

**Date:** Monday, March 28, 2005

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

**Where:** Orange County Transportation Authority Headquarters  
600 South Main Street, First Floor - Conference Room 154  
Orange, California 92863-1584



## AGENDA

Orange County Transportation Authority Board Meeting  
OCTA Headquarters  
First Floor - Room 154  
600 South Main Street, Orange, California  
**Monday, March 28, 2005, at 9:00 a.m.**

*ACTIONS*

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

### **Invocation**

Director Correa

### **Pledge of Allegiance**

Director Green

### **Agenda Descriptions**

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

### **Public Comments on Agenda Items**

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



## AGENDA

ACTIONS

### Special Matters

**1. Presentation of Resolutions of Appreciation for Employees of the Month for March 2005**

Present Orange County Transportation Authority Resolutions of Appreciation Nos. 2005-81, 2005-82, and 2005-83 to Ted Johnson, Coach Operator, Minh Nguyen, Maintenance, and Christina Byrne, Administration, as Employees of the Month for March 2005.

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

Present Orange County Transportation Authority Resolution of Appreciation No. 2005-84 to Orange County Sheriff's Department Employee of the Quarter, Danny Mayer.

### Consent Calendar (Items 3 through 24)

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

### Orange County Transportation Authority Consent Calendar Matters

**3. Approval of Resolutions of Appreciation for Employees of the Month for March 2005**

Approval of Orange County Transportation Authority Resolutions of Appreciation Nos. 2005-81, 2005-82, and 2005-83 to Ted Johnson, Coach Operator, Minh Nguyen, Maintenance, and Christina Byrne, Administration, as Employees of the Month for March 2005.

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

Adopt Orange County Transportation Authority Resolution of Appreciation No. 2005-84 to Orange County Sheriff's Department Employee of the Quarter, Danny Mayer.



## AGENDA

ACTIONS

**5. Approval of Minutes**

Of the Orange County Transportation Authority and affiliated agencies' regular meeting of March 14, 2005.

**6. Future Direction of Federal Legislative Advocacy and Consulting Services**

Richard J. Bacigalupo

***Overview***

The Orange County Transportation Authority Board of Directors at their November 8, 2004, meeting approved exercising two-year options on three agreements for federal legislative advocacy and consulting services. A fourth agreement was extended for six months.

***Recommendation (by Committee)***

Vice Chair Silva moved that Peyser & Associates be on a limited contract of \$5,000 a month; Jim McConnell remain at \$10,000 a month; Rick Alcade of The Federalist Group continue at \$7,500 a month for six months; and Mayer, Brown, Rowe and Maw LLP remain at \$5,000.00 per month. The motion was seconded by Committee Member Brown, and declared passed unanimously by the Committee Member's present.

**7. State Legislative Update**

Alex Esparza/Richard J. Bacigalupo

***Overview***

The Legislative Analyst's Office has presented recommendations for the 2005-2006 state budget. Over 3,000 Assembly and Senate bills have been introduced in Sacramento. Three bill positions are submitted for consideration.

***Recommendation***

Adopt the following recommended bill positions:  
Support on AB 697 (Oropeza, D-Long Beach)  
Support on SB 705 (Runner, R-Palmdale)  
Support on SCA 7 (Torlakson, D-Antioch)





## AGENDA

ACTIONS

8. **Selection of a Consultant for Preparation of an Environmental Impact Report on the 2006 Long Range Transportation Plan**  
Glen Campbell/Paul C. Taylor

***Overview***

The Orange County Transportation Authority is preparing the 2006 Long Range Transportation Plan. Proposals and statements of qualifications for the preparation of an Environmental Impact Report for the Long Range Plan were solicited in accordance with the Orange County Transportation Authority's procurement procedures for the retention of consultants for this type of work. These procedures are in accordance with both federal and state legal requirements.

***Recommendations***

- A. Authorize staff to request a cost proposal from LSA Associates, Inc. and negotiate an agreement for their services.
- B. Authorize the Chief Executive Officer to execute the final agreement.

9. **Amendment to Professional Services Agreement for Rapid Transit Options Analysis**  
Jose Martinez/Paul C. Taylor

***Overview***

As follow up to the March 14, 2005, Board of Directors meeting, staff has prepared a comprehensive study program for the rapid transit option categories. This study will address the potential projects within the Bus Rapid Transit, Menu of Transit Projects, and No Rapid Transit (Streets and Roads Only) categories not covered under any other work program. The Project Management Consultant contract can be amended to perform this study.

***Recommendation***

Authorize the Chief Executive Officer to execute Amendment No. 9 to Agreement C-2-0611 between the Orange County Transportation Authority and Carter & Burgess, Inc., in an amount not to exceed \$300,000, for a comprehensive study program for all potential rapid transit options.



## AGENDA

### ACTIONS

10. **91 Express Lanes January 2005 Status Report**  
Ellen Lee/Paul C. Taylor

***Overview***

The 91 Express Lanes Status Report for the period ending January 31, 2005, is provided for Orange County Transportation Authority Board of Directors' review. The report provides toll road traffic volume, revenue, financial performance, operations, maintenance, and communications information.

***Recommendation***

Receive and file the 91 Express Lanes Status Report for the period ending January 31, 2005.

11. **Update on Taxicab Operations in Orange County**  
Tom Little/Paul C. Taylor

***Overview***

In late 2004, several media sources reported on a proliferation of "bandit" taxicabs operating (without a permit and license) in Los Angeles County. Orange County Taxi Administration Program staff has collected information that leads to the conclusion that Orange County does not have a significant problem with unpermitted or unlicensed taxicabs.

***Recommendation***

Receive information for discussion and possible action as deemed appropriate by the Board.

12. **Special Needs in Transit Advisory Committee**  
Donna Berger/Ellen S. Burton

***Overview***

It is requested the Orange County Transportation Authority Board of Directors consider the structure and appointment process for the Special Needs in Transit Advisory Committee. A summary of the current Committee structure and recommendations are provided in this report.



## AGENDA

ACTIONS

### *Recommendations*

- A. Approve the recommended Orange County Transportation Authority Special Needs in Transit Advisory Committee structure and direct staff to initiate recruitment of participants.
- B. Adopt Resolutions of Appreciation 2005-53 through 2005-80 for outgoing members of the Special Needs in Transit Advisory Committee.

### **13. Fiscal Year 2005-06 Budget Overview, Approach and Assumptions**

Andrew Oftelie/James S. Kenan

#### *Overview*

Leading up to the Board Workshop on May 9, 2005, staff will utilize the scheduled Finance and Administration Committee meetings to keep the Board of Directors abreast of developments regarding issues associated with the fiscal year 2005-06 budget. This report highlights some of the major assumptions and budget strategies that will be used to balance the fiscal year 2005-06 budget. In addition, this report provides a preview of some of the issues that will be discussed at the Board Workshop on May 9, 2005.

#### **Recommendation**

Receive and file as an information item.

### **14. Approval of Local Transportation Fund Fiscal Year 2005-06 Apportionment Estimates**

Jerome A. Diekmann/James S. Kenan

#### *Overview*

The Orange County Transportation Authority, as the transportation planning agency and county transportation commission for Orange County, is responsible for developing estimates used in apportioning revenues earned and deposited in the Orange County Local Transportation Fund. Transportation Development Act regulations require that the apportionments for fiscal year 2005-06 be determined, and prospective claimants advised of the amounts.



## AGENDA

ACTIONS

14. (Continued)

*Recommendation*

Approve the Local Transportation Fund fiscal year 2005-06 apportionment estimates and authorize the Chief Executive Officer to advise all prospective claimants of the amounts of all area apportionments from the Orange County Local Transportation Fund for the following fiscal year.

### Orange County Transit District Consent Calendar Matters

15. **Amendment to Agreement for Test and Operation Gases for Liquefied Natural Gas Buses and Facilities**

Al Pierce/William L. Foster

*Overview*

On May 10, 2004, the Board of Directors approved an agreement with Cameron Welding Supply for test and operation gases for the liquefied natural gas buses and facilities for a one year period with two one-year options.

*Recommendation*

Authorize the Chief Executive Officer to execute Amendment No. 2 to Agreement C-3-1228 between the Orange County Transportation Authority and Cameron Welding Supply, in an amount not to exceed \$70,000, for test and operation gases for the liquefied natural gas buses and facilities.

16. **Amendment to Agreement for Mobility Planning Services**

Gracie Davis/William L. Foster

*Overview*

On April 14, 2003, the Board of Directors approved an agreement with Transit Access, in the amount of \$65,000, to provide Mobility Planning Services. Transit Access was retained in accordance with the Orange County Transportation Authority's procurement procedures for professional services.



## AGENDA

ACTIONS

16. (Continued)

***Recommendation***

Authorize the Chief Executive Officer to execute Amendment No. 2 to Agreement C-2-1240 between the Orange County Transportation Authority and Transit Access, in an amount not to exceed \$63,000, for provision of Mobility Planning Services through June 30, 2006.

17. **Agreement for In-Frame Engine Overhauls on General Motors Corporation, Model Number RTS II, 1980 Buses**

Al Pierce/William L. Foster

***Overview***

The Orange County Transportation Authority plans to contract for the overhaul of up to 12 engines in 1980 model year fixed route transit buses.

***Recommendation***

Authorize the Chief Executive Officer to execute Agreement C-4-1153 between the Orange County Transportation Authority and Valley Power Systems, in an amount not to exceed \$148,500, for the in-frame engine overhaul on 1980 RTS buses.

18. **Amendment to Agreement for Trapeze Software Support**

Patrick Sampson/William L. Foster

***Overview***

On December 8, 2003, the Board of Directors approved an agreement with Trapeze Software Group, Inc., in the amount of \$20,000, to provide computerized scheduling software package to schedule Americans with Disabilities Act ACCESS service.

***Recommendation***

Authorize the Chief Executive Officer to execute Amendment No. 1 to Agreement C-3-1218 between the Orange County Transportation Authority and Trapeze Software Group, Inc., to exercise the first option term in an amount not to exceed \$20,000.



## AGENDA

ACTIONS

**19. Amendment to Cooperative Agreement with Regional Center of Orange County**

Beth McCormick/William L. Foster

***Overview***

On April 28, 2003, the Orange County Transportation Authority entered into a Cooperative Agreement with the Regional Center of Orange County formalizing an arrangement to share the cost of providing ACCESS services to Regional Center consumers. The current agreement expires on June 30, 2005.

***Recommendation***

Authorize the Chief Executive Officer to execute Amendment No. 2 to Cooperative Agreement C-3-0185 between the Orange County Transportation Authority and the Regional Center of Orange County, to share the cost of ACCESS transportation provided to Regional Center consumers, exercising the second option year and adjusting the trip rate as allowed in the agreement.

**20. Amendment to Purchase Order for Restroom Supplies**

Al Pierce/William L. Foster

***Overview***

On May 12, 2003, the Board of Directors approved a purchase order with Unisource Worldwide, Inc., to provide restroom supplies for a one year period with two one-year options.

***Recommendation***

Authorize the Chief Executive Officer to execute Amendment No. 3 to Purchase Order D-3-0105 between the Orange County Transportation Authority and Unisource Worldwide, Inc., in an amount not to exceed \$75,000, to exercise the second option year to provide restroom supplies.



## AGENDA

ACTIONS

**21. Purchase Order for Liquefied Propane Gas Forklifts**

Al Pierce/William L. Foster

***Overview***

As part of the Orange County Transportation Authority's Fiscal Year 2004-05 Budget, the Board approved the purchase of four liquefied propane gas forklifts.

***Recommendation***

Authorize the Chief Executive Officer to issue Purchase Order 05-71047 between the Orange County Transportation Authority and Myers Forklift, Inc., in an amount not to exceed \$100,753, for the purchase of four liquefied propane gas forklifts.

**22. Amendment to Agreement for Provision of Senior Transportation to Congregate Meal Sites**

Dana Wiemiller/William L. Foster

***Overview***

On April 22, 2004, the Board approved a revenue agreement with the Orange County Office on Aging for the provision of senior transportation to congregate meal sites funded in part by Older Americans Act funds.

***Recommendations***

- A. Authorize the Chief Executive Officer to execute Amendment No. 1 to Cooperative Agreement C-4-0348 between the Orange County Transportation Authority and the Orange County Office on Aging for the provision of senior transportation to congregate meal sites in an amount not to exceed \$431,727, through June 30, 2006.
- B. Authorize the Chief Executive Officer to execute amendments to agreements with eleven participating cities/centers for their share of the program expense through June 30, 2006, based on the Orange County Office on Aging allocation, for a total amount not to exceed \$120,000.



## AGENDA

ACTIONS

**23. Amendment to Agreement for Heating, Ventilation and Air Conditioning Services**

Al Pierce/William L. Foster

***Overview***

On March 24, 2003, the Board of Directors approved an agreement with Invensys Building Systems, Inc., now Yamas Controls Southern California, Inc., to provide heating, ventilation, and air conditioning maintenance services for a one year period with two one-year options.

***Recommendation***

Authorize the Chief Executive Officer to execute Amendment No. 2 to Agreement C-2-1230 between the Orange County Transportation Authority and Yamas Controls Southern California, Inc., in an amount not to exceed \$103,500, to exercise the second option year for heating, ventilation, and air conditioning maintenance services.

**24. Local Transportation Fund Claims for Fiscal Year 2005-06**

Jerome A. Diekmann/James S. Kenan

***Overview***

The Orange County Transit District is eligible to receive funding from the Local Transportation Fund for providing public transportation services throughout Orange County. In order to receive these funds, Orange County Transit District, as the public transit and community transit services operator, must file claims with the Orange County Transportation Authority, the transportation planning agency for Orange County.

***Recommendation***

Adopt Orange County Transit District Resolution No. 2005-01 authorizing the filing of Local Transportation Fund claims, in the amounts of \$84,444,155 to support public transportation, and \$4,444,429, for community transit services.





# AGENDA

ACTIONS

## Regular Calendar

### Orange County Transportation Authority Regular Calendar Matters

25. **Excess Property Policy Regarding Bundling Multiple Parcels for Sale to a City**  
Min Saysay/Stanley G. Phernambucq

#### *Overview*

An update on the Orange County Transportation Authority's sale of excess land is presented in this report. Possible revisions to the Right of Way Policies and Procedures Manual addressing the sale of excess land are being brought forward for Board consideration.

#### *Recommendations*

- A. Receive and file the status report on excess properties.
- B. Approve an amendment to the Orange County Transportation Authority's Right of Way Policies and Procedures Manual that directs staff to:
  - i. Endeavor to bundle stand-alone and remnant properties and dispose of them at a fair and reasonable price;
  - ii. Charge market rate interest when financing is requested; and
  - iii. Offset the sale price of bundled remnant properties based on cost of maintenance, liability, and cost of sale over a period five years.



## AGENDA

ACTIONS

### Orange County Transit District Regular Calendar Matters

**26. Amendment to Agreement for Provision of ACCESS and Contracted Fixed Route Services**

Beth McCormick/William L. Foster

**Overview**

On April 12, 2004, the Board of Directors approved an agreement with Laidlaw Transit Services, Inc., in the amount of \$31,733,223, to provide ACCESS and Contracted Fixed Route services for one year. To close out the agreement, an amendment is needed to address approved operational and maintenance costs incurred along with a companion request to establish the budgetary authority for some of these expenses.

**Recommendations**

- A. Authorize the Chief Executive Officer to execute Amendment No. 4 to Agreement C-4-0301 between the Orange County Transportation Authority and Laidlaw Transit Services, Inc., in an amount not to exceed \$1,113,310, to adjust the maximum obligation to reflect approved operational and maintenance expenses.
- B. Increase the Orange County Transportation Authority's approved Fiscal Year 2004-05 Budget by \$3,083,246, to address increased fuel costs and an increase in the number of ACCESS vehicle service hours for operation through July 31, 2005.

### Other Matters

**27. Real-Time Methods for Dynamic Pricing**

Paul C. Taylor

The Orange County Transportation Authority has undertaken consideration of dynamic pricing as a tool for maximizing corridor throughput. This Performance Monitoring and Pricing Pilot Project study uses technology to monitor and report travel time and speeds in both the 91 Express Lanes and main lanes. As a progress report, staff will present an assessment of real-time pricing methods.



## AGENDA

ACTIONS

**28. Chief Executive Officer's Report**

**29. Directors' Reports**

**Advertising on OCTA Buses**

Director Correa

**30. Public Comments**

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

**31. Closed Session**

1. Pursuant to Government Code Section 54956.9(c).
2. Pursuant to Government Code Section 54956.9(a) to discuss Ahmad Kourehchian v. Orange County Transportation Authority; OCSC No. 04CC02826.

**32. Adjournment**

The next regularly scheduled meeting of the OCTA/OCTD/OCLTA/OCSAFE/OCSSAV Committee will be held at 9:00 a.m. on April 11, 2005, at OCTA Headquarters, 600 South Main Street, First Floor - Room 154, Orange, California.





ORANGE COUNTY  
TRANSPORTATION AUTHORITY

RESOLUTION

TED JOHNSON

WHEREAS, the Orange County Transportation Authority recognizes and commends Ted Johnson; and

WHEREAS, be it known that Ted Johnson has earned a six year Safe Driving Award and has been with the Authority since May 18, 1998. He has distinguished himself by maintaining an outstanding record for safety, attendance, customer relations and assisting with training fellow Coach Operators; and

WHEREAS, Ted's dedication to his duties and desire to excel are duly noted and he is recognized as an outstanding Authority employee who has consistently demonstrated a level of professionalism that is the embodiment of the Authority's core values; and

WHEREAS, be it known that Ted Johnson takes great pride in his driving skills and demonstrates true professionalism in his overall performance as an OCTA Coach Operator.

NOW, THEREFORE, BE IT RESOLVED that the Authority does hereby declare Ted Johnson as the Orange County Transportation Authority Coach Operator Employee of the Month for March 2005; and

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

Dated: March 28, 2005

\_\_\_\_\_  
Bill Campbell, Chairman  
Orange County Transportation Authority

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

OCTA Resolution No. 2005-81





ORANGE COUNTY  
TRANSPORTATION AUTHORITY

RESOLUTION

MINH NGUYEN

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

WHEREAS, be it known that Minh Nguyen as been a principal player in our Maintenance Department with his innovative contributions, service and commitment; and

WHEREAS, Minh began his career with OCTA in November 1977 as a Serviceworker, he was then promoted to Mechanic A and since that time has become a highly skilled rebuild mechanic and troubleshooter. These skills combined with an excellent work ethic have made Minh a valuable member of the Maintenance Department; and

WHEREAS, his dedication to his duties and desire to excel are duly noted and he is recognized as an outstanding Authority employee.

NOW, THEREFORE, BE IT RESOLVED that the Authority does hereby declare Minh Nguyen as the Orange County Transportation Authority Maintenance Employee of the Month for March 2005; and

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

Dated: March 28, 2005

\_\_\_\_\_  
Bill Campbell, Chairman  
Orange County Transportation Authority

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

OCTA Resolution No. 2005-82





ORANGE COUNTY  
TRANSPORTATION AUTHORITY

RESOLUTION

CHRISTINA BYRNE

**WHEREAS**, the Orange County Transportation Authority recognizes and commends Christina Byrne; and

**WHEREAS**, be it known that Christina has performed her duties as OCTA's Senior Community Relations Specialist for the Authority's Community and Local Government Relations Department, demonstrating the highest level of integrity and professionalism in all her dealings with elected officials, Authority staff and the public; and

**WHEREAS**, Christina's contributions to the overall outreach effort on the Garden Grove Freeway (State Route 22) Improvement Project has demonstrated her qualifications as a public relations professional with the ability to solve issues on behalf of the public and, simultaneously, assist the project's technical team with an aggressive and critical schedule; and

**WHEREAS**, Christina's knowledge and understanding of OCTA projects and services, coupled with her ability to communicate with varied public audiences, allow for important transportation decisions to include public input and sentiment; and

**WHEREAS**, Christina's leadership, teamwork, positive attitude and dedication epitomize the goals of the Orange County Transportation Authority.

**NOW, THEREFORE, BE IT RESOLVED** that the Authority does hereby declare Christina Byrne as the Orange County Transportation Authority Administrative Employee of the Month for March 2005; and

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

**Dated: March 28, 2005**

\_\_\_\_\_  
Bill Campbell, Chairman  
Orange County Transportation Authority

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

OCTA Resolution No. 2005-83









ORANGE COUNTY  
TRANSPORTATION AUTHORITY

RESOLUTION

DANNY MAYER

WHEREAS, the Orange County Transportation Authority recognizes and commends Deputy Danny Mayer; and

WHEREAS, Deputy Mayer has been assigned to Transit Police Services since February 2003, handling the responsibilities involved with working at Transit Police Services with enthusiasm and a strong desire to provide the best service possible to OCTA, it's employees and the patrons who utilize the transportation system; and

WHEREAS, Deputy Mayer displays a strong command presence and has handled numerous volatile type calls without incident; he thinks before he acts and weighs all of the options which has lead to positive results; and

WHEREAS, Deputy Mayer's duties include directed patrol, handling calls for service on fare evasions, disturbances, both on buses and at transit facilities, enforcement of penal code and vehicle code violations related to bus operation, he always strives to perform his duties within the guidelines of OCTA and Transit Police Services.

NOW, THEREFORE, BE IT RESOLVED that the Authority does hereby declare Deputy Danny Mayer as the Orange County Transportation Authority Transit Police Services Employee of the Quarter for March 2005; and

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

Dated: March 28, 2005

\_\_\_\_\_  
Bill Campbell, Chairman  
Orange County Transportation Authority

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

OCTA Resolution No. 2005-84





Minutes of the Meeting of the  
Orange County Transportation Authority  
Orange County Service Authority for Freeway Emergencies  
Orange County Local Transportation Authority  
Orange County Transit District  
March 14, 2005

**Call to Order**

The March 14, 2005, regular meeting of the Orange County Transportation Authority and affiliated agencies was called to order at 9:01 a.m. at the Orange County Transportation Authority Headquarters, Orange, California; Chairman Campbell presided over the meeting.

**Roll Call**

Directors Present: Bill Campbell, Chairman  
Arthur C. Brown, Vice Chairman  
Marilyn Brewer  
Lou Correa  
Richard Dixon  
Chris Norby  
Curt Pringle  
Miguel Pulido  
Susan Ritschel  
Mark Rosen  
James W. Silva  
Thomas W. Wilson  
Gregory T. Winterbottom  
Cindy Quon, Governor's Ex Officio Member

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

Directors Absent: Carolyn Cavecche  
Michael Duvall  
Cathy Green  
Gary Monahan

## **Invocation**

Director Silva gave the invocation.

## **Pledge of Allegiance**

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

## **Public Comments on Agenda Items**

Chairman Campbell announced that members of the public wishing to address the Board of Directors regarding any item appearing on the agenda may do so by completing a Speaker's Card and submitting it to the Clerk of the Board. Speakers would be recognized at the time the agenda item was to be considered and comments would be limited to three (3) minutes.

## **Special Matters**

### **1. Retiree Recognition**

The Chairman presented a certificate of appreciation to Rich Wong, who retired from OCTA in February.

## **Consent Calendar (Items 2 through 17)**

Chairman Campbell announced that all matters on the consent calendar were to be approved in one motion unless a Board Member or a member of the public requested separate action on a specific item. The Chairman asked if there were any requests to pull any of the Consent Calendar items for consideration.

Members of the public pulled items 7 and 8 for comment.

## **Orange County Transportation Authority Consent Calendar Matters**

### **2. Approval of Minutes**

Motion was made by Director Pulido, seconded by Director Silva, and declared passed by those present, to approve the minutes of the Orange County Transportation Authority and affiliated agencies' regular meeting of February 28, 2005.

### **3. State and Federal Legislative Status Report**

Motion was made by Director Pulido, seconded by Director Silva, and declared passed by those present, to adopt the following recommended bill positions:

Sponsor on AB 267 (Daucher, R-Brea)

Co-sponsor on AB 462 (Tran, R-Garden Grove)

Co-sponsor on AB 1173 (Tran, R-Garden Grove)

**4. Corridor Studies Update**

Motion was made by Director Pulido, seconded by Director Silva, and declared passed by those present, to receive and file as an information item.

**5. Amendment to Professional Services Agreement for the San Diego Freeway (Interstate 5) at Oso Parkway**

Motion was made by Director Pulido, seconded by Director Silva, and declared passed by those present, to authorize the Chief Executive Officer to execute Amendment No. 4 to Professional Services Agreement C-2-1227 between the Orange County Transportation Authority and CH2M Hill, to increase the contract amount by \$63,809, for a total not-to-exceed contract amount of \$452,567, to include the completed noise study and recommendation of three soundwalls for the Interstate 5 (I-5) at Oso Parkway chokepoint project.

**6. Foothill Transportation Corridor-South Status Report**

Motion was made by Director Pulido, seconded by Director Silva, and declared passed by those present, to receive and file as an information item.

**7. Approach to Consensus on Rapid Transit Options**

Public comment was heard from Hamid Bahadori, representing the Automobile Club of Southern California, who pulled this item for comment. He stated that he believes the replacement alternatives for CenterLine will significantly affect Orange County's chances of renewing Measure M. He feels the first step in that process is regarding the options being considered by the Board.

Chairman Campbell asked Director Winterbottom, as Chair of the Transit Planning and Operations Committee, if the process to come forward with alternatives to CenterLine can be moved along quicker, with staff possibly returning to the Board by the end of April or early in May. Director Winterbottom said that every effort will be made to adjust to this request to move up the timeline on this work, and would coordinate with staff to meet the preferred date as the best they can.

All parties agreed that the work should be done thoroughly and as quickly as possible. Staff was requested to notify the Chairman if this timeline cannot be moved up and still maintain the integrity of the final analysis. Staff agreed to do so.

**7. (Continued)**

Motion was made by Vice Chairman Brown, seconded by Director Winterbottom, and declared passed by those present, to approve a process for consideration of rapid transit options that involves one workshop each with the Transit Planning and Operations Committee, the Executive Committee, and the Board of Directors.

**8. Consultant Support for Exploring Bus Rapid Transit (Bristol Street Option)**

Hamid Bahadori, representing the Automobile Club of Southern California, pulled this item for comment, and reiterated his comments relative to Item 7, expressing how important it is to select the best rapid transit options for Orange County, and that the choices for projects will definitely impact the future of the Measure M extension process.

Jack Mallinckrodt, representing his firm, AJM Engineering, addressed the Board with comments regarding this item. He stated that traffic congestion must be measured when weighing the benefits of projects being considered.

A brief discussion followed, with emphasis from Members to staff that bus rapid transit not be the only option considered. Paul Taylor, Executive Director, Planning, Development, and Motorists Services, stated that is well understood, and staff most assuredly will be looking at all the other options, and workshop will be scheduled at the earliest opportunity, perhaps by the end of March.

Director Brewer stated that while she understand it is not staff's direction to pursue only this option, the perception may be that bus rapid transit is a "done deal". She asked who will represent the other options and how will other options get a fair assessment with consultants not choosing the direction.

Mr. Taylor explained the roles that the two consultants have. One is the Project Management Consultant (Carter Burgess), and their role has been to be an extension of staff and help direct and deal with the consultant who has been doing the work on the CenterLine Project, as well as working with staff and the Federal Transit Administration.

The other consultant, Parsons Brinckerhoff, has been focused solely on the CenterLine Project. They are now being asked to focus on the CenterLine route, but in relation to a potential bus rapid transit conversion. They are the consultant which staff is now asking if they would be in a position to bring in the necessary resources to work with staff in evaluating all the other 24 options. Staff believes that there will be a fair representation of all the options.

Director Norby indicated he would not support this recommendation, as he feels it is money being spent before looking at options.

**8. (Continued)**

Director Pulido indicated that at the end of the process, the Board needs a matrix that has all the different parameters – ridership, air quality, costs, different technologies available in terms of implementation timelines. He stated it would not be wise to rush this process and end up with something no better than what we have now in terms of options.

Director Pulido said he would move the recommendation, but in that verbiage, give staff the ability to negotiate with the consultants to come back with a matrix that the Board can have faith in that will give real comparisons. Otherwise he does not feel this effort is worthwhile.

Several Members again clearly expressed their desire that this work be done thoroughly and well, and if staff cannot meet the now-shortened deadline, direction was that staff return to the Board to discuss more time being necessary rather than rush and not do the best job possible. All parties agreed to this.

Motion was made by Director Pulido, seconded by Director Dixon, and declared passed by those present, to direct staff to use the existing consultant agreements between the Orange County Transportation Authority and Parsons Brinckerhoff Quade and Douglas, Inc. (Agreement C-1-2354), and Carter & Burgess, Inc., (Agreement C-2-0611) to explore conversion of current light rail project to a bus rapid transit project. The recommendation was also amended to give staff the ability to negotiate options with these consultants. Staff will return to the Board for further direction at that time.

Directors Norby and Silva voted in opposition of the staff recommendation.

**9. Selection of a Consultant for Metrolink Engineering Services**

Motion was made by Director Pulido, seconded by Director Silva, and declared passed by those present, to:

- A. Authorize staff to request a cost proposal from J.L. Patterson and Associates, Inc., based on their qualifications and negotiate an agreement for their services.
- B. Authorize the Chief Executive Officer to execute the final agreement.

**10. CenterLine Outreach Contracts**

Motion was made by Director Pulido, seconded by Director Silva, and declared passed by those present, to receive and file as an information item.

**11. Second Quarter Fiscal Year 2004-05 Grant Status Report**

Motion was made by Director Pulido, seconded by Director Silva, and declared passed by those present, to receive and file as an information item.

**12. Second Quarter Fiscal Year 2004-05 Budget Status Report**

Motion was made by Director Pulido, seconded by Director Silva, and declared passed by those present, to receive and file as an information item for the Finance and Administration Committee.

**13. Agreement for Health Brokerage Services**

Motion was made by Director Pulido, seconded by Director Silva, and declared passed by those present, to authorize the Chief Executive Officer to execute Agreement 4-1271 between the Orange County Transportation Authority and Mercer Human Resource Consulting, in the amount of \$265,000, for health brokerage services.

**14. Second Quarter Fiscal Year 2004-05 Bus Operations Monthly Performance Measurement Report**

Motion was made by Director Pulido, seconded by Director Silva, and declared passed by those present, to receive and file as an information item for the Finance and Administration Committee.

**15. Agreements with the Union Pacific Railroad and the California Department of Transportation for the Santa Ana Freeway (Interstate 5) Far North Project**

Motion was made by Director Pulido, seconded by Director Silva, and declared passed by those present, to:

- A. Authorize the Chief Executive Officer to execute Agreement C-5-0632 in the amount of \$12,650,000 between the Orange County Transportation Authority and Union Pacific Railroad for the required relocation of railroad storage tracks.



