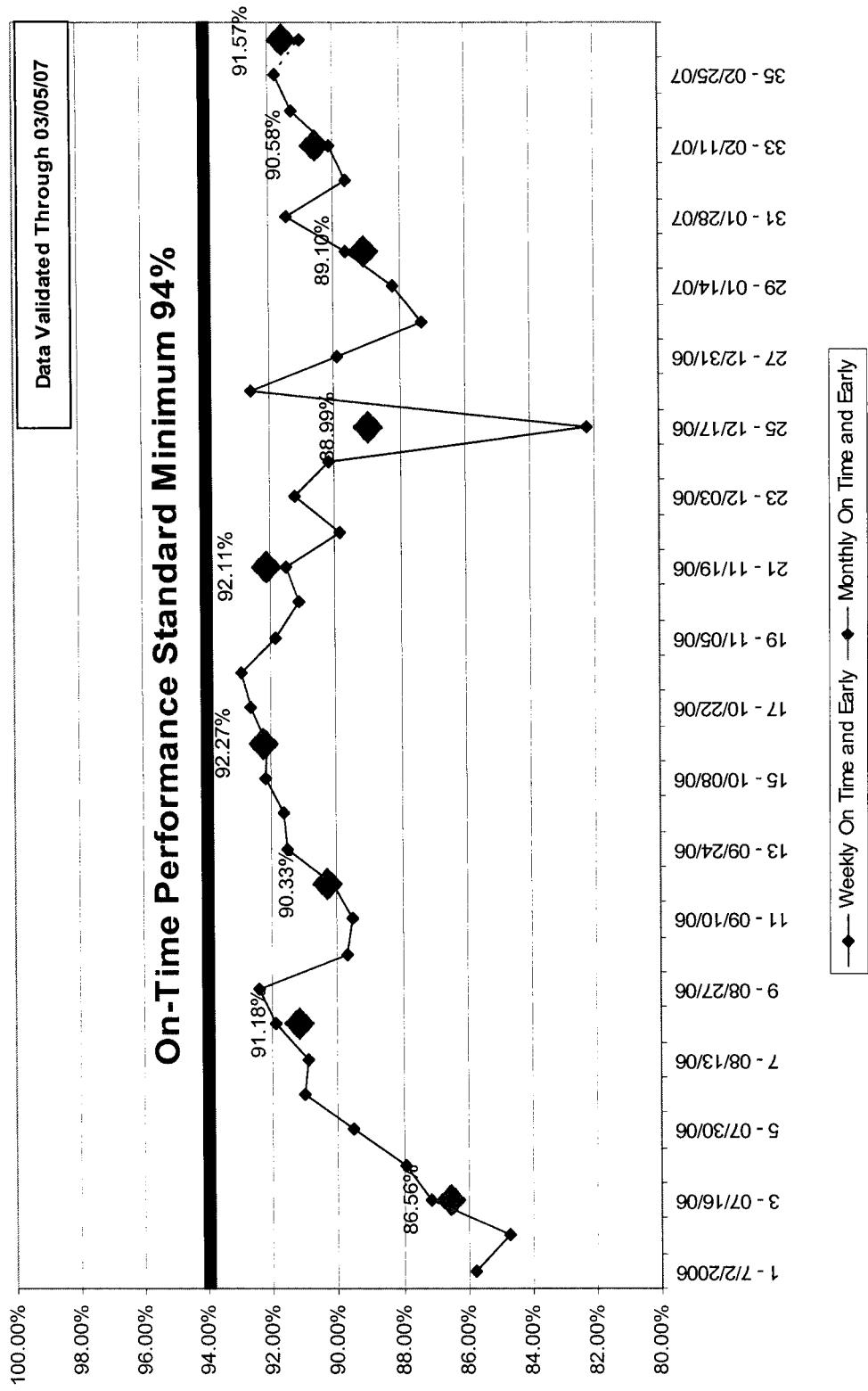
Erin Rogers
Department Manager
Community Transportation Services
(714)560-5367

Approved by:

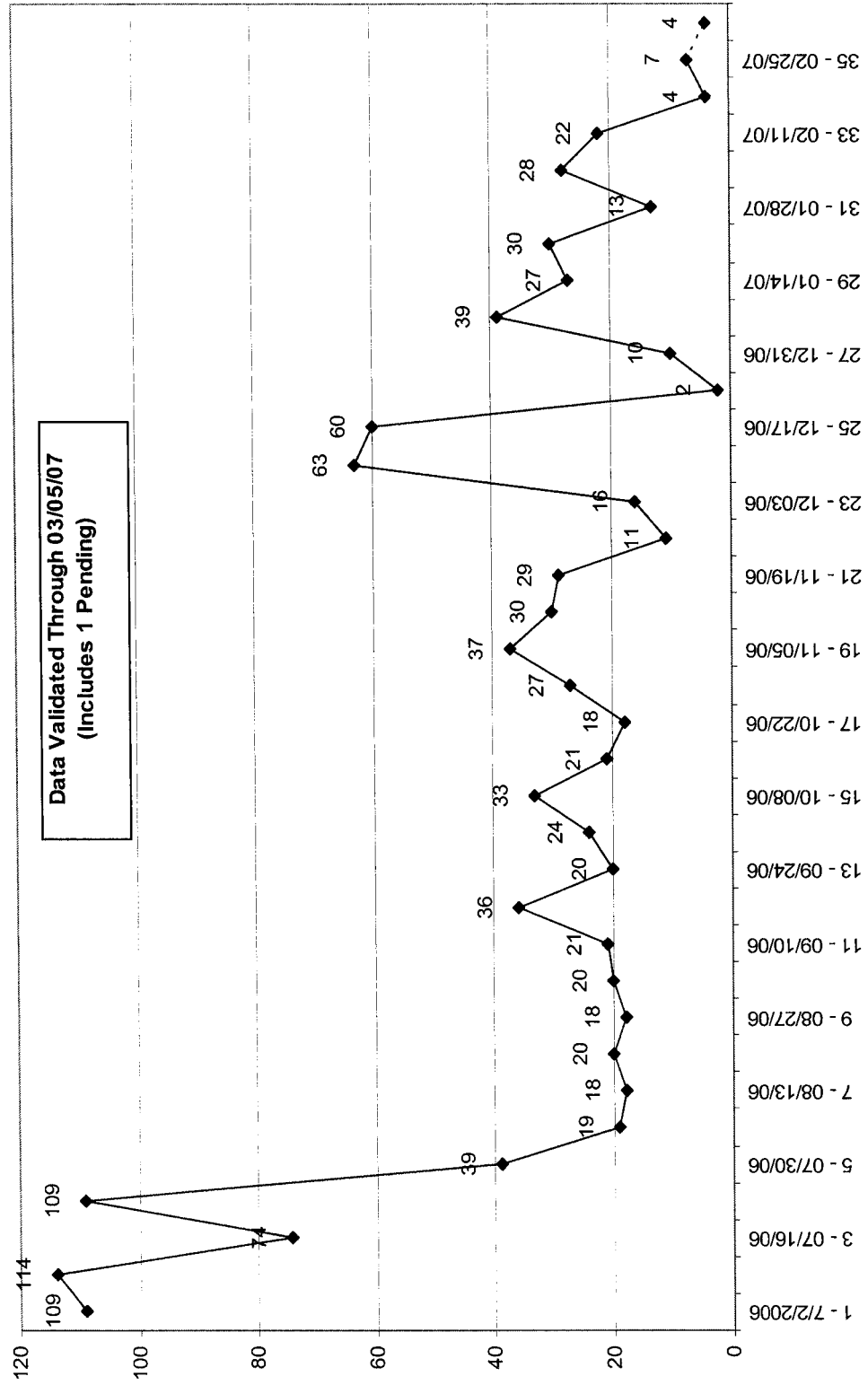


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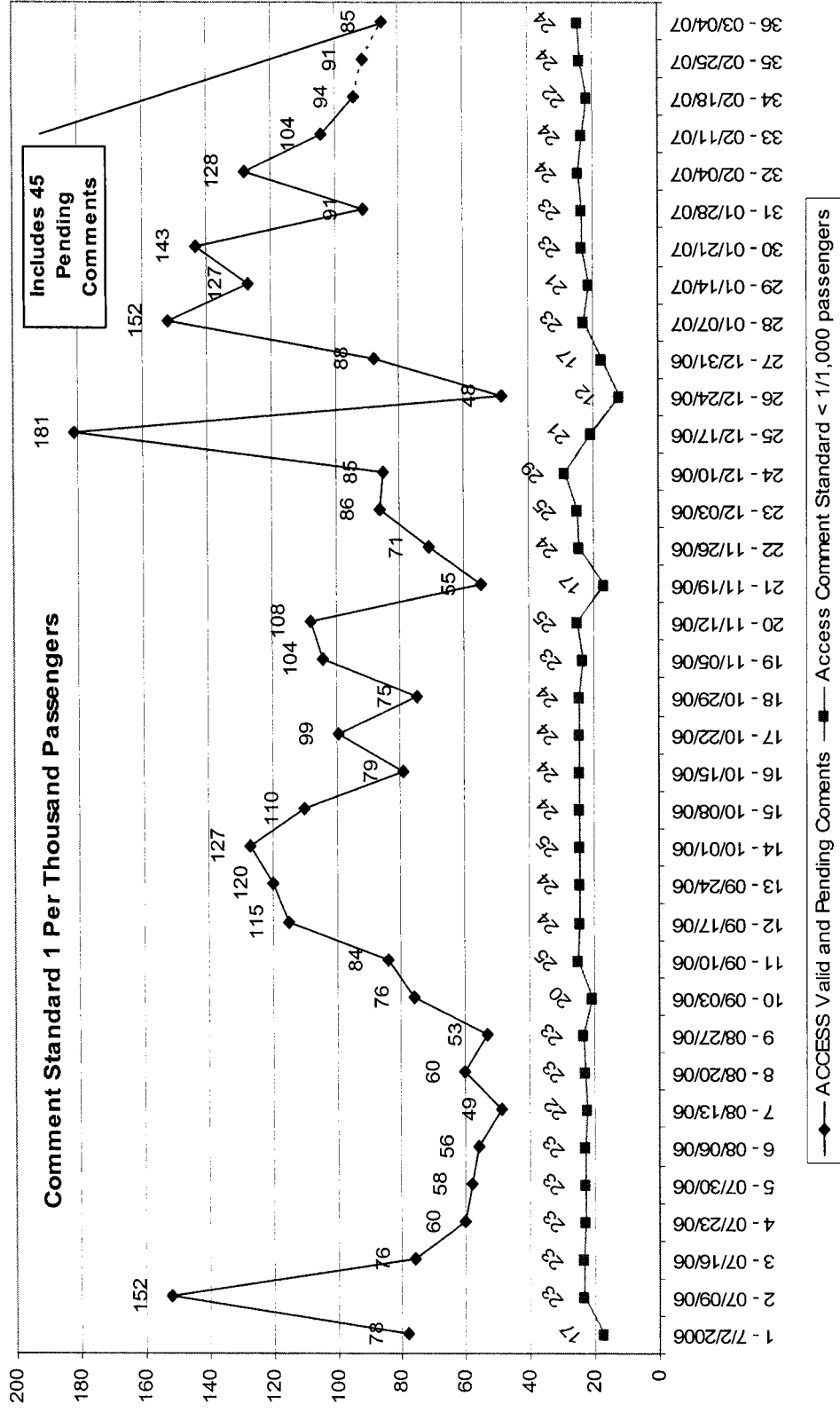
Weekly and Monthly On-Time Performance



Service Delivery Failure



Weekly Customer Comments



Roy E. Glauthier
transportation planning & policy

WORKING MEMO

Date: March 9, 2007

To: Erin Rogers, Department Manager
Community Transportation Services

Subject: Performance of Veolia Transportation

This memo summarizes and updates my findings and impressions regarding the present status of Veolia Transportation's management and operation of the ACCESS and contracted fixed-route (CFR) programs under contract number C-5-3021, as well as the Authority's management and oversight of Veolia. The memo discusses my findings in several areas, provides an overall assessment, and then discusses several strategic issues and options for improved management and operation of these services.

Management and Organization

Having completed eight months of management and operation of this program, management of this project continues to be a work-in-progress with few of the original management team still on-site. In the first week that I was reviewing this project, for example, the Veolia organization chart changed three times and the Project Director being accepted by the Authority this week is the third individual in that position in the year since this contract was awarded. While there may be valid reasons why each of the management changes has occurred, the result of these changes is a lack of consistency in supervision, direction and management.

As has been raised by OCTA management, the Veolia management team today is significantly different from that proposed and accepted by the Authority through the procurement process. If Veolia continues as the Contractor, they must recognize their commitment to providing a team that is at least equal in capabilities, if not superior, to that detailed in its proposal.

It should be noted that Veolia has, throughout the past seven months, sent in various technical and management staff on short-term assignment to assist local staff in resolving the identified operating issues. While these temporary staff resources are important to the resolution of current problems, they do not constitute the permanent staff that is a requirement of the contract with OCTA and their presence on-site does not relieve Veolia of the immediate task of identifying and proposing permanent staff candidates.

Staffing

Fielding an adequate number of trained and fully-qualified operators is a present issue and appears to have been a problem throughout Veolia's tenure. My impression is that

Veolia expected to operate these services with a smaller operator headcount and that they have been consequently slow to recognize and respond to the increased staffing needed to meet the level of demand that exists and the service performance required by the Authority.

Even among Veolia management there has been at times some uncertainty regarding the number of qualified operators presently on their payroll and the number needed to deliver the ACCESS and CFR services on a daily basis. As of this date, Veolia management reports a total of 501 qualified operators, less 10 not available for duty, for an effective operator headcount of 491. Veolia management, however, indicates that their goal is to have between 530 and 550 qualified operators at any one time, or at least 39 more than exist today.

