



MENDOCINO COUNCIL OF GOVERNMENTS

367 North State Street~Ukiah~California~95482
www.mendocinocog.org

PHILLIP J. DOW, EXECUTIVE DIRECTOR

Administration: Suite 206
(707) 463-1859
Transportation Planning: Suite 204
(707) 234-3434

AGENDA

Monday, June 5, 2017 at 1:30 p.m.

Primary Location

County Administration Center, Board of Supervisors Chambers
Room 1070, 501 Low Gap Road, Ukiah

Audioconference Location

Caltrans District 1, 1656 Union St., Eureka

Additional Media

For live streaming and later viewing:

<https://www.youtube.com/>, search for Mendocino County Video, or
YouTube link at <http://www.mendocinocog.org> under Meetings

The Mendocino Council of Governments (MCOG) meets as the Board of Directors of:

Mendocino Regional Transportation Planning Agency (RTPA) and
Mendocino County Service Authority for Freeway Emergencies (SAFE)

NOTE: All items are considered for action unless otherwise noted.

1. Call to Order and Roll Call
2. Convene as SAFE
3. Adoption of Resolution #S2017-01 To Approve Agreement with State of California Department of California Highway Patrol
4. Recess as SAFE – Convene as RTPA
5. Recess as RTPA – Reconvene as Policy Advisory Committee

PUBLIC EXPRESSION

Participation is welcome in Council meetings. Comments will be limited to three minutes per person and not more than ten minutes per subject, so that everyone can be heard. "Public Expression" time is limited to matters under the Council's jurisdiction that may not have been considered by the Council previously and are not on the agenda. No action will be taken. Members of the public may comment also during specific agenda items when recognized by the Chair.

REGULAR CALENDAR

6. Fiscal Year 2017/18 RTPA Budget:
 - a. Adoption of Resolution #M2017-03 Finding That There Are Unmet Transit Needs That Are Reasonable To Meet for Fiscal Year 2017/18
 - b. Adoption of Resolution #M2017-04 Allocating Fiscal Year 2017/18 Funds and 2016/17 Carryover Funds for Administration, Bicycle & Pedestrian Facilities, Planning and Reserves
 - c. Adoption of Resolution #M2017-05 Allocating Fiscal Year 2017/18 Local Transportation Funds, State Transit Assistance, and Capital Reserve Funds and FY 2016/17 Carryover Funds to Mendocino Transit Authority
 - d. Adoption of Resolution #M2017-06 Allocating Regional Surface Transportation Program Funds for Fiscal Year 2017/18 MCOG Partnership Funding Program, Local Assistance, and Distribution By Formula To Member Agencies

7. Technical Advisory Committee Recommendations of May 31, 2017:
Adoption of Final Fiscal Year 2017/18 Planning Overall Work Program (OWP)
8. Review and Comment on Draft Active Transportation Plan (ATP)
9. Approval of Local Agency Sub-Recipient Funding Agreement Template
10. Approval of Two-Year Extension for Independent CPA Engagement for MCOG and Mendocino Transit Authority Fiscal Audits – R. J. Ricciardi, Inc.

CONSENT CALENDAR

The following items are considered for approval in accordance with Administrative Staff, Committee, and/or Directors' recommendations and will be enacted by a single motion. Items may be removed from the Consent Calendar for separate consideration, upon request by a Director or citizen.

11. Approval of May 1, 2017 Minutes
12. Acceptance of April 19, 2017 Transit Productivity Committee Minutes
13. Adoption of Resolution #M2017-____* Approving Mendocino Transit Authority's Grant Application for Federal Transit Administration (FTA) Section 5311 Non-Urbanized Program - Annual Regional Apportionment for Transit Operating Assistance
14. Adoption of Resolution No. M2017-____* Approving the Programming of FTA Section 5311(f) Intercity Bus Program Funds for Mendocino Transit Authority's Project Proposal: Continuation of Route 65 Service – Operating Assistance
15. Adoption of Resolution No. M2017-____* Approving the Allocation of California Proposition 1B Funds, Fiscal Year 2014/15 (and Residual) Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA), for Mendocino Transit Authority's Eligible Project

RATIFY ACTION

16. Recess as Policy Advisory Committee - Reconvene as RTPA - Ratify Action of Policy Advisory Committee

REPORTS

17. Reports – Information
 - a. Mendocino Transit Authority
 - b. North Coast Railroad Authority
 - c. MCOG Staff – Summary of Meetings
 - d. MCOG Administration Staff
 1. Senate Bill 1 Implementation - Road Repair and Accountability Act of 2017
 2. Miscellaneous
 - e. MCOG Planning Staff – *verbal reports*
 - f. MCOG Directors
 - g. California Association of Councils of Governments (CALCOG) Delegates

ADJOURNMENT

18. Adjourn

AMERICANS WITH DISABILITIES ACT (ADA) REQUESTS

To request disability-related modifications or accommodations for accessible locations or meeting materials in alternative formats (as allowed under Section 12132 of the ADA) please contact the MCOG office at (707) 463-1859, at least 72 hours before the meeting.

ADDITIONS TO AGENDA

The Brown Act, Section 54954.2, states that the Board may take action on off-agenda items when:

- a) a majority vote determines that an “emergency situation” exists as defined in Section 54956.5, **or**
- b) a two-thirds vote of the body, or a unanimous vote of those present, determines that there is a need to take immediate action and the need for action arose after the agenda was legally posted, **or**
- c) the item was continued from a prior, legally posted meeting not more than five calendar days before this meeting.

CLOSED SESSION

If agendaized, MCOG may adjourn to a closed session to consider litigation or personnel matters (i.e. contractor agreements). Discussion of litigation or pending litigation may be held in closed session by authority of Govt. Code Section 54956.9; discussion of personnel matters by authority of Govt. Code Section 54957.

POSTED 5/30/2017

* Next Resolution Number: M2017-07



MENDOCINO COUNTY S.A.F.E.

SERVICE AUTHORITY FOR FREEWAY EMERGENCIES

Agenda # 3
SAFE
MCOG Meeting
6/5/2017

TITLE: Approval of Agreement with the State of California Department of California Highway Patrol (CHP)

SUBMITTED BY: Phil Dow, Executive Director

DATE PREPARED: 5/25/17

Background:

The Mendocino County Service Authority for Freeway Emergencies (S.A.F.E) is currently operating 141 call boxes throughout Mendocino County in various locations along State Routes 1, 20, 128, 101, 162, 175 and 253. Of these, 97 are traditional cellular call boxes and the remaining are newer boxes using satellite technology.

The California Highway Patrol (CHP) plays a major role in the operation of the call boxes. The Mendocino SAFE contracts with the CHP to provide the Primary Answering Point (PAP) for the call boxes. When a motorist uses a call box, it is answered by the CHP's local dispatch office. Two dispatch offices serve Mendocino County: one in Ukiah, the other is in Arcata. Once the call is received, the dispatcher connects the caller to the appropriate services. All traditional call boxes support the Teletypewriter/Telecommunication (TTY) devices, so the local CHP dispatchers are able to communicate with hearing- or speech-impaired motorists. Mendocino SAFE worked collaboratively with CHP and the manufacturer to implement a new system that now makes it possible for satellite boxes to respond to TTY requests as well.

Along with being the Primary Answering Point for the call boxes, the California Highway Patrol also assists SAFE staff in keeping the call boxes in good operating condition. If a call box is found left open, not operating correctly, or has been vandalized, the dispatchers will contact our staff.

For all this, the cost to Mendocino SAFE is not to exceed \$2,160 for FY 2017/18 and 2019/20.

The 2017 Five-Year Strategic & Financial Plan calls for "full deployment of call box service." The CHP participates as the Primary Answering Point and assists our staff as a necessary partner; therefore we recommend action to continue our agreement with CHP for another three fiscal years.

Action Required:

Approval of the CHP Agreement by Resolution #S2017-01.

Alternatives:

Do not approve CHP Agreement by resolution; make alternative suggestions.

Recommendation:

Approve Agreement #17R048004 between the Department of California Highway Patrol and the Mendocino County Service Authority for Freeway Emergencies by adopting Resolution #S2017-01.

Enclosure: draft resolution

MENDOCINO COUNTY
SERVICE AUTHORITY FOR FREEWAY EMERGENCIES (SAFE)

BOARD of DIRECTORS

RESOLUTION No. S2017-01

TO APPROVE AGREEMENT WITH
THE STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL (CHP)

WHEREAS,

- On August 4, 1994, the Mendocino Council of Governments by resolution accepted its designation as the Service Authority for Freeway Emergencies (SAFE) for Mendocino County (“Mendocino County SAFE”) and agreed to carry out the responsibilities of a SAFE;
- Mendocino County SAFE currently operates approximately 141 call boxes on State Routes 1, 20, 128, 101, 162, 175 and 253, and continues to install additional call boxes according to the Mendocino County SAFE Five-Year Strategic & Financial Plan;
- On April 4, 2005, the Board of Directors of Mendocino County SAFE adopted a resolution directing staff to proceed with installations of telecommunications devices (TTYs) to enhance two-way communication between hearing- or speech-impaired motorists and the call answering center at Department California of Highway Patrol (CHP);
- On March 6, 2017, the Board of Directors of Mendocino County SAFE adopted an updated Five-Year Strategic and Financial Plan which includes TTY enhancements to all new call boxes, technology upgrades to existing call boxes, installation of an additional 48 call boxes throughout the County, and maintenance of the system;
- According to the CHP/Caltrans Call Box and Motorist Aid Guidelines, the Department of California Highway Patrol is responsible for negotiating an agreement with each SAFE individually for the handling of call box calls;
- Agreement 17R048004 between CHP and Mendocino County SAFE offers services and assistance by CHP for a period of three years from July 1, 2017 through June 30, 2020 for a total amount of \$2,160.00:

FY 2017/18 \$ 720.00
FY 2018/19 \$ 720.00
FY 2019/20 \$ 720.00; and

- The Five-Year Strategic and Financial Plan (adopted March 2017) identified funding to support the budget for CHP call answering; therefore, be it

RESOLVED, THAT:

The Service Authority for Freeway Emergencies for Mendocino County, as the local governing authority body, hereby authorizes Agreement 17R048004 with the Department of California Highway Patrol.

ADOPTION OF THIS RESOLUTION was moved by Director _____, seconded by Director _____, and approved at a meeting of Mendocino County SAFE on June 5, 2017, by the following roll call vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

WHEREUPON, the Chair declared the resolution adopted, AND SO ORDERED.

ATTEST: Phillip J. Dow, Executive Director

Dan Gjerde, Chair

STATE OF CALIFORNIA
STANDARD AGREEMENT
 STD 213 (Rev 06/03)

AGREEMENT NUMBER

17R048004

REGISTRATION NUMBER

1. This Agreement is entered into between the State Agency and the Contractor named below:

STATE AGENCY'S NAME

Department of California Highway Patrol (CHP)

CONTRACTOR'S NAME

Mendocino Council of Governments Service Authority for Freeway Emergencies (SAFE)

2. The term of this Agreement is: 7/01/2017 through 06/30/2020

3. The maximum amount of this Agreement is: \$2,160.00
 (Two Thousand One Hundred Sixty Dollars and Zero Cents)

4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work (Agreement between Department of California Highway Patrol and Mendocino Council of Governments Service Authority for Freeway Emergencies(SAFE)) 7 pages

Exhibit B – CHP/Caltrans Call Box and Motorist Aid Guidelines, incorporated by reference, Referred to as "GUIDELINES" and provided by the California Department of Transportation to all SAFE participants 111 page(s)

Exhibit C* – General Terms and Conditions (with exception to item #5, "Indemnification") GTC 610

Items shown with an Asterisk (), are hereby incorporated by reference and made part of this agreement as if attached hereto. These documents can be viewed at www.ols.dgs.ca.gov/Standard+Language*

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR

CONTRACTOR'S NAME (if other than an individual, state whether a corporation, partnership, etc.)

Mendocino Council of Governments Service Authority for Freeway Emergencies (SAFE)

BY (Authorized Signature)

DATE SIGNED(Do not type)

 Refer to page 7 for signatures

PRINTED NAME AND TITLE OF PERSON SIGNING

ADDRESS

367 North State Street, Suite 204, Ukiah, CA 95482

STATE OF CALIFORNIA

AGENCY NAME

Department of California Highway Patrol

BY (Authorized Signature)

DATE SIGNED(Do not type)

 Refer to page 7 for signatures

PRINTED NAME AND TITLE OF PERSON SIGNING

Patricia Gamoning, Procurement Manager, Business Services Section

ADDRESS

P.O. Box 942898, Sacramento, CA 94298-0001

California Department of General Services Use Only

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AGREEMENT BETWEEN
THE STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
AND
MENDOCINO COUNCIL OF GOVERNMENTS SERVICE AUTHORITY FOR FREEWAY
EMERGENCIES

THIS AGREEMENT is made and entered into by and between the State of California acting by and through Department of California Highway Patrol, hereinafter called CHP, and Mendocino Council of Governments Service Authority for Freeway Emergencies (SAFE), hereinafter called Mendocino Council of Governments SAFE, under provisions of California Vehicle Code Sections 2421.5 and 9250.10, and the Streets and Highway Code Section 131.1 and Chapter 14 (commencing with Section 2550) to Division 3.

TERMS AND CONDITIONS:

By and in consideration of the covenants and conditions herein contained, CHP and Mendocino Council of Governments SAFE do hereby agree as follows:

1. The term of this agreement is July 1, 2017, through June 30, 2020.
2. The Agreement is for services and assistance provided by CHP in accordance with the "CHP/Caltrans Call Box and Motorist Aid Guidelines," which is hereby incorporated by reference hereinafter called "GUIDELINES." As these GUIDELINES may be revised from time to time, it is understood that Mendocino Council of Governments SAFE shall have a current copy on file for the duration of this Agreement. Mendocino Council of Governments SAFE shall maintain compliance with its obligation to provide teletypewriter/telecommunication devices for the deaf, in compliance with the GUIDELINES.
3. The Agreement shall remain in force subject to the following:
 - A. That it shall not become effective until (1) Mendocino Council of Governments SAFE has submitted to CHP a copy of the minutes, order, motion, resolution, or ordinance from Mendocino Council of Governments SAFE approving execution of this Agreement and identifying the individual authorized to sign on behalf of Mendocino Council of Governments SAFE, and (2) that this Agreement is duly signed by both parties.
 - B. That it may be modified by amendment in writing and signed by both parties, and shall be modified by the parties to conform to any future changes to federal or state law that affects the terms of this Agreement.
 - C. Because of the time and expense early termination would entail to both parties, either party may terminate this agreement before the expiration of its term, or any extension, upon six (6) months prior written notice to the other party.
 - D. Notwithstanding subparagraph 3 C. above, CHP may terminate this Agreement upon thirty (30) days advance written notice to Mendocino Council of Governments SAFE should Mendocino Council of Governments SAFE be financially unable to reimburse CHP for services rendered under this Agreement.

4. For services and assistance herein, Mendocino Council of Governments SAFE agrees to reimburse CHP quarterly, in arrears and upon receipt of an itemized invoice, for charges identified in Sections 6 and 10. Upon receipt, payment shall be made to CHP as invoiced within sixty (60) days. If payment is not submitted because of a dispute, Mendocino Council of Governments SAFE agrees to submit the reasons for the dispute to CHP within sixty (60) days of receiving the invoice charges.

A. Payment shall be made to:

Department of California Highway Patrol
Fiscal Management Section
P.O. Box 942900
Sacramento, CA 94298-2900

B. Invoices shall be sent to:

Mendocino Council of Governments SAFE
Attn: SAFE Program Manager
367 North State Street, Suite 204
Ukiah, CA 95482

Each quarterly invoice shall include a thorough explanation and justification for any additional charges or changes of the amounts of past charges.