**15. (Continued)**

- B Authorize the Chief Executive Officer to execute Cooperative Agreement Caltrans 12-482 (Agreement C-5-0672) between the Orange County Transportation Authority and the California Department of Transportation in the amount of \$108,000 for landscaping design services and project design oversight.
- C. Direct Staff to return to the Board in April 2005, with a project update and a discussion of options for funding the Santa Ana Freeway (Interstate 5) Far North project.

**Orange County Local Transportation Authority Consent Calendar Matters**

**16. Amendment to Professional Services Agreements for Combined Transportation Funding Program Application Review Services**

Motion was made by Director Pulido, seconded by Director Silva, and declared passed by those present, to authorize the Chief Executive Officer to execute Amendment No. 1 to Agreements C-4-0280, C-4-0479, and C-4-0480 between the Orange County Transportation Authority and firms of COH & Associates, Inc., Urban Crossroads, and W.G. Zimmerman Engineering, Inc., to increase the maximum obligation by \$150,000 to a total amount not to exceed \$225,000, for fiscal year 2004-05 and to extend all agreements to August 31, 2005.

**Orange County Transit District Consent Calendar Matters**

**17. Amendment to Agreement for Late Night ACCESS Service**

Motion was made by Director Pulido, seconded by Director Silva, and declared passed by those present, to authorize the Chief Executive Officer to execute Amendment No. 1 to Agreement C-4-0416 between the Orange County Transportation Authority and Independent Taxi Owners Association to exercise the first option year to provide late night ACCESS service through June 30, 2006.

## Regular Calendar

### Orange County Transportation Authority Calendar Matters

#### 18. Chokepoint Program Status Report

Kia Mortazavi, Director, Strategic Planning, provided background and presented an overview and PowerPoint for the Board on the Chokepoint Program. He expressed his appreciation to Caltrans District 12 for their cooperation in this program.

Mr. Mortazavi stated that staff will be providing a project-specific presentation in April, and more detail will be provided at that time.

Chairman Campbell addressed James S. Kenan, Executive Director, Finance, Administration, and Human Resources, and asked him to come back at the next meeting regarding the issue of the auxiliary lane from the 241 tollroad to the 71 Expressway on the State Route 91, if this would be at a cost of \$32 million. The Chairman indicated it is understood that the expenditure for the design and environmental work has been authorized, and the funds are restricted to be used within that corridor. However, he asked if there is a way to utilize the “excess funds” that are being generated now to pay for the construction sooner or to go into debt and pay for the construction faster.

Motion was made by Vice Chairman Brown, seconded by Director Winterbottom, and declared passed by those present, to direct staff to continue cooperative efforts with the California Department of Transportation to develop projects in support of the Freeway Chokepoint Program.

Directors Norby and Pulido were not present for this vote.

#### 19. Garden Grove Freeway (State Route 22) Design-Build Project Update

Chief Executive Officer (CEO), Arthur T. Leahy, presented opening comments to the Board on this item, and introduced Stan Phernambucq, Executive Director of Engineering and Construction, who provided some additional information on this design-build project. Next to the Bay Bridge Project, this is the largest construction project in the State of California.

Rick Grebner, Project Manager, showed a PowerPoint and video that allowed Members to see the “before and after” views of this project.

Several Members expressed appreciation to Directors Correa, Silva, CEO Arthur T. Leahy, and staff for their roles in getting this project underway and keeping it on schedule.

**19. (Continued)**

Motion was made by Director Silva, seconded by Vice Chairman Brown, and declared passed by those present, to receive and file for information.

Director Winterbottom was not present for this vote.

## **Other Matters**

**20. Chief Executive Officer's Goals for 2005**

Chairman Campbell provided background on the list of goals and the purpose for which it was created. This will provide a “yardstick” by which the performance of the CEO may be measured. The goals work down throughout the organization as a way to give direction from the Board.

CEO, Arthur T. Leahy, stated his intent is to bring these items to the Board on a timely basis and to note whenever there is slippage or a change in anything which needs discussion. Mr. Leahy stated the report has been changed such as to appear in chronological order to make it easier to check status of the projects listed.

Mr. Leahy noted that certain monthly operational and financial data will be brought to the Board quarterly so there is a reasonable period for review.

Mr. Leahy stated he would like to defer the review of the State Route 55/Interstate 405 until the third quarter and secondly, the Minimum Operating Segment 3 completion has been delayed, slipping to April.

**21. Real-Time Methods for Dynamic Pricing**

The Chairman requested this item be continued to a future meeting.

**22. Chief Executive Officer's Report**

Chief Executive Officer, Arthur T. Leahy, advised Members that the Transportation 2020 Committee would meet following this Board meeting.

Members were provided with copies of the Annual Report and noted that in coming weeks, at the Regional Planning and Highways Committee, then at the full Board, staff will be advising Members regarding construction cost issues which are continuing to climb, as are all construction projects around the State of California.

## **23. Directors' Reports**

Director Brewer stated she will be having a detailed briefing regarding express buses, and that has been scheduled for March 28 after the Board meeting. She extended an invitation to the Members to join in if they would care to do so.

Chairman Campbell brought attention to a document on guidance from General Counsel regarding substitute motions that come before the Board. Members were provided with a copy of this information.

Director Dixon asked why it is being proposed to limit amendments to one. Chairman Campbell stated that a Member contacted him and mentioned that both Mason's or Robert's Rules of Order state that if there is a motion on the floor, once an amendment to that motion is taken, it must be dispensed with prior to any other actions being taken.

Director Dixon further suggested that Mason's or Robert's Rules of Order may be adopted as a general guideline for conducting meetings.

Chairman Campbell asked that General Counsel consider this suggestion and come back to the Executive Committee with thoughts on it.

Director Correa mentioned that on the issue of health care, if there is a committee on this, or if one may be established. Chairman Campbell stated that both actions – health care for the Board as well as the action for future contracts and subcontracts – were given to staff to come back to the Executive Committee with recommendations.

CEO, Arthur T. Leahy, clarified that the issue of the Board Members' benefits was going back through the Finance and Administration Committee.

## **24. Public Comments**

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

No requests were made from the public to address the Board.

**25. Closed Session**

General Counsel, Kennard R. Smart, Jr., stated that a Closed Session was necessary pursuant to Government Code Section 54957.6 to meet with Orange County Transportation Authority designated representative Marlene Heyser regarding collective bargaining agreement negotiations with the Teamsters Local 952 representing the Maintenance employees and the Transportation Communications Union representing parts clerks, facility technicians and revenue clerks.

No report out of this session was anticipated.

**26. Adjournment**

The meeting adjourned at 10:55 a.m. The next regularly scheduled meeting of the OCTA/OCTD/OCLTA/OCSAFE/OCSSAAV Committee will be held at 9:00 a.m. on March 28, 2005, at OCTA Headquarters, 600 South Main Street First Floor - Room 154, Orange, California.

ATTEST

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Wendy Knowles  
Clerk of the Board

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Bill Campbell  
OCTA Chairman





**Item 6.**

*BOARD COMMITTEE TRANSMITTAL*

**March 28, 2005**

**To:** Members of the Board of Directors  
**From:** Wendy Knowles, <sup>WK</sup> Clerk of the Board  
**Subject:** Future Direction of Federal Legislative Advocacy and Consulting Services

Legislative and Government Affairs/Public Communications  
Committee

March 3, 2005

**Present:** Directors Silva, Wilson, Ritschel, Brewer, Brown, Correa, and Rosen  
**Absent:** None

***Committee Vote***

This item was passed by all Committee Members present.

***Committee Recommendation***

Vice Chair Silva moved that Peyser & Associates be on a limited contract of \$5,000 a month; Jim McConnell remain at \$10,000 a month; Rick Alcade of The Federalist Group continue at \$7,500 a month for six months; and Mayer, Brown, Rowe and Maw LLP remain at \$5,000.00 per month. The motion was seconded by Committee Member Brown, and declared passed unanimously by the Committee Member's present.



**March 3, 2005**

**To:** Legislative and Government Affairs/Public Communications Committee

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

**Subject:** Future Direction of Federal Legislative Advocacy and Consulting Services

### **Overview**

The Orange County Transportation Authority Board of Directors at their November 8, 2004, meeting approved exercising two-year options on three agreements for federal legislative advocacy and consulting services. A fourth agreement was extended for six months.

### **Recommendation**

Staff requests direction regarding the appropriate make-up of federal legislation and consulting services in light of the Board's recent determinations regarding The CenterLine Project.

### **Background**

Prior to December 2002, the Orange County Transportation Authority (OCTA) retained James F. McConnell, Attorney at Law, and Peyser Associates, Inc. as legislative advocates in Washington, DC.

In December 2002, the Legislative and Government Affairs Committee recommended and the Board of Directors (Board) approved new contracts for James F. McConnell, Attorney at Law and Peyser Associates, Inc. as well as two new legislative advocacy and consulting contracts, with Holland and Knight LLP and Manatt, Phelps & Phillips LLP. In March 2003, the Board also approved the retention of the Federalist Group, LLC.

In December 2003, the Board terminated by mutual agreement, the contract with Holland & Knight, making Peyser Associates, Inc. OCTA's leading advocacy firm in Washington, DC.



In August 2003, the Board authorized the contract with Manatt, Phelps & Phillips LLP to be terminated and replaced with a contract of equal amount with Mayer, Brown, Rowe and Maw LLP. This was done in order to maintain the services of Scott Baugh, the principal contact at Manatt & Philips, who had changed his firm affiliation.

Stewart Hall of The Federalist Group, LLC was retained at a fee of \$45,000 in March 2004, in order to maximize OCTA's efforts to compete for scarce federal transportation funds in fiscal year 2005. (Mr. Hall's contract expired in September 2004.)

In November 2004, the Board authorized the Chief Executive Officer to exercise two-year options for federal legislative advocacy and consulting services for Peyser Associates, Inc., James F. McConnell Attorney at Law, and Mayer, Brown, Rowe & Maw. These contracts all contain a provision for termination for convenience. The Board also authorized the Chief Executive Officer to extend the term of the contract between OCTA and The Federalist Group, LLC for an additional six months. The terms and amounts of these contracts are provided in the table below:

	<b>Term (Starting January 1, 2005)</b>	<b>Term Amount</b>	<b>Monthly Amount</b>
Peyser & Associates	2 years	\$300,000	\$12,500
James F. McConnell	2 years	\$240,000	\$10,000
The Federalist Group, LLC	6 months	\$45,000	\$7,500
Mayer, Brown, Rowe and Maw LLP	2 years	\$120,000	\$5,000

At that time, the Board also requested that the Legislative and Government Affairs/Public Communications Committee review and make changes, where necessary, to the individual Scopes of Work for the firms that provide legislative advocacy in Washington, DC. The proposed changes in the firms' Scopes of Work were approved by the Committee in November 2004, and are outlined in Attachment A.

***Discussion***

The OCTA Board of Directors selected the Washington advocates based upon each individual firm's expertise, their relationships with Members of Congress, and their personal and committee staff.

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The legislative advocates represent OCTA's positions on legislation, policy issues, and funding priorities before the Congress and the Administration (including the Federal Transit Administration, the Federal Highway Administration, the Federal Railroad Administration and other federal departments and agencies as may be necessary). The advocates notify staff on legislation and proposed regulations; coordinate meetings with Members of Congress, the Administration and staff as appropriate; and provide timely updates on events occurring in Washington, DC.

On February 14, 2005, the Board took action authorizing exploration of conversion of the current light rail transit project to another mode, including consideration of a bus rapid transit project. In addition, the six-month extension of the contract with The Federalist Group is set to expire July 1, 2005. In light of these facts and developments, staff seeks Committee direction as to the appropriate makeup of OCTA's federal advocacy and consulting services contracts.

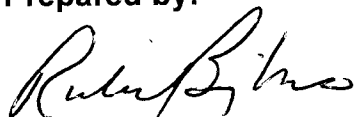
***Summary***

Staff seeks the direction of the Legislative and Government Affairs/Public Communications Committee regarding the future makeup of federal advocacy and consulting services in light of recent Board action regarding The CenterLine Light Rail Project.

***Attachment***

- A. Revised Scope of Work for Federal Legislative Advocates

**Prepared by:**



Richard J. Bacigalupo  
Deputy Chief Executive Officer  
(714) 560-5901

Revised Scope of Work for Federal Legislative Advocates

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(Peyser Associates, Inc.)

1.0 Description of Services

1.1 General

The federal legislative advocate team is organized around the federal goals and objectives of the Orange County Transportation Authority's (OCTA) legislative program. The primary focus of the OCTA's legislative program is to ensure the inclusion of OCTA projects, programs and policies in surface transportation reauthorization and appropriations legislation.

1.2 Detailed Tasks

1.2.1 Contractor shall inform, report on activities and develop advocacy strategies in order to build and sustain a strong coalition in support of OCTA programs and projects including, but not limited to the following:

- Interstate 405 Widening
- SR-91 Widening
- SR-91 Chokepoint
- SR-91 Truck Storage Lane
- SR-91/SR-241 High Occupancy Toll Connector
- I-5 South HOV Lane Phase I
- I-5/Ortega Highway Interchange
- I-5/SR-55 Chokepoint
- CenterLine

1.2.2 Contractor shall provide overall political and legislative strategy and coordination for OCTA's Washington advocacy effort.

1.2.3 Contractor shall provide representation and advocate OCTA policies, positions, projects and programs before the following:

- Minority Members and Staff of the House Transportation and Infrastructure Subcommittee on Highways, Transit and Pipelines
- Majority staff of the House Appropriations Subcommittee on Transportation and Treasury
- Minority Members and staff of the House Appropriations Subcommittee on Transportation and Treasury

- Majority staff of the Senate Banking, Housing and Urban Affairs Subcommittee on Transportation and Treasury
- Minority Members and staff of the Senate Banking, Housing and Urban Affairs Subcommittee on Transportation and Treasury
- Minority Members and staff of the Senate Committee on Environment and Public Works Subcommittee on Transportation and Infrastructure
- United States Department of Transportation, including, but not limited to the Federal Transit Administration (FTA), the Federal Highway Administration (FHWA), the Federal Railroad Administration, other departments and agencies.

1.2.4 Contractor shall provide strategy advice and advocacy support with Senators Feinstein, Boxer and their staffs.

1.2.5 Contractor shall monitor all relevant federal legislative and administrative transportation actions and provide OCTA with timely legislative analysis on how such actions affect the interests of the agency.

1.2.6 Contractor shall assist in the drafting of legislative language and other written material of interest to OCTA.

1.2.7 Contractor shall, in coordination with other members of the advocacy team, conduct an annual workshop with the OCTA Board of Directors regarding federal legislation.

1.2.8 Contractor shall coordinate the overall schedule for OCTA Board Members and staff during trips to Washington, DC.

1.2.9 Contractor shall undertake additional assignments that have been mutually agreed upon by both parties.

## 2.0 Project Management

### 2.1 Bi-weekly Conference Calls

2.1.1 Contractor shall participate in bi-weekly conference calls with the Project Manager and OCTA staff.

2.1.2 Contractor shall participate in monthly telephone conference calls with members of the OCTA Legislative and Government Affairs/Public Communications Committee.

2.1.3 Contractor shall make monthly written reports to the OCTA Legislative and Government Affairs/Public Communications Committee updating members on the status of federal legislation.

2.1.4 Contractor shall make six in-person presentations to the OCTA Board of Directors.

### 2.2 Monthly Status Reports

2.2.1 Contractor shall provide a written report which outlines activities on behalf of the OCTA.

## Revised Scope of Work for Federal Legislative Advocates

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(James McConnell)

### 1.0 Description of Services

#### 1.1 General

1.1.1 The federal legislative advocate team is organized around the federal goals and objectives of the Orange County Transportation Authority's (OCTA) legislative program. The primary focus of the OCTA's legislative program is to ensure the inclusion of OCTA projects, programs and policies in surface transportation reauthorization and appropriations legislation.

#### 1.2 Detailed Tasks

Contractor shall inform, report on activities and develop advocacy strategies in order to build and sustain a strong coalition in support of OCTA programs and projects including, but not limited to the following:

- Interstate 405 Widening
- SR-91 Widening
- SR-91 Chokepoint
- SR-91 Truck Storage Lane
- SR-91/SR-241 High Occupancy Toll Connector
- I-5 South HOV Lane Phase I
- I-5/Ortega Highway Interchange
- I-5/SR-55 Chokepoint
- CenterLine

1.2.1 Contractor shall provide strategy advice and advocacy support with the Orange County Congressional Delegation and staffs as follows:

- Representative Christopher Cox
- Representative Gary Miller
- Representative Loretta Sanchez
- Representative Ed Royce
- Representative Dana Rohrabacher
- Representative Ken Calvert

1.2.2 Contractor shall assist in the preparation of testimony and correspondence for the Orange County Congressional Delegation

in support of OCTA projects, policies and programs in surface transportation reauthorization and appropriations legislation.

- 1.2.3 Contractor shall recommend timing and nature of contacts with the members of Orange County Congressional Delegation.
- 1.2.4 Contractor shall arrange logistical support for meetings for OCTA Board members and staff in Washington, DC with the Orange County Congressional Delegation.
- 1.2.5 Contractor shall participate with other members of the advocacy team at annual workshop with OCTA Board of Directors regarding federal legislation.
- 1.2.6 Contractor shall undertake additional assignments that have been mutually agreed upon by both parties.

## 2.0 Project Management

### 2.1 Bi-weekly Conference Calls

- 2.1.1 Contractor shall participate in bi-weekly conference calls with the Project Manager and OCTA staff.

### 2.2 Monthly Status Reports

- 2.2.1 Contractor shall provide a written report which outlines activities on behalf of the OCTA.

## Revised Scope of Work for Legislative Advocates

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(Mayer, Brown, Rowe and Maw LLP)

### 1.0 Description of Services

#### 1.1 General

- 1.1.1 The federal legislative advocate team is organized around the federal goals and objectives of the Orange County Transportation's (OCTA) legislative program. The primary focus of the OCTA's legislative program is to ensure the inclusion of OCTA projects, programs and policies in surface transportation reauthorization and appropriations legislation.

#### 1.2 Detailed Tasks

Contractor shall inform, report on activities and develop advocacy strategies in order to build and sustain a strong coalition in support of OCTA programs and projects including, but not limited to the following:

- Interstate 405 Widening
  - SR-91 Widening
  - SR-91 Chokepoint
  - SR-91 Truck Storage Lane
  - SR-91/SR-241 High Occupancy Toll Connector
  - I-5 South HOV Lane Phase I
  - I-5/Ortega Highway Interchange
  - I-5/SR-55 Chokepoint
  - CenterLine
- 1.2.1 Contractor shall provide strategic advice based on research that analyzes local political climate and its affects on OCTA legislative goals.
- 1.2.2 Contractor shall provide strategic advice regarding the Orange County Congressional Delegation from a local perspective.
- 1.2.3 Contractor shall recommend timing and nature of contacts with the Orange County Congressional Delegation.
- 1.2.4 Contractor shall participate with other members of the advocacy team at annual workshop with the OCTA Board of Directors regarding federal legislation.
- 1.2.5 Contractor shall undertake additional assignments that have mutually been agreed upon by both parties.

## 2.0 Project Management

### 2.1 Monthly presentations

2.1.1 Contractor shall make monthly presentations either in person or by phone to the Legislative and Government Affairs/Public Communications Committee outlining his activities.

2.1.2 Contractor shall advise the OCTA Chief Executive Officer on a monthly basis, of his activities.



## Revised Scope of Work for Federal Legislative Advocates

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(The Federalist Group LLC)

### 1.0 Description of Services

#### 1.1 General

The federal legislative advocate team is organized around the federal goals and objectives of the Orange County Transportation Authority's (OCTA) legislative program. The primary focus of the OCTA's legislative program is to ensure the inclusion of OCTA projects, programs and policies in surface transportation reauthorization and appropriations legislation.

#### 1.2 Detailed Tasks

Contractor shall inform, report on activities and develop advocacy strategies in order to build and sustain a strong coalition in support of OCTA programs and projects including, but not limited to the following:

- Interstate 405 Widening
- SR-91 Widening
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- SR-91 Truck Storage Lane
- SR-91/SR-241 High Occupancy Toll Connector
- I-5 South HOV Lane Phase I
- I-5/Ortega Highway Interchange
- I-5/SR-55 Chokepoint
- CenterLine

1.2.1 Contractor shall provide representation and advocate OCTA policies, positions, projects and programs before the following:

- Representative Don Young (R-AK), Chairman of the House Transportation and Infrastructure Committee
- Majority Members and staff of the House Transportation and Infrastructure, Subcommittee on Highways, Transit, and Pipelines
- Majority Members of the House Appropriations Subcommittee on Transportation and Treasury
- Senator Richard Shelby (R-AL), Chairman of the Senate Banking, Housing and Urban Affairs Committee, Chairman Senate Appropriations Subcommittee on Transportation and Treasury
- Majority Members and staff of Senate Appropriations Subcommittee on Transportation and Treasury

- Majority Members of the Senate Banking, Housing and Urban Affairs Committee, Subcommittee on Transportation and Treasury
- Majority Members and staff of the Senate Committee on Environment and Public Works, Subcommittee on Transportation and Infrastructure
- The office of Representative Gary Miller
- The office of Representative Jerry Lewis
- The office of Senate Minority Leader Harry Reid (D-NV)

1.2.2 Contractor shall assist in drafting of legislative language and other written material of interest to OCTA.

1.2.3 Contractor shall participate with other members of the advocacy team at annual workshop with the OCTA Board of Directors regarding federal legislation.

1.2.4 Contractor shall undertake additional assignments that have mutually agreed upon by both parties.

## 2.0 Project Management

### 2.1 Bi-weekly Conference Calls

2.1.1 Contractor shall participate in bi-weekly conference calls with the Project Manager and OCTA staff.

### 2.2 Monthly Status Reports

2.2.1 Contractor shall provide a written report which outlines activities on behalf of the OCTA.





Item 7.

BOARD COMMITTEE TRANSMITTAL

**March 28, 2005**

**To:** Members of the Board of Directors  
**From:** Wendy Knowles<sup>WK</sup>, Clerk of the Board  
**Subject** State Legislative Update

Legislative and Government Affairs/Public Communications  
Committee

March 17, 2005

**Present:** Directors Ritschel, Silva, Brewer, Brown, Correa, and Rosen  
**Absent:** Director Wilson

**Committee Vote**

This item was passed by all Committee Members present.

**Committee Recommendation**

Adopt the following recommended bill positions:  
Support on AB 697 (Oropeza, D-Long Beach)  
Support on SB 705 (Runner, R-Palmdale)  
Support on SCA 7 (Torlakson, D-Antioch)



**March 17, 2005**

**To:** Legislative and Government Affairs/Public Communications Committee

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

**Subject:** State Legislative Status Report

**Overview**

The Legislative Analyst's Office has presented recommendations for the 2005-2006 state budget. Over 3,000 Assembly and Senate bills have been introduced in Sacramento. Three bill positions are submitted for consideration.

**Recommendation**

Adopt the following recommended bill positions:

- Support on AB 697 (Oropeza, D-Long Beach)
- Support on SB 705 (Runner, R-Palmdale)
- Support on SCA 7 (Torlakson, D-Antioch)

**Discussion**

**Legislative Analyst's Office Releases Analysis of the 2005-2006 State Budget**

On February 24, 2005, the Legislative Analyst's Office (LAO) released its 2005-2006 state budget perspectives and issues report. This report highlights crucial budgetary issues and provides possible recommendations to ameliorate existing conditions. The LAO report points out that an \$8.1 billion fiscal shortfall continues to persist in this year's budget. Conversely, the report predicts \$2.2 billion in additional revenue, resulting in a \$2.9 billion reserve in 2005-2006. This reserve, attributed to higher than anticipated revenues and lower than expected expenditures, would only be possible if ongoing savings similar in magnitude to the Governor's budget proposal are adopted.

Not surprisingly, the LAO report also points out that balancing the 2005-2006 proposed state budget is heavily dependent upon borrowing, deficit bonds, Proposition 42, and local government revenues. Consequently, the LAO stresses the importance of pursuing proposals aimed at eliminating the state's long-term structural problem and recommends possibly utilizing \$2.4 billion in anticipated reserves against outstanding obligations. Orange County Transportation Authority (OCTA) staff will advocate for the surplus revenues to be used to fund Proposition 42, in order to maintain existing projects and avoid costs incurred by halting projects.

This report also makes several observations related to transportation. Specifically, the report points out that although the proposal to remove the ability to suspend Proposition 42 beginning in 2007-2008 would remove the primary source of uncertainty for transportation funding, it may not be a panacea. The state budget reform proposal would authorize automatic across-the-board reductions in General Fund expenditures and would also result in unplanned fluctuation in Proposition 42 transfers. Thus, the LAO suggests that unanticipated volatility in the funding of transportation projects could make long-term planning more difficult. Similar to its recommendation presented last year, the LAO suggests that Proposition 42 should be repealed, with those revenues replaced by raising the gas tax by six cents per gallon and adjusted annually for inflation.

#### Bill Introductions

The deadline to submit bills for the 2005-2006 state legislative session was February 22, 2005. Over 3,000 Assembly and Senate bills were introduced. OCTA staff has identified more than 300 bills of interest. These bills will be examined and monitored and relevant bills will be brought forth for OCTA Board of Director action in the upcoming weeks.

#### Newly Analyzed State Legislation

AB 697 (Oropeza, D-Long Beach) provides for a continuous appropriation of transportation funds, which would prevent shutdown of projects in the event of a late state budget. Staff recommends: SUPPORT. Attachment A is the bill analysis.

SB 705 (Runner, R-Palmdale) authorizes the use of design-build process for the design and construction of transportation projects. Staff recommends: SUPPORT. Attachment B is the bill analysis.

SCA 7 (Torlakson, D-Antioch) amends the California constitution to require transportation funds loaned to the state General Fund or other state funds be repaid with interest. Staff recommends: SUPPORT. Attachment C is the bill analysis.

**Summary**

The Legislative Analyst's Office has issued its recommendations for the 2005-2006 state budget. Staff has identified more than 300 bills of interest.

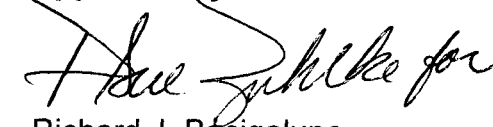
**Attachments**

- A. Analysis of AB 697 (Oropeza, D-Long Beach)
- B. Analysis of SB 705 (Runner, R-Palmdale)
- C. Analysis of SCA 7 (Torlakson, D-Antioch)

**Prepared by:**

  
Alejandro Esparza  
Government Relations  
Representative  
(714) 560-5393

**Approved by:**

  
Richard J. Bacigalupo  
Deputy Chief Executive Officer  
(714) 560-5901

## ATTACHMENT A

**BILL:** AB 697 (Oropeza, D-Long Beach)  
Introduced February 17, 2005

**SUBJECT:** Provides for a Continuous Appropriation of Transportation Funds, which would Prevent Shutdown of Projects in the Event of a Late State Budget.

**STATUS:** Referred to Assembly Transportation Committee

### **SUMMARY AS OF MARCH 7, 2005:**

AB 697 provides that gas tax revenues deposited in the Highway User Tax Account (HUTA) and in the State Highway Account (SHA) shall be continuously appropriated regardless of whether the Legislature has passed a budget for the new fiscal year.

Existing law provides for formula apportionment of specified amounts of gas tax revenues in the HUTA to cities and counties for transportation purposes authorized by Article XIX of the California Constitution. The remaining funds must generally be transferred and deposited in the SHA in the State Transportation Fund. Existing law provides that money in the HUTA is continuously appropriated for transportation purposes but money in the SHA cannot be expended until appropriated by the Legislature.

In 2003, the State Budget Act was enacted 33 days after the statutory deadline (August 2, 2003). This created a severe cash flow problem, jeopardizing payments to 369 projects totaling more than \$2.8 billion. Additionally, bid openings for 20 projects totaling more than \$184 million had to be put on hold. Throughout July, gasoline tax revenues already collected and deposited in state transportation funding accounts remained unused due to the lack of budget authority to spend the existing revenue.

The lack of funding for transportation projects resulted in warnings from the state to contracting firms that they were not assured of being paid for completed work or that projects might have to be suspended. In response, contractors, cities, and "self-help counties" (those with a local transportation sales tax measure) offered to advance loans of more than \$100 million to keep work going. Although these loans prevented the California Department of Transportation (Caltrans) from being forced to shut down contracts at a cost of \$50 million, contractors and other local agencies have strongly indicated that they will not be able to advance their own funds again, if faced with similar budget delays in the future.

AB 697 would provide a continuous appropriation of these funds and would address the cash flow problems to prevent transportation projects from being halted, resulting in less delays and penalties.



### **EFFECTS ON ORANGE COUNTY:**

In 2003, Orange County had 47 contracts totaling over \$254 million that could have been affected by the budget impasse. Estimated progress payments for July through September exceeded \$18.8 million. On July 21, 2003, the Orange County Transportation Authority (OCTA) Board of Directors approved a loan of up to \$6 million for the re-stripping project, on the Riverside Freeway. Had the budget not been signed on August 2, 2003, the OCTA Board may have been asked to consider a loan to Caltrans of \$4 million to cover the cost of the August progress payments for 22 higher-priority projects. To avoid project shut downs or loans in the future, staff recommends a Support position on AB 697 to ensure continuous appropriations of dedicated transportation funds.

### **OCTA POSITION:**

Staff recommends: SUPPORT

**ASSEMBLY BILL**

**No. 697**

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**Introduced by Assembly Member Oropeza**

February 17, 2005

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An act to amend Section 2101 of, and to amend the heading of Chapter 3 (commencing with Section 2100) of Division 3 of, the Streets and Highways Code, relating to transportation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 697, as introduced, Oropeza. Highway Users Tax Account: appropriation of funds.

Article XIX of the California Constitution requires revenues from state excise taxes on motor vehicle fuels for use in motor vehicles upon public streets and highways, over and above the cost of collection and any refunds authorized by law, to be used for various street and highway purposes and for certain mass transit guideway purposes. Existing law requires state excise fuel tax revenues to be deposited in various accounts and to be allocated, in part, for various purposes, including the cost of collection and authorized refunds. Existing law requires the balance of these funds remaining after authorized deductions to be transferred to and deposited monthly in the Highway Users Tax Account in the Transportation Tax Fund. Existing law provides for formula apportionment of specified revenues in the Highway Users Tax Account to cities and counties for the transportation purposes authorized by Article XIX of the California Constitution, and generally requires the remaining revenues to be transferred to and deposited in the State Highway Account in the State Transportation Fund. Existing law provides that the money in

the Highway Users Tax Account is appropriated for the above-described transportation purposes, but also generally provides that the money in the State Highway Account may not be expended until appropriated by the Legislature.