While Veolia's management recognizes a shortage of qualified operators based on their comments, recent weekly operator classes are beginning with only 3-4 students rather than a full class of 15 and, of the 3-4 who begin, only an average of 3 successfully complete the 3-week course and become qualified to drive in ACCESS and CFR services. The past three months, December through February, have seen an average of just 10 operators complete training and become qualified to drive, a level that will not soon fulfill the additional operator positions.

Veolia's Human Resources staff states that they are encountering no significant problems in securing adequate numbers of applicants, even though other transportation agencies are hiring for similar positions at higher wages. Staff indicated that the present rate of recruiting and training is fine for the current operations.

In my opinion, Veolia is not recruiting or training at an adequate rate to support the staffing requirements of this contract, particularly in light of the normal attrition that will occur in a transportation operation of this size. Experience shows that the ramifications of being persistently short-staffed cascade through all areas of the operation as management struggles to keep required services on the road.

Training Programs

Efforts have been made to review Veolia's training programs for vehicle operators, reservationists, schedulers and dispatchers. For the operator position, the ACCESS/CFR Scope of Work provides a detailed listing of the subject to be covered in the training program. For the other positions, the Scope of Work lists the minimum topics to be covered in each training program. The Scope of Work does not require that these training programs be written or provided to the Authority for review and/or approval.

Review of the operator training program indicates that it appears to be in compliance with the requirements of the Scope of Work in terms of the topics being covered. It was not possible to review the training programs for the reservationist, scheduler or dispatcher positions as these programs are assembled when needed and do not exist in a syllabus form. With the exception of reservationist training, this has not been a

problem as most of the staff in these positions are veterans of prior contractors and have come into their positions with existing knowledge and skills. Even so, training is needed in each of these positions to ensure that staff have uniform skill-levels and know Veolia's approach to paratransit operations and this project.

Service Delivery

Based on the reported statistical performance, the contracted fixed-routes appear to be the bright spot during the initial 6 months of operations, through December 2006. On-time performance has been consistently above the standard of 85%, averaging just over 95% on-time for the contracted fixed-routes and 94% on-time for the Stationlink services. Concerns have been raised, however, about the sample data supporting these on-time statistics and whether they are representative of the services being operated.

Performance of the ACCESS services has been much less positive, which can be traced back to a shortage of qualified operators as discussed above, difficulties encountered in a shift bid implemented on December 17, and some technical problems with the Trapeze software during the month of December. To note only a few key measures:

- On-Time Performance: Against an on-time performance standard of 94%, actual performance improved from 86.3% in July to over 92.1% in November, only to fall back to 88.4% in December;
- Call Center Telephone Hold Time: With a standard not to exceed a monthly average of 60 seconds, Veolia's performance started out quite good in July and August, worsened significantly in September and October, only to achieve the required standard in November, slightly exceed the 60-second standard in December and average just over 2 minutes in both January and February, 2007;
- Service Delivery Failures: Performance on this measure has been quite poor, averaging 401 service delivery failures for the first 6 months; and
- Customer Complaints: The standard is that valid customer complaints shall not exceed 1 per 1000 passengers. In December, the ratio was 5.95 complaints per 1000 passengers, well above the standard. For the first six months of operation, the average was just over 5 complaints per 1000 ACCESS passengers.

Taken together, these performance measures portray a contract transition that has not stabilized at the end of 6 months. While it is not unusual to have some performance issues early in a new contract, for these issues to persist suggests that management is not receiving the timely and accurate performance data needed to properly monitor, identify and address these issues. In fact, there have been some data collection and validation problems, yet it is unclear that these would have prevented Veolia management from properly monitoring and addressing on-going operations.

Facility Utilization

Under this contract, the Authority provides the Contractor with an operations and maintenance facility, commonly referred to as the Irvine Base or by its location on Sand Canyon Road. Observation of Contractor's operations and administration at this facility and at Call Center offices on the 11th Floor of the Authority's facility at 550 South Main Street, Orange, has found the present separation of operating functions to be less than conducive for the coordinated management and operation of ACCESS and CFR services.

Very briefly, three important sections of present operations are spread between three locations:

- Call Center, 550 South Main: Requests for ACCESS services are telephoned to the Call Center, now housed at 550 South Main. At that location the call taker staff records the trip request and assigns the trip to an ACCESS run if certain criteria can be met;
- Scheduling Staff, Maintenance Building, Irvine Base: Once trip requests are taken in the Call Center, the scheduling staff is responsible for accommodating requests for and changes to subscription trips, scheduling trips that could not be assigned by the call takers, and for reviewing scheduled runs before the actual service day; and
- Radio Dispatch, Operations Building, Irvine Base: On the day of service, the radio dispatch staff communicates with operators via mobile data terminals (MDTs) and voice radio to transmit trip additions and cancellations, acknowledge and respond to no-shows and service change requests, and to handle other service issues as they arise.

The problem with these functions being physically separated is that they are inter-related activities in which the personnel and the execution of these functions gain substantially by interaction and cross-training. In the present facility, it would be physically impossible to co-locate these three functions to achieve such interaction without the build-out of additional office space in the maintenance building. It should be noted that the present configuration is not an impossible management situation, but that it exacerbates the current operational and organizational problems that persist with the ACCESS program.

General Observations Relating to Veolia Management

In the limited amount of time spent observing Veolia's management and operation of ACCESS and CFR services, it is apparent that Veolia believes that it is making every effort to satisfy the expectations of the Authority and to achieve the service requirements set forth in the contract agreement. At the same time, it appears that until recently Veolia did not fully appreciate the level of dissatisfaction and frustration that had built up among passengers, Authority policy makers and management over the continued service issues and complaints received about these services.

In my first Working Memo just over a month ago, it was my observation that one does not sense in Veolia's communications or performance the sense of urgency that one would expect when termination of a contract of this size is publicly raised as an option. At this time, one does register this sense of urgency on the part of Veolia to bring their management of this program into alignment with Authority expectations and they have made progress towards that goal.

Strategic Options

Legal Issues

In the course of exploring the options available to the Authority, several legal and procurement questions have been identified which have been communicated to the Authority's CAMMS Department and General Counsel for their opinions. Discussions have been held and staff is confident in the options which are open to the Authority.

Reprocurement or Changing Contractors

Should a decision be made that Veolia cannot achieve the required performance levels, the Authority would be placed in a position of having to either go out to bid again for these services or negotiating with Laidlaw Transit Services to assume management and operation as the second-rated bidder in the last procurement.

In either case, it needs to be understood that there would continue to be a period of Veolia management under the current contract of at least a month more for Laidlaw to assume management or up to 6 months or longer for a full rebid of the project. The decision to terminate the Veolia contract must take into consideration this delay and what effect their remedial actions will have in the same period.

And, with any transition from one contractor to another, there will be a period of change during which the outgoing contractor may struggle with maintaining service levels and the incoming contractor works to stabilize operations and staffing. Such a transition period must even be expected if the contract returned to Laidlaw, since they would have to create a new management team and assume an operation that has changed in the months since they left.

It should be noted that the parent company of Laidlaw Transit Services, Laidlaw International, entered into a merger agreement with FirstGroup plc of the United Kingdom on February 9, 2007.

Separation of ACCESS and Contracted Fixed-Route Management

The current management issues surrounding the ACCESS/CFR contract and expectations of future growth within the contracted fixed-route portion of these services raises the question again regarding separation of these service contracts. While combined management and operation has definite cost benefits to the Authority, their combined size places the Authority at some risk in the event of management issues

such as are presently being experienced and there is some debate as to whether the sheer size of the combined operation is too large for a single Contractor.

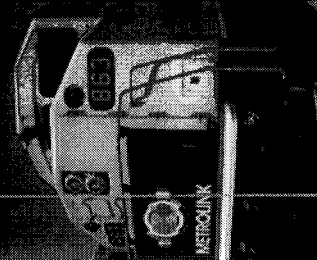
While the Construction Circle facility acquired from Laidlaw could provide needed office space (see Facility Utilization discussion above), the absence of major maintenance equipment, servicing, and fueling at this facility makes it infeasible for use as a second full-service operating base for either portion of the present contract should the services be divided. Authority staff estimates that installation of needed maintenance, servicing and fueling equipment and services at the Construction Circle base could take up to 18 months.

Recommendation Regarding ACCESS/CFR Contract

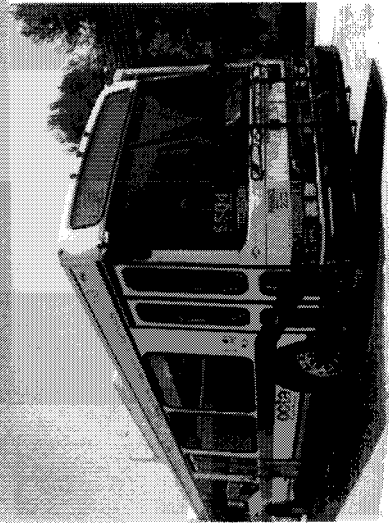
Although the past 8 months have been difficult for ACCESS clients and the Authority, it does appear that Veolia has taken appropriate steps to remedy the organizational and operational issues that have led to the noted service deficiencies and is committed to continued improvement. Performance is not yet at acceptable levels, but is headed in the desired direction.

Termination of Veolia's contract with the Authority and either issuing a new RFP or directly negotiating with Laidlaw [or their new parent, First Group] to assume management and operations of the ACCESS/CFR services is no guarantee of near-term improvement. Either of these options introduces new uncertainties into the equation, puts off resolution of these issues even further into the future and would significantly increase the cost of these service programs to the Authority.

In consideration of the actions taken by Veolia, the improvement that remains to be achieved and the uncertainties connected to terminating Veolia, it is my recommendation that the contract with Veolia not be terminated at this time, but that their "probationary" status be continued for an additional 90 days, through the end of the contract's first year on June 30, 2007.



Performance Measurements Transit 2rd Quarter Fiscal Year 2006-07



Board of Directors Meeting
March 26, 2007

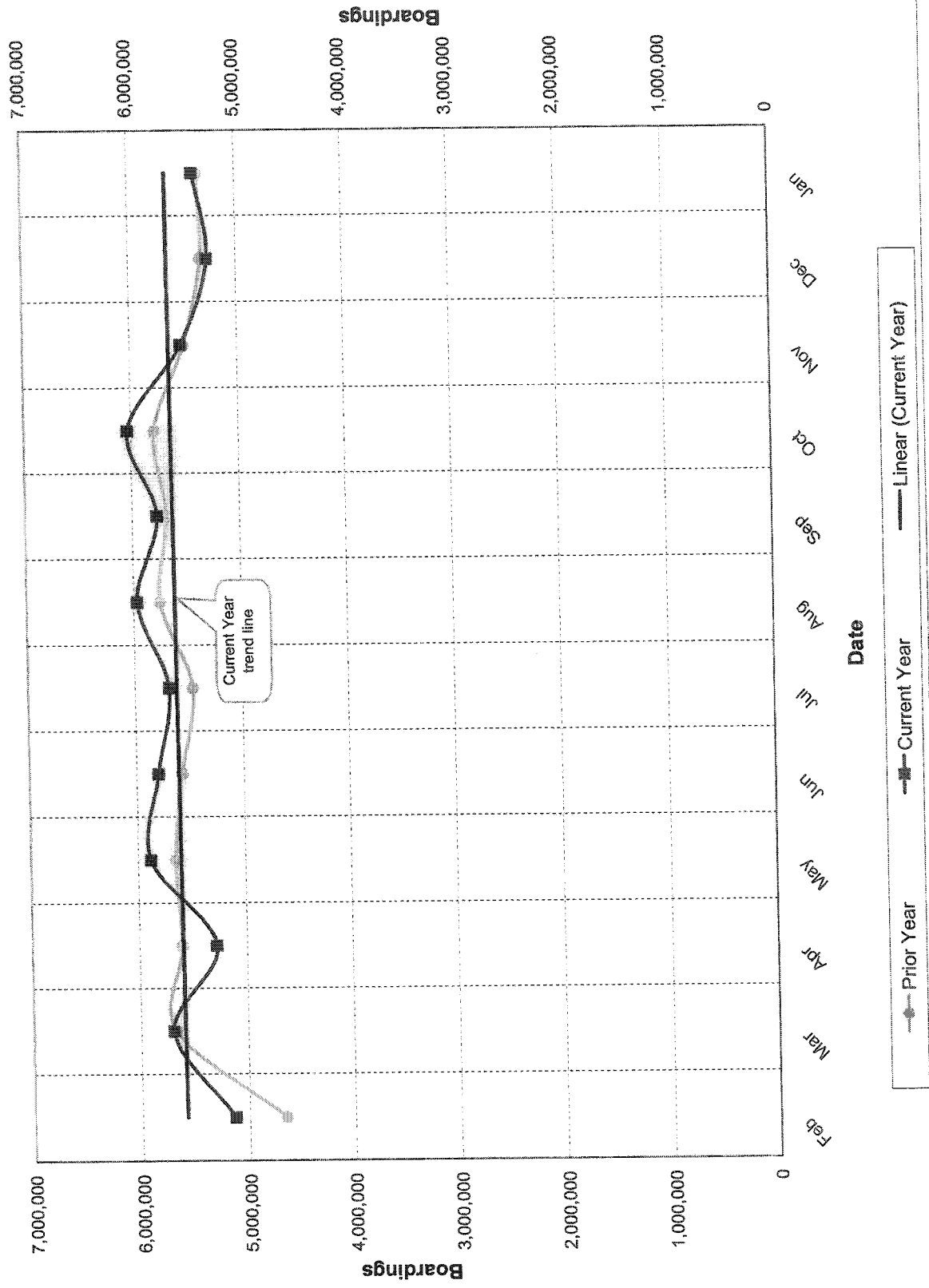
Introduction

- Report links measurements and management of core business areas
- TP&O Committee and Board of Directors review report

