

Date: Monday, May 11, 2009

Time: 9:00 a.m.

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



BOARD AGENDA

Orange County Transportation Authority Board Meeting
Orange County Transportation Authority Headquarters
First Floor - Room 154
600 South Main Street, Orange, California
Monday, May 11, 2009, at 9:00 a.m.

ACTIONS

REVISED

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

Agenda Descriptions

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

Public Comments on Agenda Items

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

Public Availability of Agenda Materials

All documents relative to the items referenced in this agenda are available for public inspection at www.octa.net or through the Clerk of the Board's office at the OCTA Headquarters, 600 South Main Street, Orange, California.

Call to Order

Invocation

Director Green

Pledge of Allegiance

Director Dalton



BOARD AGENDA

ACTIONS

Special Matters

There are no Special Matter items.

Consent Calendar (Items 1 through 11)

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

1. Approval of Minutes

Of the Orange County Transportation Authority and affiliated agencies' regular meeting of April 27, 2009.

2. State Legislative Status Report

Kristin Essner/P. Sue Zuhlke

Overview

A position of support with amendments is recommended for a bill that would create an alternative funding mechanism for transportation projects. A support position is recommended for a bill related to the cap on Southern California Association of Governments' share of Transportation Development Act funds. An oppose position is recommended for a bill that would allow Transportation Development Act funds to be used for vanpool services.

Committee Recommendation

Adopt the following recommended positions on legislation:

- A. Continue discussion of AB 798 (Nava, D-Santa Barbara), to a future meeting in order for staff to provide additional information as requested by the Committee.
- B. Support AB 1403 (Eng, D-Monterey Park), which would eliminate the cap on the Southern California Association of Governments' share of Transportation Development Act sales tax funds.



BOARD AGENDA

ACTIONS

2. (Continued)

- C. Oppose SB 716 (Wolk, D-Davis), which would authorize various entities to claim Transportation Development Act funds for vanpool services.

3. **Selection of a Consultant for Preparation of a Project Study Report for Improvements to the Santa Ana Freeway (Interstate 5) from the Costa Mesa Freeway (State Route 55) to the El Toro "Y" Area** Dan Phu/Kia Mortazavi

Overview

As part of the Orange County Transportation Authority's Fiscal Year 2009 Budget, the Board of Directors approved a study for new lanes and improvements to interchanges on the Santa Ana Freeway (Interstate 5) from the Costa Mesa Freeway (State Route 55) to the El Toro "Y" area. Proposals were solicited in accordance with the Orange County Transportation Authority's procurement procedures for the retention of consultants to perform architectural and engineering work. These procedures are in accordance with both federal and state legal requirements.

Recommendations

- A. Approve the selection of MTS Engineers, Inc., as the top ranked firm to prepare a project study report for improvements to the Santa Ana Freeway (Interstate 5) from the Costa Mesa Freeway (State Route 55) to the El Toro "Y" area.
- B. Authorize the Interim Chief Executive Officer to request a cost proposal from MTS Engineers, Inc., and negotiate an agreement for their services.
- C. Authorize the Interim Chief Executive Officer to execute final Agreement No. C-8-1374, in an amount up to \$1,100,000.



BOARD AGENDA

4. **Amendment to the Master Plan of Arterial Highways** Joseph Alcock/Kia Mortazavi

ACTIONS

Overview

The Orange County Transportation Authority administers the Master Plan of Arterial Highways including the review and approval of amendments requested by local agencies. The cities of Garden Grove, Orange, and Yorba Linda have requested amendment to the Master Plan of Arterial Highways to reflect proposed changes to the arterial highway system within each cities' respective jurisdiction.

Recommendations

- A. Approve amendment to the Master Plan of Arterial Highways to reclassify Harbor Boulevard in the City of Garden Grove from Westminster Avenue to Chapman Avenue, from a major (six-lane, divided) arterial to a principal (eight-lane, divided) arterial.
- B. Approve amendment to the Master Plan of Arterial Highways to incorporate proposed changes to the circulation element of the City of Orange's general plan, as described in this staff report, subject to the approval by the City of Orange of the updated general plan reflecting these changes.
- C. Approve amendment to the Master Plan of Arterial Highways to reclassify Rose Drive in the City of Yorba Linda from Imperial Highway (State Route 90) to Yorba Linda Boulevard, from a major (six-lane, divided) arterial to a primary (four-lane, divided) arterial, subject to the approval by the City of Yorba Linda of a general plan amendment reflecting this change.



BOARD AGENDA

ACTIONS

5. **Authority to Acquire Right-of-Way for the West County Connectors Project and Provide Relocation Assistance and Benefits**
James Staudinger/Kia Mortazavi

Overview

The Orange County Transportation Authority is implementing the West County Connectors Project which is in the final design phase and is expected to start construction in 2010. The design of the project requires acquisition of property rights from public and private parties adjacent to existing freeways. Acquisition of the properties will be conducted in accordance with the Orange County Transportation Authority Board of Directors-approved right-of-way policies and procedures

Recommendations

- A. Authorize the Interim Chief Executive Officer to take all steps necessary to acquire the specified interests in the real property to construct the West County Connectors Project.
- B. Authorize relocation assistance and benefits for the relocation of persons, businesses, or personal property to be acquired.

6. **Traffic Light Synchronization Program Consultant Selection for Contract Task Orders for Alicia Parkway, Beach Boulevard, and Chapman Avenue**
Ronald Keith/Kia Mortazavi

Overview

Consultant traffic engineering services are needed to implement the Proposition 1B Traffic Light Synchronization Program on the following arterial highways: Alicia Parkway, Beach Boulevard, and Chapman Avenue. These arterials are the initial corridors in a three-year program to implement signal synchronization on over 150 miles of Orange County streets. Contract task order proposals were solicited from a list of on-call traffic engineering firms in accordance with the Orange County Transportation Authority's procedures for architectural and engineering services.



BOARD AGENDA

ACTIONS

6. (Continued)

Recommendations

- A. Authorize staff to negotiate firm-fixed price contract task orders for installation and implementation of traffic light synchronization on Alicia Parkway, Beach Boulevard, and Chapman Avenue.
- B. Authorize the Interim Chief Executive Officer to execute Contract Task Order No. 1 with RBF Consulting (Agreement No. C-8-1172) for Alicia Parkway, Contract Task Order No. 1 with Advantec Consulting Engineers (Agreement No. C-8-0612) for Beach Boulevard, and Contract Task Order No. 1 with Albert Grover and Associates (Agreement No. C-8-1166) for Chapman Avenue subject to allocation of state funds by the California Transportation Commission. The aggregate value of these services for the three corridors is estimated at \$3.1 million in the first year.

7. **Approval of the Fiscal Year 2009-10 Local Transportation Fund Claim for Public Transportation and Community Transit Services**

James L. Cook, Jr./Kenneth Phipps

Overview

The Orange County Transit District is eligible to receive funding from the Local Transportation Fund for providing public transportation and community transit services throughout Orange County. To receive the funds, the Orange County Transit District must file a claim against the Local Transportation Fund with the Orange County Transportation Authority.

Recommendation

Approve the Orange County Transit District Fiscal Year 2009-10 Local Transportation Fund Claim for public transportation services in the amount of \$79,398,535, and for community transit services in the amount of \$4,228,583, for a total claim amount of \$83,627,118, and authorize the Interim Chief Executive Officer to issue allocation/disbursement instructions to the Orange County Auditor-Controller in the full amount of the claims.



BOARD AGENDA

ACTIONS

8. **91 Express Lanes' Software**
Kirk Avila/Kenneth Phipps

Overview

On January 12, 2009, the Board of Directors authorized staff to negotiate an amendment to Cofiroute USA, LLC's agreement to incorporate the development of a back-office software system. The software is expected to be deployed on the 91 Express Lanes by January 2011. The amendment will contain maintenance, software license, and software escrow agreements. Cofiroute USA, LLC was retained in accordance with the Orange County Transportation Authority's procurement procedures for professional and technical services to provide management and operational services for the 91 Express Lanes in October 2005.

Recommendation

Authorize the Interim Chief Executive Officer to execute Amendment No. 4 to Agreement No. C-5-0300 between the Orange County Transportation Authority and Cofiroute USA, LLC, in an amount not to exceed \$150,000, that will cover up to four months for maintenance and software license agreements during the initial term of the contract and authorize the addition of two five-year option periods from January 2011 through January 2021, bringing the total contract value to \$31,433,854.

Orange County Transit District Consent Calendar Matters

9. **Cooperative Agreement for Public Restrooms at the Santa Ana Transit Terminal**
Ryan Erickson/Beth McCormick

Overview

The Orange County Transportation Authority proposes to enter into a cooperative agreement with the County of Orange and the City of Santa Ana. The cooperative agreement is required to establish roles, responsibilities, and a process for all expenses to be reimbursed to the Orange County Transportation Authority to open the Santa Ana Transit Terminal's restrooms for public use.



BOARD AGENDA

ACTIONS

9. (Continued)

Recommendation

Authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0258 between the Orange County Transportation Authority, the County of Orange, and the City of Santa Ana, to provide public restrooms at the Santa Ana Transit Terminal.

10. **Amendment to Cooperative Agreement with Riverside Transit Agency to Jointly Fund Intercounty Route 149 and Intercounty Express Bus Route 794**

Sharon Long/Beth McCormick

Overview

The Orange County Transportation Authority currently has two cooperative agreements with the Riverside Transit Agency for the provision of intercounty bus service Route 149 and Route 794. Both of the agreements establish the level of service provided and a joint funding arrangement. Board of Directors' approval is requested to exercise the option terms of both agreements.

Recommendations

- A. Authorize the Interim Chief Executive Officer to execute Amendment No. 3 to Cooperative Agreement No. C-6-0283, between the Orange County Transportation Authority and Riverside Transit Agency, in an amount not to exceed \$204,327, to jointly fund intercounty Route 149 through June 30, 2010, bringing the total contract value to \$853,327.
- B. Authorize the Interim Chief Executive Officer to execute Amendment No. 3 to Cooperative Agreement No. C-6-0589, between the Orange County Transportation Authority and Riverside Transit Agency, receiving an amount not to exceed \$120,000, to jointly fund intercounty express bus Route 794, through August 31, 2010, bringing the total contract value to \$579,000.



BOARD AGENDA

ACTIONS

11. **Amendment to Agreement for Provision of Same-Day Taxi Service**
Sharon Long/Beth McCormick

Overview

On May 26, 2005, an agreement with Yellow Cab of Greater Orange County, to provide same-day taxi service for ACCESS eligible customers was approved. Board of Directors' approval is requested to exercise the fourth option term of this agreement.

Recommendation

Authorize the Interim Chief Executive Officer to execute Amendment No. 5 to Agreement No. C-5-2376 between the Orange County Transportation Authority and Yellow Cab of Greater Orange County, in an amount not to exceed \$159,870, for the provision of same-day taxi service through June 30, 2010, bringing the total contract value to \$747,843.

Regular Calendar

Orange County Local Transportation Authority Regular Calendar Matters

12. **Measure M Quarterly Progress Report**
Norbert Lippert/Kia Mortazavi

Overview

Staff has prepared a Measure M progress report for the first quarter of 2009. This is a regular report that highlights the Measure M projects and programs currently under development.

Recommendation

Receive and file as an information item.



BOARD AGENDA

ACTIONS

Discussion Items

13. **Bus Service Reduction Program Update**
Scott Holmes/Beth McCormick

14. **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.

15. **Interim Chief Executive Officer's Report**

16. **Directors' Reports**

17. **Closed Session**

1. Pursuant to Government Code Section 54957 to consider the appointment of a Chief Executive Officer.
2. Pursuant to Government Code Section 54957.6, meet with designated representatives Chairman Buffa, Vice Chairman Amante, and Directors Cavecche and Winterbottom to discuss the compensation of the Chief Executive Officer.
3. Pursuant to Government Code Section 54956.9(a) to discuss Tellez et. al. v. the Orange County Transportation Authority; OCSC Case No. 30-2008-00106078.



BOARD AGENDA

18. **Orange County Transportation Authority Fiscal Year 2009-10 Budget Workshop**
Rene I. Vega/Kenneth Phipps

Review the fiscal year 2009-10 budget in a workshop setting following the regularly scheduled Orange County Transportation Authority Board of Directors' meeting on May 11, 2009.

19. **Adjournment**

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Friday, May 22, 2009**, at the OCTA Headquarters.

ACTIONS

Minutes of the Meeting of the
Orange County Transportation Authority
Orange County Service Authority for Freeway Emergencies
Orange County Local Transportation Authority
Orange County Transit District
Board of Directors
April 27, 2009

Call to Order

The April 27, 2009, regular meeting of the Orange County Transportation Authority and affiliated agencies was called to order by Chairman Buffa at 9:00 a.m. at the Orange County Transportation Authority Headquarters, Orange, California.

Roll Call

Directors Present: Peter Buffa, Chairman
Jerry Amante, Vice Chairman
Patricia Bates
Arthur C. Brown
Bill Campbell
Carolyn V. Cavecche
William J. Dalton
Richard Dixon
Cathy Green
John Moorlach
Janet Nguyen
Chris Norby
Curt Pringle
Miguel Pulido
Gregory T. Winterbottom
Cindy Quon, Governor's Ex-Officio Member

Also Present: Paul C. Taylor, Deputy Chief Executive Officer
Wendy Knowles, Clerk of the Board
Laurena Weinert, Assistant Clerk of the Board
Kennard R. Smart, Jr., General Counsel
Members of the Press and the General Public

Directors Absent: Paul Glaab
Alan Mansoor

Invocation

Director Bates gave the invocation.

Pledge of Allegiance

Vice Chairman Amante led the Board and audience in the Pledge of Allegiance.

Public Comments on Agenda Items

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

Special Matters

1. Presentation of Resolutions of Appreciation for Employees of the Month for April 2009

Chairman Buffa presented Orange County Transportation Authority Resolutions of Appreciation Nos. 2009-19, 2009-20, 2009-21 to Shane Puailoa, Coach Operator; Charles Chang, Maintenance; and Denise Revel, Administration, as Employees of the Month for April 2009.

2. Workshop on Plans for Reduction of Bus Service

Scott Holmes, Service Planning Manager, presented the details of various scenarios for bus service reduction, made necessary by the severe budget situation and loss of funding to the OCTA.

Mr. Holmes highlighted:

- o Current service levels;
- o Peak travel times;
- o Demographics of customers;
- o Budget challenges;
- o Service reduction strategies;
- o Corresponding ACCESS service areas;
- o Possible service changes;
- o Steps taken to date; and
- o Next steps.

Director Moorlach requested an analysis of the Memorandum of Understanding for the Night Owl service to investigate solutions involving private sector contractors.

2. (Continued)

Director Winterbottom stressed the importance of adhering to Americans with Disabilities Act requirements and not providing more than is required due to budget limitations.

Deputy Chief Executive Officer (CEO), Paul Taylor, called attention to notices given Members at this meeting indicating that Community meetings will be held on May 12, 13, and 14, and a Public Hearing will be held at the Board meeting of May 22.

Consent Calendar (Items 3 through 20)

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

Orange County Transportation Authority Consent Calendar Matters

3. Approval of Minutes - Special Meeting

A motion was made by Vice Chairman Amante, seconded by Director Green, and declared passed by those present, to approve the minutes of the Orange County Transportation Authority and affiliated agencies' special meeting of April 13, 2009.

Directors Dalton and Pulido were not present to vote on this item.

4. Approval of Minutes - Regular Meeting

Director Campbell pulled this item and referred to Item 24, stating he would like the minutes to reflect that Ryan Maloney participated in the presentation with Kristin Johnson regarding "Transparency in Transportation."

With that change, a motion was made by Director Campbell, seconded by Director Cavecche, and declared passed by those present, to approve the minutes of the Orange County Transportation Authority and affiliated agencies' regular meeting of April 13, 2009.

Directors Dalton and Pulido were not present to vote on this item.

5. Review of Contractor Drug and Alcohol Program Monitoring

A motion was made by Vice Chairman Amante, seconded by Director Green, and declared passed by those present, to direct staff to implement the recommendations made in the Review of Contractor Drug and Alcohol Program Monitoring, Internal Audit Report No. 09-104.

Directors Dalton and Pulido were not present to vote on this item.

6. State Legislative Status Report

Director Moorlach pulled this item and stated that he would oppose staff's recommendation, commenting he felt more disclosure would be preferable.

Director Cavecche inquired if this bill passed through Local Government recently, and Wendy Villa, Manager of State Relations, advised that it did pass, and amendments were included which changed it slightly and requires the release of data between the Closed Session and the open meeting, and that the vote would be taken in open session.

Director Pringle indicated he did not feel the staff report covered the completeness of the bill and the emphasis was solely put on the requirement to have a vote in public, which he did not feel was a problem in of itself for this Board. He stated, however, that the bill also requires an initial offer to be fully presented publicly before it was made to the bargaining unit, and also requires a full offer to be made publicly prior to offering it to an unrepresented employee. He further stated that he would be more comfortable deciding on this after OCTA had an opportunity to deliberate on what to add/change and make those suggestions to the author as part of the Board's recommendation.

Director Cavecche requested a list of the agencies that support this bill, and Director Dixon asked that the amendments be provided.

A motion was made by Director Moorlach, seconded by Director Norby, and declared passed by those present, to return this item to the Legislative and Communications Committee for further work.

Directors Dalton and Pulido were not present to vote on this item.

7. Senate Bill 375 Clean-Up Legislation

A motion was made by Vice Chairman Amante, seconded by Director Green, and declared passed by those present, to authorize staff to continue to work with various stakeholders to seek legislation which clarifies that environmental analysis of greenhouse gas emissions for transportation projects is to be done at the program level, rather than project by project, when a region is able to meet regional greenhouse gas reduction targets assigned by the California Air Resources Board.

Directors Dalton and Pulido were not present to vote on this item.

8. Project Requests for Federal Transportation Authorizing Legislation

A motion was made by Vice Chairman Amante, seconded by Director Green, and declared passed by those present, to:

- A. Approve the attached list of Orange County Transportation Authority projects for formal submission to members of Congress and possible inclusion in the next transportation authorizing legislation.
- B. Evaluate projects from other Orange County entities to determine whether or not to support these projects for possible inclusion in the next transportation authorizing legislation.

Directors Dalton and Pulido were not present to vote on this item.

9. Approval of the Fiscal Year 2009-10 Local Transportation Fund Claim for Laguna Beach Public Transportation Services

Director Pringle pulled this item and stated that he would like a more complete understanding of the level of service reductions that are being provided in the local service and if it is comparable to reductions on other OCTA service. He asked for information regarding the funds being drawn, as to the uses by OCTA and the budget of the Laguna Beach Municipal Transit lines.

General Counsel, Kennard R. Smart, Jr., provided background on this funding available for the Local Transportation Fund and how the fund's claimants (as is Laguna Beach) can utilize the monies available.

Director Pringle requested historical data on Transportation Development Act and Laguna Beach's transit service.

Discussion followed, and Director Bates voiced concern as to whether there is legal authority to change the policy at this point, having already approved monies to be released in this manner to claimants who qualify for the funds.

General Counsel, Kennard R. Smart, Jr., confirmed that these funds are from the Local Transportation Fund, which OCTA oversees, but are not OCTA or OCTD monies.

A motion was made by Director Bates, seconded by Vice Chairman Amante, and declared passed by those present, to approve the Laguna Beach Municipal Transit Lines Fiscal Year 2009-10 Local Transportation Fund Claim for public transportation services in the amount of \$944,550, and authorize the Interim Chief Executive Officer of the Orange County Transportation Authority to issue allocation/disbursement instructions to the Orange County Auditor-Controller in the amount of the claim.

Director Dalton was not present to vote on this item.

10. 91 Express Lanes' Software

This item was deferred to a future meeting.

10a. First Quarter 2009 Debt and Investment Report

A motion was made by Vice Chairman Amante, seconded by Director Green, and declared passed by those present, to receive and file the Quarterly Investment Report prepared by the Treasurer as an information item.

Directors Dalton and Pulido were not present to vote on this item.

11. Amendment to the Agreement for Commercial Banking Services

A motion was made by Vice Chairman Amante, seconded by Director Green, and declared passed by those present, to authorize the Interim Chief Executive Officer to execute Amendment No. 1 to Agreement No. C-6-0172 between the Orange County Transportation Authority and Bank of the West, in the amount of \$100,000, for commercial banking services through August 31, 2010, for a total contract amount of \$430,000.

Directors Dalton and Pulido were not present to vote on this item.

Orange County Service Authority for Freeway Emergencies Consent Calendar Matters

12. Agreement for Freeway Service Patrol Tow Contracts

A motion was made by Vice Chairman Amante, seconded by Director Green, and declared passed by those present, to:

- A. Authorize the Interim Chief Executive Officer to execute Agreement No. C-8-1336 between the Orange County Transportation Authority and A.A & B Towing, in an amount not to exceed \$2,158,404 to provide freeway service patrol services, from July 1, 2009, to June 30, 2013.
- B. Authorize the Interim Chief Executive Officer to execute Agreement No. C-9-0349 between the Orange County Transportation Authority and California Coach Orange, Inc., in an amount not to exceed \$3,020,734, to provide freeway service patrol services, from July 1, 2009, to June 30, 2013.
- C. Authorize the Interim Chief Executive Officer to execute Agreement No. C-9-0350 between the Orange County Transportation Authority and Greater Southern California Towing, Inc., in an amount not to exceed \$2,436,908 to provide freeway service patrol services, from July 1, 2009, to June 30, 2013.

Directors Dalton and Pulido were not present to vote on this item.

Orange County Local Transportation Authority Consent Calendar Matters

13. Approval to Release Request for Proposals for Construction Management Services for the San Diego Freeway (Interstate 405) West County Connectors Project

Director Pringle pulled this item and asked for an understanding of what a firm's qualifications typically address.

Virginia Abadessa, Director of Contracts Administration and Materials Management, responded that qualifications of the firm is a criteria through which the firm is asked to explain who they are and what type of service they provide, how long they have been in business, experience, etc. She further indicated that additional credit is not given to bidders for having done work previously with OCTA versus having done work of a similar nature with other agencies.

A motion was made by Director Pringle, seconded by Director Winterbottom, and declared passed by those present, to:

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals No. 9-0363 for selection of consultant services.
- B. Approve the release of Request for Proposals No. 9-0363 for the construction management services for the San Diego Freeway (Interstate 405) West County Connectors Project.

Directors Cavecche and Dalton were not present to vote on this item.

14. Approval to Release Request for Proposals for Outreach Consultant for the San Diego Freeway (Interstate 405) West County Connectors Project

A motion was made by Vice Chairman Amante, seconded by Director Green, and declared passed by those present, to:

- A. Approve the proposed evaluation criteria and weightings for selection of consultant services for request for proposals No. 9-0252.
- B. Approve the release of request for proposals No. 9-0252 for the community outreach consultant for the San Diego Freeway (Interstate 405) West County Connectors Project.

Directors Dalton and Pulido were not present to vote on this item.

15. Cooperative Agreements with the Cities of Anaheim, Lake Forest, and San Clemente for Go Local Step Two Bus/Shuttle Service Planning

A motion was made by Vice Chairman Amante, seconded by Director Green, and declared passed by those present, to:

- A. Authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0306 between the Orange County Transportation Authority and the City of Anaheim to define each party's roles and responsibilities for service planning of four bus/shuttle proposals entitled, "Anaheim Regional Transportation Intermodal Center to Downtown Anaheim to Fullerton Transportation Center Connector," "Anaheim Regional Transportation Intermodal Center to Anaheim Canyon Station Connector," "Anaheim Regional Transportation Intermodal Center/Anaheim Resort/West Anaheim Commuter Shuttle," and "Anaheim Canyon Feeder Shuttles."
- B. Authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0305 between the Orange County Transportation Authority and the City of Lake Forest to define each party's roles and responsibilities for service planning of two bus/shuttle proposals entitled, "Demand Responsive Shuttle" and "Park-and-Ride Metrolink Shuttle."
- C. Authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0308 between the Orange County Transportation Authority and the City of San Clemente to define each party's roles and responsibilities for service planning of one bus/shuttle proposal entitled, "Tri-City Trolley."

Directors Dalton and Pulido were not present to vote on this item.

Orange County Transit District Consent Calendar Matters

16. Buy America Reviews

A motion was made by Vice Chairman Amante, seconded by Director Green, and declared passed by those present, to:

- A. Direct staff to implement the recommendation in New Flyer of America, Inc. Post-Delivery Buy America Review, Internal Audit Report No. 09-032.
- B. Receive and file New Flyer of America, Inc. Post-Delivery Buy America Review, Internal Audit Report No. 09-032; El Dorado National, Inc. Pre-Award Buy America Review, Internal Audit Report No. 09-033; and El Dorado National, Inc. Post-Delivery Buy America Review, Internal Audit Report No. 09-034.

Directors Dalton and Pulido were not present to vote on this item.

17. Agreement for the Purchase of 33 Paratransit Buses

This item was deferred to a future meeting.

18. Agreement for Underground Storage Tank Repair, Upgrade, Testing, and Certification Services

A motion was made by Vice Chairman Amante, seconded by Director Green, and declared passed by those present, to

Authorize the Chief Executive Officer to execute Agreement No. 8-1351 between the Orange County Transportation Authority and Inland Petroleum Equipment & Repair, Inc., for a maximum obligation of \$600,000, to provide underground storage tank repair, upgrade, testing, and certification services for a three-year term from July 1, 2009, through June 30, 2012.

Directors Dalton and Pulido were not present to vote on this item.

19. Amendment to Agreement with the County of Orange, Orange County Sheriff's Department

Director Norby pulled this item and stated he supports staff's recommendation; however, he wanted to take this opportunity to share conversations from a Security Working Group meeting held earlier in April regarding Board security.

Director Norby stated that he believes the need for enhanced security at Board meetings be conveyed to the Board Chairman and that security should be coordinated with the Chairman's office.

A motion was made by Director Norby, seconded by Director Cavecche, and declared passed by those present, to authorize the Interim Chief Executive Officer to execute Amendment No. 1 to Agreement No. C-8-1022 between the Orange County Transportation Authority and the County of Orange, Orange County Sheriff's Department, in an amount not to exceed \$4,930,894 for Transit Police Services, effective July 1, 2009, through June 30, 2010, bringing the maximum contract obligation to \$9,935,088.

Directors Bates and Dalton were not present to vote on this item.

20. Local Transportation Fund Claims for Fiscal Year 2009-10

A motion was made by Vice Chairman Amante, seconded by Director Green, and declared passed by those present, to adopt Orange County Transit District Resolution No. 2009-17 authorizing the filing of Local Transportation Fund claims, in the amounts of \$79,398,535, to support public transportation and \$4,228,583 for community transit services, including operation of the Senior Mobility Program.

Directors Dalton and Pulido were not present to vote on this item.

Regular Calendar

Orange County Local Transportation Authority Regular Calendar Matters

21. Funding for Metrolink Stations in the Cities of Anaheim, Fullerton, Irvine, and Santa Ana

Kurt Brotcke, Director of Development, presented this item and detailed funding for the various cities. He highlighted items on the transmittal from Committee and provided explanation of staff's recommendations.

Chairman Buffa asked for an update on the agreement for the maintenance facility in Irvine, and Mr. Brotcke responded that the meeting held two weeks ago focused on compatibility of expansion of the Irvine Transportation Center and the Metrolink Maintenance facility; it is not felt there is a conflict and believes that issue has been resolved.

Mr. Brotcke further stated that the Transportation 2020 Committee included the recommendation that reserves be established through the agreement with Irvine.

Director Moorlach inquired if there is a decline in Measure M1 and M2 revenues, is a plan in place, and Mr. Brotcke stated that the last recommendation addresses that, should state funds be available.

A motion was made by Director Pulido, seconded by Director Winterbottom, and declared passed by those present, to:

- A. Approve funding allocations for the City of Anaheim using \$6 million of Measure M transit funds, \$82.3 million of Renewed Measure M Project T funds, and \$29.2 million in 2008 State Transportation Improvement Program funds. Disbursement of Project T funds are subject to the City of Anaheim becoming an eligible recipient for Renewed Measure M funds. Allocation of funds to the City of Irvine is contingent upon an agreement between OCTA and the City of Irvine that reserves approximately 22 acres at the former El Toro base for a Metrolink maintenance facility.
- B. Approve funding allocations for the cities of Fullerton, Irvine, and Santa Ana using \$5.78 million in federal Surface Transportation Program funds and \$0.75 million of Measure M transit funds.
- C. Amend the Project T funding guidelines to permit use of 21 years versus 20 years of net revenues and to be consistent with the recommended Renewed Measure M programming amount of \$82.3 million.
- D. Direct staff to return with funding agreements with each local agency for the associated projects and funding amounts presented in this report.

21. (Continued)

- E. Authorize staff to prepare and submit any necessary programming documents including amendments to the Regional Transportation Improvement Program and the 2008 State Transportation Improvement Program.
- F. Direct staff to seek state and federal funds to advance the Renewed Measure M and Measure M funding allocations included in this report.

Directors Bates, Dalton, Nguyen, and Norby were not present to vote on this item.

Orange County Transit District Regular Calendar Matters

22. Agreement for the Provision of Contracted Fixed Route, StationLink, and Express Bus Services

Curt Burlingame, Transit Section Manager, provided a presentation which included an overview of the service history, procurement process, information on the short listed firms, evaluation criteria and results, recommendations, and next steps.

A motion was made by Director Norby, seconded by Director Dixon, and declared passed by those present, to deny the appeal on the award of this contract.

A motion was made by Director Brown, seconded by Director Norby, and declared passed by those present, to authorize the Interim Chief Executive Officer to execute Agreement No. C-8-1326 between the Orange County Transportation Authority and MV Transportation, Inc., in an amount not to exceed \$33,702,256, for the operation of contracted fixed route, StationLink, and express bus services for a four-year initial term beginning July 1, 2009, with two one-year options terms.

Director Bates, Dalton, Nguyen, Pringle, and Pulido were not present for the votes on this item.

Kevin Klika, Chief Operating Officer/President of MV Transportation, Inc., addressed the Board and thanked them for the award. Mr. Klika assured the Board his firm is ready and capable to provide this service.

Discussion Items

23. Public Communications Update

Ryan Armstrong, Web Developer, provided a demonstration of an extensive new web portal which has been developed for OCTA's website to display information on Renewed Measure M.

Mr. Armstrong and his colleagues received applause and compliments from the Board for the excellent work on the development of this website project.

24. Public Comments

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

Donna Metcalfe, representing Teamsters Local 952, stated that it appears a supplemental federal appropriations bill will be forthcoming and hopes to partner with OCTA to support legislation that would allow for flexibility to use capital funds for bus operations (fuel and energy).

Ms. Metcalfe also requested a meeting be scheduled with Interim CEO, James S. Kenan, and staff to discuss other cooperative efforts.

25. Interim Chief Executive Officer's Report

Deputy Chief Executive Officer, Paul C. Taylor, reported:

- The confirmation of Lucy Dunn, Executive Director at the Orange County Business Council, was unanimously approved by the Senate Rules Committee for appointment to the California Transportation Commission this past week.
- Requests have been received from the cities of Montebello and Simi Valley to "piggy-back" on OCTA's contract order with New Flyer for vehicles. This would allow other cities to purchase buses under options OCTA does not intend to exercise.
- A special joint meeting between the Special Needs in Transit Advisory Committee and the Citizens' Advisory Committee will be held on May 6 at OCTA.

26. Directors' Reports

Director Moorlach inquired if an inspection was done on the State Route 91 Express Lanes in regard to checking for cracks or damage from the recent minor earthquakes centered in Yorba Linda.

Mr. Taylor responded that structural engineers did check the lanes, and no damage was noted.

Director Brown reported he attended a bus rapid transit conference last week in Los Angeles. He further stated that Metrolink last week discussed at their Board meeting potential fare increases.

Director Dixon stated he has been appointed to serve as Supervisor Linda Hicks' appointment on the Ventura Regional Advisory Technical Committee formed through Assembly Bill 375.

Director Norby commented on a fare matrix distributed to the Board, which he feels provides a perspective on the challenges the drivers face to determine what passes are used and accepted.

27. Closed Session

A Closed Session was held:

1. Pursuant to Government Code Section 54957 to consider the appointment of a Chief Executive Officer.
2. Pursuant to Government Code Section 54957.6, meet with designated representatives Chairman Buffa, Vice Chairman Amante, and Directors Cavecche and Winterbottom to discuss the compensation of the Chief Executive Officer.