This bill, in any year in which the Budget Act has not been enacted by July 1, would provide that all moneys in the Highway Users Tax Account in the Transportation Tax Fund from the prior fiscal year are continuously appropriated and may be encumbered for certain purposes until the Budget Act is enacted. The bill would thereby make an appropriation. The bill would authorize the Controller to make estimates in order to implement these provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

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

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

1 SECTION 1. The heading of Chapter 3 (commencing with  
2 Section 2100) of Division 3 of the Streets and Highways Code is  
3 amended to read:

4  
5 CHAPTER 3. HIGHWAY USERS TAX ~~FUND~~ ACCOUNT  
6

7 SEC. 2. Section 2101 of the Streets and Highways Code is  
8 amended to read:

9 2101. (a) All moneys in the Highway Users Tax Account in  
10 the Transportation Tax Fund and hereafter received in the  
11 account are appropriated for all of the following:

12 ~~(a)~~  
13 (1) The research, planning, construction, improvement,  
14 maintenance, and operation of public streets and highways (and  
15 their related public facilities for nonmotorized traffic), including  
16 the mitigation of their environmental effects, the payment for  
17 property taken or damaged for ~~such~~ those purposes, and the  
18 administrative costs necessarily incurred in the foregoing  
19 purposes.

20 ~~(b)~~  
21 (2) The research and planning for exclusive public mass transit  
22 guideways (and their related fixed facilities), the payment for

1 property taken or damaged for ~~such~~ *those* purposes, and the  
2 administrative costs necessarily incurred in the foregoing  
3 purposes.

4 ~~(e)~~

5 (3) The construction and improvement of exclusive public  
6 mass transit guideways (and their related fixed facilities),  
7 including the mitigation of their environmental effects, the  
8 payment for property taken or damaged for ~~such~~ *those* purposes,  
9 the administrative costs necessarily incurred in the foregoing  
10 purposes, and the maintenance of the structures and the  
11 immediate right-of-way for the public mass transit guideways,  
12 but excluding the maintenance and operating costs for mass  
13 transit power systems and mass transit passenger facilities,  
14 vehicles, equipment, and services, in any area where the voters  
15 thereof have approved a proposition pursuant to Section 4 of  
16 Article XIX of the California Constitution.

17 ~~(d)~~

18 (4) The payment of principal and interest on voter-approved  
19 bonds issued for the purposes specified in ~~subdivision (e)~~  
20 *paragraph (3)*.

21 *(e) Notwithstanding Section 13340 of the Government Code or*  
22 *any other provision of law, in any year in which a Budget Act has*  
23 *not been enacted by July 1 for the fiscal year beginning on July*  
24 *1, all moneys in the Highway Users Tax Account in the*  
25 *Transportation Tax Fund from the prior fiscal year are hereby*  
26 *continuously appropriated and may be encumbered for the prior*  
27 *fiscal year appropriations and for the purposes specified in this*  
28 *section until the Budget Act for the fiscal year beginning July 1 is*  
29 *enacted. To the extent necessary to implement this subdivision,*  
30 *the Controller may make estimates of appropriations and*  
31 *apportionments, as the case may be, for the purpose of making*  
32 *apportionments or transfers specified in this chapter. Upon*  
33 *enactment of a Budget Act for the fiscal year beginning July 1,*  
34 *the Controller shall make necessary adjustments to reflect actual*  
35 *appropriations and apportionments.*

36 SEC. 3. This act is an urgency statute necessary for the  
37 immediate preservation of the public peace, health, or safety  
38 within the meaning of Article IV of the Constitution and shall go  
39 into immediate effect. The facts constituting the necessity are:

1 In order to provide a continued flow of funds for previously  
2 authorized transportation projects and purposes in the event  
3 enactment of a Budget Act is delayed beyond July 1, it is  
4 necessary that this act take effect immediately.

O

**BILL:** SB 705 (Runner, R-Palmdale)  
Introduced February 22, 2005

**SUBJECT:** Authorizes the use of the Design-Build Process for Design and Construction of Transportation Projects.

**STATUS:** Pending Committee Assignment

**SUMMARY AS OF MARCH 8, 2005:**

SB 705 would authorize the California Department of Transportation (Caltrans) to contract using the design-build process for the design and construction of transportation projects. SB 705 would also require the Director of Caltrans to establish a prequalification and selection process.

Existing law sets forth the requirements for the solicitation and evaluation of bids and the awarding of contracts by public entities for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement.

Typically, the awarding of contracts for public projects is done once the design is complete, through the process of competitive bidding, also known as design-bid-build. Under the competitive bidding process, the contracting agency advertises a bid request for a project phase that is technically specific, and which precisely defines the product or service to be purchased, and describes any terms, conditions and specifications that must be met. Interested and qualified firms submit a cost figure under seal reflecting cost amount at which the firm will provide the service or product. The contracting agency then awards the contract to the lowest qualified bidder.

With design-build, the project is bid with about 30 percent of the design completed. The bid is awarded to a single design-build entity that is responsible for completing the design and construction of the project. The selected firm then arranges all architectural, engineering, and construction services. The design-build entity is responsible for delivering the project at a guaranteed price and schedule based upon performance criteria.

The use of the design-build process has been authorized on a limited basis for specific public entities. Design-build can improve the project delivery process by accelerating delivery schedules. Cost savings may be recognized based on delivering the project earlier and through value-engineering because the engineers and the contractor are working together through the design phase.

**EFFECTS ON ORANGE COUNTY:**

The Orange County Transportation Authority (OCTA) is authorized to use the design-build process, in accordance with the Public Utilities Code. The Public Utilities

Code permits OCTA to use the design-build process for construction of facilities on real property owned or to be owned by OCTA, and for the delivery of transit systems. This authority, however, requires the bid to be awarded to the lowest responsible bidder.

OCTA has selected the use of the design-build method for constructing a transit way, or high occupancy vehicle lanes, on the Garden Grove Freeway (State Route 22) and has complied with all applicable sections of the Public Contracts Code, including the prequalification of contractors. It is through the use of design-build that OCTA has managed to reduce the projected completion time of State Route 22 by three to five years.

Although SB 705 does not provide any additional authority to OCTA to complete projects using design-build, it would provide Caltrans an additional delivery mechanism which could shorten delivery time on freeway improvements in Orange County. Therefore, OCTA staff recommends a support position on SB 705.

**OCTA POSITION:**

Staff recommends: SUPPORT

**Introduced by Senator Runner**

(Coauthors: Assembly Members Benoit and Sharon Runner)

February 22, 2005

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An act to add Article 8 (commencing with Section 228) to Chapter 1 of Division 1 of the Streets and Highways Code, relating to transportation.

## LEGISLATIVE COUNSEL'S DIGEST

SB 705, as introduced, Runner. Design-build contracts.

Existing law makes the Department of Transportation responsible for improving and maintaining the state highway system. Under existing law, until January 1, 2010, the department is authorized to utilize design-sequencing as an alternative contracting method for the design and construction of not more than 12 transportation projects, as defined.

This bill would authorize the department to contract using the design-build process, as defined, for the design and construction of transportation projects. The bill would require the director of the department to establish a prequalification and selection process. Because the bill would make it a crime for a person to certify as true any fact on the declaration known by him or her to be false, it would impose a state-mandated local program.

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

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.



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

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

3 (a) Various public agencies throughout the country have been  
4 considering, and in some cases experimenting with, innovative  
5 contracting practices for public works with the goal of improving  
6 and reducing the cost of the public works contract process and  
7 reducing highway user delays, to the benefit of the public  
8 interest.

9 (b) The Federal Highway Administration has established an  
10 experimental project for the purpose of evaluating certain  
11 innovative contracting practices, including the use of  
12 design-build contracts, and has provided funding for the  
13 documentation, evaluation, and reporting of these activities.

14 SEC. 2. Article 8 (commencing with Section 228) is added to  
15 Chapter 1 of Division 1 of the Streets and Highways Code, to  
16 read:

17

18 Article 8. Design-Build Contracting Program

19

20 228. Notwithstanding any provision of the Public Contract  
21 Code or any other provision of law, the department may let  
22 design-build contracts for the design and construction of  
23 transportation projects selected by the director. For the purpose  
24 of this article, these projects shall be deemed public works.

25 228.1. The following definitions apply for purposes of this  
26 article:

27 (a) "Best value" means a value determined by objective  
28 criteria and may include, but is not limited to, price, features,  
29 functions, life-cycle costs, and other criteria deemed appropriate  
30 by the department.

31 (b) "Design-build" means a procurement process in which  
32 both the design and construction of a project are procured from a  
33 single entity.

34 (c) "Design-build entity" means a partnership, corporation, or  
35 other legal entity that is able to provide appropriately licensed  
36 contracting, architectural, and engineering services as needed.

1 228.2. Prior to contracting for the procurement of state  
2 transportation projects, the director shall take all of the following  
3 actions:

4 (a) Prepare a program setting forth the scope of the project that  
5 may include, but is not limited to, the size, type, and desired  
6 design character of the transportation project and site and  
7 performance specifications covering the quality of materials,  
8 equipment, and workmanship, or any other information deemed  
9 necessary to describe adequately the state's needs. The  
10 performance specifications shall be prepared by a design  
11 professional licensed and registered in the State of California.

12 (b) (1) Establish a competitive prequalification and selection  
13 process for design-build entities, including any subcontractors  
14 listed at the time of bid, that clearly specifies the prequalification  
15 criteria and the manner in which the winning entity will be  
16 selected.

17 (2) Prequalification shall be limited to the following criteria:

18 (A) Possession of all required licenses, registration, and  
19 credentials in good standing that are required to design and  
20 construct the project.

21 (B) Submission of evidence that establishes that the  
22 design-build entity members have completed, or demonstrated  
23 the capability to complete, projects of similar size, scope, or  
24 complexity and that proposed key personnel have sufficient  
25 experience and training to competently manage and complete the  
26 design and construction of the project.

27 (C) Submission of a proposed project management plan that  
28 establishes that the design-build entity has the experience,  
29 competence, and capacity needed to effectively complete the  
30 project.

31 (D) Submission of evidence that establishes that the  
32 design-build entity has the capacity to obtain all required  
33 payment and performance bonding, liability insurance, and errors  
34 and omissions insurance.

35 (E) Submission of a financial statement that assures the  
36 department that the design-build entity has the capacity to  
37 complete the project.

38 (F) Provision of a declaration certifying that the design-build  
39 entity members have not had a surety company finish work on  
40 any project within the last five years.

1 (G) Provision of information and a declaration providing  
2 details concerning all of the following:

3 (i) Any settlement or judgment in a construction or design  
4 claim or litigation totaling more than five hundred thousand  
5 dollars (\$500,000) or 5 percent of the annual value of work  
6 performed, whichever is less, against any member of the  
7 design-build entity within the last five years.

8 (ii) Any serious violation of the Occupational Safety and  
9 Health Act, as provided in Part 1 (commencing with Section  
10 6300) of Division 5 of the Labor Code, committed by any  
11 member of the design-build entity.

12 (iii) Any violation of federal or state law, including, but not  
13 limited to, those laws governing the payment of wages or  
14 benefits or personal income tax, Federal Insurance Contributions  
15 Act withholding, or state disability insurance withholding or  
16 unemployment insurance payment requirements against any  
17 member of the design-build entity within the last five years. For  
18 the purposes of this clause, only violations committed by a  
19 design-build member as an employer shall be included in the  
20 declaration. A violation by a subcontractor of the provisions of  
21 subdivision (b) of Section 1775 of the Labor Code shall be  
22 included in the declaration if the design-build member had  
23 knowledge of the violation.

24 (iv) Any violations of the Contractors' State License Law  
25 (Chapter 9 (commencing with Section 7000) of Division 3 of the  
26 Business and Professions Code), excluding complaints the  
27 registrar found unsubstantiated.

28 (v) Any conviction of any member of the design-build entity  
29 for submitting a false or fraudulent claim to a public agency over  
30 the last five years.

31 (H) Submission of the questionnaire required by Section  
32 10162 of the Public Contract Code under penalty of perjury.

33 (I) Provision of a declaration that the design-build entity will  
34 comply with all other provisions of law applicable to the project,  
35 including, but not limited to, the requirements of Chapter 1  
36 (commencing with Section 1720) of Part 7 of Division 2 of the  
37 Labor Code.

38 (3) Any declaration required under paragraph (2) shall state  
39 that reasonable diligence has been used in its preparation and that  
40 it is true and complete to the best of the signer's knowledge. A

1 person who certifies as true any material matter that he or she  
2 knows to be false is guilty of a misdemeanor and shall be  
3 punished by not more than one year in a county jail, by a fine of  
4 not more than five thousand dollars (\$5,000), or by both the fine  
5 and imprisonment.

6 228.3. (a) The department, in each design-build request for  
7 proposal, may identify types of subcontractors by subcontractor  
8 license classification, that will be listed by the design-build entity  
9 at the time of the bid. In selecting the subcontractors that will be  
10 listed by the design-build entity, the department shall limit the  
11 identification to only those license classifications deemed  
12 essential for proper completion of the project. The department  
13 shall not specify more than five licensed subcontractor  
14 classifications.

15 (b) At its discretion, the design-build entity may list an  
16 additional two subcontractors, identified by subcontractor license  
17 classification, that will perform design or construction work, or  
18 both, on the project. The design-build entity shall not list at the  
19 time of bid, a total of more than seven subcontractor license  
20 classifications on a project.

21 (c) All subcontractors that are listed at the time of bid shall be  
22 afforded all of the protection contained in Chapter 4  
23 (commencing with Section 4100) of Part 1 of Division 2 of the  
24 Public Contract Code.

25 228.4. (a) All subcontracts that are not to be performed by the  
26 design-build entity shall be competitively bid and awarded by the  
27 design-build entity, in accordance with the design-build process  
28 set forth by the department in the design-build package.

29 (b) The design-build entity shall do all of the following in  
30 bidding and awarding the subcontractors:

31 (1) Provide public notice of the availability of work to be  
32 subcontracted in accordance with Section 10140 of the Public  
33 Contract Code.

34 (2) Provide a fixed date and time at which the subcontracted  
35 work will be awarded in accordance with Section 10141 of the  
36 Public Contract Code.

37 (3) As authorized by the department, establish reasonable  
38 prequalification criteria and standards, limited in scope to those  
39 described in Section 228.2.

1 (4) Provide that the subcontracted work shall be awarded to  
2 the lowest responsible bidder.

3 228.5. The department shall establish technical criteria and  
4 methodology, including price, to evaluate proposals and shall  
5 describe the criteria and methodology in the request for  
6 design-build proposals. The award shall be made to the  
7 design-build entity whose proposal is judged as providing the  
8 best value in meeting the interest of the department and meeting  
9 the objectives of the project.

10 228.6. (a) Any design-build entity that is selected to design  
11 and build a project pursuant to this section shall possess or obtain  
12 sufficient bonding as required by applicable provisions of the  
13 Public Contract Code or the California Toll Bridge Authority Act  
14 (Chapter 1 (commencing with Section 30000) of Division 17).  
15 Nothing in this section shall prohibit a general or engineering  
16 contractor from being designated the lead entity on a  
17 design-build entity for the purposes of purchasing necessary  
18 bonding to cover the activities of the design-build entity.

19 (b) Any payment or performance bond written for the  
20 purposes of this section shall use a bond form developed by the  
21 Department of General Services. In developing the bond form,  
22 the department shall consult with the surety industry to achieve a  
23 bond form that is consistent with surety industry standards, while  
24 protecting the interests of the state.

25 SEC. 3. No reimbursement is required by this act pursuant to  
26 Section 6 of Article XIII B of the California Constitution because  
27 the only costs that may be incurred by a local agency or school  
28 district will be incurred because this act creates a new crime or  
29 infraction, eliminates a crime or infraction, or changes the  
30 penalty for a crime or infraction, within the meaning of Section  
31 17556 of the Government Code, or changes the definition of a  
32 crime within the meaning of Section 6 of Article XIII B of the  
33 California Constitution.

**BILL:** SCA 7 (Torlakson, D-Antioch)  
Introduced February 15, 2005

**SUBJECT:** Amends the California Constitution to Require Transportation Funds Loaned to the State General Fund or other State Funds be Repaid with Interest.

**STATUS:** Referred to Senate Transportation and Housing Committee

**SUMMARY AS OF MARCH 7, 2005:**

SCA 7 would provide, upon voter approval, that transportation funds loaned to the state General Fund or other state funds be repaid with interest at the same rate as the State Pooled Money Investment Account (2.37 percent in February 2005). This bill also contains provisions that would allow transportation revenues to be loaned to any other state fund or account following the same rules established for the General Fund.

State funds for transportation programs come from three major sources: a gas tax (18 cents per gallon of motor vehicle fuel), sales tax on gasoline and diesel fuel, and taxes and fees on motor vehicles and their use (including truck weight fees, vehicle registration fees, and driver's license fees). The State Constitution restricts the use of these revenues for transportation purposes, but allows for them to be loaned temporarily to the General Fund with the condition that they must be repaid.

SCA 7 is meant to close the loopholes built into Proposition 2 (ACA 30 by Murray, D-Culver City), which was enacted in November 1998, to restrict the conditions under which state transportation funds could be loaned to the General Fund. Specifically, loans to the General Fund in any fiscal year must be repaid within that fiscal year or delayed up to 30 days after a state budget is enacted for the subsequent fiscal year. Loans extending over a fiscal year may be made only if the Governor declares a state of emergency which would result in a significant negative impact to the General Fund or if there is a decrease in General Fund revenues from the previous year's level. Loans extending over a fiscal year must be repaid in full within three years. No interest payments were imposed on these loans regardless of the length of the loan.

Proposition 2 also authorized the Legislature to loan state transportation funds to local agencies, but provided that these loans were to be repaid with interest no later than four years after the loans were made. Interest was defined as the rate paid on money in the State Pooled Money Investment Account. This account is overseen by the State Treasurer's office and invests monies on behalf of the state government and more than 3,000 jurisdictions. Past annual returns ranged from 2.31 percent (July 2002-March 2003) to 2.01 percent (October-December 2004).

As a Constitutional amendment, SCA 7 requires a two-thirds approval in both the Senate and the Assembly.

**EFFECTS ON ORANGE COUNTY:**

Prior to Proposition 2, during the early and mid 1990s, several hundred millions of dollars were transferred from transportation accounts for use on other state purposes and not repaid.

Since fiscal year (FY) 2001-2002, over \$3.6 billion in transportation funding has been loaned to the General Fund with only \$356 million repaid. An additional \$1.2 billion was proposed to be repaid in FY 2004-2005 with bonds backed by tribal gaming revenue. This payment has been postponed until FY 2005-2006 and even then may not be realized due to pending litigation associated with the tribal gaming compacts. This Constitutional amendment would require repayment with interest. Because construction costs generally increase 3 percent each year a project is delayed, loans that threaten to cancel a project simply make worse an already bad situation. Without payment of interest, transportation suffers when funds are loaned to the General Fund.

Although continued loans to the General Fund will seriously hamper the ability of the state and local transportation authorities to keep pace with the growth and continued maintenance of highways, streets, and public transit projects, SCA 7 corrects a serious loophole and inequity in Proposition 2. If the state continues to have the authority to borrow transportation funding, repayment to the fund should be at the same interest rate as is currently charged to local entities which borrow these funds.

For these reasons, Orange County Transportation Authority staff recommends the Board of Directors adopt a Support position on SCA 7.

**OCTA POSITION:**

Staff recommends: SUPPORT

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**Introduced by Senator Torlakson**

February 15, 2005

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Senate Constitutional Amendment No. 7— A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 6 of Article XIX thereof, and by amending Section 1 of Article XIX A thereof, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SCA 7, as introduced, Torlakson. Loans of transportation revenues and funds.

The California Constitution restricts the expenditure of certain motor vehicle fuel and vehicle-related revenues to specified transportation purposes, but authorizes these revenues to be loaned to the General Fund under certain conditions. The California Constitution further provides that the trust funds in the Public Transportation Account in the State Transportation Fund may be loaned to the General Fund under certain conditions.

This measure would require any loan of these motor vehicle fuel and vehicle-related revenues or trust funds that is not repaid within the same fiscal year in which the loan was made, or by a date not more than 30 days after the enactment date of the Budget Bill for the subsequent fiscal year, to be repaid with interest at a specified rate. The measure would provide that a loan of these funds may also be made to other state funds or accounts under the conditions applicable to loans to the General Fund.

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



1     *Resolved by the Senate, the Assembly concurring,* That the  
2 Legislature of the State of California at its 2005–06 Regular  
3 Session commencing on the sixth day of December 2004,  
4 two-thirds of the membership of each house concurring, hereby  
5 proposes to the people of the State of California that the  
6 Constitution of the State be amended as follows:

7     First—That Section 6 of Article XIX is amended to read:

8     SEC. 6. The tax revenues designated under this article may be  
9 loaned to the General Fund *or any other state fund or account*  
10 only if one of the following conditions is imposed:

11     (a) That any amount loaned is to be repaid in full to the fund  
12 from which it was borrowed during the same fiscal year in which  
13 the loan was made, except that repayment may be delayed until a  
14 date not more than 30 days after the date of enactment of the  
15 budget bill for the subsequent fiscal year.

16     (b) That any amount loaned is to be repaid in full, *with interest*  
17 *at the rate paid on money in the Pooled Money Investment*  
18 *Account, or any successor to that account, during the period of*  
19 *time that the money is loaned,* to the fund from which it was  
20 borrowed within three fiscal years from the date on which the  
21 loan was made and one of the following has occurred:

22     (1) The Governor has proclaimed a state of emergency and  
23 declares that the emergency will result in a significant negative  
24 fiscal impact to the General Fund.

25     (2) The aggregate amount of General Fund revenues for the  
26 current fiscal year, as projected by the Governor in a report to the  
27 Legislature in May of the current fiscal year, is less than the  
28 aggregate amount of General Fund revenues for the previous  
29 fiscal year, adjusted for the change in the cost of living and the  
30 change in population, as specified in the budget submitted by the  
31 Governor pursuant to Section 12 of Article IV in the current  
32 fiscal year.

33     (c) Nothing in this section prohibits the Legislature from  
34 authorizing, by statute, loans to local transportation agencies,  
35 cities, counties, or cities and counties, from funds that are subject  
36 to this article, for the purposes authorized under this article. Any  
37 loan authorized as described by this subdivision shall be repaid *in*  
38 *full,* with interest at the rate paid on money in the Pooled Money  
39 Investment Account, or any successor to that account, during the  
40 period of time that the money is loaned, to the fund from which it

1 was borrowed, not later than four years after the date on which  
2 the loan was made.

3 Second—That Section 1 of Article XIX A is amended to read:

4 SECTION 1. The funds in the Public Transportation Account  
5 in the State Transportation Fund, or any successor to that  
6 account, may be loaned to the General Fund *or any other state*  
7 *fund or account* only if one of the following conditions is  
8 imposed:

9 (a) That any amount loaned is to be repaid in full to the  
10 account during the same fiscal year in which the loan was made,  
11 except that repayment may be delayed until a date not more than  
12 30 days after the date of enactment of the budget bill for the  
13 subsequent fiscal year.

14 (b) That any amount loaned is to be repaid in full, *with interest*  
15 *at the rate paid on money in the Pooled Money Investment*  
16 *Account, or any successor to that account, during the period of*  
17 *time that the money is loaned*, to the account within three fiscal  
18 years from the date on which the loan was made and one of the  
19 following has occurred:

20 (1) The Governor has proclaimed a state of emergency and  
21 declares that the emergency will result in a significant negative  
22 fiscal impact to the General Fund.

23 (2) The aggregate amount of General Fund revenues for the  
24 current fiscal year, as projected by the Governor in a report to the  
25 Legislature in May of the current fiscal year, is less than the  
26 aggregate amount of General Fund revenues for the previous  
27 fiscal year, as specified in the budget submitted by the Governor  
28 pursuant to Section 12 of Article IV in the current fiscal year.





**Item 8.**

*BOARD COMMITTEE TRANSMITTAL*

***March 28, 2005***

**To:** Members of the Board of Directors  
**From:** Wendy Knowles, Clerk of the Board  
**Subject:** Selection of a Consultant for Preparation of an Environmental Impact Report on the 2006 Long Range Transportation Plan

Regional Planning and Highways Committee

March 21, 2005

**Present:** Directors Norby, Cavecche, Rosen, Dixon, Brown, Green, Pringle, and Ritschel  
**Absent:** Director Monahan

***Committee Vote***

This item was passed by all Committee Members present.

***Committee Recommendations***

- A. Authorize staff to request a cost proposal from LSA Associates, Inc. and negotiate an agreement for their services.
- B. Authorize the Chief Executive Officer to execute the final agreement.



*March 21, 2005*

**To:** Regional Planning and Highways Committee

**From:** Arthur T. Leahy, Chief Executive Officer *ATL/WK*

**Subject:** Selection of a Consultant for Preparation of an Environmental Impact Report on the 2006 Long Range Transportation Plan

**Overview**

The Orange County Transportation Authority is preparing the 2006 Long Range Transportation Plan. Proposals and statements of qualifications for the preparation of an Environmental Impact Report for the Long Range Plan were solicited in accordance with the Orange County Transportation Authority's procurement procedures for the retention of consultants for this type of work. These procedures are in accordance with both federal and state legal requirements.

**Recommendations**

- A. Authorize staff to request a cost proposal from LSA Associates, Inc. and negotiate an agreement for their services.
- B. Authorize the Chief Executive Officer to execute the final agreement.

**Background**

Orange County Transportation Authority (OCTA) is preparing the 2006 Long Range Transportation Plan (LRTP), which is updated every three years. The LRTP provides a visionary blueprint for transportation improvements in Orange County and considers input from local jurisdictions, business and community leaders, county residents, and transportation-planning professionals. The LRTP is a multi-modal strategy that includes freeway, arterial, transit, and non-motorized improvements to Orange County's transportation network. The horizon year for the LRTP is 2030. Since the LRTP will include projects which could form the basis for a future transportation investment plan, an Environmental Impact Report (EIR) is being prepared. Consultant services are needed to prepare this EIR.

***Discussion***

This procurement was handled in accordance with OCTA's procedures for architectural and engineering requirements which conform to both federal and state law. Proposals are evaluated without consideration of cost and are ranked in accordance with the qualifications of the firm and the technical proposal. The highest-ranked firm is requested to submit a cost proposal, and the final agreement is negotiated. Should negotiations fail with the highest-ranked firm, a cost proposal will be solicited from the second-ranked firm in accordance with the procurement policies previously adopted by the Board.

The project was advertised on January 31, 2005, and February 7, 2005, in the Orange County Register. The notice for this project was mailed to 651 firms on January 31, 2005. A pre-proposal meeting attended by 12 firms was held on February 7, 2005.

On February 22, 2005, two proposals were received. An evaluation committee consisting of staff from the Planning and Development, Capital Programs, Freeways, and Procurement departments met to review the proposed work plans and firm qualifications.

The evaluation committee reviewed the proposals and found both firms qualified for the work. The committee interviewed each of the qualified firms. The qualified firms are:

Firm and Location

LSA Associates, Inc.  
Irvine, California

URS Corporation  
Santa Ana, California

Based on the material presented, the committee recommends the selection of LSA Associates, Inc. to perform the work based on their demonstrated thorough knowledge of Orange County and project-related environmental issues and challenges.

**Fiscal Impact**

This project was approved in the OCTA's Fiscal Year 2004-2005 Strategic Planning Division, Planning and Development Department, Account 1534-7519-A3309-AQC and is funded with local funds.

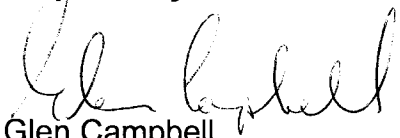
**Summary**

OCTA is retaining professional services to prepare an EIR for the 2006 LRTP. Responses to a request for proposals have been reviewed by a staff committee. Based on the material provided, the committee recommends the selection of LSA Associates, Inc. as the most qualified firm to prepare the EIR for the 2006 LRTP.

**Attachment**

None.

**Prepared by:**

  
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**Approved by:**

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





**Item 9.**

**BOARD COMMITTEE TRANSMITTAL**



**March 28, 2005**

**To:** Members of the Board of Directors  
**From:** Wendy Knowles, Clerk of the Board <sup>WK</sup>  
**Subject:** Amendment to Professional Services Agreement for Rapid Transit Options Analysis

This item will be considered by the Transit Planning and Operations Committee on March 24, 2005. Following Committee consideration of this matter, staff will provide you with a summary of the discussion and action taken by the Committee.

Please call me if you have any comments or questions concerning this correspondence. I can be reached at (714) 560-5676.



**March 24, 2005**

**To:** Transit Planning and Operations Committee  
**From:** Arthur T. Leahy, <sup>AL</sup> Chief Executive Officer  
**Subject:** Amendment to Professional Services Agreement for Rapid Transit Options Analysis

**Overview**

As follow up to the March 14, 2005, Board of Directors meeting, staff has prepared a comprehensive study program for the rapid transit option categories. This study will address the potential projects within the Bus Rapid Transit, Menu of Transit Projects, and No Rapid Transit (Streets and Roads Only) categories not covered under any other work program. The Project Management Consultant contract can be amended to perform this study.

**Recommendations**

Authorize the Chief Executive Officer to execute Amendment No. 9 to Agreement C-2-0611 between the Orange County Transportation Authority and Carter & Burgess, Inc., in an amount not to exceed \$300,000, for a comprehensive study program for all potential rapid transit options.

**Background**

On March 14, 2005, staff brought before the Board of Directors (Board) a process to explore the conversion of the current light rail transit (LRT) project to a bus rapid transit (BRT) and proposed to return on March 24, 2005, to the Transit Planning and Operations Committee with a comprehensive study program for the remaining transit option projects. Attachment A summarizes the process for analyzing rapid transit options.

At this same meeting, the Board directed staff to use the existing consultant agreement between the Orange County Transportation Authority (Authority) and Parsons Brinckerhoff Quade and Douglas, Inc. (PB), Agreement No. C-1-2354 to explore conversion of the current LRT project to a BRT

project, which are two of the projects in Attachment B. The comprehensive study program will analyze all projects Attachment B.

**Discussion**

Under Agreement No.C-2-0611 Carter & Burgess, Inc. (CB) serves as an extension of the Authority's staff, performing project management services. As of February 28, 2005, CB's work effort was under budget and approximately \$400,000 of approved funding remains unspent and is available for the comprehensive study program of the rapid transit options. CB's technical work effort will consist of extension of staff and support services sufficient to manage study of the previously approved LRT to BRT conversion, as well as analysis of all other potential rapid transit projects.

Similarly, as of February 28, 2005, PB's work effort was also under budget and approximately \$750,000 of approved funding remains unspent. PB's technical work effort will be focused on exploring the feasibility and determining what it would take to functionally replace the LRT with a BRT system on the 9.3-mile LRT alignment. At this time, no additional funding is necessary.