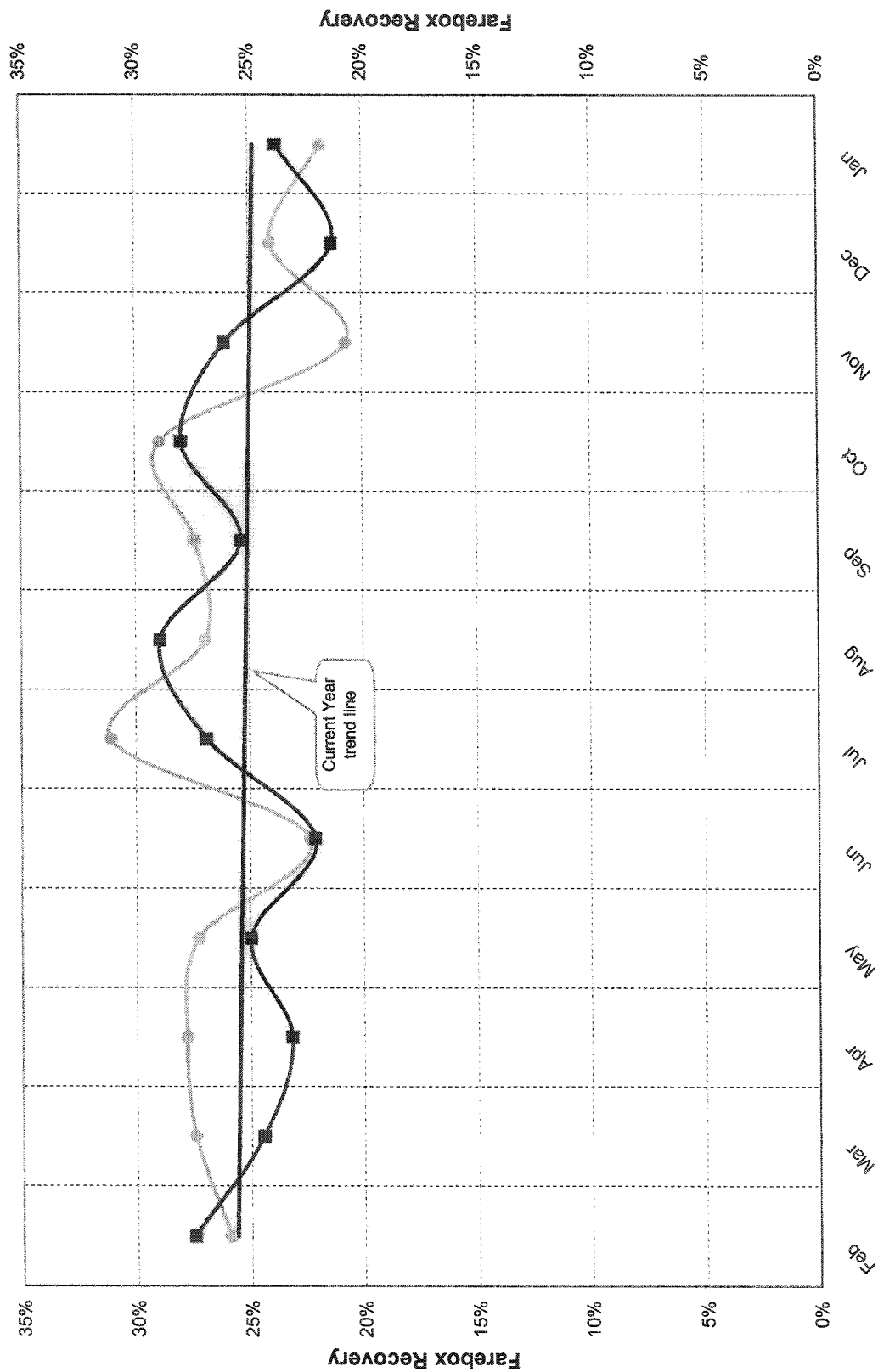
Report format

- Evolving document
 - Annually revised
 - FY 2006-07 revisions
 - Executive Summary
 - Measures grouped by mode
 - Directly operated fixed route
 - Contracted fixed route
 - Paratransit

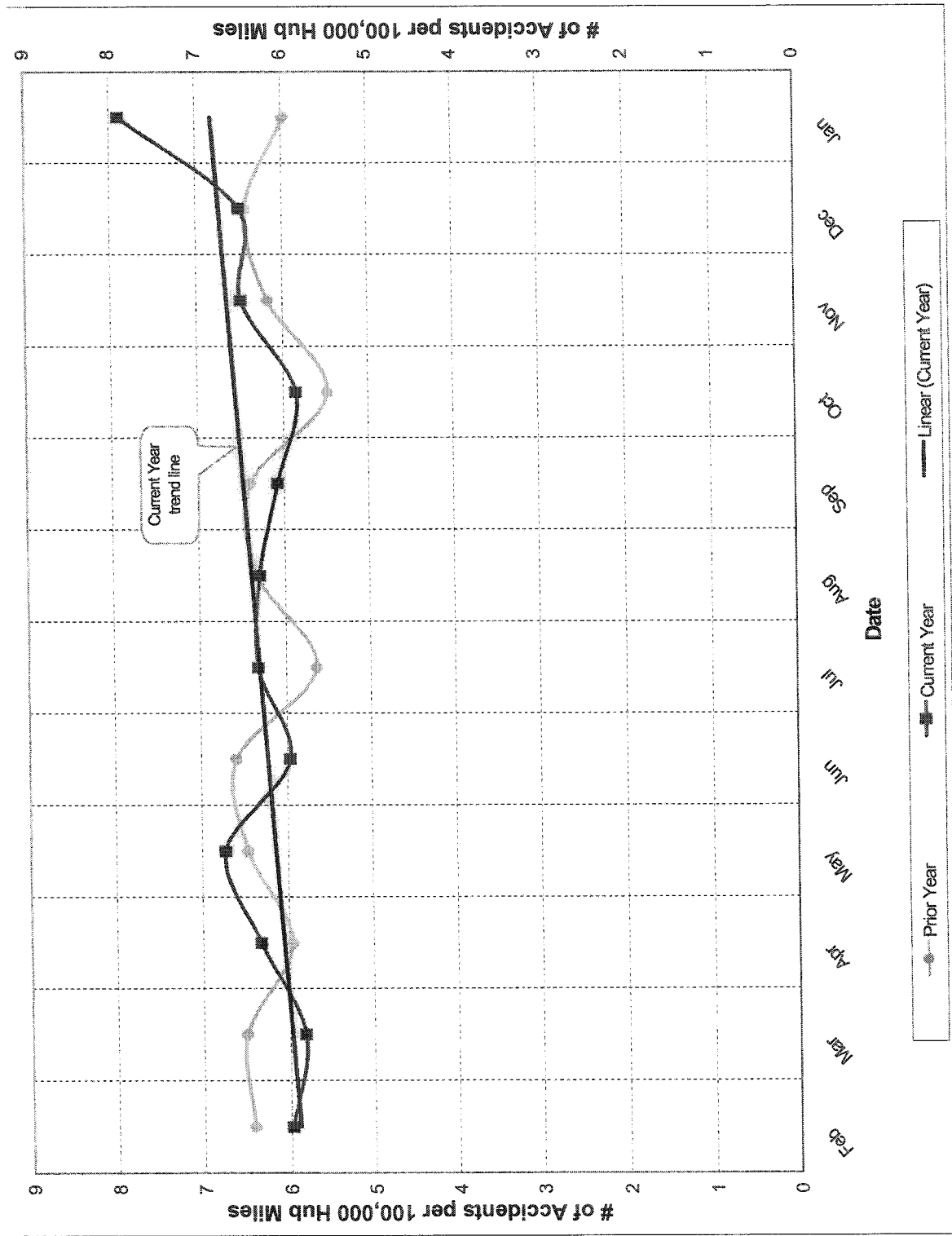
Directly Operated Fixed Route Boardings



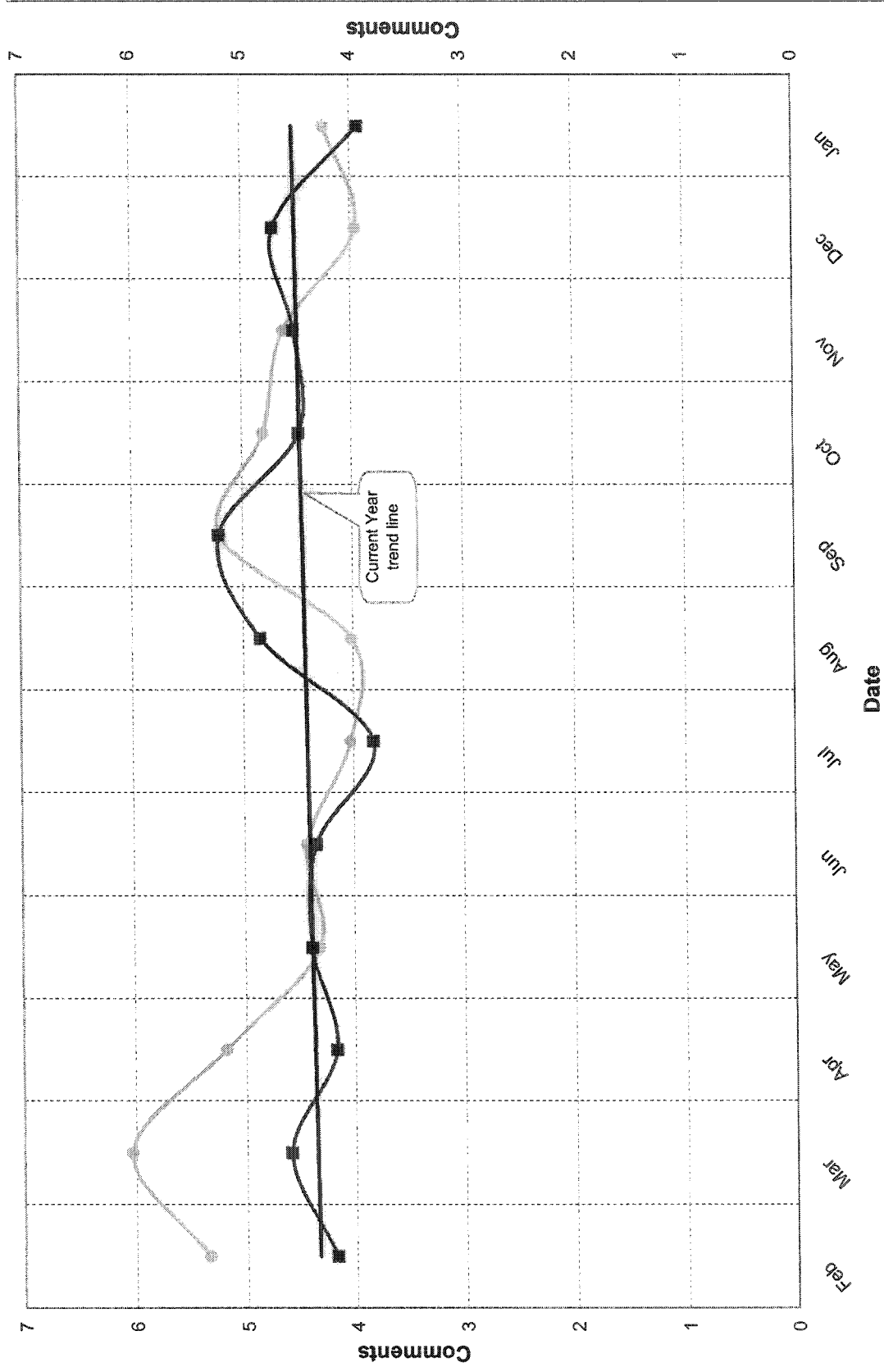
Directly Operated Fixed Route Farebox Recovery Ratio



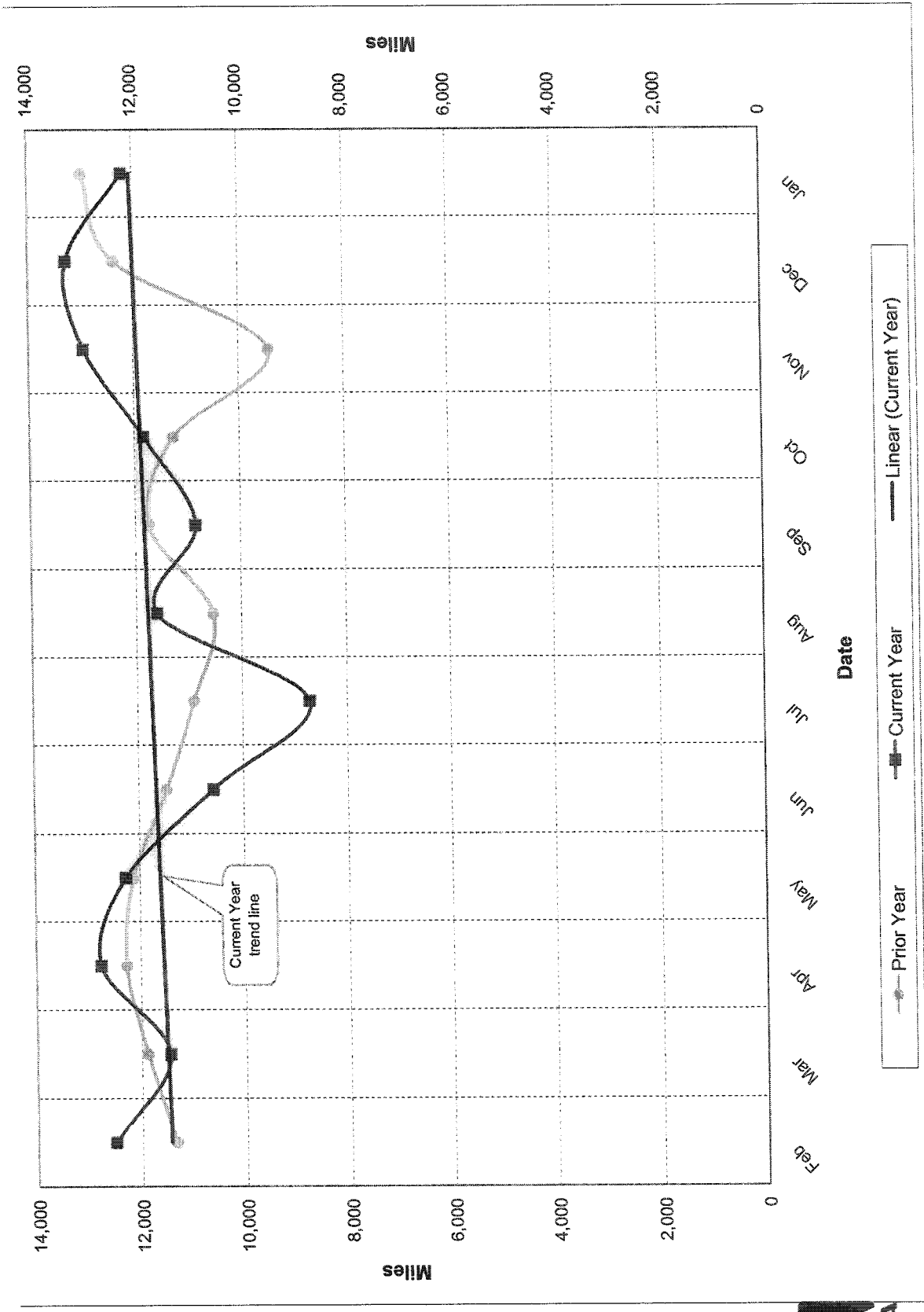
Directly Operated Fixed Route Accidents per 100,000 Hub Miles