28. Adjournment

The meeting adjourned at 11:10 a.m. The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, May 11, 2009**, at the OCTA Headquarters.

ATTEST

Wendy Knowles
Clerk of the Board

Peter Buffa
OCTA Chairman



MEMO

May 6, 2009


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

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

Thank you.



May 7, 2009

To: Legislative and Communications Committee
From:  James S. Kenan, Interim Chief Executive Officer
Subject: State Legislative Status Report

Overview

A position of support with amendments is recommended for a bill that would create an alternative funding mechanism for transportation projects. A support position is recommended for a bill related to the cap on Southern California Association of Governments' share of Transportation Development Act funds. An oppose position is recommended for a bill that would allow Transportation Development Act funds to be used for vanpool services.

Recommendation

Adopt the following recommended positions on legislation:

Support if Amended AB 798 (Nava, D-Santa Barbara), which would create an alternative funding mechanism for projects and the ability to use tolling without legislative approval required.

Support AB 1403 (Eng, D-Monterey Park), which would eliminate the cap on the Southern California Association of Governments' share of Transportation Development Act sales tax funds.

Oppose SB 716 (Wolk, D-Davis), which would authorize various entities to claim Transportation Development Act funds for vanpool services.

Discussion

AB 798 (Nava, D-Santa Barbara)

AB 798 (Nava, D-Santa Barbara) would create the California Transportation Financing Authority (CTFA) within the Office of the Treasurer, which would be authorized to provide financing for the construction of new capacity or

improvements on the state transportation system through the issuance of bonds backed by various revenue streams, including toll revenues. Eligible project sponsors include the California Department of Transportation (Caltrans), regional transportation planning agencies, county transportation commissions, such as the Orange County Transportation Authority (OCTA), and a joint exercise of powers authority, such as the Southern California Association of Governments (SCAG), with the consent of a transportation planning agency or a county transportation commission for the jurisdiction in which the project is to be developed.

AB 798 would grant the CTFA the authority to authorize the project sponsor to impose and collect tolls on the project if certain conditions are met. If tolling is authorized, the bill allows the project sponsor to incorporate congestion management mechanisms to increase mobility, regulate usage, and to provide accessibility and environmental benefits. Moreover, AB 798 preserves local authority by allowing the project sponsor to assume bonding duties authorized for the CTFA and requiring local agency approval before local funds can be used to back any issued bonds, and before an agency other than the local transportation agency can build a project within the agency's jurisdiction.

This bill is identical to AB 3021 from last year, which was also authored by Assemblyman Nava and sponsored by State Treasurer Bill Lockyer. The Governor vetoed AB 3021, issuing a generic veto message, citing the delay with the state budget as only allowing the signing of bills of the highest priority.

Last year the OCTA Board of Directors (Board) held a work with author position citing various concerns including the bill allowing SCAG to be a project sponsor, requiring consistency with specific environmental regulations, limitations on employment in specified situations to public employees, and the lack of a cap on administrative costs that the CTFA can charge to project sponsors. Some of these concerns have since been addressed through amendments to the bill language. First, all language limiting employment to public agency engineers and architects has been removed. Second, in regards to the SCAG language, this language was borrowed from sources within existing law provided by AB 1467 (Chapter 143, Statutes of 2006), which first authorized the creation of four public-private partnerships within the state for projects related to goods movement, and provided authority for four high-occupancy toll (HOT) lane projects within the state. AB 1467 extended the authorization to create public-private partnerships to joint powers authorities, such as SCAG. Because SCAG has never attempted to exert such authority, and the provisions are already in existence, this language will be unlikely to change.

Furthermore, other issues the Board expressed concerns about last year have been addressed through other amendments. Such amendments include specific language which states that toll revenues are not required to be used for transit and alternative modes of transportation, existing lanes are not authorized to be converted to HOT lanes, except for high-occupancy vehicle lanes, and nothing is to allow tolling on local roads and streets. In addition, the bill now specifically provides that legislative authority is no longer needed in the creation of HOT lanes within the authority granted under AB 1467 (Chapter 143, Statutes of 2006). Although the number of authorized projects will still be limited to two in Southern California, and two in northern California, this would provide another option for OCTA to consider in future projects.

Staff is therefore recommending the following two amendments to tackle the Board's other two concerns which have not yet been addressed:

- Clarification regarding administrative costs that are allowable for the CFTA to charge among the project sponsors that choose to participate, including a possible cap on charges
- Removal of the "consistency" requirement for projects and environmental goals, and instead direct the CFTA to evaluate and take into account the environmental goals when developing financing mechanism for projects

Although trailer bill language from the fiscal year 2009-2010 state budget authorizes regional transportation agencies and Caltrans to enter into unlimited number of private-public partnership agreements until January 1, 2017, this bill would provide an alternative means of financing that would be another option agencies could consider in times of constrained resources.

An analysis of the bill is attached (Attachment A). Staff Recommendation: SUPPORT IF AMENDED

AB 1403 (Eng, D-Monterey Park)

AB 1403 (Eng, D-Monterey Park) would eliminate the \$1 million cap on SCAG's share of funding provided through the Transportation Development Act (TDA), beginning on July 1, 2011. Instead, SCAG's share would be limited to three-fourths of 1 percent of funding provided under existing law.

Created in 1971, the TDA's purpose is to provide funding for the planning, creation, and operation of public transportation systems. To provide funding for such purposes the Local Transportation Fund (LTF) was created through a one-quarter cent sales tax on all goods. Before the transportation agencies, such as OCTA, can allocate LTF funding for transit uses, specific set-asides are required to come off the top, including 1 percent of revenues in Los Angeles County, and up to 3 percent of revenues in Orange, Riverside,

and San Bernardino counties for transportation planning and programming. Apportioned from each county's share, SCAG is to receive three-fourths of 1 percent, not to exceed \$1 million, for planning and programming.

Since the \$1 million cap on SCAG's share was first established in 1979, it has never been adjusted for inflation or increased planning duties assumed by SCAG. Through the elimination of the cap, AB 1403 would allow for TDA appropriations to SCAG that more accurately represent SCAG's increased regional duties, such as the air quality conformity and SB 375 (Chapter 728, Statutes of 2008) related processes, and would more closely mirror allocations to other metropolitan planning organizations (MPOs) in the state who do not have a cap.

AB 1403 is sponsored by SCAG with the intent to work with all regional agencies to support its passage. If passed, AB 1403 would require OCTA, the Los Angeles County Metropolitan Transportation Authority, Riverside County Transportation Commission, and San Bernardino Association of Governments to allocate additional funds to SCAG from their LTF revenues. Overall, SCAG would receive an additional \$3.6 million from all four counties, for a total of \$4.6 million. OCTA's share of this additional funding would be about \$836,570, \$655,970 more than would be allocated under current law. Acknowledging that the diversion of such funds could present hardships for the local agencies in these economic times, SCAG, during the Assembly Transportation Committee hearing, agreed to extend the date of implementation to July 1, 2011.

An analysis of the bill is attached (Attachment B). Staff Recommendation: SUPPORT

SB 716 (Wolk, D-Davis)

SB 716 (Wolk, D-Davis) would amend existing law to allow TDA LTF funds to be used for vanpools, including vanpools for agricultural workers, when a local agency files a claim with a regional transportation planning agency. Existing law authorizes such funds to be used for a variety of purposes including planning and program activities, pedestrian and bicycle facilities, community transit services, public transportation, and bus and rail projects. SB 716 would amend existing law to include vanpool programs as a specific, priority recipient of such funding.

Currently, OCTA operates a vanpool program for riders employed in Orange County. If a vanpool meets specific criteria, OCTA will cover \$400 of the monthly costs for each van, paid through federal Congestion Mitigation and Air Quality (CMAQ) until the beginning of 2010. Federal Transit Administration (5307 funds) funding will then be used to sustain the program.

Under SB 716, vanpools would be able to file a claim with OCTA for the remaining amount not covered by currently provided subsidies. The remaining cost is usually approximately \$600, which is now covered by riders in each van. Assuming that current vanpool program participants and expenditures remain relatively constant, OCTA could experience a \$2.09 million annual loss in TDA funds (assuming 100 percent of vanpool vans file claims). This amount could also potentially increase because SB 716 does not specify whether vanpools must qualify for the regional vanpool program in order to receive funding for this purpose. As a result, vanpools currently ineligible for funding from OCTA, may be able to file a claim for the entire cost of operating the van, which could be more than \$1,000 per van.

This authorization ignores local authority over such funding, creating a potential precedent whereby the state could divert such funding for purposes not currently authorized under existing law, ignoring local priorities.

An analysis of the bill is attached (Attachment C). Staff Recommendation: OPPOSE

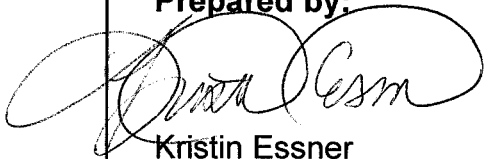
Summary

Positions are recommended on three bills.

Attachments

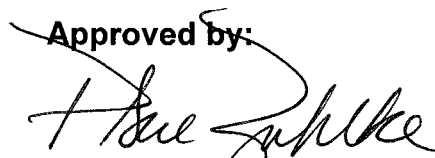
- A. Bill Analysis for AB 798 (Nava, D-Santa Barbara)
- B. Bill Analysis for AB 1403 (Eng, D-Monterey Park)
- C. Bill Analysis for SB 716 (Wolk, D-Davis)
- D. Orange County Transportation Authority Legislative Matrix

Prepared by:



Kristin Essner
Government Relations
Representative
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Approved by:



P. Sue Zuhlke
Chief of Staff
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BILL: AB 798 (Nava, D – Santa Barbara)
Introduced February 26, 2009

SUBJECT: Creates the California Transportation Financing Authority to increase construction of new capacity or improvements on the state transportation system through the issuance of bonds, backed by various revenue streams, including toll revenues

STATUS: Passed Assembly Transportation Committee 11-3
Pending in Assembly Appropriations Committee

SUMMARY AS OF APRIL 27, 2009:

AB 798 would create the California Transportation Financing Authority within the Office of the Treasurer. The CTFA would be authorized to provide financing to increase the construction of new capacity or improvements on the state transportation system through the issuance of bonds backed by various revenue streams, including toll revenues. This bill is identical to AB 3021 from last year, which was also authored by Assemblyman Nava and sponsored by State Treasurer Bill Lockyer. The Governor vetoed AB 3021, issuing a generic veto message, citing the delay with state budget as only allowing the signing of bills of the highest priority.

The CTFA would consist of seven members including the Treasurer, the Director of Finance, the State Controller, the Director of the California Department of Transportation (Caltrans), the Executive Director of the California Transportation Commission (CTC), and two local agency representatives, one appointed by the Senate Committee on Rules, and the other appointed by the Speaker of the Assembly. Administration of this program is to be consistent with meeting the state's greenhouse gas reduction goals, air quality improvement goals, and natural conservation goals. The state is to incur no debt in the administration of this program, and administrative costs and expenses would instead be equitably distributed among project sponsors.

Existing law, as passed under trailer bill language from the fiscal year 2009-2010 state budget, authorizes regional transportation agencies and Caltrans to enter into an unlimited number of public-private partnership agreements until January 1, 2017. The CTC oversees the development of this process, with the ability for the state Legislature to comment on any proposed agreements.

AB 798 would not amend the process created under existing law. However, the bill would create an alternative mechanism for project sponsors to consider in times of economic constraint. Eligible project sponsors include Caltrans, regional transportation planning agencies, county transportation commissions, such as the Orange County Transportation Authority (OCTA), and a joint exercise of powers authority, such as the Southern California Association of Governments (SCAG), with the consent of a transportation planning agency or a county transportation commission for the jurisdiction in which the project is to be developed. In order to apply to the CTFA for project

financing, project sponsors would still need construction approval from Caltrans and the CTC. In addition, the project would also have to meet the following requirements:

- Complies with all relevant statutes regarding planning, programming, and construction of transportation projects
- Contained in the constrained portion of a regional transportation plan, which must be consistent with greenhouse gas reduction targets under AB 32 – the Global Warming Solutions Act of 2006 (Chapter 488, Statutes of 2006)
- Cooperation has occurred between the sponsor and Caltrans to secure project support and to ensure the project is consistent with the needs and requirements of the state highway system
- Project is technically and financially feasible
- Approved for all necessary permits
- Performance measures have been developed for the project
- Support from communities adjacent to or affected by the project
- For highway projects, demonstration that transit service or alternative modes of transportation will be enhanced to ensure the corridor provides multiple modes of transportation to accommodate all users

AB 798 also specifically states that nothing requires any toll revenues collected under this authority to be used to provide transit service or other alternative means of transportation within the corridor.

Once those requirements are met, the CTFA may decide to issue bonds to finance the costs of the project, defined broadly to include such things as construction, acquisition of land, and removal of buildings and structures. However, it must first be determined that revenues available for a project will be sufficient to pay debt service on the bonds and to operate and maintain the project. Provisions of the bill also require consistently with the environmental and transportation infrastructure goals of the CTFA. If determined in the affirmative, the project sponsor may also request it be the issuer of the bonds. If this is the case, the project sponsor would assume the powers assigned to CTFA necessary or convenient for the purposes of issuing, securing, and repaying the bonds and financing or refinancing the project.

The project sponsor may pledge either specific revenue streams or toll revenues as security for any revenue bonds issued by the CTFA. Approved revenue streams include, but are not limited to fuel excise taxes, fuel sales taxes, local transportation sales taxes, developer fees, and other state revenues approved for this purpose by the Legislature or by initiative. The CTFA may also authorize the project sponsor to impose and collect tolls as security for the bonds if the following conditions are met:

- The governing body of the project sponsor or the majority of voters within the jurisdiction of the project sponsor approve the tolls
- For each highway project where tolls are imposed, there be non-tolled alternative lanes available in the same corridor

- For highway projects, the project must be on the state highway system, and not be on any local street or road
- Tolls be set and maintained at a level expected to be sufficient to pay debt service, operations, and maintenance of the project over the life of the bonds and be consistent with both the environmental and transportation infrastructure goals of the CTFA
- The project's financial pro forma incorporate life cycle costs for the project
- Excess revenues only be used within the corridor from which revenue was generated to fund acquisition, construction, improvement, maintenance, or operation of high-occupancy vehicle (HOV) facilities, other transportation purposes, or transit service, including transit operations pursuant to an expenditure plan. "Other transportation purposes" is not defined within the bill, and thus can be defined broadly.

Included within the tolling authorization, is the ability to incorporate congestion management mechanisms to regulate usage, increase mobility, and provide accessibility and environmental benefits. AB 798 specifically states that nothing under this authority would allow the conversion of any existing lanes to be converted to toll lanes, except for the conversion of HOV lanes to high-occupancy toll (HOT) lanes. In addition, AB 798 would delete the requirement for legislative approval under existing law created by AB 1467 (Chapter 143, Statutes of 2006) for the establishment of HOT lanes within the state.

EFFECTS ON ORANGE COUNTY:

Last year, the OCTA Board of Directors (Board) adopted a "work with author" position on AB 3021, citing the following concerns:

- Allows SCAG the ability to create transportation projects using this authority
- Requires "consistency" with specific environmental regulations, potentially creating a tough legal standard
- Includes provisions which would require employment of public agency engineers and architects in the development of the project, rather than professionals already employed by the sponsor
- Includes no cap for the administrative costs that are allowable for the CTFA to charge equitably among the project sponsors

Since the time this position was taken, further clarification has been provided, or amendments have been added which would assist in alleviating some concerns. In regards to the SCAG authority, the language used in AB 798 is taken directly from language included under existing law, provided under AB 1467, which first authorized the creation of public-private partnerships in the state. Thus, SCAG already has similar authority, and has not exercised options to implement such authority. Furthermore, SCAG would not be able to move forward under AB 798 unless the regional transportation planning agency approved the project. It is also unlikely this language will change since it is already included under existing law. In addition, last year,

provisions were removed that would have limited employment to public agency engineers and architects. There are no similar provisions included at this time.

Many amendments were also included last year which further protect local agency discretion and existing infrastructure. Those amendments include specific language stating that toll revenues are not required to be used for transit and alternative modes of transportation, that existing lanes are not authorized to be converted to HOT lanes, except for HOV lanes, and that nothing is to allow tolling on local streets and roads. Additionally, the bill continues to provide discretion for local agencies in their ability to approve local funds to finance the project, and the ability to choose to have bonding authority. Furthermore, the bill now specifically provides that legislative authority is not needed in the creation of HOT lanes within the authorization provided under AB 1467, thereby shortening the associated approval process. Although the number of authorized projects would still be limited to two in Southern California and two in northern California, this would provide another option for OCTA to consider in future projects.

Thus, staff is recommending amendments be created to address the Board's other concerns that have not yet been addressed. Namely, the following amendments are needed:

- Clarification regarding administrative costs that are allowable for the CFTA to charge among the project sponsors that choose to participate, including a possible cap on charges
- Removal of the "consistency" requirement for projects and environmental goals, and instead direct the CFTA to evaluate and take into account the environmental goals when developing financing mechanism for projects. The term "consistent" has a specific legal connotation. Because it is unknown which goals the projects are to be measured against, this could lead to potential litigation over whether the goals have been properly satisfied.

Due to repeated state diversions of funding for transportation improvements, there is a need for alternative mechanisms of financing. Additionally, although authority was provided for public-private partnerships under the last budget, this bill provides for alternative means of financing that would be another option agencies can utilize in times of constrained resources. Already multiple agencies have adopted or are recommending support positions for AB 798 including Los Angeles Metropolitan Transportation Authority, Ventura County Transportation Commission, Riverside County Transportation Commission, Western Riverside Council of Governments, Santa Clara Valley Transportation Authority, San Luis Obispo Council of Governments, Transportation Agency for Monterey County, Alameda-Contra Costa Transit District (if amended), California Transit Association, and California Association of Councils of Governments.

OCTA POSITION:

Staff recommends: SUPPORT IF AMENDED

ASSEMBLY BILL

No. 798

Introduced by Assembly Member Nava

February 26, 2009

An act to add Division 3 (commencing with Section 64100) to Title 6.7 of the Government Code, and to amend Section 149.7 of the Streets and Highways Code, relating to transportation, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 798, as introduced, Nava. California Transportation Financing Authority: toll facilities.

(1) Existing law generally provides for programming and allocation of transportation capital improvement funds pursuant to the state transportation improvement program process administered by the California Transportation Commission. Existing law authorizes the development of toll road projects under certain conditions. Existing law authorizes the commission and the Department of Transportation to operate and manage the Transportation Finance Bank to make loans for transportation projects. Existing law creates the California Infrastructure and Economic Development Bank to assist in the financing of various public infrastructure projects. Existing law authorizes the state to issue tax-exempt revenue anticipation notes backed by federal transportation appropriations.

This bill would create the California Transportation Financing Authority with specified powers and duties relative to issuance of bonds to fund transportation projects to be backed, in whole or in part, by various revenue streams of transportation funds, and toll revenues under certain conditions, in order to increase the construction of new capacity

or improvements for the state transportation system consistent with specified goals. The bill would set forth the requirements for a project sponsor to obtain bond funding from the authority, would allow the authority to approve the imposition and collection of tolls on a proposed project under certain conditions, and would require the authority to report to the California Transportation Commission annually beginning June 30, 2011. The bill would create the California Transportation Financing Authority Fund, which would be continuously appropriated for these purposes. The bill would enact other related provisions.

(2) Existing law, until January 1, 2012, authorizes a regional transportation agency, in cooperation with the department, to apply to the commission to develop and operate high-occupancy toll lanes, with not more than 4 facilities to be approved under these provisions. Following public hearings by the commission, the commission is required to forward an eligible application and public comments to the Legislature for approval or rejection of the project, with approval to be achieved by the enactment of a statute.

This bill, with respect to these 4 projects, would delete the requirement for the commission to forward the applications to the Legislature for approval or rejection.

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

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

1 SECTION 1. Division 3 (commencing with Section 64100) is
 2 added to Title 6.7 of the Government Code, to read:

3
 4 DIVISION 3. CALIFORNIA TRANSPORTATION
 5 FINANCING AUTHORITY

6
 7 64100. This division shall be known and may be cited as the
 8 California Transportation Financing Authority Act.

9 64101. The California Transportation Financing Authority is
 10 hereby created in state government. The authority constitutes a
 11 public instrumentality, and the exercise by the authority of the
 12 powers conferred by this division shall be deemed and held to be
 13 the performance of an essential public function.

1 64102. As used in this division, the following terms shall have
2 the following meanings, unless the context clearly indicates or
3 requires another or different meaning or intent:

4 (a) "Authority" shall mean the California Transportation
5 Financing Authority.

6 (b) "Bonds" shall mean bonds, notes, debentures, commercial
7 paper, or any other evidence of indebtedness, lease, installment,
8 sale, or certificate of participation thereon, issued by the authority
9 or a project sponsor pursuant to this division.

10 (c) "Commission" shall mean the California Transportation
11 Commission.

12 (d) "Cost," as applied to a project or portion of a project financed
13 under this division, shall mean and include all or any part of the
14 cost of construction and acquisition of all lands, structures, real or
15 personal property rights, rights-of-way, franchises, easements, and
16 interests acquired or used for a project, the cost of demolishing or
17 removing any buildings or structures on land so acquired, including
18 the cost of acquiring any lands to which those buildings or
19 structures may be moved, the cost of all machinery and equipment,
20 financing charges, interest prior to, during, and for a period not to
21 exceed the later of one year or one year following completion of
22 construction, as determined by the authority, the cost of insurance
23 during construction, the cost of funding or financing noncapital
24 expenses, reserves for principal and interest and for extensions,
25 enlargements, additions, replacements, renovations, and
26 improvements, the cost of engineering, architectural, financial,
27 legal, and other necessary services, plans, specifications, studies,
28 surveys, estimates, administrative expenses, and other expenses
29 of funding or financing, that are necessary or incident to
30 determining the feasibility of any project, or that are incident to
31 the construction, rehabilitation, acquisition, or financing of any
32 project.

33 (e) "Department" shall mean the Department of Transportation.

34 (f) "Project" shall mean and include all or a portion of the
35 planning, design, development, finance, construction,
36 reconstruction, rehabilitation, improvement, acquisition, lease,
37 operation, or maintenance of highway, public street, rail, or related
38 facilities supplemental to or improvements upon existing facilities
39 currently owned and operated by the department or other project
40 sponsor.

1 (g) “Project sponsor” shall mean either the department, a
2 regional transportation planning agency designated pursuant to
3 Section 29532 or 29532.1, a county transportation commission as
4 defined in Section 130050, 130050.1, or 130050.2 of the Public
5 Utilities Code, any other local or regional transportation entity that
6 is designated by statute as a regional transportation agency, or a
7 joint exercise of powers authority as defined in Chapter 5
8 (commencing with Section 6500) of Division 7 of Title 1 or an
9 agency designated pursuant to Section 66531 to submit the county
10 transportation plan, with the consent of a transportation planning
11 agency or a county transportation commission for the jurisdiction
12 in which the transportation project will be developed.

13 (h) “Working capital” means moneys to be used by, or on behalf
14 of, a project sponsor to pay or prepay maintenance or operation
15 expenses or any other costs that would be treated as an expense
16 item, under generally accepted accounting principles, in connection
17 with the ownership or operation of a project, including, but not
18 limited to, reserves for maintenance or operation expenses, interest
19 for not to exceed one year on any loan for working capital made
20 pursuant to this division, and reserves for debt service with respect
21 to, and any costs necessary or incidental to, that financing.

22 64103. (a) The authority shall consist of seven members, as
23 follows:

24 (1) The Treasurer, who shall serve as the chair of the authority.

25 (2) The Director of Finance.

26 (3) The Controller.

27 (4) The Director of Transportation.

28 (5) The executive director of the commission.

29 (6) A local agency representative appointed by the Senate
30 Committee on Rules.

31 (7) A local agency representative appointed by the Speaker of
32 the Assembly.

33 (b) Members of the authority shall serve without compensation,
34 but the authority may reimburse its members for necessary
35 expenses incurred in the discharge of their duties.

36 (c) The Director of Finance may designate an employee of the
37 Department of Finance to act for him or her at all meetings of the
38 authority.

1 (d) The director of the department may designate an employee
2 of the department to act for him or her at all meetings of the
3 authority.

4 (e) The executive director of the commission may designate an
5 employee of the commission to act for him or her at all meetings
6 of the authority.

7 (f) The chair of the authority shall appoint an executive director.
8 The offices of the authority shall be located in the Office of the
9 Treasurer. The authority may, by resolution, delegate to one or
10 more of its members or its executive director or any employee of
11 the authority such powers and duties that it may deem proper,
12 including, but not limited to, the power to enter into contracts on
13 behalf of the authority.

14 (g) Four members of the authority shall constitute a quorum.
15 The affirmative vote of a quorum of the members present at a duly
16 constituted meeting of the authority shall be necessary for any
17 action taken by the authority.

18 64104. The provisions of this division shall be administered
19 by the authority, which shall have and is hereby vested with all
20 powers reasonably necessary to carry out the powers and
21 responsibilities expressly granted or imposed under this division.

22 64105. The objective of the authority shall be to increase the
23 construction of new capacity or improvements for the state
24 transportation system in a manner that is consistent with and will
25 help meet the state's greenhouse gas reduction goals, air quality
26 improvement goals, and natural resource conservation goals,
27 through the issuance of, or the approval of the issuance of, bonds
28 backed, in whole or in part, by the revenue streams specified in
29 Section 64109.

30 64106. (a) The Attorney General shall be the legal counsel for
31 the authority, however, with the approval of the Attorney General,
32 the authority may employ legal counsel as in its judgment is
33 necessary or advisable to carry out the duties and functions imposed
34 upon it by this division, including the employment of bond counsel
35 as may be deemed advisable in connection with the issuance and
36 sale of bonds.

37 (b) The Treasurer shall be the treasurer for the authority.

38 64107. The authority may do any of the following:

39 (a) Adopt bylaws for the regulation of its affairs and the conduct
40 of its business.

- 1 (b) Adopt an official seal.
- 2 (c) Sue and be sued in its own name.
- 3 (d) Receive and accept from any agency of the United States,
4 any agency of the state, or any municipality, county, or other
5 political subdivision thereof, or from any individual, association,
6 or corporation gifts, grants, or donations of moneys for achieving
7 any of the purposes of this division.
- 8 (e) Engage the services of private consultants to render
9 professional and technical assistance and advice in carrying out
10 the purposes of this division.
- 11 (f) Receive and accept from any source loans, contributions, or
12 grants for, or in aid of, the construction, financing, or refinancing
13 of a project or any portion of a project in money, property, labor,
14 or other things of value.
- 15 (g) Make secured or unsecured loans to, or purchase secured or
16 unsecured loans of, any project sponsor in connection with the
17 financing of a project or working capital in accordance with an
18 agreement between the authority and the project sponsor. However,
19 no loan to finance a project shall exceed the total cost of the project,
20 as determined by the project sponsor and approved by the authority.
- 21 (h) Make secured or unsecured loans to, or purchase secured or
22 unsecured loans of, any project sponsor in accordance with an
23 agreement between the authority and the project sponsor to
24 refinance indebtedness incurred by that project sponsor for the
25 costs of projects undertaken or for projects acquired or for working
26 capital.
- 27 (i) Mortgage all or any portion of the interest of the authority
28 in a project and the property on which that project is located,
29 whether owned or thereafter acquired, including the granting of a
30 security interest in any property, tangible or intangible, and to
31 assign or pledge all or any portion of the interests of the authority
32 in mortgages, deeds of trust, indentures of mortgage or trust, or
33 similar instruments, notes, and security interests in property,
34 tangible or intangible, of projects for which the authority has made
35 loans, and the revenues therefrom, including payments or income
36 from any thereof owned or held by the authority, for the benefit
37 of the holders of bonds issued to finance or refinance a project or
38 issued to refund or refinance outstanding indebtedness of project
39 sponsors as permitted by this division.

1 (j) Charge and equitably apportion among project sponsors, the
2 administrative costs and expenses incurred by the authority in the
3 exercise of its powers and duties conferred by this division.

4 (k) Obtain, or aid in obtaining, from any department or agency
5 of the United States or of the state, any private company, any
6 insurance or guarantee as to, of, or for the payment or repayment
7 of, interest or principal, or both, or any part thereof, on any bond,
8 loan, lease, or obligation, or any instrument evidencing or securing
9 the loan, lease, or obligation, made or entered into pursuant to this
10 division; and notwithstanding any other provisions of this division,
11 to enter into any agreement, contract, or any other instrument
12 whatsoever with respect to that insurance or guarantee, to accept
13 payment in the manner and form as provided therein in the event
14 of default by a project sponsor, and to assign that insurance or
15 guarantee as security for the authority's bonds.

16 (l) Enter into any and all agreements or contracts, including
17 agreements for liquidity and credit enhancement and interest rate
18 swaps or hedges, execute any and all instruments, and do and
19 perform any and all acts or things necessary, convenient, or
20 desirable for the purposes of the authority or to carry out any power
21 expressly granted by this division.

22 (m) Invest any moneys held in reserve or sinking funds or any
23 moneys not required for immediate use or disbursement, at the
24 discretion of the authority, in any obligations authorized by the
25 resolution authorizing the issuance of the bonds secured thereof
26 or authorized by law for the investment of trust funds in the custody
27 of the Treasurer.

28 (n) Employ and fix the compensation of bond counsel, financial
29 consultants, and advisers as may be necessary in its judgment in
30 connection with the issuance and administration of any bonds and
31 contract for engineering, architectural, accounting, or other services
32 as may be necessary in the judgment of the authority for the
33 successful development of any project.

34 (o) Participate in all things necessary and convenient to carry
35 out its purposes and exercise its powers.

36 64108. All expenses of the authority incurred in carrying out
37 the provisions of this division shall be payable solely from funds
38 provided pursuant to this division, and no liability shall be incurred
39 by the authority beyond the extent to which moneys shall have
40 been provided under this division, except that for the purposes of

1 meeting the necessary expenses of initial organization and
2 operation of the authority for the period commencing January 1,
3 2010, and continuing until the date the authority derives money
4 from funds provided to it under the provisions of this division, the
5 authority may borrow moneys as the authority may require. Any
6 moneys borrowed by the authority shall subsequently be charged
7 to and apportioned among project sponsors in an equitable manner
8 and the moneys repaid with appropriate interest over a reasonable
9 period of time. Under no circumstances shall the authority create
10 any debt, liability, or obligation on the part of the State of
11 California payable from any source whatsoever other than the
12 moneys provided under the provisions of this division.

13 64109. (a) To the extent permitted by law, in connection with
14 any project financed or refinanced pursuant to this division, the
15 project sponsor may pledge the following revenue sources as
16 security for revenue bonds issued by the authority:

17 (1) Local transportation funds, including, but not limited to,
18 fuel taxes, Article XIXB fuel sales taxes, local transportation sales
19 taxes, other state revenues approved for this purpose by the
20 Legislature or by initiative, and developer fees. To the extent that
21 these revenue sources are within the control of a local agency, the
22 revenue sources may only be pledged with approval of the
23 governing board of the local agency. To the extent that these
24 revenues are within the control of a state agency, the revenue
25 sources may only be pledged with approval by the department and
26 the commission.

27 (2) Tolls, on facilities where not otherwise prohibited by statute,
28 collected by a project sponsor with the approval of the authority.

29 (b) Where the authority is issuing bonds to finance or refinance
30 a project, the authority shall accept a project sponsor's pledge
31 made pursuant to subdivision (a) and pledge those revenues to the
32 repayment of bonds issued to finance or refinance the applicable
33 project.

34 64110. (a) A project sponsor may apply to the authority for
35 bond financing or refinancing of a transportation project that has
36 been approved by the department and the commission for
37 construction.

38 (b) The authority shall also ensure that the following
39 requirements are met for a project to be financed or refinanced by

1 the authority to the extent these criteria have not already been met
2 through approval of the project by the commission:

3 (1) The project complies with all relevant statutes applicable to
4 planning, programming, and construction of transportation
5 improvement projects, and is contained in the constrained portion
6 of a conforming regional transportation plan prepared pursuant to
7 Section 65080 and identified as a project proposed to be funded
8 under the authority provided by this division. For purposes of this
9 subdivision, a regional transportation plan must be consistent with
10 greenhouse gas reduction targets assigned by the State Air
11 Resources Board, pursuant to Division 25.5 (commencing with
12 Section 35800) of the Health and Safety Code.

13 (2) For projects on the state highway system, the project sponsor
14 has cooperated with the department to secure its support for the
15 project and to ensure that the project is consistent with the needs
16 and requirements of the state highway system.