The PB and CB work efforts thru June 30, 2005, will be performed on a task order reimbursable basis, as directed by staff. Table 1 below summarizes the projected expenditures and funding balances for PB and CB at the end of April. At this time, no additional funding for PB is anticipated to be required. Additional funding for CB is requested to provide a reserve in the event the Board desires that work on rapid transit extend into the months of May and June 2005.

**Table 1  
Projected Expenditures and Funding**

<b>Consultant</b>	<b>Current Available Funding</b>	<b>Projected Expenditures as of 4/30/05</b>	<b>Anticipated 4/30/05 Funding Balance</b>	<b>Additional Anticipated Funding (May thru June)</b>
PB	\$750,000	(\$425,000)	\$325,000	\$0
CB	\$400,000	(\$400,000)	\$0	\$300,000

The CB procurement was originally handled in accordance with the Authority's procedures for Architectural & Engineering services and was awarded on a competitive basis. Based on the March 14, 2005, Board request, it has become necessary to amend the agreement to undertake a comprehensive study program of all the rapid transit options.

Staff requested a price proposal from CB to perform this additional work. Staff reviewed the proposal and found the cost to be fair and reasonable for the level of effort to be performed.

A comprehensive study program for all the rapid transit option categories will require technical resources for a period of analysis and discussion over the next few months. The comprehensive study program will analyze all the options in accordance with the evaluation issues and considerations matrix in Attachment B. The options will be developed and brought to committees and then to the Board.

The work to be performed by CB is focused on option analysis technical work of the work program and includes the following:

- Research of pertinent transportation modes as directed.
- Schedule analysis.
- Rough order of magnitude cost estimating of capital and operation and maintenance (O&M) costs.
- Coordination with Authority staff on determination of capital and O&M funding sources.
- Determination of process for options seeking Federal funding.
- Coordination with Authority staff on Measure M issues.
- Analysis of estimated ridership and potential to get people out of their cars.
- Analysis of building on existing transit demand.
- Analysis of effect on local land use decisions.
- Summary of point to point (origin and destination) locations.
- Coordination with Authority and Southern California Associations of Governments on regional planning issues and air conformity.
- Preparation of exhibits for coordination with the approach to consensus on rapid transit options.

The original CB agreement was approved by the Board on August 26, 2002, in the amount of \$2,999,580. This agreement has been amended previously as summarized in Attachment C. The total contract amount after approval of Amendment No. 9 will be \$4,999,580.

**Fiscal Impact**

The costs associated with the additional work described in the proposed Amendment No. 9, were not identified in the fiscal year 2004-05 budget. Funds for this item will be accomplished via an internal budget transfer. Funds would be transferred from Account 0053-7514, CenterLine Right-of-Way Professional Services, to Account 0053-7519, CenterLine Project Management.

**Summary**

CB services are necessary to implement a comprehensive study program for all the rapid transit options pursuant to the evaluation issues and considerations matrix. Based on material provided, staff recommends approval of Amendment No. 9, in an amount not to exceed \$300,000, to Agreement No. C-2-0611 with CB. This study will address all the potential projects staff has been directed to explore. A reserve will be provided in the event the Board desires that work on rapid transit extend into the months of May and June 2005.

**Attachments**

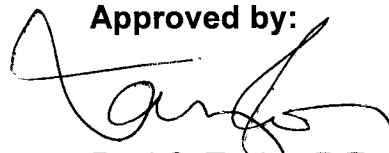
- A. Rapid Transit Option Analysis Process
- B. Rapid Transit Options, Preliminary List of Potential Projects and Evaluation Issues and Considerations
- C. Carter & Burgess, Inc., Agreement No. C-2-0611 Fact Sheet

**Prepared by:**



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**Approved by:**



Paul C. Taylor, P.E.  
Executive Director, Planning,  
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### **Rapid Transit Analysis Process**

- March 14 - 31** Staff and consultants compile information about full range of options.
- March 28 - April 5** Committee Work sessions to consider full range of options against Evaluation issues and focus staff on most promising options.
- April 1 – 11** Staff and consultants develop details with respect to evaluation issues and considerations.
- April 11** Progress report to Board of Directors for review and comment.
- April 12 – 20** Committee work sessions to consider recommendations and direct staff on details to be developed.
- Staff and consultants develop more details on Committee Recommendations
- April 25** Progress report to Board for possible selection of option(s) for staff and consultants to develop further toward implementation.



# RAPID TRANSIT OPTIONS

## PRELIMINARY LIST OF POTENTIAL PROJECTS & EVALUATION ISSUES AND CONSIDERATIONS

OPTIONS		OPENING DATE	EFFICIENT USE OF RESOURCES			FUNDING		MEASURE M	TRANSPORTATION BENEFITS			REGIONAL ISSUES						
No.	Description		Capital Cost	O&M Cost	Capitalize on Existing Investment	Capital Funding Sources	O&M Funding Sources	Process for Federal Funding	Contained in Ordinance	Approvals Required	Effect on Future Prospect	Potential to get people out of their cars	Builds on Existing Transit Demand	Effect on Local Land Use Decisions	Emission Benefits	Point to Point	Consistent or Amend LRTp	Regional Connections
<b>CURRENT PROJECT</b>																		
	9.3-Mile LRT Starter System (Includes Bristol Widening)																	
<b>LIGHT RAIL TRANSIT (LRT)</b>																		
	Pacific Electric Right-of-Way																	
	Santa Ana/Orange/ARTIC LRT Project																	
	Others - TBD																	
<b>BUS RAPID TRANSIT (BRT)</b>																		
	Harbor Blvd. Limited Stop (Scheduled by 2006)																	
	Westminster/17th Limited Stop (Scheduled by 2007)																	
	Pacific Electric Right-of-Way																	
	Western OC Mixed-Flow BRT Network																	
	Northern OC Mixed-Flow BRT Network																	
	Central OC Mixed-Flow BRT Network																	
	South County Mixed-Flow BRT Network																	
	BRT Guideway on LRT Starter System Alignment (Includes Bristol Widening)																	
	BRT Guideway on Bristol (17th to Sunflower) (Includes Bristol Widening)																	
	Express BRT on HOV/Freeway																	
	Others - TBD																	
<b>COMMUTER RAIL</b>																		
	Metrolink Service Expansion - Phase 2 (Unserved Markets, Scheduled by 2006)																	
	Metrolink Service Expansion - Phase 3 (Exploring New Markets, Scheduled by 2009)																	
	Metrolink Service Expansion - Phase 4 (Continued Development 1, Scheduled by 2015)																	
	Metrolink Service Expansion - Phase 5 (Continued Development 2, Scheduled by 2020)																	
	Others - TBD																	
<b>GATEWAYS TO REGIONAL RAIL</b>																		
	California High Speed Rail Authority (Serving Anaheim)																	
	OrangeLine Maglev (on Pacific Electric Right-of-Way)																	
	California-Nevada Maglev (Serving Anaheim)																	
	Others - TBD																	
<b>LOCAL CIRCULATORS</b>																		
	Irvine Guideway																	
	Jamboree Circulator																	
	Expanded MetroLink Station Link Service																	
	Others - TBD																	
<b>OTHER TRANSIT PROJECTS</b>																		
	West & Central County HOV Lane Connectors (State Route 22)																	
	Transitway (HOV) Drop Ramps to Activity Centers																	
	Interstate 5 - HOV Extension (Pico to Pacific Coast Highway)																	
	Interstate 5 - Second HOV Lane (State Route 55 to State Route 57)																	
	State Route 22 - HOV Lanes (Scheduled by 2006)																	
	State Route 91 - Express Lanes, 3+ Free																	
	Higher Frequency Local Bus Service																	
	Vanpool Program																	
	Others - TBD																	
<b>ROAD PROJECTS</b>																		
	Bristol Widening - Reserved Future Transit Median (Civic Center to Warner)																	
	Bristol Widening - Smart Street (Civic Center to Warner)																	
	Others - TBD																	

**Carter & Burgess, Inc.  
Agreement C-2-0611 Fact Sheet**

1. On August 26, 2002: Agreement C-2-0611 was approved by the Board of Directors with a not-to-exceed amount of \$2,999,580.
  - Provide Project Management Consulting Services for The CenterLine Project.
2. On June 25, 2003, Amendment No. 1 was approved by Procurement Administrator to add a specialty subcontractor with no change to the contract amount.
  - Add TEC Management Consultants, Inc. as a subconsultant to provide utility coordination services. This work is within the current scope of work and no costs were added.
3. On August 18, 2003, Amendment No. 2 was approved by the Procurement Administrator to modify Key Personnel under the contract with no change to the contract amount.
4. On December 8, 2003, Amendment No. 3 was approved by the Board of Directors to increase the cumulative maximum obligation by \$300,000.
  - Add project management scope of work required to oversee extended preliminary engineering.
5. On June 14, 2004, Amendment No. 4 was approved by the Board of Directors, to exercise Option Term for the period July 1, 2004 to June 30, 2005, and increase the cumulative maximum obligation by \$500,000.
  - Add term to cover the implementation of the final design phase.
6. On October 25, 2004, Amendment No. 5 was approved by the Board of Directors to increase the cumulative maximum obligation by \$900,000.
  - Add funding for project management scope of work required to provide management, administrative and technical support for preparing readiness documents for the final design phase.
7. On January 17, 2005, Amendment No. 6 was approved by the Manager of Contracts Administration and Materials Management, to add specialty subconsultant Bond & Kennedy, with no change in the cumulative maximum obligation.
8. Amendment No. 7 is in-process for approval by the Manager of Contracts Administration and Materials Management to modify Key Personnel and accept revised hourly rates effective January 2005 in accordance with the terms of the agreement with no change in the cumulative maximum obligation.



9. Amendment No. 8 is in process for an administrative change to add specialty subconsultants with no change to the contract amount.
  - Add Kaku Associates, Inc., Lawrence D. Hazzard, and Sharon Greene and Associates as a subconsultants to provide planning, project management, and financial planning services.
10. Amendment No. 9, pending approval by the Board of Directors, to increase the maximum cumulative obligation by \$300,000.
  - Add funding for project management scope of work required to provide management, administrative and technical support for rapid transit options evaluations and considerations.

Total committed to Carter & Burgess, Inc., Agreement C-2-0611: **\$4,999,580.**





**March 28, 2005**

**To:** Members of the Board of Directors  
**From:** Arthur T. Leahy, Chief Executive Officer  
**Subject:** 91 Express Lanes January 2005 Status Report

**Overview**

The 91 Express Lanes Status Report for the period ending January 31, 2005, is provided for Orange County Transportation Authority Board of Directors' review. The report provides toll road traffic volume, revenue, financial performance, operations, maintenance, and communications information.

**Recommendation**

Receive and file the 91 Express Lanes Status Report for the period ending January 31, 2005.

**Background**

The January 2005 Status Report for the 91 Express Lanes is provided in Attachment A. The report has sections highlighting operations, financial data, and external communications. Total traffic volume and gross potential revenue for January continue to outperform the 2004 figures. Monthly trips were up 13.1 percent over the same period in 2004, with gross potential toll revenue increasing 21.4 percent as compared to the prior year.

**Summary**

The 91 Express Lanes January 2005 Status Report is submitted for Orange County Transportation Authority Board of Directors' review. The report includes Express Lanes' traffic, revenue, financial performance, operations, maintenance, and external communications data.

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**Attachment**

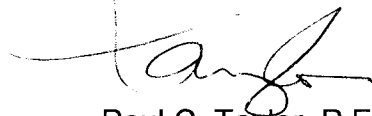
- A. 91 Express Lanes Status Report – As of January 31, 2005.

**Prepared by:**



Ellen Lee  
Senior Transportation Analyst  
(714) 560-5644

**Approved by:**



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



**Orange County Transportation Authority**

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Status Report  
January 2005

**As of January 31, 2005**

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## Operations Overview

Traffic and Revenue Statistics, Maintenance, and Customer Service

### Traffic and Revenue Statistics

#### Month of January 2005

1. Traffic volume on the 91 Express Lanes increased 13.1 percent over the same period in 2004.
2. Potential toll revenue increased 21.4 percent from the same period last year.
3. Potential toll revenue per trip improved 7.5 percent over the same period last year.

#### Traffic & Revenue – January 2005

Trips	Jan-05 MTD Actual	Vollmer MTD Projected	# Variance	% Variance	Jan-04 MTD Actual	Yr-to-Yr % Variance
Full Toll Lanes	837,318	814,329	22,989	2.8%	733,896	14.1%
3+ Lanes	192,032	191,929	103	0.1%	176,493	8.8%
Total Trips	1,029,350	1,006,257	23,093	2.3%	910,389	13.1%
Full Toll Lanes	\$2,606,358	\$2,450,414	\$155,944	6.4%	\$2,146,142	21.4%
3+ Lanes	\$51,731	\$45,100	\$6,631	14.7%	\$42,655	21.3%
Total Revenue	\$2,658,089	\$2,495,514	\$162,575	6.5%	\$2,188,797	21.4%
Full Toll Lanes	\$3.11	\$3.01	\$0.10	3.3%	\$2.92	6.5%
3+ Lanes	\$0.27	\$0.23	\$0.04	17.4%	\$0.24	12.5%
Revenue Per Trip	\$2.58	\$2.48	\$0.10	4.0%	\$2.40	7.5%

**Fiscal Year-to-Date (YTD) – As of January 31, 2005**

1. Total fiscal YTD toll lane trips were up 11.0 percent over the same period as last year.
2. Fiscal YTD potential toll revenue was up 17.2 percent from 2004.
3. Overall, fiscal YTD potential toll revenue per trip improved 5.9 percent over the same period last year.

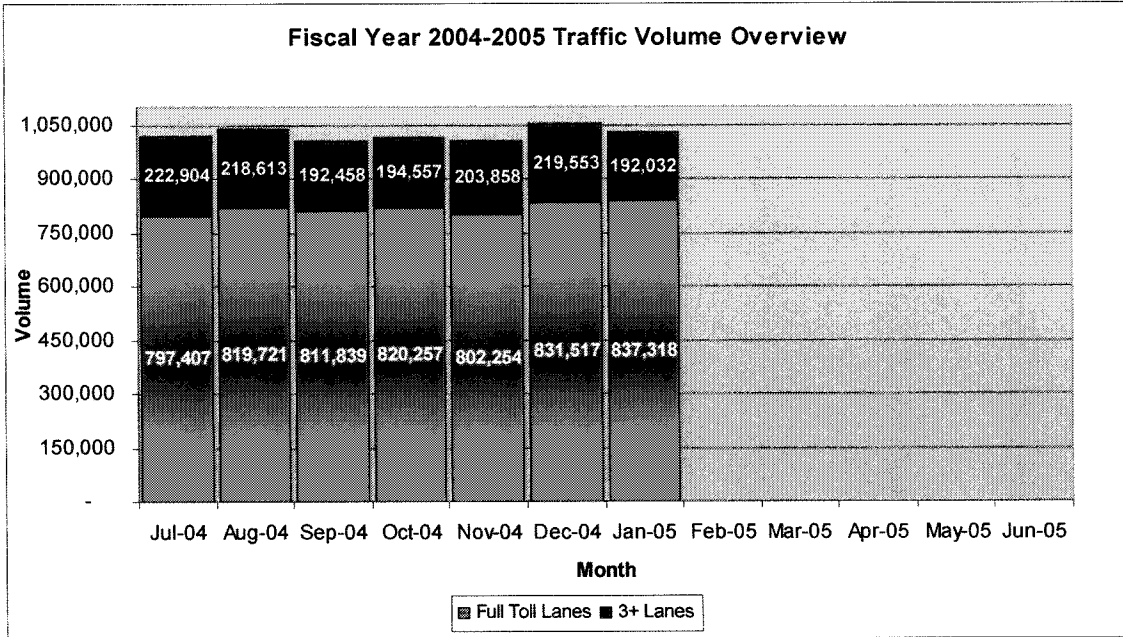
**Fiscal 2004-2005 Year-To-Date Traffic & Revenue as of January 31, 2005**

<b>Trips</b>	<b>2004/2005 YTD Actual</b>	<b>Vollmer YTD Projected</b>	<b># Variance</b>	<b>% Variance</b>	<b>2003/2004 YTD Actual</b>	<b>Yr-to-Yr % Variance</b>
Full Toll Lanes	5,720,313	5,516,714	203,599	3.7%	5,191,580	10.2%
3+ Lanes	1,443,975	1,355,872	88,103	6.5%	1,261,885	14.4%
<b>Total Trips</b>	<b>7,164,288</b>	<b>6,872,586</b>	<b>291,702</b>	<b>4.2%</b>	<b>6,453,465</b>	<b>11.0%</b>
<hr/>						
Full Toll Lanes	\$17,756,566	\$16,724,529	\$1,032,037	6.2%	\$15,153,729	17.2%
3+ Lanes	\$345,849	\$312,029	\$33,820	10.8%	\$287,700	20.2%
<b>Total Revenue</b>	<b>\$18,102,415</b>	<b>\$17,036,558</b>	<b>\$1,065,857</b>	<b>6.3%</b>	<b>\$15,441,429</b>	<b>17.2%</b>
<hr/>						
Full Toll Lanes	\$3.10	\$3.03	\$0.07	2.3%	\$2.92	6.2%
3+ Lanes	\$0.24	\$0.23	\$0.01	4.3%	\$0.23	4.3%
<b>Revenue Per Trip</b>	<b>\$2.53</b>	<b>\$2.48</b>	<b>\$0.05</b>	<b>2.0%</b>	<b>\$2.39</b>	<b>5.9%</b>

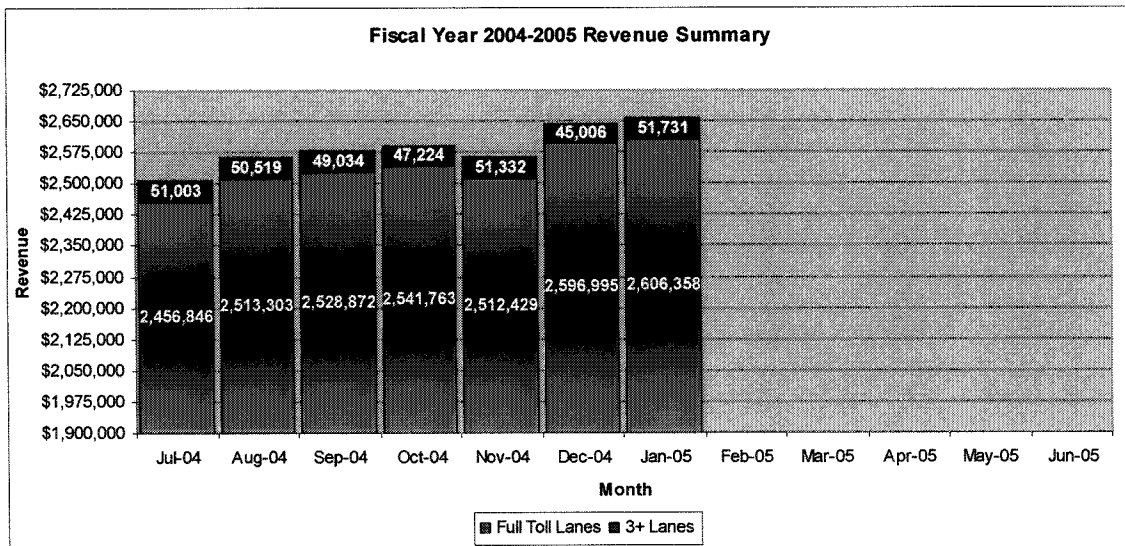


## Traffic and Revenue Summary Fiscal Year 2004-2005

The chart below reflects the total trips breakdown between Full Toll trips and HOV3+ trips for Fiscal Year 2004/2005 on a monthly basis.



The chart below reflects the gross potential revenue breakdown between Full Toll trips and HOV3+ trips for Fiscal Year 2004/2005 on a monthly basis.



## Maintenance / Capital Projects

An important component of 91 Express Lanes operations is maintaining the toll lanes and the technology that supports the toll road operation. Routine maintenance, consisting of sweeping, replacement of channelizers, and other repairs that can only be performed while the lanes are closed, is scheduled for every third Sunday (weather permitting) and performed by Caltrans. This routine maintenance is performed while the lanes are closed to ensure crew safety. Closures are kept to a minimum and scheduled for non-peak traffic hours. Due to the recent storms, the regularly scheduled maintenance for January 9 was postponed until January 16. The next maintenance was performed according to the regular schedule on January 30.

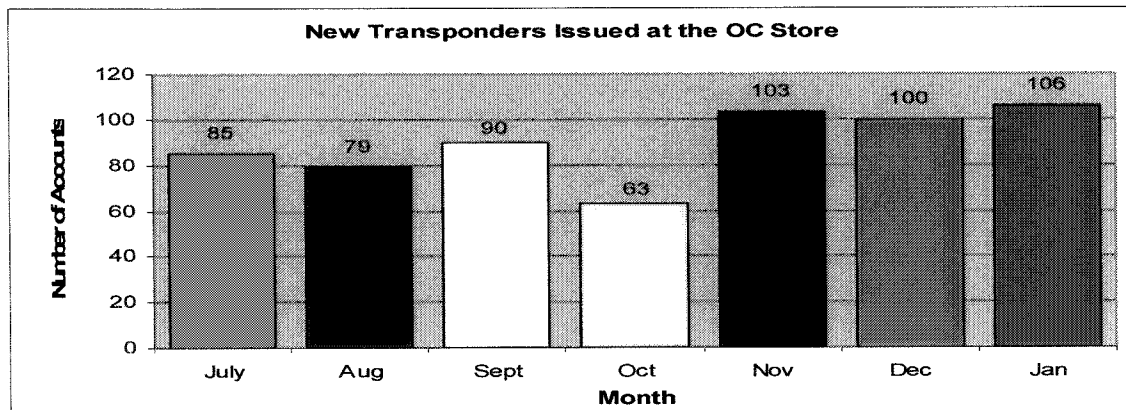
## Customer Relations – Orange Office

OCTA staff responds directly to questions received from 91 Express Lane customers that are policy related and escalated situations involving toll violations. Questions about transponders, payments, address changes, etc., are referred to the 91 Express Lanes Customer Service Center in Corona unless a customer specifically requests assistance from OCTA.

Twenty-four communications relating to toll policy and toll violations were documented from January 1 through 31. OCTA is working closely with the Customer Service Manager and the Operations Manager at Cofiroute USA to resolve these issues.

Transactions at the OCTA Store continue to increase as customers become aware of an Orange County 91 Express Lanes facility. The OCTA Store provides 91 Express Lanes customers with all the services that are offered at the Corona Customer Service Center plus additional services that include the sale of bus passes and merchandise. The goal is to provide a convenient alternative for existing and new 91 Express Lanes and other OCTA customers.

For the month of January 2005, 153 91 Express Lanes transactions occurred at the Orange County sales office. Of these transactions, 106 new transponders were issued, 8 new transponders were replaced, and 39 customers picked up their transponders at the Orange County sales office.



OCTA Customer Relations staff and the 91 Express Lanes Customer Center implemented a Customer Comment System in June 2004. This system enables staff to record any comment or complaint from an account holder. Most importantly, requests for congestion-related refunds can now be tracked. In January, 350 requests were documented by staff. Of those requests, 254 credits were issued totaling \$1,244.77.

## Corona Customer Service Center Activities

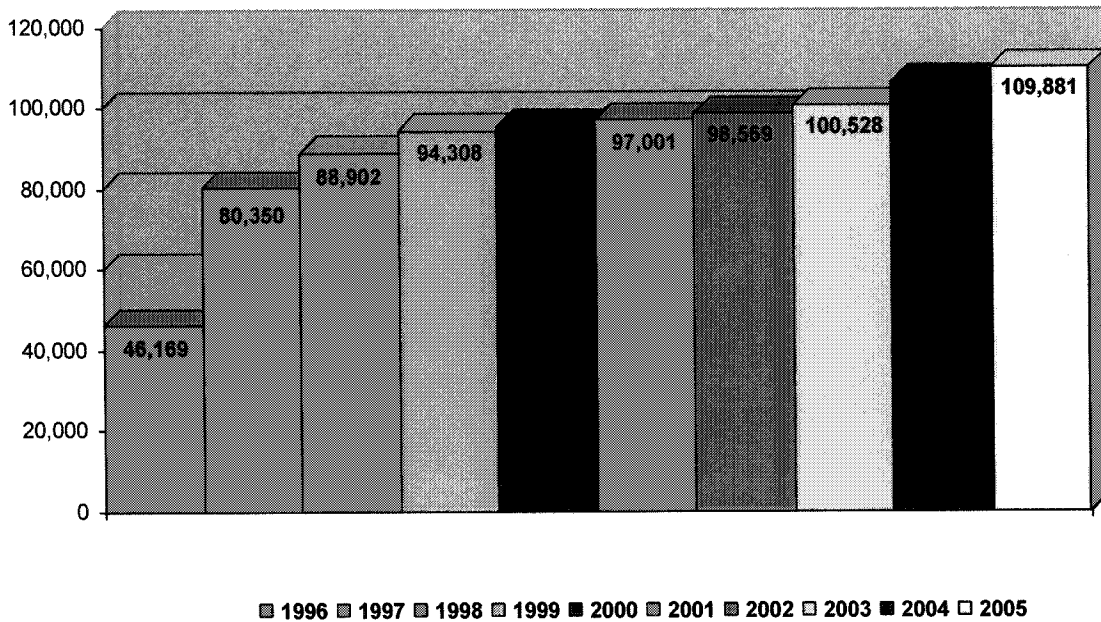
### Call Volume

Customer service activities at OCTA's operating contractor, Cofiroute USA, continued at a very busy and productive rate. During the month of January, the Customer Service Center call-reporting system experienced significant downtime. Therefore, accurate incoming call activity for this month is unavailable.

### Transponder Account Status

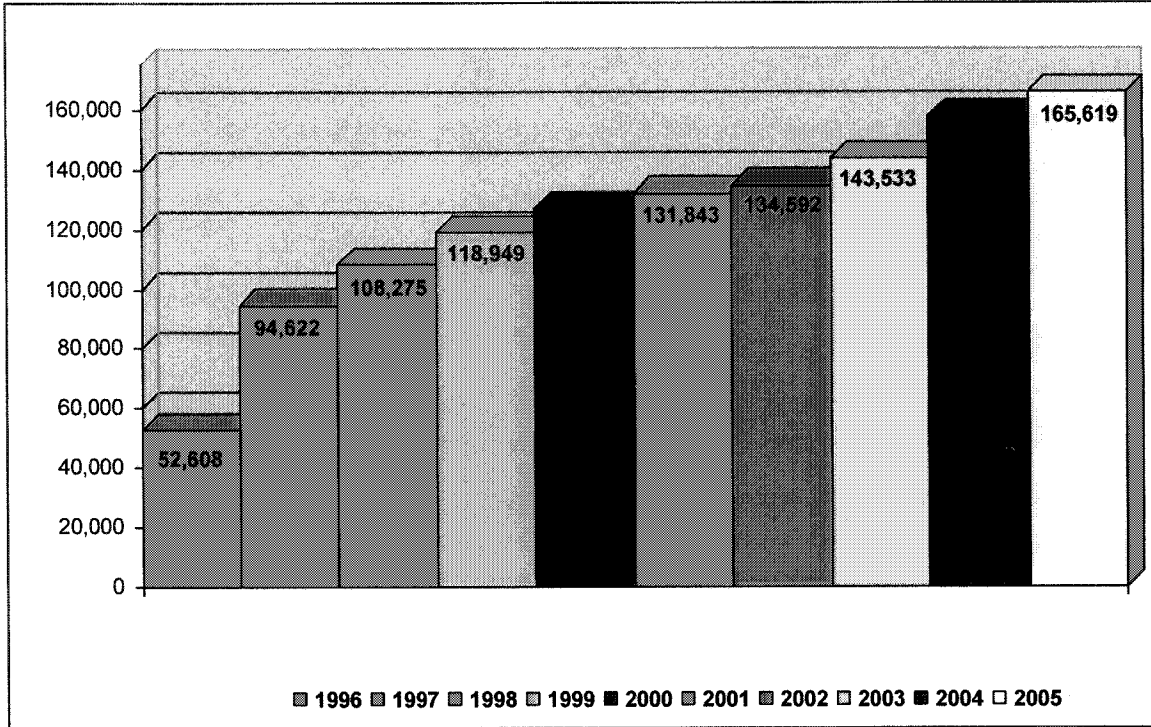
The 91 Express Lanes has experienced continued growth in the number of drivers using the facility since its inception. The steady growth can be measured by the number of transponders in circulation each year. The following chart shows the pattern of transponder growth the operation has experienced.

**History of Growing Number of Accounts by Fiscal Year**



As of January 31, 2005

### History of Growing Number of Transponders in Circulation by Fiscal Year



As of January 31, 2005

At the end of January, the 91 Express Lanes had 109,881 transponder accounts, with 165,619 transponders in circulation.

## **Financial Highlights**

### **Summary of Revenues, Expenses, Capital Asset Activity, Debt Service, and Operating Statement**

#### **Revenues**

1. Collected toll revenue for the seven months ending January 31, 2005, was \$16,843,353. This was an increase of 21 percent over the same period last year.
2. Non-toll revenues include account fees, pay-by-plate fees, and violation processing fees. Non-toll revenue for the seven months ending January 31, 2005, was \$3,082,363.

#### **Expenses**

1. Total operating expenses before depreciation and amortization expense for the seven months ending January 31, 2005, were \$7,183,341.
2. Depreciation of capital assets and amortization of the toll road franchise cost totaled \$5,244,985 for the seven months ending January 31, 2005. Depreciation and amortization expense are not budgeted items; however, these expenses are included in calculating net income.
3. Interest income for the seven months ending January 31, 2005 was \$783,170.
4. Interest expense related to subordinated debt for the seven months ending January 31, 2005 was \$824,186.
5. Interest expense related to the Tax Exempt Refunding Bonds was \$5,291,435 for the period ending January 31, 2005.

#### **Capital Asset Activity**

During the seven months ending January 31, 2005, capital asset activities included approximately \$453,708 related to the purchase of transponders.

## Debt Service

The next debt service payment for the 91 Express Lanes Refunding Bonds (Bonds) is scheduled for February 2005, in the amount of \$4.14 million, and will be comprised solely of interest expense. Currently, there remains \$191.6 million outstanding on the Bonds. In addition to the amounts due on the Bonds, the Authority has subordinated debt outstanding related to the acquisition of the 91 Express Lanes. The remaining outstanding principal balance (which will be repaid on an annual basis with 91 Express Lanes net revenues) totals approximately \$56.4 million.