Directly Operated Fixed Route Complaints per 100,000 Boardings



Directly Operated Fixed Route Miles between Roadcalls



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Monthly
Performance
Measurements

Transit

Introduction

This Performance Measurement Report is representative of an on-going effort to develop an Authority-wide database that can link Performance Measurements to the management of all OCTA business areas. The Fiscal Year 2006-07 (FY 07) Performance Measurement Report has been designed around several Key Indicators that directly relate to the functional areas of Transit; Directly Operated Fixed Route, Contracted Fixed Route, and Paratransit. These Key Indicators are prominently located in the front of the report in an Executive Summary and emphasize Safety, Effectiveness, Efficiency, and Customer Service in a year-to-date format. This format will facilitate trend analysis through the FY. The Key Indicators will include measurements related to:

- ☐ **Accidents**
- ☐ **Service Provided and Boardings**
- ☐ **Revenue and Cost**
- ☐ **Maintenance**
- ☐ **Complaints/Compliments**

Management will monitor and demonstrate the progress being made within each of these areas of focus through the Performance Measurement Report. Monthly meetings for detailed review will be held with Transit Staff, Executive Management and the Board of Directors will review the progress on a quarterly basis. The Performance Measurement Report is aligned with the Board approved Annual Budget and the message of continuous improvement has been communicated to all levels of management.

Quarterly Report

The following is a review for the second quarter FY 2007.

Directly Operated Fixed Route

Accidents as a total are slightly higher than prior year, but the rate per 100,000 miles is down due to the increase in Revenue Vehicle Hours (RVH). The slight increase in Deadhead hours and miles may be reflective of routing changes to the 82 line and the OC Fair Express. The On-Time Performance is at 87.01% which is above the goal of 85%. Boardings have increased 2.2% as service has increased 2.3%. Cost per RVH is higher than last year by 2.3%. The two major cost drivers for this increase is an increase in LNG cost and increased OCERS rates. The LNG cost was changed from a flat rate of \$0.53 per gallon to a market index rate in November of last fiscal year. Miles Between Road Calls are higher than last year by 4.5%. This increase is attributed to a "Repeat Roadcall Reduction" program in which Maintenance Management reviews each Roadcall and takes appropriate action to eliminate repeat situations. Complaints are slightly higher than last year.

Contracted Fixed Route

Accidents in this mode is a new measurement, therefore we will be developing a trend for later analysis. For the year, On-time Performance was at 94.71%, which is significantly higher than the target of 85.00%. The Service Provided measurements, Revenue Vehicle Hours (RVH), Revenue Vehicle Miles (RVM), and Vehicle Miles (VM) are all approximately 13% higher than last year. Boardings are higher than last year by 8.1%. Cost per RVH is lower by 27.6% when compared to last year. This reflects a lower hourly rate for the new contract. Miles Between Road Calls is 36.8% lower than the target which may indicate that the target is to high. Complaints/Compliments per 100,000 Boardings in this mode is a new measurement, therefore we will be developing a trend for later analysis.

Paratransit

Accidents in this mode is a new measurement, therefore we will be developing a trend for later analysis. For the year, On-time Performance was at 89.96% which is lower than the target of 94.00%. The Service Provided measurements, Revenue Vehicle Hours (RVH), Revenue Vehicle Miles (RVM), and Vehicle Miles (VM) are all approximately 12% lower than last year. Boardings are higher when compared to the last year by 11.20%. Cost per RVH is lower by 14.9% which reflect a lower hourly rate and different service plan for the new contract. Complaints/Compliments per 100,000 Boardings in this mode is a new measurement, therefore we will be developing a trend for later analysis.

Executive Summary - Directly Operated Fixed Route

<i>Description</i>	<i>Year-to-date</i>			<i>Year-to-date</i>	
	<i>Target/Baseline</i>	<i>Actual</i>	<i>Var %</i>	<i>PY Actual</i>	<i>Var %</i>
Accidents:					
1) Vehicular Accidents	422	418	-0.9%	422	-0.9%
2) Non Vehicular Accidents	386	418	8.3%	386	8.3%
3) Vehicular Accidents per 100,000 Hub Miles	3.23	3.13	-3.1%	3.17	-1.4%
Service Provided:					
4) Vehicle Hours	989,600	985,908	-0.4%	962,475	2.4%
5) Revenue Vehicle Hours	896,505	894,543	-0.2%	874,547	2.3%
6) % of Deadhead Hours	9.41%	9.27%	-1.5%	9.14%	1.4%
7) Vehicle Miles	13,484,339	13,390,437	-0.7%	13,290,402	0.8%
8) Revenue Vehicle Miles	11,222,737	11,066,559	-1.4%	10,995,577	0.6%
9) % of Deadhead Miles	16.77%	17.35%	3.5%	17.27%	0.5%
10) On-Time Performance	85.00%	87.01%	2.4%	85.80%	1.4%
Boardings:					
11) Boardings	34,660,688	34,248,876	-1.2%	33,520,368	2.2%
12) Boardings per RVH	38.66	38.29	-1.0%	38.33	-0.1%
Revenue and Cost:					
13) Farebox Recovery	25.63%	25.97%	1.3%	26.06%	-0.3%
14) Fare per Boarding	\$0.76	\$0.74	-2.9%	\$0.72	2.1%
15) Subsidy per Boarding	\$2.21	\$2.11	-4.6%	\$2.06	2.5%
16) Cost per RVH	\$114.86	\$109.01	-5.1%	\$106.58	2.3%
17) Cost per RVM	\$9.18	\$8.81	-4.0%	\$8.48	3.9%
Maintenance Efficiency:					
18) Miles between Road calls	11,500	11,537	0.3%	11,041	4.5%
19) Total Lost Service Hours	791.52	816.09	3.1%	821.07	-0.6%
a) Due to Mechanical	413.20	425.14	2.9%	443.49	-4.1%
b) Due to Non-Mechanical	378.32	390.95	3.3%	377.58	3.5%
Complaints/Compliments:					
20) Complaints/100,000 Boardings	6.09	4.60	-24.5%	4.45	3.5%
21) Compliments/100,000 Boardings	1.19	1.18	-1.2%	1.26	-7.0%

Executive Summary - Contracted Fixed Route

<i>Description</i>	<i>Year-to-date</i>			<i>Year-to-date</i>	
	<i>Target/Baseline</i>	<i>Actual</i>	<i>Var %</i>	<i>PY Actual</i>	<i>Var %</i>
Accidents:					
1) Vehicular Accidents	36	19	-47.2%	0	n/a
2) Non Vehicular Accidents	34	17	-50.0%	0	n/a
3) Vehicular Accidents per 100,000 Hub Miles	3.03	1.55	-48.8%	0.00	n/a
Service Provided:					
4) Vehicle Hours	74,421	74,667	0.3%	70,375	6.1%
5) Revenue Vehicle Hours	58,258	56,843	-2.4%	49,737	14.3%
6) Vehicle Miles	1,186,945	1,222,452	3.0%	1,087,393	12.4%
7) Revenue Vehicle Miles	801,748	847,953	5.8%	749,390	13.2%
8) On-Time Performance	85.00%	94.71%	11.4%	0.00%	n/a
Boardings:					
9) Boardings	535,558	589,644	10.1%	545,654	8.1%
10) Boardings per RVH	9.19	10.37	12.8%	10.97	-5.4%
Revenue and Cost:					
11) Farebox Recovery	12.35%	19.71%	59.6%	14.59%	35.1%
12) Fare per Boarding	\$0.76	\$0.72	-5.6%	\$0.70	3.4%
13) Subsidy per Boarding	\$5.41	\$2.93	-45.8%	\$4.07	-28.0%
14) Cost per RVH	\$56.70	\$37.85	-33.2%	\$52.30	-27.6%
15) Cost per RVM	\$4.12	\$2.54	-38.4%	\$3.47	-26.9%
Maintenance Efficiency:					
16) Miles between Road calls	15,000	9,473	-36.8%	0	n/a
17) Total Lost Service Hours	67.56	107.74	59.5%	0.00	n/a
a) Due to Mechanical	35.29	101.08	186.4%	0.00	n/a
b) Due to Non-Mechanical	32.27	6.66	-79.4%	0.00	n/a
Complaints/Compliments:					
18) Complaints/100,000 Boardings	23.71	62.41	163.2%	0.00	n/a
19) Compliments/100,000 Boardings	6.54	7.29	11.6%	0.00	n/a

Executive Summary - Paratransit

<i>Description</i>	<i>Year-to-date</i>			<i>Year-to-date</i>	
	<i>Target/Baseline</i>	<i>Actual</i>	<i>Var %</i>	<i>PY Actual</i>	<i>Var %</i>
Accidents:					
1) Vehicular Accidents	194	129	-33.5%	0	n/a
2) Non Vehicular Accidents	176	25	-85.8%	0	n/a
3) Vehicular Accidents per 100,000 Hub Miles	2.70	2.60	-3.5%	0.00	n/a
Service Provided:					
4) Vehicle Hours	444,070	381,108	-14.2%	337,382	13.0%
5) Revenue Vehicle Hours	384,014	267,724	-30.3%	289,562	-7.5%
6) Vehicle Miles	7,193,479	4,958,509	-31.1%	5,467,897	-9.3%
7) Revenue Vehicle Miles	5,811,615	3,586,024	-38.3%	4,388,038	-18.3%
8) On-Time Performance	94.00%	89.96%	-4.3%	93.00%	-3.3%
Boardings:					
9) Boardings	777,627	651,705	-16.2%	586,171	11.2%
10) Boardings per RVH	2.02	2.43	20.2%	2.02	20.2%
Revenue and Cost:					
11) Farebox Recovery	10.28%	16.42%	59.7%	12.45%	31.8%
12) Fare per Boarding	\$2.23	\$2.98	33.9%	\$3.19	-6.7%
13) Subsidy per Boarding	\$19.43	\$15.17	-21.9%	\$22.46	-32.5%
14) Cost per RVH	\$43.86	\$44.18	0.7%	\$51.94	-14.9%
15) Cost per RVM	\$2.90	\$3.30	13.8%	\$3.43	-3.8%
Maintenance Efficiency:					
16) Miles between Road calls	15,000	10,662	-28.9%	13,106	-18.6%
17) Total Lost Service Hours	360.80	6.00	-98.3%	0.00	n/a
a) Due to Mechanical	188.28	0.00	-100.0%	0.00	n/a
b) Due to Non-Mechanical	172.52	0.00	-100.0%	0.00	n/a
Complaints/Compliments:					
18) Complaints/100,000 Boardings	87.70	547.95	524.8%	0.00	n/a
19) Compliments/100,000 Boardings	24.18	53.09	119.6%	0.00	n/a

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Directly Operated Fixed Route

<i>Description</i>	<i>Monthly</i>			<i>Monthly</i>	
	<i>Target/Baseline</i>	<i>Actual</i>	<i>Var %</i>	<i>PY Actual</i>	<i>Var %</i>
Key Indicators					
1) Boardings	5,464,607	5,269,734	-3.6%	5,332,802	-1.2%
2) Boardings per RVH	36.81	35.45	-3.7%	36.36	-2.5%
3) Boardings per RVM	2.94	2.87	-2.3%	2.90	-1.0%
4) Vehicle Hours	163,862	163,717	-0.1%	161,011	1.7%
5) Vehicle Miles	2,234,448	2,204,824	-1.3%	2,209,854	-0.2%
6) Revenue Vehicle Hours	148,447	148,670	0.2%	146,647	1.4%
7) Revenue Vehicle Miles	1,859,685	1,836,128	-1.3%	1,838,597	-0.1%
8) % of Deadhead Hours	9.41%	9.19%	-2.3%	8.92%	3.0%
9) % of Deadhead Miles	16.77%	16.72%	-0.3%	16.80%	-0.5%
10) Average Speed (RVM/RVH)	12.53	12.35	-1.4%	12.54	-1.5%
11) On-Time Performance	85.00%	88.10%	3.6%	85.80%	2.7%
12) Peak to Base Ratio (# of Rev Vehicles)	1.60	1.50	-6.5%	1.61	-7.1%
13) Operator Pay/Vehicle Hours	1.16	1.17	0.9%	1.13	3.5%
14) Maintenance Pay/Vehicle Hours	0.55	0.50	-9.1%	0.50	0.0%
Financial Performance:					
15) Fare Revenue	\$4,161,239	\$3,810,388	-8.4%	\$3,994,763	-4.6%
16) Fare Revenue per RVH	\$28.03	\$25.63	-8.6%	\$27.24	-5.9%
17) Fare Revenue per RVM	\$2.24	\$2.08	-7.3%	\$2.17	-4.5%
18) Fare Revenue per Boarding	\$0.76	\$0.72	-5.0%	\$0.75	-3.5%
19) Operating Costs	\$16,234,805	\$17,885,612	10.2%	\$16,629,533	7.6%
20) Operating Costs per RVH	\$109.36	\$120.30	10.0%	\$113.40	6.1%
21) Operating Costs per RVM	\$8.73	\$9.74	11.6%	\$9.04	7.7%
22) Operating Costs per Boarding	\$2.97	\$3.39	14.2%	\$3.12	8.8%
23) Subsidy per Boarding	\$2.21	\$2.67	20.9%	\$2.37	12.7%
24) Farebox Recovery Ratio	25.63%	21.30%	-16.9%	24.02%	-11.3%