17 (3) The project is technically feasible in that it conforms to
18 federal standards and meets or exceeds environmental
19 requirements.

20 (4) The project is financially feasible, as determined pursuant
21 to Section 64111.

22 (5) Performance measures have been developed for the project
23 to enable the commission to track and report on the project's
24 performance to the Legislature in the commission's annual report
25 prepared pursuant to Section 14535.

26 (6) The project has support in the communities adjacent to or
27 affected by the project. To ensure that such support can be
28 demonstrated, the project sponsor shall, at a minimum, make
29 available for public review and comment the proposed project,
30 including any proposed toll schedule, no less than 30 days prior
31 to approval by the governing body with jurisdiction over the
32 project.

33 (7) In the case of highway projects, the project sponsor submits
34 to the commission and to the authority a plan that demonstrates
35 how transit service or alternative modes of transportation will be
36 enhanced in the corridor concurrent with the operation of a toll
37 facility for the purpose of ensuring that the corridor provides for
38 multiple modes of transport that accommodate all users. Nothing
39 in this section may be construed to require that toll revenues be

1 used to finance the enhancement of transit or alternative means of
2 transportation in the project corridor.

3 (c) The authority shall have no power to plan projects, or to
4 approve projects other than provided in this division. The authority
5 shall have no power to assume any of the planning, programming,
6 or allocation authority of the department or the commission.

7 (d) Beginning June 30, 2011, and annually thereafter, the
8 authority shall provide to the commission a summary of actions
9 taken in the previous calendar year, including the number of project
10 sponsors who sought financing through the authority, a description
11 of each project, a summary of the sources of funding used to
12 finance or refinance the project, and any recommendations the
13 authority may have to improve the financing of transportation
14 infrastructure, to be included in the commission's annual report
15 to the Legislature as required by Section 14535.

16 64111. (a) Prior to issuing or approving the issuance of bonds
17 for a project, the authority shall determine that the revenues and
18 other moneys available for a project will be sufficient to pay debt
19 service on the bonds and to operate and maintain the project over
20 the life of the bonds consistent with the objective set forth in
21 Section 64105. The authority may hire outside consultants to assist
22 in making these determinations.

23 (b) The authority may issue or approve the issuance of bonds
24 to achieve any of its purposes under this division and bonds may
25 be issued without investment grade ratings, as long as the bonds
26 are sold only to qualified institutional buyers or accredited investors
27 who attest upon purchase that they understand the nature of the
28 risks of their investment. The bonds may be taxable or tax-exempt
29 and may be sold at public or private negotiated sale. The Treasurer
30 shall serve as the agent for sale for all authority bond issues, and
31 shall be reimbursed from bond proceeds to cover the Treasurer's
32 costs related to the issuance of these bonds. As used in this
33 subdivision, "accredited investor" shall have the meaning as
34 defined in subdivision (a) of Section 5950, and "qualified
35 institutional buyer" shall have the meaning as defined in
36 subdivision (h) of Section 5950.

37 (c) The project sponsor may request that it be the issuer of the
38 bonds. The authority may grant the request if it determines that
39 the revenues and other moneys available for the project will be
40 sufficient to pay debt service on the bonds and to operate and

1 maintain the project over the life of the bonds. A project sponsor
2 for which the authority has granted a request that the project
3 sponsor issue the bonds, in addition to any other powers it may
4 have under any other law, shall have all of the powers of the
5 authority under this division necessary or convenient for the
6 purpose of issuing, securing, and repaying the bonds and financing
7 or refinancing the project. This provision is a complete, additional,
8 and alternative method of accomplishing the matters authorized,
9 and the project sponsor need not comply with any other law relating
10 to the issuance of bonds, financing of projects and, if applicable,
11 the imposition and collection of tolls.

12 (d) The authority may arrange additional credit support for the
13 bond issues. However, the authority may not compel project
14 sponsors to make use of that credit enhancement, nor compel them
15 to contribute to it by becoming part of a common credit or by
16 providing funding for a common reserve or other enhancement
17 mechanism.

18 64112. Notwithstanding any other provision of law, the
19 authority may authorize a project sponsor, or the department, to
20 impose and collect tolls as one source of financing to pay debt
21 service and to operate and maintain a project under the following
22 conditions:

23 (a) The governing body of the project sponsor, by a majority
24 vote of the body, or, for projects sponsored by the department, the
25 commission, has approved the imposition of tolls on users of the
26 project, or a majority of the voters within the jurisdiction of the
27 project sponsor has approved a ballot measure imposing the tolls.

28 (b) Each highway project for which tolls are imposed shall have
29 nontolled alternative lanes available for public use in the same
30 corridor as the proposed toll project. Nothing in this division shall
31 allow the conversion of any existing nontolled or non-user-fee
32 lanes into tolled or user-fee lanes, except for the conversion of
33 high-occupancy vehicle lanes into high-occupancy toll lanes,
34 consistent with the authorizations in Sections 149.1, 149.4, 149.5,
35 149.6, and 149.7 of the Streets and Highways Code.

36 (c) For highway projects, the road segment is on the state
37 highway system. Nothing in this division shall allow the imposition
38 of a toll on any local street or road.

39 (d) The approval of the tolls pursuant to subdivision (a) shall
40 require that the tolls be set and maintained at a level expected to

1 be sufficient to pay debt service, operations, and maintenance of
2 the project over the life of the bonds consistent with the objective
3 set forth in Section 64105.

4 (e) The project's financial pro forma shall incorporate life-cycle
5 costs for the project, including revenues to pay for maintenance,
6 operation, and rehabilitation.

7 (f) Subject to any constraints in the bond documents necessary
8 to make the bonds marketable, excess revenues from operation of
9 the project, including toll revenues, shall be used exclusively in
10 the corridor from which the revenue was generated to fund
11 acquisition, construction, improvement, maintenance, or operation
12 of high-occupancy vehicle facilities, other transportation purposes,
13 or transit service, including, but not limited to, support for transit
14 operations pursuant to an expenditure plan. The project sponsor,
15 in consultation with the department, shall issue an expenditure
16 plan that describes transportation improvements for the corridor,
17 which shall include projected costs, the use of toll revenues, and
18 a proposed completion schedule. The expenditure plan shall be
19 updated annually. The plan and each annual update shall be made
20 available for public review and comment for no less than 30 days
21 prior to adoption by the governing board of the project sponsor.

22 (g) Except for purposes of implementing congestion
23 management mechanisms pursuant to Section 64113, tolls may
24 not be set to generate more revenue than the expected cost of
25 paying debt service on the bonds, contracts entered into by the
26 authority or the project sponsor in connection with the bonds,
27 funding reserves, operating and maintaining the project, repair and
28 rehabilitation of the project, and providing transportation
29 improvements to the corridor pursuant to subdivision (f).

30 64113. A project sponsor of a project imposing tolls may
31 incorporate congestion management mechanisms to regulate usage
32 and increase mobility, accessibility, and environmental benefits.

33 64114. The authority and the commission shall develop an
34 approval process that results in project approval by the commission
35 and financing approval by the authority in a cooperative manner
36 that is not sequential, in order that both approvals may be delivered
37 to a project at approximately the same time. Both agencies shall
38 work with potential project sponsors to ensure that projects are
39 developed and brought forward for approval in a manner consistent
40 with the commission's project requirements and the authority's

1 financing requirements. No less than 30 days prior to approving
2 the project and its financing plan, the commission and the authority
3 shall make available for public review and comment a description
4 of the project and its financing.

5 64115. (a) The authority is authorized, from time to time, to
6 issue its negotiable bonds in order to provide funds for achieving
7 any of its purposes under this division.

8 (b) Except as may otherwise be expressly provided by the
9 authority, each of its bonds shall be payable from any revenues or
10 moneys of the authority available therefor and not otherwise
11 pledged, subject only to any agreements with the holders of
12 particular bonds or notes pledging any particular revenues or
13 moneys. Notwithstanding that those bonds may be payable from
14 a special fund, they shall be and be deemed to be for all purposes
15 negotiable instruments, subject only to the provisions of those
16 bonds for registration.

17 (c) The authority's bonds may be issued as serial bonds or as
18 term bonds, or the authority, in its discretion, may issue bonds of
19 both types. The issuance of all bonds shall be authorized by
20 resolution of the authority and shall bear the date or dates, mature
21 at the time or times not exceeding 40 years from their respective
22 dates, bear interest at the rate or rates, fixed or variable, be payable
23 at the time or times, be in the denominations, be in the form, either
24 coupon or registered, carry the registration privileges, be executed
25 in the manner, be payable in lawful money of the United States of
26 America at the place or places, and be subject to the terms of
27 redemption, as the indenture, trust agreement, or other document
28 authorized by the resolution, or resolution itself may provide. The
29 authority's bonds or notes may be sold by the Treasurer at public
30 or private negotiated sale, after giving due consideration to the
31 recommendation of the project sponsor, for such price or prices
32 and upon such terms and conditions as the authority shall
33 determine. The Treasurer may sell those bonds at a price below
34 the par value thereof. However, the discount on any bonds so sold
35 shall not exceed 6 percent of the par value thereof, except in the
36 case of any bonds payable in whole or in part from moneys held
37 under one or more outstanding resolutions or indentures. Pending
38 preparation of the definitive bonds, the authority may issue interim
39 receipts or certificates or temporary bonds that shall be exchanged
40 for those definitive bonds.

1 (d) Any resolution or resolutions authorizing the issuance of
2 any bonds or any issue of bonds may contain provisions, which
3 shall be a part of the contract with the holders of the bonds to be
4 authorized, as to pledging all or any part of the revenues of a
5 project or any revenue-producing contract or contracts made by
6 the authority with any individual, partnership, corporation, or
7 association or other body, public or private, to secure the payment
8 of the bonds or of any particular issue of bonds.

9 (e) Neither the members of the authority nor any person
10 executing the bonds shall be liable personally on the bonds or be
11 subject to any personal liability or accountability by reason of the
12 issuance thereof.

13 (f) The authority shall have power out of any funds available
14 therefor to purchase its bonds or bonds issued by a project sponsor
15 under this division. The authority may hold, pledge, cancel, or
16 resell the bonds, subject to and in accordance with agreements
17 with bondholders.

18 64116. In the discretion of the authority, any bonds issued
19 under this division may be secured by a trust agreement or
20 indenture by and between the authority and a corporate trustee or
21 trustees, which may be the Treasurer or any trust company or bank
22 having the powers of a trust company within or without the state.
23 The trust agreement, indenture, or the resolution providing for the
24 issuance of those bonds may pledge or assign the revenues to be
25 received from a project sponsor or pursuant to any
26 revenue-producing contract or as pledged by the authority pursuant
27 to Section 64109. The indenture, trust agreement, or resolution
28 providing for the issuance of those bonds may contain provisions
29 for protecting and enforcing the rights and remedies of the
30 bondholders as may be reasonable and proper and not in violation
31 of law, including, particularly, provisions as have been specifically
32 authorized to be included in any resolution or resolutions of the
33 authority authorizing bonds thereof. The trust agreement or
34 indenture may set forth the rights and remedies of the bondholders
35 and of the trustee or trustees, and may restrict the individual right
36 of action of bondholders. In addition to the foregoing, the
37 indenture, trust agreement, or resolution may contain other
38 provisions as the authority may deem reasonable and proper for
39 the security of the bondholders.

1 64117. Bonds issued under this division shall not be deemed
2 to constitute a debt or liability of the state or of any political
3 subdivision thereof or a pledge of the faith and credit of the state
4 or of the political subdivision, other than the authority, but shall
5 be payable solely from the funds herein provided. The bonds shall
6 contain on the face thereof a statement to the effect that neither
7 the State of California nor the authority shall be obligated to pay
8 the principal of, or the interest thereon, except from revenues
9 pledged therefor by the authority, and that neither the faith and
10 credit nor the taxing power of the State of California or of any
11 political subdivision thereof is pledged to the payment of the
12 principal of or the interest on those bonds. The issuance of bonds
13 under the provisions of this division shall not directly or indirectly
14 or contingently obligate the state or any political subdivision
15 thereof to levy or to pledge any form of taxation therefor or to
16 make any appropriation for their payment.

17 64118. Any holder of bonds issued under this division or any
18 of the coupons appertaining thereto, and the trustee or trustees
19 under any indenture or trust agreement, except to the extent the
20 rights herein given may be restricted by any resolution authorizing
21 the issuance of, or any indenture or trust agreement securing, the
22 bonds, may, either at law or in equity, by suit, action, mandamus,
23 or other proceedings, protect and enforce any and all rights under
24 the laws of the state or granted hereunder or under the resolution
25 or indenture or trust agreement, and may enforce and compel the
26 performance of all duties required by this division or by the
27 resolution, indenture, or trust agreement to be performed by the
28 authority or by any officer, employee, or agent thereof.

29 64119. All moneys received pursuant to this division, whether
30 as proceeds from the sale of bonds or as revenues, shall be deemed
31 to be trust funds to be held and applied solely as provided in this
32 division. Until the funds are applied as provided in this division,
33 and notwithstanding any other provision of law, the moneys may
34 be invested in any obligations or securities authorized by resolution
35 of the authority authorizing the issuance of the bonds or indenture
36 or trust agreement securing the bonds. Any officer with whom, or
37 any bank or trust company with which, the moneys are deposited
38 shall act as trustee of the moneys and shall hold and apply the
39 moneys for the purposes hereof, subject to any regulations adopted

1 pursuant to this division, and the resolution authorizing the issuance
2 of the bonds or the indenture or trust agreement securing the bonds.

3 64120. (a) The authority may provide for the issuance of bonds
4 of the authority for the purpose of refunding any bonds or any
5 series or issue of bonds of the authority then outstanding, including
6 the payment of any redemption premium thereon and any interest
7 accrued or to accrue to the date of redemption, purchase, or
8 maturity of the bonds.

9 (b) The proceeds of any bonds issued for the purpose of
10 refunding of outstanding bonds may, in the discretion of the
11 authority, be applied to the purchase, redemption prior to maturity,
12 or retirement at maturity of any outstanding bonds on their earliest
13 redemption date or dates, upon their purchase or maturity, or paid
14 to a third person to assume the authority's obligation to make the
15 payments, and may, pending that application, be placed in escrow
16 to be applied to the purchase, retirement at maturity, or redemption
17 on the date or dates determined by the authority.

18 (c) Any proceeds placed in escrow may, pending their use, be
19 invested and reinvested in obligations or securities authorized by
20 resolutions of the authority, payable or maturing at the time or
21 times as are appropriate to ensure the prompt payment of the
22 principal, interest, and redemption premium, if any, of the
23 outstanding bonds to be refunded at maturity or redemption of the
24 bonds to be refunded either at their earliest redemption date or
25 dates or any subsequent redemption date or dates or for payment
26 of interest on the refunding bonds on or prior to the final date of
27 redemption or payment of the bonds to be refunded. After the terms
28 of the escrow have been fully satisfied and carried out, any balance
29 of the proceeds and interest, income, and profits, if any, earned or
30 realized on the investments thereof may be returned to the authority
31 for use by the authority.

32 (d) All of the refunding bonds are subject to this division in the
33 same manner and to the same extent as other bonds issued pursuant
34 to this division.

35 64121. Bonds issued by the authority under this division are
36 hereby made securities in which all banks, bankers, savings banks,
37 trust companies and other persons carrying on a banking business,
38 all insurance companies, insurance associations and other persons
39 carrying on an insurance business, and all administrators, executors,
40 guardians, trustees and other fiduciaries, and all other persons

1 whatsoever who now are or may hereafter be authorized to invest
2 in bonds or other obligations of the state, may properly and legally
3 invest any funds, including capital belonging to them or within
4 their control; and the bonds, notes or other securities or obligations
5 are hereby made securities that may properly and legally be
6 deposited with and received by any state or municipal officers or
7 agency of the state for any purpose for which the deposit of bonds
8 or other obligations of the state is now or may hereafter be
9 authorized by law.

10 64122. Any bonds issued under this division, their transfer,
11 and the income therefrom shall at all times be free from taxation
12 of every kind by the state and by all political subdivisions in the
13 state.

14 64123. The State of California does pledge to and agree with
15 the holders of the bonds issued pursuant to this division, and with
16 those parties who may enter into contracts with the authority or a
17 project sponsor pursuant to this division, that the state will not
18 limit, alter, or restrict the rights hereby vested in the authority or
19 a project sponsor to finance or refinance projects and to authorize
20 the imposition and collection of tolls and to fulfill the terms of any
21 agreements made with the holders of bonds authorized by this
22 division, and with the parties who may enter into contracts with
23 the authority or a project sponsor pursuant to this division, or in
24 any way impair the rights or remedies of the holders of those bonds
25 or those parties until the bonds, together with interest thereon, are
26 fully paid and discharged and the contracts are fully performed on
27 the part of the authority or a project sponsor. The authority, and
28 the project sponsor, as a public body, corporate and politic, shall
29 have the right to include the pledge herein made in its bonds and
30 contracts.

31 64124. A pledge by or to the authority of revenues, moneys,
32 accounts, accounts receivable, contract rights, and other rights to
33 payment of whatever kind made by or to the authority pursuant to
34 the authority granted in this division shall be valid and binding
35 from the time the pledge is made for the benefit of pledges and
36 successors thereto. The revenues, moneys, accounts, accounts
37 receivable, contract rights, and other rights to payment of whatever
38 kind pledged by or to the authority or its assignees shall
39 immediately be subject to the lien of the pledge without physical
40 delivery or further act. The lien of the pledge shall be valid and

1 binding against all parties, irrespective of whether the parties have
2 notice of the claim. The indenture, trust agreement, resolution, or
3 another instrument by which the pledge is created need not be
4 recorded.

5 64125. Each lease entered into by the authority with a project
6 sponsor and each agreement, note, mortgage, or other instrument
7 evidencing the obligations of a project sponsor to the authority
8 shall provide that the rents or principal, interest, and other charges
9 payable by the project sponsor shall be sufficient at all times, (a)
10 to pay the principal of, sinking fund payments, if any, the premium,
11 if any, and the interest on outstanding bonds of the authority issued
12 in respect of such project as the same shall become due and
13 payable, (b) to create and maintain reserves which may, but need
14 not, be required or provided for in the resolution relating to the
15 bonds of the authority, and (c) to pay its share of the administrative
16 costs and expenses of the authority. The authority shall pledge the
17 revenues derived, and to be derived, from a project or from a
18 project sponsor for the purposes specified in (a), (b), and (c) of the
19 preceding sentence and additional bonds may be issued which may
20 rank on a parity with other bonds relating to the project to the
21 extent and on the terms and conditions provided in the bond
22 resolution.

23 64126. When the principal of and interest on bonds issued by
24 the authority to finance the cost of a project or working capital or
25 to refinance outstanding indebtedness of one or more project
26 sponsors, including any refunding bonds issued to refund and
27 refinance those bonds, have been fully paid and retired or when
28 adequate provision has been made to fully pay and retire those
29 bonds, and all other conditions of the resolution, the lease, the trust
30 indenture and any mortgage or deed of trust, security interest, or
31 any other instrument or instruments authorizing and securing the
32 bonds have been satisfied and the lien of the mortgage, deed of
33 trust, or security interest has been released in accordance with the
34 provisions thereof, the authority shall promptly do all things and
35 execute those releases, release deeds, reassignments, deeds, and
36 conveyances necessary and required to convey or release any
37 rights, title, and interest of the authority in the project so financed,
38 or securities or instruments pledged or transferred to secure the
39 bonds, to the project sponsor or sponsors.

1 64127. (a) This division shall be deemed to provide a complete,
2 additional, and alternative method for doing the things authorized
3 by this code, and shall be regarded as supplemental and additional
4 to powers conferred by other laws. The issuance of bonds and
5 refunding bonds and the financing or refinancing of projects or
6 the imposition and collection of tolls under this chapter need not
7 comply with any other law applicable to the issuance of bonds or
8 the collection of tolls, including, but not limited to, Division 13
9 (commencing with Section 21000) of the Public Resources Code.

10 (b) Except as provided in subdivision (a), the financing of a
11 project pursuant to this division shall not exempt a project from
12 any requirement of law that is otherwise applicable to the project,
13 and the project sponsor shall provide documentation, before the
14 authority approves the issuance of bonds for the project, that the
15 project has complied with Division 13 (commencing with Section
16 21000) of the Public Resources Code, or is not a project under that
17 division.

18 64128. To the extent that the provisions of this division are
19 inconsistent with any other provisions of any general statute or
20 special act or parts thereof, the provisions of this division shall be
21 deemed controlling.

22 64129. Any net earnings of the authority beyond that necessary
23 for retirement of any obligations issued by the authority or to
24 implement the purposes of this division may inure to the benefit
25 only of the state or the authority.

26 64130. Upon dissolution of the authority, title to all property
27 owned by the authority shall vest in the successor authority created
28 by the Legislature, if any, if the successor authority qualifies under
29 Section 103 of the federal Internal Revenue Code of 1954, as
30 amended, and the regulations promulgated thereunder, as an
31 authority entitled to issue obligations on behalf of the State of
32 California the interest on which is exempt from federal income
33 taxation. If no successor authority is so created, title to the property
34 shall vest in the state.

35 64131. Nothing in this division is intended to limit the authority
36 to develop and finance high-occupancy toll lanes pursuant to
37 Section 149.4, 149.5, 149.6, or 149.7 of the Streets and Highways
38 Code, or to limit the ability of any agency that has existing
39 authority to issue bonds.

1 64132. (a) The California Transportation Financing Authority
2 Fund is hereby created and continued in existence in the State
3 Treasury, to be administered by the authority. Notwithstanding
4 Section 13340 of the Government Code, all moneys in the funds
5 shall be continuously appropriated without regard to fiscal year
6 for the purposes of this division. The authority may pledge any or
7 all of the moneys in the fund as security for payment of the
8 principal of, and interest on, any particular issuance by the authority
9 of bonds issued pursuant to this division, or any particular secured
10 or unsecured loan made pursuant to subdivision (g) or (h) of
11 Section 64107, and, for that purpose or as necessary or convenient
12 to the accomplishment of any other purpose of the authority, may
13 divide the fund into separate accounts. All moneys accruing to the
14 authority pursuant to this part from whatever source shall be
15 deposited in the fund.

16 (b) Subject to the priorities that may be created by the pledge
17 of particular moneys in the fund to secure any issuance of bonds
18 of the authority, and subject further to the costs of loans provided
19 by the authority pursuant to subdivisions (g) and (h) of Section
20 64107, and subject further to any reasonable costs that may be
21 incurred by the authority in administering the program authorized
22 by this division, all moneys in the fund derived from any source
23 shall be held in trust for the security and payment of bonds of the
24 authority and shall not be used or pledged for any other purpose
25 so long as the bonds are outstanding and unpaid. However, nothing
26 in this section shall limit the power of the authority to make loans
27 with the proceeds of bonds in accordance with the terms of the
28 resolution authorizing the same.

29 (c) Pursuant to any agreements with the holders of particular
30 bonds pledging any particular assets, revenues, or moneys, the
31 authority may create separate accounts in the fund to manage
32 assets, revenues, or moneys in the manner set forth in the
33 agreements.

34 (d) The authority may, from time to time, direct the Treasurer
35 to invest moneys in the fund that are not required for its current
36 needs, including proceeds from the sale of any bonds, in the eligible
37 securities specified in Section 16430 as the agency shall designate.
38 The authority may direct the Treasurer to deposit moneys in
39 interest-bearing accounts in state or national banks or other
40 financial institutions having principal offices in this state. The

1 authority may alternatively require the transfer of moneys in the
2 fund to the Surplus Money Investment Fund for investment
3 pursuant to Article 4 (commencing with Section 16470) of Chapter
4 3 of Part 2 of Division 4 of Title 2. All interest or other increment
5 resulting from an investment or deposit shall be deposited in the
6 fund, notwithstanding Section 16305.7. Moneys in the fund shall
7 not be subject to transfer to any other fund pursuant to any
8 provision of Part 2 (commencing with Section 16300) of Division
9 4 of Title 2, excepting the Surplus Money Investment Fund.

10 SEC. 2. Section 149.7 of the Streets and Highways Code is
11 amended to read:

12 149.7. (a) A regional transportation agency, as defined in
13 Section 143, in cooperation with the department, may apply to the
14 commission to develop and operate high-occupancy toll lanes,
15 including the administration and operation of a value pricing
16 program and exclusive or preferential lane facilities for public
17 transit, consistent with the established standards, requirements,
18 and limitations that apply to those facilities in Sections 149, 149.1,
19 149.3, 149.4, 149.5, and 149.6.

20 (b) The commission shall review each application for the
21 development and operation of the facilities described in subdivision
22 (a) according to eligibility criteria established by the commission.
23 For each eligible application, the commission shall conduct at least
24 one public hearing in northern California and one in southern
25 California.

26 ~~(c) Following public hearings, the commission shall submit an~~
27 ~~eligible application and any public comments made during the~~
28 ~~hearings to the Legislature for approval or rejection. Approval~~
29 ~~shall be achieved by the enactment of a statute. The number of~~
30 ~~facilities approved under this section shall not exceed four, two in~~
31 ~~northern California and two in southern California.~~

32 (d) A regional transportation agency that develops or operates
33 a facility, or facilities, described in subdivision (a) shall provide
34 any information or data requested by the commission or the
35 Legislative Analyst. The commission, in cooperation with the
36 Legislative Analyst, shall annually prepare a report on the progress
37 of the development and operation of a facility authorized under
38 this section. The commission may submit this report as a section
39 in its annual report to the Legislature required pursuant to Section
40 14535 of the Government Code.

1 (e) No applications may be approved under this section on or
2 after January 1, 2012.

O

BILL: AB 1403 (Eng, D – Monterey Park)
Introduced February 27, 2009
Amended April 2, 2009
Amended April 28, 2009

SUBJECT: Eliminates the cap on the Southern California Association of Governments' share of Transportation Development Act sales tax funds

STATUS: Passed Assembly Transportation Committee 14-0
Pending in the Assembly

SUMMARY AS OF APRIL 28, 2009:

AB 1403 would eliminate the \$1 million cap on the Southern California Association of Governments' (SCAG) share of funding provided through the Transportation Development Act (TDA), beginning on July 1, 2011. Instead, SCAG's share would be limited to three-fourths of 1 percent of funding provided under existing law.

Enacted in 1971, the TDA's purpose is to provide funding for the planning, creation, and operation of public transportation systems. Concurrent with the establishment of the TDA, the Local Transportation Fund (LTF) was created to provide funding for such services through a one-quarter cent sales tax on all goods. As the county transportation planning agency for Orange County, the Orange County Transportation Authority (OCTA) is the recipient of LTF funding for the county.

LTF revenues are allocated by the State Board of Equalization to each county based on the amount of sales tax collected within the county. In addition, specific set-asides are required off the top from the distribution of LTF to each county as follows:

- Necessary administrative costs associated with this funding for the county and the transportation planning agency.
- One percent of revenues in Los Angeles County, and up to 3 percent of revenues in Orange, Riverside, and San Bernardino counties for transportation planning and programming. Apportioned from each county's share, SCAG is to receive three-fourths of 1 percent, not to exceed \$1 million, for planning and programming.
- Two percent for pedestrian and bicycle facilities allocated by the transportation planning agency.

After these set-asides are completed, the remainder of funds are used for transit operations and capital uses, including rail service. In some cases the pedestrian and bicycle funds can be used for transit, if the transportation planning agency determines the funding is better used for that purpose. In rural areas, LTF funds can be used for local streets and roads if it has been determined that all transit needs have been met for the region.

The \$1 million cap on TDA LTF funding provided to SCAG was originally established in 1979 under AB 103 (Chapter 579, Statutes of 1979), a trailer bill to the bill that created

the county transportation commissions in Los Angeles, Orange, Riverside, and San Bernardino counties in 1976, AB 1246 (Chapter 1333, Statutes of 1976). Prior to the creation of the commissions, SCAG was responsible for allocating TDA funding to the various transit districts in the regions. An OCTA sponsored bill, AB 3799 (Chapter 1172, Statutes of 1992), transferred this duty to the commissions due to their increased planning functions related to AB 1246, and the passage of various local sales tax measures.

However, ever since the \$1 million cap was first established about thirty years ago, it has never been adjusted for inflation or increased planning duties assumed by SCAG, even though LTF revenues have increased over the same period of time and SCAG's planning duties have intensified. By eliminating the \$1 million cap, AB 1403 would allow for TDA appropriations to SCAG that more accurately represent their regional functions as originally contemplated when the cap was first created. In addition, by allowing SCAG, as the largest metropolitan planning organization (MPO) in the state, to receive the total three-fourths of one percent of TDA LTF revenues, it will more closely mirror the allocations to the other MPOs in the state, who do not have a cap.

EFFECTS ON ORANGE COUNTY:

AB 1403 is sponsored by SCAG, with the intent of creating a regional collaborative effort in supporting its passage. SCAG notes that since the establishment of the cap, its planning duties have greatly increased, including air quality conformity requirements, additional federal and state planning requirements, and now, the creation of a sustainable communities strategy for the region per SB 375 (Chapter 728, Statutes of 2008). Furthermore, additional funding is needed for SCAG to provide matches for federal grant funding programs, which are currently provided only through SCAG's TDA LTF share and membership dues.

If implemented, AB 1403 would require OCTA, the Los Angeles County Metropolitan Transportation Authority, Riverside County Transportation Commission, and San Bernardino Association of Governments to allocate additional funds to SCAG from their LTF revenues. Ventura and Imperial Counties are not required to contribute to SCAG because neither existed when this arrangement was first created. To demonstrate the impacts on OCTA, in fiscal year 2008-2009 OCTA received about \$111.5 million in TDA allocations, with existing law requiring about \$180,000 to be allocated to SCAG. Under AB 1403 this amount would increase \$655,970 to \$836,570. Overall, SCAG would receive an additional \$3.6 million from all four counties, for a total of about \$4.6 million.

SCAG has acknowledged that the diversion of such funds could present difficulties to the regional agencies in these economic times. Therefore, SCAG agreed to extend the date of implementation to July 1, 2011. At that point, if enacted, AB 1403 would ensure a stable funding stream for regional planning efforts.

OCTA POSITION:

Staff recommends: SUPPORT

AMENDED IN ASSEMBLY APRIL 28, 2009

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1403

Introduced by Assembly Member Eng
(Coauthor: Assembly Member Hernandez)
(Coauthors: Senators Huff and Lowenthal)

February 27, 2009

An act to amend, *repeal*, and *add* Section 99233.2 of the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1403, as amended, Eng. Local transportation funds: planning and programming.

Existing law, pursuant to the Mills-Alquist-Deddeh Act, also known as the Transportation Development Act, provides for allocation by the transportation planning agency of $\frac{1}{4}$ % of the sales tax in each county deposited in the local transportation fund to various transportation purposes, including transportation planning and programming, public transit, and, in some cases, local streets and roads. Up to 3% of annual revenues may be allocated to the transportation planning agency, if it is statutorily created, for transportation planning and programming purposes. In the multicounty region that is within the Southern California Association of Governments (SCAG), which is also known as the multicounty designated transportation planning agency, specified percentages of annual revenues may be allocated to the statutorily created county transportation commissions in 5 individual counties, and up to $\frac{3}{4}$ of 1% of annual revenues, but not more than \$1,000,000,

may be allocated by the commissions in Los Angeles, Orange, Riverside, and San Bernardino counties, proportionately, to SCAG for its transportation planning and programming functions.

This bill, *effective July 1, 2011*, would delete the \$1,000,000 limitation on allocations of these funds by the 4 county transportation commissions to SCAG.

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

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

1 SECTION 1. Section 99233.2 of the Public Utilities Code is
2 amended to read:

3 99233.2. (a) Except as provided in subdivisions (b) and (c),
4 there shall be allocated to the transportation planning agency, if it
5 is statutorily created, such sums as it may approve, up to 3 percent
6 of annual revenues, for the conduct of the transportation planning
7 and programming process, unless a greater amount is approved by
8 the director.

9 (b) (1) In those areas that have a county transportation
10 commission created pursuant to Section 130050, up to 1 percent
11 of annual revenues shall be allocated to the commission in Los
12 Angeles County, and up to 3 percent of the annual revenues shall
13 be allocated to the commissions in Orange, Riverside, and San
14 Bernardino Counties for the transportation planning and
15 programming process. Of the funds allocated to the commission
16 in Riverside County, one-half shall be allocated for planning studies
17 within the Western Riverside County and the Coachella Valley
18 areas, as determined by the commission.