Although no cash debt service payment was made during the month of January 2005 for the Bonds, the 91 Express lanes Operating Statement reflects seven-twelfths (July through January) of the total interest portion budgeted for the entire fiscal year. This amount is being expensed in the actual and budgeted columns of the Operating Statement. The principal payment will decrease the liabilities in the Statement of Assets, which is in accordance with generally accepted accounting practices.

## Operating Statement

Description	YTD As of January 31, 2005 <sup>1</sup>		YTD Variance	
	Actual	Budget	Dollar \$	Percent (%)
<b>Operating Revenues</b>				
Toll Revenue	\$16,843,353	\$15,268,777	\$1,574,576	10.3
Non-Toll and Other Revenue <sup>2</sup>	3,082,363	2,403,321	679,042	28.3
<b>Total Operating Revenues</b>	<b>19,925,716</b>	<b>17,672,098</b>	<b>2,253,618</b>	<b>12.8</b>
<b>Operating Expenses</b>				
Contracted Services	3,037,408	3,187,855	150,447	4.7
Other Professional Services/Refinancing Costs	507,231	2,656,277	2,149,046	80.9
Credit Card Processing	548,599	495,550	(53,049)	(10.7)
Toll Road Account Servicing	363,222	183,629	(179,593)	(97.8)
Toll Road Maintenance and Materials	230,785	2,777,191	2,546,406	91.7
Patrol Services	246,732	200,244	(46,488)	(23.2)
System Maintenance	188,600	283,453	94,853	33.5
Miscellaneous <sup>3</sup>	140,586	256,241	115,655	45.1
Advertising/Customer Communication	54,869	166,119	111,250	67.0
Utilities	143,723	160,027	16,304	10.2
Office Supplies	380,280	550,816	170,536	31.0
Leases	216,824	232,762	15,938	6.8
Property Insurance <sup>4</sup>	233,971	6,105	(227,866)	(3732.5)
Administrative Services	890,511	465,907	(424,604)	(91.1)
Depreciation and Amortization <sup>5</sup>	5,244,985	0	(5,244,985)	N/A
<b>Total Operating Expenses</b>	<b>12,428,326</b>	<b>11,622,176</b>	<b>(806,150)</b>	<b>N/A</b>
<b>Operating Income</b>	<b>7,497,390</b>	<b>6,049,922</b>	<b>1,447,468</b>	<b>N/A</b>
<b>Non-Operating Revenues (Expenses):</b>				
Interest Income	783,170	388,666	394,504	101.5
Interest Expense	(6,115,621)	(6,264,973)	149,352	2.4
<b>Total Non-Operating Revenues (Expenses)</b>	<b>(5,332,451)</b>	<b>(5,876,307)</b>	<b>543,856</b>	<b>N/A</b>
<b>Net Income (Loss)</b>	<b>\$2,164,939</b>	<b>173,615</b>	<b>1,991,324</b>	<b>N/A</b>

<sup>1</sup>Actual amounts are accounted for on the accrual basis of accounting in an enterprise fund. Budget amounts are accounted for on a modified accrual basis of accounting.

<sup>2</sup>The collectability of backlogged violations attributed to realizing more non-toll revenue than was budgeted.

<sup>3</sup>Miscellaneous expenses include: Statement Preparation Services, Bank Service Charge, Transponder Materials and Other Miscellaneous Fees and Services.

<sup>4</sup>Property insurance is paid on an annual basis. Actual amount includes the amortization of annual charges.

<sup>5</sup>Depreciation and amortization are not budgeted items.

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## **External Communications**

### **Advisory Committee and OCTA Board Actions**

#### **Advisory Committee**

The State Route 91 Advisory Committee did not convene in the month of January.

#### **OCTA Board Actions**

On January 24, 2005, the OCTA Board of Directors:

- Received and filed the 91 Express Lanes Status Report for the period ending November 30, 2004.

#### **Marketing**

The 91 Express Lanes Annual Report for Fiscal Year 2004 was produced in January. The report, titled "Success in the Fast Lanes," was sent to elected officials, as well as business and community leaders in Orange and Riverside Counties. In addition, it was also distributed to OCTA contacts on "Wall Street."

In anticipation of the toll adjustment on January 31, 2005, customers were notified of the changes through:

- E-Newsletter
- Variable Message Signs
- OCTA and 91 Express Lanes web sites.



## **Next Steps**

### **Upcoming Events and Activities**

#### **February 2005**

- Release of a Request for Proposals for the 91 Express Lanes contracted operations

#### **March 2005**

- SR-91 Advisory Committee Meeting

#### **June 2005**

- SR-91 Advisory Committee Meeting



**Item 11.**

BOARD COMMITTEE TRANSMITTAL



**March 28, 2005**

**To:** Members of the Board of Directors  
**From:** Wendy Knowles, Clerk of the Board <sup>WK</sup>  
**Subject:** Update on Taxicab Operations in Orange County

This item will be considered by the Transit Planning and Operations Committee on March 24, 2005. Following Committee consideration of this matter, staff will provide you with a summary of the discussion and action taken by the Committee.

Please call me if you have any comments or questions concerning this correspondence. I can be reached at (714) 560-5676.



**March 24, 2005**

**To:** Transit Planning and Operations Committee  
**From:** Arthur T. Leahy, Chief Executive Officer  
**Subject:** Update on Taxicab Operations in Orange County

**Overview**

In late 2004, several media sources reported on a proliferation of “bandit” taxicabs operating (without a permit and license) in Los Angeles County. Orange County Taxi Administration Program staff has collected information that leads to the conclusion that Orange County does not have a significant problem with unpermitted or unlicensed taxicabs.

**Recommendation**

Review information for discussion and possible action as deemed appropriate by the Board.

**Background**

The taxicab industry in Orange County is regulated by the Orange County Taxi Administration Program (OCTAP), which is staffed by Orange County Transportation Authority (OCTA). OCTAP is governed by a Steering Committee and a Safety Committee, both of which represent all 34 incorporated cities and the County of Orange. Since its inception in 1998, OCTAP has been the central permitting and licensing entity within the County and the information source on issues and concerns involving the taxicab industry. The presence of taxicabs or their drivers that are not permitted or licensed and generally do not have insurance, often called “bandit” taxicabs, is monitored and dealt with by OCTAP staff. As a rule, OCTAP receives complaints about unlicensed or un-permitted taxicabs from various sources, but primarily from permitted taxicab drivers when they lose customers to those avoiding regulation by OCTAP.

Historically, OCTAP has received less than four complaints of un-permitted or unlicensed taxicabs annually. To address these complaints, several methods

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are used to correct and eliminate the problem. OCTAP staff always contacts the Safety Committee representative from the city where the reported unregulated taxicab is operating and asks that enforcement efforts be directed toward citing the offender. When an offender is operating in multiple jurisdictions, OCTAP sends a "Law Enforcement Bulletin" to all participating agencies and requests cooperation with identification and enforcement directed toward the specific vehicle and/or driver. In the majority of cases, the offending taxicab is identified and cited, and the problem is resolved. Owing to these proactive and cooperative measures, there has been no identified long-term operation of un-permitted or unlicensed taxicabs in Orange County.

### ***Discussion***

In response to questions raised by the media reports from Los Angeles County, Lt. Jim Rudy of Transit Police Services offered to assist OCTAP staff in coordinating the first dedicated "OCTAP Enforcement Day." On Wednesday, February 23, 2005, all participating cities and the County of Orange agreed to cooperate in this specific effort. OCTAP staff prepared taxicab enforcement manuals for each agency and provided regulation training for several participating cities.

As a result of this dedicated enforcement day, the following taxicab contacts were recorded countywide:

- 156 stops made for in-field inspections.
- 12 citations were issued for minor vehicle code violations, such as, no proof of insurance, no front license plate, or running a stop sign.
- 21 citations were issued pursuant to OCTAP regulations, such as, expired meter, improper display of driver's permit, no meter rate card posted
- 0 taxicabs without permits and licenses were identified

### ***Summary***

Based on historical data and the results of the dedicated enforcement day, it appears that Orange County does not have a significant problem with taxicabs lacking OCTAP permits and licenses. The primary reason for this seems to be the positive relationship among OCTAP staff, the taxicab industry, and participating member agencies. Additionally, this one-day enforcement effort revealed that the taxicab industry continues to be highly compliant with all OCTAP regulations.

OCTAP staff will continue to proactively coordinate information between participating agencies to ensure no increases of unregulated taxicab activity in

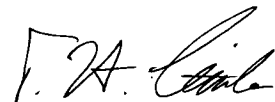
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Orange County. In addition, due to positive response from all involved, OCTAP Enforcement Day will become an annual activity coordinated by OCTAP staff and Transit Police Services.

***Attachment***

None.

**Prepared by:**



Tom Little  
OCTAP Administrator  
(949) 857-7209

**Approved by:**



Paul C. Taylor, PE  
Executive Director, Planning  
Development and Commuter Services  
(714) 560-5431





**Item 12.**

*BOARD COMMITTEE TRANSMITTAL*

**March 28, 2005**

**To:** Members of the Board of Directors  
**From:** Wendy Knowles, Clerk of the Board <sup>WK</sup>  
**Subject** Special Needs in Transit Advisory Committee

Transit Planning and Operations Committee

March 10, 2005

**Present:** Directors Winterbottom, Brown, Pulido, and Green  
**Absent:** Directors Silva, Dixon, and Duvall

***Committee Vote***

This item was passed by all Committee Members present.

***Committee Recommendations***

- A. Approve the recommended Orange County Transportation Authority Special Needs in Transit Advisory Committee structure and direct staff to initiate recruitment of participants.
- B. Adopt Resolutions of Appreciation 2005-53 through 2005-80 for outgoing members of the Special Needs in Transit Advisory Committee.





**March 10, 2005**

**To:** Transit Planning and Operations Committee  
**From:** Arthur T. Leahy, <sup>ML</sup> Chief Executive Officer  
**Subject:** Special Needs in Transit Advisory Committee

### **Overview**

It is requested the Orange County Transportation Authority Board of Directors consider the structure and appointment process for the Special Needs in Transit Advisory Committee. A summary of the current Committee structure and recommendations are provided in this report.

### **Recommendations**

- A. Approve the recommended Orange County Transportation Authority Special Needs in Transit Advisory Committee structure and direct staff to initiate recruitment of participants.
- B. Adopt Resolutions of Appreciation 2005-53 through 2005-80 for outgoing members of the Special Needs in Transit Advisory Committee.

### **Background**

On January 13, 1992, the Orange County Transportation Authority (OCTA) Board of Directors, concurrent with approving the OCTA 1992 Complementary Paratransit Plan as required by the Americans with Disabilities Act (ADA), voted to establish a standing citizens' committee to advise OCTA on the requirements of transit users with special needs. The Department of Transportation Federal Code of Regulations [Section 49, part 37.137 (c)] states, "The entity shall create an ongoing mechanism for the participation of individuals with disabilities in the continued development and assessment of services to persons with disabilities."

The committee's responsibilities are to:

- Advise the OCTA about issues that relate to OCTA transit and paratransit services;

- Recommend the appropriate mechanism for obtaining disabled and senior service users' input on issues, i.e., focus groups, surveys, public meetings, etc.;
- Review and make recommendations about service operations;
- Communicate with care providers and agency clients regarding service-related information;
- Assist with special needs service evaluations.

Since 1998, the Special Needs in Transit Advisory Committee (Special Needs Committee) has been comprised of two appointees per Board Member, including alternates, totaling 28 committee members. Passage of Assembly Bill 710 expanded the OCTA Board of Directors; the Special Needs Committee under its current structure grows to 34 members.

### ***Discussion***

Ensuring balanced representation of both seniors and individuals with disabilities is critical to the effective functioning of the committee. Also essential is balanced geographic representation from all areas of Orange County. Additionally, membership should represent constituencies with physical disabilities including mobility and visual challenges, as well as those with developmental and cognitive disabilities. Because the Special Needs Committee serves such a vital function for both the OCTA and the community, it is recommended that individuals who meet all three of the below criteria be considered for appointment.

- Those who have demonstrated an interest in and involvement with persons with disabilities and/or senior citizens;
- Those with large, active constituencies with whom regular interface regarding transportation matters is conducted;
- Persons who are willing to dedicate no fewer than 25 hours a year to OCTA meetings and activities.

Under the proposed committee structure and process, 34 members would meet monthly, except in December or in months when the committee and staff mutually agree there are no pressing issues to discuss. During the year, committee members would volunteer to serve on ad hoc committees, participate in roundtable discussions, and serve on the ACCESS Eligibility Appeals Board.

Terms of Service

If approved by the OCTA Board of Directors, the initial terms for the 2005 Special Needs in Transit Advisory Committee would be staggered at one, two, and three-year terms. All subsequent appointments would be for three years. A lottery process would determine duration of the initial term for each individual member.

It is recommended the Board approve the committee structure that allows for two appointments per Board Member for a total of 34 members. It is also recommended the Board direct staff to solicit applications for the new Special Needs Committee from both interested current members as well as others in the community. This would be accomplished via a direct mailing to appropriate agencies and individuals, as well as newspaper advertisements. Following a 30-day response period, staff will provide individual Board Members with recommended candidates.

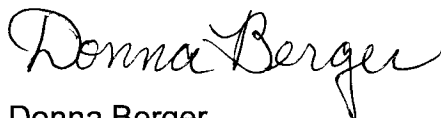
**Summary**

The Special Needs in Transit Advisory Committee serves a vital function in advising the OCTA on methods to promote integrated public transit services and helps to improve communication between OCTA and its special needs customers.

**Attachment**

- A. Sample Resolution and List of Special Needs in Transit Advisory Committee Members

Prepared by:



Donna Berger  
Senior Customer Relations  
Specialist  
(714) 560-5538

Approved by:



Ellen S. Burton  
Executive Director, External Affairs  
(714) 560-5923

ORANGE COUNTY  
TRANSPORTATION AUTHORITY

RESOLUTION

**WHEREAS**, Kimberly Beeson has served with distinction as a member of the Special Needs in Transit Advisory Committee since January 2001; and

**WHEREAS**, Kimberly Beeson, a committee member, demonstrated a spirited commitment to the special transportation needs of senior citizens and persons with disabilities; and

**WHEREAS**, Kimberly Beeson committed her personal time and provided valuable insight and experience in assessing the transit challenges faced by seniors with disabilities and special needs; and

**WHEREAS**, Kimberly Beeson has directed her efforts to ensuring that the Authority's special needs customers receive quality service; and

**WHEREAS**, Kimberly Beeson has, at all times, maintained a sense of the committee's mission and displayed her keen understanding of the issues and their fiscal impacts, while maintaining her intense desire to improve special needs transportation; and

**NOW, THEREFORE, BE IT RESOLVED** that the Orange County Transportation Authority Board of Directors honors Kimberly Beeson's leadership and dedication to improving transportation for persons with special needs.

**BE IT FURTHER RESOLVED** that the Orange County Transportation Authority Board of Directors recognizes Kimberly Beeson's valued service to the community.

Dated: March 28, 2005

Resolution adopted unanimously  
at the regular meeting of the  
Orange County Transportation Authority

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Bill Campbell, Chairman  
Orange County Transportation Authority

## **2004 Special Needs in Transit Advisory Committee Resolutions of Appreciation**

<u>Special Needs Committee Member Name</u>	<u>Resolution No.</u>
1. Kimberly Beeson	2005-53
2. Diana Burkhardt	2005-54
3. Vicki Connely	2005-55
4. Mary Pat Daly-Hiller	2005-56
5. Adam S. U. Gottdank, Ph.D.	2005-57
6. Felicia Hall	2005-58
7. JoAnn Hill	2005-59
8. Julie Inman	2005-60
9. Vera Judge	2005-61
10. Ray Kaldenbach	2005-62
11. Christy Krausman	2005-63
12. Denise Larsen	2005-64
13. Sue Lau	2005-65
14. Jane Lombard	2005-66
15. George MacLaren	2005-67
16. Ann McClellan	2005-68
17. Roberta Menn	2005-69
18. Paul K. Miller	2005-70
19. Gary A. Mudge	2005-71
20. Lisa Murillo	2005-72
21. Joseph Pak	2005-73
22. Elyssa Park	2005-74
23. Ellen Schenk	2005-75
24. Sheldon Singer	2005-76
25. Glenn Sorenson	2005-77
26. Bob Tiezzi	2005-78
27. Mallory Vega	2005-79
28. Denise Welch	2005-80





*March 28, 2005*

**To:** Members of the Board of Directors  
**From:** Arthur T. Leahy, Chief Executive Officer  
**Subject:** Fiscal Year 2005-06 Budget Overview, Approach and Assumptions

**Overview**

Leading up to the Board Workshop on May 9, 2005, staff will utilize the scheduled Finance and Administration Committee meetings to keep the Board of Directors abreast of developments regarding issues associated with the fiscal year 2005-06 budget. This report highlights some of the major assumptions and budget strategies that will be used to balance the fiscal year 2005-06 budget. In addition, this report provides a preview of some of the issues that will be discussed at the Board Workshop on May 9, 2005.

**Recommendation**

Receive and file as an information item.

**Background**

Staff typically reviews the Proposed Budget with the Finance and Administration Committee at the last meeting in April and with the full Board of Directors in a workshop setting immediately following the first meeting in May. With several new Board members this year, staff will begin the review process earlier and attend each Finance and Administration Committee meeting until the budget is adopted in June.

**Discussion**

Budget Calendar

Each year, the primary communication of the proposed budget to the Board occurs at a Board Workshop immediately following the first Board meeting in May. This year, prior to the Board Workshop on May 9, 2005, staff will provide budget development updates at each Finance and Administration Committee.

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A public hearing will be held at the June 13, 2005, Board meeting with Board adoption needed before July 1, 2005. In addition, budget staff attends each scheduled committee meeting after the Workshop up until budget adoption to answer any Board member questions. Staff also is available to meet with Board members on an individual basis as requested.

#### Fiscal Year 2005-06 Budget Assumptions

The Orange County Transportation Authority's (Authority) primary source of revenues are two dedicated sales taxes: the ½ cent Measure M sales tax and the ¼ cent Transportation Development Act (TDA) sales tax. While Measure M provides funding for specific projects including freeway and street and road projects, TDA sales tax provides the main funding source for bus service in Orange County. The Authority relies on Chapman University to provide a forecast of taxable sales in Orange County for its financial plans. The December Chapman forecast estimates a 4.4 percent increase in taxable sales in Orange County for fiscal year (FY) 2005-06. The Authority conservatively uses 95 percent of the Chapman growth projection (4.18 percent) when developing the budget. Using this methodology, \$261.7 million of gross Measure M sales tax revenue is assumed for the coming year while TDA sales tax is assumed at \$135.3 million. However, \$38 million of TDA sales tax is diverted to the County of Orange as part of the Bankruptcy Recovery Plan. In addition, per TDA guidelines, the Authority submits its projection of TDA sales tax revenue for the coming year to the Orange County Auditor Controller who ultimately provides the final estimate that is used for the budget.

Passenger fares are expected to increase by approximately \$6.6 million over the current year due to the Board approved fare adjustment that went into effect January 2, 2005. In general, it was assumed that the fare adjustment would increase passenger fare revenues by 15 percent but would reduce ridership by 7.5 percent. There is not yet three full months of data available with the new fare structure and the information is significantly skewed because of the number of rain days in this calendar year. However, ridership data and daily cash fares on non-rain days are producing numbers consistent with the original assumptions.

The Authority's current bus advertising contract with Viacom will expire this year and is currently out to bid. The Authority received \$9.4 million in the current year but the conservative expectation is that this amount will drop by several million dollars for FY 2005-06.



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The assumption for FY 2005-06 is that interest earnings will be 3 percent. This is a reduction of 0.5 percent from FY 2004-05 and is more consistent with current earnings.

Diesel fuel prices for the current year have averaged approximately \$1.50 per gallon. This is much higher than the \$1.05 per gallon assumed when developing last year's budget. This change in rate increases the cost to provide transit service by approximately \$2.2 million.

Demand for ACCESS service continues to increase at alarming rates (Attachment A). Current projections estimate that service hours for FY 2005-06 will increase by 50,000 hours over the approved FY 2004-05 budget. This increase in demand increases expenses by \$4.0 million. There are many unknowns as it relates to ACCESS as many of the service delivery changes approved by the Board will not take effect until July 1, 2005. In addition, the contract to provide ACCESS service is currently out to bid and the proposed rates will have a major impact on the amount of local bus service that can be afforded both now and in the future. As such, no new fixed route service will be proposed as part of the FY 2005-06 budget submittal. However, approximately 8,800 annualized revenue hours of new Express Bus Service along the Riverside Freeway (State Route 91) Corridor will commence in September or December.

#### Workshop Preview

In addition to providing financial details associated with the FY 2005-06 at the Budget Workshop, staff will detail some of the strategies that will be used to not only balance the proposed budget but help to ensure the sustained financial health of the organization over the long-term. At the Workshop staff will provide the following:

- A complete history of the number of positions carried by the Authority since consolidation (Attachment B). Staff will provide a thorough review of administrative positions added since 2001, highlighting the specific projects that have been added that have increased staffing levels ( Attachment C).
- A brief history of the market factors that have impacted the Authority's cost per service hour and farebox recovery ratio over the last few years. A better understanding of the impacts of the recent fare adjustment will be communicated to the Board at this time.
- An update on ACCESS service including the results of the current bid process.

- 
- A list of strategies to be considered that will help control the increasing cost of health care for administrative employees.
  - The current strategy for reducing the growth in workers' compensation expenses including a summary of steps already taken.
  - Strategies for accommodating future fluctuations of employee retirement costs.
  - A complete review of the current outreach efforts and a recommendation of the proper mix between consultant work and in-house staff.
  - An update on the continuing effort of realizing staffing efficiencies within our coach operator workforce.

**Summary**

Staff will conduct a Budget Workshop with the Board of Directors on May 9, 2005. This report highlights some of the assumptions that have been used to develop the fiscal year 2005-06 budget. Staff will continually update the Board through the Finance and Administration Committee regarding issues associated with budget development.

**Attachments**

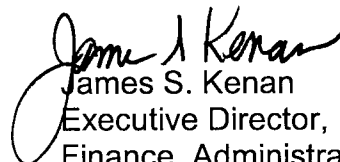
- A. ACCESS Service Growth Fiscal Year 2001 - 10
- B. Admin Staffing/Service Trend Fiscal Year 1992 - 05
- C. Admin Staffing Changes by Project – FY 2001-2005

**Prepared by:**



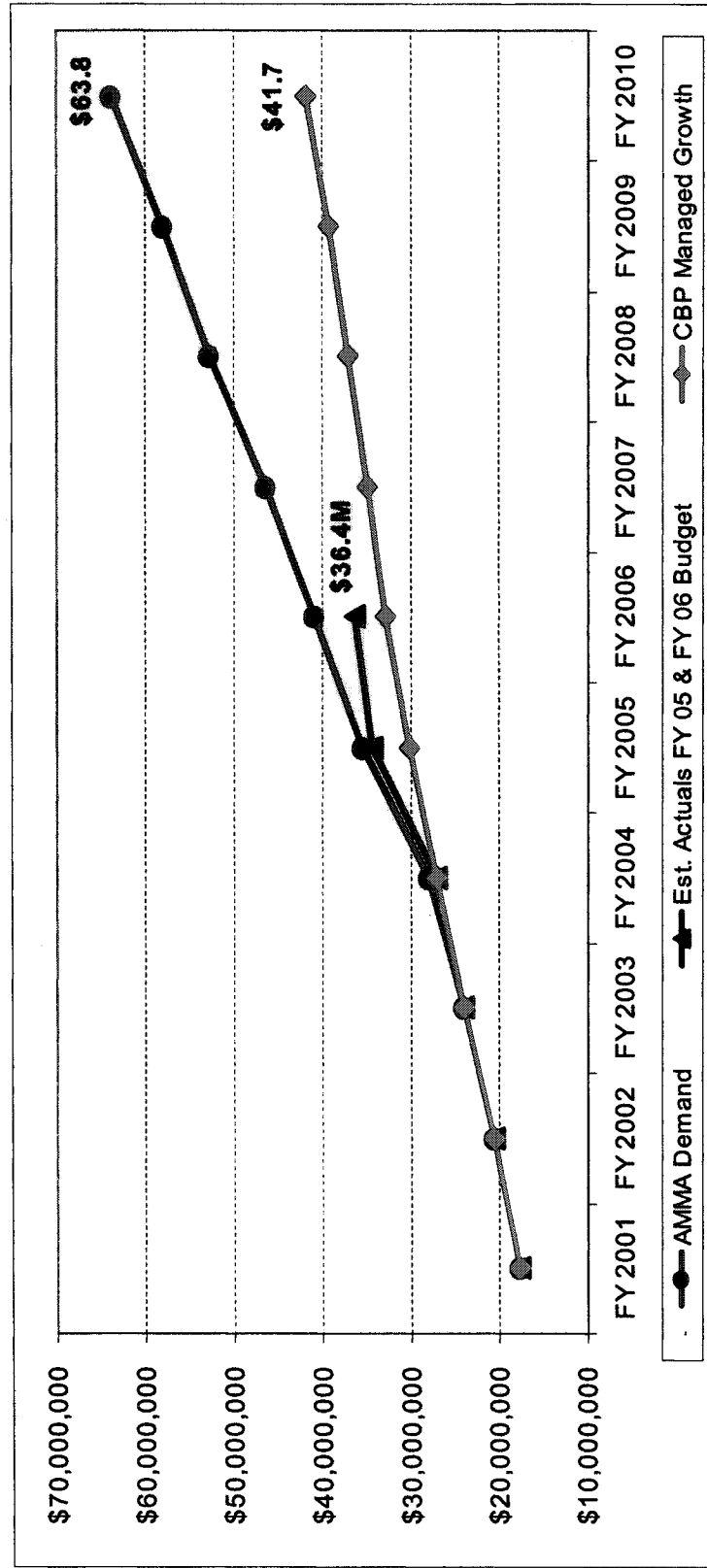
Andrew Oftelie  
Section Manager  
Financial Planning & Analysis  
(714) 560-5649

**Approved by:**



James S. Kenan  
Executive Director,  
Finance, Administration  
and Human Resources  
(714) 560-5678

# ACCESS Service Growth Fiscal Year 2001 - 10

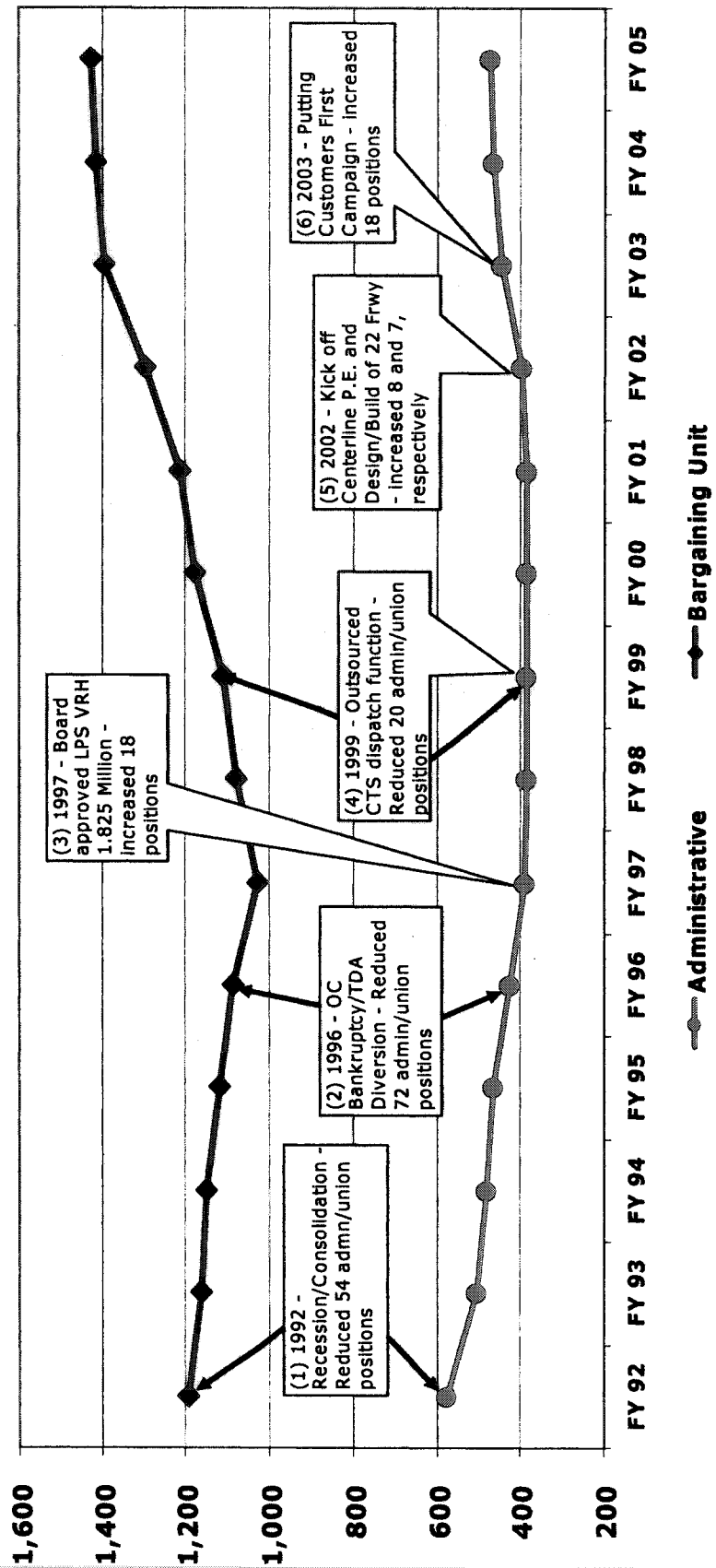


**Note:**

AMMA represents the Consulting team that developed the Demand Model for ACCESS service in Fiscal Year 2002-03.

CBP represents OCTA's Board Approved Comprehensive Business Plan – Fiscal Year 2004, which is a management planning tool with a 20-year horizon.