Directly Operated Fixed Route

<i>Description</i>	<i>Year-to-date</i>			<i>Year-to-date</i>	
	<i>Target/Baseline</i>	<i>Actual</i>	<i>Var %</i>	<i>PY Actual</i>	<i>Var %</i>
Key Indicators					
1) Boardings	34,660,688	34,248,876	-1.2%	33,520,368	2.2%
2) Boardings per RVH	38.66	38.29	-1.0%	38.33	-0.1%
3) Boardings per RVM	3.09	3.09	0.2%	3.05	1.5%
4) Vehicle Hours	989,600	985,908	-0.4%	962,475	2.4%
5) Vehicle Miles	13,484,339	13,390,437	-0.7%	13,290,402	0.8%
6) Revenue Vehicle Hours	896,505	894,543	-0.2%	874,547	2.3%
7) Revenue Vehicle Miles	11,222,737	11,066,559	-1.4%	10,995,577	0.6%
8) % of Deadhead Hours	9.41%	9.27%	-1.5%	9.14%	1.4%
9) % of Deadhead Miles	16.77%	17.35%	3.5%	17.27%	0.5%
10) Average Speed (RVM/RVH)	12.52	12.37	-1.2%	12.57	-1.6%
11) On-Time Performance	85.00%	87.01%	2.4%	85.80%	1.4%
12) Peak to Base Ratio (# of Rev Vehicles)	1.60	1.50	-6.5%	1.61	-7.1%
13) Operator Pay/Vehicle Hours	1.16	1.14	-1.7%	1.14	0.4%
14) Maintenance Pay/Vehicle Hours	0.55	0.50	-9.1%	0.51	-2.0%
Financial Performance:					
15) Fare Revenue	\$26,393,739	\$25,328,597	-4.0%	\$24,290,391	4.3%
16) Fare Revenue per RVH	\$29.44	\$28.31	-3.8%	\$27.77	1.9%
17) Fare Revenue per RVM	\$2.35	\$2.29	-2.7%	\$2.21	3.6%
18) Fare Revenue per Boarding	\$0.76	\$0.74	-2.9%	\$0.72	2.1%
19) Operating Costs	\$102,973,462	\$97,512,645	-5.3%	\$93,210,568	4.6%
20) Operating Costs per RVH	\$114.86	\$109.01	-5.1%	\$106.58	2.3%
21) Operating Costs per RVM	\$9.18	\$8.81	-4.0%	\$8.48	3.9%
22) Operating Costs per Boarding	\$2.97	\$2.85	-4.2%	\$2.78	2.4%
23) Subsidy per Boarding	\$2.21	\$2.11	-4.6%	\$2.06	2.5%
24) Farebox Recovery Ratio	25.63%	25.97%	1.3%	26.06%	-0.3%

Directly Operated Fixed Route - Maintenance

<i>Description</i>	<i>Monthly</i>			<i>Monthly</i>	
	<i>Target/Baseline</i>	<i>Actual</i>	<i>Var %</i>	<i>PY Actual</i>	<i>Var %</i>
Maintenance Measures:					
1) Active Fleet	574	570	-0.7%	564	1.1%
2) Transit Vehicles Out of Service	21	7	-66.7%	15	-53.3%
3) Contingency Fleet Usage	21	7	-66.7%	15	-53.3%
4) Lost Service in Hours	69.62	71.63	2.9%	71.68	-0.1%
5) Maintenance Cost per Mile	\$0.55	\$0.53	-3.6%	\$0.50	6.0%
6) Miles between Road Calls	11,500	13,279	15.5%	12,367	7.4%
7) Hub Miles	2,234,448	2,204,824	-1.3%	2,209,854	-0.2%
Cost per Gallon:					
8) Diesel Cost per Gallon	\$2.00	\$2.28	14.0%	\$1.83	24.6%
9) LNG Cost per Gallon	\$1.30	\$1.30	0.2%	\$1.30	0.0%
Miles Per Gallon (MPG):					
10) 40FT Diesel Miles per Gallon	4.22	4.19	-0.7%	4.42	-5.2%
11) 60FT Diesel Miles per Gallon	2.76	2.62	-5.1%	2.99	-12.4%
12) LNG Miles per Gallon	1.64	1.61	-1.8%	1.67	-3.6%
Road Calls:					
13) Valid Mechanical Road Calls	201	165	-17.9%	179	-7.8%
14) Valid Non-mechanical Road Calls	270	260	-3.7%	183	42.1%
15) Non-valid Mechanical Road Calls	70	62	-11.4%	61	1.6%

Directly Operated Fixed Route - Maintenance

<i>Description</i>	<i>Year-to-date</i>			<i>Year-to-date</i>	
	<i>Target/Baseline</i>	<i>Actual</i>	<i>Var %</i>	<i>PY Actual</i>	<i>Var %</i>
Maintenance Measures:					
1) Active Fleet	574	572	-0.3%	564	1.4%
2) Transit Vehicles Out of Service	21	8	-61.9%	27	-70.4%
3) Contingency Fleet Usage	21	8	-61.9%	27	-70.4%
4) Lost Service in Hours	413.20	425.14	2.9%	443.49	-4.1%
5) Maintenance Cost per Mile	\$0.55	\$0.59	7.3%	\$0.55	7.3%
6) Miles between Road Calls	11,500	11,537	0.3%	11,041	4.5%
7) Hub Miles	13,484,339	13,390,437	-0.7%	13,290,402	0.8%
Cost per Gallon:					
8) Diesel Cost per Gallon	\$2.00	\$2.14	7.0%	\$2.19	-2.3%
9) LNG Cost per Gallon	\$1.30	\$1.30	0.2%	\$0.79	64.6%
Miles Per Gallon (MPG):					
10) 40FT Diesel Miles per Gallon	4.22	3.86	-8.5%	4.09	-5.6%
11) 60FT Diesel Miles per Gallon	2.76	2.69	-2.5%	2.68	0.4%
12) LNG Miles per Gallon	1.64	1.53	-6.7%	1.61	-5.0%
Road Calls:					
13) Valid Mechanical Road Calls	1,252	1,164	-7.0%	1,198	-2.6%
14) Valid Non-mechanical Road Calls	1,696	1,436	-15.3%	1,494	-3.9%
15) Non-valid Mechanical Road Calls	494	332	-32.8%	425	-21.9%

Directly Operated Fixed Route - Safety

<i>Description</i>	<i>Monthly</i>			<i>Monthly</i>	
	<i>Target/Baseline</i>	<i>Actual</i>	<i>Var %</i>	<i>PY Actual</i>	<i>Var %</i>
Safety Measures:					
1) Injuries per 100 Emp - Bus Ops	1.34	1.30	-3.0%	1.10	18.2%
2) Injuries per 100 Emp - Ops GG	0.82	1.50	82.9%	0.60	150.0%
3) Injuries per 100 Emp - Ops Ana	1.84	1.70	-7.6%	1.30	30.8%
4) Injuries per 100 Emp - Ops SA	1.31	0.80	-38.9%	1.20	-33.3%
5) Injuries per 100 Emp - Bus Main	0.66	0.30	-54.5%	0.30	0.0%
6) Injuries per 100 Emp - Maint GG	0.44	0.00	-100.0%	0.00	n/a
7) Injuries per 100 Emp - Maint Ana	1.30	0.00	-100.0%	1.10	-100.0%
8) Injuries per 100 Emp - Maint SA	0.42	0.70	66.7%	0.00	n/a
9) Injuries per 100 Emp - Admin	0.25	0.00	-100.0%	0.33	-100.0%
10) Injuries per 100 Emp - Authority-wide	0.94	0.86	-8.5%	0.78	10.3%
Workers Compensation:					
11) Open Claims	367	308	-16.1%	409	-24.7%
12) Claims Filed	22	17	-22.7%	23	-26.1%
13) Claims Closed	18	20	11.1%	4	400.0%
Transportation Safety:					
Personal Liability/Property Damage					
1) Hub Miles - Previous Month	2,144,833	2,199,808	2.6%	2,191,139	0.4%
2) Revenue Vehicle Miles - Previous Month	1,846,381	1,830,832	-0.8%	1,800,350	1.7%
Accidents					
3) Non-Preventable Vehicular Accidents	44	51	15.9%	44	15.9%
4) Preventable Vehicular Accidents	17	19	11.8%	17	11.8%
5) Total Vehicular Accidents	61	70	14.8%	61	14.8%
6) Non-Preventable Non-Vehicular Accidents	80	71	-11.3%	80	-11.3%
7) Preventable Non-Vehicular Accidents	0	2	n/a	0	n/a
8) Total Non-Vehicular Accidents	80	73	-8.8%	80	-8.8%
9) Total System Accidents	141	143	1.4%	141	1.4%
10) Vehicular Accidents per 100,000 Hub Miles	2.84	3.18	11.9%	2.78	14.3%
11) Claims Received	34	34	0.0%	43	-20.9%
12) Liability Expense	\$69,361	\$136,855	97.3%	\$4,739,094	-97.1%
13) Current Reserves	\$1,543,878	\$1,704,934	10.4%	\$2,528,622	-32.6%
14) Total Liability Cost Incurred	\$1,613,239	\$1,841,789	14.2%	\$7,267,716	-74.7%
15) Subrogation Recovered	\$12,400	\$2,497	-79.9%	\$12,081	-79.3%

Directly Operated Fixed Route - Safety

<i>Description</i>	<i>Year-to-date</i>			<i>Year-to-date</i>	
	<i>Target/Baseline</i>	<i>Actual</i>	<i>Var %</i>	<i>PY Actual</i>	<i>Var %</i>
Safety Measures:					
1) Injuries per 100 Emp - Bus Ops	8.55	5.80	-32.2%	8.10	-28.4%
2) Injuries per 100 Emp - Ops GG	7.66	5.30	-30.8%	6.00	-11.7%
3) Injuries per 100 Emp - Ops Ana	9.95	8.10	-18.6%	10.10	-19.8%
4) Injuries per 100 Emp - Ops SA	7.97	4.40	-44.8%	8.10	-45.7%
5) Injuries per 100 Emp - Bus Main	5.84	3.70	-36.6%	4.40	-15.9%
6) Injuries per 100 Emp - Maint GG	4.92	4.10	-16.7%	1.30	215.4%
7) Injuries per 100 Emp - Maint Ana	6.87	1.50	-78.2%	8.20	-81.7%
8) Injuries per 100 Emp - Maint SA	6.23	4.90	-21.3%	5.00	-2.0%
9) Injuries per 100 Emp - Admin	0.79	0.40	-49.4%	0.82	-51.2%
10) Injuries per 100 Emp - Authority-wide	6.09	4.20	-31.0%	4.39	-4.3%
Workers Compensation:					
11) Open Claims	367	308	-16.1%	409	-24.7%
12) Claims Filed	147	82	-44.2%	144	-43.1%
13) Claims Closed	136	159	16.9%	102	55.9%
Transportation Safety:					
Personal Liability/Property Damage					
1) Hub Miles - Previous Month	13,072,351	13,362,081	2.2%	13,295,605	0.5%
2) Revenue Vehicle Miles - Previous Month	11,137,873	11,130,102	-0.1%	10,992,628	1.3%
Accidents					
3) Non-Preventable Vehicular Accidents	314	309	-1.6%	314	-1.6%
4) Preventable Vehicular Accidents	108	109	0.9%	108	0.9%
5) Total Vehicular Accidents	422	418	-0.9%	422	-0.9%
6) Non-Preventable Non-Vehicular Accidents	380	402	5.8%	380	5.8%
7) Preventable Non-Vehicular Accidents	6	16	166.7%	6	166.7%
8) Total Non-Vehicular Accidents	386	418	8.3%	386	8.3%
9) Total System Accidents	808	836	3.5%	808	3.5%
10) Vehicular Accidents per 100,000 Hub Miles	3.23	3.13	-3.1%	3.17	-1.4%
11) Claims Received	204	264	29.4%	304	-13.2%
12) Liability Expense	\$416,166	\$439,224	5.5%	\$8,202,663	-94.6%
13) Current Reserves	\$1,543,878	\$1,704,934	10.4%	\$2,528,622	-32.6%
14) Total Liability Cost Incurred	\$1,960,044	\$2,144,158	9.4%	\$10,731,285	-80.0%
15) Subrogation Recovered	\$74,400	\$192,086	158.2%	\$70,399	172.9%