5. The maintenance of the call box system (outside of CHP communications center), including telephone service and line costs, shall be the sole responsibility of Mendocino Council of Governments SAFE. Upgrades or modifications to Mendocino Council of Governments SAFE's system shall be in accordance with the GUIDELINES. This notification shall be made to CHP at least thirty (30) days prior to the annual staffing analysis.
6. The Mendocino Council of Governments SAFE shall reimburse CHP for all personnel costs associated with the number of Public Safety Dispatcher (PSD) positions that CHP and Mendocino Council of Governments SAFE agree are required to handle call box call traffic. The CHP will only increase or decrease the number of PSDs after receiving a written request/commitment from Mendocino Council of Governments SAFE stating that Mendocino Council of Governments SAFE will assume all personnel costs for the additional positions.
7. Six (6) months prior to the beginning of each subsequent fiscal year, if the need arises, CHP will re-evaluate communications center call box PSD staffing requirements. The most recent twelve (12) months (annual average) of call box call activity (when available) will be used with the CHP Reimbursable Position Formula (defined in the GUIDELINES), to determine the currently required staffing level. The CHP will submit to Mendocino Council of Governments SAFE a letter, with applicable substantiating data, indicating any necessary changes in staffing. The Mendocino Council of Governments SAFE will then respond to CHP within thirty (30) days, in writing, indicating concurrence or disagreement with the recommendation.
8. The Mendocino Council of Governments SAFE shall advise CHP of any anticipated significant new installations that should be considered in the annual staffing analysis. This notification should be made to CHP at least thirty (30) days prior to the annual staffing analysis.

9. The Mendocino Council of Governments SAFE may request or CHP may perform, if the need arises, a staffing analysis at any time during the year. If a change in staffing is required due to a non-predicted need, CHP and/or SAFE may request, in writing, such a change. Staffing changes may be necessary for, but need not be limited to, the following: increases/decreases in the number of call boxes, or significant increases/decreases in the number of call box calls.
10. The Mendocino Council of Governments SAFE shall pay for its proportional share of the actual wage rate for one half (1/2) of a single CHP SAFE Coordinator position. The CHP SAFE Coordinator position will be used for SAFE-related business.

Each SAFE's proportional share billing "factor" shall be determined at the beginning of each fiscal year by comparing the number of motor vehicles registered within each SAFE's boundaries to the total number of motor vehicles registered in all counties which have entered into SAFE agreements with CHP. This proportional share shall be billed over four (4) fiscal quarters.

11. Call box calls will be handled by CHP communications centers as third level priority – after 9-1-1 (first priority) and allied agency (second priority) calls. The CHP statewide standard level of service for the handling of call box calls is as follows:
 - A. Call box calls shall be handled as rapidly as possible; however, they should be handled ideally no longer than 60 seconds after the first ring at the communications center. Experience has shown that when emergency communications traffic becomes unusually heavy, call box traffic also increases. At these times, motorists may be required to wait extended lengths of time for service.
 - B. Call box calls should be handled ideally within 3.5 minutes' (210 seconds) total call handling time. It is understood that the use of such services as the translation service contractor will increase total call handling time to levels above this standard.
12. The CHP agrees to submit an itemized invoice quarterly to Mendocino Council of Governments SAFE which may include the following charges:
 - A. Personnel costs (salary and benefits) determined under the terms of this Agreement. PSD personnel costs shall be based on the third step of the wage scale for PSDs in effect at the time of invoicing. CHP SAFE Coordinator personnel costs will be based on the actual step of the wage scale for the CHP SAFE Coordinator position at the time of invoicing. These costs are subject to change according to increases and/or decreases in State of California salary and benefit rates, which are beyond CHP control.

CHP and Mendocino Council of Governments SAFE agree that no PSD positions will be charged to Mendocino Council of Governments SAFE during the term of this Agreement. However, should CHP personnel costs increase and billing become necessary, and both parties agree in writing through amendment, then current GUIDELINES shall be used for billing purposes if a residual workload can be substantiated.

- B. Indirect costs shall be applied to monthly personnel costs in accordance with California State Administrative Manual Section 8752 and 8752.1. The indirect cost rate is determined by CHP and approved by California Department of Finance and is subject to change each state fiscal year. The re-evaluation of staffing requirements shall include an explanation of the projected upcoming fiscal year indirect cost rate.

- C. Translation service charges directly attributable to call box calls and billed to CHP by the translation service contractor will be reimbursed by Mendocino Council of Governments SAFE. CHP will maintain a contract with a translation service vendor to provide necessary interpretation/translation services for call box-related calls. CHP will bill Mendocino Council of Governments SAFE, in arrears, quarterly for charges billed by the translation service contractor. All SAFE invoices will be accompanied by copies of billings from the translation services contract vendor.
- D. Telephone system costs (if applicable). The state shall provide a standard communication center telephone system, which shall also be used to handle incoming call box calls. Any agreed upon changes above and beyond the standard phone system design specifically requested by Mendocino Council of Governments SAFE Program shall be funded by Mendocino Council of Governments SAFE.
13. Call box/motorist aid system enhancements due to changing technology may require changes and/or upgrades to CHP communication center equipment. In such cases, Mendocino Council of Governments SAFE shall be responsible for the procurement, installation, and maintenance of communication center equipment, unless otherwise agreed to. All equipment procured for CHP dispatch operation shall be designed jointly by CHP and Mendocino Council of Governments SAFE. No equipment shall be installed in a CHP facility, which does not meet all CHP operational and technical specifications.
- Communication center equipment purchased by Mendocino Council of Governments SAFE and installed at CHP for CHP's use during the term of this contract shall be the property of and maintained by Mendocino Council of Governments SAFE.
14. The CHP shall limit its review to Mendocino Council of Governments SAFE's specifications for upgrading or modifying Mendocino Council of Governments SAFE's call box system which include any potential operational affect to CHP communications centers, in accordance with the GUIDELINES. Mendocino Council of Governments SAFE shall maintain and comply with its obligation to provide teletypewriter/telecommunication devices for the deaf, as specified in the GUIDELINES.
15. The total amount of this Agreement shall not exceed Two Thousand One Hundred Sixty Dollars and Zero Cents (\$2,160.00) for a three year Agreement as follows:
- FY 2017/2018 (7/1/17 through 6/30/18), not to exceed \$720.00
 - FY 2018/2019 (7/1/18 through 6/30/19), not to exceed \$720.00
 - FY 2019/2020 (7/1/19 through 6/30/20), not to exceed \$720.00
16. Each quarterly invoice shall include a thorough explanation and justification for any new additional charges or changes of the amounts of past charges.
17. Pursuant to Government Code Section 895.4, Mendocino Council of Governments SAFE shall defend, indemnify, and hold harmless the CHP, as well as the CHP's appointees, officers, and employees from and all claims, actions, losses, liability and expense (including reasonable attorney's fees) arising from any injury (as defined in Government Code Section 810.8), but only in proportion to and to the extent that such claim, action, loss, liability and expense are caused by or result from the negligent or intentional acts or omissions of the Mendocino Council of Governments SAFE, or by its appointees, officers, or employees, during the performance of this Agreement.

Pursuant to Government Code (GC) Section 895.4, CHP shall fully defend, indemnify, and hold harmless Mendocino Council of Governments SAFE, as well as the Mendocino Council of Governments SAFE's appointees, officers, and employees from and against all claims, actions, losses, liability, and expense (including reasonable attorney's fees) arising from any injury (as defined in Government Code Section 810.8), but only in proportion to and to the extent that such claim, action, loss, liability, and expense are caused by or result from the negligent or intentional acts or omissions of CHP, or CHP's appointees, officers, or employees during the performance of this Agreement.

Neither termination nor completion of this Agreement shall release either CHP or Mendocino Council of Governments SAFE from the obligations of this paragraph, so long as the claim, action, loss, expense, or liability is predicated upon an event that occurred subsequent to the effective date of this Agreement and prior to the effective date of termination or completion of this Agreement.

18. All services under this Agreement shall be coordinated by

Department of the California Highway Patrol
Communications Centers Support Section
601 North 7th Street, Building C
Sacramento, CA 95811
(916) 843-4280

The contact person shall be CHP SAFE Coordinator.

19. This Agreement, and any attachments or documents incorporated herein by inclusion or reference, constitutes the complete and entire Agreement between CHP and Mendocino Council of Governments SAFE and supersedes any prior representations, understandings, communications, commitments, Agreements or proposals, oral or written.
20. Under no circumstances shall Mendocino Council of Governments SAFE or its subcontractor(s) use the name Department of California Highway Patrol or CHP to promote a product which is part of the call box system without the written consent of CHP.
21. Audits. The auditing parties hereto shall be subject to the examination and audit of the State for a period of three (3) years after final payment under the contract. In addition, Mendocino Council of Governments SAFE and CHP may be subject to the examination and audit by representatives of either party. The examination and audit shall be confined to those matters connected with the performance of the contract including, but not limited to the costs of administering the contract. The Mendocino Council of Governments SAFE and CHP agree to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records (Government Code Section 8546.7, Public Contract Code Section (PCC) 10115 et seq., California Code of Regulations (CCR) Title 2, Section 1896). Mendocino Council of Governments SAFE agrees to maintain such records for possible audit for a minimum of three (3) years after final payment.

22. Disputes. Except as otherwise provided in this Agreement, any dispute concerning a question of fact arising under this Agreement which is not disposed of by mutual Agreement of the parties may be submitted to an independent arbitrator mutually agreed upon by the CHP and Mendocino Council of Governments SAFE. The arbitrator's decisions shall be non-binding and advisory only, and nothing herein shall preclude either party, at any time, from pursuing any other legally available course of action, including the filing of a law suit. Pending a final decision of a dispute hereunder, both parties shall proceed diligently with the performance of their duties under this Agreement, and such continued performance of their duties under this Agreement shall not constitute a waiver of any rights, legal or equitable, of either party relating to the dispute.

The remainder of this page is intentionally left blank.

23. This Agreement is entered into by the parties listed below and shall be effective upon approval by the Department of General Services Office of Legal Services, if applicable. By executing this Agreement, the representatives of CHP and Mendocino Council of Governments SAFE warrant that they have viewed and fully understand all provisions of this Agreement, and are authorized to bind their respective agencies to all terms of the Agreement's provisions.

STATE OF CALIFORNIA
Department of California Highway Patrol

MENDOCINO COUNCIL OF GOVERNMENTS
Service Authority for Freeway Emergencies

Patricia Gamoning, Procurement Manager
Business Services Section

Philip J. Dow, Executive Director
Mendocino Council of Governments SAFE

Date

Date



MENDOCINO COUNCIL OF GOVERNMENTS

STAFF REPORT

Agenda # 6
Regular Calendar
MCOG Meeting
6/5/2017

TITLE: Fiscal Year 2017/18 Regional Transportation Planning Agency (RTPA) Budget

SUBMITTED BY: Janet Orth, Deputy Director/CFO

DATE PREPARED: 5/26/2017

BACKGROUND:

I have prepared the stand-alone budget document, enclosed, including an overview, reference material, and the resolutions for adoption with all of the exhibits that detail the budget.

On May 1, I made a presentation to the Council, as an opportunity for input and questions. Staff and council members participated in a workshop to better understand the budget proposals and how these were developed. The draft budget included recommendations from three of our standing committees during budget development, which were documented in the staff report, presentation, and committee meeting minutes. The Social Services Transportation Advisory Council (SSTAC) met on May 24 and made a recommendation on the Unmet Transit Needs finding. This information also is summarized for the record in the allocating resolutions.

I have added the 3-page Supplemental Format budget spreadsheet for comparison to last year and details in line-item notes. Final notes and changes since the May draft budget workshop include:

#6a. Unmet Transit Needs. The Transit Productivity Committee (TPC) had recommended eight (8) needs as “reasonable to meet” consistent with adopted definitions. The SSTAC, which had produced the original list last November, met in May and recommended six (6) of those eight needs as reasonable to meet. Having participated in all of the meetings, and recognizing that each step further examined and refined the list, I prepared the draft resolution to make a finding that six needs are reasonable to meet for FY 2017/18.

#6b. Administration. In February, the Executive Committee had recommended an initial draft budget prepared by staff, with the staffing contract to include a Cost of Living Adjustment (COLA) reflecting the customary rate from the Consumer Price Index (CPI). This final draft shows the correct adjustment in Exhibit A. The impact is minor, reducing Direct Costs, which included prior-year cost savings from the contract. There is no change to the total Administration cost.

Also, we have carried over the entire \$2,000 subcontract with Redwood Coast Energy Authority for the North Coast & Upstate Fuel Cell Vehicle Readiness Plan. The draft budget carried over just \$1,000, however it is unlikely staff will be able to expend \$1,000 by June 30.

Bicycle & Pedestrian. This item is typically two percent (2%) of the County Auditor’s estimate of Local Transportation Funds from sales tax, after Administration costs, which comes to \$61,128. Staff has increased this amount by \$11,924, adding 2% of the prior-year unallocated revenues, for a total of \$73,052. It reduces the reserves of prior-year unallocated funds by \$11,924. This allocation is consistent with policy and with the Executive Committee discussion.

Active Transportation Program. ATP infrastructure grant funding has been added to the budget spreadsheets. \$317,768 is carried over from FY 2016/17 of \$576,000 previously allocated by

the California Transportation Commission of grants for the two phases of the SR 162 Corridor Multi-Purpose Trail in Round Valley. Also, up to \$485,000 of further allocations are anticipated in FY 2017/18, if work proceeds as planned. (This multi-year project has been awarded over \$3 million in grants, including construction.) Each of the grants is approved by separate resolution as required for Program Supplements under the State Master Agreement.

Planning. As anticipated, the Transportation Planning Overall Work Program (OWP) proposal has increased from \$625,550, consisting of draft funding totals reported at the budget workshop, to \$1,239,550, resulting from the addition of projects carried over from the previous fiscal year and the addition of funds carried over for the two Active Transportation Program (ATP) non-infrastructure Safe Routes to School grants. - *Refer to staff report, Agenda #7.*

#6c. Transit. Staff has collected all necessary data to make the findings required by the Transportation Development Act (TDA) for funding of Mendocino Transit Authority's annual claim. All supporting documentation for the resolution will be on file and available for verification. When MTA adopts their final budget later in June, we expect to have all of the information required to be submitted with the claim for funds, before the new fiscal year begins.

#6d. Regional Surface Transportation Program. The resolution details fund balances and carryover not entirely reflected in the budget spreadsheets. RSTP comprises three separate MCOG programs: Partnership Funding, Local Assistance, and Formula Distribution.

The Council as a whole has taken no action on the budget during this process. The budget before you now is the result of all deliberations by standing committees and staff. The time has come to adopt the budget, by way of allocating resolutions, for the coming fiscal year.

ACTION REQUIRED:

- a. Adopt the resolution to make the annual finding of Unmet Transit Needs. This documents the process that began the budget cycle with the Social Services Transportation Advisory Council's workshop last November and will conclude with this finding by resolution.
- b. Adopt the resolution to fund MCOG activities: Administration, Bicycle & Pedestrian Facilities, Planning and Reserves. The budget component for Planning will fund the Overall Work Program. The OWP is to be adopted under a subsequent agenda item.
- c. Adopt the resolution to fund Mendocino Transit Authority operations, capital needs, and senior center transportation contracts.
- d. Adopt the resolution to allocate RSTP funds for MCOG's Partnership Funding Program, Local Assistance, and Distribution by Formula to Member Agencies.