# Admin Staffing/Service Trend Fiscal Year 1992 – 05



# Admin Staffing Changes by Project FY 2001-2005

Project Specific	# of Positions	Comments
Bus Service Enhancement	26	Putting Customers First/Offset Reduction in Coach Operators
New Bus Service	18	Strategic Initiatives - 2.1M Vehicle Revenue Hours by FY 2011
State Route 22	7	Measure M Freeway Mode
CenterLine Preliminary Engineering	8	Measure M Transit Mode
Specific Funding	7	STIP/Rideshare/Warranty
91 Express Lanes	3	Purchase of 91 Express
Engineering	7	Caltrans Audit/Creation of Construction Division
Interstate 5	2	Measure M Freeway Mode
Liquified Natural Gas (LNG)	2	In-House LNG Technology expertise
Safety/Security	2	FTA Audit
OCTA Store	2	Putting Customers First
Combined Transportation Funding Program (CTFP)	1	Measure M Streets & Roads Mode
4th Bus Base	1	Construction of Santa Ana Bus Base
4th Bus Base	-1	Position eliminated from budget - 11/04
Senior Mobility	1	LTF Article 4.5 - Expires in FY 2011
External Affairs	3	Media/Graphic Design/E-Pass
Bus Outreach	2	Bus Training/Education for new riders
Internal Audit	2	Per Risk Assessment
HR/Payroll/ACORS System Replacement	2	Implementation of new system
Workers' Compensation	1	Oversight of TPA
Reduction/Early Retirement	-5	Early retirement
In-Source positions	12	Savings to OCTA approx. \$500,000 Annually
<b>Total</b>	<b>103</b>	





**Item 14.**

*BOARD COMMITTEE TRANSMITTAL*

***March 28, 2005***

**To:** Members of the Board of Directors  
**From:** Wendy Knowles, Clerk of the Board <sup>WK</sup>  
**Subject:** Approval of Local Transportation Fund Fiscal Year 2005-06 Apportionment Estimates

Executive Committee

March 7, 2005

**Present:** Chairman Campbell, Vice Chairman Brown, Directors Cavecche, Norby, Pringle, Ritschel, Silva, Wilson, and Winterbottom

**Absent:** None

***Committee Vote***

The item was passed unanimously by those present. Committee Member Winterbottom was not present at the time of the vote.

***Committee Recommendations***

Approve the Local Transportation Fund fiscal year 2005-06 apportionment estimates and authorize the Chief Executive Officer to advise all prospective claimants of the amounts of all area apportionments from the Orange County Local Transportation Fund for the following fiscal year.



**March 7, 2005**

**To:** Executive Committee

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

**Subject:** Approval of Local Transportation Fund Fiscal Year 2005-06 Apportionment Estimates

**Overview**

The Orange County Transportation Authority, as the transportation planning agency and county transportation commission for Orange County, is responsible for developing estimates used in apportioning revenues earned and deposited in the Orange County Local Transportation Fund. Transportation Development Act regulations require that the apportionments for fiscal year 2005-06 be determined, and prospective claimants advised of the amounts

**Recommendation**

Approve the Local Transportation Fund fiscal year 2005-06 apportionment estimates and authorize the Chief Executive Officer to advise all prospective claimants of the amounts of all area apportionments from the Orange County Local Transportation Fund for the following fiscal year.

**Background**

The Transportation Development Act of 1971 established a funding source dedicated to transit and transit-related projects. The funding source consists of two parts: the Local Transportation Fund (LTF), which is derived from 1/4 cent of the 7 3/4 percent sales tax in Orange County, and the State Transit Assistance Fund (STAF), which consists of sales taxes on gasoline and diesel fuel appropriated by the State Legislature from the State Transportation Planning and Development Account. The LTF revenues are collected by the State Board of Equalization and returned monthly to the local jurisdictions based on the volume of sales during each month.



***Discussion***

The estimate of Local Transportation Fund revenues for fiscal year (FY) 2005-06 has been forecast by the Orange County Transportation Authority at \$133,709,691. This forecast has been based on the December 2004, Chapman University economic and business review which has forecast a slowly expanding local economy. In accordance with Transportation Development Act (TDA) regulations, the Orange County Auditor-Controller has reviewed this forecast and increased it to a slightly higher estimate of \$134,069,820. The apportionment for FY 2005-06 reflects this adjustment and has been set at \$134,069,820, which reflects a 6.4 percent increase from the FY 2004-05 LTF apportionment of \$126,007,153.

Because of the Orange County bankruptcy relief and TDA diversion legislation which was passed in 1995, beginning in FY 1996-97 and continuing for fifteen years through FY 2010-11, total LTF revenues available for apportionment are being reduced each year by \$38,000,004, which is being diverted to the County of Orange General Fund. As a result of this legislation, the amount of the FY 2005-06 LTF apportionment available for public transportation claimants has been reduced to \$96,069,816.

The FY 2005-06 apportionment is summarized in the following table:

<b>Revenues:</b>	
Estimated Fiscal Year 2005-06 Sales and Use Tax Receipts	\$134,069,820
Less - transfer to Orange County General Fund	-38,000,004
<b>Total funds available for apportionment</b>	<b>\$ 96,069,816</b>
<b>Article 3 payments:</b>	
Orange County Auditor-Controller - Administration	\$1,742
OCTA - County Transportation Commission Administration	102,203
OCTA - County Transportation Commission Planning	4,022,095
Southern California Association of Governments - regional planning	176,700
Bicycle, Pedestrian Facilities & Bus Stop Accessibility Program	<u>1,835,342</u>
Sub-total - Article 3 funding	\$6,138,082

<i>Articles 4 and 4.5 payments:</i>	
Orange County Transit District - Consolidated Transportation Service Agency Funding - Article 4.5	\$ 4,444,429
Orange County Transit District - Public Transit Funding - Article 4	84,444,154
Laguna Beach Municipal Transit Lines - Public Transit Funding – Article 4	1,043,151
Sub-total - Articles 4 and 4.5 funding	85,931,734
<b>Total funds apportioned</b>	<b>\$ 96,069,816</b>

Funds available for apportionment in FY 2005-06 are \$8,062,667, and 9.16 percent greater than the FY 2004-05 amount of \$88,007,149. The FY 2005-06 apportionment for the Orange County Transit District of \$88,888,583, is \$7,603,780, and 9.35 percent greater than the FY 2004-05 apportionment amount of \$81,284,803.

**Summary**

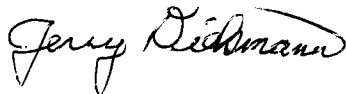
Staff recommends approval of the Local Transportation Fund fiscal year 2005-06 apportionment estimates. Staff also recommends authorizing the Chief Executive Officer to advise all prospective claimants of the amounts of all area apportionments from the Orange County Local Transportation Fund for fiscal year 2005-06.

**Attachment**

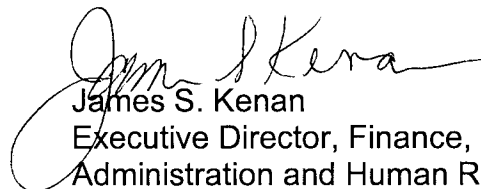
None.

**Prepared by:**

**Approved by:**



Jerry Diekmann  
Senior Financial Analyst  
Financial Planning & Analysis  
(714) 560-5685



James S. Kenan  
Executive Director, Finance,  
Administration and Human Resources  
(714) 560-5678





**Item 15.**

*BOARD COMMITTEE TRANSMITTAL*

***March 28, 2005***

**To:** Members of the Board of Directors  
**From:** Wendy Knowles, Clerk of the Board  
**Subject:** Amendment to Agreement for Test and Operation Gases for Liquefied Natural Gas Buses and Facilities

Transit Planning and Operations Committee

March 10, 2005

**Present:** Directors Winterbottom, Brown, Pulido, and Green  
**Absent:** Directors Silva, Dixon, and Duvall

***Committee Vote***

This item was passed by all Committee Members present.

***Committee Recommendation***

Authorize the Chief Executive Officer to execute Amendment No. 2 to Agreement C-3-1228 between the Orange County Transportation Authority and Cameron Welding Supply, in an amount not to exceed \$70,000, for test and operation gases for the liquefied natural gas buses and facilities.



**March 10, 2005**

**To:** Transit Planning and Operations Committee  
**From:** Arthur T. Leahy,<sup>MV</sup> Chief Executive Officer  
**Subject:** Amendment to Agreement for Test and Operation Gases for Liquefied Natural Gas Buses and Facilities

**Overview**

On May 10, 2004, the Board of Directors approved an agreement with Cameron Welding Supply for test and operation gases for the liquefied natural gas buses and facilities for a one year period with two one-year options.

**Recommendation**

Authorize the Chief Executive Officer to execute Amendment No. 2 to Agreement C-3-1228 between the Orange County Transportation Authority and Cameron Welding Supply, in an amount not to exceed \$70,000, for test and operation gases for the liquefied natural gas buses and facilities.

**Background**

The Orange County Transportation Authority (Authority) is required to have functioning gaseous methane detectors that can indicate an alarm when gaseous methane is leaking in the bus or in the engine compartment of the Authority's buses, which are fueled with liquefied natural gas (LNG). A specific mix of gases is required in order to setup, calibrate, and test the proper function of the leak detection sensors and systems in the event of a leak of LNG or methane gas.

The Authority requires the use of clean nitrogen gas to purge the LNG vehicle tanks when defueling those tanks in order to provide a safe work environment when maintenance will be performed on the LNG bus fuel system. In addition, clean nitrogen gas is required for the pneumatic operation of the valves and associated hardware found in the LNG fueling stations.

***Discussion***

This procurement was originally handled in accordance with Authority's procedures for professional and technical services. The original agreement was awarded on a competitive basis. It has become necessary to amend the agreement to exercise the first option year.

**Fiscal Impact**

The additional work described in Amendment No. 2 to Agreement C-3-1228 was approved in the Authority's fiscal year 2004-05 budget, Operations Division/Maintenance Department, Account 7799, and is funded through Local Transportation Funds.

***Summary***

Staff recommends approval of Amendment No. 2, in the amount of \$70,000, to Agreement C-3-1228 with Cameron Welding Supply.

***Attachment***


- A. Cameron Welding Supply, Agreement C-3-1228 Fact Sheet

**Prepared by:**



Al Pierce  
Manager, Maintenance  
714-560-5975

**Approved by:**



William L. Foster  
Executive Director, Bus Operations  
714-560-5842

**Cameron Welding Supply  
Agreement C-3-1228 Fact Sheet**

1. May 10, 2004, Agreement C-3-1228, \$65,290, approved by Board of Directors.
  - To provide test and operation gases for the liquefied natural gas buses and facilities.
2. February 11, 2005, Amendment No. 1 to Agreement C-3-1228, \$1,125, approved by Purchasing Agent.
  - Additional rental of a gas storage vessel.
3. March 28, 2005, Amendment No. 2 to Agreement C-3-1228, \$70,000, pending approval by Board of Directors.
  - To exercise the first option year.

Total committed to Cameron Welding Supply, Agreement C-3-1228: \$136,415.







**Item 16.**

**BOARD COMMITTEE TRANSMITTAL**

**March 28, 2005**

**To:** Members of the Board of Directors  
**From:** Wendy Knowles<sup>WK</sup>, Clerk of the Board  
**Subject** Amendment to Agreement for Mobility Planning Services

Transit Planning and Operations Committee

March 10, 2005

**Present:** Directors Winterbottom, Brown, Pulido, and Green  
**Absent:** Directors Silva, Dixon, and Duvall

***Committee Vote***

This item was passed by all Committee Members present.

***Committee Recommendation***

Authorize the Chief Executive Officer to execute Amendment No. 2 to Agreement C-2-1240 between the Orange County Transportation Authority and Transit Access, in an amount not to exceed \$63,000, for provision of Mobility Planning Services through June 30, 2006.



*March 10, 2005*

**To:** Transit Planning and Operation Committee  
**From:** Arthur T. Leahy, <sup>Mr</sup> Chief Executive Officer  
**Subject:** Amendment to Agreement for Mobility Planning Services

**Overview**

On April 14, 2003, the Board of Directors approved an agreement with Transit Access, in the amount of \$65,000, to provide Mobility Planning Services. Transit Access was retained in accordance with the Orange County Transportation Authority's procurement procedures for professional services.

**Recommendation**

Authorize the Chief Executive Officer to execute Amendment No. 2 to Agreement C-2-1240 between the Orange County Transportation Authority and Transit Access, in an amount not to exceed \$63,000, for provision of Mobility Planning Services through June 30, 2006.

**Background**

Mobility Planning Services teach persons with disabilities to use the Orange County Transportation Authority's (Authority) fixed route bus service. This is an important strategy to control ACCESS demand and is included in the Paratransit Growth Management Plan. This is also known as "travel training".

The Authority's Mobility Planning Services program consists of two integrated elements, mobility training workshops and travel training. The workshops introduce fixed route transit services to potential riders. This year, the Authority will conduct a total of 24 workshops attended by approximately 480 participants. Many of these workshops are for special education students, school-to-work transition students, vocational day program participants associated with the Regional Center and senior citizens. The goal next year is to conduct 36 workshops, training a total of 720 individuals.

Travel training is individualized training for those who have either attended a mobility training workshop and are ready for the next step, or for people who have been referred to travel training as a result of the ACCESS eligibility

evaluation process. Travel training is one-on-one training starting with how to plan fixed route trips. The individual is then accompanied by a travel trainer on several trips until the individual is able to ride independently. This year approximately 90 individuals will complete one-on-one travel training.

***Discussion***

This procurement was originally handled in accordance with the Authority's procedures for professional services. The original agreement was awarded on a competitive basis. It has become necessary to amend the agreement to extend the term through June 30, 2006. Overall, staff has been satisfied with the work performed by Transit Access.

The original agreement awarded on April 14, 2003, was in the amount of \$65,000. This agreement has been amended previously (Attachment A). The total amount after approval of Amendment No. 2 will be \$188,399.

**Fiscal Impact**

The additional work described in Amendment No. 2 to Agreement C-2-1240 is included in the Authority's fiscal year 2005-06 budget, Operations/Community Transportation Services, Account 2131-7629-D1214-8M9, and will be funded through the Local Transportation Fund.


***Summary***

Staff recommends approval of Amendment No. 2, in the amount of \$63,000, to Agreement C-2-1240 with Transit Access.

***Attachment***

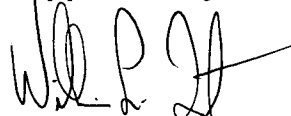
- A. Transit Access Agreement C-1-1240 Fact Sheet

**Prepared by:**



Gracie A. Davis  
ADA Eligibility Administrator  
(714) 560-5641

**Approved by:**



William L. Foster  
Executive Director, Bus Transportation  
(714) 560-5842

**TRANSIT ACCESS  
Agreement C-2-1240 Fact Sheet**

1. April 14, 2003, Agreement C-2-1240, \$65,000, approved by Board of Directors.
  - Mobility Planning Services program to train seniors and persons with disabilities to use the fixed route bus system
  - Initial term July 1, 2003 to June 30, 2004
2. April 26, 2004, Amendment No. 1 to Agreement C-2-1240, \$60,399, approved by Board of Directors.
  - Exercise first option term and extend agreement through June 30, 2005
3. March 10, 2005, Amendment No. 2 to Agreement C-2-1240, \$63,000, pending approval by Board of Directors.
  - Exercise second option year and extend agreement through June 30, 2006

Total committed to Transit Access, Agreement C-2-1240: \$188,399





Item 17.

BOARD COMMITTEE TRANSMITTAL

**March 28, 2005**

**To:** Members of the Board of Directors  
**From:** Wendy Knowles<sup>WK</sup>, Clerk of the Board  
**Subject:** Agreement for In-Frame Engine Overhauls on General Motors Corporation, Model Number RTS II, 1980 Buses

Transit Planning and Operations Committee

March 10, 2005

**Present:** Directors Winterbottom, Brown, Pulido, and Green  
**Absent:** Directors Silva, Dixon, and Duvall

**Committee Vote**

This item was passed by all Committee Members present.

**Committee Recommendation**

Authorize the Chief Executive Officer to execute Agreement C-4-1153 between the Orange County Transportation Authority and Valley Power Systems, in an amount not to exceed \$148,500, for the in-frame engine overhaul on 1980 RTS buses.



**March 10, 2005**

**To:** Transit Planning and Operations Committee  
**From:** Arthur T. Leahy, <sup>ML</sup> Chief Executive Officer  
**Subject:** Agreement for In-Frame Engine Overhauls on General Motors Corporation, Model Number RTS II, 1980 Buses

### **Overview**

The Orange County Transportation Authority plans to contract for the overhaul of up to 12 engines in 1980 model year fixed route transit buses.

### **Recommendation**

Authorize the Chief Executive Officer to execute Agreement C-4-1153 between the Orange County Transportation Authority and Valley Power Systems, in an amount not to exceed \$148,500, for the in-frame engine overhaul on 1980 RTS buses.

### **Background**

The Orange County Transportation Authority (Authority) operates a fleet of 54 1980 General Motors Corporation (GMC) RTS II buses. The engines on many of these units are of high mileage and in need of overhaul. The in-house rebuild shop, which normally performs this work, is currently operating at maximum production capacity. The Maintenance department desires to contract with an outside repair facility to perform in-frame overhauls on up to 12 buses.

### **Discussion**

This procurement was handled in accordance with the Authority's procedures for professional and technical services. The requirement was handled as a competitive negotiated procurement. Award is recommended to the firm offering the most effective overall proposal considering such factors as staffing, prior experience with similar projects, approach to the requirement, and technical expertise in the field.

**Agreement for In-Frame Engine Overhauls on  
General Motors Corporation, Model Number RTS II,  
1980 Buses**

**Page 2**

On December 7, 2004, a Request for Proposals (RFP) 4-1153 "Bus Engine Overhaul" was issued. An electronic notice was sent to 74 firms registered on CAMMNET. A public notice was published in a newspaper in general circulation on December 10 and 17, 2004, advertising this RFP.

On January 31, 2005, two offers were received. An evaluation committee composed of staff from Contracts Administration Materials Management, Community Transportation Services, and Maintenance Support Services, was established to review all offers submitted.

<u>Firm</u>	<u>Bid Price</u>
Valley Power System	\$135,000
Harbor Diesel and Equipment Inc.	\$150,789

***Summary***

Staff recommends award of Agreement C-4-1153 to Valley Power Systems in an amount not to exceed \$148,500 for the in-frame engine overhaul of up to 12, 1980 RTS buses. The requested amount includes the firm bid price for a typical overhaul, plus a ten percent contingency for additional parts and labor to accommodate engine related repair discovered during disassembly, being beyond the predictable scope of overhaul.

***Attachment***

None

**Prepared by:**



Al Pierce  
Manager, Maintenance  
(714) 560-5975

**Approved by:**



William L. Foster  
Executive Director, Bus Operations  
(714) 560-5842







**Item 18.**

**BOARD COMMITTEE TRANSMITTAL**

**March 28, 2005**

**To:** Members of the Board of Directors  
**From:** Wendy Knowles, Clerk of the Board  
**Subject:** Amendment to Agreement for Trapeze Software Support

Transit Planning and Operations Committee

March 10, 2005

**Present:** Directors Winterbottom, Brown, Pulido, and Green  
**Absent:** Directors Silva, Dixon, and Duvall

**Committee Vote**

This item was passed by all Committee Members present.

**Committee Recommendation**

Authorize the Chief Executive Officer to execute Amendment No. 1 to Agreement C-3-1218 between the Orange County Transportation Authority and Trapeze Software Group, Inc., to exercise the first option term in an amount not to exceed \$20,000.



**March 10, 2005**

**To:** Transit Planning and Operations Committee  
**From:** Arthur T. Leahy, Chief Executive Officer  
**Subject:** Amendment to Agreement for Trapeze Software Support

### **Overview**

On December 8, 2003, the Board of Directors approved an agreement with Trapeze Software Group, Inc., in the amount of \$20,000, to provide computerized scheduling software package to schedule Americans with Disabilities Act ACCESS service.

### **Recommendation**

Authorize the Chief Executive Officer to execute Amendment No. 1 to Agreement C-3-1218 between the Orange County Transportation Authority and Trapeze Software Group, Inc., to exercise the first option term in an amount not to exceed \$20,000.

### **Background**

The Orange County Transportation Authority (Authority) began using the Trapeze PASS 4 software in October 1999, replacing a previously used version of Trapeze that was not year 2000 compliant. Trapeze PASS 4 is a proprietary scheduling software package that provides automated scheduling and routing for trips provided by the Authority's ACCESS service. Under the current licensing agreement, the Authority has 40 Trapeze workstations in operation and can schedule up to 6,000 daily trips on ACCESS using Trapeze.

The annual maintenance agreement with Trapeze Software Group, Inc., allows the Authority to receive regular upgrades, training, and on-line or telephone support. Some modifications to the software in support of the Authority's entire bus operation are beyond the scope of the annual maintenance agreement. From 2000 through 2003, separate sole source procurements were conducted to purchase additional support services for each year. Because these services will be necessary as long as the Authority uses Trapeze for ACCESS

scheduling, in late 2003, a sole source procurement including option years was conducted.

***Discussion***

This procurement was originally handled in accordance with the Authority's procedures for professional and technical services. The original agreement was awarded on a sole source basis for services provided from January 1, 2004, through June 20, 2004. It has become necessary to exercise the first option term and amend the agreement to continue to provide software support next fiscal year. The original proposal was reviewed by the Internal Auditor and the cost was found to be fair and reasonable for the work to be performed.

The original agreement awarded on February 11, 2004, was in the amount of \$20,000. Amendment No. 1 in the amount of \$20,000 will increase the total agreement amount to \$40,000 (see Attachment A).

**Fiscal Impact**

The additional work described in Amendment No. 1 to Agreement C-3-1218 will be included in the Authority's fiscal year 2005-06 budget, Operations Division/Community Transportation Services, Account 2131-7519-D1121-6W4, and will be funded through the Local Transportation Fund.

***Summary***

Staff recommends approval of Amendment No. 1, in the amount of \$20,000, to Agreement C-3-1218 with Trapeze Software Group, Inc.

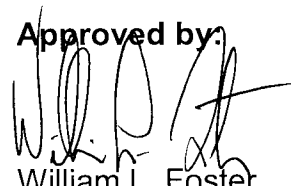
***Attachment***

- A. Trapeze Software Group, Inc., Agreement C-3-1218 Fact Sheet

**Prepared by:**

  
for Patrick Sampson  
Contract Transportation Analyst  
(714) 560-5425

**Approved by:**

  
William L. Foster  
Executive Director, Bus Operations  
(714) 560-5842

**ATTACHMENT A**

**TRAPEZE SOFTWARE GROUP, INC.  
Agreement No. C-3-1218 Fact Sheet**

1. December 8, 2003, Agreement C-3-1218, \$20,000, approved by Board of Directors.
  - Provision of Trapeze software support
  - Initial term of agreement, January 1, 2004 through June 30, 2005
2. March 28, 2005, Amendment No. 1 to Agreement C-3-1218, \$20,000, pending approval by Board of Directors.
  - Exercise first option term, July 1, 2005 through June 30, 2005

Total committed to Trapeze Software Group, Inc., Agreement C-3-1218: \$40,000.





Item 19.

BOARD COMMITTEE TRANSMITTAL

**March 28, 2005**

**To:** Members of the Board of Directors  
**From:** <sup>WK</sup> Wendy Knowles, Clerk of the Board  
**Subject** Amendment to Cooperative Agreement with Regional Center of Orange County

Transit Planning and Operations Committee

March 10, 2005

**Present:** Directors Winterbottom, Brown, Pulido, and Green  
**Absent:** Directors Silva, Dixon, and Duvall

**Committee Vote**

This item was passed by all Committee Members present.

**Committee Recommendation**

Authorize the Chief Executive Officer to execute Amendment No. 2 to Cooperative Agreement C-3-0185 between the Orange County Transportation Authority and the Regional Center of Orange County, to share the cost of ACCESS transportation provided to Regional Center consumers, exercising the second option year and adjusting the trip rate as allowed in the agreement.



**March 10, 2005**

**To:** Transit Planning and Operations Committee  
**From:** Arthur T. Leahy, Chief Executive Officer  
**Subject:** Amendment to Cooperative Agreement with Regional Center of Orange County

### **Overview**

On April 28, 2003, the Orange County Transportation Authority entered into a Cooperative Agreement with the Regional Center of Orange County formalizing an arrangement to share the cost of providing ACCESS services to Regional Center consumers. The current agreement expires on June 30, 2005.

### **Recommendation**

Authorize the Chief Executive Officer to execute Amendment No.2 to Cooperative Agreement C-3-0185 between the Orange County Transportation Authority and the Regional Center of Orange County, to share the cost of ACCESS transportation provided to Regional Center consumers, exercising the second option year and adjusting the trip rate as allowed in the agreement.

### **Background**

The Regional Center of Orange County (RCOC) is the agency responsible, under the Lanterman Act, to assist people with developmental disabilities and their families in securing services and support which maximize opportunities for quality living and integration into the community. As part of these services, the RCOC is also responsible for arranging and purchasing transportation for their consumers. The RCOC purchases a variety of transportation for consumers including Orange County Transportation Authority (Authority) fixed route passes, Americans with Disabilities Act (ADA) complementary paratransit service (ACCESS), and privately contracted paratransit services.

Under the ADA, the Authority can charge a higher fare to social service agencies or other organizations for trips guaranteed to the organization. Initially, the RCOC and the Authority agreed on a rate of \$4.50 per trip with an annual Consumer Price Index (CPI) adjustment.



***Discussion***

The original cooperative agreement, approved April 28, 2003, established a negotiated trip rate of \$4.50 for ACCESS trips provided to consumers during fiscal year 2003-04. This agreement has been amended previously (Attachment A). Using the CPI change from 2003 to 2004, the new trip rate for service provided to RCOC consumers in fiscal year 2005-06 will be \$4.77.

More than 800 RCOC consumers receive ACCESS service, up six percent from the previous year. This accounts for about one-third of all ACCESS trips provided. To address growth, RCOC and the Authority are working together to explore options to provide these trips at a lower cost. A pilot project to move 90 consumers from ACCESS onto another provider at a lower cost is scheduled to start between March and June 2005.

**Fiscal Impact**

The estimated revenue associated with Amendment No. 2 to Cooperative Agreement C-3-0185 will be included in the Authority's revenue projections for the proposed fiscal year 2005-06 budget, Operations Division/Community Transportation Services Department, Account 2131-5246-A1004-APC.

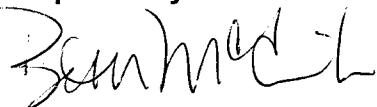
***Summary***

Based on the material provided, staff recommends approval of Amendment No. 2 to Cooperative Agreement C-3-0185 with the Regional Center of Orange County.

***Attachment***

- A. Regional Center of Orange County Cooperative Agreement C-3-0185 Fact Sheet

**Prepared by:**



Beth McCormick  
Department Manager, CTS  
(714) 560-5964

**Approved by:**



William L. Foster  
Executive Director, Bus Transportation  
(714) 560-5842

**REGIONAL CENTER OF ORANGE COUNTY  
Cooperative Agreement C-3-0185 Fact Sheet**

1. April 28, 2003, Cooperative Agreement C-3-0185, approved by Board of Directors.
  - Provision of ACCESS transportation to Regional Center of Orange County consumers traveling to and from day programs.
  - Under this Cooperative Agreement, the Authority provides approved Regional Center consumers with a premium paratransit service in return for a higher one-way fare.
  - The one-way fare for fiscal year 2003-04 will be \$4.50 for each trip provided or valid no show.
  - No maximum obligation for the reimbursement to Authority since all trips will be reimbursed if properly approved in advance by Regional Center for each consumer/passenger carried; estimated revenue to Authority is \$1,242,000.
  
2. April 26, 2004, Amendment No. 1 to Cooperative Agreement C-3-0185, approved by Board of Directors.
  - Exercise the first option year, extending the term through June 30, 2005.
  - The one-way fare for fiscal year 2004-05 increased 2.6 percent, or \$.12, to \$4.62 for each trip provided for valid no show based on the change in Consumer Price Index from 2002 to 2003.
  - No maximum obligation for the reimbursement to Authority since all trips will be reimbursed if properly approved in advance by Regional Center for each consumer/passenger carried; estimated revenue to Authority is \$1,617,000
  
3. March 28, 2005, Amendment No. 2 to Cooperative Agreement C-3-0185, pending approval by Board of Directors
  - Exercises the second option year, extending the term through June 30, 2006.
  - The one-way fare for Fiscal Year 2005-06 will increase 3.3%, or \$.15 to \$4.77 for each trip provided or valid no show based on the change in the Consumer Price Index from 2003 to 2004.
  - No maximum obligation for the reimbursement to Authority since all trips will be reimbursed if properly approved in advance by Regional Center for each consumer/passenger carried; estimated revenue to Authority is \$1,721,000.

Total estimated reimbursement to the Authority from Regional Center of Orange County, Cooperative Agreement C-3-0185: \$4,580,000.





BOARD COMMITTEE TRANSMITTAL

**March 28, 2005**

**To:** Members of the Board of Directors  
**From:** Wendy Knowles, Clerk of the Board  
**Subject:** Amendment to Purchase Order for Restroom Supplies

Transit Planning and Operations Committee

March 10, 2005

**Present:** Directors Winterbottom, Brown, Pulido, and Green  
**Absent:** Directors Silva, Dixon, and Duvall

**Committee Vote**

This item was passed by all Committee Members present.

**Committee Recommendation**

Authorize the Chief Executive Officer to execute Amendment No. 3 to Purchase Order D-3-0105 between the Orange County Transportation Authority and Unisource Worldwide, Inc., in an amount not to exceed \$75,000, to exercise the second option year to provide restroom supplies.



**March 10, 2005**

**To:** Transit Planning and Operations Committee  
**From:** Arthur T. Leahy, <sup>ATL</sup> Chief Executive Officer  
**Subject:** Amendment to Purchase Order for Restroom Supplies

**Overview**

On May 12, 2003, the Board of Directors approved a purchase order with Unisource Worldwide, Inc., to provide restroom supplies for a one year period with two one-year options.

**Recommendation**

Authorize the Chief Executive Officer to execute Amendment No. 3 to Purchase Order D-3-0105 between the Orange County Transportation Authority and Unisource Worldwide, Inc., in an amount not to exceed \$75,000, to exercise the second option year to provide restroom supplies.

**Background**

The Orange County Transportation Authority (Authority) owned facilities include three maintenance and operations bases, and eight transportation centers/park and rides. Eight of these facilities have restrooms, which require paper products and consumable supplies used by Authority personnel and the public on a daily basis. A qualified vendor is needed to supply the restroom paper products and consumable supplies.

Purchase Order D-3-0105 was established for the purchase of restroom supplies and consumables. The current purchase order expires May 31, 2005.

**Discussion**

This procurement was originally handled in accordance with the Orange County Transportation Authority's procedures for sealed bids. The original purchase order was awarded on a competitive basis. It has become necessary to amend the purchase order to exercise the second option year.

Fiscal Impact

The funds described in Amendment No. 3 to Purchase Order D-3-0105 were approved in the Authority's fiscal year 2004-05 budget, Operations Division/Maintenance Department, Account 7799, and is funded through Local Transportation Funds.

**Summary**

Staff recommends approval of Amendment No. 3, in the amount of \$75,000, to Purchase Order D-3-0105 with Unisource Worldwide, Inc.