19 (2) In the area of the multicounty designated transportation
20 planning agency, as defined in Section 130004, up to three-fourths
21 of 1 percent of annual revenues, but not more than one million
22 dollars (\$1,000,000) per year, shall be allocated by the appropriate
23 entities, proportionately, on or before each July 1, to the
24 multicounty designated transportation planning agency for the
25 transportation planning and programming process. No operator
26 shall grant any funds it receives under this chapter to the designated
27 multicounty transportation planning agency for purposes of the
28 agency carrying out its responsibilities under Division 12
29 (commencing with Section 130000).

1 (c) In Ventura County, up to 2 percent of the annual revenues
2 shall be allocated to the Ventura County Transportation
3 Commission for the transportation planning and programming
4 process.

5 (d) *This section shall be repealed on July 1, 2011.*

6 *SEC. 2. Section 99233.2 is added to the Public Utilities Code,*
7 *to read:*

8 *99233.2. (a) Except as provided in subdivisions (b) and (c),*
9 *there shall be allocated to the transportation planning agency, if*
10 *it is statutorily created, such sums as it may approve, up to 3*
11 *percent of annual revenues, for the conduct of the transportation*
12 *planning and programming process, unless a greater amount is*
13 *approved by the director.*

14 *(b) (1) In those areas that have a county transportation*
15 *commission created pursuant to Section 130050, up to 1 percent*
16 *of annual revenues shall be allocated to the commission in Los*
17 *Angeles County, and up to 3 percent of the annual revenues shall*
18 *be allocated to the commissions in Orange, Riverside, and San*
19 *Bernardino Counties for the transportation planning and*
20 *programming process. Of the funds allocated to the commission*
21 *in Riverside County, one-half shall be allocated for planning*
22 *studies within the Western Riverside County and the Coachella*
23 *Valley areas, as determined by the commission.*

24 *(2) In the area of the multicounty designated transportation*
25 *planning agency, as defined in Section 130004, up to three-fourths*
26 *of 1 percent of annual revenues shall be allocated by the*
27 *appropriate entities, proportionately, on or before each July 1, to*
28 *the multicounty designated transportation planning agency for the*
29 *transportation planning and programming process. No operator*
30 *shall grant and funds it receives under this chapter to the*
31 *designated multicounty transportation planning agency for*
32 *purposes of the agency carrying out its responsibilities under*
33 *Division 12 (commencing with Section 130000).*

34 *(c) In Ventura County, up to 2 percent of the annual revenues*
35 *shall be allocated to the Ventura County Transportation*
36 *Commission for the transportation planning and programming*
37 *process.*

38 *(d) This section shall become operative on July 1, 2011.*

39 ~~SECTION 1. Section 99233.2 of the Public Utilities Code is~~
40 ~~amended to read:~~

1 ~~99233.2. (a) Except as provided in subdivisions (b) and (c),~~
 2 ~~there shall be allocated to the transportation planning agency, if it~~
 3 ~~is statutorily created, such sums as it may approve, up to 3 percent~~
 4 ~~of annual revenues, for the conduct of the transportation planning~~
 5 ~~and programming process, unless a greater amount is approved by~~
 6 ~~the director.~~

7 ~~(b) (1) In those areas that have a county transportation~~
 8 ~~commission created pursuant to Section 130050, up to 1 percent~~
 9 ~~of annual revenues shall be allocated to the commission in Los~~
 10 ~~Angeles County, and up to 3 percent of the annual revenues shall~~
 11 ~~be allocated to the commissions in Orange, Riverside, and San~~
 12 ~~Bernardino Counties for the transportation planning and~~
 13 ~~programming process. Of the funds allocated to the commission~~
 14 ~~in Riverside County, one-half shall be allocated for planning studies~~
 15 ~~within the Western Riverside County and the Coachella Valley~~
 16 ~~areas, as determined by the commission.~~

17 ~~(2) In the area of the multicounty designated transportation~~
 18 ~~planning agency, as defined in Section 130004, up to three-fourths~~
 19 ~~of 1 percent of annual revenues shall be allocated by the appropriate~~
 20 ~~entities, proportionately, on or before each July 1, to the~~
 21 ~~multicounty designated transportation planning agency for the~~
 22 ~~transportation planning and programming process. No operator~~
 23 ~~shall grant any funds it receives under this chapter to the designated~~
 24 ~~multicounty transportation planning agency for purposes of the~~
 25 ~~agency carrying out its responsibilities under Division 12~~
 26 ~~(commencing with Section 130000).~~

27 ~~(c) In Ventura County, up to 2 percent of the annual revenues~~
 28 ~~shall be allocated to the Ventura County Transportation~~
 29 ~~Commission for the transportation planning and programming~~
 30 ~~process.~~

O

BILL: SB 716 (Wolk, D-Davis)
Introduced February 25, 2009

SUBJECT: Authorizes a county, city, county transportation commission, or operator to file a claim for funds from the Transportation Development Act for vanpool services, including vanpool service operation and capital improvement expenditures for agricultural worker transportation to and from work

STATUS: Senate Transportation and Housing Committee

SUMMARY AS OF APRIL 27, 2009:

SB 716 would amend existing law to allow Transportation Development Act (TDA) funds to be used for vanpools including vanpools for agricultural workers when a local agency files a claim with a regional transportation planning agency (RTPA). Current law states that TDA funds shall be used for a variety of transportation programs including planning and program activities, pedestrian and bicycle facilities, community transit services, public transportation, and bus and rail projects. In rural areas funds may be used for local streets and roads if all other transit funding demands have been fulfilled. SB 716 would authorize a local agency or operator of a vanpool to file a claim for TDA funds, including vanpool operation and capital improvement expenditures for agricultural workers traveling to and from work.

Vanpools for agricultural workers currently operate in several counties throughout the state including Kings, Kern, Tulare, and Fresno. Furthermore, in 2006 the Legislature approved the Agriculture Worker Transportation Worker Program (AWTP), a pilot program administered by the California Department of Transportation (Caltrans) to provide safe transportation services to agricultural workers. AWTP is currently scheduled to sunset in 2011 and is funded by a \$20 million appropriation from the Public Transportation Account (PTA).

Established in 1971, the TDA is a one-quarter percent local sales and use tax (SUT) that serves as the dedicated revenue source for the Local Transportation Fund (LTF). The LTF provides funding for transportation planning and transit services, particularly for urban areas. RTPA's in rural areas may use TDA funds for local streets and roads projects if the region's RTPA determines all local transit funding needs have been fulfilled. Local TDA revenues serve as the "base" funding source for public transportation operations and is generated at the local level. Moreover, local TDA revenues are now the last remaining state revenue source for public transportation agencies. Over the past three years, the state has experienced declines in state revenues and used PTA dollars to offset state funding obligations.

Authorizing TDA funds to fund vanpools sets an ominous precedent. If approved, the state would be provided with a stronger case to divert TDA funds to programs traditionally paid through the General Fund. As mentioned, over the past three years,

the state has used transportation special fund dollars to pay for programs traditionally paid for by the General Fund. Home-to-school transportation and regional center transportation were redefined to be considered "mass transportation" and as a result, qualified as an expenditure within the PTA. Debt service on previously issued transportation bonds were also shifted to be paid from "spillover" dollars (a calculation of the difference between a portion of the state sales tax on all goods and the state sales tax on gasoline) which were diverted to the newly created Mass Transportation Fund. All three of the abovementioned expenditures had previously been paid for by the General Fund. In the recently enacted 2009-2010 budget, home-to-school and regional center transportation became permanent PTA expenditures resulting in the five year suspension of the PTA's State Transit Assistance (STA) program in order to keep the PTA solvent. As the state continues to deal with declining revenues and ongoing deficits, this bill would set the precedent for future TDA diversions to provide additional General Fund relief.

EFFECTS ON ORANGE COUNTY:

The Orange County Transportation Authority (OCTA) operates a vanpool program for riders employed in Orange County. OCTA's vanpool program currently has approximately 291 participating vans in Orange County. In order to qualify for OCTA's program, interested riders must agree to a number of requirements including, entering into an agreement with either of the two major vanpool providers contracted by OCTA to provide vanpool service in Orange County (VPSI or Enterprise), must obtain a \$5 million insurance policy per van (which the two major providers supply in their agreements), 80 percent of the van must be filled upon initial agreement and actual ridership occupancy per van needs to be maintained at 60 percent, the van must travel to a worksite in Orange County, and the drivers must also meet strict driving criteria as required by VPSI and Enterprise.

If a vanpool meets this criteria, a vanpool can qualify for OCTA's vanpool program. Under OCTA's program, OCTA will cover \$400 of the monthly costs for each participating van. Participating riders and/or their employers cover the remaining monthly costs. OCTA shares are currently paid through the federal Congestion Mitigation and Air Quality Improvement Program (CMAQ) until the beginning of 2010. OCTA will then receive funding through the Federal Transit Administration (5307 funds) to sustain the program.

Under SB 716, OCTA may experience additional losses in LTF revenues. The average cost to operate an individual van is approximately \$1,000 per month. OCTA provides a \$400 subsidy (federal funds) per van which qualifies for the vanpool program. The remaining cost of approximately \$600 is covered by the riders in each van. Assuming the current vanpool program participants and expenditures remain relatively constant, OCTA could experience a \$2.09 million annual loss in TDA funds (assuming 100 percent of vanpool vans file a claim). This translates into a potential monthly TDA loss of \$174,600.

Moreover, it should be noted that the abovementioned estimates only factor in vanpools which qualify under OCTA's program. SB 716 does not specify whether all vanpools which "operate" within a county may file a claim for TDA funds or vanpools which only qualify under a program administered by a local government agency. Staff has indicated additional vanpools operate throughout Orange County but do not meet the eligibility requirements of OCTA's vanpool program. For example, OCTA's program requires vanpools to use vans only from Enterprise and VPSI due to the companies' ability to meet OCTA's thorough insurance and safety requirements, as well as their ability to maintain records and provide reports necessary for OCTA to qualify for FTA 5307 funding.

Due to the language in SB 716 authorizing an "operator" to file a claim, the legislation in its current form can be interpreted that any business operating a vanpool could file a claim. If a business operates a vanpool with its own vans and is self-insured, these vanpools do not qualify for OCTA's program. SB 716 does not specifically define what "operator" means and, as a result, it is unclear whether independent operating vanpools are ineligible to file a claim. Thus, non-eligible vanpools may also be able to file a claim for the entire cost of monthly vanpool expenditures which may calculate to more than \$1,000. Staff is unable to determine the cost impact due to the lack of data on non-eligible vanpools in Orange County. However, the additional costs to OCTA could be significant.

OCTA POSITION:

Staff recommends: OPPOSE

Introduced by Senator Wolk

February 27, 2009

An act to add Section 99233.6 to the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 716, as introduced, Wolk. Local transportation funds.

Existing law requires that ¼% of the local sales and use tax be transferred to the local transportation fund of the county and be allocated, as directed by the transportation planning agency, for various transportation purposes.

This bill would authorize a county, city, county transportation commission, or transit operator to file a claim for an allocation of funds for vanpool service operation expenditures and capital improvement expenditures, including for vanpool services for purposes of farmworker transportation to and from work.

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

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

- 1 SECTION 1. Section 99233.6 is added to the Public Utilities
- 2 Code, to read:
- 3 99233.6. Any county, city, county transportation commission,
- 4 or operator may file claims with the transportation planning agency
- 5 for vanpool service operation expenditures and capital

- 1 improvement expenditures, including for vanpool services for
- 2 purposes of farmworker transportation to and from work.



Orange County Transportation Authority Legislative Matrix

2009 State Legislation Session
May 7, 2009

SPONSORED BILL			
BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
SB 454 (Lowenthal – D) Department of Transportation: Division of Rail	Serves as the legislative vehicle for any necessary policy modifications resulting from the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail integration study currently being completed by several Southern California regional transportation agencies	INTRODUCED: 2/26/2009 LOCATION: Senate Rules Committee STATUS: 03/12/2009 To SENATE Committee on RULES	Staff Recommends: SPONSOR
BILLS WITH POSITIONS			
BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
▶ AB 628 (Block - D) Vehicles: Toll Evasion Violations	Permits agencies to use pay-by-plate processing for toll roads and bridges. Provides that where the issuing agency permits pay-by-plate toll processing and payment of tolls and other charges, it is prima facie evidence of toll evasion violation for a person to enter the toll road or bridge without lawful money of the United States in the person's immediate possession, a transponder or other electronic payment device, or valid California vehicle plates properly affixed to the vehicle.	INTRODUCED: 02/25/2009 LAST AMENDED: 04/02/2009 LOCATION: Assembly Appropriations Committee STATUS: 04/20/2009 From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on APPROPRIATIONS HEARING: 04/29/2009 9:00 am	SUPPORT Sponsor: South Bay Expressway (State Route 125) Support: Metropolitan Transportation Commission, Transportation Corridor Agencies

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 729 (Evans - D)</p> <p>Public Contracts: Transit Design-Build Contracts</p>	<p><i>Amends existing law to extend the January 1, 2011 sunset provision to allow transit operators to enter into design-build contracts for transit capital projects until January 1, 2015.</i></p>	<p>INTRODUCED: 02/26/2009 LAST AMENDED: 04/22/2009 LOCATION: Assembly Third Reading file</p> <p>STATUS: 04/23/2009 In ASSEMBLY. Read second time. To third reading</p>	<p>SUPPORT</p> <p>Sponsor: California Transit Association</p> <p><i>Support: Foothill Transit, San Diego Association of Governments, Santa Clara Valley Transportation Authority</i></p>
<p>► AB 1072 (Eng - D)</p> <p>Public Transportation Modernization, Improvement, and Service Enhancement Account</p>	<p>Clarifies that the formula used to calculate an agency's share of Proposition 1B Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) is to be the same in future fiscal years (FY) as was used to appropriate funding in the FY 2009-2010 budget. Requires eligible project sponsors to provide the California Department of Transportation a list of projects that they plan to fund with PTMISEA funds that have not yet been appropriated.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 03/26/2009 To ASSEMBLY Committee on TRANSPORTATION HEARING: 04/27/2009 1:30 pm</p>	<p>SUPPORT</p> <p>Sponsor: California Transit Association</p>
<p>► SB 372 (Kehoe - D)</p> <p>State Parks System</p>	<p>Prohibits the modification or adjustment of state park units, or the removal of state park units from within the state park system, without the State Park and Recreation Commission making that recommendation to the Legislature and the Legislature enacting legislation approving the recommendation.</p>	<p>INTRODUCED: 02/26/2009 LAST AMENDED: 04/20/2009 LOCATION: Senate Natural Resources and Water Committee</p> <p>STATUS: 04/20/2009 From SENATE Committee on NATURAL RESOURCES AND WATER with author's amendments</p> <p><i>04/20/2009 In SENATE. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES AND WATER</i></p> <p>HEARING: 04/28/2009 9:00 am</p>	<p>OPPOSE</p> <p>(partial list) <i>Support: California League of Conservation Voters, Bay Area Open Space Council</i></p> <p><i>Oppose: Orange County Board of Supervisors, Transportation Corridor Agencies of Orange County</i></p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
SB 679 (Wolk - D) State Parks and Acquired Land	Prohibits land acquired for the state park system, through public funds or gifts, from being disbursed of or used for other than park purposes without the express authority of an act of the Legislature. Any request for such authority would be required to provide for the substitution of other lands of equal environmental value and fair market value and reasonably equivalent usefulness and location to those to be disposed of or used for other than park purposes.	INTRODUCED: 02/27/2009 LOCATION: Senate Natural Resources and Water Committee STATUS: 03/19/2009 To SENATE Committee on NATURAL RESOURCES AND WATER HEARING: 04/28/2009 9:00 am	OPPOSE (partial list) <i>Support: California State Parks Foundation, Sierra Club California</i> <i>Oppose: California Chamber of Commerce, Transportation Corridor Agencies of Orange County</i>
BILLS BEING MONITORED			
BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
AB 26 (Hernandez – D) Public Contracts: Bid Preferences: Employee Health Care	Requires a state agency awarding a public works contract to provide a bid preference to a bidder whose employee health care expenditures, and those of its subcontractors, are a percentage of the aggregate Social Security Wages paid to its employees in the state. Requires a bidder and its subcontractors to submit statements certifying that they qualify for the bid preference. Requires the bidder and contractors to continue to make employee health care expenditures.	INTRODUCED: 12/01/2008 LOCATION: Assembly Appropriations Committee STATUS: 04/01/2009 In ASSEMBLY Committee on APPROPRIATIONS: To Suspend File	Sponsor: State Building and Construction Trades Council of California Support: American Federation of State, County and Municipal Employees(AFSCME) Oppose: Associated General Contractors National Federation of Independent Business California State University

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 31 (Price – D)</p> <p>Public Contracts: Small Business Procurement Act</p>	<p>Relates to existing law which permits a state agency to award a contract to a certified small business without complying with competitive bidding requirements. Increases the maximum amount of the contracts from \$100,000 to \$250,000. Requires the contractor upon completion of a public contract for which a commitment to achieve small business or disabled veteran business enterprise participation goals was made, to report the actual percentage of participation that was achieved.</p>	<p>INTRODUCED: 12/01/2008 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 04/22/2009 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File</p>	<p>Sponsor: Department of General Services</p> <p>Support: National Federation of Independent Businesses</p>
<p>► AB 109 (Feuer – D)</p> <p>Outdoor Advertising</p>	<p>Amends the Outdoor Advertising Act; prohibits an advertising display that is visible from a state, county or city highway from being constructed as, or converted, enhanced, improved, modified, modernized or altered into a digital advertising display; prohibits an official highway changeable message sign from being constructed as or converted, enhanced, improved, modified, modernized or altered into a digital advertising display for the purpose of displaying messages other than traffic operations.</p>	<p>INTRODUCED: 1/13/2009 LAST AMENDED: 04/23/2009 LOCATION: Assembly Governmental Organization Committee.</p> <p>STATUS: 04/23/2009 From ASSEMBLY Committee on GOVERNMENTAL ORGANIZATION with author's amendments</p> <p>04/23/2009 In ASSEMBLY. Read second time and amended. Re-referred to Committee on GOVERNMENTAL ORGANIZATION HEARING: 04/30/2009 1:30 pm</p>	<p>Support: Association of California Insurance Companies, City of Los Angeles, Scenic America</p> <p>Oppose: California Chamber of Commerce, Clear Channel Outdoor</p>
<p>AB 118 (Logue – R)</p> <p>California Global Warming Solutions Act of 2006</p>	<p>Repeals the California Global Warming Solutions Act of 2006, which requires the State Air Resources Board to adopt regulations to require the reporting of greenhouse gases and to adopt a statewide greenhouse gas emissions limit.</p>	<p>INTRODUCED: 01/15/2009 LOCATION: Assembly Natural Resources Committee</p> <p>STATUS: 02/26/2009 To ASSEMBLY Committee on NATURAL RESOURCES</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 216 (Beall – D)</p> <p>Public Contracts: Claims</p>	<p>Provides for a mediation process and binding arbitration process for 3rd party claim disputes between a contractor and a local agency, charter city, or charter county that does not have an alternative dispute process, if those claims remain unresolved after a 105 day time period for review of the claim, 10 day period for a meet and confer conference to occur, and 30 day time period for mediation.</p>	<p>INTRODUCED: 02/03/2009 LOCATION: Assembly Judiciary Committee</p> <p>STATUS: 03/12/2009 Withdrawn from ASSEMBLY Committee on BUSINESS AND PROFESSIONS</p> <p>03/12/2009 Re-referred to ASSEMBLY Committee on JUDICIARY HEARING: 04/28/2009 9:00 am</p>	<p><i>(partial list)</i> Support: American Federation of State, County, and Municipal Employees, AFL-CIO</p> <p>Oppose: League of California Cities, American Council of Engineering Companies</p>
<p>► AB 231 (Huffman – D)</p> <p>Global Warming Solutions Act of 2006: Trust Fund</p>	<p>Requires the State Air Resources Board to adopt a schedule of fees to be paid by the sources of greenhouse emissions which would be deposited in the Climate Protection Trust Fund for purposes of carrying out the Global Warming Solutions Act of 2006.</p>	<p>INTRODUCED: 02/05/2009 LOCATION: Assembly Second Reading File</p> <p>STATUS: 04/20/2009 From ASSEMBLY Committee on NATURAL RESOURCES: Do pass as amended to Committee on APPROPRIATIONS</p>	<p><i>(partial list)</i> Support: Environmental Defense Fund, The Trust for Public Land, AFL-CIO</p> <p>Oppose: California Chamber of Commerce, Cal-Tax, California Retailers Association</p>
<p>► AB 251 (Knight – R)</p> <p>L.A. County Metropolitan Transportation Authority</p>	<p>Provides for the appointment of one member of the Los Angeles County Metropolitan Transportation Authority by the city councils of the Cities of Palmdale, Lancaster, and Santa Clarita, and deletes one of the public members appointed by the Mayor of Los Angeles. Excludes the Cities of Palmdale, Lancaster, and Santa Clarita from the selection of the 4 members appointed from other cities in the county.</p>	<p>INTRODUCED: 02/10/2009 LOCATION: Assembly Local Government Committee</p> <p>STATUS: 04/22/2009 In ASSEMBLY Committee on LOCAL GOVERNMENT: Failed passage</p>	<p>Sponsor: L.A. County Supervisor Michael Antonovich</p> <p>Oppose: City of Los Angeles</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 254 (Jeffries – R)</p> <p>Emergency Vehicles: Payment of Tolls</p>	<p><i>Exempts emergency vehicles from the payment of a toll or any related charge on a vehicle crossing or toll highway while engaged in rescue operations. Includes when the vehicle is being driven while responding to an urgent or emergency call, participating in an urgent or emergency response, or engaging in a fire station coverage assignment directly related to an emergency response.</i></p>	<p>INTRODUCED: 02/11/2009 LAST AMENDED: 04/21/2009 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 04/21/2009 From ASSEMBLY Committee on TRANSPORTATION with author's amendments</p> <p>04/21/2009 In ASSEMBLY. Read second time and amended. Re-referred to Committee on TRANSPORTATION HEARING: 04/27/2009 1:30 pm</p>	<p><i>Support: Fire Districts Association of California, San Bernardino County Fire Department</i></p> <p><i>Oppose: Orange County Fire Authority</i></p>
<p>AB 263 (Miller – R)</p> <p>Riverside County Transportation Commission</p>	<p>Authorizes the Riverside County Transportation Commission (RCTC) to approve and award one best-value design-build contract for transportation improvements on the State Highway Route 91 corridor based on criteria established by RCTC.</p>	<p>INTRODUCED: 02/11/2009 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 03/04/2009 To ASSEMBLY Committee on TRANSPORTATION</p>	<p><i>Sponsor: Riverside County Transportation Commission</i></p>
<p>► AB 266 (Carter – D)</p> <p>Transportation Needs Assessment</p>	<p>Requires the California Transportation Commission to develop an assessment of the unfunded costs of programmed state projects and federally earmarked projects in the state, as well as an assessment of available funding for transportation purposes and unmet transportation needs on a statewide basis.</p>	<p>INTRODUCED: 02/11/2009 LAST AMENDED: 04/20/2009 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 04/20/2009 In ASSEMBLY, read second time and amended. Re-referred to Committee on APPROPRIATIONS HEARING: 04/29/2009 9:00 am</p>	<p><i>Support: California Transit Association, AFL-CIO, American Federation of State, County, and Municipal Employees</i></p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 282 (Assembly Transportation Committee)</p> <p>Transportation</p>	<p>Requires any interest or other return earned by a city or county from investment of bond funds from Proposition 1B - the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 to be expended or reimbursed under the same conditions as are applicable to the bond funds themselves. Extends the time period with which transit operators must file an annual report of their operation with transportation planning agencies having jurisdiction over them and the state Controller from 90 to 110 days after the close of the operator's fiscal year, if the report is filed electronically.</p>	<p>INTRODUCED: 02/12/2009 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 04/20/2009 From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on APPROPRIATIONS HEARING: 04/29/2009 9:00 am</p>	<p><i>Support: California Municipal Utilities Association, California State Controller John Chiang, East Bay Municipal Utility District</i></p>
<p>► AB 309 (Price – D)</p> <p>Public Contracts: Small Business Participation</p>	<p>Requires state agencies, departments, boards, and commissions to establish and achieve a goal of small business participation in state procurements and contracts and to work with the Department of General Services to help small businesses market their products, goods and services to the state by providing access to information about current bid opportunities on their web sites. Requires the Office of Small Business Advocate to collaborate with the Department of General Services to enhance the states small business program.</p>	<p>INTRODUCED: 02/17/2009 LAST AMENDED: 04/23/2009 LOCATION: Assembly Business and Professions Committee</p> <p>STATUS: 04/23/2009 From ASSEMBLY Committee on BUSINESS AND PROFESSIONS with author's amendments</p> <p>04/23/2009 In ASSEMBLY. Read second time and amended. Re-referred to Committee on BUSINESS AND PROFESSIONS HEARING: 04/28/2009 9:00 am</p>	<p><i>Sponsor: National Federation of Independent Business California</i></p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 319 (Niello – R)</p> <p>Elections: Ballot Titles</p>	<p>Requires the Legislative Analyst, instead of the Attorney General, to prepare the ballot title and summary for all measures submitted to the voters of the state. Requires the Legislative Analyst, instead of the Department of Finance and the Joint Legislative Budget Committee, to prepare any fiscal estimate or opinion required by a proposed initiative measure.</p>	<p>INTRODUCED: 02/18/2009 LAST AMENDED: 04/13/2009 LOCATION: Assembly Elections and Redistricting Committee</p> <p>STATUS: 04/21/2009 In ASSEMBLY Committee on ELECTIONS AND REDISTRICTING: Failed passage</p> <p>04/21/2009 In ASSEMBLY Committee on ELECTIONS AND REDISTRICTING: Reconsideration granted</p>	<p><i>Oppose: California School Employees Association , AFL-CIO</i></p>
<p>► AB 338 (Ma – D)</p> <p>Transit Village Developments: Infrastructure Financing</p>	<p>Recasts the area included in a transit village plan to include all land within at least a half mile of the main entrance to a transit station. Provides that voter approval for the formation of an infrastructure financing district, adoption of a financing plan, and an issuance of bonds for developing and financing a transit facility would be eliminated. A transit village plan financed by these bonds would have to show affordable housing benefits, and include provisions dedicating at least 20 percent of revenues derived from the property tax increment to affordable housing in the transit village.</p>	<p>INTRODUCED: 02/18/2009 LOCATION: Assembly Second Reading File</p> <p>STATUS: 04/22/2009 From ASSEMBLY Committee on APPROPRIATIONS: Do pass</p>	<p>Sponsor: San Francisco Bay Area Rapid Transit District</p> <p>Support: American Federation of State, County, and Municipal Employees</p> <p>Oppose: Howard Jarvis Taxpayers Association</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>AB 397 (Jeffries – R)</p> <p>South Coast Air Quality Management District Election</p>	<p>Requires the members of the South Coast Air Quality Management District governing board to be elected by the divisions commencing with the 2012 general election.</p>	<p>INTRODUCED: 02/23/2009 LOCATION: Assembly Local Government Committee</p> <p>STATUS: 03/12/2009 Withdrawn from ASSEMBLY Committee on NATURAL RESOURCES</p> <p>03/12/2009 Re-referred to ASSEMBLY Committees on LOCAL GOVERNMENT and NATURAL RESOURCES</p>	<p>None Listed</p>
<p>► AB 594 (Harkey – R)</p> <p>State Mandated Local Programs</p>	<p>Provides that legislation that mandates a new program or higher level of service on any local government shall include a provision to repeal the enactment within six years; requires the Legislative Analyst to report on the enactment, except for legislation that specifically makes this requirement inapplicable, contains a provision to repeal the enactment in less than six years/creates a new crime; changes the definition of a crime/changes the penalty for a crime.</p>	<p>INTRODUCED: 02/25/2009 LAST AMENDED: 04/20/2009 LOCATION: Assembly Rules Committee</p> <p>STATUS: 04/23/2009 Withdrawn from ASSEMBLY Committee on LOCAL GOVERNMENT</p> <p>04/23/2009 Re-referred to ASSEMBLY Committee on RULES</p>	<p>None Listed</p>
<p>► AB 619 (Blumenfield – D)</p> <p>Transportation Projects: Federal Funds</p>	<p>Requires the Department of Transportation to notify the Legislature when it is determined that a project, including a project designated in the National Corridor Infrastructure Improvement Program, will be delayed beyond its scheduled completion date due to state cashflow or other funding issues, if the places at risk federal funds.</p>	<p>INTRODUCED: 02/25/2009 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 04/27/2009 From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on APPROPRIATIONS</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 652 (Skinner – D)</p> <p>Vehicles: Vehicle Length Limitations</p>	<p>Permits a bus or trolley to possess a folding device that extends a maximum 40 inches from the front of the body and allows the transportation of a bicycle with handlebars that do not exceed 46 inches from the front of the vehicle. Requires that the total length of the bus, including the folding device not exceed 48.8 inches.</p>	<p>INTRODUCED: 02/25/2009 LOCATION: Assembly Second Reading File</p> <p>STATUS: 04/27/2009 From ASSEMBLY Committee on TRANSPORTATION: Do pass as amended</p>	<p>Sponsor: Alameda-Contra Costa Transit District</p> <p>Support: California Transit Association, Environmental Defense Fund</p>
<p>► AB 726 (Nielsen – R)</p> <p>Transportation Capital Improvement Projects</p>	<p>States that local road rehabilitation projects are eligible for transportation capital improvement under the State Transportation Improvement Program.</p>	<p>INTRODUCED: 02/26/2009 LOCATION: Assembly Consent Calendar</p> <p>STATUS: 04/22/2009 In ASSEMBLY. Read second time. To Consent Calendar</p>	<p>Co-Sponsors: California State Associations of Counties, Regional Council of Rural Counties</p>
<p>► AB 732 (Jeffries – R)</p> <p>Transportation Projects</p>	<p>Would extend the current sunset date which authorizes the State Department of Transportation to use phase two of the design-sequence construction method on 12 transportation projects until January 1, 2012.</p>	<p>INTRODUCED: 02/26/2009 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 04/13/2009 From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on APPROPRIATIONS</p> <p>HEARING: 04/29/2009 9:00 am</p>	<p>Sponsor: California Department of Transportation</p> <p>Support: California Association of Council of Governments (Cal COG)</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 733 (Galgiani – D) High Speed Rail Authority</p>	<p>Authorizes the High Speed Rail Authority to consider the creation of jobs in the state when awarding major contracts or purchasing high speed trains.</p>	<p>INTRODUCED: 02/26/2009 LOCATION: Assembly Appropriations Committee STATUS: 04/20/2009 From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on APPROPRIATIONS HEARING: 04/29/2009 9:00 am</p>	<p>None Listed</p>
<p>► AB 744 (Torrice – D) Bay Area High Occupancy Transportation Network</p>	<p><i>Authorizes the Bay Area Toll Authority to acquire, construct, administer, and operate a Bay Area Express Lane Network on state highways within the Bay Area pursuant to recommendations by the Bay Area Express Lane Network Project Oversight Committee. Requires revenues from the lanes to be deposited in the Bay Area Express Lane Network Account. Authorizes revenue bond issuance. Transfers the rights and obligations of various Bay Area transportation entities relative to HOT lane projects to the Authority.</i></p>	<p>INTRODUCED: 02/26/2009 LAST AMENDED: 04/21/2009 LOCATION: Assembly Appropriations Committee STATUS: 04/27/2009 From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on APPROPRIATIONS</p>	<p><i>Sponsor: Metropolitan Transportation Commission</i> <i>Support: AAA of Northern California</i> <i>Oppose: Paul Thiebaut (individual)</i></p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 782 (Jeffries - R)</p> <p>Regional Transportation Plans: Sustainable Communities</p>	<p>Provides that upon the California Air Resources Board's (CARB) acceptance that the sustainable communities strategy or an alternative planning strategy, if implemented, will achieve the greenhouse gas emissions reduction targets established by CARB, that acceptance shall be final, and no person or entity may initiate or maintain any judicial proceeding to review the propriety of the CARB's acceptance. Expands the Regional Targets Advisory Committee membership to include commercial builders, the business community, and those involved in transportation funding. Exempts transportation projects funded by Proposition 1B, the American Recovery and Reinvestment Act of 2009, and expands the exemption related to sales tax projects to include measures passed until 2010. Expands California Environmental Quality Act (CEQA) streamlining provisions to additional projects consistent with a sustainable communities strategy or alternative planning scenario.</p>	<p>INTRODUCED: 02/26/2009 LOCATION: Assembly Natural Resources Committee</p> <p>STATUS: 04/27/2009 In ASSEMBLY Committee on NATURAL RESOURCES: Heard, remains in Committee</p>	<p><i>Support: California Chamber of Commerce, American Council of Engineering Companies</i></p> <p><i>Oppose: Breathe California</i></p>
<p>► AB 798 (Nava – D)</p> <p>Transportation Financing Authority: Toll Facilities</p>	<p>Creates the Transportation Financing Authority with specified powers and duties relative to the issuance of bonds to fund transportation projects. Bonds are proposed to be backed in whole or in part, by various revenues streams of transportation funds and toll revenues in order to increase the construction of new capacity or improvements for the state transportation system.</p>	<p>INTRODUCED: 02/26/2009 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 04/13/2009 From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on APPROPRIATIONS HEARING: 04/29/2009 9:00 am</p>	<p>Staff Recommends: SUPPORT IF AMENDED</p> <p>Sponsor: California State Treasurer Bill Lockyer</p> <p>Support: California Labor Federation, Cal COG, Associated General Contractors of California</p>
<p>AB 815 (Ma – D)</p> <p>Public Contracts: Plans and Specifications</p>	<p>Requires a local public entity, charter city, or charter county, before entering into any contract for a project, to provide full, complete, and accurate plans and specifications and estimates of cost, giving such direction as will enable any competent mechanic or other builder to carry them out. Exempts from these provisions any clearly identified design-build projects or design-build portions thereof.</p>	<p>INTRODUCED: 02/26/2009 LOCATION: Assembly Judiciary Committee</p> <p>STATUS: 03/26/2009 To ASSEMBLY Committee on JUDICIARY</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 878 (Caballero – D)</p> <p>Infrastructure Financing</p>	<p>Authorizes a local governmental agency to enter into an agreement with a private entity for financing for specified types of revenue-generating infrastructure projects.</p>	<p>INTRODUCED: 02/26/2009 LAST AMENDED: 04/20/2009 LOCATION: Assembly Local Government Committee</p> <p>STATUS: 04/20/2009 From ASSEMBLY Committee on LOCAL GOVERNMENT with author's amendments</p> <p>04/20/2009 In ASSEMBLY. Read second time and amended. Re-referred to Committee on LOCAL GOVERNMENT</p>	<p>None Listed</p>
<p>► AB 881 (Huffman – D)</p> <p>Sonoma Transportation Authority: Greenhouse Gas Emissions</p>	<p>Authorizes the Sonoma County Transportation Authority to implement programs and projects to comply with statewide or federal greenhouse gas emission mandates, in cooperation with other local agencies that elect to participate. Makes legislative findings and declarations with respect to the exercise of that authority by the Authority.</p>	<p>INTRODUCED: 02/26/2009 LAST AMENDED: 04/28/2009 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 04/28/2009 From ASSEMBLY Committee on TRANSPORTATION with author's amendments</p> <p>04/28/2009 In ASSEMBLY. Read second time and amended. Re-referred to Committee on TRANSPORTATION</p>	<p>Co-Sponsors: Sonoma County Transportation Authority, County of Sonoma</p> <p>Support: City of Healdsburg, City of Rohnert Park</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 892 (Furutani – D)</p> <p>Goods Movement Emission Reduction Program</p>	<p>Authorizes an applicant for Proposition 1B Air Quality funds to reallocate these funds to backup projects covered by the same grant agreement, or these funds revert to the state board for reallocation consistent with guidelines to be developed by the State Air Resources Board. Funds reallocated either by the applicant or the Air Resources Board must be liquidated within four years of the date of the award of the original contract, or the funds revert to the California Ports Infrastructure, Security, and Air Quality Improvement Account for allocation upon appropriation by the Legislature.</p>	<p>INTRODUCED: 02/26/2009 LAST AMENDED: 04/15/2009 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 04/15/2009 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS. HEARING: 04/29/2009 9:00 am</p>	<p><i>Sponsor: South Coast Air Quality Management District</i></p> <p><i>Support: Automobile Club of Southern California, Bay Area Air Quality Management District</i></p>
<p>► AB 978 (Perez – D)</p> <p>Transactions and Use Taxes: Counties</p>	<p>Authorizes the board of supervisors of a county to impose a transactions and use tax at a rate of 0.125% by the adoption of an ordinance, if certain conditions are met. Provides that revenues from the tax could be used only for funding economic development within the county, including the construction and acquisition of facilities within the county.</p>	<p>INTRODUCED: 02/26/2009 LAST AMENDED: 04/21/2009 LOCATION: Assembly Revenue and Taxation Committee</p> <p>STATUS: 04/21/2009 From ASSEMBLY Committee on REVENUE AND TAXATION with author's amendments</p> <p>04/21/2009 In ASSEMBLY. Read second time and amended. Re-referred to Committee on REVENUE AND TAXATION HEARING: 04/27/2009 1:30 pm</p>	<p><i>Support: California Association for Local Economic Development</i></p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
AB 1018 (Hill – D) State Finance	Requires the Governor's proposed budget to include estimates of revenues and expenditures for the three subsequent fiscal years. Requires the Director of Finance to submit revised estimates of revenue and expenditures for the current fiscal year and three subsequent fiscal years on or before May 14, July 15, and September 15 of each year. Requires the state Controller and Treasurer to review revised estimates and submit assessment to the fiscal committees of each house and the Director of Finance on or before May 31 of each year.	INTRODUCED: 02/27/2009 LOCATION: Assembly Appropriations Committee STATUS: 03/31/2009 To ASSEMBLY Committee on APPROPRIATIONS	None Listed
► AB 1062 (Garrick - R) Design-build contracts	Revises the definition of skilled labor force availability for purposes of public works design-build contracting to mean a commitment to training the future construction workforce through apprenticeship and requires the design-build entity to provide specified information from which it intends to request the dispatch of apprentices for use on the design-build contract.	INTRODUCED: 02/27/2009 LOCATION: Assembly Business and Professions Committee STATUS: 03/31/2009 To ASSEMBLY Committees on BUSINESS AND PROFESSIONS and LABOR AND EMPLOYMENT	<i>Support: Western Electrical Contractors Association</i> <i>Oppose: California Labor Federation, AFL-CIO</i>
► AB 1085 (Mendoza - D) State Air Resources Board: Regulations	Requires CARB to make available to the public all methodologies, inputs, assumptions, and any other information used in the development of a proposed regulation and also disclosure of information before the comment period for any regulation proposed for adoption by CARB.	INTRODUCED: 02/27/2009 LAST AMENDED: 04/15/2009 LOCATION: Assembly Appropriations Committee STATUS: 04/27/2009 From ASSEMBLY Committee on NATURAL RESOURCES: Do pass as amended to Committee on APPROPRIATIONS	<i>Support: California Chamber of Commerce, California Forestry Association, California Grocers Association</i>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 1086 (Miller - R)</p> <p>Public Contracts and Bids</p>	<p>Relates to existing law which prohibits a state or local governmental agency or entity responsible for letting a public works contract from drafting bid specifications for that contract in a manner that limits the bidding to any one concern or product unless the specification is followed by the words "or equal". Makes findings and declarations regarding the intent of that provision to encourage contractors and manufacturers to develop new and ingenious products and services at a lower cost to tax payers.</p>	<p>INTRODUCED: 02/27/2009 LAST AMENDED: 04/14/2009 LOCATION: <i>Assembly Business and Professions Committee</i></p> <p>STATUS: 04/14/2009 From ASSEMBLY Committee on BUSINESS AND PROFESSIONS with author's amendments</p> <p>04/14/2009 In ASSEMBLY. Read second time and amended. Re-referred to Committee on BUSINESS AND PROFESSIONS HEARING: 05/05/2009 9:00 am</p>	<p>None Listed</p>
<p>► AB 1091 (Ruskin - D)</p> <p>Natural Resources: Climate Change</p>	<p>Requires the Natural Resources Agency to incorporate climate change predictions into all relevant planning processes. Specifies key tools for adaptation planning, including requiring a plan for how proposed investments in infrastructure, such as highways, are to incorporate climate change impact on reducing or increasing protection of natural resources from climate change.</p>	<p>INTRODUCED: 02/27/2009 LAST AMENDED: 03/26/2009 LOCATION: <i>Assembly Appropriations Committee</i></p> <p>STATUS: 04/27/2009 From ASSEMBLY Committee on NATURAL RESOURCES: Do pass to Committee on APPROPRIATIONS</p>	<p><i>Support: Trust for Public Land, Nature Conservancy, Planning and Conservation League</i></p>
<p>► AB 1135 (Skinner - D)</p> <p>Vehicles: Registration Renewal</p>	<p>Requires the owner of a vehicle, upon application for renewal of a vehicle registration, to report the current odometer reading of the vehicle. Requires the information, except for the name of the vehicle owner and the vehicle license plate number, to be public information. Requires the Department of Motor Vehicles to group the information into census blocks and post the data on the department's Internet web site.</p>	<p>INTRODUCED: 02/27/2009 LAST AMENDED: 04/13/2009 LOCATION: <i>Assembly Appropriations Committee</i></p> <p>STATUS: 04/20/2009 From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on APPROPRIATIONS HEARING: 04/29/2009 9:00 am</p>	<p>Sponsor: TransFORM California</p> <p>Support: Breathe California, Bay Area Air Quality Management District</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 1204 (Huber - D) El Dorado County Transportation Commission</p>	<p><i>This bill was amended to now address issues related to the membership of the El Dorado County Transportation Commission.</i></p>	<p>INTRODUCED: 02/27/2009 LAST AMENDED: 04/15/2009</p>	<p>None Listed</p>
<p>AB 1212 (Ruskin - D) Air Resources: Clean Vehicle Incentive Program</p>	<p>Authorizes CARB to adopt and implement a clean vehicle incentive, or feebate, program consisting of one-time rebates and one-time surcharges on the sale of new passenger motor vehicles. CARB is only to establish this program if it funds that the implementation of the program would be beneficial to achieving AB 32 greenhouse gas emission reduction goals. This is to be implemented in such a way that does not result in a levying of a tax, and all revenues are to be deposited into the Air Pollution Control Fund.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly Transportation Committee STATUS: 03/31/2009 To ASSEMBLY Committee on TRANSPORTATION</p>	<p>None Listed</p>
<p>AB 1229 (Evans - D) Public Contracts: Local Public Agencies</p>	<p>Requires the Contractors State License Board, rather than the Department of Industrial relations, in collaboration with impacted agencies and parties, to develop guidelines and a standardized questionnaire related to qualifying bidders and regulating local public works projects. Factors to be considered in qualifying bidders are to include the size and contract volume of a perspective bidder. Factors are to be used to determine qualifications of a bidder on a weighted basis. Specifies that a prequalifying questionnaire, if used by a public entity, shall remain valid for three years, rather than a year, as long as the public entity determines the information has not substantially changed for that three year period.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly Business and Professions Committee STATUS: 03/31/2009 To ASSEMBLY Committees on BUSINESS AND PROFESSIONS and LOCAL GOVERNMENT</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
AB 1277 (Harkey - R) State Bonds: Sale	Authorizes the Treasurer to delay the sale of state bonds that are subject to the approval under Article 16 of the state constitution if the Treasurer, in consultation with the state Controller and Director of Finance determine that making the principal and interest payments would result in payments from the general fund for total debt service on the bonds would exceed six percent of total general fund revenues for the fiscal year, or if the cost of commercial paper needed to find a start-up loan would be more than three times the normal costs of commercial paper experienced by the Treasurer over the last two fiscal years, or if the Treasurer determines the Pooled Money Investment Account does not have sufficient funds to loan an amount equal to the bond proceeds.	INTRODUCED: 02/27/2009 LOCATION: Assembly Appropriations Committee STATUS: 03/31/2009 To ASSEMBLY Committee on APPROPRIATIONS	None Listed
► AB 1278 (Harkey - R) Elections: Initiatives	Requires the Legislative Analyst to include additional information in the ballot pamphlet for each state initiative measure that proposes the issuance of a state bond. This information is to include the total amount of proposed bond indebtedness, the total amount of interest that would be paid over the term of the proposed bond, state that by approving this measure it is authorizing the state to incur debt, state whether tax revenue will be used to repay the bond, and state that repayment of the proposed bond may take priority over funding provided to local government or provided for public services.	INTRODUCED: 02/27/2009 LAST AMENDED: 04/14/2009 LOCATION: Assembly Elections and Redistricting Committee STATUS: 04/14/2009 From ASSEMBLY Committee on ELECTIONS AND REDISTRICTING with author's amendments <i>04/14/2009 In ASSEMBLY. Read second time and amended. Re-referred to Committee on ELECTIONS AND REDISTRICTING</i> HEARING: 04/30/2009 1:30 pm	None Listed
AB 1299 (Coto - D) State Taxes: Vote Requirement	Clarifies the meaning of state taxes for purposes of the constitutional vote requirement to mean taxes that are imposed by state law, levied and collected by the state, and required by state law to be deposited in the state treasury.	INTRODUCED: 02/27/2009 LOCATION: Assembly STATUS: 02/27/2009 INTRODUCED	None Listed