ALTERNATIVES:

- a. The Council could adopt an alternative finding that "*there are no unmet transit needs that are reasonable to meet,*" in which case MTA would still proceed with its grant-funded Mobility Management plans that can meet several needs. Or the Council could add to the list of needs found "reasonable to meet" and identify funding for them. Or you could choose not to make any finding, thereby not concluding the annual process, which we are not required to conduct.

– *not recommended*

- b. If the Council chooses to make changes to the budget for Administration, Bicycle & Pedestrian program, Planning or Reserves, direct staff to adjust the allocating resolutions accordingly and authorize the Chair to execute them, so that funds can be released on time. The next opportunity for Council approval would be the August 21 meeting (unless another special meeting is called), and delay could cause hardship for the agencies that depend upon the funds to be allocated. Or, the Council could release portions of individual budget line items as needed until the budget is adopted. – *changes not recommended*
- c. The Council could request that MTA revise their claim. – *not recommended*
- d. The Council could revise its established policy for allocation of RSTP funds. The resolution notes, “It is MCOG’s intention to reevaluate its RSTP formula for distribution to the member agencies if a forthcoming federal transportation legislative bill substantially changes the amount of, or designated use of, RSTP funds.” Also, the Council could revise the policy for “off-the-top” allocations to the Partnership Funding Program and Local Assistance. – *not recommended*

RECOMMENDATION:

Staff concurs with the four committee recommendations to date, with minor adjustments added. Approve the FY 2017/18 RTPA Budget by adopting the four resolutions for execution by the Chair.

Enclosure: 2017/18 Budget (as separate bound document)

NOTE: A limited number of print copies of this draft Budget are available. Additional copies of the final adopted Budget will be produced and distributed. Electronic copies are available by request and will be posted on MCOG’s website.



MENDOCINO COUNCIL OF GOVERNMENTS

Agenda # 7
Regular Calendar
MCOG Meeting
6/5/2017

STAFF REPORT

TITLE: FY 2017/18 Final Overall Work Program (OWP)

DATE SUBMITTED: 5/26/17

SUBMITTED BY: Loretta J. Ellard, Deputy Planner

MEETING DATE: 6/5/17

BACKGROUND:

Enclosed for your review and approval is the proposed FY 2017/18 Final Overall Work Program (OWP).

The TAC will review this OWP at their upcoming May 31 meeting, and will make a recommendation to MCOG. Since the TAC meeting will occur after the mailing of the June 5 agenda packet, the TAC's recommendation will be reported at the MCOG meeting.

As previously reported, the Draft Work Program was reviewed and recommended by the TAC at their February meeting, and submitted to Caltrans by March 1, 2017. This Final Work Program includes the projects recommended by the TAC in the Draft, as well as carryover projects from the current OWP. It also responds to Caltrans' comments on the Draft, which were minor.

Proposed work elements are as follows:

W.E.	Agency	Project	Amount
1	MCOG	Regional Government & Intergovernmental Coordination	\$ 81,975
2	MCOG	Planning Management & General Coordination (Non-RPA) <i>(New)</i>	\$ 90,700
3	MCOG	Community Transportation Planning & Coordination <i>(New)</i>	\$ 14,750
4	MCOG	Sustainable Transportation Planning <i>(New)</i>	\$ 10,000
5	Ukiah	Update Speed Zone Study Reports <i>(Carryover)</i>	\$ 35,000
6	Co. DOT	Combined Special Studies	\$ 60,000
7	MCOG	Planning, Programming & Monitoring (PPM)	\$ 64,025
8	MCOG	Public Participation Plan Update <i>(New)</i>	\$ 5,250
9	Ft. Bragg	Street Safety Plan <i>(New)</i>	\$ 64,975
10	MCOG	Regional Transportation Plan (RTP) 2017 Update, Phase 2 <i>(Carryover)</i>	\$ 32,000
11	Ukiah	Traffic Analysis for Realignment of Talmage Road <i>(New)</i>	\$ 25,000
12	Ukiah	Comprehensive ADA Access Plan Update <i>(New)</i>	\$ 35,000
14	MCOG	Training	\$ 21,000
15	MTA	MTA - Bus Stop Review <i>(Combines Ph. 3 Carryover & Ph. 4 New)</i>	\$ 37,000
16	MCOG	Multi-Modal Transportation Planning	\$ 20,000
18	MCOG	Geographic Information System (GIS) Activities	\$ 5,600
20	MCOG	Grant Development & Assistance	\$ 15,000
22	MCOG	Safe Routes to School ATP Non-Infrastructure Grant <i>(Carryover)</i>	\$ 585,000
----	MCOG	<i>Reserved for Future Projects – To Be Determined (New)</i>	\$ 37,275
		Total	\$1,239,550

As proposed, the FY 2017/18 Final Overall Work Program includes **18** work elements (*plus a "reserve"*) and totals **\$1,239,550**. For comparison purposes, the Final (Amended) FY 2016/17 Overall Work Program contains 16 work elements and totals \$1,752,991.

The financial summary pages (8-11) provide a breakdown of funding sources and claimants. Carryover amounts are estimates, and adjustments will be made in an amendment after the fiscal year end closes.

ACTION REQUIRED: Adopt FY 2017/18 Final Overall Work Program.

ALTERNATIVES: Revise work elements or refer back to TAC (*not recommended*).

RECOMMENDATION: After receiving verbal report of TAC's recommendation from May 31, 2017 TAC meeting, adopt FY 2017/18 Final Overall Work Program, and authorize Executive Director to sign certifications and OWP Agreement and forward to Caltrans as required.

/le

attachment: FY 2017/18 Final Overall Work Program



MENDOCINO COUNCIL OF GOVERNMENTS

STAFF REPORT

Agenda # 8
Regular Calendar
MCOG Meeting
6/5/2017

TITLE: Active Transportation Plan -
Review & Discussion of Draft Plan

DATE PREPARED: 05/26/17
MEETING DATE: 06/05/17

SUBMITTED BY: Nephele Barrett, Program Manager

BACKGROUND:

Over the past year, MCOG staff has been working with local agencies and other stakeholders to develop an Active Transportation Plan for the region. This plan takes the place of the previous Regional Bikeway Plan and help identify projects to apply for funding through the State's Active Transportation Program. The Plan will also serve as the Non-Motorized Transportation Element of the Regional Transportation Plan.

The Active Transportation Plan guidelines adopted by the California Transportation Commission identified requirements for Active Transportation Plans. Many of these were requirements of the old Bicycle Transportation Act, but there are new requirements as well.

The draft plan includes projects that have already been identified through other planning efforts, such as safe routes to schools plans or community action plans. It also identifies new projects that may not have previously been part of a thorough planning process. Pedestrian improvements as well as bicycle facilities are included in the plan.

Unlike the old Regional Bikeway Plans, the new plan involves a more thorough public outreach process in order to help qualify projects for grant funding. Public outreach included a series of public workshops throughout the county which simultaneously collected initial public input for the Regional Transportation Plan. Outreach and interagency coordination also included discussions at Technical Advisory Committee meetings and meetings of Municipal Advisory Councils. MCOG consulted with tribal governments throughout the region as well. In addition, the Social Services Transportation Advisory Council provided input to the plan.

A draft of the Active Transportation Plan is now available for review and comment. Maps to be included in the plan are not included in this draft, but will be complete prior to presentation of the final plan for adoption. The plan will be discussed at the June meeting with an opportunity for comment. This will be an opportunity for Board members and the public to provide comment prior to the plan being finalized. Comments received will be incorporated into the final plan, which will be presented for adoption at the August MCOG meeting. The Technical Advisory Committee will also be reviewing the plan and developing a recommendation prior to Board action.

ACTION REQUIRED: Discussion the Draft Mendocino County Active Transportation Plan and provide comments to be incorporated into the final plan.

ALTERNATIVES: None identified.

RECOMMENDATION: Discussion the Draft Mendocino County Active Transportation Plan and provide comments to be incorporated into the final plan, which will be presented for adoption at the August MCOG meeting.



MENDOCINO COUNCIL OF GOVERNMENTS

STAFF REPORT

Agenda # 9
Regular Calendar
MCOG Meeting
6/5/2017

TITLE: Local Agency Sub-Recipient Funding Agreement Template

SUBMITTED BY: Janet Orth, Deputy Director/CFO

DATE PREPARED: 5/26/2017

BACKGROUND:

Three years ago (almost to the day), I presented a request to this Council to authorize staff to develop a local agency sub-recipient funding agreement and distribute it to local agencies for execution, to be effective with the new fiscal year beginning July 1, 2014. We were aware of the need for compliance on several fronts, and Deputy Planner Loretta Ellard and I had been working on this issue. The Council directed us to consult with County Counsel and return for approval of a final template.

I had not meant to for this project to take so long. In the interim there has been a complete reorganization of MCOG's staffing. Also we have made progress on other compliance matters, such as developing a new Procurement Policies & Procedures Manual as required by the 2013 state audit. We have attended several administrative trainings offered by Caltrans, the CTC's Rural Counties Task Force (RCTF), and the California Special Districts Association to improve compliance. As the need for this sub-recipient agreement rose to the top of our priorities, Loretta and I returned to this task in March of this year.

As the recipient of state and federal funds, MCOG is required to enter into various funding agreements (i.e. Master Fund Transfer Agreement (MFTA); Overall Work Program Agreement (OWPA); Planning, Programming & Monitoring (PPM) Agreement; RSTP Exchange Agreement; and separate Fund Transfer Agreements for various grants with Caltrans. These agreements include numerous requirements of the recipient agency (MCOG) as well as sub-recipients (County, Cities, MTA)—in other words, flow-down provisions.

Currently, MCOG enters into funding agreements as needed, and agrees to comply with the stated requirements. However, there is a gap in our local process in that MCOG's requirements of local member agencies (sub-recipients) have not been well documented or enforced. Although there are some specific agreements that we require local agencies to sign, there is no comprehensive agreement that covers all funding sources and obligations.

We are not the only rural agency struggling to keep up with compliance as the state has become more vigilant in its enforcement. The good news is they are providing training for us. RCTF will offer a workshop on this subject, with templates, in July--unfortunately a little late for our timeline.

The attached template is based on several examples provided by related Regional Transportation Planning Agencies, so we believe the legal basis is sound. I have provided our template to County Counsel for review as directed, along with background documents for reference. Ms. Elliott has responded that she is unable to complete a review in time for our June 5 meeting, but may have some initial comments that I can verbally report.

We will be glad to discuss this further and answer any questions in the meeting.

ACTION REQUIRED:

Authorize MCOG staff to enter into Sub-Recipient Cooperative Agreements using the attached template, for execution by local agencies receiving funds from MCOG in FY 2017/18, effective July 1, 2017, subject to any changes advised by County Counsel. Staff would report back to the Board.

ALTERNATIVES:

Delay approval until County Counsel review is completed and/or until staff has attended the Rural Counties Task Force training in July. This could delay release of funds to local agencies for programmed projects and/or or further delay MCOG's full compliance with state and federal regulations.

RECOMMENDATION:

Authorize MCOG staff to enter into Sub-Recipient Cooperative Agreements using the attached template, for execution by local agencies receiving funds from MCOG in FY 2017/18, effective July 1, 2017, subject to any changes advised by County Counsel.

Enclosure:

Draft Sub-Recipient Cooperative Agreement template

SUB-RECIPIENT COOPERATIVE AGREEMENT
between
MENDOCINO COUNCIL OF GOVERNMENTS
and

THIS AGREEMENT is entered into effective on _____ [date] _____ between _____ (hereinafter referred to as Sub-recipient) and Mendocino Council of Governments (hereinafter referred to as MCOG), the Regional Transportation Planning Agency for Mendocino County, California.

WHEREAS,

- This agreement covers certain local, state or federal funds administered by and through MCOG that are allocated to Sub-recipient for projects and services, and sets forth the terms and conditions under which these funds are to be expended and reimbursed, including:
 - Local Transportation Funds (LTF) under the Transportation Development Act (TDA)
 - State Rural Planning Assistance (RPA)
 - State Planning, Programming & Monitoring (PPM) [\[compare to PPM agreement\]](#)
 - Regional Surface Transportation Program (RSTP) [\[compare to RSTP agreement, procedures\]](#)
 - Other funding sources, such as grants, to be identified as applicable annually
- MCOG's annual Transportation Planning Overall Work Program (OWP) is part of an agreement with the State of California Department of Transportation (Caltrans), which includes the Overall Work Program Agreement (OWPA) and Master Fund Transfer Agreement (MFTA). Together, the OWP, the OWPA and MFTA set forth the terms and conditions under which state and federal planning funds are to be expended by MCOG and its sub-recipients;
- Subrecipient is eligible to apply for and receive state and federal financial assistance as a public body corporate and politic of the State of California;
- Subrecipient has agreed to participate with MCOG, local and state agencies, the general public, and the private sector in planning efforts to identify and plan policies, strategies, programs and actions that maximize and implement the regional transportation infrastructure, consistent with MCOG's adopted OWP, and to participate in the regional planning process;
- MCOG and Sub-recipient intend to cooperate to ensure the timely development, adoption and implementation of integrated comprehensive regional plans and policies, as set forth by federal and state requirements and guidelines; and
- For any terms or conditions covered under this AGREEMENT that may be superseded by other grant or fund agreement(s) signed by MCOG, an exhibit identifying "Special Conditions" shall prevail; therefore

IT IS MUTUALLY AGREED THAT:

1. Annual Agreement with Sub-recipient and Amendments

- a. This AGREEMENT constitutes a five-year Master Agreement, and may be amended by mutual written agreement. Exhibits are subject to annual renewal.
 - b. This AGREEMENT includes an exhibit detailing "Sub-recipient Scope of Work and Budget" (Exhibit A) and an optional "Sample Sub-recipient Invoice" (Exhibit B) hereinafter referred to as Exhibits A and B respectively, attached hereto and incorporated herein by this reference. Any proposed amendment to the Scope or Budget (Exhibit A or B) must be in advance by written amendment and is subject to approval by Caltrans or any state or federal agency having jurisdiction.
 - c. This agreement includes MCOG's adopted OWP Policies & Instructions, attached as Exhibit C.
 - d. This AGREEMENT may include "Special Conditions" (Exhibit D) hereinafter referred to as Exhibit D, attached hereto. This Exhibit D is purposed to outline requirements for other funds as may be applicable annually.
 - e. MCOG's maximum payment obligation to Sub-recipient is limited to those funds identified in Exhibit A.
 - f. Billable work cannot be performed without this fully signed AGREEMENT and corresponding notice to proceed.
2. Scope of Sub-recipient Responsibilities
- a. Sub-recipient shall be responsible for the complete performance of the work described in Exhibit A.
 - b. In accordance with Title 49, CFR, Part 18, Sections 18.36 and 37 and state laws and procedures, Sub-recipient contracts for work identified in the attached Exhibit A under "Consultant Work" are required to be competitively bid and awarded in accordance with Title 49, CFR, Part 18, Section 18.37 and consistent with the Caltrans Local Assistance Procedure Manual, Ch. 10 or successors thereto, or applicable procurement procedures as required by funding source.
 - c. Sub-recipient shall ensure that its Contractor(s) and Sub-contractor(s) comply with all provisions of this agreement.
3. Time of Performance
- The services provided pursuant to this AGREEMENT shall begin upon issuance of a Notice to Proceed by MCOG to Sub-recipient and shall continue until completion, but not later than June 30 of each year, unless an extension of time is approved by MCOG.
4. Materials to be Furnished to Sub-recipient
- a. At the option of MCOG and if allowable under federal and state requirements, MCOG may procure equipment, software, or other materials for use by Sub-recipient, only for purposes of carrying out work described under this AGREEMENT. Sub-recipient agrees to comply with all license agreements for software or other materials procured by MCOG for use by Sub-recipient.