**Attachment**

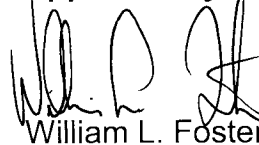
- A. Unisource Worldwide, Inc., Purchase Order D-3-0105 Fact Sheet

**Prepared by:**



Al Pierce  
Manager, Maintenance  
714-560-5975

**Approved by:**



William L. Foster  
Executive Director, Bus Operations  
714-560-5842

**ATTACHMENT A**

**Unisource Worldwide, Inc.  
Purchase Order D-3-0105 Fact Sheet**

1. May 12, 2003, Purchase Order D-3-0105, \$75,000, approved by Board of Directors.
  - To provide restroom supplies.
2. January 29, 2004, Amendment No. 1 to Purchase Order D-3-0105, no funds increase, approved by purchasing agent.
  - To add line item #16 for the purchase of concrete cleaner.
3. May 10, 2004, Amendment No. 2 to Purchase Order D-3-0105, \$75,000, approved by Board of Directors.
  - To exercise the first option year.
4. March 28, 2005, Amendment No. 3 to Purchase Order D-3-0105, \$75,000, pending approval by Board of Directors.
  - To exercise the second option year.

Total committed to Unisource Worldwide, Inc., Purchase Order D-3-0105: \$225,000.







**Item 21.**

*BOARD COMMITTEE TRANSMITTAL*

**March 28, 2005**

**To:** Members of the Board of Directors  
**From:** Wendy Knowles<sup>WK</sup>, Clerk of the Board  
**Subject** Purchase Order for Liquefied Propane Gas Forklifts

Transit Planning and Operations Committee

March 10, 2005

**Present:** Directors Winterbottom, Brown, Pulido, and Green  
**Absent:** Directors Silva, Dixon, and Duvall

***Committee Vote***

This item was passed by all Committee Members present.

***Committee Recommendation***

Authorize the Chief Executive Officer to issue Purchase Order 05-71047 between the Orange County Transportation Authority and Myers Forklift, Inc., in an amount not to exceed \$100,753, for the purchase of four liquefied propane gas forklifts.



**March 10, 2005**

**To:** Transit Planning and Operations Committee  
**From:** Arthur T. Leahy, <sup>ML</sup> Chief Executive Officer  
**Subject:** Purchase Order for Liquefied Propane Gas Forklifts

**Overview**

As part of the Orange County Transportation Authority's Fiscal Year 2004-05 Budget, the Board approved the purchase of four liquefied propane gas forklifts.

**Recommendation**

Authorize the Chief Executive Officer to issue Purchase Order 05-71047 between the Orange County Transportation Authority and Myers Forklift, Inc., in an amount not to exceed \$100,753, for the purchase of four liquefied propane gas forklifts.

**Background**

The Orange County Transportation Authority (Authority) currently owns ten forklifts for use in the Maintenance, Parts, and Rebuild departments. A minimum of two forklifts for the Maintenance shop and one for the Parts rooms are required at each base.

The normal service life of non-revenue vehicles is four years or 100,000 miles. Four of the forklifts currently in use are between 10 and 14 years old and require a significant amount of maintenance.

**Discussion**

This procurement was handled in accordance with the Authority's procedures for sealed bids which permit either the use of sealed bids or competitive negotiated procurement, depending on the technical requirements of the procured item.

The procurement was advertised on January 4, 2005, and January 15, 2005, in the Orange County Register. Invitations for Bid (IFB) were electronically sent to 29 potential vendors through CAMMNET on January 7, 2005.

On February 8, 2005, three bids were received. All offers were reviewed by staff from Maintenance Resource Management, and Contracts Administration and Materials Management Departments to ensure compliance with all terms and conditions and technical specifications. Listed below are the three low bids received. Sealed bid procedures require award to the lowest responsive, responsible bidder.

<u>Firm and Location</u>	<u>Bid Price</u>
Myers Forklift, Inc. Santa Ana, California	\$100,753
Select Equipment Sales Anaheim, California	\$104,869
Johnson Lift/Hyster Anaheim, California	\$111,068

**Fiscal Impact**

This project was approved in the Authority's fiscal year 2004-05 budget, Maintenance Resource Management, Account 2159-9025-D2117-8HW, and is funded through Local Transportation Fund.

**Summary**

Staff recommends award of Purchase Order 05-71047, in the amount of \$100,753, with Myers Forklift, Inc., for four 2005 liquefied propane gas forklifts.

**Attachment**

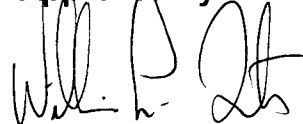
None.

**Prepared by:**



Al Pierce  
Manager, Maintenance  
(714) 560-5975

**Approved by:**



William L. Foster  
Executive Director, Bus Operations  
(714) 560-5842





Item 22.

BOARD COMMITTEE TRANSMITTAL

**March 28, 2005**

**To:** Members of the Board of Directors  
**From:** <sup>WK</sup> Wendy Knowles, Clerk of the Board  
**Subject:** Amendment to Agreement for Provision of Senior Transportation to Congregate Meal Sites

Transit Planning and Operations Committee

March 10, 2005

**Present:** Directors Winterbottom, Brown, Pulido, and Green  
**Absent:** Directors Silva, Dixon, and Duvall

**Committee Vote**

This item was passed by all Committee Members present.

**Committee Recommendations**

- A. Authorize the Chief Executive Officer to execute Amendment No. 1 to Cooperative Agreement C-4-0348 between the Orange County Transportation Authority and the Orange County Office on Aging for the provision of senior transportation to congregate meal sites in an amount not to exceed \$431,727, through June 30, 2006.
- B. Authorize the Chief Executive Officer to execute amendments to agreements with 11 participating cities/centers for their share of the program expense through June 30, 2006, based on the Orange County Office on Aging allocation, for a total amount not to exceed \$120,000.



**March 10, 2005**

**To:** Transit Planning & Operating Committee  
**From:** Arthur T. Leahy, Chief Executive Officer  
**Subject:** Amendment to Agreement for Provision of Senior Transportation to Congregate Meal Sites

**Overview**

On April 22, 2004, the Board approved a revenue agreement with the Orange County Office on Aging for the provision of senior transportation to congregate meal sites funded in part by Older Americans Act funds.

**Recommendations**

- A. Authorize the Chief Executive Officer to execute Amendment No. 1 to Cooperative Agreement C-4-0348 between the Orange County Transportation Authority and the Orange County Office on Aging for the provision of senior transportation to congregate meal sites in an amount not to exceed \$431,727, through June 30, 2006.
- B. Authorize the Chief Executive Officer to execute amendments to agreements with 11 participating cities/centers for their share of the program expense through June 30, 2006, based on the Orange County Office on Aging allocation, for a total amount not to exceed \$120,000.

**Background**

In fiscal year 2003-04, the Orange County Transportation Authority (Authority) approved a revenue agreement (Attachment A) with the Orange County Office on Aging (OoA) to provide transportation services for seniors traveling to and from selected senior meal sites. The nutrition transportation program is a service initiated by the OoA to support their congregate meal program and is partially funded by the Older Americans Act (Attachment B). A total of 21 cities/centers are included in the OoA allocation. The OoA contracts with the Authority to provide transportation to meal sites in 11 cities. The Authority, OoA, and the cities receiving this service all contribute toward the cost of the program, with the Authority contributing \$759,466, or 51 percent

(Attachment C). The remaining 11 cities/centers participate in the Authority's Senior Mobility Program (SMP), providing these trips either directly or through a private operator under contract to the city/center.

***Discussion***

The amendment exercises the first option year, extending services through June 30, 2006. As noted above, the agreement includes provision of transportation services to congregate meal programs in 11 cities. During the term of this agreement, these cities have the option of transitioning to the Senior Mobility Program, under which they would assume direct responsibility for provision of these trips.

**Fiscal Impact**

Funds to operate this program are in the proposed fiscal year 2005-06 Authority budget. Similarly, revenues from the OoA and the cities/centers participating in the program have been estimated and are included as a Reimbursement from Other Agencies.

***Summary***

The Authority provides transportation to senior citizens attending congregate meal programs through a cooperative agreement with the Office on Aging. Approval is requested to execute Amendment No. 1 to Cooperative Agreement C-4-0348 and related agreements with the cities and centers to extend the program through June 30, 2006.

***Attachments***

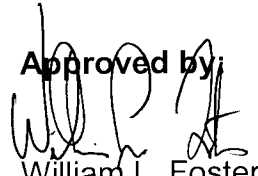
- A. Office on Aging Cooperative Agreement C-4-0348 Fact Sheet
- B. Nutrition Transportation Program Outline
- C. Office on Aging Nutrition Transportation Program Funding Allocations by City

**Prepared by:**



Dana Wiemiller  
Community Transportation Coordinator  
(714) 560-5718

**Approved by:**



William L. Foster  
Executive Director, Bus Operations  
(714) 560-5842

**OFFICE ON AGING  
Cooperative Agreement C-4-0348 Fact Sheet**

1. April 22, 2004, Cooperative Agreement C-4-0348, \$431,727, approved by Board of Directors.
  - Revenue agreement with the with OoA for the provision of senior transportation to congregate meal sites
  - Term of agreement July 1, 2004 through June 30, 2005
  - Agreements executed with 11 participating cities/centers
  
2. March 14, 2005, Amendment No. 1 to Cooperative Agreement C-4-0348, \$431,727, pending Board approval.
  - Exercise first option term to extend agreement through June 30, 2006
  - Execute amendments with 11 participating cities/centers to extend the term through June 30, 2006

Total committed to the Office on Aging, Cooperative Agreement C-4-0348: \$863,455



**Nutrition Transportation Program Outline**

- The nutrition transportation program is a service initiated by Orange County Office on Aging (OoA) to support their congregate meal program. The OoA contracts with the Authority to provide transportation to selected centers within the county participating in the congregate meal program.
- The Office on Aging, the Authority, and the 11 cities/centers receiving this service all contribute toward the cost of the program.
  - The OoA contributes approximately 29 percent of the cost of the program using Older Americans Act, Title III B funds, which are earmarked for senior supportive services including OoA transportation.
  - The Authority contributes approximately 51 percent of the cost of the program using Article 4.5 Transportation Development Act funds.
  - Each city or center participating in the program contributes the remaining twenty percent of the cost.
- While 21 cities/centers are included in the OoA allocation for senior nutrition transportation, the Authority only provides service to 11 of these cities/centers, providing approximately 48,000 annual trips. The remaining ten cities participate in the Authority's Senior Mobility Program (SMP) and account for an additional 94,000 trips provided annually for seniors traveling to congregate meal sites.
- The Authority currently has a contract with California Yellow Cab, Agreement C-3-1284, to provide nutrition transportation services to the 11 cities/centers participating in the congregate meal program.
- The OoA determines the level of funding for each city/center included in the nutrition program. SMP cities receive additional funds under the SMP program directly from the Authority.
- The funds requested for approval in this report represent the full 12-month commitment for this program in fiscal year 2005-06.

Office on Aging Nutrition Transportation Program  
 Funding Allocations by City  
 July 2005 - June 2006

PARTICIPATING NUTRITION CITIES	VEHICLE SERVICE HOUR (VSH) CALCULATION			FUNDING SOURCE			
	Number of Annual Trips	Daily VSH for FY 05/06	Annual VSH (based on 250 days)	VSH Cost FY06 (\$48.55)	City Contribution (\$9.31)	OoA Contribution (\$18.38)	OCTA Contribution (\$18.86)
So. CA Indian Center	584	2.00	500.00	\$ 23,275.00	\$ 4,655.00	\$ 9,190.00	\$ 9,430.00
City of Cypress	1,359	2.00	500.00	\$ 23,275.00	\$ 4,655.00	\$ 9,190.00	\$ 9,430.00
City of Dana Point	2,282	2.50	625.00	\$ 29,093.75	\$ 5,818.75	\$ 11,487.50	\$ 11,787.50
City of Fullerton	5,246	4.50	1,125.00	\$ 52,368.75	\$ 10,473.75	\$ 20,677.50	\$ 21,217.50
City of Garden Grove	14,847	16.75	4,187.50	\$ 194,928.13	\$ 38,985.63	\$ 76,966.25	\$ 78,976.25
City of Los Alamitos	1,952	2.00	500.00	\$ 23,275.00	\$ 4,655.00	\$ 9,190.00	\$ 9,430.00
City of Mission Viejo	2,043	3.25	812.50	\$ 37,821.88	\$ 7,564.38	\$ 14,933.75	\$ 15,323.75
City of Orange	12,498	10.00	2,500.00	\$ 116,375.00	\$ 23,275.00	\$ 45,950.00	\$ 47,150.00
City of San Juan Cap	2,683	2.25	562.50	\$ 26,184.38	\$ 5,236.88	\$ 10,338.75	\$ 10,608.75
City of Stanton	1,986	2.00	500.00	\$ 23,275.00	\$ 4,655.00	\$ 9,190.00	\$ 9,430.00
City of Tustin	3,390	3.00	750.00	\$ 34,912.50	\$ 6,982.50	\$ 13,785.00	\$ 14,145.00
Subtotals	48,870	50.25	12,562.50	\$ 584,784.38	\$ 116,956.88	\$ 230,898.75	\$ 236,928.75

PARTICIPATING SMP CITIES	Number of Annual Trips	FY06 SMP Funding	TOTAL PROGRAM ALLOCATION		
			City Contribution	OoA Contribution	OCTA Contribution
VNCOC	3,787	\$ 61,968.00	\$ 12,393.60	\$ 16,259.35	\$ 33,315.05
City of Anaheim	10,251	\$ 222,467.00	\$ 44,493.40	\$ 59,507.50	\$ 118,466.10
City of Brea	3,733	\$ 57,344.00	\$ 11,468.80	\$ 16,004.35	\$ 29,870.85
City of Buena Park	6,012	\$ 61,793.00	\$ 12,358.60	\$ 20,598.75	\$ 28,835.65
City of Huntington Bch	3,179	\$ 163,313.00	\$ 32,662.60	\$ 13,629.69	\$ 117,021.71
City of Laguna Niguel	764	\$ 45,648.00	\$ 9,129.60	\$ 4,165.96	\$ 32,352.44
City of La Habra	4,984	\$ 79,653.00	\$ 15,930.60	\$ 22,240.53	\$ 41,481.87
City of San Clemente	2,030	\$ 54,272.00	\$ 10,854.40	\$ 8,702.97	\$ 34,714.63
City of Seal Beach	6,022	\$ 75,347.00	\$ 15,069.40	\$ 16,021.25	\$ 44,256.35
City of Westminster	4,676	\$ 82,403.00	\$ 16,480.60	\$ 23,699.30	\$ 42,223.10
Subtotals	45,438	\$ 904,208.00	\$ 180,841.60	\$ 200,828.65	\$ 522,537.75
<b>TOTALS</b>	<b>94,308</b>	<b>\$ 904,208.00</b>	<b>\$ 297,798.48</b>	<b>\$ 431,727.40</b>	<b>\$ 759,466.50</b>

FUNDING SOURCE (by FUNDING ALLOCATION)	FY 2005/06	% of Participation
OoA Title, IIIB Funding	\$ 431,727.40	28.99%
OCTA Funding	\$ 759,466.50	51.01%
City Funding	\$ 297,798.48	20.00%
<b>Total Allocated Funds:</b>	<b>\$ 1,488,992.38</b>	<b>100.00%</b>





**Item 23.**

**BOARD COMMITTEE TRANSMITTAL**

**March 28, 2005**

**To:** Members of the Board of Directors  
**From:** Wendy Knowles<sup>WK</sup>, Clerk of the Board  
**Subject:** Amendment to Agreement for Heating, Ventilation and Air Conditioning Services

Transit Planning and Operations Committee

March 10, 2005

**Present:** Directors Winterbottom, Brown, Pulido, and Green  
**Absent:** Directors Silva, Dixon, and Duvall

**Committee Vote**

This item was passed by all Committee Members present.

**Committee Recommendation**

Authorize the Chief Executive Officer to execute Amendment No. 2 to Agreement C-2-1230 between the Orange County Transportation Authority and Yamas Controls Southern California, Inc., in an amount not to exceed \$103,500, to exercise the second option year for heating, ventilation, and air conditioning maintenance services.



**March 10, 2005**

**To:** Transit Planning and Operations Committee  
**From:** Arthur T. Leahy, Chief Executive Officer  
**Subject:** Amendment to Agreement for Heating, Ventilation, and Air Conditioning Maintenance Services

**Overview**

On March 24, 2003, the Board of Directors approved an agreement with Invensys Building Systems, Inc., now Yamas Controls Southern California, Inc., to provide heating, ventilation, and air conditioning maintenance services for a one year period with two one-year options.

**Recommendation**

Authorize the Chief Executive Officer to execute Amendment No. 2 to Agreement C-2-1230 between the Orange County Transportation Authority and Yamas Controls Southern California, Inc., in an amount not to exceed \$103,500, to exercise the second option year for heating, ventilation, and air conditioning maintenance services.

**Background**

The Orange County Transportation Authority (Authority) requires the services of a licensed heating, ventilation, and air conditioning (HVAC) contractor to perform comprehensive full service maintenance for its HVAC systems at Authority facilities. The repair of HVAC equipment is highly specialized and normally accomplished by journeyman level technicians. Under the full service maintenance agreement, the contractor provides all parts, labor, material, and equipment to perform scheduled and emergency maintenance services.

Agreement C-2-1230 was established to provide HVAC maintenance services. On September 30, 2003, Yamas Controls Southern California, Inc., an affiliate of Yamas Controls Group, Inc., acquired the assets of the Los Angeles Branch of Invensys Building Systems, Inc. The current agreement the Authority has with Yamas Controls Southern California, Inc., expires on April 30, 2005.

***Discussion***

This procurement was originally handled in accordance with the Authority's procedures for professional/technical services. The original agreement was awarded on a competitive basis. It has become necessary to amend the agreement to exercise the second option year. A \$3,500 increase was budgeted due to the increase in service expected with the Santa Ana bus base opening.

**Fiscal Impact**

The additional work described in Amendment No. 2 to Agreement C-2-1230 was approved in the Authority's fiscal year 2004-05 budget, Operations Division/Maintenance Department, Account 7612, and is funded through Local Transportation Funds.

***Summary***

Staff recommends approval of Amendment No. 2, in the amount of \$103,500, to Agreement C-2-1230 with Yamas Controls Southern California, Inc.

***Attachment***

- A. Yamas Controls Southern California, Inc., Agreement C-2-1230 Fact Sheet

**Prepared by:**



Al Pierce  
Manager, Maintenance  
714-560-5975

**Approved by:**



William L. Foster  
Executive Director, Bus Operations  
714-560-5842

**ATTACHMENT A**

**Yamas Controls Southern California, Inc.  
Agreement C-2-1230 Fact Sheet**

1. March 24, 2003, Agreement C-2-1230, \$100,000, approved by Board of Directors.
  - To provide heating, ventilation, and air conditioning maintenance services for Authority facilities.
2. April 12, 2004, Amendment No. 1 to Agreement C-2-1230, \$100,000, approved by Board of Directors.
  - To exercise the first option year
  - Change the name of the contractor from Invensys Building Systems, Inc., to Yamas Controls Southern California, Inc.
3. March 10, 2005, Amendment No. 2 to Agreement C-2-1230, \$103,500, pending approval by the Board of Directors.

Total committed to Invensys Building Systems Inc., Agreement C-2-1230: \$303,500.







**Item 24.**

*BOARD COMMITTEE TRANSMITTAL*

**March 28, 2005**

**To:** Members of the Board of Directors  
**From:** Wendy Knowles, Clerk of the Board <sup>WK</sup>  
**Subject:** Local Transportation Fund Claims for Fiscal Year 2005-06

Executive Committee

March 7, 2005

**Present:** Chairman Campbell, Vice Chairman Brown, Directors Cavecche, Norby, Pringle, Ritschel, Silva, Wilson, and Winterbottom

**Absent:** None

***Committee Vote***

The item was passed unanimously by those present. Committee Member Winterbottom was not present for this vote.

***Committee Recommendations***

Adopt Orange County Transit District Resolution No. 2005-01 authorizing the filing of Local Transportation Fund claims, in the amounts of \$84,444,155 to support public transportation, and \$4,444,429, for community transit services.



**March 7, 2005**

**To:** Executive Committee  
**From:** Arthur T. Leahy, <sup>UB in ATL</sup> Chief Executive Officer  
**Subject:** Local Transportation Fund Claims for Fiscal Year 2005-06

### **Overview**

The Orange County Transit District is eligible to receive funding from the Local Transportation Fund for providing public transportation services throughout Orange County. In order to receive these funds, Orange County Transit District, as the public transit and community transit services operator, must file claims with the Orange County Transportation Authority, the transportation planning agency for Orange County.

### **Recommendation**

Adopt Orange County Transit District Resolution No. 2005-01 authorizing the filing of Local Transportation Fund claims, in the amounts of \$84,444,155 to support public transportation, and \$4,444,429, for community transit services.

### **Background**

The Transportation Development Act (TDA) of 1971 established a funding source dedicated to transit and transit-related projects. The funding source consists of two parts: the Local Transportation Fund (LTF), which is derived from 1/4 cent of the current retail sales tax of 7 ¾ percent, and the State Transit Assistance Fund, which consists of sales taxes on gasoline and diesel fuel appropriated by the State Legislature from the State Transportation Planning and Development Account.

The LTF revenues are collected by the State Board of Equalization and returned monthly to local jurisdictions based on the volume of sales during each month. In Orange County, the LTF receipts are deposited in the Orange County LTF Account (Fund 182) in the Orange County Treasury and administered by the Orange County Auditor-Controller. LTF receipts are distributed by the Auditor-Controller among the various administrative, planning, and program apportionments as specified in the TDA.

**Discussion**

Section 6630 of the California Code of Regulations requires Orange County Transit District (OCTD) to file a claim with Orange County Transportation Authority (OCTA) in order to receive an allocation from the LTF for providing public transportation services (Article 4 claims). Since OCTA has previously designated OCTD as the Consolidated Transportation Service Agency for Orange County, OCTD is also required to file a claim with OCTA in order to receive an allocation from the LTF for operating community transit services (Article 4.5 claims). The total amount of these claims for fiscal year 2005-06 equals \$88,888,584.

**Summary**

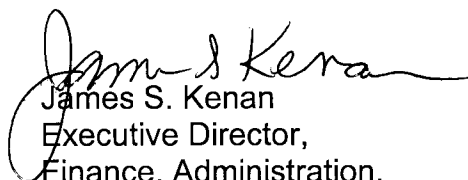
The Local Transportation Fund provides funds to the Orange County Transit District for public transit services. In order to receive these funds, Orange County Transit District must file the appropriate Local Transportation Fund claims with Orange County Transportation Authority. Staff recommends the Orange County Transportation Authority Board adopt Orange County Transit District Resolution No. 2005-01 to authorize the filing of these claims.

**Attachment**

- A. Resolution of the Orange County Transit District , Authorizing the Filing of Local Transportation Fund Claims.

**Prepared by:**

Jerry Diekmann  
Senior Financial Analyst  
Financial Planning & Analysis  
(714) 560-5685

**Approved by:**

James S. Kenan  
Executive Director,  
Finance, Administration,  
and Human Resources  
(714) 560-5678

**RESOLUTION OF THE  
ORANGE COUNTY TRANSIT DISTRICT**

**AUTHORIZING THE FILING OF  
LOCAL TRANSPORTATION FUND CLAIMS**

**WHEREAS**, the Orange County Transportation Fund was created by the Transportation Development Act (SB 325:1971) to aid in meeting the public transportation and community transit needs that exist in Orange County; and

**WHEREAS**, the Orange County Transit District is submitting transportation claims for funds from the Orange County Local Transportation Fund; and

**WHEREAS**, the Orange County Transportation Authority has the authority to review claims and allocate such funds in accordance with the California Code of Regulations and the California Transportation Development Act.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Orange County Transit District hereby requests the Orange County Transportation Authority to allocate funds to the Orange County Transit District for the purpose of providing the support of a public transportation system as described under the California Transportation Development Act, Article 4, and for funding community transit services as described under the California Transportation Development Act, Article 4.5.

**BE IT FURTHER RESOLVED** that the Orange County Transit District agrees to provide the Orange County Transportation Authority with such information as may be necessary to support these transportation claims.

ADOPTED, SIGNED AND APPROVED this 28<sup>th</sup> day of March, 2005.

AYES:

NOES:

ABSENT:

ATTEST:

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Wendy Knowles  
Clerk of the Board

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Bill Campbell, Chairman  
Orange County Transit District



BOARD COMMITTEE TRANSMITTAL



**March 28, 2005**

**To:** Members of the Board of Directors  
**From:** <sup>WK</sup> Wendy Knowles, Clerk of the Board  
**Subject:** Excess Property Policy Regarding Bundling Multiple Parcels for Sale to a City

This item will be considered by the Finance and Administration Committee on March 23, 2005. Following Committee consideration of this matter, staff will provide you with a summary of the discussion and action taken by the Committee.

Please call me if you have any comments or questions concerning this correspondence. I can be reached at (714) 560-5676.



**March 23, 2005**

**To:** Finance and Administration Committee  
**From:** Arthur T. Leahy, Chief Executive Officer  
**Subject:** Excess Property Policy Regarding Bundling Multiple Parcels for Sale to a City

**Overview**

An update on the Orange County Transportation Authority's sale of excess land is presented in this report. Possible revisions to the Right of Way Policies and Procedures Manual addressing the sale of excess land are being brought forward for Board consideration.

**Recommendations**

- A. Receive and file the status report on excess properties.
- B. Approve an amendment to the Orange County Transportation Authority's Right of Way Policies and Procedures Manual that directs staff to:
  - i. Endeavor to bundle stand-alone and remnant properties and dispose of them at a fair and reasonable price;
  - ii. Charge market rate interest when financing is requested; and
  - iii. Offset the sale price of bundled remnant properties based on cost of maintenance, liability, and cost of sale over a period five years.

**Background**

Orange County Transportation Authority's (Authority) current Right of Way Policies and Procedures Manual (Manual) was adopted by the Board of Directors on October 28, 2002. The Manual updated the Authority's policies and procedures for acquiring right of way, relocation of displaced individuals and businesses, the appraisal process, property management, and utilities relocation.

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Chapter IX, Property Management, of the Manual, provides for identification and declaration of excess properties, sets forth the methods of disposal, and the payment for disposal.

Chapter IX, Section 9-4.1.c (Disposal of Excess Land) of the Manual, provides that (1) when the purchaser or lessee is a local public agency or school district as specified in Section 9-4.1.b, the Authority shall sell, lease or license excess properties at fair market value; and (2) when the Authority sells or leases/licenses excess properties to parties or entities other than those mentioned in Section 9-4.1, such properties may be sold at or above fair market value (Attachment A).

Fair market value is established through the appraisal process. The excess property is appraised by one of the Authority's On-Call/Consultant Appraisers, previously selected through the Authority's procurement process. Appraisers are selected based on education and experience in appraising properties for public agencies, licensure by the State of California, and demonstrated impartiality in rendering opinions of real estate value.

### ***Discussion***

The Authority purchases real estate properties for construction of various public projects. After construction, excess real estate not used as right of way for those projects is retained and owned as an Authority asset. When it is determined that the property is no longer needed for current or future projects, it is declared excess property and disposed of, either by sale, lease or license, in accordance with the Authority's policies and procedures.

In the past three years, the Authority-owned 166 excess properties resulting from property purchases for the Santa Ana Freeway (Interstate 5) widening and improvement projects (Attachment B). To date, 144 properties have been sold to various public agencies and private entities. Of the remaining 22 Authority-owned excess parcels, several are "remnant parcels." Remnant parcels include those that cannot be developed independently, have minimal utility because of their irregular shape or lack of access, or do not meet minimum legal lot size for development. Remnant parcels may be developed only if they are assembled with an adjoining property. Stand-alone parcels are those that can meet minimum legal lot size for development and have appropriate access.

The Authority's Manual provides for the sale of excess property at or above fair market value, depending on the buyer. However, it does not have a provision for consideration or negotiations when several excess parcels are bundled



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together for sale to a city having jurisdiction and when one or more of the parcels being bundled are remnant parcels. Additionally, there is no policy or procedure regarding financing terms when the buyer of excess land proposes to purchase the property from the Authority on an installment basis.

#### Bundling of Excess Parcels

Bundling stand-alone and remnant parcels is advantageous to the Authority. Bundling allows the Authority to dispose of remnant parcels that do not have economic value except when assembled with adjoining properties. Remnant parcels on their own are hard to sell, costly to maintain, and, if not disposed of, could expose the Authority to liability for injury to persons or property. Bundling can also streamline the disposal process for the Authority, often reducing the total time necessary to complete the transactions.

#### Financing Terms

Financing terms is another issue that the Manual does not address. There have been instances in the past where the Authority has provided a purchasing city with carry-back financing of real property. The sale of a portion of the Pacific Electric Right-of-Way to the City of Garden Grove is an example of where the Authority based the interest rate charged to the city on the Authority's short-term investment pool. Another example is financing provided to the City of Anaheim where a negotiated fixed-rate financing was used.

Currently, some of the excess properties were appraised for over \$500,000. When these parcels are bundled together, the total value easily exceeds \$10,000,000 dollars, making it difficult for cities to pay in full. Given this concern, it makes good business sense to allow cities to purchase bundled properties on an installment basis. Staff recommends that the Board allow cities to purchase excess properties on an installment basis at a term not to exceed five years at market rate interest.

#### Maintenance and Liability Costs

The Authority's current policy is to sell excess real estate for its appraised value. However, in the case of small or unusable properties, the parcel may have no or little value in the market or to the Authority. In fact, such parcels represent a net cost to the Authority because of maintenance and other requirements.

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By bundling these parcels with other valuable parcels, the Authority is avoiding future costs and potential liability.

Simply using the appraised values for these parcels does not take into consideration the fact that a city or other jurisdiction may be assuming a responsibility the Authority desires to transfer. Accordingly, it is appropriate to more fairly value such parcels by redoing the appraised value by considering the cost to the Authority of retaining the parcel if it were not sold. A reasonable term for this calculation would be five years.

During the period of June-December 2004, the Authority provided maintenance services for 23 parcels at a cost of \$98,000. This averages out to \$4,260 per parcel for six months or \$42,600 for five years. Besides actual maintenance costs, other issues the Authority must contend with include vagrancy, illegal use of the property by homeless individuals, and illegal dumping. These issues expose the Authority to liability for injuries that may be caused by the condition of the property.

If remnant parcels are not offered for sale together with more desirable properties, the Authority will incur more expenses associated with selling remnant parcels by way of advertising and auction fees.

Because of the advantages of selling excess properties as a bundle, establishing a policy allowing staff to discount the selling price of bundled properties is recommended. Negotiations would take into consideration the cost of maintenance over five years, liability, security, and other costs of sale incurred by the Authority. The negotiated price would also look at the bundled parcels and consider what proportion are remnant parcels versus stand-alone parcels.