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 1321 (Eng – D)</p> <p>Environment: Strategic Growth Council</p>	<p>Enacts the Advance Infrastructure Mitigation Program Act. Provides for effective mitigation and conservation of natural resources and natural processes on a landscape, regional, or statewide scale, to expedite the environmental review of planned infrastructure projects and to facilitate the implementation of measures to mitigate the impacts of those projects. Establishes and funds mitigation banks. Authorizes mitigation credits.</p>	<p>INTRODUCED: 02/27/2009 LAST AMENDED: 04/02/2009 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 04/27/2009 From ASSEMBLY Committee on NATURAL RESOURCES: Do pass as amended to Committee on APPROPRIATIONS</p>	<p>(partial list) Support: California Council of Land Trust, California League of Conservation Voters, Nature Conservancy</p>
<p>► AB 1323 (Lowenthal – D)</p> <p>Workforce Development: Job Information</p>	<p><i>Requires the Employment Development Department to ensure that information is posted or otherwise made available at all state one-stop career centers regarding any jobs that have been or will be created in the state as result of economic stimulus funding provided to the state pursuant to the American Recovery and Reinvestment Act of 2009, or from the proceeds from the sale of state General Fund Infrastructure Bonds.</i></p>	<p>INTRODUCED: 02/27/2009 LAST AMENDED: 04/14/2009 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 04/22/2009 From ASSEMBLY Committee on LABOR AND EMPLOYMENT: Do pass to Committee on APPROPRIATIONS</p>	<p>Support: California Workforce Association</p>
<p>► AB 1364 (Evans – D)</p> <p>Public Contracts</p>	<p>Provides that any state agency that has entered into a contract where the agency has or may be unable to comply with the terms of that contract because of the suspension of programs by the Pooled Money Investment Board shall have authority to amend the terms of the contract to address contract deadlines and deliverables that may not be met because of the suspension.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly Business and Professions Committee</p> <p>STATUS: 03/31/2009 To ASSEMBLY Committee on BUSINESS AND PROFESSIONS HEARING: 05/05/2009 9:00 am</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 1375 (Galgiani – D)</p> <p>High-speed Rail</p>	<p>Revises and recasts provisions by repealing and reenacting the California High-Speed Train Act. Continues the High-Speed Rail Authority. Would also create the Department of High-Speed Trains within the Business, Transportation and Housing Agency to implement policies related to Proposition 1A (2008) and specifies its duties in relation to the High-Speed Rail Authority. Requires the newly formed department to have control over the annual submission of a six-year high-speed train capital improvement program and progress report to the Legislature.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 04/27/2009 From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on APPROPRIATIONS</p>	<p>None Listed</p>
<p>► AB 1381 (Perez – D)</p> <p>High-occupancy Toll Lanes</p>	<p>Requires the Los Angeles County Metropolitan Transportation Authority (MTA) high-occupancy toll lanes program to be implemented with the active participation of the Department of the California Highway patrol. Requires the Los Angeles County Metropolitan Transportation Authority to establish appropriate performance measures for the purpose of ensuring optimal use of the high-occupancy toll lanes without adversely affecting other traffic on the state highway system. States that MTA is not entitled to compensation for the adverse effects on toll revenue due to these facilities.</p>	<p>INTRODUCED: 02/27/2009 LAST AMENDED: 04/15/2009 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 04/15/2009 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS HEARING: 04/29/2009 9:00 am</p>	<p>Co-Sponsors: California Department of Transportation, LAMTA</p> <p>Support: Professional Engineers in California Government</p>
<p>AB 1382 (Niello – R)</p> <p>State Budget</p>	<p>Requires that the state budget submitted by the Governor to the Legislature for the 2011-2012 fiscal year and each following year be developed pursuant to performance-based budgeting methods, for each state agency. Requires the Department of Finance to utilize the annual report on the measurements of performance-based budgeting methods prepared by the Joint Legislative Budget Committee.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 03/31/2009 To ASSEMBLY Committee on APPROPRIATIONS</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 1403 (Eng – D)</p> <p>Local Transportation Fund: Planning</p>	<p><i>Relates to local transportation funds planning and programming in the Southern California Association of Governments (SCAG) area. In the multicounty region that is within SCAG, specified percentages of Transportation Development Act annual revenues may be allocated to the statutorily created county transportation commissions in five individual counties, and up to 3/4 of one percent of annual revenues, but not more than \$1,000,000, may be allocated by the commissions in Los Angeles, Orange, Riverside, and San Bernardino counties, proportionately, to SCAG for its transportation planning and programming functions. This bill would delete the \$1,000,000 limitation on allocations of these funds by the four county transportation commissions to SCAG.</i></p>	<p>INTRODUCED: 02/27/2009 LAST AMENDED: 04/02/2009 LOCATION: Assembly Second Reading File</p> <p>STATUS: 04/20/2009 From ASSEMBLY Committee on TRANSPORTATION: Do pass as amended</p>	<p>Staff Recommends: SUPPORT</p> <p>Sponsor: SCAG</p>
<p>AB 1411 (Torricono – D)</p> <p>Legislative Payments During a Delayed Budget</p>	<p>Prohibits payment to the Members of the Legislature of travel and living expenses if the budget is not passed by the legislature and sent to the Governor by midnight June 15 until the budget is passed and sent. Prohibits Members from engaging in campaign fundraising activities until the Budget Bill is passed.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 04/02/2009 To ASSEMBLY Committee on APPROPRIATIONS</p>	<p>None Listed</p>
<p>► AB 1414 (Hill – D)</p> <p>Transportation Planning</p>	<p>Amends apportionment of federal funding to the state for allocation to metropolitan planning organizations for transportation planning, project programming in interregional and regional transportation improvement programs and in the state transportation improvement program. Includes the fund and the county share formula estimates. Requires projects funded by the Traffic Congestion Relief Act to be included in the state transportation improvement program. Authorizes issuance of notes back by future funds.</p>	<p>INTRODUCED: 02/27/2009 LAST AMENDED: 04/02/2009 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 04/02/2009 To ASSEMBLY Committee on TRANSPORTATION</p> <p>04/02/2009 From ASSEMBLY Committee on TRANSPORTATION with author's amendments</p> <p>04/02/2009 In ASSEMBLY. Read second time and amended. Re-referred to TRANSPORTATION</p>	<p>Sponsor: Santa Clara Valley Transportation Authority</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 1471 (Eng – D)</p> <p>Procurement: L.A. Metropolitan Transportation Authority</p>	<p><i>Deletes specified provisions relating to the Los Angeles County Metropolitan Transportation Authority. Authorizes the authority to purchase supplies, equipment, and materials from a public auction sale using the procedures established for all other participants in the auction. Authorizes the authority to participate in a cooperative procurement agreement with other public agencies under specified conditions.</i></p>	<p>INTRODUCED: 02/27/2009 LAST AMENDED: 04/20/2009 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 04/27/2009 From ASSEMBLY Committee on TRANSPORTATION: Do pass as amended to Committee on APPROPRIATIONS</p>	<p>None Listed</p>
<p>► AB 1500 (Lieu – D)</p> <p>High Occupancy Lanes: Single Occupancy Vehicles</p>	<p>Authorizes the Department of Transportation to designate certain lanes for the exclusive use of high-occupancy vehicles, which may also be used by low-emission and hybrid vehicles. AB 1500 extends the date from January 1, 2011 to January 1, 2016 that these specified vehicles can use high-occupancy lanes.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 04/27/2009 From ASSEMBLY Committee on TRANSPORTATION: Do pass as amended to Committee on APPROPRIATIONS</p>	<p>Support: California Natural Gas Vehicle Coalition</p>
<p>AB 1502 (Eng – D)</p> <p>Vehicles: High-Occupancy Vehicle Lanes</p>	<p>Authorizes the Department of Transportation to designate certain lanes for the exclusive use of high-occupancy vehicles, which may also be used by certain low-emission, hybrid, or alternative fuel vehicles.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 04/02/2009 To ASSEMBLY Committee on TRANSPORTATION</p>	<p>None Listed</p>
<p>► ACA 1 (Silva – R)</p> <p>Legislature</p>	<p>Proposes an amendment to the Constitution to provide that no bill that would result in more than \$150,000 of annual expenditure by the state may be passed unless, by roll call vote entered in the journal, two thirds of the membership of each house concurs.</p>	<p>INTRODUCED: 12/01/2008 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 04/20/2009 To ASSEMBLY Committee on APPROPRIATIONS</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► ACA 3 (Blakeslee – R)</p> <p>Initiatives: Bond Funding Source</p>	<p>Requires an initiative measure that would authorize the issuance of state general obligation bonds in a total amount exceeding \$1 billion to either provide additional tax or fee revenues, the elimination of existing programs, or both, as necessary to fully fund the bonds, as determined by the Legislative Analyst, in order to be submitted to the voters or take effect.</p>	<p>INTRODUCED: 12/01/2008 LOCATION: <i>Assembly Elections and Redistricting Committee</i></p> <p>STATUS: 04/20/2009 To ASSEMBLY Committee on ELECTIONS AND REDISTRICTING</p>	<p>None Listed</p>
<p>► ACA 5 (Calderon – D)</p> <p>Initiatives: State General Obligation Bonds</p>	<p>Proposes an amendment to the State Constitution to require an initiative measure that would authorize the issuance of state general obligation bonds to either provide additional tax or fee revenues, the elimination of existing programs, or both, as necessary to fully fund the bonds, as determined by the Legislative Analyst, in order to be submitted to the voters or to take effect. Requires the Attorney General to identify the new revenue source. Requires at least 55 percent of voters approve an initiative authorizing the issuance of state general obligation bonds.</p>	<p>INTRODUCED: 12/15/2008 LOCATION: <i>Assembly Elections and Redistricting Committee</i></p> <p>STATUS: 04/20/2009 To ASSEMBLY Committee on ELECTIONS AND REDISTRICTING</p>	<p>None Listed</p>
<p>► ACA 9 (Huffman – D)</p> <p>Local Government Bonds: Special Taxes: Voter Approval</p>	<p>Changes the two-thirds voter-approval requirement for special taxes to, instead, authorize a city, county, or special district to impose a special tax with the approval of 55 percent of its voters voting on the tax. Lowers the voter-approval threshold for a city, county, or city and county to incur general obligation bonded indebtedness for amounts exceeding in one year the income and revenue provided in that year to 55 percent.</p>	<p>INTRODUCED: 02/06/2009 LOCATION: <i>Assembly Local Government Committee</i></p> <p>STATUS: 04/20/2009 To ASSEMBLY Committees on LOCAL GOVERNMENT, REVENUE AND TAXATION and APPROPRIATIONS HEARING: 05/06/2009 1:30 pm</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► ACR 14 (Niello – R)</p> <p>Global Warming Solutions Act of 2006</p>	<p>Calls upon the State Air Resources Board, prior to any regulatory action being taken consistent with the scoping plan for the implementation of the Global Warming Solutions act of 2006, to perform an economic analysis that will give the State a more complete picture of costs and benefits of the implementation. Calls upon the Governor to use the authority granted by the act to adjust any applicable deadlines.</p>	<p>INTRODUCED: 01/27/2009 LAST AMENDED: 03/27/2009 LOCATION: Assembly Natural Resources Committee</p> <p>STATUS: 04/20/2009 In ASSEMBLY Committee on NATURAL RESOURCES: Failed passage</p> <p>04/20/2009 In ASSEMBLY Committee on NATURAL RESOURCES: Reconsideration granted</p>	<p><i>Support: California Grocers Association, California Council for Environmental and Economic Balance, California Manufacturers and Technology Association</i></p> <p><i>Oppose: Planning and Conservation League</i></p>
<p>ACR 16 (Silva – R)</p> <p>Joint Rules: Fiscal Committee</p>	<p>Provides that whenever a bill that would result in net costs for a program is referred or re-referred to the fiscal committee of either house, the bill shall not be heard or acted upon by the committee or either house until the bill either provides for an appropriation or other funding source in an amount that meets or exceeds the net costs.</p>	<p>INTRODUCED: 02/02/2009 LOCATION: Assembly</p> <p>STATUS: 02/02/2009 INTRODUCED</p>	<p>None Listed</p>
<p>SB 27 (Hancock – D)</p> <p>Local Agencies: Sales and Use Tax: Reallocation</p>	<p>Prohibits a local agency from entering into any agreement with a retailer, or any other person that would involve the payment, transfer, diversion or rebate of any amount of local tax proceeds if the agreement results in a reduction in the amount of revenue received by another agency from a retailer located within the jurisdiction of that other agency, and the retailer continues to maintain a physical presence within the territorial jurisdiction of the other local agency. Provides exceptions.</p>	<p>INTRODUCED: 12/02/2008 LAST AMENDED: 02/23/2009 LOCATION: Assembly</p> <p>STATUS: 03/12/2009 In SENATE. Read third time, urgency clause adopted. Passed SENATE. To ASSEMBLY</p>	<p>Support (partial list): City of Livermore (sponsor), American Federation of State, County, and Municipal Employees; California State Association of Counties; City of Industry; League of Cities; California Peace Officers Association; California Professional Firefighters</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 31 (Pavley – D)</p> <p>Global Warming Solutions Act</p>	<p>Relates to the Global Warming Solutions Act of 2006. Requires that revenues collected pursuant to compliance mechanisms adopted by the State Air Resources Board be deposited in the Air Pollution Control Fund. Specifies that uses of the revenues collected pursuant to the fee and the compliance mechanisms are to include such things as renewable energy and energy efficiency programs, investments in technologies to reduce greenhouse gas emissions, green jobs development and training, and for administrative costs related to implementing the Act.</p>	<p>INTRODUCED: 12/02/2008 LOCATION: Senate <i>Appropriations Committee</i></p> <p>STATUS: 04/27/2009 From SENATE Committee on ENERGY, UTILITIES AND COMMUNICATIONS: Do pass as amended to Committee on APPROPRIATIONS</p>	<p><i>Co-Sponsors:</i> Environmental Entrepreneurs, Natural Resources Defense Council</p> <p><i>(partial list)</i> Support: South Coast Air Quality Management District, Environmental Defense Fund</p> <p><i>Oppose:</i> California Chamber of Commerce, Southern California Edison</p>
<p>► SB 104 (Oropeza – D)</p> <p>Global Warming Solutions Act of 2006: Greenhouse Gases</p>	<p>Amends the Global Warming Solutions Act of 2006 to include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. Includes nitrogen trifluoride and any other anthropogenic gas, one metric ton of which makes the same or greater contribution to global warming as one metric ton of carbon dioxide. Includes a procedure by which any person could petition for a designation. Requires the State Air Resources Board to adopt appropriate regulations.</p>	<p>INTRODUCED: 01/27/2009 LAST AMENDED: 04/13/2009 LOCATION: Senate <i>Appropriations Committee</i></p> <p>STATUS: 04/27/2009 From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass as amended to Committee on APPROPRIATIONS</p>	<p><i>Support:</i> American Federation of State, County, and Municipal Employees, AFL-CIO, Sierra Club California</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 136 (Huff - R)</p> <p>Surplus State Real Property: Exemption from CEQA</p>	<p>Exempts the sale of surplus state real property made on an "as is" basis from designated provisions of the California Environmental Quality Act (CEQA). Exempts from those provisions of CEQA the execution of the disposition agreement for surplus state real property when the disposition is not made on an "as is" basis and the close of escrow is contingent on specified conditions.</p>	<p>INTRODUCED: 02/10/2009 LAST AMENDED: 04/13/2009 LOCATION: Senate Appropriations Committee</p> <p>STATUS: 04/28/2009 From SENATE Committee on GOVERNMENTAL ORGANIZATION: Do pass to Committee on APPROPRIATIONS</p>	<p>None Listed</p>
<p>► SB 165 (Lowenthal – D)</p> <p>Transportation</p>	<p><i>This bill was amended to now address issues related to the state of excess state property.</i></p>	<p>INTRODUCED: 02/14/2009 LAST AMENDED: 04/14/2009</p>	<p>None Listed</p>
<p>► SB 205 (Hancock – D)</p> <p>Traffic Congestion: Motor Vehicle Registration Fees</p>	<p>Authorizes a countywide transportation planning agency to impose an annual fee on motor vehicles registered within the county for programs and projects for certain purposes; requires voter approval; requires the Department of Motor Vehicles to collect the additional fee and distribute the net revenues to the agency. Requires that fees be used only to pay for programs and projects which are consistent with a regional transportation plan.</p>	<p>INTRODUCED: 02/23/2009 LAST AMENDED: 04/14/2009 LOCATION: Senate Third Reading File</p> <p>STATUS: 04/28/2009 In SENATE. Read second time. To third reading</p>	<p>(partial list) Sponsor; Alameda County Congestion Management Agency</p> <p>Support: Santa Clara Valley Transportation Authority</p> <p>Oppose: Automobile Club of Southern California</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
SB 225 (Flores – D) Emission Reduction Credits	Authorizes an air quality management district and an air pollution control district to create an emission reduction credit from the emission reductions resulting from a project that is funded from both public and private moneys if specified requirements are met.	INTRODUCED: 02/23/2009 LOCATION: Senate Environmental Quality Committee STATUS: 03/05/2009 To SENATE Committees on ENVIRONMENTAL QUALITY and RULES	None Listed
► SB 295 (Dutton - R) California Global Warming Solutions Act of 2006	Prohibits CARB from implementing regulations under AB 32 until June 1, 2009 and until CARB conducts a peer-review economic analysis, including impacts on small business. Also prohibits CARB from implementing AB 32 regulations until the unemployment rate in the state is below 5.8 percent for three consecutive months.	INTRODUCED: 02/25/2009 LAST AMENDED: 04/13/2009 LOCATION: Senate Environmental Quality Committee STATUS: 04/20/2009 In SENATE Committee on ENVIRONMENTAL QUALITY: Heard, remains in Committee	(partial list) Support: Cal-Tax, Greater Riverside Chamber of Commerce, Inland Empire Division of the League of California Cities Oppose: California Teachers Association, Planning and Conservation League.
► SB 333 (Handcock – D) Voluntary Greenhouse Gas Emission Offset Program	Creates the Voluntary Greenhouse Gas Emission Offset Program Fund, and provides that funds received by the state on a voluntary basis from the federal government, individuals, or other sources for the mitigation of climate change impacts related to greenhouse gas emissions be deposited in this fund. Requires that moneys from the fund be directed to the California Conservation Corps and local conservation corps for specified projects.	INTRODUCED: 02/25/2009 LOCATION: Senate Appropriations Committee STATUS: 04/27/2009 From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass as amended to Committee on APPROPRIATIONS	None Listed