- b. All equipment or other materials provided to Sub-recipient under this AGREEMENT shall remain the property of MCOG and shall be returned to MCOG upon project completion or termination, unless other terms are mutually agreed in writing.

5. Invoices, Reporting and Deliverables

- a. In performing the work described in Exhibit A, Sub-recipient may incur only the costs authorized by Exhibit A. Said costs shall comply with Section 6 (Cost Principles) of this AGREEMENT. Sub-recipient shall submit to MCOG, not more frequently than every month, but at least annually, each requisition for payment (invoice), unless no funds were expended during the fiscal year.
- b. Sub-recipient shall submit the following relative to an invoice:
 - i. An invoice with supporting documentation, including receipts for all direct costs, and including but not limited to documentation of per diem as allowed (refer to Section 5d), in accordance with Exhibit B (sample invoice).
 - ii. Upon request of MCOG, additional information or documentation to support the costs contained in the invoice.
- c. Sub-recipient shall submit an invoice with supporting documentation to MCOG no later than thirty (30) days after the fiscal year ending June 30. Invoices received by MCOG after July 31 for the preceding fiscal year shall not be paid. This deadline may be waived if mutually agreed to by MCOG and Sub-recipient, in writing.
- d. For travel and subsistence (per diem) expenses of Sub-recipient and its contractors, rates 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 Sub-recipient are in excess of DPA rates, MCOG will not reimburse those amounts in excess of the DPA rates. Mileage reimbursements shall not exceed the federal business mileage rate (at www.irs.gov).
- e. Payment of Sub-recipient invoices is contingent upon receipt by MCOG of the above documentation provided by Sub-recipient, consistent with Sections 6 through 8 of this AGREEMENT. Payment to Sub-recipient is further contingent upon MCOG's determination that the performance of Sub-recipient meets federal, state and MCOG standards. Sub-recipient invoices shall be reviewed and submitted for payment by MCOG within thirty (30) days of receipt.
- f. Sub-recipient shall not be entitled to reimbursement of indirect costs unless a copy of a federal cognizant agency-approved, indirect cost allocation plan has been received by MCOG prior to submittal of the first invoice from Sub-recipient.
- g. Sub-recipient mark-up of direct expenses or of subcontractor invoices are not allowable; therefore MCOG will not pay Sub-recipient for any such increases to actual costs incurred.

- h. A quarterly progress report, in narrative form, that describes progress toward completion of tasks, projects, and products, conformance with project schedules, and reporting of all costs incurred for the work elements contained in Exhibit A.
- i. Sub-recipient shall provide hard copies of all completed products and/or deliverables to the assigned MCOG Project Manager, and a commonly used electronic format at the discretion of the MCOG Project Manager, as referenced in Section 8 of this AGREEMENT, according to the schedule of deliverables in Exhibit A.
- j. All final reports and documents produced under this AGREEMENT shall include the following statement:

"The preparation of the report was financed in part through [insert funding source and agency] as facilitated by Mendocino Council of Governments as the Regional Transportation Planning Agency."

Alternatively, certain language may be required by state or federal funding agencies, to be specified in Exhibit D, Special Conditions.

6. Cost Principles

- a. Sub-recipient agrees to be bound by and shall require its Consultants and/or Contractors to comply with the following:
 - i. 2 Code of Federal Regulations (CFR), Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, shall be used to determine the allowability of individual project cost items; and
 - ii. The federal administrative procedures in accordance with 49 CFR, Part 18, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments".
- b. Any costs for which Sub-recipient receives payment or credit that is determined by a subsequent audit or other review by either MCOG, Caltrans, or other state or federal authorities to be unallowable under, but not limited to, 2 CFR Part 200; 48 CFR Chapter 1, Part 31; or 49 CFR, Part 18, shall be repaid by Sub-recipient within thirty (30) days of Sub-recipient receiving notice of audit findings.
- c. All costs charged to this AGREEMENT by Sub-recipient shall be supported by properly executed payrolls showing labor (wage) rates per hour, time records, and invoices and vouchers evidencing in proper detail the nature of the charges. These costs shall comply with the cost principles cited above in Section 6a of this AGREEMENT.

7. Written and Electronic Versions of Work Products and Related Materials

- a. Sub-recipient shall provide copies of all of its deliverables, as well as support data created pursuant to the Scope of Work, to MCOG in electronic format. Hard copies will also be provided

upon MCOG request. Related materials, including any reports, newsletters, or other written materials, will also be provided in hard copy and/or electronic format, upon MCOG request.

- b. Any graphics or images accompanying the text of these written materials shall be included in the electronic version, in a format (e.g. JPEG, BMP, or PNG) requested by MCOG staff. The quality of the images will be a minimum 300-600 DPI resolution, typically a 3MB or more file size.
- c. The electronic versions of all written materials, data files, and accompanying graphics or images shall, when printed or otherwise displayed, appear in the identical format, location, quality, and state of replicating in which they appear in the hard copy versions.
- d. Materials in the electronic version shall be presented to MCOG in a medium pre-approved in writing by the MCOG Project Manager. For reports this would typically be in Microsoft Word and Adobe Acrobat formats.
- e. The applicable funding agency shall have a royalty-free, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and authorize others to use, work products funded under this AGREEMENT for government purposes.

8. Records Retention and Audits

- a. If Sub-recipient receives Local Transportation Funds, Sub-recipient shall submit to MCOG an annual certified fiscal audit conducted by an entity other than itself, in compliance with the Transportation Development Act (TDA), Section 99245. A report on the audit shall be submitted to MCOG and to the State Controller within 180 days after the end of the fiscal year. However, MCOG may grant an extension of up to 90 days, as it deems necessary. The report shall include a certification that the funds allocated to Sub-recipient pursuant to TDA were expended in conformance with applicable laws and rules and regulations. Except for the first report, the report shall also include the audited amounts for the fiscal year prior to the fiscal year audited.
- b. Sub-recipient shall maintain, and shall require that its Contractor maintain, all source documents, books, and records connected with their performance of work initiated under this AGREEMENT and each annual MCOG OWP for a minimum of three (3) years from the date of final payment to Sub-recipient, or until audit resolution is achieved for each annual MCOG OWP, whichever is later, and shall make all supporting information available for inspection and audit by representatives of MCOG, the state, the Bureau of State Audits, or the federal government upon request. Copies will be made and furnished to MCOG upon request, at no cost to MCOG.
- c. Sub-recipient shall establish and maintain, and shall require that its Contractor establish and maintain, an accounting system conforming to Generally Accepted Accounting Principles (GAAP) to support Invoices which segregate and accumulate the costs of work elements by line item (i.e. direct labor, other direct costs, subcontractors, etc.) and enable the determination of

incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices.

- d. Sub-recipient agrees to include all costs associated with this AGREEMENT and any amendments thereto to be examined in the annual audit and, if applicable, in the schedule of activities to be examined under a single audit prepared by Sub-recipient in compliance with Office of Management and Budget Circular A- 133.
 - e. For the purpose of determining compliance with Title 2, California Government Code, Chapter 6.5, Article 2, Section 8546.7, Sub-recipient and its contractors shall each maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts and/or agreements, including, but not limited to, the costs of administering those various contracts and/or agreements. All of the above referenced parties shall make such contracts and/or agreements available at their respective offices at all reasonable times during the entire period of the contract duration and for three (3) years from the date of final payment to Consultant or until audit resolution is achieved for each annual MCOG Overall Work Program Agreement, whichever is later. The State, the California State Auditor, or any duly authorized representative of the State or the United States Department of Transportation, shall each have access to any books, records, and documents that are pertinent to the fulfillment of the contracts and/or agreements for audits, examinations, excerpts, and transactions, and Consultant and its sub-consultants shall furnish copies thereof if requested.
 - f. Neither the pendency of a dispute nor its consideration by MCOG, Caltrans, or the state will excuse Sub-recipient from full and timely performance in accordance with the terms of this AGREEMENT.
 - g. Sub-recipient agrees to furnish documentation to MCOG to support this requirement that its Agreements with a Contractor contain provisions requiring adherence to this Section in its entirety.
9. Certifications and Assurances
- a. Sub-recipient shall adhere to the requirements contained in MCOG's annual Certification and Assurances (FHWA and FTA "Metropolitan Transportation Planning Process Self-Certification") submitted as part of MCOG's OWP, pursuant to 23 CFR 450.334 and 23 U.S.C. 134. Such requirements shall apply to Sub-recipient to the same extent as MCOG and may include, but are not limited to:
 - i. 23 U.S.C. 134, 49 U.S.C. 5303, and subpart C of 23 CFR part 450;
 - ii. In nonattainment and maintenance areas, sections 174 and 176(c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506(c) and (d)) and 40 CFR part 93;

- iii. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d–1) and 49 CFR part 21;
 - iv. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
 - v. Section 1101(b) of the FAST Act (Pub. L. 114-94) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
 - vi. 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
 - vii. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR parts 27, 37, and 38;
 - viii. The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
 - ix. Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
 - x. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.
- b. Sub-recipient shall additionally comply with Federal and State Lobbying Activities Certification:
- i. By signing this AGREEMENT, Sub-recipient certifies, to the best of its knowledge and belief, that no state or federal funds have been paid or will be paid, by or on behalf of Sub-recipient, 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, the making of any state or federal grant, the making of any federal loan, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any state or federal contract, grant, loan, or cooperative agreement.
 - ii. If any funds other than state or federal 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 federal contract, grant, loan, or cooperative agreement, Sub-recipient shall complete and submit Federal Standard Form-LL, "Disclosure Form to Report Lobbying," in accordance with those form instructions.

- iii. This certification is a material representation of fact, upon which reliance was placed when this AGREEMENT was entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S.C. and by the MFTA between MCOG and Caltrans or, alternatively, the grant agreement with the respective funding entity. Any persons who fail to file the required certification shall be subject to a civil penalty of not less than \$10,000 and more than \$100,000 for each such failure. – [Question for County Counsel](#)
- c. Sub-recipient shall further require its Contractor(s) to comply with these Certifications.

10. Equal Employment Opportunity/Nondiscrimination

- a. In the performance of work undertaken pursuant to this AGREEMENT, Sub-recipient for itself, its assignees, and successors in interest, shall affirmatively require that its employees and Contractor shall not unlawfully discriminate, harass or allow harassment, against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (including cancer), age (over 40), marital status, denial of family and medical care leave, and denial of pregnancy disability leave.
- b. Sub-recipient shall ensure that the evaluation and treatment of their employees and applicants for employment, as well as their contractors, are free from such discrimination and harassment. Sub-recipient 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 the Government Code sections referenced above, are incorporated into this AGREEMENT by reference and made a part hereof as set forth in full. Sub-recipient shall give written notice of their obligations under this clause to labor organizations with which they have collective bargaining or other labor agreements.
- c. In the event of Sub-recipient's noncompliance with the nondiscrimination provisions of this AGREEMENT, MCOG shall impose such contract sanctions as it, Caltrans, or other applicable funding agency may determine to be appropriate, including, but not limited to:
 - i. Withholding of payments to Sub-recipient under this AGREEMENT until Sub-recipient complies; and/or
 - ii. Cancellation, termination or suspension of the AGREEMENT, in whole or in part.
- d. Sub-recipient shall permit access to all records of employment, employment advertisements, application forms, and other pertinent data and records by the State Fair Employment Practices and Housing Commission or any other agency of the State of California designated by the State to investigate compliance with this section.

- e. Sub-recipient shall include the provisions of this Section in every agreement with its contractor(s). Sub-recipient shall take such action with respect to any such agreement as MCOG, Caltrans, or other applicable funding agency may direct as a means of enforcing such provisions, including sanctions for noncompliance.

11. Conflict of Interest

Sub-recipient and its officers, employees, and agents (including a Contractor) that perform work under this AGREEMENT shall comply with federal and state conflict of interest laws, regulations and policies, and applicable provisions of [MCOG's Conflict of Interest Policy](#). [may need to formalize]

12. Independent Contractor

Sub-recipient and its officers, employees, and agents shall be independent contractors in the performance of this AGREEMENT.

13. Disadvantaged Business Enterprise (DBE)

- a. It is the policy of MCOG, the California Department of Transportation, and the U.S. Department of Transportation, that Disadvantaged Business Enterprises (DBEs), as defined in 49 CFR Part 26, shall have an equal opportunity to receive and participate in the performance of agreements financed in whole or in part with Federal Highway Administration (FHWA)/Federal Transit Administration (FTA) funds provided under this AGREEMENT.
- b. Sub-recipient, its employees, and its contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of FHWA/FTA funds-assisted contract or in the administration of MCOG's DBE program per the requirements of 49 CFR Part 26. Failure to carry out the requirements of this paragraph shall constitute a breach of contract and may result in termination of this AGREEMENT or such other remedy MCOG may deem appropriate.
- c. Sub-recipient shall, as required by 49 CFR Part 26, include applicable language into all contracts funded in whole or in part with FHWA or FTA funds.

14. Disputes

- a. Should either party to this AGREEMENT bring legal action against the other (formal judicial proceeding, mediation or arbitration), the case shall be handled in Mendocino County, California, and the party prevailing in such action shall be entitled to a reasonable attorney's fee which shall be fixed by the judge, mediator, or arbitrator hearing the case and such fee shall be included in the judgment, together with all costs.
- b. Neither the pendency of a dispute nor its consideration by MCOG, Caltrans, and/or the respective funding agency will excuse Sub-recipient from full and timely performance in accordance with the terms of this AGREEMENT.

15. Severability. [County Counsel to fill in standard language](#)

16. Hold Harmless

- a. Sub-recipient shall defend, indemnify and hold MCOG, its officers, agents and contracted staff harmless from and against any and all liability, loss, expense or claims or damages arising out of the performance of this AGREEMENT but only in proportion to and to the extent such liability, loss, expense, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of Sub-recipient, its officers, agents or employees.
- b. MCOG shall defend, indemnify and hold Sub-recipient, its officers, agents and employees harmless from and against any and all liability, loss, expense or claims or damages arising out of the performance of this AGREEMENT but only in proportion to and to the extent such liability, loss, expense, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of MCOG, its officers, agents or contracted staff.
- c. Sub-recipient further agrees to reimburse MCOG for claims, demands, costs or liability associated with the incomplete performance of work contained in Exhibit A, in the event that the MCOG terminates this AGREEMENT in accordance with Section 19.b. herein.

17. Noncompliance

In addition to such other remedies as provided by law, in the event of noncompliance with any grant condition or specific requirement of this AGREEMENT, this AGREEMENT may be terminated.

18. Termination of Agreement

- a. Termination for Convenience: Either party may terminate this AGREEMENT at any time by giving written notice to the other party of such termination at least thirty (30) calendar days before the effective date of such termination. In such event, all finished or unfinished documents and other materials as described in the AGREEMENT shall be returned to MCOG at its option. Sub-recipient shall return at the option of MCOG, all equipment, software, or other materials provided to Sub-recipient under this AGREEMENT. If this AGREEMENT is terminated by MCOG, as provided herein, Sub-recipient shall be reimbursed for expenses incurred prior to the termination date, in accordance with Section 6 through 8 of this AGREEMENT.
- b. Termination for Cause: If through any cause, Sub-recipient shall fail to fulfill in a timely and proper manner its obligations under this AGREEMENT, or if Sub-recipient violates any of the covenants, agreements, or stipulations of this AGREEMENT, MCOG shall thereupon have the right to terminate the AGREEMENT by giving not less than ten (10) calendar days written notice to Sub-recipient of the intent to terminate and specifying the effective date thereof. MCOG shall provide a reasonable opportunity for Sub-recipient to cure prior to termination. Upon termination, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, reports or other materials prepared by Sub-recipient under this AGREEMENT shall be provided to MCOG. At the option of MCOG, Sub-recipient shall return all equipment, software, or other materials provided to Sub-recipient under this AGREEMENT. Sub-

recipient shall be entitled to receive compensation for all work satisfactorily completed, in MCOG's judgment, in accordance with Exhibit A prior to the effective date of termination.