#### Fiscal Impact

No fiscal impact.

#### **Summary**

This report provides an update on the status of excess land owned by the Authority. It also recommends amendments to the Authority's Right of Way Policies and Procedures Manual to allow for bundling of excess parcels, reducing sales price based on maintenance and liability costs, and allowing financing terms when parcels are purchased by cities.

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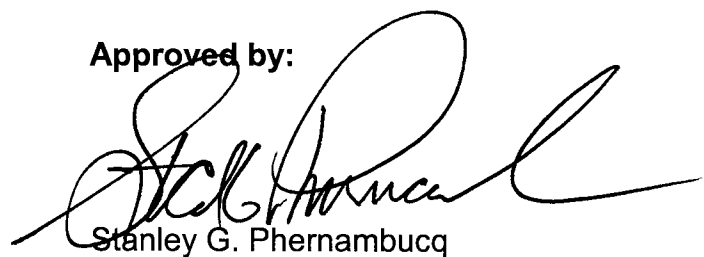
***Attachments***

- A. Chapter IX Property Management, Section 9-4 Disposal of Excess Land
- B. Excess Land Disposition Tracking Report, Summary Page

**Prepared by:**

  
Min Saysay  
Section Manager, Right of Way  
(714) 560-5746

**Approved by:**

  
Stanley G. Phernambucq  
Executive Director  
Construction and Engineering  
(714) 560-5440

**CHAPTER IX**

**PROPERTY MANAGEMENT**

**Section 9-4**

**Disposal of Excess Land**

**9-4.1 Disposal of Excess Land**

**a. Federally Assisted Projects**

When the funds used to acquire the excess land were provided, in whole or in part, by the Federal Highway Administration, OCTA will abide by the provisions of 23 CFR Part 710D and Chapter 12 of the Project Development Guide issued by the FHWA.

When the funds used to acquire the excess land were provided, in whole or in part, by the Federal Transit Administration, OCTA will abide by the provisions of FTA Circular 5010.1C (Grant Management Guidelines) and the Appendix thereto, entitled Joint Development Projects.

**b. When local funds were used to acquire the excess land, OCTA will adhere to the provisions of California Government Code Sections 54220 to 54232, which requires, as follows:**

- 1 Any agency of the state and any local agency disposing of surplus land, shall offer to sell or lease the property to any local public entity for the purpose of developing low-and moderate-income housing. Priority shall be given to development of the land to provide affordable housing for lower income elderly or disabled persons or households, and other lower income households.
- 2 Offer to sell or lease for park or recreational purposes or open-space purposes.
- 3 Offer to sell or lease land suitable for school facilities construction or use by a school district for open-space purposes.
- 4 Offer to sell or lease for enterprise zone purposes, in an area designated as enterprise zone. The offer is to be sent to the nonprofit neighborhood enterprise association in that zone.
- 5 Offer to sell or lease in an area designated as Police Resource Allocation in Enterprise Zones (as defined by the Government Code).

OCTA shall give first priority to the entity which agrees to use the site for housing for persons and families of low or moderate income, except that first priority shall be given to an entity which agrees to use the site for park or recreational purposes if the land being offered is already being used and will continue to be used for park or recreational purposes, or if the land is designated for park and recreational use in the local general plan and will be developed for that purpose.

If after entering into good faith negotiations for, at least, sixty (60) days to determine a mutually satisfactory sale price or lease terms with any of the above mentioned entities, the price or terms cannot be agreed upon, the excess property may be offered for sale or lease in the open market.

Excess properties whose area is less than 5,000 square feet, less than the minimum legal residential building lot size for the jurisdiction in which the parcel is located, or has no record access, and is less than 10,000 square feet in area; and is not contiguous to land owned by a state or local agency which is used for park, recreational, open-space, or low and moderate-income housing purposes, and is not located within an enterprise zone nor a designated program area are exempt from the provisions of this subsection.

c. Consideration for Disposal

- 1 When the purchaser or lessee is one of the entities mentioned in the preceding subsection, OCTA shall sell or lease or license excess properties at fair market value.
- 2 When OCTA sells or leases/licenses excess properties to parties or entities, other than those mentioned in the preceding subsection, OCTA may sell excess properties at or more than fair market value.

d. Methods of Disposal

- 1 Sale, Joint Development or Exchanges
- 2 Lease, License, Incidental Use

**EXCESS LAND DISPOSITION TRACKING REPORT**  
**SUMMARY PAGE**

<u>Parcel</u>	<u>Address</u>	<u>Land Sq. Ft.</u>	<u>Comments</u>
<b>ANAHEIM</b>			
073906-01-03	2048 W. Greenleaf	20,000	Sold for \$124,000 on 5/22/02
200011-01-01 (AKA Jellyfish)	1500 Block W. Lincoln	28,934	Sold for \$725,000 on 11/10/04
200018-01-02: Includes the following sub-parcels	223-25 Walnut Street	5,415	Sold for \$128,000
200019	210 Cherry Street	3,110	
200036-01-01	1120 W. Santa Ana Street	20,616	Sold for \$60,000
200041-01-01	Disneyland Dr., I-5 on ramp	3,081	Sold for \$5,000 on 4/22/04
200050-01-01: Includes the following sub-parcel	835 W. Cottonwood Circle	10,210	Sold for \$60,000 on 5/22/02
200051	837 W. Cottonwood Circle	1,817	
200073-01-01: Includes the following sub-parcels	1238 Devonshire Street	27	Sold for \$47,500 on 5/22/02
200082	1242 Devonshire Street	1,272	
200083	1303 Devonshire Street	5,033	
200086-01-01: Includes the following sub-parcels	2303 Rhodes Avenue	930	Sold for \$365,000 on 5/22/02
200087	2307 Rhodes Avenue	6,000	
200088	2311 Rhodes Avenue	6,000	
200089-01-02: Includes the following sub-parcels	2277 Rhodes Avenue	3,627	Sold for \$76,000 on 5/22/02
200090	2283 Rhodes Avenue	4,312	
200091	2287 Rhodes Avenue	4,662	
200092	2291 Rhodes Avenue	5,827	
200131-01-01	1301 N. Avondale	300	Sold for \$63,900
200146-01-01: Includes the following sub-parcels	2528 Avondale Avenue	1,872	Sold for \$69,000
200147	2524 Avondale Avenue	5,568	
200149	1302 Avondale Avenue	4,321	
200150	1303 Avondale Avenue	1,415	
200152	1830 W. Crescent Ave	209,000	
200188-01-05: Includes the following sub-parcels	900 Maple Street	5,722	Sold for \$60,000 on 5/22/02
200197	Maple Street	50	
200197	Maple Street	50	
200189-01-01: Includes the following sub-parcels	2060 Captalpa Avenue	5,297	Sold for \$49,600 on 5/22/02
200190	2064 Captalpa Avenue	1,789	
200243	13818 W. Palais	3,221	
200244-01-01	309 W. Midway Drive	11,054	Sold for \$64,000

**EXCESS LAND DISPOSITION TRACKING REPORT**  
**SUMMARY PAGE**

200321-01-01	1800 S Manchester Avenue	8,419	Sold for \$42,000 on 9/1/04
200373-01-01: Includes the following sub-parcels			
200377	2030 W. Greenleaf Avenue	26,813	Sold for \$93,000 on 5/22/02
	206 S. Cherry Street	5,310	
200378	200 S. Cherry Street	4,707	
200379	531 S. West Street	9,361	
200381	1015 Ball Road	4,753	
200386	886 W. Bellevue Drive	6,720	
200382-01-01: Spaghetti Station Parcel			Sold for \$1,800,000 on 9/27/02
200035	999 W. Ball Road	48,000	
	551 S. West Street	809	
200045	705 S. Illinois Street	2,976	
200047	Illinois Street	1,851	
200048	715 S. Illinois Street	803	
200049	719 S. Illinois Street	24	
200068	Bellevue Drive	805	
200085	1206 Devonshire Street	1,137	
200124	1411 N. Buckingham Street	4,500	
200125	2539 Houston Street	1,295	
200128	2539 Houston Street	2,544	
200129	2536 W. Avondale	3,461	
200144	2400 Avondale	840	
200148	2534 Houston Avenue	1,268	
200161	1744 Westmont Drive	2,143	
200162	1748 Westmont Drive	422	
200174	1804 Westmont Drive	1,015	
200182	445 N. Mariposa	3,144	
200183	422 Linden Place	17	
200185	455 Linden Place	2,042	
200198	2107 Captalpa Avenue	1,469	
200240	1361 S. Palm	1,859	
200343	1015 Vineyard Avenue	553	
200356	1225 W. Broadway	2,575	
200357	210 S. Manchester	1,413	
200380	535 S. West Street	5,445	
200383	606 S. West Street	3,332	
200384	610 S. West Street	1,938	
200385	701 S. Illinois Street	4,074	
200387	838 W. Bellevue Drive	5,513	
200398	1212 Devonshire Road	1,469	

**EXCESS LAND DISPOSITION TRACKING REPORT**  
**SUMMARY PAGE**

200419	543 S. West Street	3,111	
200421	951 N. Maple Street	4,369	
200422	Between Cerritos at Haster	1,150	
200426	460 N. Mariposa Place	2,040	
200449	1357 S. Palm	1,213	
200528	2115 W. Catalpa Avenue	2,483	
200538	2111 W. Catalpa Avenue	1,300	
200553	456 N. Mariposa Place	4,217	
200554	450 N. Mariposa Place	4,661	
200572	100 N. Manchester Avenue	27,265	
200573	1408 W. Center Street	1,446	
200692	450 Linden Place	3,789	
200737	2119 W. Catalpa Avenue	3,681	
200773	1143 N. Minot Street	3,818	
200774	2357 Rhodes Avenue	4,200	
200399-01-01:	<b>Includes the following sub-parcels</b>		Sold for \$66,600 on 5/22/02
200400	2373 W. Rhodes Avenue	1,927	
	1145 Athena Street	6,957	
200401	2319 W. Rhodes Avenue	6,000	
200402	2323 W. Rhodes Avenue	6,002	
200403	2327 W. Rhodes Avenue	6,002	
200404	2331 W. Rhodes Avenue	6,002	
200405	2335 W. Rhodes Avenue	6,002	
200406	2339 W. Rhodes Avenue	6,002	
200410-01-01	1419 N. Buckingham Street	5,946	Sold for \$67,000
200412-01-01:	<b>Includes the following sub-parcels</b>		Sold for \$60,000
	1446 N. Buckingham Street	6,136	
200430	904 N. Maple Street	6,247	
200435	1601 S. Anaheim Blvd.	45,119	
200438	Haster @ Anaheim Blvd.	2,583	
200641-01-01 (AKA Stingray)	1500 Block West Lincoln	52,186	Sold for \$806,000 on 11/10/04
200658-01-01:	<b>Includes the following sub-parcels</b>		Sold for \$250,000
200659	2527 Picadilly Way	5,411	
	2523 Picadilly Way	5,111	
200660	2519 Picadilly Way	4,803	
200661	2515 Picadilly Way	4,737	
200662	2513 Picadilly Way	4,260	
200663	2511 Picadilly Way	4,681	
200664-01-01	9221 Picadilly Way	6,217	Sold for \$68,000 on 4/03/03
200665-01-01	9241 Picadilly Way	7,359	Sold for \$75,000 on 4/03/03



**EXCESS LAND DISPOSITION TRACKING REPORT**  
**SUMMARY PAGE**

200672-01-01: Includes the following sub-parcels	1447 Buckingham Street	5,652	Sold for \$60,000
200678	112 N. Manchester Ave	1,163	
200680	722 S. Illinois	3,515	
200681	718 S. Illinois	4,047	
200687-01-01: Includes the following sub-parcels	558 West Street	9,266	Sold for \$68,000
200689	1014 W. Water Street	4,811	
200690	1544 Lincoln	9,714	
200646	1541 Lincoln	29,137	
200697	128 S. Cherry Street	4,519	
200742	2161 W. La Palma	14,650	
200790-01-01: Includes the following sub-parcels	2143 W. Catalpa Avenue	3,021	Sold for \$147,000 on 5/22/02
200792	2127 W. Catalpa Avenue	2,447	
200796	2139 W. Catalpa Avenue	6,001	
200797	2135 W. Catalpa Avenue	6,001	
200798	2131 W. Catalpa Avenue	6,043	
Pacific Inland Bank	888 S. Disneyland Drive	100,000	Sold for \$5,350,000 on 11/13/2003
<b>ORANGE</b>			
101332-01-01: Includes the following sub-parcels	N/A	28	Sold for \$224,000 on 6/30/03
101333	N/A	630	
101509	N/A	1,427	
101510	N/A	3,484	
101511	N/A	6,045	
101512	N/A	9,630	
101513	N/A	192	
101513-01-02: Includes the following sub-parcels	N/A	2,882	Sold for \$3,000 on 2/21/02
101514	N/A	300	
200499-01-01: Includes the following sub-parcels	n/e I-5 n/w Rampart St	53,296	Sold for \$564,000 on 1/21/05
200491	State College	7,510	
200500	State College	59,274	
200290	State College	21,977	
200347	3011 W. Chapman	7,282	
200904	e/s State College @ I-5 N Offrtp	4,286	Sale Agmt Approved, 4/29/05 Close. Sold for \$17,000

**EXCESS LAND DISPOSITION TRACKING REPORT**  
**SUMMARY PAGE**

**BUENA PARK**

200519-01-01	8181 Utah Street	5,627	Sold for \$6,500 on 10/22/02
200520-01-01	8171 Utah Street	5,332	Sold for \$6,000 on 10/22/02
200521-01-01	8161 Utah Street	5,895	Sold for \$6,700 on 10/22/02
200522-01-01	8151 Utah Street	6,267	Sold for \$6,700 on 10/22/02
200524-01-01	8131 Utah Street	7,010	Sold for \$7,200 on 10/22/02
200919-01-01	8141 Utah Street	6,639	Sold for \$7,000 on 10/22/02

Included in 19 Parcel Bundle Offered to City 11/15/04 @ Total Appraised Value of \$16,658,000.  
 Undergoing Environmental Review  
 Offered to City  
 Sale to Private Party

Item	Parcel	Address	Land Sq. Ft.	Value / Date	Comments
<b>ANAHEIM</b>					
1	073852-01-01	Lincoln e/o Pearl	37,298	\$910K / May 2004	
2	073852-02-01	Lincoln s/e Pearl	29,069	\$840K / May 2004	
3	200058-01-01	SW Corner Bellevue & South	13,917	\$66K / May 2004	
4	200152-01-01	1830 West Crescent	117,830	\$2.95M / May 2004	
5	200224-01-01 & 200435-01-01	So. Anaheim @ I-5	79,750	\$1.635M / May 2004	
6	200225-01-02	So. Anaheim @ Claudina	44,316	\$732K / May 2004	
7	200231-01-01	Anaheim s/e Haster	9,219	\$108K / May 2004	
8	200252-01-01 & 200253-01-01	Anaheim s/o Katella	23,092	\$185K / June 2004	
9	200265-01-01	Anaheim s/o Stanford	121,794	\$2.5M / June 2004	
10	200331-01-01	Manchester n/o Orangewood	35,179	\$1.2M / May 2004	
11	200335-01-01	2400 South Manchester	24,008	\$648K / June 2004	
12	200348-01-01 & 200349-01-01	1500 Block West Lincoln	719	\$5K / May 2004	
13	200350-01-01	1500 Block West Lincoln	124,195	\$2.61M / May 2004	
14	200358-01-01	e/s Lincoln w/o Manchester	24,573	\$570K / May 2004	
15	200440-01-01	So. Anaheim n/w Claudina	123,652	\$2.164M / May 2004	
16	200454-01-01	S. Anaheim n/o Lewis	7,742	\$70K / June 2004	
17	200536-01-01	1227 Center	29,475	\$800K / May 2004	
18	200679-01-01	Illinois n/o South	10,836	\$205K / May 2004	
19	200741-01-01	La Palma e/o Brookhurst	29,404	\$735K / May 2004	
20	200814-01-01	1229 Center	10,001	\$335K / May 2004	
<b>BUENA PARK</b>					
21	200518-01-01	6800 Block Indiana Ave	7,827	\$289K / July 2004	Solicit Bids
<b>LAKE FOREST</b>					
22	614-024-1 / Rail Parcel	Front Street @ El Toro Road	112,745	\$300K / Jan 2005	





BOARD COMMITTEE TRANSMITTAL

**March 28, 2005**

**To:** Members of the Board of Directors  
**From:** Wendy Knowles, Clerk of the Board  
**Subject:** Amendment to Agreement for Provision of ACCESS and Contracted Fixed Route Services

Transit Planning and Operations Committee

March 10, 2005

**Present:** Directors Winterbottom, Brown, Pulido, and Green  
**Absent:** Directors Silva, Dixon, and Duvall

**Committee Vote**

This item was passed by all Committee Members present.

**Committee Recommendations**

- A. Authorize the Chief Executive Officer to execute Amendment No. 4 to Agreement C-4-0301 between the Orange County Transportation Authority and Laidlaw Transit Services, Inc., in an amount not to exceed \$1,113,310, to adjust the maximum obligation to reflect approved operational and maintenance expenses.
- B. Increase the Orange County Transportation Authority's approved Fiscal Year 2004-05 Budget by \$3,083,246, to address increased fuel costs and an increase in the number of ACCESS vehicle service hours for operation through July 31, 2005.



**March 10, 2005**

**To:** Transit Planning and Operations Committee  
**From:** Arthur T. Leahy, Chief Executive Officer  
**Subject:** Amendment to Agreement for Provision of ACCESS and Contracted Fixed Route Services

**Overview**

On April 12, 2004, the Board of Directors approved an agreement with Laidlaw Transit Services, Inc., in the amount of \$31,733,223, to provide ACCESS and Contracted Fixed Route services for one year. To close out the agreement, an amendment is needed to address approved operational and maintenance costs incurred along with a companion request to establish the budgetary authority for some of these expenses.

**Recommendation**

- A. Authorize the Chief Executive Officer to execute Amendment No. 4 to Agreement C-4-0301 between the Orange County Transportation Authority and Laidlaw Transit Services, Inc., in an amount not to exceed \$1,113,310, to adjust the maximum obligation to reflect approved operational and maintenance expenses.
- B. Increase the Orange County Transportation Authority's approved Fiscal Year 2004-05 Budget by \$3,083,246, to address increased fuel costs and an increase in the number of ACCESS vehicle service hours for operation through July 31, 2005.

**Background**

Laidlaw Transit Services, Inc., (Laidlaw) provides ACCESS and Contracted Fixed Route transportation services on behalf of the Orange County Transportation Authority (Authority) under Agreement C-4-0301. This agreement was awarded on April 12, 2004, in the amount of \$31,733,223, for service through June 30, 2005. Agreement C-4-0301 has been amended previously as shown in Attachment A. Amendment No. 3 extended the term of the agreement through July 31, 2005.

***Discussion***

This procurement was originally handled in accordance with the Authority's procedures for professional and technical services. The agreement was negotiated on a preferred vendor basis. It has become necessary to amend the agreement to increase the maximum obligation to include approved operational and maintenance expenses. Staff has estimated what the necessary adjustment to the maximum obligation will be to close out the agreement in July 2005.

The original agreement awarded on April 12, 2004, was in the amount of \$31,733,223. This agreement has been amended previously (Attachment A). The total amount after approval of Amendment No. 4 will be \$37,233,345.

**Fiscal Impact**

Attachment B specifies which approved operational and maintenance costs require a change to the maximum obligation of the agreement as well as a change to the approved fiscal year budget. In addition, Attachment B summarizes:

- the amounts that are included in the approved fiscal year 2004-05 budget and their corresponding account numbers,
- the amounts that are not included in the approved fiscal year 2004-05 budget and the corresponding accounts in which funds may be transferred, and
- the amounts that are not included in the approved fiscal year 2004-05 budget which require a budget adjustment to the Orange County Transportation Authority's Fiscal Year 2004-05 Approved Budget.

The additional work described in Amendment No. 4 to Agreement C-4-0301 is accompanied by a request for an amendment to the Authority's approved fiscal year 2004-05 budget, Operations Division/ Community Transportation Services Department, Account 2131-7311, and will be funded through the Local Transportation Fund.

***Summary***

Based on the material provided (Attachment B), staff recommends approval of Amendment No. 4, in the amount of \$1,113,310 and a budget adjustment of \$3,083,246 to close Agreement C-4-0301 with Laidlaw Transit Services, Inc.

***Attachments***

- A. Laidlaw Transit Services, Inc., Agreement C-4-0301 Fact Sheet
- B. Summary of Approved Operational and Maintenance Expenses in Support of Increasing Maximum Obligation to Agreement C-4-0301 with Laidlaw Transit Services, Inc.

**Prepared by:**



Beth McCormick  
Department Manager, CTS  
(714) 560-5964

**Approved by:**



William L. Foster  
Executive Director, Bus Transportation  
(714) 560-5842



## ATTACHMENT A

### **LIDLAW TRANSIT SERVICES, INC. Agreement No. C-4-0301 Fact Sheet**

1. April 12, 2004, Agreement C-4-0301, \$31,733,223, approved by Board of Directors.
  - Provide ACCESS and small bus fixed route services from July 1, 2004 through June 30, 2005
  - ACCESS service provided from 5:00 a.m. until 9:00 p.m. daily; taxi operator to provide service from 9:00 p.m. until 5:00 a.m. daily
2. May 24, 2004, Amendment No. 1 to Agreement C-4-0301, \$1,314,862, approved by Board of Directors.
  - Purchase, install, field test and accept data communication system for 268 revenue vehicles used to provide ACCESS service (255 revenue vehicle units with 13 spares)
  - Authority will own the system upon completion of the project and acceptance by the Authority
  - Laidlaw will provide management oversight for a three percent fee which is included in the not to exceed amount
3. June 14, 2004, Amendment No. 2 to Agreement C-4-0301, \$79,250, approved by Board of Directors.
  - Provide late night ACCESS service from 9:00 p.m. until 5:00 a.m. daily until procurement for taxi operator has been concluded and approved by the Board
4. January 24, 2005, Amendment No. 3 to Agreement C-4-0301, \$2,992,700, approved by Board of Directors.
  - Extend term of agreement through July 31, 2005
  - Add 56,059 vehicle service hours to ACCESS program
  - Add 7,851 vehicle service hours to small bus fixed route program
  - Add 1,625 vehicle service hours to StationLink program
5. March 28, 2005, Amendment No. 4 to Agreement C-4-0301, \$1,113,310, pending approval by Board of Directors.
  - Add \$250,000 to maximum obligation for major maintenance expenses
  - Add \$83,000 to maximum obligation to provide ACCESS service during hours of late night ACCESS service due to inability of taxi operator to meet all demand
  - Add \$1,290,000 to maximum obligation for additional 30,000 ACCESS VSH to meet all demand for service in fiscal year 2004-05 in excess of budget authority

- Add \$319,886 to maximum obligation to reimburse contractor for purchase of diesel fuel for revenue vehicles in excess of \$1.04 per gallon from September 2004 through January 2005
- Add \$36,000 to maximum obligation for purchase of gasoline used in demonstration vehicle being tested in revenue service
- Modify agreement language to reflect change in provision of diesel fuel effective January 2005; Authority provides diesel fuel to contractor and contractor now reimburses Authority for diesel fuel delivered at a set rate of \$1.04 per gallon
- Add \$75,000 to maximum obligation to pay tax on the purchase of the Data Communication System

Total committed to Laidlaw Transit Services, Inc., Agreement C-4-0301: \$37,233,345.

**ATTACHMENT B**

**Summary of Approved Operational and Maintenance Expenses in Support of  
Increasing Maximum Obligation to Agreement C-4-0301  
with Laidlaw Transit Services**

Operational Expenses

- \$1,290,000 for an additional 30,000 VSH for ACCESS service through July 31, 2005
- \$83,000 to cover Late Night ACCESS service
- \$75,000 to pay tax on the purchase of Data Communications System implementation, approved in Amendment No. 2

Maintenance Expenses

- \$250,000 for major maintenance expenses on Authority-owned vehicles from July 1, 2004 through July 31, 2005
- \$36,000 to cover fuel costs for gasoline demonstration vehicle (alternate fuel)
- \$1,718,360 to cover diesel fuel costs for fuel purchased directly by Authority for use in contracted services

Additional information for the Operations and Maintenance Expenses is included below on the following table.

<b>Expense Item</b>	<b>Maximum Obligation Adjustment</b>	<b>FY 2004-05 Budget Adjustment</b>
Additional ACCESS VSH	\$1,290,000	\$1,045,000
Late Night ACCESS	\$83,000	
Major Maintenance	\$250,000	
Diesel Fuel Costs Paid by OCTA, 1/05 – 7/05		\$1,718,360
Diesel costs deducted from Laidlaw payments, 1/05 – 07/05	(940,576)	
Funds paid to Laidlaw for diesel fuel cost over \$1.04, 9/04 – 1/05	\$319,886	\$319,886
Gasoline for Demonstration Vehicle	\$36,000	
Tax on Data Communications System	\$75,000	
<b>Totals</b>	<b>\$1,113,310</b>	<b>\$3,083,246</b>

Additional Information

- Additional VSH for ACCESS Service – demand for ACCESS has continued to grow, with ridership increasing from 650,000 in fiscal year 2001-02 to 1.2 million

estimated in fiscal year 2004-05. Additional VSH are necessary to meet all demand for ACCESS service as required by the ADA. These additional VSH were not included in the fiscal year 2004-05 budget. To partially fund this increase, funds in the amount of \$245,000 can be transferred from Account 2131-7831-D2132-8QT (SMART – OCHCA Senior Medical Transportation) to Account 2131-7311-D1208-8LB (ACCESS-VSH) to cover approximately 5,700 of the 30,000 additional ACCESS vehicle service hours requested for the remainder of the current fiscal year.

- Late Night ACCESS Service – Implemented as a pilot project, Independent Taxi was awarded a contract to provide ACCESS service between the hours of 9:00 p.m. and 5:00 a.m. seven days a week, beginning July 1, 2004. However, this start-up date was delayed until September 1, 2004 to allow Independent additional time to certify drivers and vehicles through the Authority's OCTAP program. As a result, Laidlaw continued to operate this service for two additional months and the maximum obligation was adjusted to allow for an additional \$79,250. On September 1, 2004, Independent was not able to implement the Late Night ACCESS service completely from 9:00 p.m. through 5:00 a.m.; Laidlaw continued to provide service from 9:00 p.m. until 11:00 p.m. and from 4:00 a.m. until 5:00 a.m. until November 1, 2004, at which time Independent assumed all hours of operation. Because of operating issues resulting in missed trips, effective December 1, 2004, and continuing through July 31, 2005, Laidlaw assumed responsibility for the operation of service from 9:00 p.m. until 10:00 p.m. and 4:00 a.m. through 5:00 a.m. The additional funds now requested are for the provision of this service from December 1, 2004, through July 31, 2005. To fund this needed increase, funds can be transferred from Account 2131-7519-D1208-8T7 (Late Night Taxi Service) to Account 2131-7311-D1208-8LB (ACCESS-VSH).
- Data Communications System Tax – when the data communication system was approved for purchase in May 2004, the price did not include the required state tax. Funds in the amount of \$75,000 can be transferred from Account 2131-7311-D1208-B3S (ADA Eligibility) to Account 2131-7311-D1208-8LB (ACCESS-VSH) for this item.
- Major Maintenance Expenses – Under the current agreement with Laidlaw the Authority is responsible for the labor, parts and material costs of repairing or replacing major mechanical components on Authority-owned vehicles. Major components include engine, transmission, differential, drive train, and brake retarder. The Authority's fiscal year 2004-05 budget includes \$250,000 for these expenditures, however, this amount was not included in the maximum obligation for the contract. These funds are available in Account 2131-7613-D1208-8LL.
- Gasoline for Demonstration Vehicle – as a pilot to assess the benefits of using a gasoline-powered cutaway which is considered an alternative fuel for paratransit service, the Authority has purchased and assigned a single gasoline-powered vehicle to Laidlaw. Funds in the amount of \$18,000 are included in the fiscal year 2004-05 budget, but due to the heavy use of this vehicle in order to monitor

its performance, an additional \$18,000 is required to operate this vehicle through the end of July 2005. Funds in the amount of \$18,000 can be transferred from Account 2131-7311-D1208-B3S (ADA Eligibility) to Account 2131-7613-D1208-9G2 (Demonstration Vehicle 6168 Gasoline) to fund this expense.

- Diesel Fuel – During negotiations, the Authority agreed to reimburse Laidlaw for diesel fuel costs in excess of \$1.04 per gallon upon expiration of the fuel contract in September 2004. The following specifies how the contractor has been reimbursed for the fuel costs for the entire agreement period:
  - July 2004 to September 2004: Laidlaw was solely responsible for the provision of diesel fuel for revenue vehicles. Laidlaw had a pre-existing agreement with a fuel vendor with a locked-in rate of \$1.04 per gallon diesel fuel rate through September 1, 2004. This fuel price is included in the Variable Rate for both ACCESS and contracted fixed route services (based on VSH provided each month).
  - September 2004 through December 2004: Upon termination of Laidlaw's fuel agreement, several options were posed to Authority staff for reimbursement of the diesel fuel costs in excess of \$1.04 per gallon. Working with the Finance department, Authority staff opted to purchase diesel fuel directly for the contracted vehicle fleet, and charge Laidlaw the \$1.04 per gallon included in the VSH rate. This required a change to the vendor agreement with the Authority's fuel provider to include dumping fuel at an additional location which required some time to work out the details. In January 2005, the Authority's fuel vendor began delivering to the Laidlaw location. To cover the additional fuel expense prior to January, the Authority agreed to reimburse Laidlaw actual costs in excess of \$1.04 per gallon for fuel consumed by the revenue vehicles. During this period, a total of \$319,886 accrued for diesel fuel costs in excess of \$1.04 per gallon.
  - January 2005 through July 2005: In an effort to minimize contract adjustments caused by fluctuating fuel prices, the Authority began providing Laidlaw with diesel fuel directly, incorporating the Laidlaw location into the fuel contract serving the entire OCTA bus fleet. Since a portion of Laidlaw's variable rate includes a cost of \$1.04 per gallon for diesel fuel used in revenue operation, the Authority will receive a credit each month for the gallons dropped at the \$1.04 rate. It is estimated that \$940,576 will be retained through these deductions through July 2005.
- Because the Authority's budget did not include the purchase of additional diesel fuel for the contracted services, a budget adjustment is necessary. The total amount for diesel fuel to be added to the fiscal year 2004-05 budget for contracted services is estimated at \$1,718,360, based on 904,400 gallons consumed at a cost of \$1.90 per gallon.