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 391 (Liu – D)</p> <p>California Transportation Plan</p>	<p>Requires the California Transportation Plan to be updated to address how the state will achieve maximum feasible emission reductions in order to attain a statewide reduction of greenhouse gas emissions to 1990 levels by 2020 and 80 percent below 1990 levels by 2050. Also requires the plan to identify a statewide integrated multimodal transportation system needed to achieve greenhouse gas reductions.</p>	<p>INTRODUCED: 02/26/2009 LAST AMENDED: 04/23/2009 LOCATION: Senate Appropriations Committee</p> <p>STATUS: 04/27/2009 From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass as amended to Committee on APPROPRIATIONS</p>	<p>None Listed</p>
<p>► SB 406 (DeSaulnier – D)</p> <p>Land Use: Environmental Quality</p>	<p>Proposes changes to the membership of the Planning Advisory and Assistance Council and requires that the Council work with the State Strategic Growth Council. Authorizes a municipal planning organization or council of governments to levy a motor vehicle registration surcharge on vehicles registered to be used to develop and implement a regional blueprint plan.</p>	<p>INTRODUCED: 02/26/2009 LAST AMENDED: 04/13/2009 LOCATION: Senate Transportation and Housing Committee</p> <p>STATUS: 04/23/2009 Re-referred to SENATE Committee on TRANSPORTATION AND HOUSING HEARING: 04/28/2009 1:30 pm</p>	<p>Support: CALCOG, American Federation of State, County, and Municipal Employees, AFL-CIO, ABAG</p> <p>Oppose: California New Car Dealer's Association, California Taxpayers' Association, San Diego Association of Governments</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 409 (Ducheny – D) Department of Railroads</p>	<p>Creates the Department of Railroads within the Business, Transportation, and Housing Agency. Transfers responsibilities for various state railroad programs currently administered by other agencies to the Department. Provides that the Department shall be the only state agency eligible to apply for and receive grant and loan funds from the federal government for intercity rail, high speed rail, or freight rail purposes.</p>	<p>INTRODUCED: 02/26/2009 LOCATION: Senate Transportation and Housing Committee STATUS: 04/14/2009 In SENATE Committee on TRANSPORTATION AND HOUSING: Heard, remains in Committee</p>	<p>Oppose: California Public Utilities Commission</p>
<p>SB 414 (Correa – D) County Employee Retirement: Boards</p>	<p>Requires a County retirement Board to appoint a replacing alternate member in the same manner as prescribed for the initial appointment of an alternate retired member who shall serve out the remaining term of the leaving member.</p>	<p>INTRODUCED: 02/26/2009 LOCATION: Senate Public Employment and Retirement Committee STATUS: 03/12/2009 To SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 425 (Simitian – D)</p> <p><i>Personal and corporate income taxes: ridesharing</i></p>	<p><i>Disallows an income tax deduction for expenses of specified employers for parking subsidies unless all employees provided with a parking subsidy are offered a parking cash-out program. Authorizes a personal and corporate income tax credit for qualified commute reduction expenditures for specified small-business taxpayers.</i></p>	<p>INTRODUCED: 02/26/2009 LAST AMENDED: 04/16/2009 LOCATION: Senate Transportation and Housing Committee</p> <p>STATUS: 04/16/2009 From SENATE Committee on TRANSPORTATION AND HOUSING with author's amendments</p> <p>04/16/2009 In SENATE. Read second time and amended. Re-referred to Committee on TRANSPORTATION AND HOUSING HEARING:04/28/2009 1:30 pm</p>	<p>None Listed</p>
<p>► SB 455 (Lowenthal – D)</p> <p>High Speed Rail</p>	<p>Would require the Governor's appointments to the California High Speed Rail Authority to be based on the advice and consent of the Senate. Requires the Authority to ensure the selected projects, including right-of-way acquisition are consistent with the criteria as specified in the approved high speed rail bond. Waives specific state approval processes for capital outlay purchases by the Authority.</p>	<p>INTRODUCED: 02/26/2009 LAST AMENDED: 04/16/2009 LOCATION: Senate Appropriations Committee</p> <p>STATUS: 04/21/2009 From SENATE Committee on TRANSPORTATION AND HOUSING: Do pass to Committee on APPROPRIATIONS HEARING: 05/04/2009 1:30 pm</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 474 (Ducheny – D)</p> <p>Transportation: Reporting Requirements</p>	<p>Relates to the State Department of Transportation authority to enter into agreements for transportation projects under pilot programs using public-private partnerships, design-build, and design sequencing and makes the Department responsible for environmental coordination. Requires the Department to provide an annual consolidated report to the Legislature on the progress of and savings resulting from such programs.</p>	<p>INTRODUCED: 02/26/2009 LAST AMENDED: 04/27/2009 LOCATION: Senate Rules Committee</p> <p>STATUS: 04/27/2009 From SENATE Committee on RULES with author's amendments 04/27/2009 In SENATE. Read second time and amended. Re-referred to Committee on RULES</p>	<p>None Listed</p>
<p>► SB 476 (Correa – D)</p> <p>Environmental Quality Act: Noncompliance Allegations</p>	<p><i>Prohibits an action for noncompliance under CEQA from being brought forward unless the alleged grounds for noncompliance were raised either orally or in writing during the public comment period, prior to the close of the public hearing on the project, before the filing, rather than issuance, of the notice of determination.</i></p>	<p>INTRODUCED: 02/26/2009 LAST AMENDED: 04/23/2009 LOCATION: Senate Appropriations Committee</p> <p>STATUS: 04/27/2009 From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass as amended to Committee on APPROPRIATIONS</p>	<p>Sponsor: California Business Properties Association</p> <p>Oppose: Planning and Conservation League</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 518 (Lowenthal – D)</p> <p>Vehicles: Parking Services and Fees</p>	<p>Requires state funds not be used to subsidize parking services for students, employees, and other persons on and after a specified date, and to directly or indirectly subsidize the construction or operations of parking. Authorizes a community college district to exempt specified students who receive financial assistance, who rideshare, or who carpool from paying parking fees. Authorizes the expenditure of any moneys apportioned to cities or counties from the Highway Users Tax Account for transportation demand management measures. Relates to parking meter rate zones</p>	<p>INTRODUCED: 02/26/2009 LAST AMENDED: 04/22/2009 LOCATION: Senate Education Committee</p> <p>STATUS: 04/22/2009 From SENATE Committee on EDUCATION with author's amendments</p> <p>04/22/2009 In SENATE. Read second time and amended. Re-referred to Committee on EDUCATION HEARING: 04/29/2009 9:00 am</p>	<p>(partial list) Sponsor: Natural Resources Defense Council</p> <p>Support: American Lung Association, California League of Conservation Voters, Genentech</p>
<p>► SB 527 (Ashburn – R)</p> <p>High Speed Rail</p>	<p>States intent of the legislature to reorganize the High-Speed Rail Authority to ensure greater oversight and accountability for the high-speed rail project.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Senate Transportation and Housing Committee</p> <p>STATUS: 04/16/2009 Withdrawn from SENATE Committee on RULES</p> <p>04/16/2009 To SENATE Committee on TRANSPORTATION AND HOUSING</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
SB 528 (Negrete McLeod – D) Toll Facilities: Lease Agreements	Relates to existing law that authorizes the Department of Transportation and regional transportation agencies to enter into comprehensive development lease agreements with public and private entities. Prohibits a lease agreement entered into after a certain date from providing for compensation for adverse effects of competing projects.	INTRODUCED: 02/27/2009 LOCATION: Senate Transportation and Housing Committee STATUS: 03/12/2009 To SENATE Committee on TRANSPORTATION AND HOUSING	None Listed
► SB 545 (Cedillo – D) Freeway Construction	Amends existing law which exempts the Department of Transportation from entering into an agreement prior to closure of a city street or county highway due to construction of a freeway segment within the jurisdiction of the Los Angeles County Metropolitan Transportation Authority. Limits this exception to construction of a segment that consists solely of a subsurface transportation facility. Requires that an agreement is not possible because an impasse has existed after an initial route was adopted.	INTRODUCED: 02/27/2009 LAST AMENDED: 04/20/2009 LOCATION: Senate Transportation and Housing Committee STATUS: 04/20/2009 From SENATE Committee on TRANSPORTATION AND HOUSING with author's amendments <i>04/20/2009 In SENATE. Read second time and amended. Re-referred to Committee on TRANSPORTATION AND HOUSING</i> HEARING: 04/28/2009 1:00 pm	None Listed

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 553 (Wiggins – D)</p> <p>Payment of State Claims: Nonprofit Corporations</p>	<p>Relates to the Prompt Payment Act which requires timely payment of grants between any state agency and a local government agency or organization authorized to accept grant funding. Provides that, in the event a state agency fails to make timely payment because no Budget Act has been enacted, penalties shall continue to accrue. Provides that nonprofit public benefit corporations are eligible for late payment penalties.</p>	<p>INTRODUCED: 02/27/2009 LAST AMENDED: 04/22/2009 LOCATION: Senate Governmental Organization Committee</p> <p>STATUS: 04/22/2009 From SENATE Committee on GOVERNMENTAL ORGANIZATION with author's amendments</p> <p>04/22/2009 In SENATE. Read second time and amended. Re-referred to Committee on GOVERNMENTAL ORGANIZATION</p> <p>HEARING: 04/28/2009 9:30 am</p>	<p>(partial list) Co-Sponsors: California Council of Land Trusts, California State Parks Foundation, Planning and Conservation League</p> <p>Support: Land Trust Council, California Association of Nonprofits, Central Valley Land Trust Council</p>
<p>► SB 555 (Kehoe – D)</p> <p>Public Lands: Condemnation of Conservation Easement</p>	<p>Prohibits a governmental entity from condemning a conservation easement acquired by a state agency or nonprofit land trust, unless specified procedures are followed. The bill would require the governmental entity to give the holder of the easement notice and an opportunity to state any objections to the condemnation. The bill would also require the governmental entity to prove by clear and convincing evidence that its proposed use. Satisfies statutory requirements that the condemnation be for compatible use and necessary for public use.</p>	<p>INTRODUCED: 02/27/2009 LAST AMENDED: 04/13/2009 LOCATION: Senate Second Reading File</p> <p>STATUS: 04/21/2009 From SENATE Committee on JUDICIARY: Do pass as amended to Committee on APPROPRIATIONS</p>	<p>(partial list) Sponsor: California Council of Land Trusts</p> <p>Support: California State Parks Foundation, NRDC, Sierra Club California</p> <p>Oppose: Orange County Board of Supervisors, OC TAX, California Chamber of Commerce</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>SB 560 (Ashburn - R)</p> <p>Regional Transportation Plans: Sustainable Communities</p>	<p>Relates to transportation planning. Provides that greenhouse gas emission credits for counties and cities that permit commercial wind, solar, and biomass projects may be used as credit in the formulation of the sustainable communities strategy or an alternative planning strategy. Excludes transportation trips related to a military installation.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Senate Environmental Quality Committee</p> <p>STATUS: 03/12/2009 To SENATE Committees on ENVIRONMENTAL QUALITY and TRANSPORTATION AND HOUSING</p>	<p>None Listed</p>
<p>► SB 575 (Steinberg -- D)</p> <p>Local Planning: Housing Element</p>	<p><i>Provides that transportation projects that are funded solely by a local sales tax measure are exempt from certain provisions of the Planning and Zoning Law relative to development of a regional transportation plan and adoption of a sustainable communities strategy if those projects were specifically listed in a ballot measure, prior to a specified date, approving a sales tax increase for transportation projects. Relates to the implementation of SB 375 (Chapter 728, Statutes of 2008).</i></p>	<p>INTRODUCED: 02/27/2009 LAST AMENDED: 04/15/2009 LOCATION: Senate Transportation and Housing Committee</p> <p>STATUS: 04/15/2009 From SENATE Committee on TRANSPORTATION AND HOUSING with author's amendments 04/15/2009 In SENATE. Read second time and amended. Re-referred to Committee on TRANSPORTATION AND HOUSING HEARING: 04/28/2009 1:30 pm</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 632 (Lowenthal – D)</p> <p>Ports: Congestion Relief. Air Pollution Mitigation</p>	<p>Requires the Ports of Los Angeles, Long Beach, and Oakland beginning January 1, 2010, to assess their infrastructure and air quality improvement needs, including but not limited to, projects that improve the efficiency of the movement of cargo, reduce congestion impacts associated with movement of cargo, and reduce pollution associated with the movement of cargo. Requires the Ports to provide this assessment to the Legislature by July 1, 2010 and to include in the assessment the total costs of infrastructure and air quality improvements, possible funding options for these projects, and estimated timelines for implementation.</p>	<p>INTRODUCED: 02/27/2009 LAST AMENDED: 03/31/2009 LOCATION: Senate Appropriations Committee</p> <p>STATUS: 04/27/2009 From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass as amended to Committee on APPROPRIATIONS</p>	<p><i>Support: Bay Area Air Quality Management District, Breathe California</i></p>
<p>► SB 711 (Leno - D)</p> <p>Public Meetings: Sessions: Labor Negotiations</p>	<p>Amends the Ralph M. Brown Act. Requires a local agency, before holding a closed session regarding employee compensation to identify the employee(s) subject to the negotiations, the representatives of the employees, all known negotiation matters, and to make public written proposals. In addition, before an agency commences negotiations for a new collective bargaining agreement or initial proposal for an unrepresented employee, to present, in an open and public session, a new collective bargaining agreement or initial proposal. Requires any vote on the collective bargaining agreement or initial proposal to be taken at an open and public session.</p>	<p>INTRODUCED: 02/27/2009 LAST AMENDED: 04/13/2009 LOCATION: Senate Local Government Committee</p> <p>STATUS: 04/13/2009 From SENATE Committee on LOCAL GOVERNMENT with author's amendments</p> <p>04/13/2009 In SENATE. Read second time and amended. Re-referred to Committee on LOCAL GOVERNMENT</p>	<p><i>Support: California Newspaper Publishers Association, California Aware.</i></p> <p><i>Oppose: County of San Bernardino, California Association of Clerks and Elections Officials, American Federation of State, County, and Municipal Employees</i></p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 716 (Wolk – D)</p> <p>Local Transportation Funds</p>	<p>Authorizes a county, city, county transportation commission, or transit operator to file a claim for an allocation of funds for vanpool service operation expenditures and capital improvement expenditures, including for vanpool services for purposes of farmworker transportation.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Senate Transportation and Housing Committee</p> <p>STATUS: 04/21/2009 In SENATE Committee on TRANSPORTATION AND HOUSING: Not heard</p>	<p><i>Staff Recommends: OPPOSE</i></p> <p><i>Sponsor: California Rural Legal Assistance Foundation</i></p> <p><i>Support: Environmental Resources Defense Fund</i></p> <p><i>Oppose: California Transit Association</i></p>
<p>► SB 734 (Lowenthal – D)</p> <p>Transportation</p>	<p>Relates to the \$2 billion Proposition 1B dollars allocated to cities and counties for specified street and road improvements. The act requires a city or county to reimburse the state for funds it receives if it fails to comply with certain conditions applicable to the expenditure of the bond funds. SB 734 requires any interest or other return earned by a city or county from investment of bond funds received under these provisions to be expended or reimbursed under the same conditions as are applicable to the bond funds themselves.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Senate Transportation and Housing Committee</p> <p>STATUS: 03/19/2009 To SENATE Committee on TRANSPORTATION AND HOUSING HEARING: 04/28/2009 1:30 pm</p>	<p>None Listed</p>
<p>► SB 777 (Wolk – D)</p> <p>State Budget</p>	<p>Requires the budget of a state agency submitted to the Department of Finance to utilize a performance based budgeting method. Establishes a task force comprised of the Director of Finance, the Controller, and the Chairperson of the Joint Legislative Budget Committee to develop performance based budgeting guidelines and procedures and in addition, develop a training and education program for state agency personnel involved in the budget process.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Senate Budget and Fiscal Review Committee</p> <p>STATUS: 03/19/2009 To SENATE Committee on BUDGET AND FISCAL REVIEW HEARING: 04/30/2009 9:30 am</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
SCA 1 (Walters – R) State Budget	Proposes an amendment to the State Constitution. Provides, that if the total amount of General Fund appropriations in a Budget Bill for the ensuing fiscal year combined with all other General Fund appropriations for that fiscal year on the date of passage does not exceed by five percent or more the amount of the General Fund appropriations for the immediately preceding fiscal year, the budget bill may be passed by a simple majority.	INTRODUCED: 12/01/2008 LOCATION: Senate Rules Committee STATUS: 01/29/2009 To SENATE Committees on RULES and ELECTIONS, REAPPORTIONMENT AND CONSTITUTIONAL AMENDMENTS	None Listed
SCA 3 (Wyland – R) Transportation Investment Fund	Proposes an amendment to the State Constitution. Deletes current provisions authorizing the transfer of revenues to the Transportation Investment Fund to be suspended during a fiscal emergency. Prohibits a loan of fund revenues under any circumstances. Prohibits any statute that would reduce the extent to which these tax revenues are deposited into the General Fund for transfer to the fund for transportation purposes.	INTRODUCED: 12/01/2008 LOCATION: Senate Revenue and Taxation Committee STATUS: 01/29/2009 To SENATE Committees on REVENUE AND TAXATION; ELECTIONS, REAPPORTIONMENT AND COSTITUTIONAL AMENDMENTS; and APPROPRIATIONS	None Listed
SCA 5 (Hancock – D) State Budget	Exempts General Fund appropriations in the Budget Bill from the two-thirds vote requirement.	INTRODUCED: 12/02/2008 LOCATION: Senate Rules Committee STATUS: 01/29/2009 To SENATE Committees on RULES; and ELECTIONS, REAPPORTIONMENT AND CONSTITUTIONAL AMENDMENTS	None Listed

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
SCA 7 (Maldonado – R) Legislature: Compensation	Proposes an amendment to the State Constitution. Provides that if a Budget Bill is not passed by June 15, Members of the Legislature may not be paid any salary or per diem until the Budget Bill is passed and sent to the Governor.	INTRODUCED: 01/15/2009 LOCATION: Senate Rules Committee STATUS: 02/24/2009 Re-referred to SENATE Committee on RULES	None Listed
SCA 9 (Ducheny – D) Finance: State Budget: Taxes	Proposes an amendment to the Constitution that exempts from the two-thirds vote requirement appropriations made in a Budget Bill, and appropriations made in a bill identified in the Budget Bill containing only changes in law necessary to implement the Budget Bill, and instead be passed by a 55 percent vote in each house.	INTRODUCED: 01/26/2009 LOCATION: Senate Budget & Fiscal Review Committee STATUS: 02/05/2009 To SENATE Committees on BUDGET AND FISCAL REVIEW; and ELECTIONS, REAPPORTIONMENT, AND CONSTITUTIONAL AMENDMENTS	None Listed
SCA 14 (Ducheny – D) Initiative Measures: Funding Source	Proposes an amendment to the Constitution to prohibit an initiative measure that would result in a net increase in state government cost from being submitted to the electors or having any effect unless and until the Legislative Analyst and the Director of Finance jointly determine that the initiative provides for additional revenues in an amount that meets or exceeds the net increase in costs.	INTRODUCED: 02/27/2009 LOCATION: Senate Elections, Reapportionment, and Constitutional Amendments Committee STATUS: 03/19/2009 To SENATE Committee on ELECTIONS, REAPPORTIONMENT AND CONSTITUTIONAL AMENDMENTS	None Listed

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SCA 15 (Calderon – D)</p> <p>State Budget</p>	<p><i>Proposes an amendment to the Constitution to exempt General Fund appropriations in the Budget Bill for the ensuing fiscal year from the 2/3 vote requirement of the Legislation if the total amount of General Fund revenues estimated by the Legislative Analyst after a certain date for the current fiscal year is a certain percentage below the estimate of General Fund revenues set forth in the Budget Bill enacted for the current fiscal year</i></p>	<p>INTRODUCED: 02/27/2009 LAST AMENDED: 04/13/2009 LOCATION: Senate Budget and Fiscal Review Committee</p> <p>STATUS: 04/13/2009 From SENATE Committee on BUDGET AND FISCAL REVIEW with author's amendments</p> <p>04/13/2009 In SENATE. Read second time and amended. Re-referred to Committee on BUDGET AND FISCAL REVIEW</p>	<p>None Listed</p>



BOARD COMMITTEE TRANSMITTAL

May 11, 2009

To: Members of the Board of Directors

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

Subject: Selection of a Consultant for Preparation of a Project Study Report for Improvements to the Santa Ana Freeway (Interstate 5) from the Costa Mesa Freeway (State Route 55) to the El Toro "Y" Area

Highways Committee Meeting of May 4, 2009

Present: Directors Amante, Cavecche, Glaab, Mansoor, and Norby

Absent: Directors Dixon, Green, and Pringle

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendations

- A. Approve the selection of MTS Engineers, Inc., as the top ranked firm to prepare a project study report for improvements to the Santa Ana Freeway (Interstate 5) from the Costa Mesa Freeway (State Route 55) to the El Toro "Y" area.
- B. Authorize the Interim Chief Executive Officer to request a cost proposal from MTS Engineers, Inc., and negotiate an agreement for their services.
- C. Authorize the Interim Chief Executive Officer to execute final Agreement No. C-8-1374, in an amount up to \$1,100,000.



May 4, 2009

To: Highways Committee

From: *JK* James S. Kenan, Interim Chief Executive Officer

Subject: Selection of a Consultant for Preparation of a Project Study Report for Improvements to the Santa Ana Freeway (Interstate 5) from the Costa Mesa Freeway (State Route 55) to the El Toro "Y" Area

Overview

As part of the Orange County Transportation Authority's Fiscal Year 2009 Budget, the Board of Directors approved a study for new lanes and improvements to interchanges on the Santa Ana Freeway (Interstate 5) from the Costa Mesa Freeway (State Route 55) to the El Toro "Y" area. Proposals were solicited in accordance with the Orange County Transportation Authority's procurement procedures for the retention of consultants to perform architectural and engineering work. These procedures are in accordance with both federal and state legal requirements.

Recommendations

- A. Approve the selection of MTS Engineers, Inc., as the top ranked firm to prepare a project study report for improvements to the Santa Ana Freeway (Interstate 5) from the Costa Mesa Freeway (State Route 55) to the El Toro "Y" area.
- B. Authorize the Interim Chief Executive Officer to request a cost proposal from MTS Engineers, Inc., and negotiate an agreement for their services.
- C. Authorize the Interim Chief Executive Officer to execute final Agreement No. C-8-1374, in an amount up to \$1,100,000.

Discussion

The Renewed Measure M Program includes a project to add new lanes and improve interchanges on the Santa Ana Freeway (Interstate 5) from the Costa Mesa Freeway (State Route 55) to the El Toro "Y" area. The next

Selection of a Consultant for Preparation of a Project Study Report for Improvements to the Santa Ana Freeway (Interstate 5) from the Costa Mesa Freeway (State Route 55) to the El Toro “Y” Area *Page 2*

step in the project development process is the preparation of a project study report (PSR), which analyzes alternatives and determines project feasibility and preliminary costs. This PSR is a first step in the project development process it will also be used to secure state and federal funding for subsequent phases of the project. The Orange County Transportation Authority (Authority) is seeking consultant assistance for the preparation of a PSR for this project.

Procurement Approach

This procurement was handled in accordance with the Authority 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, staffing, and the work plan. 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 Authority's Board of Directors (Board).

On January 26, 2009, the Board authorized the release of Request for Proposals (RFP) No. 8-1374 which was sent electronically to 1349 firms registered on CAMM NET. The project was advertised on January 30 and February 10, 2009, in a newspaper of general circulation. A pre-proposal conference was held on February 11, 2009, and was attended by 52 people representing 50 firms.

Addendum No. 1 to RFP No. 8-1374 was issued on February 4, 2009, to provide minute changes to the scope of work. Addendum No. 2 was issued on February 16, 2009, to post the pre-proposal conference registration sheets.

On February 25, 2009, eight proposals were received. An evaluation committee consisting of staff from the Strategic Planning Department, Highway Project Delivery Department, Contracts Administration and Materials Management Department, and the California Department of Transportation met to review all proposals submitted. The proposals were evaluated based on the following evaluation criteria and weights, which was approved by the Board on January 26, 2009.

- Qualifications of the Firm 25 percent
- Staffing and Project Organization 40 percent
- Work Plan 35 percent

Selection of a Consultant for Preparation of a Project Study Page 3
Report for Improvements to the Santa Ana Freeway (Interstate 5)
from the Costa Mesa Freeway (State Route 55) to the El Toro “Y”
Area

The weights are consistent with the weightings developed for similar architectural and engineering services. Experience of the firm is important in that each firm have performed this type of service before. The greatest importance was placed on staffing and project organization because the project manager, key task leaders, and sub-consultants are critical to the successful completion of the project. A high level of importance was assigned to the work plan as the technical approach and understanding of the project is critical to the successful completion of the PSR.

The evaluation committee reviewed all proposals and found four of the firms most qualified for the work. The four most qualified firms are presented in ranked order:

Firm and Location

MTS Engineers, Inc.
Irvine, California

RBF Consulting
Irvine, California

CH2M HILL
Santa Ana, California

URS Corporation
Santa Ana, California

On March 18, 2009, the evaluation committee interviewed the four firms. Questions were asked relative to the firms' proposed staffing, understanding of the project issues, each firms' approach to the scope of work, and proposed schedules. Based upon the proposal evaluation and interviews, staff recommends MTS Engineers, Inc., (MTS) to prepare the PSR/project development support for improvements to Interstate 5 (I-5) between State Route 55 (SR-55) and the El Toro “Y” area.

Qualifications of Firm

All four firms are qualified to perform the PSR; however, MTS demonstrated very good experience on the whole corridor and for handling complex projects. RBF Consulting (RBF) also demonstrated good experience of other studies within the project area, but most of RBF's project experience was with overpasses, underpasses, and interchanges and not on major corridors such

Selection of a Consultant for Preparation of a Project Study Report for Improvements to the Santa Ana Freeway (Interstate 5) from the Costa Mesa Freeway (State Route 55) to the El Toro "Y" Area **Page 4**

corridor since the firm had prepared other studies in the project area but URS did not display as strong level of knowledge as MTS and RBF. CH2M HILL has relevant experience in performing this type of work with knowledge of the corridor.

Staffing and Project Organization

MTS's project manager has excellent experience in delivering highway projects. The team was well put together to provide ideas and solutions for the problem area along the corridor. RBF's proposed project managers also have experience in delivering projects. Various team members have worked on interchange projects within the project area and have an excellent understanding of some of the stakeholders. CH2M HILL's project manager is experienced, but CH2M HILL proposed a very large team of staff members, which was not necessary for this level of effort. URS' proposed project manager is well qualified to deliver this project but showed limited availability.

Work Plan

MTS' work plan showed an overall understanding of the project and delved into the unique problems along the corridor as well as proposed solutions to those problems. CH2M HILL provided a very good understanding of the project by specifically addressing the concerns of the stakeholders and presented how to involve the stakeholders early in the process to achieve consensus. URS provided a good work plan and understood the concerns of the local jurisdictions regarding right-of-way impacts. RBF's work plan was general in nature and touched on some of the issues that exist, but it lacked important specifics.

Fiscal Impact

The project was approved in the Authority's Fiscal Year 2008-09 Budget, Development Division, Account 0017-7519-FB002-P5J, and is funded through Renewed Measure M Tax Exempt Commercial Paper Funds.

Summary

The evaluation committee met and reviewed all proposals received. Based on the proposals and interviews, the committee recommends the selection of MTS as the most qualified firm to prepare the PSR for improvement to I-5 from SR-55 to the El Toro "Y" area.

Selection of a Consultant for Preparation of a Project Study Report for Improvements to the Santa Ana Freeway (Interstate 5) from the Costa Mesa Freeway (State Route 55) to the El Toro "Y" Area **Page 5**

Staff is requesting authorization to request a cost proposal from MTS and negotiate an agreement within the approved budget for this project, which is \$1,100,000.

Attachments

- A. Review of Proposals – RFP No. 8-1374 - Project Study Report/Project Development Support for Interstate 5 Between State Route 55 and the El Toro "Y" Area"
- B. Proposal Evaluation Criteria Matrix (Short-Listed Firms) - RFP No. 8-1374 - Project Study Report/Project Development Support for Interstate 5 Between State Route 55 and the El Toro "Y" Area
- C. Contract History for the Past Two Years - RFP No. 8-1374 Project Study Report/Project Development Support for Interstate 5 Between State Route 55 and the El Toro "Y" Area

Prepared by:

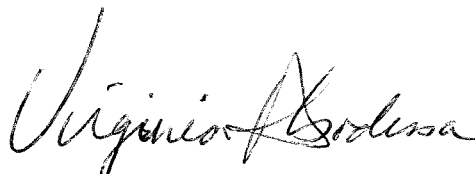


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Review of Proposals - RFP No. 8-1374

Project Study Report/Project Development Support for Interstate 5 Between State Route 55 and the El Toro "Y" Area

(Presented to Highways Committee - 5/4/09)
 Eight proposals received, four firms were interviewed

Overall Ranking	Overall Score	Firm & Location	Sub-Contractors	Evaluation Committee Comments
1	84	MTS Engineers, Inc. Irvine, CA	Parsons Transportation Group, Inc. Austin-Foust Associates, Inc. Psomas Earth Mechanics, Inc.	Highest ranked overall proposal. Financially stable firm with good staff resources. Team has significant complex project experience. Project manager has direct relevant experience. Key staff provide a wide variety of skills. Excellent availability of key staff. Work plan demonstrated a clear understanding of the scope of work. In the interview, the team addressed all questions regarding potential problems and responded well.
2	81	RBF Consulting Irvine, CA	Austin-Foust Associates, Inc. Bonterra Consulting Overland, Pacific & Cutler	Second highest ranked proposal. Firm has a good understanding of the project area. Well established, financially stable firm with very good staff resources. Key staff has experience with interchange projects in the area. Work plan lacked depth. Responded well in the interview.
3	80	CH2M HILL Santa Ana, CA	Coast Surveying, Inc. Harris, Miller, Miller & Hanson, Inc. Iteris, Inc. RMC, Inc.	Third highest ranked proposal. Firm has good experience . Well established, financially stable firm with significant staff resources. Solid detailed work plan that identified the issues. Proposed a very large team of staff members. Good approach to involving all stakeholders early in the process. Good availability of key staff. Good interview.
3	80	URS Corporation Santa Ana, CA	Psomas	Third highest ranked proposal. Firm has experience with this type of project. Firm is financially stable with significant staff resources. Good understanding of local jurisdictions concerns with right-of-way impacts. Detailed work plan. Project manager had limited availability. Good interview.

Evaluation Panel: (5)

OCTA:
 CAMM (1)
 Development (3)

Outside:

California Department of Transportation (1)

Proposal Criteria

Qualifications of Firm
 Staffing and Project Organization
 Work Plan

Weight Factor

25%
 40%
 35%

Proposal Evaluation Criteria Matrix (Short-Listed Firms) RFP No. 8-1374 - Project Study Report/Project Development Support for Interstate 5 Between State Route 55 and the El Toro "Y" Area							
Firm: MTS Engineers, Inc.					Weights		Criteria Score
Evaluation Number	1	2	3	4	5		
Qualifications of Firm	4.5	4.0	4.0	4.0	4.0	5	20.5
Staffing/Project Organization	4.5	4.0	4.5	4.0	4.0	8	33.6
Work Plan	4.5	4.5	4.5	4.0	4.0	7	30.1
Overall Score	90.0	83.5	87.5	80.0	80.0		84
Firm: RBF Consulting					Weights		Criteria Score
Evaluation Number	1	2	3	4	5		
Qualifications of Firm	4.0	4.0	4.0	4.0	4.0	5	20.0
Staffing/Project Organization	4.0	4.0	4.0	4.5	4.5	8	33.6
Work Plan	4.0	3.5	4.0	4.0	4.0	7	27.3
Overall Score	80.0	76.5	80.0	84.0	84.0		81
Firm: CH2M HILL					Weights		Criteria Score
Evaluation Number	1	2	3	4	5		
Qualifications of Firm	4.0	4.5	4.0	3.0	4.0	5	19.5
Staffing/Project Organization	4.0	4.5	4.0	3.5	4.0	8	32.0
Work Plan	4.0	4.0	4.5	4.0	4.0	7	28.7
Overall Score	80.0	86.5	83.5	71.0	80.0		80
Firm: URS Corporation					Weights		Criteria Score
Evaluation Number	1	2	3	4	5		
Qualifications of Firm	4.0	4.0	4.0	4.0	4.0	5	20.0
Staffing/Project Organization	4.0	3.5	4.0	4.0	4.0	8	31.2
Work Plan	4.0	4.0	4.5	4.0	4.0	7	28.7
Overall Score	80.0	76.0	83.5	80.0	80.0		80
<p>The range of scores for the non-short-listed firms was 65 to 76.</p> <p>Evaluation Committee (5) OCTA Strategic Planning (2) Highway Project Delivery (1) CAMM (1) California Department of Transportation (1)</p>							

Contract History for the Past Two Years
RFP No. 8-1374 - Project Study Report/Project Development Support for Interstate 5
Between State Route 55 and the El Toro "Y" Area

Firm - Prime Only	Contract Number	Description	Contract Start Date	Contract End Date	Contract Amount
MTS Engineers, Inc.	NONE	NONE	NONE	NONE	\$ -
Sub Total					\$ -
RBF Consulting	C-3-1385	On-call right-of-way engineering and surveying services	3/24/2004	12/31/2009	\$ 405,186
	C-5-2261	Project report/environmental document for Orange Freeway (State Route 57) northbound widening from Orangethorpe Avenue to Lambert Avenue	5/23/2005	2/29/2008	\$ 1,189,908
	C-5-2713	Plans, specifications, and estimates for Santa Ana Freeway (Interstate 5)/Culver Drive	2/22/2006	12/31/2008	\$ 315,718
	C-6-0889	Signal timing and synchronization at Oso Parking/Pacific Park Drive from Aliso Viejo to Rancho Santa Margarita	2/26/2007	12/31/2008	\$ 248,272
	C-7-0052	Update Riverside Freeway (State Route 91) Implantation Plan 2007	2/28/2007	7/31/2007	\$ 40,000
	C-7-0887	Design effort for the widening of northbound State Route 57 (SR-57) from Orangethorpe Avenue to Yorba Linda Boulevard	2/18/2009	7/31/2014	\$ 6,100,000
	C-7-1462	Renewed Measure M Freeway Strategic Plan	4/23/2008	6/30/2009	\$ 100,000
	C-8-0427	Update State Route 91 (SR-91) Implementation Plan 2008	3/24/2008	7/31/2008	\$ 40,000
	C-8-1371	Update SR-91 Implementation Plan 2009	3/4/2009	6/30/2009	\$ 46,500
Sub Total					\$ 8,485,584
CH2M HILL	C-5-2712	Plans, specifications, and estimates for Oso Parkway at I-5	12/12/2005	12/31/2010	\$ 1,819,709
	C-7-0612	91 Express Lanes Extension/Foothill Transportation Corridor (State Route 241) connector studies	6/28/2007	6/30/2009	\$ 510,883
	C-7-1247	Design effort for widening the northbound SR-57 between Yorba Linda Boulevard to Lambert Avenue	2/19/2008	7/31/2014	\$ 5,759,057
	C-8-0962	Design services for Lakeview Avenue. Rail road grade separation project	3/4/2009	6/30/2009	\$ 349,593
Sub Total					\$ 8,439,242
URS Corporation	C-2-0710	I-5 far north design services	8/12/2002	6/30/2011	\$ 14,135,200
	C-5-1209	Strategic transportation study for South Orange County	10/4/2005	6/30/2009	\$ 1,380,675
	C-5-2963	SR-57 extension concept study	3/17/2006	12/31/2007	\$ 99,893
	C-8-0142	Central County Major Investment Study	6/25/2008	1/31/2010	\$ 952,389
	C-8-1369	Freeway retrofit soundwall project (not yet executed)	TBD	TBD	\$ -
Sub Total					\$ 16,568,157



BOARD COMMITTEE TRANSMITTAL

May 11, 2009

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: Amendment to the Master Plan of Arterial Highways

Highways Committee Meeting of May 4, 2009

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

Committee Vote

This item was passed by all Committee Members present.