- c. Fiscal Funding Out: Sub-recipient may terminate this AGREEMENT immediately upon email or other written notice should funding cease or be materially decreased during the term of this AGREEMENT.

19. Environmental, Resource Conservation, and Energy Requirements

Sub-recipient recognizes that many federal and state statutes imposing environmental, resource conservation, and energy requirements may apply to the Project. Sub-recipient agrees to adhere to any such federal and state requirements.

20. Notices

Any notice required or permitted to be given pursuant to this AGREEMENT 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:

If to MCOG:

Mendocino Council of Governments
Attn: Phillip J. Dow, Executive Director
367 N. State St., Suite 206
Ukiah, CA 95482

If to Sub-Recipient:

Sub-recipient: _____

Attn: Name, Title: _____

Address: _____

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT on the date of the last signature below:

Mendocino Council of Governments:

APPROVED AS TO FORM:

Phillip J. Dow, P.E., Executive Director

Katherine L. Elliott, MCOG Legal Counsel

Date: _____

Date: _____

Sub-recipient:

APPROVED AS TO FORM:

Duly authorized Sub-recipient signatory

Sub-recipient Legal Counsel

Date: _____

Date: _____

DRAFT

EXHIBIT A

Sub-recipient Scope of Work and Budget

DRAFT

EXHIBIT B

Sample Sub-recipient Invoice

DRAFT

EXHIBIT C

MCOG's Adopted OWP Policies & Instructions

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EXHIBIT D
Special Conditions

DRAFT



MENDOCINO COUNCIL OF GOVERNMENTS

Agenda # 10
Regular Calendar
MCOG Meeting
6/5/2017

STAFF REPORT

TITLE: Approval of Independent CPA Engagement for MCOG and MTA Fiscal Audits

SUBMITTED BY: Janet Orth, Deputy Director/CFO **DATE PREPARED:** 5/26/2017

BACKGROUND:

The Transportation Development Act (TDA) requires that both MCOG and Mendocino Transit Authority (MTA) are audited independently each fiscal year. To ensure compliance, MCOG has traditionally engaged auditors for both audits, paid from our administration budget.

Also, MCOG's Joint Powers Agreement states: *"There shall be strict accountability by all parties and by MCOG of all funds. MCOG shall contract with a certified public accountant to make an annual audit."*

In 2012 I issued a Request for Proposals (RFP) to engage a qualified auditor for five years. We had used R. J. Ricciardi, Inc., Certified Public Accountants for several years, and with costs on the rise we wanted to gauge value and cost effectiveness of the service provided. Four proposals were received from our updated list. Burr Pilger Mayer, Inc. (BPM) was awarded the contract. After two audit years, BPM terminated the agreement. With the Council's approval, we proceeded to hire the second-ranked firm, R. J. Ricciardi, to complete the five-year engagement.

R. J. Ricciardi has successfully completed three years of audits since then. Staff would like to extend the engagement for a total of five years. I have researched best practices, and five years is an accepted time period for these engagements. The annual audits are running efficiently. If we were to change auditors again now, it would be more time consuming and could disrupt our priorities for administration tasks.

The current annual audits cost \$12,000 each and are estimated at the same cost for 2017 and 2018. Our budget is \$25,000 for audits of both MCOG and MTA.

We recommend extending for two more years and preparing another RFP in 2019. I will be prepared to answer any questions at our meeting.

ACTION REQUIRED:

Award a contract to a qualified independent Certified Public Accountant or CPA firm to conduct fiscal audits of both MCOG and MTA for the year ending June 30, 2017.

ALTERNATIVES:

- 1) Issue a new Request for Proposals. – *Not recommended this year*
 - 2) Extend the current engagement to audit the fiscal years ending June 30, 2017 and 2018.
– *Recommended*
-

RECOMMENDATION:

Extend the fiscal audit contract with R. J. Ricciardi, Inc. for two more years and authorize MCOG's Executive Director to execute the annual engagement agreements.

May 26, 2017

To: MCOG Board of Directors
From: Janet Orth, Deputy Director/CFO
Subject: Consent Calendar of June 5, 2017

The following agenda items are recommended for approval/action.

11. Approval of May 1, 2017 Minutes – *attached*
12. Acceptance of April 19, 2017 Transit Productivity Committee Minutes – *attached*
13. Adoption of Resolution Approving Mendocino Transit Authority's Grant Application for Federal Transit Administration (FTA) Section 5311 Non-Urbanized Program - Annual Regional Apportionment for Transit Operating Assistance – This is a routine matter annually, requiring MCOG's approval by resolution. Mendocino Transit Authority is eligible for these funds, and staff finds that MTA meets program requirements. The estimated apportionments available to Mendocino County for FFY 2017 and 2018 are \$473,918 and \$484,742.
– *Staff report and resolution are attached.*
14. Adoption of Resolution Approving the Programming of FTA Section 5311(f) Intercity Bus Program Funds for Mendocino Transit Authority's Project Proposal: Continuation of Route 65 Service – Operating Assistance – Funds were awarded in 2014 for an additional trip between Willits and Santa Rosa. In 2015 MTA had applied for another FTA 5311(f) grant to extend this run from Fort Bragg to Santa Rosa (Phase 2), but for several reasons MTA withdrew the proposal in favor of a new application at \$300,000 in 2016, for the same route, which MCOG approved but the grant funding was reduced. MTA is now requesting the available Operating Assistance Continued Funding of \$122,833 for this route, matched with local funds. MCOG approval is required.
– *Resolution attached; further documentation available by request.*
15. Adoption of Resolution Approving the Allocation of California Proposition 1B Funds, Fiscal Year 2014/15 (and Residual) Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA), for Mendocino Transit Authority's Eligible Project – MTA requests allocation of \$480,154 available to Mendocino County. The majority of this amount is under MCOG's allocation authority and requires approval by resolution. MTA will use the funds for scheduled vehicle replacement of two medium-duty busses. MCOG approval is required.
– *Resolution with Exhibit A (application) to be added; further documentation available by request.*

MENDOCINO COUNCIL OF GOVERNMENTS

Agenda # 11
Consent Calendar
MCOG Meeting
6/5/2017

MINUTES

Monday May 1, 2017

County Administration Center, Board of Supervisors Chambers

ADDITIONAL MEDIA:

Find YouTube link at <http://www.mendocinocog.org> under Meetings
or search Mendocino County Video at www.youtube.com

The Mendocino Council of Governments (MCOG) meets as the Board of Directors of:
Mendocino Regional Transportation Planning Agency (RTPA) and
Mendocino County Service Authority for Freeway Emergencies (SAFE)

1. Call to Order / Roll Call. The meeting was called to order at 1:31 p.m. with Directors Rex Jackman, (Caltrans/PAC), Larry Stranske, Steve Scalmanini, Susan Ranochak, John McCowen (Alternate), Richey Wasserman, and Dan Gjerde; Chair Gjerde presiding. Michael Cimolino was excused.

Staff present: Phil Dow, Executive Director; Janet Orth, Deputy Director/CFO; Loretta Ellard, Deputy Planner; Nephele Barrett, Program Manager; and Marta Ford, Administrative Assistant.

2. Convene as RTPA

3. Recess as RTPA – Reconvene as Policy Advisory Committee.

4. Public Expression. None.

5 – 6. Regular Calendar

5. Consideration of State Route 1 Traffic Issues in Elk. Executive Director Dow summarized the issues contributing to the traffic, pedestrian, and bicycle safety issues through the town of Elk that were also discussed at the February 6, 2017 MCOG meeting. Mr. Dow introduced Mr. Norman deVall, resident of Elk and former County Supervisor, who was unable to attend the February MCOG meeting but wanted to ensure his concerns were heard. Mr. deVall explained how isolated the town of Elk is from medical care, which emphasizes the need to address safety issues. Traffic has further increased due to recent construction work in the area; this has increased the amount of people and traffic sharing the roadways.

Chair Gjerde reported that Mr. Darron Hill, of Traffic Safety with Caltrans District 1, looked into the issues described at the February MCOG meeting and was present at today's meeting. Mr. Hill spoke at the podium and told the group that Caltrans plans to put another feedback radar trailer close to the school, reviewing options to make improvements, add signage, and is in process of adding ADA ramps. Information collected from the radar feedback trailer can monitor and track for trends of possible violations. Creating sidewalks are not within Caltrans' responsibilities.

Director Jackman further explained the limitations from existing roads where Caltrans does not own right-of-way; Caltrans only maintains the area versus what they can achieve when the State owns that property. He also shared the challenges Caltrans faces to balance the uses of roadways when they are also part of a main street through a town. People use the road shoulders for bicycle and pedestrian traffic, off-street parking, and disabled vehicles, often at the same time.

California Highway Patrol Sergeant Erich Paarsch attended this meeting on direction of his supervisor Sergeant Emery to assist in addressing Mr. deVall's concerns. He reported that there are currently six (6) officers, four (4) assigned to patrol the North Coast and two (2) to patrol the South Coast, however, due to staff shortage there are often only one (1). The Highway Patrol is aware that the Elk community would like more enforcement but until additional resources become available, the focus is to patrol higher risk areas as their priority. He requested for anyone who notices or suspects specific trends or times where issues occur more frequently to contact them; they can work on different options to reduce the problem(s).

Mr. deVall requested that this agenda item be brought back in a year to see how the community reacts; he will provide additional visual aids to present to the Council. This would also allow a review of changes to the area after the construction is completed. Chair Gjerde and Executive Director Dow agreed to agendize the matter in May 2018.

6. Fiscal Year 2017/18 RTPA Budget Presentation & Workshop. Ms. Orth created a slide presentation that covered her written staff report. The presentation includes an overview of context and trends affecting the proposed budget such as the federal FAST Act, the state transportation funding bill SB 1, and the California Road Charge Pilot program, and recommendations. Questions and discussion by councilmembers and staff were encouraged. Details covered in her written staff report and the presentation included the following. No action was taken.

- a. Report of Revenues Fiscal Year to Date (FYTD) 2017/18. Local Transportation Fund (LTF) sales tax receipts through April (8 of 12 months on the accrual basis) total \$2,435,728, at \$167,523 (7.4%) more than the FYTD budget estimate of \$2,268,205.
- b. Executive Committee Recommendations of January 20 and February 21, 2017. The committee unanimously recommended a draft budget that allocates Local Transportation Funds (LTF) for MCOG Administration, 2% Bicycle & Pedestrian, and Planning, with the remainder available for Transit consistent with established priorities for LTF. The Executive Committee also recommended allocating an LTF Reserve balance of \$175,000, at five percent using \$68,364 of LTF prior-year unallocated revenues; maintaining last year's allocation level for Mendocino Transit Authority at \$3,022,621 for transit operations, using LTF prior-year unallocated revenues to make up the shortfall; and temporarily reserving a balance of LTF prior-year unallocated revenues of \$350,194 during budget development, at least until the Unmet Transit Needs annual cycle is completed. Available funds from State Transit Assistance (STA) and MCOG's Capital Reserve fund balance are to be used for transit purposes.
- c. TAC Recommendation of February 15, 2017 – Draft Planning Overall Work Program. Ms. Ellard reported funding allocations from various sources for the Draft Transportation Planning Overall Work Program (OWP), which was forwarded per requirement to Caltrans for comment by March 1. Ms. Ellard provided details in her staff report and a summary of funding sources worksheet for the Council to review. The total draft program is \$625,550. Additional carryover projects are expected to be added to the Final Work Program. This information was included in the agenda packet for information only; no action is required at this time.
- d. Transit Productivity Committee (TPC) Recommendations of April 19, 2017 – Mendocino Transit Authority's (MTA) Annual Transit Claim and Unmet Transit Needs. The annual transit claim was received timely from Mendocino Transit Authority (MTA) on March 29. The TPC met to review the transit claim along with the Unmet Transit Needs analysis to consider "reasonable to meet" recommendations. The committee's recommendation includes to fully fund MTA's claim with two minor amendments; reserve \$421,059 as unallocated

revenue (until Unmet Transit Needs have been considered); and to make a finding that eight (8) needs on the FY 2017/18 list are considered reasonable to meet.

7 – 8. Consent Calendar. Upon motion by Ranochak, second by McCowen, and carried unanimously (*7 Ayes; 0 Noes; 0 Abstaining; 1 Absent*): IT IS ORDERED that consent items listed below are approved:

7. Approval of April 11, 2017 Minutes – as written

8. Acceptance of 2015/16 Mendocino Transit Authority Fiscal Audit. *Accept MTA's Fiscal Audit as presented by R.J. Ricciardi, Inc., CPAs; MTA received a clean audit.*

9. Recess as Policy Advisory Committee – Reconvene as RTPA – Ratify Action of Policy Advisory Committee. Upon motion by Wasserman, second by Scalmanini, and carried unanimously (*6 Ayes; 0 Abstaining; 1 Absent*): IT IS ORDERED the actions taken by the Policy Advisory Committee are ratified by the MCOG Board of Directors.

10. Reports - Information

- a. Mendocino Transit Authority. The April meeting was cancelled. An update on grant funding through the 5310 Grant Program for MTA is included below in Miscellaneous (*see 10d2*).
- b. North Coast Railroad Authority. Ms. Ellard had nothing to report.
- c. MCOG Staff - Summary of Meetings. Mr. Dow referred to his written report.
- d. MCOG Administration Staff.
 1. *Road Repair and Accountability Act of 2017 – Transportation Funding to Mendocino County.* Mr. Dow referred to his staff report on the Road Repair and Accountability Act of 2017 that had just been passed by the legislature. The report included preliminary information of how the funding may be awarded to the county, in whole, and to the cities of Fort Bragg, Point Arena, Ukiah, and Willits. The Act will assist to fund much needed repairs and maintenance of the County's and Cities' roads. Further details will be forthcoming regarding eligibility and reporting requirements.
 2. *Miscellaneous.* Mr. Dow reported that he received a notice of preliminary recommendations from the FTA Section 5310 Grant Program this morning. Recommendations include; South Coast Seniors for a replacement vehicle, a second small bus and funding for operating assistance; Redwood Coast Seniors for a small replacement bus; and Consolidated Tribal Health to receive a small replacement bus and funding for operating assistance. Mendocino Transit Authority applied for a Mobility Management position which has been recommended as well. Awards are expected to be approved by the California Transportation Commission in June.
- e. MCOG Planning Staff.
 1. *Current Transportation Grant Funding Opportunities.* Ms. Ellard updated on upcoming grants and calls for projects. Current opportunities include: a program through the Strategic Growth Council called the Urban Greening Grant Program and the Environmental Enhancement and Mitigation Program grants. Staff also provided a letter of support of the County to apply for the Federal Land Access Program (FLAP) Grant to fund a project on the Eastside Potter Valley Road. There are several other programs that are being monitored to assist local agencies.