Directly Operated Fixed Route - Personnel

<i>Description</i>	<i>Monthly</i>			<i>Monthly</i>	
	<i>Garden Grove</i>	<i>Anaheim</i>	<i>Santa Ana</i>	<i>Total</i>	<i>Target</i>
Bus Operations Personnel (FTE's):					
1) Total Assignments	307	276	346	929	957
2) Total Operators	376	344	425	1,145	1,180
3) Long Term	12	8	13	33	66
4) T.A.C. Operators	12	15	12	39	16
5) Total Operators Available	352	321	400	1,073	1,098
6) Operator/Assignment Ratio	1.15	1.16	1.16	1.16	1.15
Coach Operator Absences (Short-Term):					
7) Sick	208	142	172	522	895
8) Workers Compensation	14	1	2	17	23
9) Workers Light Duty	43	31	3	77	43
10) Family Medical Leave Act (FMLA)	99	119	104	322	150
11) Missouts / No-Shows	30	30	31	91	32
12) Leave of Absence (LOA)	25	40	42	107	136
13) Suspensions	25	12	45	82	70
14) Vacation	117	134	127	378	401
15) Personal Paid Hol/Vac Odd Day	263	271	322	856	770
16) Training	23	17	18	58	35
17) Special Assignment (SPA)	272	241	220	733	419
18) Union	2	17	3	22	6
19) All Others - Short Term	0	0	0	0	0
Combined Short-Term	1,141	1,055	1,089	3,285	2,952
Coach Operator Absences (Long-Term):					
20) Workers Compensation	115	113	163	391	889
21) Family Medical Leave Act (FMLA)	15	22	35	72	141
22) All Others	68	27	66	161	231
Combined Long-Term	198	162	264	624	1,261
VCB	46	38	29	113	327
Standby Time (Hours)	746	664	802	2,212	1,844
Scheduling/Planning (per Service Change)					
23) Vehicle Hours to Revenue Hours	1.33	1.31	1.33	1.32	1.33
24) Vehicle Hours to Scheduled Pay Hours	1.06	1.06	1.06	1.06	1.11
Bus Operations (Per Two Pay Periods)					
25) Actual Pay to PH (VH)	1.19	1.16	1.15	1.17	1.16
26) Actual Pay+Sick, Vac, Hol to PH (VH)	1.31	1.30	1.27	1.29	1.31
27) Actual Pay to SPH	1.12	1.10	1.08	1.10	1.06
28) Actual Pay+Sick, Vac, Hol to SPH	1.23	1.23	1.19	1.22	1.18
29) Actual Overtime to Scheduled Overtime	1.43	1.43	1.42	1.42	1.75

Directly Operated Fixed Route - Personnel

Description	Year-to-date			Year-to-date	
	Garden Grove	Anaheim	Santa Ana	Total	Target
Bus Operations Personnel (FTE's):					
1) Total Assignments	307	276	346	929	957
2) Total Operators	376	344	425	1,145	1,180
3) Long Term	12	8	13	33	66
4) T.A.C. Operators	12	15	12	39	16
5) Total Operators Available	352	321	400	1,073	1,098
6) Operator/Assignment Ratio	1.15	1.16	1.16	1.16	1.15
Coach Operator Absences (Short-Term):					
7) Sick	1,272	1,057	1,335	3,664	4,783
8) Workers Compensation	42	89	69	200	337
9) Workers Light Duty	116	151	55	322	258
10) Family Medical Leave Act (FMLA)	677	700	786	2,163	936
11) Missouts / No-Shows	148	151	153	452	228
12) Leave of Absence (LOA)	184	170	228	582	778
13) Suspensions	203	223	247	673	698
14) Vacation	794	882	930	2,606	2,832
15) Personal Paid Hol/Vac Odd Day	1,823	1,839	2,254	5,916	5,808
16) Training	108	123	125	356	568
17) Special Assignment (SPA)	1,309	972	772	3,053	1,930
18) Union	16	35	19	70	34
19) All Others - Short Term	0	0	0	0	0
Combined Short-Term	6,715	6,392	6,973	20,080	18,987
Coach Operator Absences (Long-Term):					
20) Workers Compensation	741	982	1,261	2,984	5,238
21) Family Medical Leave Act (FMLA)	243	173	284	700	887
22) All Others	701	255	398	1,354	1,598
Combined Long-Term	1,685	1,410	1,943	5,038	7,723
VCB	896	1,148	1,388	3,432	1,720
Standby Time (Hours)	3,587	3,531	3,876	10,994	10,889
Scheduling/Planning (per Service Change)					
23) Vehicle Hours to Revenue Hours	1.32	1.31	1.33	1.32	1.33
24) Vehicle Hours to Scheduled Pay Hours	1.06	1.06	1.07	1.06	1.11
Bus Operations (Per Two Pay Periods)					
25) Actual Pay to PH (VH)	1.15	1.13	1.15	1.14	1.16
26) Actual Pay+Sick, Vac, Hol to PH (VH)	1.28	1.26	1.27	1.27	1.31
27) Actual Pay to SPH	1.09	1.06	1.07	1.08	1.06
28) Actual Pay+Sick, Vac, Hol to SPH	1.21	1.19	1.19	1.20	1.18
29) Actual Overtime to Scheduled Overtime	1.67	1.55	1.61	1.61	1.75

Contracted Fixed Route

Description	Monthly			Monthly	
	Target/Baseline	Actual	Var %	PY Actual	Var %
Key Indicators					
1) Boardings	84,436	88,488	4.8%	83,212	6.3%
2) Boardings per RVH	8.62	9.39	9.0%	10.14	-7.4%
3) Boardings per RVM	0.63	0.65	3.2%	0.67	-3.9%
4) Vehicle Hours	12,520	12,085	-3.5%	11,635	3.9%
5) Vehicle Miles	199,569	213,853	7.2%	184,148	16.1%
6) Revenue Vehicle Hours	9,801	9,419	-3.9%	8,203	14.8%
7) Revenue Vehicle Miles	134,803	136,909	1.6%	123,729	10.7%
8) % of Deadhead Hours	21.72%	22.06%	1.6%	29.49%	-25.2%
9) % of Deadhead Miles	32.45%	35.98%	10.9%	32.81%	9.7%
10) Average Speed (RVM/RVH)	13.75	14.54	5.7%	15.08	-3.6%
11) On-Time Performance	85.00%	93.59%	10.1%	0.00%	n/a
Financial Performance:					
12) Fare Revenue	\$64,306	\$64,203	-0.2%	\$59,764	7.4%
13) Fare Revenue per RVH	\$6.56	\$6.82	3.9%	\$7.29	-6.4%
14) Fare Revenue per RVM	\$0.48	\$0.47	-1.7%	\$0.48	-2.9%
15) Fare Revenue per Boarding	\$0.76	\$0.73	-4.7%	\$0.72	1.0%
16) Operating Costs	\$520,772	\$309,424	-40.6%	\$427,988	-27.7%
17) Operating Costs per RVH	\$53.13	\$32.85	-38.2%	\$52.17	-37.0%
18) Operating Costs per RVM	\$3.86	\$2.26	-41.5%	\$3.46	-34.7%
19) Operating Costs per Boarding	\$6.17	\$3.50	-43.3%	\$5.14	-32.0%
20) Subsidy per Boarding	\$5.41	\$2.77	-48.7%	\$4.43	-37.4%
21) Farebox Recovery Ratio	12.35%	20.75%	68.0%	13.96%	48.6%
Contracted Fixed Route Service					
Contracted Fixed Route					
1) Boardings	63,078	61,303	-2.8%	83,298	-26.4%
2) Operating Cost	\$346,713	\$268,533	-22.5%	\$308,432	-12.9%
3) Revenue Vehicle Hours	7,322	7,243	-1.1%	6,975	3.8%
Express Bus					
4) Boardings	6,295	6,072	-3.5%	0	n/a
5) Operating Cost	\$52,158	\$57,040	9.4%	\$0	n/a
6) Revenue Vehicle Miles	20,983	16,999	-19.0%		
Stationlink					
7) Boardings	15,063	22,598	50.0%	1,802	1154.1%
8) Operating Cost	\$83,322	\$55,620	-33.2%	\$58,120	-4.3%
9) Revenue Vehicle Hours	1,748	1,508	-13.7%	1,229	22.8%

* Contracted Fixed Route submode expenses do not include overhead costs

Contracted Fixed Route

<i>Description</i>	<i>Year-to-date</i>			<i>Year-to-date</i>	
	<i>Target/Baseline</i>	<i>Actual</i>	<i>Var %</i>	<i>PY Actual</i>	<i>Var %</i>
Key Indicators					
1) Boardings	535,558	589,644	10.1%	545,654	8.1%
2) Boardings per RVH	9.19	10.37	12.8%	10.97	-5.4%
3) Boardings per RVM	0.67	0.70	4.1%	0.73	-4.5%
4) Vehicle Hours	74,421	74,667	0.3%	70,375	6.1%
5) Vehicle Miles	1,186,945	1,222,452	3.0%	1,087,393	12.4%
6) Revenue Vehicle Hours	58,258	56,843	-2.4%	49,737	14.3%
7) Revenue Vehicle Miles	801,748	847,953	5.8%	749,390	13.2%
8) % of Deadhead Hours	21.72%	23.87%	9.9%	29.33%	-18.6%
9) % of Deadhead Miles	32.45%	30.64%	-5.6%	31.08%	-1.4%
10) Average Speed (RVM/RVH)	13.76	14.92	8.4%	15.07	-1.0%
11) On-Time Performance	85.00%	94.71%	11.4%	0.00%	n/a
Financial Performance:					
12) Fare Revenue	\$407,878	\$424,096	4.0%	\$379,510	11.7%
13) Fare Revenue per RVH	\$7.00	\$7.46	6.6%	\$7.63	-2.2%
14) Fare Revenue per RVM	\$0.51	\$0.50	-1.7%	\$0.51	-1.2%
15) Fare Revenue per Boarding	\$0.76	\$0.72	-5.6%	\$0.70	3.4%
16) Operating Costs	\$3,303,131	\$2,151,659	-34.9%	\$2,601,381	-17.3%
17) Operating Costs per RVH	\$56.70	\$37.85	-33.2%	\$52.30	-27.6%
18) Operating Costs per RVM	\$4.12	\$2.54	-38.4%	\$3.47	-26.9%
19) Operating Costs per Boarding	\$6.17	\$3.65	-40.8%	\$4.77	-23.5%
20) Subsidy per Boarding	\$5.41	\$2.93	-45.8%	\$4.07	-28.0%
21) Farebox Recovery Ratio	12.35%	19.71%	59.6%	14.59%	35.1%
Contracted Fixed Route Service					
Contracted Fixed Route					
1) Boardings	400,088	404,856	1.2%	449,478	-9.9%
2) Operating Cost	\$2,080,959	\$1,593,067	-22.7%	\$1,833,935	-13.1%
3) Revenue Vehicle Hours	43,522	42,792	-1.7%	42,104	1.6%
Express Bus					
4) Boardings	39,930	26,850	-32.8%	0	n/a
5) Operating Cost	\$310,042	\$259,728	-16.2%	\$0	n/a
6) Revenue Vehicle Miles	124,797	81,016	-35.1%		
Stationlink					
7) Boardings	95,543	145,093	51.9%	106,860	35.8%
8) Operating Cost	\$495,288	\$358,039	-27.7%	\$364,368	-1.7%
9) Revenue Vehicle Hours	10,394	9,623	-7.4%	7,633	26.1%

* Contracted Fixed Route submode expenses do not include overhead costs

Paratransit

Description	Monthly			Monthly	
	Target/Baseline	Actual	Var %	PY Actual	Var %
Key Indicators					
1) Boardings	123,660	102,438	-17.2%	89,064	15.0%
2) Boardings per RVH	2.03	2.49	22.8%	1.96	27.1%
3) Boardings per RVM	0.14	0.19	37.6%	0.13	45.6%
4) Vehicle Hours	70,006	59,530	-15.0%	53,128	12.1%
5) Vehicle Miles	1,111,218	763,294	-31.3%	866,654	-11.9%
6) Revenue Vehicle Hours	61,030	41,165	-32.5%	45,478	-9.5%
7) Revenue Vehicle Miles	906,776	545,800	-39.8%	691,066	-21.0%
8) % of Deadhead Hours	12.82%	30.85%	140.6%	14.40%	114.2%
9) % of Deadhead Miles	18.40%	28.49%	54.9%	20.26%	40.6%
10) Average Speed (RVM/RVH)	14.86	13.26	-10.8%	15.20	-12.7%
11) On-Time Performance	94.00%	88.44%	-5.9%	93.00%	-4.9%
12) # of Contracted Employees	610	693	13.6%	610	13.6%
13) # of Administrative Employees	14	14	0.0%	12	16.7%
Financial Performance:					
14) Fare Revenue	\$274,845	\$311,243	13.2%	\$310,970	0.1%
15) Fare Revenue per RVH	\$4.50	\$7.56	67.9%	\$6.84	10.6%
16) Fare Revenue per RVM	\$0.30	\$0.57	88.1%	\$0.45	26.7%
17) Fare Revenue per Boarding	\$2.22	\$3.04	36.7%	\$3.49	-13.0%
18) Operating Costs	\$2,674,510	\$1,631,093	-39.0%	\$2,357,186	-30.8%
19) Operating Costs per RVH	\$43.82	\$39.62	-9.6%	\$51.83	-23.6%
20) Operating Costs per RVM	\$2.95	\$2.99	1.3%	\$3.41	-12.4%
21) Operating Costs per Boarding	\$21.63	\$15.92	-26.4%	\$26.47	-39.8%
22) Subsidy per Boarding	\$19.41	\$12.88	-33.6%	\$22.97	-43.9%
23) Farebox Recovery Ratio	10.28%	19.08%	85.7%	13.19%	44.6%
Client Statistics					
1) Total ADA Eligible clients	26,000	27,403	5.4%	25,989	5.4%
2) Total Active Clients	5,645	6,461	14.5%	6,197	4.3%
3) Average Trips/Active Clients	14.60	14.20	-2.7%	12.80	10.9%
4) Total Calls To Request Trips	40,000	22,020	-45.0%	27,202	-19.1%
5) Total Completed Trips	86,000	99,003	15.1%	84,577	17.1%
6) Total Canceled Trips	5,160	18,241	253.5%	8,088	125.5%
7) % of Canceled Trips	6.00%	15.08%	151.3%	8.43%	78.9%
8) Total Trip No-Shows	3,440	3,672	6.7%	3,231	13.6%
9) % of No-Shows	4.00%	3.04%	-24.0%	3.37%	-9.8%
10) Total Trip Refusals	10	8	-20.0%	0	n/a
11) % of Trip Refusals	0.02%	0.01%	-50.0%	0.00%	n/a
12) Total Trip Denials	0	0	n/a	0	n/a
13) % of Trip Denials	0.00%	0.00%	n/a	0.00%	n/a