Director Cavecche abstained on Recommendation B regarding the language to the City of Orange's changes to the general plan of "Walnut: Main Street to Wanda downgrade to 2 Lane Collector", which is due to the proximity of her home in Orange.

Committee Recommendations

- A. Approve amendment to the Master Plan of Arterial Highways to reclassify Harbor Boulevard in the City of Garden Grove from Westminster Avenue to Chapman Avenue, from a major (six-lane, divided) arterial to a principal (eight-lane, divided) arterial.
- B. Approve amendment to the Master Plan of Arterial Highways to incorporate proposed changes to the circulation element of the City of Orange's general plan, as described in this staff report, subject to the approval by the City of Orange of the updated general plan reflecting these changes.
- C. Approve amendment to the Master Plan of Arterial Highways to reclassify Rose Drive in the City of Yorba Linda from Imperial Highway (State Route 90) to Yorba Linda Boulevard, from a major (six-lane, divided) arterial to a primary (four-lane, divided) arterial, subject to the approval by the City of Yorba Linda of a general plan amendment reflecting this change.



May 4, 2009

To: Highways Committee
From:  James S. Kenan, Interim Chief Executive Officer
Subject: Amendment to the Master Plan of Arterial Highways

Overview

The Orange County Transportation Authority administers the Master Plan of Arterial Highways including the review and approval of amendments requested by local agencies. The cities of Garden Grove, Orange, and Yorba Linda have requested amendment to the Master Plan of Arterial Highways to reflect proposed changes to the arterial highway system within each cities' respective jurisdiction.

Recommendations

- A. Approve amendment to the Master Plan of Arterial Highways to reclassify Harbor Boulevard in the City of Garden Grove from Westminster Avenue to Chapman Avenue, from a major (six-lane, divided) arterial to a principal (eight-lane, divided) arterial.
- B. Approve amendment to the Master Plan of Arterial Highways to incorporate proposed changes to the circulation element of the City of Orange's general plan, as described in this staff report, subject to the approval by the City of Orange of the updated general plan reflecting these changes.
- C. Approve amendment to the Master Plan of Arterial Highways to reclassify Rose Drive in the City of Yorba Linda from Imperial Highway (State Route 90) to Yorba Linda Boulevard, from a major (six-lane, divided) arterial to a primary (four-lane, divided) arterial, subject to the approval by the City of Yorba Linda of a general plan amendment reflecting this change.

Background

Guidelines adopted by the Orange County Transportation Authority (OCTA) Board of Directors (Board) on November 27, 1995, include procedures to be

followed by local agencies requesting amendments to the Master Plan of Arterial Highways (MPAH). These procedures are summarized below:

- The local agency submits its request in writing to OCTA, including a detailed description of the proposed amendment and documentation to support the basis for the request.
- Upon receiving an MPAH amendment request, OCTA convenes a staff conference with the requesting agency and representatives of adjacent jurisdictions, if necessary. The conference will determine if there is mutual agreement on the proposed amendment.
- If there is mutual agreement, OCTA provides a written response to that effect and submits the request to the OCTA Board for approval. Upon OCTA Board approval, the local agency proceeds with the process of amending its general plan to reflect the change to its circulation element. If there is no mutual agreement, or if more information is needed, a cooperative study is initiated with the goal of reaching consensus between OCTA, the local agency, and affected jurisdictions as appropriate.

Proposed amendments are submitted to the OCTA Board on a quarterly basis for approval. Exceptions to this schedule may be made where a compelling need can be demonstrated by the local agency for approval prior to the next scheduled quarterly approval.

There are currently nine proposed amendments to the MPAH under review, in the cooperative study process, or on-hold pending resolution of issues with other agencies or the refinement of development plans (Attachment A). Specific amendment requests from the cities of Garden Grove (Attachment B), Orange (Attachment C), and Yorba Linda (Attachment D) are presented below.

Discussion

City of Garden Grove

As part of a recent general plan update, the City of Garden Grove's traffic analyses concluded that Harbor Boulevard's current major arterial designation from Westminster Avenue to Chapman Avenue at general plan build out will not have sufficient capacity to accommodate future (2030) traffic volumes. Projected 2030 traffic volumes for Harbor Boulevard, within the limits specified, are projected to be in excess of the 45,000 average daily traffic (ADT) standard for major arterial facilities on the MPAH.

As a result, the City of Garden Grove has requested that this segment of Harbor Boulevard be upgraded from a major arterial to a principal arterial. The proposed upgrade would mitigate projected future traffic deficiencies by adding capacity to the facility which will allow it to continue to operate within acceptable level of service standards. This amendment will also allow the MPAH to reflect the higher classification already included in the City of Garden Grove's general plan circulation element.

City of Orange

OCTA staff and the City of Orange have completed the review and analysis of the City of Orange's request to amend the MPAH to reflect proposed changes to the City of Orange general plan circulation element. These proposed changes are presented in Attachment C.

City of Yorba Linda

The City of Yorba Linda has requested that Rose Drive, from Imperial Highway (State Route 90) to Yorba Linda Boulevard, be reclassified from a major arterial to a primary arterial.

Traffic analyses conducted by the City of Yorba Linda concluded that both current and future traffic volumes on Rose Drive, within the limits specified, do not warrant major arterial designation on the MPAH. Future year (2030) traffic volumes, which are projected at approximately 21,000 ADT, are well below the MPAH standard of 30,000 ADT for a major arterial. As such, traffic volumes on this facility are more consistent with MPAH designation as a primary arterial.

Also, as part of the cooperative study process for the proposed amendment, the City of Yorba Linda performed detailed intersection analyses to ascertain potential traffic impacts on immediately adjacent facilities and jurisdictions. The cooperative study process concluded that there would not be significant impacts upon adjacent facilities and jurisdictions. As a result, the City of Placentia and the California Department of Transportation have issued letters of concurrence in support of the proposed reclassification (Attachments E and F).

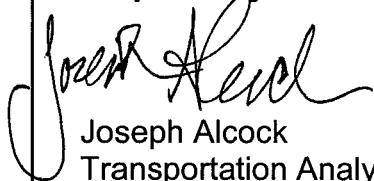
Summary

The cities of Garden Grove, Orange, and Yorba Linda have requested an amendment to the MPAH to reflect proposed changes to the arterial highway system within the respective jurisdictions. Staff has determined that implementation of the amendment, as described in this staff report, would not adversely impact the integrity of the MPAH; therefore, Board approval of the amendment is requested.

Attachments

- A. Summary of Currently Active Master Plan of Arterial Highways (MPAH) Amendment Requests
- B. Letter from Dan Candelaria, City of Garden Grove – Proposed Update to OCTA MPAH – August 27, 2008
- C. Letter from Joe DeFrancesco, City of Orange – Initiation of MPAH Amendment Cooperative Study Process – January 28, 2009
- D. Letter from Tony L. Wang, City of Yorba Linda – OCTA MPAH Amendment Request – March 12, 2008
- E. Letter from Warren C. Siecke, City of Placentia – Rose Drive MPAH Reclassification – January 16, 2009
- F. Letter from Bassem Barsoum, California Department of Transportation, District 12 – Rose Drive MPAH Reclassification Traffic Study – January 27, 2009

Prepared by:



Joseph Alcock
Transportation Analyst
(714) 560-5372

Approved by:



Kia Mortzavi
Executive Director, Development
(714) 560-5741

Summary of Currently Active Master Plan of Arterial Highways (MPAH) Amendment Requests

JURISDICTION	STREET	REQUESTED ACTION	STATUS
Brea	Tonner Canyon Road/ Valencia Avenue	Downgrade from secondary to collector.	On hold pending resolution of four corners issues.
County of Orange	Santiago Canyon Road	Downgrade Santiago Canyon Road from secondary to collector between Jeffrey Avenue and Live Oak Canyon Road.	Traffic study underway.
Dana Point	Golden Lantern	Downgrade from major smart street to primary smart street.	Staff is currently evaluating the City's request in light of South Orange County Major Investment Study findings.
Garden Grove	Harbor Boulevard	Upgrade from major to principal between Westminster Avenue and Chapman Avenue.	Proposed amendment is being submitted as part of the current staff report for review and approval.
Irvine	Bake Parkway, Ridge Route, and Santa Maria Avenue	Delete proposed southerly sections of these arterials.	Fair share analysis for proposed mitigations is currently being reviewed by cities.
Irvine	Great Park circulation plan	Add future streets to the MPAH within the former El Toro airbase area.	Add future streets to the MPAH within the former El Toro airbase area. On hold pending finalization of Great Park development plan.

JURISDICTION	STREET	REQUESTED ACTION	STATUS
Orange	General plan update	<p>Cambridge Street: Downgrade from a secondary (four-lane, undivided) arterial to a collector (two-lane, undivided) arterial from the City of Orange's southern limit to Katella Avenue. Both existing and projected future year (2030) traffic volumes are below 10,000 ADT, which is the minimum threshold for a secondary facility. As such, future traffic volumes on this facility are more consistent with an MPAH designation of collector arterial.</p> <p>La Veta Avenue: Downgrade from a primary (four-lane, divided) arterial to a secondary (four-lane, undivided) arterial from Glassell Street to Cambridge Street. Both existing and projected future year traffic volumes are below 20,000 ADT, which is the minimum threshold for a primary facility. As such, future traffic volumes on this facility are more consistent with an MPAH designation of secondary arterial.</p> <p>Walnut Avenue: Downgrade from a secondary (four-lane, undivided) arterial to a collector (two-lane, undivided) arterial from Main Street to Prospect Street. Both existing and projected future year traffic volumes are below 10,000 ADT, which is the minimum threshold for a secondary facility. As such, future traffic volumes on this facility are more consistent with an MPAH designation of collector arterial.</p>	Proposed amendment is being submitted as part of the current staff report for review and approval.

JURISDICTION	STREET	REQUESTED ACTION	STATUS
Orange	General plan update	<p>Batavia Street: Upgrade from a secondary (four-lane, undivided) arterial to a primary (four-lane, divided) arterial from Walnut Avenue to Lincoln Avenue. The proposed reclassification as a primary (four-lane, divided) arterial is supported by the fact that projected 2030 traffic volumes exceed the MPAH 20,000 ADT threshold for a secondary (four-lane, undivided) arterial.</p> <p>Chapman Avenue: Upgrade from a major (six-lane, divided) arterial to a principal (eight-lane, divided) arterial from Yorba Street to Prospect Street. The proposed reclassification as a principal (eight-lane, divided) arterial is supported by the fact that 2030 traffic volumes exceed the MPAH 45,000 ADT standard for a major (six-lane, divided) arterial.</p> <p>Chapman Avenue: Upgrade from a primary (four-lane, divided) arterial to a major (six-lane, divided) arterial from Crawford Canyon Road to Canyon View Avenue. The proposed reclassification as a major (six-lane, divided) arterial is supported by the fact that 2030 traffic volumes exceed the MPAH 30,000 ADT standard for a primary (four-lane, divided) arterial.</p> <p>Collins Avenue: Upgrade from a secondary (four-lane, undivided) arterial to a primary (four-lane, divided) arterial from Main Street to Tustin Street. The proposed reclassification as a primary (four-lane, divided) arterial is supported by the fact that 2030 traffic volumes exceed the MPAH 20,000 ADT standard for a secondary (four-lane, undivided) arterial.</p>	

JURISDICTION	STREET	REQUESTED ACTIONS	STATUS
Orange	General plan update	<p>Glassell Street: Upgrade from a primary (four-lane, divided) to a major (six-lane, divided) arterial from Katella Avenue to Orange Olive Road. The proposed reclassification as a major (six-lane, divided) arterial is supported by the fact that 2030 traffic volumes exceed the MPAH 30,000 ADT standard for a primary (four-lane, divided) arterial.</p> <p>Main Street: Upgrade from a major (six-lane, divided) arterial to a principal (eight-lane, divided) arterial from Town and Country Road to La Veta Avenue. The proposed reclassification as a principal (eight-lane, divided) arterial is supported by the fact that 2030 traffic volumes exceed the MPAH 45,000 ADT standard for a major (six-lane, divided) arterial.</p> <p>Meats Avenue: Upgrade from a secondary (four-lane, undivided) to a major (six-lane, divided) arterial from Tustin Street to the proposed Costa Mesa Freeway (State Route 55) northbound ramps. The proposed reclassification as a major (six-lane, divided) arterial is supported by the fact that 2030 traffic volumes exceed the MPAH 20,000 ADT standard for a secondary (four-lane, undivided) arterial.</p> <p>Meats Avenue: Upgrade from a secondary (four-lane, undivided) arterial to a primary (four-lane, divided) arterial from the proposed State Route 55 northbound ramps to Santiago Boulevard. The proposed reclassification as a primary (four-lane, divided) arterial is supported by the fact that 2030 traffic volumes exceed the MPAH 20,000 ADT standard for a secondary (four-lane, undivided) arterial.</p>	

JURISDICTION	STREET	REQUESTED ACTION	STATUS
Orange	General plan update	<p>Prospect Street: Upgrade from a secondary (four-lane, undivided) to a primary (four-lane, divided) arterial from Chapman Avenue to Walnut Avenue. The proposed reclassification as a primary (four-lane divided) arterial is supported by the fact that 2030 traffic volumes exceed the MPAH 20,000 ADT standard for a secondary (four-lane, undivided) arterial.</p> <p>Wanda Road: Upgrade from a secondary (four-lane, undivided) to a primary (four-lane, divided) arterial from Katella Avenue to Santiago (Taft) Boulevard. The proposed reclassification as a primary (four-lane, divided) arterial is supported by the fact that 2030 traffic volumes are projected to exceed the MPAH 20,000 ADT standard for a secondary (four-lane, undivided) arterial.</p>	
Placentia	Madison Avenue and Kraemer Boulevard	Downgrade Madison Avenue secondary to collector, from Placentia Avenue to Kraemer Boulevard; and Bradford Avenue from secondary to collector from Madison Avenue to Crowther Avenue.	Awaiting updated traffic data from the City.
Yorba Linda	Rose Drive	Downgrade Rose Drive from major to primary from Imperial Highway (State Route 90) to Yorba Linda Boulevard.	Proposed amendment is being submitted as part of the current staff report for review and approval.



CITY OF GARDEN GROVE

William J. Dalton
Mayor

Mark Rosen
Mayor Pro Tem

Dina Nguyen
Council Member

Bruce A. Broadwater
Council Member

Steven R. Jones
Council Member

August 27, 2008
Glen Campbell
Principal Transportation Analyst
OCTA Development Division
550 South Main Street
Orange, CA 92863-1584

Subject: PROPOSED UPDATE TO OCTA MPAH

Dear Mr. Campbell,

The City of Garden has just undertaken an update to its General Plan. As part of this process, the traffic consultant retained by the City determined that Harbor Boulevard is currently operating at an unacceptable level of service, and that this condition will only worsen when factoring in anticipated growth and build-out volumes.

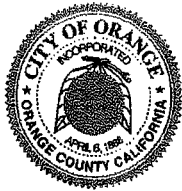
The City concurs with these findings and has therefore reclassified Harbor Boulevard from a Major Arterial Highway to a Principal Arterial Highway on its Master Plan of Streets and Highways. The reclassification extends from Westminster Avenue to Chapman Avenue and spans the entire city. With this reclassification, the General Plan demonstrates that the level of service will be improved and meet City standards.

The City of Garden Grove requests your support of this change and acknowledgement by amending the Master Plan of Arterial Highways (MPAH) accordingly.

Should you have any questions, please feel free to call me at 741-5185.

Sincerely,

Dan Candelaria, P.E., T.E.
City Traffic Engineer



CITY OF ORANGE

PUBLIC WORKS DEPARTMENT
www.cityoforange.org
ENGINEERING DIVISION
 (714) 744-5544
 FAX: (714) 744-5573

MAINTENANCE DIVISION
 (714) 532-6480
 FAX: (714) 532-6444

TRAFFIC DIVISION
 (714) 744-5540
 FAX: (714) 744-5573

WATER DIVISION
 (714) 288-2475
 FAX: (714) 744-2973

January 28, 2009

Mr. Charles Larwood
 Manager of Transportation Planning
 Orange County Transportation Authority
 550 South Main Street
 Orange, California 92863-1584

Subject: Initiation of MPAH Amendment Cooperative Study Process

Dear Mr. Larwood:

The City of Orange is requesting formal initiation of a comprehensive MPAH Amendment process associated with the City's impending General Plan Update.

As a part of the General Plan Update, the circulation network within the city will be revised to accommodate both changes in the City's Land Use Plan and the future increases in county-wide background traffic.

A copy of the draft General Plan Update Traffic Analysis has been sent electronically to Joe Alcock for OCTA staff review.

All of the requested changes are within the City of Orange. However, the City has contacted the City of Santa Ana to request written concurrence with the proposed downgrade of Cambridge Street.

The specific MPAH Amendment requests are listed below. A brief description of each change is provided in Attachment "A".

- Cambridge: South City Limit to Katella- Downgrade to 2-Lane Collector.
- La Veta: Glassell to Cambridge- Downgrade to 4-Lane Secondary arterial.
- Walnut: Main Street to Wanda- Downgrade to 2-Lane Collector.
- Batavia: Walnut to Lincoln- Upgrade to 4-Lane Primary arterial.
- Chapman: Yorba to Prospect- Upgrade to 8-Lane Principal arterial.
- Chapman: Crawford Canyon to Canyon View- Upgrade to 6-Lane Major arterial.
- Collins: Main to Tustin- Upgrade to 4-Lane Primary arterial.
- Glassell: Katella to Orange-Olive- Upgrade to 6-Lane Major arterial.

- Main: Town & Country to La Veta- Upgrade to 8-Lane Principal arterial.
- Meats: Tustin to SR-55 NB Ramps- Upgrade to 6-Lane Major arterial.
- Meats: SR-55 NB Ramps to Santiago- Upgrade to 4-Lane Primary arterial.
- Prospect: Chapman to Walnut- Upgrade to 4-Lane Primary arterial.
- Wanda: Katella to Santiago (Taft)- Upgrade to 4-Lane Primary arterial.

If you have any questions regarding the aforementioned requested changes, please contact Doug Keys in our Traffic Engineering Division at (714) 744-5540.

Sincerely,



Joe DeFrancesco
Interim Public Works Director

Attachment: Description of Requested Changes

cc: Frank Sun, City Engineer
Amir Farahani, City Traffic Engineer
Alice Angus, Community Development Director
Anna Pehoushek, Principal Planner
Doug Keys, Transportation Analyst
Glen Campbell, OCTA
Joe Alcock, OCTA

ATTACHMENT "A"

Description of Requested MPAH Changes

- **Cambridge: South City Limit to Katella:** Downgrade from 4-lane Secondary to a 2-lane Collector. This stretch of roadway is currently 2 lanes and travels through an historical neighborhood. Widening to 4 lanes would require extensive right-of-way acquisition that would disrupt the integrity of the neighborhood. Comparing the No Project alternative (4 lanes) to the Project alternative (2 lanes) from the Traffic Analysis indicates that 2 lanes provide adequate capacity for the 2030-Buildout traffic demand for Cambridge Street.
- **La Veta: Glassell to Cambridge:** Downgrade from a 4-lane Primary to a 4-lane Secondary. This segment of La Veta has always been shown on the City of Orange MPAH as a Secondary arterial. The County MPAH shows La Veta as a Primary arterial. The Traffic Analysis shows that a Secondary arterial for La Veta can accommodate future traffic volumes.
- **Walnut: Main to Wanda:** Downgrade from 4-lane Secondary to a 2-lane Collector. Like Cambridge, Walnut goes through a residential neighborhood and would require significant right-of-way acquisition in order to provide 4 lanes. Once again, comparing the No Project alternative (4 lanes) to the Project alternative (2 lanes) from the Traffic Analysis indicates that 2 lanes provide adequate capacity for the 2030-Buildout traffic demand for Walnut Avenue.
- **Batavia: Walnut to Lincoln:** Upgrade from a 4-lane Secondary to a 4-lane Primary facility. This request is the result of recommended mitigation measures for the Project alternative of the General Plan Update. 2030 Build-out Project traffic volumes along this reach of Batavia range from 21,500 ADT to 23,300 ADT. These volumes require a 4-lane Primary.
- **Chapman: Yorba to Prospect:** Upgrade from a 6-lane Major to an 8-lane Principal facility. This request is a result of recommended mitigation measures for the Project alternative of the General Plan Update. The 2030 Build-out Project traffic volume along this reach of Chapman is 63,600 ADT. This volume requires an 8-lane Principal.
- **Chapman: Crawford Canyon to Canyon View:** Upgrade from a 4-lane Primary to a 6-lane Major facility. This request is a result of recommended mitigation measures for the Project alternative of the General Plan Update. The 2030 Build-out Project traffic volume along this reach of Chapman is 39,700 ADT. This volume requires a 6-lane Major.

- **Collins: Main to Tustin:** Upgrade from a 4-lane Secondary to a 4-lane Primary facility. This request is the result of recommended mitigation measures for the Project alternative of the General Plan Update. 2030 Build-out Project traffic volumes along this reach of Collins range from 17,800 ADT to 23,000 ADT. These volumes require a 4-lane Primary.
- **Glassell: Katella to Orange-Olive:** Upgrade from a 4-lane Primary to a 6-lane Major facility. This request is a result of recommended mitigation measures for the Project alternative of the General Plan Update. The 2030 Build-out Project traffic volume along this reach of Glassell is 37,700 ADT. This volume requires a 6-lane Major.
- **Main: Town & Country to La Veta:** Upgrade from a 6-lane Major to an 8-lane Principal facility. This request is a result of recommended mitigation measures for the Project alternative of the General Plan Update. The 2030 Build-out Project traffic volume along this reach of Main is 55,500 ADT. This volume requires an 8-lane Principal.
- **Meats: Tustin to SR-55 NB Ramps:** Upgrade from a 4-lane Secondary to a 6-lane Major facility. This request is the result of recommended mitigation measures for the Project alternative of the General Plan Update. 2030 Build-out Project traffic volumes along this reach of Meats range from 45,500 ADT to 53,200 ADT. These volumes require a 6-lane Major.
- **Meats: SR-55 NB Ramps to Santiago:** Upgrade from a 4-lane Secondary to a 4-lane Primary facility. This request is a result of recommended mitigation measures for the Project alternative of the General Plan Update. The 2030 Build-out Project traffic volume along this reach of Meats is 31,900 ADT. This volume requires a 4-lane Primary.
- **Prospect: Chapman to Walnut:** Upgrade from a 4-lane Secondary to a 4-lane Primary facility. This request is the result of recommended mitigation measures for the Project alternative of the General Plan Update. 2030 Build-out Project traffic volumes along this reach of Prospect range from 22,100 ADT to 23,000 ADT. These volumes require a 4-lane Primary.
- **Wanda: Katella to Santiago (Taft):** Upgrade from a 4-lane Secondary to a 4-lane Primary facility. This request is a result of recommended mitigation measures for the Project alternative of the General Plan Update. The 2030 Build-out Project traffic volume along this reach of Wanda is 27,800 ADT. This volume requires a 4-lane Primary.



CITY OF YORBA LINDA

P.O. BOX 87014

CALIFORNIA 92885-8714

(714) 961-7170

FAX (714) 986-1010

ENGINEERING / PUBLIC WORKS

March 12, 2008

Ms. Wendy Garcia
Senior Transportation Analyst
Planning & Analysis
Orange County Transportation Authority
550 South Main Street
P.O. 14184
Orange, CA 92863-1584

Subject: OCTA MPAH AMENDMENT REQUEST

Dear Ms. Garcia:

The City of Yorba Linda would like to request an amendment to the Master Plan Arterial Highway (MPAH) to reclassify Rose Drive between Imperial Highway and Yorba Linda Boulevard from Major Arterials to Primary Arterials. Based upon the Tri-City Traffic Model conducted by Austin-Foust Associates in 2003, the projected 2025 average daily traffic (ADT) would be 21,000 vehicles. The City does not anticipate the projected 2030 ADT would exceed 30,000.

We look forward to meeting with you to further discuss our request. Should you have any questions, please do not hesitate to contact me at 714-961-7184.

Sincerely,

CITY OF YORBA LINDA



TONY L. WANG
Traffic Engineering Manager

Attachments: Tri-City Traffic Model 2025 ADT Volumes

C: Kurt Brocke, Director of Strategic Planning, OCTA
Mark Stowell, Director of Public Works, City of Yorba Linda
Min Zhou, KOA Corporation

Mayor
GREG SOWARDS
City Administrator
TROY L. BUTZLAFF



Councilmembers:
JOSEPH V. AGUIRRE
SCOTT W. NELSON
CONSTANCE UNDERHILL
JEREMY B. YAMAGUCHI

401 East Chapman Avenue - Placentia, California 92870

January 16, 2009

Mr. Tony L. Wang, P.E.
Traffic Engineering Manager
City of Yorba Linda
P.O. Box 87014
Yorba Linda, CA 928885-8714

Dear Wang:

SUBJECT: Rose Drive MPAH Reclassification

Per your request, I have reviewed the January 2009 version of the study report prepared by KOA Corporation for the proposed reclassification of Rose Drive between Yorba Linda Boulevard and Imperial Highway.

I concur with the conclusions of the study.

If you need more information, please call me at (714) 993-8131.

Sincerely,

A handwritten signature in black ink that reads 'Warren C. Siecke'.

Warren C. Siecke
Traffic Engineer

cc: City Engineer

S:\WARREN SIECKE\ROSE DR RECLASS\rose mpah reclass ltr to YL 1 16 09.doc

DEPARTMENT OF TRANSPORTATION

3337 MICHELSON DRIVE, SUITE 380
IRVINE, CA 92612-8894
PHONE: (949) 724-2007
FAX: (949) 724-2019
TTY: (949) 756-7813



*Flex your power!
Be energy efficient!*

January 27, 2009

Mr. Tony L. Wang, P.E.
Traffic Engineering Manager
City of Yorba Linda
4845 Casa Loma Avenue
P.O. Box 87014
Yorba Linda, CA 92885-8714

SUBJECT: Rose Drive MPAH Reclassification Traffic Study

Dear Mr. Wang:

As per your request, I have reviewed the subject traffic study and its supplemental analyses prepared by KOA Corporation for the proposed reclassification of Rose Drive between Yorba Linda Boulevard and Imperial Highway from a Major arterial to a Primary arterial. I concur with conclusions of the study and have no additional comments.

If I can be of further assistance, please call me at 949-724-2331.

Sincerely,

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

Bassem Barsoum, MSCE, PE
Traffic Operation North
Area Traffic Engineer, Lead



BOARD COMMITTEE TRANSMITTAL

May 11, 2009

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: Authority to Acquire Right-of-Way for the West County Connectors Project and Provide Relocation Assistance and Benefits

Highways Committee Meeting of May 4, 2009

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

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendations

- A. Authorize the Interim Chief Executive Officer to take all steps necessary to acquire the specified interests in the real property to construct the West County Connectors Project.
- B. Authorize relocation assistance and benefits for the relocation of persons, businesses, or personal property to be acquired.



May 4, 2009

To: Highways Committee

From: *JK* James S. Kenan, Interim Chief Executive Officer

Subject: Authority to Acquire Right-of-Way for the West County Connectors Project and Provide Relocation Assistance and Benefits

Overview

The Orange County Transportation Authority is implementing the West County Connectors Project which is in the final design phase and is expected to start construction in 2010. The design of the project requires acquisition of property rights from public and private parties adjacent to existing freeways. Acquisition of the properties will be conducted in accordance with the Orange County Transportation Authority Board of Directors-approved right-of-way policies and procedures.

Recommendations

- A. Authorize the Interim Chief Executive Officer to take all steps necessary to acquire the specified interests in the real property to construct the West County Connectors Project.
- B. Authorize relocation assistance and benefits for the relocation of persons, businesses, or personal property to be acquired.

Discussion

In the course of developing and delivering transportation projects, the acquisition of public and private properties is often required to implement a project. Although extensive efforts are made during the design process to minimize the impacts to property owners, some projects require the acquisition of public and private properties. Orange County Transportation Authority (Authority) staff follows right-of-way (ROW) policies and procedures which were approved by the Board of Directors (Board) on October 28, 2002, to properly handle the acquisition of property rights. The Authority's ROW policies and procedures prescribe the internal steps that the Authority takes to ensure federal and state

laws and regulations are followed and that there is an orderly and effective process for implementing the acquisition and relocation process.

In addition, Authority ROW personnel will ensure all requirements set by the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) are met. The Uniform Act was enacted by the federal government to ensure real property was acquired and that persons, businesses, and personal property (displacees) were relocated in an equitable, consistent, and equal manner. State laws and regulations were also enacted to provide benefits and safeguards better than, and in addition to, those prescribed in the Uniform Act. State and federal regulations have been incorporated into the Authority's ROW policies and procedures by reference. Some specific actions, as required by state and federal regulations, have been incorporated therein as well.

When acquisition of property is required, written offers to purchase are prepared based on independent appraisals and delivered personally to property owners, whenever possible. Property owners will be treated with respect and understanding, and negotiations will be conducted in good faith. Should property owners accept the offer to purchase, escrow instructions will be prepared and executed.

The procedure for appraisal is a multi-step process that includes two experts, one who prepares an independent appraisal and another who performs an independent review of the appraisal. The Authority staff also performs a review to ensure fairness and compliance with the Authority ROW policies and procedures and federal and state laws and regulations.

If efforts to obtain an agreement at the appraised value have failed, the Authority may reach an agreement in excess of the appraised value through an administrative settlement for an amount that is considered to be reasonable, prudent, and in the public interest. After consulting the Authority's counsel, the appraiser, the ROW consultant, and the Authority's ROW manager will prepare a settlement memorandum justifying the settlement amount, along with a settlement memorandum explaining how the settlement amount was reached. The settlement will be approved in accordance with the Authority's ROW policies and procedures.