2. *Caltrans FY 2017-18 Sustainability Transportation Planning Grant Awards.* Ms. Ellard reported the County's Orchard Avenue Extension Feasibility Study application was approved.
 3. *Miscellaneous.* Ms. Ellard reported Mr. James Sookne, MCOG Administration Staff, started conducting bicycle and pedestrian counts at the elementary schools in seven communities in support of Active Transportation Safe Routes to School grants.
- f. MCOG Directors.
- Director Wasserman introduced Point Arena Mayor Scott Ignacio who was in the audience; Mr. Ignacio is on the LAFCO commission and he is also a new MCOG alternate director.
 - Director Scalmanini gave an update on his efforts for the new Ukiah Costco project to include meaningful greenhouse emissions reduction in their plans.
 - Director Stranske thanked City of Fort Bragg for leading last month's tour and for showing MCOG's group their plans and projects they have accomplished.
- g. California Association of Councils of Governments (CALCOG) Delegates. Nothing to report at this time.

11. Adjourn. The meeting was adjourned at 3:44 p.m.

Submitted: PHILLIP J. DOW, EXECUTIVE DIRECTOR

By Marta Ford, Administrative Assistant

MENDOCINO COUNCIL OF GOVERNMENTS

Agenda # 12
Consent Calendar
MCOG Meeting
6/5/2017

MINUTES

Transit Productivity Committee - TPC

April 19, 2017

Dow & Associates Conference Room, Ukiah

PRESENT:

MCOG Board Members: Dan Gjerde and Susan Ranochak
MTA Board Members: Jim Mastin and Jim Tarbell
Senior Centers Rep.: Charles Bush, Redwood Coast Seniors
Staff: Phil Dow, Janet Orth, and Marta Ford, MCOG; Carla Meyer, MTA

ABSENT: None

1. **Call to Order.** The meeting was called to order at 1:20 p.m. Chair Gjerde asked Sue Ranochak to preside.
2. **Public Expression.** None.
3. **Annual Review of MTA Performance Reports Against MCOG Standards.** Data was not yet available from MTA. Upon motion by Gjerde, seconded by Mastin, and carried unanimously (*4 Ayes; 0 Noes; 1 Absent*): The TPC continued this item to a later date, to be determined.

Charles arrived during Agenda #4.

4. **Discussion of Triennial Performance Audit of MTA – FY 2012/13 through 2014/15.** The audit report by Derek Wong, AICP, of Michael Baker International, was received March 17 and accepted by MCOG's Board on April 11. Janet's staff report from the MCOG meeting was handed out. Janet briefed main points: during the period ridership was down while costs were up; compliance was good; various accomplishments, and overall, MTA received a favorable audit. Carla summarized the five audit recommendations. Discussion included:

- MTA is working on the recommendation "*Develop internal goals for collection and measurement of on-time performance.*" GPS technology is available with Route Match software for many types of data collection in real time. (Carla)
- "*Update the Short Range Transit Development Plan (SRTDP).*" The current plan has expired. MTA has applied for a Caltrans grant to implement this. Results are expected to be released soon. (Carla, Phil)
- MTA applied for enough funding in the planning grant to say about our region's unique conditions, and to find out why are new potential riders are not using MTA. A mobility management program can pull partners and resources together if the effort can be made. Software can appropriately dispatch passengers to the right services automatically. What about areas not served at all—can a software link be added to outside services not in the public transit system, such as carpool/rideshare and volunteer driver programs? Opportunities are available with new technology. (Carla, Dan)
- "*Review opportunities for increasing local revenue to boost farebox recovery.*" New state law, SB508, has revised the minimum standard to just ten percent; MTA had been required to meet 14.7%. Choice ridership needs cultivation. Suzanne Fletcher Consulting is now serving as marketing consultant. MTA has formed a committee of drivers to look at overall service, as ridership patterns change. The group's purpose is to review performance of all routes. Q&A. (Carla, Dan)
- "*Consider an alternate funding formula for Senior Center TDA funds.*" This was carried over from the previous audits, appearing in both MCOG's and MTA's. Concerns have been noted that the distribution is no longer based on performance, as conditions and programs have changed

significantly since the formula was first established. Since 2008, a drop in sales tax revenues due to the Great Recession has impacted all. If revised to reflect performance, would this create a burden on small-agency staffs to track? No one wants to get more money by taking it from another of the centers. MTA gives the centers good metrics on performance; the difficulty is that services are not very comparable; statistics are not always a reliable measure of performance. Consultants don't always customize their reports enough to be useful locally. (Jim T., Jim M., Phil, Charles)

- The senior centers are a small part of MTA, but serve a critical need. A metric that makes sense is how many people were riding before and how many now. Redwood Coast Seniors experienced a large drop to 600 riders when drivers changed. They knew there was a problem at the dispatch desk; the problem was addressed and ridership returned to 1,200 rides per month. It came down to the quality of personal care. Transportation is an extension of personal care. Dispatchers recognize people and their addresses, pickup points, and other individual details. (Charles)
- It takes a very special person to be an effective dispatcher; this can work in a rural area when it can't for large urban areas. (Carla)
- A rationale for the senior center formula was that MTA could stabilize their services so that a crucial need is met. This is referred to as "door-through-door" service. (Phil, Carla)
- Is it agreed to revisit the formula? Yes, it makes sense at some point. (Janet, Jim M., others)
- The new advertisements on MTA busses are up and running, generating revenue. (Carla)
- Discussion of ridership, improvement in fare revenue ratio, per the latest fiscal audit. (Group)
- *"Develop a charter policy that meets federal and state requirements."* Not many rural operators are doing charters, so it is hard to find an example. MTA charter services are not competitive with private services. Carla will be looking at cost effectiveness, to see whether it is even worthwhile to offer charters. Discussion. (Carla, Dan, others)

No action was taken.

5. Review and Recommendation on Fiscal Year 2016/17 Transit Claim. Janet referred to her written staff report and explained changes in MCOG's draft budget since the Executive Committee met in February. She reviewed status of the Local Transportation Fund (LTF), State Transit Assistance (STA) and Capital Reserve funds. With the Executive Committee's recommendation to provide funds from the unallocated LTF reserves, MCOG had enough available to fully fund MTA's claim.

Janet was unable to substantiate the amount of STA "reclaimed for MTA Capital" but had researched the Transportation Development Act (TDA) and found no reference to any requirement to reallocate prior-year STA funds already released to MTA's account. Sally Webster had prepared the figures, and following her retirement, MTA staff was unable to provide further details at this point. Janet suggested eliminating this line item from the allocation.

Janet noted a difference in available Long-Term Capital Reserve funds compared to MTA's claim and assumed it could be attributed to last year's MTA Capital allocation of \$14,000 that might not be expended in the current fiscal year and additional interest earnings in the fund. It was agreed that the staffs would resolve this difference before budget adoption.

After discussion, MCOG's staff recommendation was approved, with one modification for STA funds (#2 as follows).

Recommendation:

Upon motion by Mastin, seconded by Bush, and carried unanimously (5 Ayes; 0 Noes; 0 Absent), the TPC recommended that MCOG:

- 1) Fully fund MTA's current-year claims for FY 2017/18 LTF, STA, and Capital Reserve;
- 2) Not allocate prior-year STA funds reclaimed for MTA Capital;
- 3) Adjust the Long-Term Capital Reserve allocation based on any prior-year MTA allocations carried forward, interest earnings and the resulting fund balance; and
- 4) Reserve \$421,059 as unallocated revenues until Unmet Transit Needs have been considered.

Local Transportation Fund		
MTA Operations	2,549,564	
Unmet Transit Needs	0	
Senior Center Operations	473,057	
Transit Capital Reserve	0	
Total LTF		3,022,621
State Transit Assistance Fund		
MTA Operations	175,000	
MTA & Seniors Capital	180,000	
Reclaim for MTA Capital (carryover)	0	
Total STA		355,000
Capital Reserve Fund		
MTA Capital, Current Year	39,375	
Senior Capital, Current Year	0	
Long-Term Capital Reserve - pending carryover and interest	283,865	
Total CRF		323,240
Total Recommended FY 2017/18 Transit Allocation		3,700,861

6. Review and Recommendation on MTA’s Analysis and Prioritization of 2017/18 Unmet Transit Needs.

Janet reviewed the annual process and actions to date. Carla then reviewed her analysis of the 20 needs and recommendations compiled by the Social Services Transportation Advisory Council (SSTAC) and testimony from the December public hearing. The list was ranked into five categories: *Already Exist* (2), *High Priority - Consider for FY 2017/18* (3), *Medium Priority* (7), *Low Priority* (7), and *Not an Unmet Need* (1). Needs under each category were not in priority order. Discussion included the following.

- *Already Exist* – #10, Rides for seniors to evening events: Make sure MTA’s website makes clear services exist or are half met. Technically services already exist; there will be a dispatcher in future to meet this need. (Phil, Carla)
- *High Priority* – #2 and 3, Saturday Routes 75, 5 and 60: These were cut in past budgets, budget development is needed to address these; people still want the services. (Carla)
- *Medium Priority*
 - #1, Non-emergency medical transportation and #9, Services for isolated seniors: These could be met with a mobility manager organizing a volunteer driver program; MTA has applied for a grant to fund this position. (Carla)
 - #4, The Cove, Point Arena: Would this be twice daily? Infrequent service through town. Suggest research as to why needed. Discussion of best ways to address this route to the pier. (Jim M., group)
 - #5, Old State Rd./Iverson Rd. between Point Arena and Gualala: Does this relate to casino trips? No, it is a long-standing request, continuing need. (Group)
 - #7, Increase Saturday service and add Sunday service to Route 9 in Ukiah: A federal JARC grant could cover Saturdays if another cycle is offered. It could work as a shuttle, an eligible project. Discussion that Saturdays, but not Sundays, could be reasonable to meet. (Carla, group)
- *Low Priority* – #11 and 12, Assisted door-through-door services: Why are these considered low priority? As to the lack of Wednesday service in Ukiah, there is service four days a week, so riders could adjust their schedules. For Saturday trips, there is Dial-a-Ride. For church attendance on Sundays, churches can help their members by organizing rides within their congregations. (Janet, Carla)
- *Low Priority* – #13, 14, 15, 17, semi-remote communities: These are too far from existing MTA routes to be feasible. Laytonville to Willits has been tried before, with too few riders. (Group)

In summary, Carla thought that a mobility management program could address many of the needs, along with some grants. Charles noted it could be a management problem to address Low Priority needs for the more distant destinations such as The Woods and Golden Rule at Ridgewood Ranch. Carla agreed these fall under the mobility management umbrella; they are unique to each individual community. There was a brief closing discussion.

Recommendation:

Upon motion by Gjerde, seconded by Bush, and carried unanimously (*5 Ayes; 0 Noes; 0 Absent*): The TPC recommended a finding that there are unmet transit needs that are reasonable to meet for FY 2017/18, contingent on approval of MTA's grant proposal for Mobility Management under the Federal Transit Administration (FTA) Section 5310 Expanded Program and other grant opportunities:

- #1 Non-emergency medical transportation, including trips to out-of-county locations and outside of regular senior center transportation operating hours
- #2 Saturday connection with Route 75 at Navarro River Junction
- #3 Saturday Route 5 and Route 60 service, same as weekday
- #4 Include "The Cove" in the route serving Point Arena
- #7 (Partial) Increase Saturday service ... service to Route 9 in Ukiah
- #9 Service for isolated seniors where buses can't go
- #16 More frequent Willits-Ukiah trips to attract "choice" riders
- #20 Transit access and improved access for the ten rural tribal communities in Mendocino County. *

7. Miscellaneous / Members' Concerns. The next meeting was scheduled for May 12 at 11:00 a.m., with a videoconference between Ukiah Valley Conference Center and MTA's Diana Stuart Center in Fort Bragg, to receive a presentation from MTA on a proposal to fund Route Match software/hardware. Carla volunteered to set up the meeting logistics.

8. Adjournment. The meeting was adjourned at 3:16 p.m.

Submitted by Janet Orth, Deputy Director/CFO

* Listed in MTA's analysis as #3 under Medium Priority - Additional Needs Identified in Public Hearing, consistent with MCOG's list of All Testimony, but making a duplicate numbering of #3 under High Priority - Consider for FY 2017/18. Since it is the 20th need on MCOG's list (17 plus 3), for clarity it is numbered #20 here.



MENDOCINO COUNCIL OF GOVERNMENTS

STAFF REPORT

Agenda # 13
Consent Calendar
MCOG Meeting
6/5/2017

TITLE: Approval of Mendocino Transit Authority's Grant Application for Federal Transit Administration (FTA) Section 5311 Non-Urbanized Program - Annual Regional Apportionment for Transit Operating Assistance

SUBMITTED BY: Janet Orth, Deputy Director/CFO

DATE PREPARED: 5/26/2017

BACKGROUND:

As an annual matter, Mendocino Transit Authority (MTA) is applying to Caltrans for funds available under the Federal Transit Administration (FTA) Section 5311 Non-Urbanized Program for Federal Fiscal Year 2017. This year there is a Call for Projects for FFY 2017 and 2018. The estimated amounts available are **\$473,918** (up 1%) and **\$484,742** (up 2%) respectively. These amounts are Mendocino County's regional apportionment.

MAP-21 legislation amended eligible recipients to include a State or Indian tribe that receives a federal transit program grant directly from the FTA. A subrecipient of the program includes a State or local governmental authority, a non-profit organization, or an operator of public or private transportation or intercity bus service that receives federal transit program grant funds. (Without further research I assume this follows under the current FAST Act.)

MTA would be a "subrecipient." The proposed "projects" consists of transit operations that the program is meant to assist in rural areas. We are not aware of any other eligible recipients. Note that MTA is the designated Consolidated Transportation Services Agency for the region.

Executive Director Dow's signature on the application represents MCOG's certification that the regional agency has approved, by resolution, the programming of these funds for MTA and that MTA complies with certain standard requirements related to local funding match availability, coordination with other transportation service providers, and STIP requirements.

This has been considered a routine item with no reason to withhold support. Also note that when allocating Local Transportation Funds, the Transportation Development Act (TDA) requires a finding by MCOG of whether MTA is making full use of available federal funds.

This year we had very short notice and did not have time for Council approval before the due date of May 24. Staff recommends ratification of the Executive Director's certification signature.

ACTION REQUIRED:

Adopt the resolution to program these funds for MTA's Operating Assistance. The certification document, as part of the application, includes a statement that the regional agency has approved, by resolution, the programming of funds for this project. The Executive Director is able to certify the other two assurances. (Certification statements are available on request.)

ALTERNATIVES:

If MCOG does not approve this action, MTA will not receive the federal operating assistance for which they are eligible. Even if another eligible recipient or subrecipient could be identified, the due date of May 24 precludes any further applications under this year's program.

RECOMMENDATION:

Adopt the attached resolution approving the programming of MCOG's FY 2016/17 and 2017/18 regional apportionment of FTA Section 5311 transit operating assistance funds, and ratify the Executive Director's signature on the certification documents for MTA's applications.

MENDOCINO COUNCIL OF GOVERNMENTS

BOARD of DIRECTORS

RESOLUTION No. M2017-___

APPROVING THE PROGRAMMING OF FTA SECTION 5311 NON-URBANIZED PROGRAM FUNDS FOR MENDOCINO TRANSIT AUTHORITY OPERATING ASSISTANCE

WHEREAS,

- The Mendocino Council of Governments (MCOG) is the designated Regional Transportation Planning Agency for Mendocino County; and
- Mendocino Transit Authority (MTA) intends to apply for Federal Fiscal Years 2017 and 2018 funding from the Federal Transit Administration (FTA) Section 5311 Non-Urbanized Program for the purpose of assisting its transit operations; and
- MTA is an eligible applicant for these funds in the region and is able to meet the requirements of the Section 5311 program; and
- The program application requires certification that MCOG, as the transportation planning agency, has approved by resolution the programming of funds for this project; therefore, be it

RESOLVED, THAT:

MCOG approves the programming of its estimated regional apportionment of FTA Section 5311 funds in the amounts of \$473,918 for FFY 2017 and \$484,742 for FFY 2018, or of its final regional apportionment amounts when issued, for Mendocino Transit Authority operating assistance.