Paratransit

Description	Year-to-date			Year-to-date	
	Target/Baseline	Actual	Var %	PY Actual	Var %
Key Indicators					
1) Boardings	777,627	651,705	-16.2%	586,171	11.2%
2) Boardings per RVH	2.02	2.43	20.2%	2.02	20.2%
3) Boardings per RVM	0.13	0.18	35.8%	0.13	36.0%
4) Vehicle Hours	444,070	381,108	-14.2%	337,382	13.0%
5) Vehicle Miles	7,193,479	4,958,509	-31.1%	5,467,897	-9.3%
6) Revenue Vehicle Hours	384,014	267,724	-30.3%	289,562	-7.5%
7) Revenue Vehicle Miles	5,811,615	3,586,024	-38.3%	4,388,038	-18.3%
8) % of Deadhead Hours	13.52%	29.75%	120.0%	14.17%	109.9%
9) % of Deadhead Miles	19.21%	27.68%	44.1%	19.75%	40.2%
10) Average Speed (RVM/RVH)	15.13	13.39	-11.5%	15.15	-11.6%
11) On-Time Performance	94.00%	89.96%	-4.3%	93.00%	-3.3%
12) # of Contracted Employees	610	647	6.1%	610	6.1%
13) # of Administrative Employees	14	14	0.0%	11	27.3%
Financial Performance:					
14) Fare Revenue	\$1,730,718	\$1,941,832	12.2%	\$1,872,601	3.7%
15) Fare Revenue per RVH	\$4.51	\$7.25	60.9%	\$6.47	12.2%
16) Fare Revenue per RVM	\$0.30	\$0.54	81.8%	\$0.43	26.9%
17) Fare Revenue per Boarding	\$2.23	\$2.98	33.9%	\$3.19	-6.7%
18) Operating Costs	\$16,841,565	\$11,828,989	-29.8%	\$15,039,778	-21.3%
19) Operating Costs per RVH	\$43.86	\$44.18	0.7%	\$51.94	-14.9%
20) Operating Costs per RVM	\$2.90	\$3.30	13.8%	\$3.43	-3.8%
21) Operating Costs per Boarding	\$21.66	\$18.15	-16.2%	\$25.66	-29.3%
22) Subsidy per Boarding	\$19.43	\$15.17	-21.9%	\$22.46	-32.5%
23) Farebox Recovery Ratio	10.28%	16.42%	59.7%	12.45%	31.8%
Client Statistics					
1) Total ADA Eligible clients	26,000	26,622	2.4%	26,111	2.0%
2) Total Active Clients	5,645	6,470	14.6%	6,240	3.7%
3) Average Trips/Active Clients	14.60	14.47	-0.9%	13.97	3.6%
4) Total Calls To Request Trips	240,000	138,312	-42.4%	166,112	-16.7%
5) Total Completed Trips	516,000	625,335	21.2%	558,302	12.0%
6) Total Canceled Trips	30,960	105,162	239.7%	46,973	123.9%
7) % of Canceled Trips	6.00%	16.36%	172.7%	7.48%	118.7%
8) Total Trip No-Shows	20,640	17,293	-16.2%	20,197	-14.4%
9) % of No-Shows	4.00%	2.37%	-40.8%	3.22%	-26.4%
10) Total Trip Refusals	60	133	121.7%	19	600.0%
11) % of Trip Refusals	0.02%	0.02%	0.0%	0.00%	n/a
12) Total Trip Denials	0	228	n/a	0	n/a
13) % of Trip Denials	0.00%	0.03%	n/a	0.00%	n/a

Paratransit Services

<i>Description</i>	<i>Monthly</i>			<i>Monthly</i>	
	<i>Target/Baseline</i>	<i>Actual</i>	<i>Var %</i>	<i>PY Actual</i>	<i>Var %</i>
Paratransit Services					
Primary ACCESS Service Provider					
1) Boardings	98,166	92,011	-6.3%	82,799	11.1%
2) Operating Cost	\$1,863,217	\$826,713	-55.6%	\$1,906,933	-56.6%
3) Revenue Vehicle Hours	48,448	39,781	-17.9%	44,245	-10.1%
Late Night ACCESS Service					
4) Boardings	0	0	n/a	0	n/a
5) Operating Cost	\$0	\$0	n/a	\$0	n/a
ACCESS Overflow Taxi Service					
6) Boardings	2,945	4,933	67.5%	0	n/a
7) Operating Cost	\$43,402	\$118,214	172.4%	\$0	n/a
South County Senior Services (SCSS)					
8) Boardings	3,190	985	-69.1%	1,036	-4.9%
9) Operating Cost	\$21,187	\$11,717	-44.7%	\$13,305	-11.9%
OCARC / Western Transit					
10) Boardings	7,362	1,074	-85.4%	742	44.7%
11) Operating Cost	\$43,361	\$11,331	-73.9%	\$7,828	44.7%
Same Day Taxi					
12) Boardings	10,033	1,200	-88.0%	1,159	3.5%
13) Operating Cost	\$43,405	\$8,703	-79.9%	\$8,052	8.1%
SAT Senior Nutrition Program (CYC)					
14) Boardings	1,963	2,235	13.9%	3,328	-32.8%
15) Operating Cost	\$35,223	\$26,922	-23.6%	\$25,223	6.7%
16) Revenue Vehicle Hours	969	711	-26.6%	728	-2.4%

* Paratransit Service submode expenses do not include overhead costs

Paratransit Services

Description	Year-to-date			Year-to-date	
	Target/Baseline	Actual	Var %	PY Actual	Var %
Paratransit Services					
Primary ACCESS Service Provider					
1) Boardings	617,312	587,139	-4.9%	550,438	6.7%
2) Operating Cost	\$11,732,799	\$7,632,569	-34.9%	\$12,312,812	-38.0%
3) Revenue Vehicle Hours	304,845	259,396	-14.9%	282,455	-8.2%
Late Night ACCESS Service					
4) Boardings	0	0	n/a	0	n/a
5) Operating Cost	\$0	\$0	n/a	\$0	n/a
ACCESS Overflow Taxi Service					
6) Boardings	18,520	24,474	32.1%	0	n/a
7) Operating Cost	\$273,305	\$600,931	119.9%	\$0	n/a
South County Senior Services (SCSS)					
8) Boardings	20,062	6,262	-68.8%	6,951	-9.9%
9) Operating Cost	\$133,416	\$74,312	-44.3%	\$88,697	-16.2%
OCARC / Western Transit					
10) Boardings	46,298	7,460	-83.9%	3,134	138.0%
11) Operating Cost	\$273,047	\$80,328	-70.6%	\$33,064	142.9%
Same Day Taxi					
12) Boardings	63,090	7,593	-88.0%	5,528	37.4%
13) Operating Cost	\$273,322	\$56,753	-79.2%	\$38,711	46.6%
SAT Senior Nutrition Program (CYC)					
14) Boardings	12,347	18,777	52.1%	20,155	-6.8%
15) Operating Cost	\$221,801	\$156,593	-29.4%	\$146,758	6.7%
16) Revenue Vehicle Hours	6,097	4,176	-31.5%	4,237	-1.4%

* Paratransit Service submodes expenses do not include overhead costs

Human Resources

<i>Description</i>	<i>Monthly</i>			<i>Monthly</i>	
	<i>Target/Baseline</i>	<i>Actual</i>	<i>Var %</i>	<i>PY Actual</i>	<i>Var %</i>
Staffing					
1) Administrative (Excluding Extra Help)	283	261	-8.0%	249	4.6%
2) Administrative (Bus Operations Only)	199	193	-3.0%	202	-4.5%
3) Coach Operators F/T (Excluding Extra Help)	1,137	1,114	-2.0%	1,104	0.9%
4) Coach Operators P/T	18	18	-2.8%	10	75.0%
5) Maintenance FTE's	263	257	-2.3%	250	2.8%
6) TCU Employees	45	45	0.0%	44	2.3%
7) Total OCTA FTE's	1,945	1,887	-3.0%	1,859	1.5%
Employment Recruitments					
8) Coach Operators	24	23	-4.2%	37	-37.8%
9) Professional	18	2	-88.9%	3	-33.3%
10) Office/Clerical	3	3	0.0%	2	50.0%
11) Service Workers	0	0	n/a	1	-100.0%
12) Official/Manager	12	4	-66.7%	3	33.3%
13) Technicians	0	0	n/a	0	n/a
14) Crafts/Mechanics	2	2	0.0%	0	n/a
15) Total Recruitments	59	34	-42.4%	46	-26.1%

Human Resources

<i>Description</i>	<i>Year-to-date</i>			<i>Year-to-date</i>	
	<i>Target/Baseline</i>	<i>Actual</i>	<i>Var %</i>	<i>PY Actual</i>	<i>Var %</i>
Staffing					
1) Administrative (Excluding Extra Help)	283	261	-8.0%	249	4.6%
2) Administrative (Bus Operations Only)	199	193	-3.0%	202	-4.5%
3) Coach Operators F/T (Excluding Extra Help)	1,137	1,114	-2.0%	1,104	0.9%
4) Coach Operators P/T	18	18	-2.8%	10	75.0%
5) Maintenance FTE's	263	257	-2.3%	250	2.8%
6) TCU Employees	45	45	0.0%	44	2.3%
7) Total OCTA FTE's	1,945	1,870	-3.9%	1,859	0.6%
Employment Recruitments					
8) Coach Operators	168	130	-22.6%	98	32.7%
9) Professional	88	8	-90.9%	21	-61.9%
10) Office/Clerical	41	14	-65.9%	15	-6.7%
11) Service Workers	12	2	-83.3%	5	-60.0%
12) Official/Manager	44	9	-79.5%	18	-50.0%
13) Technicians	27	3	-88.9%	1	200.0%
14) Crafts/Mechanics	17	12	-29.4%	3	300.0%
15) Total Recruitments	397	178	-55.2%	161	10.6%

Customer Relations

<i>Description</i>	<i>Monthly</i>			<i>Monthly</i>	
	<i>Target/Baseline</i>	<i>Actual</i>	<i>Var %</i>	<i>PY Actual</i>	<i>Var %</i>
Customer Relations					
1) Calls Received (approximate)	2,331	3,628	55.6%	2,856	27.0%
2) E-Mails Received	119	251	110.9%	147	70.7%
3) Letters Received	28	38	35.7%	33	15.2%
4) Comments	168	303	80.4%	164	84.8%
5) Compliments	143	232	62.2%	168	38.1%
6) Coach Operator Compliments	60	70	16.7%	102	-31.4%
Complaints					
7) Coach Operators Only	333	248	-25.5%	211	17.5%
8) Pass Bys	61	62	1.6%	55	12.7%
9) Behind Schedule	37	29	-21.6%	24	20.8%
10) Driving Techniques	39	32	-17.9%	27	18.5%
11) No Shows	11	14	27.3%	11	27.3%
12) Discourtesy	24	22	-8.3%	15	46.7%
13) ACCESS/Contracted Fixed Route	198	637	221.7%	184	246.2%
14) Administration	37	81	118.9%	64	26.6%
ADA Related Communications:					
15) ACCESS	172	513	198.3%	160	220.6%
16) Fixed Route	46	31	-32.6%	24	29.2%
17) Fixed Route Maintenance	1	1	0.0%	0	n/a
18) Total ADA Related Communications:	219	545	148.9%	184	196.2%
Pass Sales					
19) Phone Calls Received	2,086	1,381	-33.8%	1,681	-17.8%
20) Orders Processed	1,850	1,701	-8.1%	1,745	-2.5%
21) Total Sales	\$125,411	\$119,385	-4.8%	\$118,144	1.1%
Customer Information Center (Contracted)					
22) Calls Handled	48,498	52,254	7.7%	50,123	4.3%
23) Complaints	1	3	200.0%	1	200.0%
24) Compliments	8	8	0.0%	7	14.3%
25) Avg. Hold Time (in seconds)	83	109	31.3%	97	12.4%
26) Avg. Call Duration (in seconds)	127	121	-4.7%	125	-3.2%