ADOPTION OF THIS RESOLUTION was moved by Director _____, seconded by Director _____, and approved on this 5th day of June, 2017, by the following roll call vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

WHEREUPON, the Chairman declared the resolution adopted, AND SO ORDERED.

ATTEST: Phillip J. Dow, Executive Director

Dan Gjerde, Chair

MENDOCINO COUNCIL OF GOVERNMENTS

BOARD of DIRECTORS

RESOLUTION No. M2017-_____

APPROVING THE PROGRAMMING OF FTA SECTION 5311(f)
INTERCITY BUS PROGRAM FUNDS FOR
MENDOCINO TRANSIT AUTHORITY'S PROJECT PROPOSAL:
CONTINUATION OF ROUTE 65 SERVICE – OPERATING ASSISTANCE

WHEREAS,

- The Mendocino Council of Governments (MCOG) is the designated Regional Transportation Planning Agency for Mendocino County;
- Mendocino Transit Authority (MTA) has applied for funding from the Federal Transit Administration (FTA) Section 5311(f) Intercity Bus Program, Federal Fiscal Year 2018;
- This funding request is for Operating Assistance Continued Funding of MTA's Route 65 service, with Fort Bragg as the terminus for round trips between Ukiah in Mendocino County and Santa Rosa in Sonoma County, six days weekly, at up to \$122,832.60 of available funds;
- MTA is an eligible applicant for these funds in the region and is able to meet the requirements of the Section 5311(f) program; and
- The program application requires certification that MCOG, as the transportation planning agency, has approved, by resolution, the programming of funds for this project; therefore, be it

RESOLVED THAT:

MCOG approves the programming of FTA Section 5311(f) funds for this MTA continued service project in Federal Fiscal Year 2018.

ADOPTION OF THIS RESOLUTION was moved by Director _____, seconded by Director _____, and approved on this 5th day of June, 2017, by the following roll call vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

WHEREUPON, the Chairman declared the resolution adopted, AND SO ORDERED.

ATTEST: Phillip J. Dow, Executive Director

Dan Gjerde, Chair



MENDOCINO COUNCIL OF GOVERNMENTS

Agenda # 15
Consent Calendar
MCOG Meeting
6/5/2017

STAFF REPORT

TITLE: Adoption of Resolution Approving the Allocation of California Proposition 1B Funds, Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA), for Mendocino Transit Authority's Eligible Projects

SUBMITTED BY: Janet Orth, Deputy Director/CFO

DATE PREPARED: 5.26.2017

BACKGROUND:

This item is a request from MTA to approve allocation of PTMISEA capital funds for fleet vehicle replacement purchases. Most of the funds are under MCOG's allocation authority and require approval by resolution. MTA will use the funds to purchase two new medium-duty buses. We received the information late, with a May 24 deadline for proposals. Staff recommends that the Council ratify the Executive Director's signature on the certification document as a project sponsor.

A synopsis from State materials:

The Public Transportation Modernization, Improvement, and Service Enhancement Account Program (PTMISEA) was created by Proposition 1B, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006. Of the \$19.925 billion available to Transportation, \$3.6 billion dollars was allocated to PTMISEA to be available to transit operators over a ten-year period. PTMISEA funds may be used for transit rehabilitation, safety or modernization improvements, capital service enhancements or expansions, new capital projects, bus rapid transit improvements, or rolling stock (buses and rail cars) procurement, rehabilitation or replacement. Funds in this account are appropriated annually by the Legislature to the State Controller's Office (SCO) for allocation in accordance with Public Utilities Code formula distributions: 50% allocated to Local Operators based on fare-box revenue and 50% to Regional Entities based on population. In Fiscal Year (FY) 2007/08, Senate Bill 88 identified the Department of Transportation as the administering agency. The final appropriation of program funds was made in the FY 2014-15 State Budget.

Total FY 2014/15 funds available to Mendocino County transit operators (MTA) amount to \$1,063,655. The majority of these funds (\$967,292) are allocated under a government code section requiring the funds to flow through the regional transportation planning agency (MCOG). MCOG's Executive Director has signed certifications on MTA's allocation requests to Caltrans.

Over the past two years, the Council has approved 2014/15 funds for replacement vehicles. From remaining funds, MTA requests approval of \$420,400 under PUC 99313, of a total PTMISEA request of \$480,154 toward this project. (The balance is under MTA's authority, PUC 99314.)

ACTION REQUIRED:

Adopt the attached resolution approving allocation of the funds to MTA's van replacement project.

ALTERNATIVES:

Decline to approve allocation of this grant, which would mean a loss of funding to Mendocino County. No other eligible applicants are identified.

RECOMMENDATION:

Approve by resolution the allocation of \$420,400 of remaining FY 2014/15 Proposition 1B funds for Mendocino Transit Authority's eligible project, and ratify the Executive Director's signature on the certification document as a project sponsor.

Enclosure: MCOG resolution

MENDOCINO COUNCIL OF GOVERNMENTS

BOARD of DIRECTORS

RESOLUTION No. M2017-____

APPROVING THE ALLOCATION OF CALIFORNIA PROPOSITION 1B FUNDS, FISCAL YEAR 2014/15 (and RESIDUAL) PUBLIC TRANSPORTATION MODERNIZATION, IMPROVEMENT, AND SERVICE ENHANCEMENT ACCOUNT (PTMISEA), FOR MENDOCINO TRANSIT AUTHORITY'S ELIGIBLE PROJECT

WHEREAS,

- The Mendocino Council of Governments (MCOG) is the designated Regional Transportation Planning Agency for Mendocino County;
- The Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) program was created by Proposition 1B, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006;
- MCOG is an eligible project sponsor and may receive state funding from the PTMISEA program for transit projects in its jurisdiction;
- In October 2015 MCOG approved by resolution MTA's "Four Large Van Purchase" at \$300,000 from the State's Fiscal Year 2014/15 PTMISEA allocation of \$1,063,655;
- In May 2016 MCOG approved by resolution MTA's "One DAR and Three Large Vans" for Dial-a-Ride (DAR) paratransit service and fixed-route, accessible service at \$306,843 from the same PTMISEA allocation;
- MTA now proposes a vehicle replacement purchase of "Two Medium Duty Buses" that meets the criteria specified by the PTMISEA program, from the remaining FY 2014/15 allocation and residual funds, for a total request of \$480,154; and
- The portion of funds of this project under Public Utilities Code 99313 requiring MCOG's approval by resolution as a contributing sponsor is \$420,000, therefore, be it

RESOLVED, THAT:

MCOG approves the allocation of Fiscal Year 2014/15 PTMISEA funds for MTA's "Two Medium Duty Buses" purchase as indicated in Exhibit A, and the Executive Director is authorized to execute any necessary documents, certifications and assurances required by the California Department of Transportation for this transaction.

ADOPTION OF THIS RESOLUTION was moved by Director _____, seconded by Director _____, and approved on this 5th day of June, 2017, by the following roll call vote:

AYES:
NOES:
ABSTAINING:
ABSENT:

WHEREUPON, the Chair declared the resolution adopted, AND SO ORDERED.

ATTEST: Phillip J. Dow, Executive Director

Dan Gjerde, Chair

MENDOCINO COUNCIL OF GOVERNMENTS

Staff Report

TITLE: Summary of Meetings

DATE PREPARED: 05/25/17

MEETING DATE: 06/05/17

SUBMITTED BY: Phil Dow, Executive Director

BACKGROUND:

Since our last regular MCOG meeting packet, MCOG Administration and Planning staff (Planning staff in italics) has attended (or will have attended) the following statewide and local meetings on behalf of MCOG:

1. Caltrans/RTPA Coordination
Teleconference 05/02/17
(Dow, Davey-Bates & Ellard)
2. Caltrans Planning Conference
Walnut Creek 05/03/17 - 05/05/17
(Dow, Orth, & Ellard)
3. North State Super Region
Alturas 04/08/17
(Orth & Dow)
4. *Active Transportation Program (ATP) Non-Infrastructure Implementation/ HHSA & NCO*
Ukiah 05/09/17
(Barrett & Ellard)
5. *Active Transportation Program (ATP) Non-Infrastructure Task Force/ HHSA*
Videoconference - Ukiah 05/09/17
(Ellard)
6. Administration/Planning Coordination
Ukiah 05/09/17
(All)
7. *Environmental Enhancement Mitigation (EEM) Grant Workshop*
Sacramento 05/11/17
(Ellard)
8. *Active Transportation Program Workshop*
Sacramento 05/12/17
(Ellard)
9. *Rural Counties Task Force*
Sacramento 05/12/17
(Ellard)
10. Pavement Management Program 05/16/17
Ukiah
(Sookne)
11. Regional Transportation Planning Agencies 05/16/17
San Diego
(Dow)

- | | |
|---|-----------------|
| 12. California Transportation Commission
San Diego
(Dow) | 05/17/17 |
| 13. California Road Use Charge Committee
San Diego
(Dow) | 05/19/17 |
| 14. California Freight Advisory Committee
Sacramento
(Dow) | 05/24/17 |
| 15. <i>Social Services Transportation Advisory Council (SSTAC)</i>
<i>Ukiah</i>
<i>(Orth & Barrett)</i> | <i>05/24/17</i> |
| 16. Administration/Planning Coordination
Ukiah
(All) | 05/30/17 |
| 17. <i>Technical Advisory Committee</i>
<i>Ukiah</i>
<i>(Dow, Ellard & Barrett)</i> | <i>05/31/17</i> |

I will provide information to Board members regarding the outcome of any of these meetings as requested.

ACTION REQUIRED:

None.

ALTERNATIVES:

None identified.

RECOMMENDATION: None. This is for information only.



MENDOCINO COUNCIL OF GOVERNMENTS

Agenda # 17d1
Reports
MCOG Meeting
6/5/2017

STAFF REPORT

TITLE: Senate Bill 1 Implementation

DATE PREPARED: 05/23/17

MEETING DATE: 06/05/17

SUBMITTED BY: Phillip J. Dow, Executive Director

BACKGROUND:

The Board was provided with some preliminary projections of funding to be distributed to the County and the cities at the May Board meeting. Senate Bill 1 designated the California Transportation Commission (CTC) as the responsible entity to implement the various programs funded through the transportation bill. The focus of the recent CTC meeting in San Diego was on establishing timelines for these various programs so that they can be rolled out as soon as possible.

Attached is the full staff report on SB 1 implementation that was prepared by CTC staff. Included are statements of legislative intent as well as proposed tentative dates for guideline development and adoption, applications, and program adoption. Although there was some debate regarding certain programs during the CTC meeting, the Commission accepted the report and will be acting on certain issues after the guidelines are presented for adoption. This process will begin with funding workshops on June 8th and 9th in Sacramento.

I have just a few comments regarding just the SB 1 programs in which I expect we would be eligible to participate:

Active Transportation Program

There will likely be a "Call for Projects" in name only. The Commission seeks to offer new SB 1 funding to advance projects from previous cycles and to fund down the list from Cycle 3. The cutoff for Statewide funding for Cycle 3 was a very high 88 points. The Commission staff (as well I) believe there are good projects that may extend well down into the 70s point ranges that could be funded without seeking new applications. Unfortunately all Mendocino applications from Cycle 3 were scored below 72 points.

Local Partnership Program

The language in SB 1 states that this \$200 million per year program is "for counties that have sought and received voter approval of taxes or that have imposed fees, including uniform developed fees." During development of SB 1 I had checked with Assemblymember Woods' office and was assured that the language would cover our three 3 Self-Help cities. It was a disappointment that it did not. On May 15 I contacted legislative staff working on the SB 1 trailer bill about the issue. Wording in the trailer bill now states that revenues shall be set aside annually for "a local or regional transportation agency that has sought and received voter approval of taxes or imposed fees ...". This is not a done deal, since the trailer bill still needs to get through un-amended, but it is a positive sign that Willits, Point Arena, and Fort Bragg can share in the program.

Since the CTC is on record as recommending greater use of competitive programs to ensure that funding is distributed to projects with the greatest overall benefits, CTC staff recommended that funding under this program be distributed based on a 75% competitive program and 25% formula program. While all this sounds good on paper, very small Self-Help entities, such as our

three cities will have difficulty in producing competitive applications. This was discussed at the RTPA meeting the day prior to the San Diego CTC meeting. I commented on the difficulty this imposes on small agencies and advocated for a higher formula percentage. We will see how this goes in the guidelines committee, but I sense that most agencies also want a much higher formula pot. I may also propose a flat amount for the smaller entities if things go poorly (I think there are only eight Self-Help cities in all – three in Mendocino, three in Nevada, one in Lake and one in Contra Costa).

Local Streets and Roads

Although this may be the best news for the County and cities in decades, we need to watch for restrictions and paperwork that may be imposed on this program by the CTC to “ensure efficiency, accountability, and performance from each dollar invested to improve California’s transportation system.” This could be an indication that our city engineers and MCDOT may spend more time on paperwork than repaving our streets and roads.

State Transportation Improvement Program (STIP)

The draft Fund Estimate should be available at the June 28 CTC meeting. Although the Mendocino Regional Improvement Program (RIP) is in deficit by some \$8 million, I would hope that we could at least restore the projects that were delayed and/or deleted from the 2016 STIP due to the \$750 million statewide shortfall in STIP funding. More information will be coming shortly on the STIP.

We all have interest in the State Highway Operation and Protection Program (SHOPP) and will be monitoring how that extra \$1.9 billion annually will be spent. The Trade Corridor Enhancement Account may have some implications for funding on S.R. 20 and US 101.

I would not expect that MCOG or any of our entities would be players in the following SB 1 programs:

1. Solutions for Congested Corridors Program
2. Traffic Congestion Relief Program.

ACTION REQUIRED: None.

ALTERNATIVES: None identified.

RECOMMENDATION: This is intended as an information item.

Memorandum

Tab 15

To: CHAIR AND COMMISSIONERS

CTC Meeting: May 17, 2017

Reference No.: 4.6 - *Replacement Item*
Action

From: SUSAN BRANSEN
Executive Director

Prepared By: Mitchell Weiss
Deputy Director

Subject: IMPLEMENTATION PLAN FOR SENATE BILL 1

ISSUE:

The Road Repair and Accountability Act of 2017 (Senate Bill [SB] 1, Chapter 5, Statutes of 2017) provides the first significant, stable, and on-going increase in state transportation funding in more than two decades. In providing this funding, the Legislature has provided additional funding to and increased the California Transportation Commission's (Commission) role in a number of existing programs, and created new programs for the Commission to oversee as described below. Should the Commission approve staff's recommended plan to implement SB 1?

RECOMMENDATION:

Commission staff recommend that the Commission implement SB 1 consistent with the approach described in Attachment A (Implementation Plan for Senate Bill 1). The timelines are intended to be a guide. Staff will update these timelines during the guidelines development process. The development of guidelines will include workshops open to State and Federal Agencies, Tribal Governments, Regional and Local Agencies, as well as organizations representing environmental, social equity, land-use and business perspectives, and interested stakeholders. Updated timelines will be included in the program guidelines ultimately brought forward for Commission adoption.

BACKGROUND:

As stated in the Legislature's findings and declarations of SB 1, "this act presents a balance of new revenues and reasonable reforms to ensure efficiency, accountability, and performance from each dollar invested to improve California's transportation system." SB 1 further states a comprehensive, reasonable transportation funding package will ensure transportation needs are addressed, fairly distribute the economic impact of increased funding, and direct increased revenue to the state's highest transportation needs.