Customer Relations

<i>Description</i>	<i>Year-to-date</i>			<i>Year-to-date</i>	
	<i>Target/Baseline</i>	<i>Actual</i>	<i>Var %</i>	<i>PY Actual</i>	<i>Var %</i>
Customer Relations					
1) Calls Received (approximate)	17,818	22,688	27.3%	19,323	17.4%
2) E-Mails Received	1,052	1,802	71.3%	1,298	38.8%
3) Letters Received	227	174	-23.3%	274	-36.5%
4) Comments	1,315	1,851	40.8%	1,438	28.7%
5) Compliments	1,155	972	-15.8%	1,292	-24.8%
6) Coach Operator Compliments	413	403	-2.4%	424	-5.0%
Complaints					
7) Coach Operators Only	2,112	1,575	-25.4%	1,490	5.7%
8) Pass Bys	374	381	1.9%	364	4.7%
9) Behind Schedule	268	186	-30.6%	204	-8.8%
10) Driving Techniques	225	202	-10.2%	189	6.9%
11) No Shows	93	63	-32.3%	61	3.3%
12) Discourtesy	163	140	-14.1%	140	0.0%
13) ACCESS/Contracted Fixed Route	1,433	3,250	126.8%	1,289	152.1%
14) Administration	523	421	-19.5%	443	-5.0%
ADA Related Communications:					
15) ACCESS	1,183	2,821	138.5%	1,048	169.2%
16) Fixed Route	253	267	5.5%	219	21.9%
17) Fixed Route Maintenance	6	4	-33.3%	3	33.3%
18) Total ADA Related Communications:	1,442	3,092	114.4%	1,270	143.5%
Pass Sales					
19) Phone Calls Received	12,516	11,498	-8.1%	12,380	-7.1%
20) Orders Processed	11,176	12,236	9.5%	12,008	1.9%
21) Total Sales	\$753,625	\$831,861	10.4%	\$807,907	3.0%
Customer Information Center (Contracted)					
22) Calls Handled	334,954	333,954	-0.3%	312,560	6.8%
23) Complaints	21	14	-33.3%	13	7.7%
24) Compliments	68	53	-22.1%	54	-1.9%
25) Avg. Hold Time (in seconds)	83	97	16.9%	92	5.1%
26) Avg. Call Duration (in seconds)	127	131	3.1%	133	-1.2%

Glossary

# of Contracted Employees	Number of contract employees for contracted services.
# of CTS Admin Employees	Number of CTS employees to administrate contracted services.
% of Canceled Trips	Canceled trips as a percent of total trips
% of Deadhead Hours	Deadhead hours as a percent of vehicle hours.
% of Deadhead Miles	Deadhead miles as a percent of vehicle miles.
% of No-Shows	No-Shows as a percent of total trips
% of Trip Denials	Trip Denials as a percent of total trips
% of Trip Refusals	This is the number of instances that a customer refuses an offered trip that is within ADA guidelines.
ACCESS/CFR Complaints	Total number of complaints related to ACCESS/CFR.
ACCESS-ADA	Total ADA Related Communications related to ACCESS-ADA.
Actual Overtime to Scheduled Overtime	Actual Overtime Hours to Scheduled Overtime Hours expressed as a ratio.
Actual Pay + Sick, Vac, Holiday to Platform	Actual Pay Hours plus sick, vacation, and holiday hours to Vehicle Hours (Platform) expressed as a ratio.
Actual Pay + Sick, Vac, Holiday to SPH	Actual Pay Hours plus sick, vacation, and holiday hours to Scheduled Pay Hours expressed as a ratio.
Actual Pay Hours to Scheduled Pay Hours	Actual Pay Hours to Scheduled Pay Hours expressed as a ratio.
Actual Pay to Platform (Vehicle Hours)	Actual Pay Hours to Vehicle Hours (Platform) expressed as a ratio.
Administrative (OCTA) Staffing	OCTA employees not directly involved in transit excluding union employees
Administrative (Transit) Staffing	Number of Administration employees directly involved in Transit excluding Extra-Help.

Glossary

All Others-Short-Term	Other Coach Operator short term absences not in a displayed category.
Annual Required Training (ART)	Eight hours training per year for coach operators as required by assembly bill 1787
Average Trips/Active Client	Number of Total trips divided by Active Clients
Behind Schedule Complaints	Total number of complaints related to Behind Schedule.
Behind the Wheel Training	Driving training for new coach operators
Boardings	Total of all riders from all fare categories
Boardings per RVH	Measure of service utilization and productivity. It is derived by dividing the number of boardings by the number of Revenue Vehicle Hours.
Bus Operations Active Fleet	The vehicles that are available to operate in revenue service. Federal guidelines specify the active fleet can not exceed the peak pullout plus a twenty percent spare rate.
Buses Out of Service	Buses out of service for a lengthy time.
Calls Received	Telephone calls received by Customer Relations
CIC Average Call Duration (in seconds)	Average time in seconds that an information call to the CIC lasts.
CIC Average Hold Time (in seconds)	Average time in seconds that a calling information customer must wait for a representative.
CIC Calls Handled	The number of calls handled is incoming calls to the CIC from customers who have opted to speak directly with a CIC representative, usually to receive assistance with trip itineraries.
CIC Complaints	CIC complaints are derived from customers who contact OCTA's Customer Relations Department to express dissatisfaction with the service or with the information received when speaking with a CIC representative.
CIC Compliments	CIC compliments are derived from customers who contact OCTA's Customer Relations Department to express appreciation with the service received when speaking with a CIC representative.

Glossary

Claims Received	Claims presented to the Authority for payment.
CNG Cost per Gallon	Cost per gallon of CNG fuel.
Coach Operator Complaints	Total number of complaints related to Coach Operators.
Coach Operator Compliments	Total number of compliments related to Coach Operators.
Coach Operators F/T	Full time Coach Operators.
Coach Operators P/T	Part time Coach Operators on an FTE basis..
Combined Long-Term	Total of Coach Operator long term absences.
Combined Short-Term	Total of Coach Operator short term absences.
Comments	Total number of comments received by Customer Relations.
Complaints per 100,000 Boardings	Complaints divided by the quotient of Boardings divided by 100,000.
Compliments	Total number of compliments received by Customer Relations.
Compliments per 100,000 Boardings	Compliments divided by the quotient of Boardings divided by 100,000.
Contingency Fleet Usage	Vehicles used to backfill buses out of service
Contract Fixed Route	Fixed route service operated by a contractor for OCTA.
Current Reserves	Amount of claims not paid yet.
Customer Information Center (CIC)	OCTA's Customer Information Center provides transit information to customers. Customers may call the CIC to receive bus schedules, route information and general bus information, either by speaking directly with a representative or by pre-recorded information. The CIC is available for service seven days per week.

Glossary

Deadhead Hours	Pull in, pullout and off route hours.
Deadhead Miles	Deadhead miles as a percent of vehicle hours.
Diesel Cost per Gallon	Cost per gallon of diesel fuel.
Discourtesy Complaints	Total number of complaints related to Discourtesy.
Driving Technique Complaints	Total number of complaints related to Driving Technique.
E-Mails Received	Total valid e-mails received by Customer Relations.
Express Bus Service	Express bus service operated by a contractor for OCTA.
Family Medical Leave Act	Coach Operator off because of FMLA request and approval.
Fare per Boarding	Fare revenue divided by the total number of boardings.
Fare Revenue	All fare revenues received including pass sales.
Fare Revenue per Passenger	Fare revenue divided by boardings.
Fare Revenue per RVH	Fare revenue divided by RVH.
Fare Revenue per RVM	Fare revenue divided by RVM.
Farebox Recovery Ratio	Fare revenue as a percent of operating costs.
Fixed Route-ADA	Total ADA Related Communications related to Fixed Route-ADA
Hub/total miles	The total amount of miles a bus is in revenue service, deadhead and any other miles added .
Injuries per 100 employees	The number of employees injured standardized to 100 employees.

Glossary

Leave of Absence	Coach Operator on an extended absence because of medical, family or military or personal request.
Letters Received	Total number of letters received by Customer Relations.
Liability Expense	Amount of bodily injury and/or property claims paid.
LNG Cost per Gallon	Cost per gallon of LNG fuel.
Long Term	Coach Operators who are on an absence for longer than thirty days.
Maintenance Cost per mile	Parts/labor costs to maintain active bus fleet.
Maintenance Staffing	OCTA union employees directly involved in maintenance.
Maintenance-ADA	Total ADA Related Communications related to Maintenance-ADA
Mechanical Lost Service Hours	Total scheduled RVH not operated due to a mechanical problem.
Miles between Road Calls	The number of vehicle miles between road calls.
Miles per Gallon	Total miles divided by gallons of fuel used.
Missouts/No-shows	A coach operator who does not show up on time/or at all for an assignment.
No Show Complaints	Total number of complaints related to No Show.
Non-Mechanical Lost Service Hours	Total scheduled RVH not operated due to a non-mechanical problem.
Non-Preventable Non-Vehicular Accidents	Bus contact with other vehicles, objects, or pedestrians in which the coach operator is not at fault.
Non-Preventable Vehicular Accidents	Bus passenger slips, trips, falls, and bumps in which the coach operator is at fault.
Non-valid Mechanical Road Calls	A road call for which a mechanical defect could not be found or duplicated

Glossary

OCARC	A transportation program for a limited number of ACCESS riders operated OCARC.
On-Time Performance	How near to the written schedule does octa operate as a system.
Operating Costs	All non-capital costs.
Operating Costs per Passenger	Operating costs divided by boardings.
Operating Costs per RVH	Operating costs divided by RVH.
Operating Costs per RVM	Operating costs divided by RVM.
Operator/Assignment Ratio	Total Coach operators, excluding long term absences, divided by Total Assignments expressed as a ratio.
Pass By Complaints	Total number of complaints related to Pass Bys.
Pass Sales-Orders Processed	Customers place orders for bus passes and ACCESS fare coupons by mail, telephone, or through the OCTA website. Pass Sales orders processed is the total number of transactions processed by Pass Sales staff during the reporting period.
Pass Sales-Phone Calls Received	Pass Sales phone calls received are incoming calls to the Pass Sales section from customers requesting information regarding fares, reduced fares, bus passes; and requesting to purchase bus passes by telephone.
Pass Sales-Total Sales	The Pass Sales Total Sales is the total amount of sales generated through Pass Sales during the reporting period.
Peak to Base Ratio	The ratio of the number of vehicles in service during highest peak periods divided by the number of vehicles in service during midday (the period of time between the two peak periods).
Personal Paid Holiday/Vac Odd Day	Coach Operator off on PPH or VAO in one-day increments.
Preventable Non-Vehicular Accidents	Bus passenger slips, trips, falls, and bumps in which the coach operator is at fault.
Preventable Vehicular Accidents	Bus contact with other vehicles, objects, or pedestrians in which the coach operator is at fault.

Glossary

Primary Service Provider	Primary contractor providing ACCESS services
Revenue Vehicle Hours	The total amount of hours a bus is in revenue service excluding deadhead .
Revenue Vehicle Miles	The total amount of miles a bus is in revenue service excluding deadhead .
Same Day Overflow Service	A same-day ACCESS overflow service provider to support OCTA's ADA paratransit service (ACCESS)
Same Day Non-ADA Taxi Service	Non-ADA same-day taxi service to provide trips to ACCESS eligible customers that live outside the 3/4 mile service area, or to customers that were using medical back-up service
Sick Coach Operator	Coach Operator who is off in a sick status.
South County Senior Services (SCSS)	South County Senior Services and OCTA have a rate and cost-sharing agreement to share the transportation costs for ADA eligible clients to and from their day program
Special Agency Transportation	To provide senior nutrition transportation to centers selected by the Office on Aging
Special Assignment	Coach Operators working out of the class as a special assignment as directed by base management.
Standby Time (Hours)	Time an Extra Board Coach Operator spends on Report waiting to be assigned work. (Shine Time)
Stationlink	Stationlink service (Metrolink Rail Feeder) operated by a contractor for OCTA.
Subrogation Recovered	Recovery of Authority property or bodily claims made to others.
Subsidy per Boarding	Operating Costs minus Fare revenue divided by the total number of boardings.
Suspensions	Coach Operator suspended.
TAC Operators	Coach Operators in Training After Certification.
TCU Employees	OCTA employees belonging to the TCU union.

Glossary

Total Accidents	Sum of preventable and non-preventable vehicular and non-vehicular accidents
Total Active Clients	Total number of clients that have used the service in particular month.
Total ADA Eligible Clients	Passengers that meet ADA eligible requirements; an individual that is unable to get to and from the bus stop or unable to board or exit the bus as well as those who have cognitive disabilities.
Total ADA Related Communications	Total ADA Related Communications.
Total Assignments	Total Coach Operator Bid Assignments.
Total Calls to Request Trips	This is the total number of incoming calls to request ACCESS trips.
Total Canceled Trips	Total trips that are canceled by the client.
Total Completed Trips	Total completed ACCESS trips.
Total Liability Cost Incurred	Total of claim expenses and current reserves for claims not paid yet.
Total Lost Service Hours	Total scheduled RVH not operated.
Total Non-Vehicular Accidents	Sum of preventable and non-preventable non-vehicular accidents
Total OCTA Staffing	All OCTA employees.
Total Operators	All Coach Operators including Full-Time and Part-Time on an FTE basis.
Total Operators Available	Total Operators minus Long Term and TAC.
Total Recruitments	Total positions recruited for.
Total Trip Denials	This is the number of ADA/ACCESS service denials.
Total Trip No-Shows	This is the total number of no-shows recorded during the month.

Glossary

Total Trip Refusals	This is the number of instances that a customer refuses an offered trip that is within ADA guidelines.
Total Vehicular Accidents	Sum of preventable and non-preventable vehicular and accidents.
Training	Coach Operators receiving training.
Union	Coach Operator off on Union business.
Vacation	Coach Operator off on vacation in week long increments.
Valid Mechanical Road Calls	An interruption in service due to a mechanical element of the vehicle.
Valid Non-Mechanical Road Calls	An interruption in service due to some non-mechanical element of the vehicle. Non-mechanical failures include farebox, mirror, accident, sick passenger, vandalism, and tires.
Vehicle Hours	The total amount of hours a bus is in revenue service including deadhead .
Vehicle Miles	The total amount of miles a bus is in revenue service including deadhead .
Vehicular Accidents per 100,000 Hub Miles	Total vehicular accidents divided by hub miles and then multiplied by 100,000
Voluntary Call Back	Instances of Coach Operators volunteering to work on their day off.
Workers Compensation	Coach Operator off as a result of Workers' Compensation request and approval.
Workers Compensation Claims Closed	The number of cases that closed and resolved
Workers Compensation Claims Filed	The number of cases that opened or set-up
Workers Compensation Open Claims	The number of cases that are open and unresolved
Workers Light Duty	The Transitional Duty Program is intended to facilitate the recovery process of eligible industrially injured employees by providing temporary, meaningful, and medically appropriate duties in the workplace.