SB 1 creates the Road Maintenance and Rehabilitation Account and the Road Maintenance and Rehabilitation Program. Programs funded by this account include the Local Partnership Program, the Active Transportation Program, the State Highway Operation and Protection Program (SHOPP), and Local Streets and Roads apportionments. SB 1 states that "it is the intent of the Legislature that the Department of Transportation and local governments are held accountable for the efficient investment of public funds to maintain the public highways, streets, and roads, and are accountable to the people through performance goals that are tracked and reported."

SB 1 also includes the following guidance relative to the Road Maintenance and Rehabilitation Program (SHOPP and Local Streets and Roads apportionments funded from the Road Maintenance and Rehabilitation Account):

- To the extent possible and cost effective, and where feasible, the department and cities and counties shall use advanced technologies and material recycling techniques that reduce the cost of maintaining and rehabilitating the streets and highways, and that exhibit reduced levels of greenhouse gas emissions through material choice and construction method.
- To the extent possible and cost effective, and where feasible, the department and cities and counties shall use advanced technologies and communications systems in transportation infrastructure that recognize and accommodate advanced automotive technologies that may include, but are not necessarily limited to, charging or fueling opportunities for zero-emission vehicles, and provision of infrastructure-to-vehicle communications for transitional or full autonomous vehicle systems.
- To the extent deemed cost effective, and where feasible, in the context of both the project scope and the risk level for the asset due to global climate change, the department and cities and counties shall include features in the projects funded by the program to better adapt the asset to withstand the negative effects of climate change and make the asset more resilient to impacts such as fires, floods, and sea level rise.
- To the extent beneficial, cost effective, and practicable in the context of facility type, right-of-way, project scope, and quality of nearby alternative facilities, and where feasible, the department and cities and counties shall incorporate complete street elements into projects funded by the program, including, but not limited to, elements that improve the quality of bicycle and pedestrian facilities and that improve safety for all users of transportation facilities.

SB 1 also creates two new registration fees, the Transportation Improvement Fee imposed on all motor vehicles, and the Road Improvement Fee imposed on zero-emission motor vehicles. Revenues from the Road Improvement Fee will be deposited in the Road Maintenance and Rehabilitation Account. Revenues from Transportation Improvement Fee will be deposited in the Public Transportation Account to fund the Transit and Intercity Capital Program and the State Transit Assistance Program, in the State Highway Account to fund the Solutions for Congested Corridors Program, and in the Road Maintenance and Rehabilitation Account.

Recognizing the emphasis SB 1 places on accountability, staff intends to incorporate measures in the guidelines for the individual programs to promote efficiency, accountability, and performance from each dollar invested.

SB 1 does not provide resources for the Commission to implement these new programs and expanded responsibilities. Staff does not anticipate receiving funding to hire staff to implement SB 1 until the enactment of the 2017-18 budget (approximately June 30, 2017). Until funding is provided and staff can be hired, the Commission will absorb this additional workload with existing staff.

Attachments:

- Attachment A: Implementation Plan for Senate Bill 1

**CALIFORNIA TRANSPORTATION COMMISSION
IMPLEMENTATION PLAN FOR SENATE BILL 1**

OVERVIEW:

The Road Repair and Accountability Act of 2017, SB 1, provides the first significant, stable, and on-going increase in state transportation funding in more than two decades. In providing this funding, the Legislature has provided additional funding to and increased the Commission's role in a number of existing programs, and created new programs for the Commission to oversee as described below.

As stated in the Legislature's findings and declarations of SB 1, "this act presents a balance of new revenues and reasonable reforms to ensure efficiency, accountability, and performance from each dollar invested to improve California's transportation system." SB 1 further states a comprehensive, reasonable transportation funding package will ensure transportation needs are addressed, fairly distribute the economic impact of increased funding, and direct increased revenue to the state's highest transportation needs.

SB 1 creates the Road Maintenance and Rehabilitation Account and the Road Maintenance and Rehabilitation Program. Programs funded by this account include the Local Partnership Program, the Active Transportation Program, the SHOPP, and Local Streets and Roads apportionments. SB 1 states that "it is the intent of the Legislature that the Department of Transportation and local governments are held accountable for the efficient investment of public funds to maintain the public highways, streets, and roads, and are accountable to the people through performance goals that are tracked and reported."

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- To the extent possible and cost effective, and where feasible, the department and cities and counties shall use advanced technologies and material recycling techniques that reduce the cost of maintaining and rehabilitating the streets and highways, and that exhibit reduced levels of greenhouse gas emissions through material choice and construction method.
- To the extent possible and cost effective, and where feasible, the department and cities and counties shall use advanced technologies and communications systems in transportation infrastructure that recognize and accommodate advanced automotive technologies that may include, but are not necessarily limited to, charging or fueling opportunities for zero-emission vehicles, and provision of infrastructure-to-vehicle communications for transitional or full autonomous vehicle systems.
- To the extent deemed cost effective, and where feasible, in the context of both the project scope and the risk level for the asset due to global climate change, the department and cities and counties shall include features in the projects funded by the program to better adapt the asset to withstand the negative effects of climate change and make the asset more resilient to impacts such as fires, floods, and sea level rise.
- To the extent beneficial, cost effective, and practicable in the context of facility type, right-of-way, project scope, and quality of nearby alternative facilities, and where feasible, the department and cities and counties shall incorporate complete street elements into projects

funded by the program, including, but not limited to, elements that improve the quality of bicycle and pedestrian facilities and that improve safety for all users of transportation facilities.

SB 1 also creates two new registration fees, the Transportation Improvement Fee imposed on all motor vehicles, and the Road Improvement Fee imposed on zero-emission motor vehicles. Revenues from the Road Improvement Fee will be deposited in the Road Maintenance and Rehabilitation Account. Revenues from Transportation Improvement Fee will be deposited in the Public Transportation Account to fund the Transit and Intercity Capital Program and the State Transit Assistance Program, in the State Highway Account to fund the Solutions for Congested Corridors Program, and in the Road Maintenance and Rehabilitation Account.

Recognizing the emphasis SB 1 places on accountability, staff intends to incorporate measures in the guidelines for the individual programs to promote efficiency, accountability, and performance from each dollar invested.

The timelines below are intended to be a guide. Staff will update these timelines during the guidelines development process. The development of guidelines will include workshops open to State and Federal Agencies, Tribal Governments, Regional and Local Agencies, as well as organizations representing environmental, social equity, land-use and business perspectives, and interested stakeholders. Updated timelines will be included in the program guidelines ultimately brought forward for Commission adoption.

RECOMMENDED IMPLEMENTATION BY PROGRAM:

Active Transportation Program – SB 1 provides an increase of \$100 million annually for the Active Transportation Program. This represents an increase in the size of this on-going program by more than 80%. The Active Transportation Program funding provided in SB 1 will begin in 2017-18. Projects have been select for the current Active Transportation Program through 2020-21. Pursuant to statute, the 2019 Active Transportation Program will cover the period 2019-20 through 2022-23 and must be adopted by April 1, 2019 (Streets and Highways Code Section 2384). Therefore, the Commission will need a call for projects, a 2018 Active Transportation Program, for projects covering SB 1 funding available in 2017-18 and 2018-19. Therefore, staff recommends making this funding available to already programmed projects that can be delivered earlier than currently programmed or for projects that applied for funding in the 2017 Active Transportation Program but that were not selected for funding.

Staff recommends the following timeline for implementing the 2018 Active Transportation Program:

- Workshops to develop guidelines – June 2017
- Adoption of guidelines – June 28-29, 2017
- Applications due – August 2017
- Program adoption, statewide and small urban & rural components – October 18-19, 2017
- Program adoption, large Metropolitan Planning Organization component – December 6-7, 2017

Local Partnership Program – SB 1 creates this new \$200 million per year program. Guidelines for this program must be adopted on or before January 1, 2018. SB 1 provides relatively little guidance for this program. The bill states:

- Funding from this program is “for counties that have sought and received voter approval of taxes or that have imposed fees, including uniform developer fees.”
- “Eligible projects... include but are not limited to, sound walls for a freeway that was built prior to 1987 without sound walls and with or without high occupancy vehicle lanes if the completion of the sound walls has been deferred to lack of available funding for at least twenty years and a noise barrier scope summary report has been completed within the last twenty years.”
- Funds are appropriated “for allocation to each eligible county and city in the county for road maintenance and rehabilitation purposes.”

SB 1 states that “the guidelines shall be the complete and full statement of the policy, standards, and criteria that the commission intends to use to determine how these funds will be allocated.” As noted above, the bill contains relatively little guidance on the implementation of this program. In order to develop a timeline to implement this program, the Commission must answer a key policy question: should this be a competitive program, a formula program, or a combination of the two?

Proposition 1B of 2006 included the similarly named “State-Local Partnership Program.” In 2008, the Legislature enacted implementing legislation (AB 268) to add Article 11 (commencing with Section 8879.66) to Chapter 12.491 of Division 1 of Title 2 of the Government Code. Article 11 defined the purpose and intent of the program, the eligibility of applicants, projects, and matching funds, and provided that 95% of program funds would be distributed by formula to match voter-approved transportation taxes and fees and that the remaining 5% would be available for a competitive grant application program to match uniform developer fees. Staff would note that the Legislature, in drafting SB 1, did not make reference to the Proposition 1B State-Local Partnership Program.

In its 2013 Annual Report to the Legislature, the Commission recommended greater use of competitive programs. The Commission recommended that “the Governor and the Legislature reevaluate existing formula funding programs and limit their use in favor of competitive programs that focus on funding transportation projects with the greatest overall benefits, while at the same time adequately preserving our existing transportation assets” and, specifically referencing the State-Local Partnership Program and other Proposition 1B programs that were subject to formulaic distribution, recommended that “future initiatives include more emphasis on performance-based project selection and implementation processes as opposed to formula-based programming or other non-competitive project selection processes”.

Therefore, to recognize the benefits of a competitive program while still providing incentives to counties to enact taxes and fees to fund transportation needs, staff recommends implementing the Local Partnership Program as a 75% competitive program, 25% formula program.

Staff recommends the following timeline for implementing the Local Partnership Program:

- Workshops to develop guidelines – June through September 2017
- Presentation of draft guidelines – August 16-17, 2017
- Adoption of guidelines – October 18-19, 2017

- Applications due – March 2018
- Adopt Program – June 2018

Local Streets and Roads – SB 1 provides an increase of \$1.5 billion annually, beginning in November 2017. Prior to SB 1, the Commission had no role in the Local Streets and Roads apportionment program. SB 1 creates new responsibilities for the Commission relative to this funding, including development of guidelines, review of project lists submitted by cities and counties, reporting to the State Controller, and receiving reports on completed projects.

Staff recommends the following timeline for development of guidelines for the Local Streets and Roads Program:

- Workshops to develop guidelines – June and July 2017
- Presentation of draft guidelines – August 16-17, 2017
- Adoption of guidelines – October 18-19, 2017

Solutions for Congested Corridors Program – SB 1 creates this new \$250 million per year program beginning 2017-18. Commission responsibilities include developing guidelines, holding public hearings, reviewing corridor plans, scoring project nominations, programming projects, allocating funds to projects, monitoring program delivery, and reporting to the Legislature.

Staff recommends the following timeline for implementing the Solutions for Congested Corridors Program:

- Workshops to develop guidelines – June through October 2017
- Presentation of draft guidelines – October 18-19, 2017
- Adoption of guidelines – December 6-7, 2017
- Applications due – May 2018
- Program adoption – August 2018

State Highway Operation and Protection Program (SHOPP) – SB 1 provides an increase of approximately \$1.9 billion annually, beginning in November 2017, along with a significant expansion of the Commission's oversight responsibilities. SB 1 requires additional Commission oversight of the development and management of the SHOPP, including allocating support staff, project review and approval, and convening public hearings prior to adopting the SHOPP. The Commission is also responsible for monitoring Caltrans' performance and progress toward accomplishing the specific goals set out in SB 1 and other targets or performance measures adopted by the Commission. Key requirements applicable to the Commission's implementation of SB 1 SHOPP related requirements include the following:

- Receive annual reports from Caltrans relative to the expenditures made with Road Maintenance and Rehabilitation Account including the progress made and achievement of the 2027 performance goals specified in SB 1.
- Evaluate annually Caltrans' effectiveness in reducing deferred maintenance and improving road conditions as demonstrated by progress made in achieving the 2027 performance goals.
- Include any findings in its annual report to the Legislature.
- May make recommendations for improvement and withhold future project allocations if the Commission determines that funds were not appropriately spent.

- Receive annual reports from Caltrans on savings from the implementation of efficiency measures to invest in maintenance and rehabilitation of the state highway system.
- Review the proposed SHOPP relative to its overall adequacy, consistency with the asset management plan, level of annual funding to implement the SHOPP, and impact of SHOPP expenditures on the STIP.
- Hold hearings in the North and South prior to adopting the SHOPP.
- Allocate Caltrans' capital outlay support resources by project phase to provide public transparency for Caltrans budget estimates.
- Develop SHOPP guidelines in consultation with Caltrans.
- Establish a threshold for requiring supplemental project allocations to ensure efficiency but not to unnecessarily delay projects.
- Adopt targets for the Asset Management Plan including targets to measure the degree to which progress was made towards achieving the overall 2027 targets.

Staff recommends the following timeline for development of interim SHOPP guidelines:

- Presentation of Draft Interim Guidelines – May 17, 2017
- Adoption of Interim Guidelines – June 28-29, 2017

State Transportation Improvement Program (STIP) – SB 1 stabilizes funding for the STIP. The impact of the stabilization of STIP funding will be included in the 2018 STIP Fund Estimate and incorporated in the 2018 STIP.

Staff recommends the following timeline for the 2018 STIP:

- Approval of fund estimate assumptions – May 17, 2017
- Presentation of draft guidelines and draft fund estimate – June 28, 2017
- Adoption of guidelines and fund estimate – August 16-17, 2017
- Submittal of draft Interregional Transportation Improvement Program – October 15, 2017
- Interregional Transportation Improvement Program Hearings – November 2017
- Submittal of Regional Transportation Improvement Programs and the final Interregional Transportation Improvement Programs – December 15, 2017
- STIP Hearings – January-February 2018
- Program adoption – March 2018

Trade Corridor Enhancement Account – SB 1 creates this new \$300 million per year account to fund corridor based freight projects nominated by local agencies and the state. Trailer bill language was recently released to incorporate this funding and federal freight funding into a single program. Because these changes would significantly impact the guidelines for the California Freight Investment Program (CFIP) that are being presented under a separate agenda item, staff will withdraw the CFIP guidelines and initiate additional workshops to revise the guidelines before bringing them to the Commission for approval. The revised timeline for the California Freight Investment Program is:

- Workshops to develop guidelines – June through November 2017
- Presentation of draft guidelines – December 6-7, 2017
- Adoption of guidelines – January 2018
- Applications due – February 2018
- Program adoption – May 2018

Traffic Congestion Relief Program (TCRP) - SB 1 states “as of June 30, 2017, projects in section 14556.4 for the Traffic Congestion Relief Program shall be deemed complete and final, and funding levels shall be based on actual amounts requested by the designated lead applicant pursuant to section 14556.12.” Between 2001 and 2006, numerous statutes were enacted to borrow or delay the revenue that funded this program. SB 1 directs the repayments due of all outstanding loans that were made from the Traffic Congestion Relief Program Fund to the General Fund and directs the repayments that would have funded TCRP projects to other programs. Therefore, the only funding available to fund TCRP projects is approximately \$90 million of savings attributable to specific projects. Staff’s proposed plan to close-out the TCRP is included under a separate agenda item.