All efforts will be made to reach a negotiated settlement; however, when an impasse is reached, as an act of last resort, the Authority staff, through a separate Board action, will request the Board to adopt a resolution of necessity

to condemn and proceed with eminent domain to acquire the necessary interests in real property.

Once an offer to purchase has been made, all displacees located on the property are eligible for relocation assistance. The displacees will be contacted in person, whenever possible, and notified of eligibility for relocation benefits. Relocation entitlements will be determined after all of the appropriate documents have been prepared and reviewed. The relocation process runs concurrently with the acquisition process.

On August 28, 2006, the Authority's Board approved an implementation plan for the San Diego Freeway (Interstate 405) West County Connectors Project that will construct direct high-occupancy vehicle connectors (HOV) from the Garden Grove Freeway (State Route 22) to Interstate 405 and from Interstate 405 to the San Gabriel River Freeway (Interstate 605), with a second HOV lane in each direction on Interstate 405 between the two direct HOV connectors. The project will be accomplished primarily within the existing ROW; however, some additional ROW is required. Property location maps and information regarding properties to be acquired are provided in Attachment A.

Interests in three separate properties have been identified for acquisition. A temporary construction easement and a minor fee acquisition are required from the Orange County Flood Control District (OCFCD). A 20-foot wide permanent highway easement is required from the Naval Weapons Station Seal Beach (Navy). Property rights from Navy and OCFCD are required for construction of freeway facilities. The California Department of Transportation (Caltrans) and Authority staff have been in discussions with the Navy regarding acquisition of the highway easement. A request for transfer of the highway easement from the Navy to Caltrans has been forwarded from Navy staff to the Navy Regional Office in San Diego for approval. Additionally, a minor fee acquisition and temporary construction easement are required from Bixbybit-Bixby Office Park LLC (Bixby), which comprises an office complex and restaurants. Property rights acquired from Bixby are required to reconstruct curbs, gutters, and sidewalks. The current estimated cost to acquire all of the specified interests in real property is approximately \$4,200,000.

The Authority will be acquiring the property interests in accordance with federal and state laws and regulations, as well as the Authority's ROW policies and procedures. Offers for purchase will be made for the amount established as just compensation, which shall be determined through the appraisal process; however, if a counteroffer is presented by the property owner, staff may consider the counteroffer and its justification for higher compensation and may

reach an agreement through an administrative settlement. The Authority's Interim Chief Executive Officer will then execute a purchase and sale agreement with the property owner.

In cases where a settlement cannot be reached, staff will request the Board to adopt a resolution of necessity and proceed with eminent domain.

Fiscal Impact

The project is included in the Authority's Fiscal Year 2008-09 Budget, Development Division, Account 0010-9081-F7200-N1C, and is funded through the Congestion Mitigation and Air Quality Program.

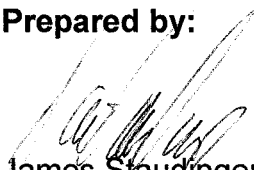
Summary

Staff requests the Board authorize the Authority's Interim Chief Executive Officer take all steps necessary for the acquisition of the specified interests in real property for the West County Connectors Project and to authorize relocation assistance and benefits for the relocation of persons, businesses, or personal property located on the property to be acquired.


Attachment

- A. West County Connectors Maps

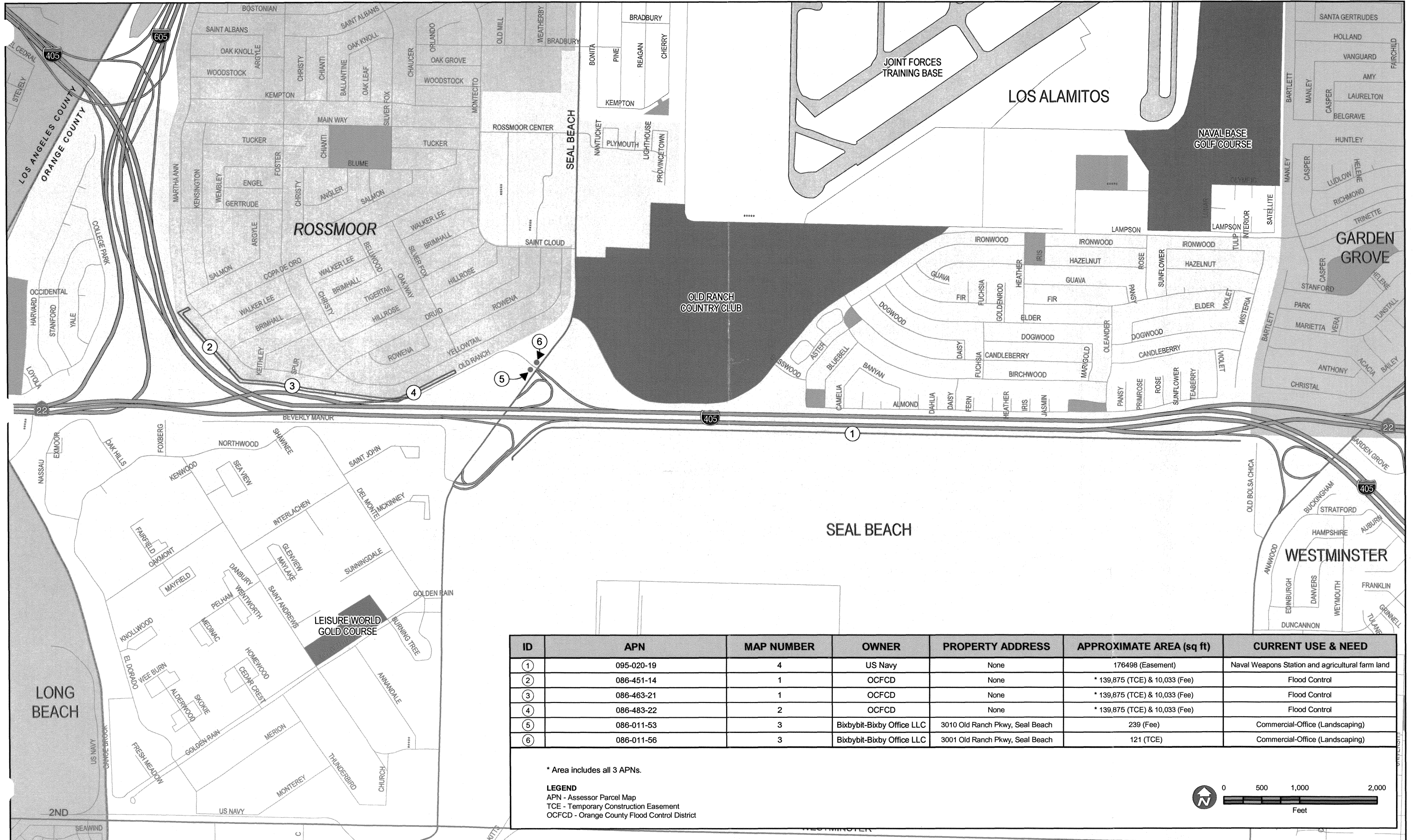
Prepared by:


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Manager, Right-of-Way
(714) 560-5746

Approved by:


Kia Mortazavi
Executive Director, Development
(714) 560-5741

West County Connectors Maps



West County Connector - Map 1



YELLOW = TEMPORARY EASEMENT

GREEN = FEE ACQUISITION

West County Connector - Map 2



West County Connector - Map 3



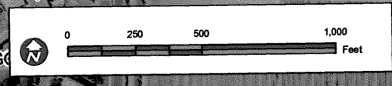
West County Connector - Map 4



OAKWAY SILVER FOX YELLOWTAIL OLD RANCH LAMPSON BASSWOOD OLD RANCH ASTER BLUEBELL BANYAN CARNATION CLOVER ALMOND DAHLIA DAISY FERN GOLDENROD HEATHER IRIS JASMIN FIR ELDER DOGWOOD DAISY DOGWOOD DOGWOOD FUCHSIA CANDLEBERRY BIRCHWOOD MARGOLD OLEANDER PRIMROSE ELDER DOGWOOD WISTERIA BARTLETT ACACIA ANTHONY CHRISTAL

405

BEVERLY MANOR SEALEBEACH MCKINNEY DEL MONTE US NAVY US NAVY 095-020-19 VALLEY VIEW ANWOOD BOLSA CHICA OLD BOLSA CHICA





BOARD COMMITTEE TRANSMITTAL

May 11, 2009

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: Traffic Light Synchronization Program Consultant Selection for Contract Task Orders for Alicia Parkway, Beach Boulevard, and Chapman Avenue

Highways Committee Meeting of May 4, 2009

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

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendations

- A. Authorize staff to negotiate firm-fixed price contract task orders for installation and implementation of traffic light synchronization on Alicia Parkway, Beach Boulevard, and Chapman Avenue.
- B. Authorize the Interim Chief Executive Officer to execute Contract Task Order No. 1 with RBF Consulting (Agreement No. C-8-1172) for Alicia Parkway, Contract Task Order No. 1 with Advantec Consulting Engineers (Agreement No. C-8-0612) for Beach Boulevard, and Contract Task Order No. 1 with Albert Grover and Associates (Agreement No. C-8-1166) for Chapman Avenue subject to allocation of state funds by the California Transportation Commission. The aggregate value of these services for the three corridors is estimated at \$3.1 million in the first year.



May 4, 2009

To: Highways Committee

From: *PCF* James S. Kenan, Interim Chief Executive Officer

Subject: Traffic Light Synchronization Program Consultant Selection for Contract Task Orders for Alicia Parkway, Beach Boulevard, and Chapman Avenue

Overview

Consultant traffic engineering services are needed to implement the Proposition 1B Traffic Light Synchronization Program on the following arterial highways: Alicia Parkway, Beach Boulevard, and Chapman Avenue. These arterials are the initial corridors in a three-year program to implement signal synchronization on over 150 miles of Orange County streets. Contract task order proposals were solicited from a list of on-call traffic engineering firms in accordance with the Orange County Transportation Authority's procedures for architectural and engineering services.

Recommendations

- A. Authorize staff to negotiate firm-fixed price contract task orders for installation and implementation of traffic light synchronization on Alicia Parkway, Beach Boulevard, and Chapman Avenue.
- B. Authorize the Interim Chief Executive Officer to execute Contract Task Order No. 1 with RBF Consulting (Agreement No. C-8-1172) for Alicia Parkway, Contract Task Order No. 1 with Advantec Consulting Engineers (Agreement No. C-8-0612) for Beach Boulevard, and Contract Task Order No. 1 with Albert Grover and Associates (Agreement No. C-8-1166) for Chapman Avenue subject to allocation of state funds by the California Transportation Commission. The aggregate value of these services for the three corridors is estimated at \$3.1 million in the first year.

Discussion

In November 2006, California voters passed Proposition 1B, a \$19.9 billion transportation bond initiative. Proposition 1B established the Traffic Light

Synchronization Program (TLSP), which specifies that \$250 million of the \$19.9 billion be used for traffic light synchronization and other technology-based improvements to improve safety, operations, and the effective capacity of local streets and roads. The Orange County Transportation Authority (OCTA) is to receive \$4 million of TLSP funds as a match to 50 percent Measure M signal synchronization for a total project budget of \$8 million over a three-year period.

Ten arterial corridors were identified for the countywide TLSP and the Board of Directors (Board) approved this program in 2008. The initial corridor projects are Alicia Parkway, Beach Boulevard, and Chapman Avenue.

Procurement Approach

On September 22, 2008, following a qualifications-based request for proposal process, the OCTA Board selected eight qualified traffic engineering firms and authorized staff to negotiate prices and execute agreements with these firms. The Board also directed staff to issue requests for contract task order (CTO) proposals for Alicia Parkway, Beach Boulevard, and Chapman Avenue. The Board requested at that time that staff solicit CTO proposals from the selected firms using qualifications-based (architectural and engineering) selection procedures and that the selection of firms for each CTO would be brought back to the Board for approval. Staff has completed the review of CTO proposals and is now requesting Board approval to negotiate and execute the CTOs for the three corridors.

On February 4, 2009, a request for a CTO proposal was sent to all eight on-call consultants. The consultants were not required to propose on all corridors and could also indicate a corridor preference. Selection criteria were as follows:

- Prior experience and expertise of the proposed firm and staff with respect to corridor requirements;
- Understanding of and approach to CTO work; and
- Availability and appropriateness of staffing and other resources allocated to the work.

Additionally consideration was given to the staffing resources the firm would have available over the performance period of the CTO.

On February 25, 2009, fifteen proposals were received from seven of the eight on-call consultants and are as follows: Alicia Parkway – five proposals; Beach Boulevard – six proposals; and Chapman Avenue – four proposals.

An evaluation panel composed of members from OCTA's Development Division, CAMM, and representatives from the cities of Anaheim and Mission Viejo, and the California Department of Transportation (Caltrans) reviewed the proposals. Proposals were assessed based on the selection criteria outlined above and assembled in rank order by the evaluation panel members. A summary of evaluations of the top ranked firms is as follows:

- Alicia Parkway Corridor - RBF Consulting has great familiarity with the corridor and local jurisdictions. The firm demonstrated a high degree of understanding of the work and an appropriate level of proposed staff hours with knowledgeable personnel.
- Beach Boulevard Corridor (State Route 39) - Advantec Consulting Engineers is very familiar with Caltrans District 12 protocols and procedures. The firm demonstrated a high level of understanding of the work and included an approach that balanced signal coordination and communication needs. Proposed staffing is appropriate and availability good.
- Chapman Avenue Corridor - Albert Grover and Associates has a very strong team and extensive experience with the corridor and local jurisdictions. The firm demonstrated a strong understanding and approach to the work. Proposed staffing is appropriate and availability good.

The evaluations are presented in greater detail in Attachment A.

Following Board approval, staff will request price proposals from each of the selected firms. Pricing will be based upon the audited and negotiated rates and factors already established in the respective agreements; therefore, price negotiation for each corridor will focus on staff hours and OCTA's budget.

CTOs may be negotiated and signed by the consultants within two to four weeks following Board approval; however, OCTA cannot execute the CTOs until funding allocations are received from the California Transportation Commission. Currently, the Proposition 1B TLSP monies are deferred until the Pooled Money Investment Board releases funds for these projects.

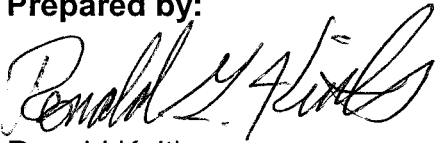
Summary

Based upon evaluation of CTO proposals, staff recommends selection of RBF Consulting (Agreement No. C-8-1172) for Alicia Parkway, Advantec Consulting Engineers (Agreement No. C-8-0612) for Beach Boulevard, and Albert Grover and Associates (Agreement No. C-8-1166) for Chapman Avenue, as the highest ranking firms for each of the three initial TLSP corridors.

Attachment

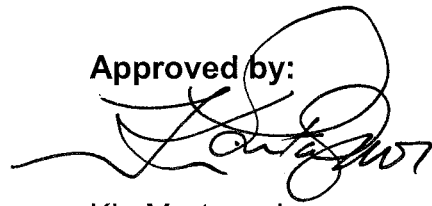
- A. Traffic Light Synchronization Program – Alicia Parkway, Beach Boulevard, and Chapman Avenue Corridors – Consultant Evaluation and Ranking

Prepared by:

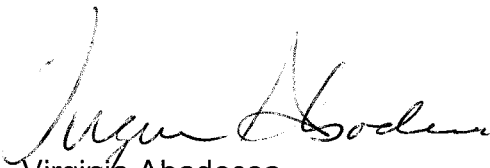


Ronald Keith
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Approved by:



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**Traffic Light Synchronization Program – Alicia Parkway, Beach Boulevard, and Chapman Avenue Corridors
Consultant Evaluation and Ranking**

Alicia Parkway Corridor				
Firm	Rank Order	Experience and Qualifications with Respect to Corridor Requirements	Understanding an Approach to Work	Availability and Appropriateness of Staffing and Other Resources
RBF Consulting	1	Strong assembled team for project that has great familiarity with corridor systems. They have extensive experience with four south Orange County cities along corridor.	Demonstrated very high degree of understanding of the work and issues related to signal coordination and systems along corridor.	Proposed staff hours are appropriate. Key staff availability is good.
ITERIS	2	Very good assembled team for project and familiar with Mission Viejo. Limited demonstrated experience with other corridor cities.	Demonstrated strong understanding in their approach to the work.	Proposed staff hours are appropriate. Key staff availability is good.
KOA Corporation	3	Good assembled team for project. Limited demonstrated experience with cities on corridor.	Demonstrated adequate understanding in their approach to the work.	Proposed staff hours are appropriate. Key staff availability is limited.
Albert Grover and Associates	4	Good assembled team for project. Limited demonstrated experience with cities on corridor.	Demonstrated adequate understanding in their approach to the work.	Proposed staff hours are appropriate. Key staff availability is very good.
Fehr & Peers	5	Good assembled team for project. Limited demonstrated experience with cities on corridor.	Demonstrated adequate understanding in their approach to the signal synchronization aspects of the work, but did not address construction aspects of project.	Proposed staff hours are low due to proposal not matching anticipated workload.

**Traffic Light Synchronization Program – Alicia Parkway, Beach Boulevard, and Chapman Avenue Corridors
Consultant Evaluation and Ranking**

Beach Boulevard Corridor				
Firm	Rank Order	Experience and Qualifications with Respect to Corridor Requirements	Understanding an Approach to Work	Availability and Appropriateness of Staffing and Other Resources
Advantec	1	Strong assembled team for project that is familiar with the California Department of Transportation (Caltrans). They have very good understanding and experience with Caltrans protocols and procedures.	Demonstrated very high level of understanding in approach to the work, including the best balance between signal coordination and the communication issues.	Proposed staff hours are appropriate. Staff availability is good.
ITERIS	2	Strong assembled team for project with a good mix of experience working with Caltrans.	Demonstrated a strong level of understanding of the work and issues related to signal coordination and signal communications along the corridor.	Proposed staff hours are appropriate. Staff availability is good.
Kimley-Horn	3	Good assembled team for the project and has good experience with Caltrans communications system.	Demonstrated good understanding of the communication aspects in their approach to the work. Limited description of signal coordination elements.	Proposed staff hours are appropriate. Staff availability is good.
Albert Grover and Associates	4	Good assembled team for the project that has demonstrated experience with Caltrans and north Orange County.	Demonstrated strong understanding of the work.	Proposed staff hours are appropriate. Staff availability is good.
KOA Corporation	5	Good assembled team. Limited demonstrated experience with Caltrans protocols and procedures.	Demonstrated adequate understanding of the work.	Proposed staff hours are appropriate. Key staff availability is limited.
Fehr & Peers	6	Good assembled team. Limited demonstrated experience with Caltrans protocols and procedures.	Demonstrated adequate understanding in their approach to the signal synchronization aspects of the work. Did not address construction aspects of project.	Proposed staff hours are low due to proposal not matching anticipated workload.

**Traffic Light Synchronization Program – Alicia Parkway, Beach Boulevard, and Chapman Avenue Corridors
Consultant Evaluation and Ranking**

Chapman Avenue Corridor				
Firm	Rank Order	Experience and Qualifications with Respect to Corridor Requirements	Understanding an Approach to Work	Availability and Appropriateness of Staffing and Other Resources
Albert Grover and Associates	1	Strong assembled team for the project that is very familiar with the systems along the corridor. Builds off of extensive experience with north Orange County cities along the corridor.	Demonstrated high level of understanding of the work. Provided a strong approach to the signal coordination for the corridor.	Proposed staff hours are appropriate. Key staff availability is very good.
ITERIS	2	Good assembled team for the project and has previous technical experience with cities along the corridor.	Demonstrated high level of understanding of the work. Provided a strong approach to the signal coordination for the corridor.	Proposed staff hours are appropriate. Staff availability is good.
KOA Corporation	3	Good assembled team for the project and has previous technical experience with cities along the corridor.	Demonstrated adequate understanding of the work.	Proposed staffing is appropriate and proportionate, limited key staff availability.
Fehr & Peers	4	Good assembled team for project. Limited demonstrated experience with cities on corridor.	Demonstrated adequate understanding in their approach to the signal synchronization aspects of the work. Did not address construction aspects of project.	Proposed staff hours are low due to proposal not matching anticipated workload.



BOARD COMMITTEE TRANSMITTAL

May 11, 2009

To: Members of the Board of Directors
From: Wendy Knowles, ^{WK} Clerk of the Board
Subject: Approval of the Fiscal Year 2009-10 Local Transportation Fund Claim for Public Transportation and Community Transit Services

Finance and Administration Committee meeting of April 22, 2009

Present: Directors Amante, Bates, Brown, Buffa, Campbell, Green, and Moorlach
Absent: None

Committee Vote

This item was passed by all Committee Members present.


Committee Recommendation

Approve the Orange County Transit District Fiscal Year 2009-10 Local Transportation Fund Claim for public transportation services in the amount of \$79,398,535, and for community transit services in the amount of \$4,228,583, for a total claim amount of \$83,627,118, and authorize the Interim Chief Executive Officer to issue allocation/disbursement instructions to the Orange County Auditor-Controller in the full amount of the claims.



April 22, 2009

To: Finance and Administration Committee

From:  James S. Kenan, Interim Chief Executive Officer

Subject: Approval of the Fiscal Year 2009-10 Local Transportation Fund Claim for Public Transportation and Community Transit Services

Overview

The Orange County Transit District is eligible to receive funding from the Local Transportation Fund for providing public transportation and community transit services throughout Orange County. To receive the funds, the Orange County Transit District must file a claim against the Local Transportation Fund with the Orange County Transportation Authority.

Recommendation

Approve the Orange County Transit District Fiscal Year 2009-10 Local Transportation Fund Claim for public transportation services in the amount of \$79,398,535, and for community transit services in the amount of \$4,228,583, for a total claim amount of \$83,627,118, and authorize the Interim Chief Executive Officer to issue allocation/disbursement instructions to the Orange County Auditor-Controller in the full amount of the claims.

Discussion

The Transportation Development Act (TDA) of 1971 established a funding source dedicated to public transit and transit-related projects. The TDA created in each county a Local Transportation Fund (LTF) for transportation purposes specified in the TDA. Revenues are derived from 1/4 cent of the current retail sales tax.

The LTF revenues are collected by the State Board of Equalization and returned to local jurisdictions based on the volume of sales during each month. As required by the TDA, LTF receipts are deposited with the Orange County Treasury (Fund 182) and are administered by the Orange County Auditor-Controller. The Orange County Transportation Authority (OCTA) is the

transportation planning agency responsible for the allocation of the LTF. Upon instructions from OCTA, LTF receipts are distributed by the Auditor-Controller among the various administrative, planning, public transportation, bicycle and pedestrian facilities, and bus stop accessibility improvement program apportionments as specified in the TDA.

On March 23, 2009, the OCTA Board of Directors (Board) approved the LTF fiscal year (FY) 2009-10 apportionments. A total of \$83,627,118 was approved for Orange County Transit District (OCTD), consisting of \$79,398,535 for Article 4 public transportation services and \$4,228,583 for Article 4.5 community transit services. On April 27, 2009, it is anticipated that the OCTD Board will adopt a resolution authorizing the filing of a LTF claim for a total of \$83,627,118, for funding public transportation and community transit services during FY 2009-10.

Section 6630 of the California Code of Regulations requires OCTD to file a claim with OCTA in order to receive an allocation from the LTF for providing public transportation and community transit services under Articles 4 and 4.5 of the TDA. The amount being claimed for FY 2009-10 equals \$83,627,118 and consists of \$79,398,535 for Article 4 transit services and \$4,228,583 for Article 4.5 transit services.

TDA regulations limit the allocation of LTF sales taxes to claimants to the lower of the amount of the apportionment or the amount the claimant is eligible to receive, based on the claims, budgets, financial statements, audits, and other information available to the transportation planning agency. Unallocated apportionments are retained in the LTF for later allocation only to claimants in the same area under terms and conditions determined by the transportation planning agency.

As the transportation planning agency for Orange County, the OCTA is authorized to approve claims and to make payments from the Orange County LTF through written instructions to the Auditor-Controller.

Summary

The Orange County Transportation Authority's approval of Orange County Transit District claim against the Local Transportation Fund in the amount of \$83,627,118 will enable the Orange County Transit District to continue providing public transportation and community transit services throughout Orange County in fiscal year 2009-10.

Attachment

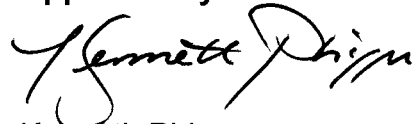
None.

Prepared by:

for 

James L. Cook
Financial Analyst
Financial Planning and Analysis
(714) 560-5681

Approved by:



Kenneth Phipps
Acting Executive Director,
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(714) 560-5637



BOARD COMMITTEE TRANSMITTAL

May 11, 2009

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: 91 Express Lanes' Software

Finance and Administration Committee meeting of April 22, 2009

Present: Directors Amante, Bates, Brown, Buffa, Campbell, Green, and Moorlach
Absent: None

Committee Vote


This item was passed by all Committee Members present.

Committee Recommendation

Authorize the Interim Chief Executive Officer to execute Amendment No. 4 to Agreement No. C-5-0300 between the Orange County Transportation Authority and Cofiroute USA, LLC, in an amount not to exceed \$150,000, that will cover up to four months for maintenance and software license agreements during the initial term of the contract and authorize the addition of two five-year option periods from January 2011 through January 2021, bringing the total contract value to \$31,433,854.



April 22, 2009

To: Finance and Administration Committee
From:  James S. Kenan, Interim Chief Executive Officer
Subject: 91 Express Lanes Software

Overview

On January 12, 2009, the Board of Directors authorized staff to negotiate an amendment to Cofiroute USA, LLC's agreement to incorporate the development of a back-office software system. The software is expected to be deployed on the 91 Express Lanes by January 2011. The amendment will contain maintenance, software license, and software escrow agreements. Cofiroute USA, LLC was retained in accordance with the Orange County Transportation Authority's procurement procedures for professional and technical services to provide management and operational services for the 91 Express Lanes in October 2005.

Recommendation

Authorize the Interim Chief Executive Officer to execute Amendment No. 4 to Agreement No. C-5-0300 between the Orange County Transportation Authority and Cofiroute USA, LLC, in an amount not to exceed \$150,000, that will cover up to four months for maintenance and software license agreements during the initial term of the contract and authorize the addition of two five-year option periods from January 2011 through January 2021, bringing the total contract value to \$31,433,854.

Discussion

In 2008, Cofiroute USA, LLC (CUSA) approached the Orange County Transportation Authority (Authority) with a proposal to develop back-office software for the 91 Express Lanes. The current software, TollPro, was installed in April 2003 and is approaching the end of its useful life. The software was developed by Northern Lakes Data Corporation (NLDC).

TollPro retrieves traffic data from the in-lane Electronic Traffic and Toll Management (ETTM) system, calculates the correct toll amount, and

automatically charges customer accounts. TollPro also retrieves license plate images and data from the ETTM system, electronically sends the images to the Department of Motor Vehicles for identification of vehicle owner and if appropriate, generates violation notices to be mailed to users of the facility who cannot be identified as customers. TollPro electronically interfaces with other toll agencies for cross billing purposes to account for other agency customers traveling on the 91 Express Lanes and for customers traveling on other toll facilities.

The Authority, along with the 91 Express Lanes consultant eTrans, evaluated the CUSA proposal along with the various other options available to replace the back-office software. With the exception of the CUSA proposal, all other options required significant cost commitments for the Authority and carried an inherent risk of schedule delays, cost overruns, and deployment issues.

The option proposed by CUSA included CUSA's funding of the development and implementation of the back-office software. This option will significantly speed up deployment of new software by eliminating the time required to develop and issue a request for proposals, evaluate responses, and educate the selected vendor on the intricacies of the 91 Express Lanes operations. On January 12, 2009, the Board of Directors (Board) selected the CUSA option and authorized staff to negotiate an amendment to the CUSA agreement to address a maintenance agreement, software license agreement, and a software escrow agreement.

The Authority currently pays \$120,000 per year for the maintenance agreement for the TollPro system. The proposed maintenance agreement with CUSA is for \$350,000 per year and will cover regularly scheduled and unscheduled maintenance service. This amount includes a dedicated onsite full-time technician, Monday through Friday, and a 24 hour, seven days a week remote monitoring and maintenance service.

Although the annual costs for the maintenance agreement are higher than the current expenditures, the level of service the Authority will receive will be greater than the current service. The Authority currently does not have a dedicated technician onsite to provide support services. The Authority requested the assistance of eTrans in evaluating the competitiveness of the costs associated with the maintenance and software license agreements. The consultant eTrans stated that the annual costs were consistent with costs experienced by other toll entities for the same level of service.

The proposed annual fee for the license agreement with CUSA is \$100,000 per year and includes the right to use the software on the 91 Express Lanes.

Although the software is being developed with the knowledge of a potential extension of the 91 Express Lanes into Riverside County, the license will not include the right to use the software with any extension. A future license agreement between CUSA and the Riverside County Transportation Commission will need to be entered prior to the opening of the extension.

In return for the development of the software, the terms of the agreement with CUSA will change to include two five-year option periods to commence at the end of the initial term of the contract. This change in the term structure of the CUSA agreement was approved by the Board on January 12, 2009. Amendment No. 4 will add the two five-year option periods beginning in January 2011. The first option term shall begin in January 2011 and continue until January 2016. The second five-year option term shall commence in January 2016 and continue until January 2021, provided that as of January 2016, CUSA has performed its obligations set forth in the operating agreement and is not in default.

CUSA has stated that the software will be ready for operational use by January 2011. If the software is deployed prior to this date, the Authority will pay a prorated share of the annual cost for the maintenance and software license agreements, in an amount not to exceed \$150,000, for the initial term. Approval of this amendment is being requested at this juncture to allow enough time for the development of the software.

Annual costs for maintenance and software license for the five-year option terms will be incorporated in a new scope. Staff will return to the Board with the new scope for operational services for Agreement No. C-5-0300 with CUSA before the end of calendar year 2009. This scope will cover various operational services including violation processing, customer assistance patrols, customer service center staffing, maintenance and software license agreements for the new back-office software, accounting, general administration, and several other services components.

Fiscal Impact

This amendment will be funded in the 91 Express Lanes budget during fiscal year 2011.

Summary


Based on the information provided, staff recommends executing Amendment No. 4 to Agreement No. C-5-0300 between the Orange County Transportation Authority and Cofiroute USA, LLC, in an amount not to exceed \$150,000, for

maintenance and software license agreements associated with the back-office software through the end of the initial term.

Attachment

A. Agreement No. C-5-0300 Fact Sheet

Prepared by:


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

Approved by:


Kenneth Phipps
Acting Executive Director,
Finance and Administration
(714) 560-5637


Virginia Abadessa
Director, Contracts Administration and
Materials Management
(714) 560-5623

ATTACHMENT A

Cofiroute USA, LLC Agreement No. C-5-0300 Fact Sheet

1. October 24, 2005, Agreement No. C-5-0300, \$30,800,854, approved by Board of Directors
 - Provide management and operational services for the State Route 91 Express Lanes
2. June 5, 2006, Amendment No. 1 to Agreement No. C-5-0300, no additional dollar amount requested, approved by Contracts Administration and Materials Management Department Manager.
 - Amendment No. 1 deleted certain key personnel; amended scope of work to remove marketing services and add special projects, and; removed "Performance Management System" and incorporated "91 Express Lanes Performance Standards."
3. November 20, 2006, Amendment No. 2 to Agreement No. C-5-0300, no additional dollar amount requested, approved by Contracts Administration and Materials Management Department Manager.
 - Amendment No. 2 designated \$1,561,752 of the maximum cumulative payment obligation as "special projects" funding; incorporated "order of precedence" clause; included any annual increase above 3 percent in the firm fixed annual payment with "special projects"; incorporated "91 Express Lanes expense responsibilities."
4. November 10, 2008, Amendment No. 3 to Agreement No. C-5-0300, \$483,000, approved by Board of Directors.
 - Amendment No. 3 designated \$483,000 for two additional information technology professionals
5. May 11, 2009, Amendment No. 4 to Agreement No. C-5-0300, \$150,000, pending approved by Board of Directors.
 - Amendment No. 4 designates \$150,000 for four months of maintenance and software license agreement fees; adds two five-year options from January 3, 2011 through January 2, 2021

Total committed to Cofiroute USA, LLC, Agreement No. C-5-0300: \$31,433,854, including amount requested herewith.



BOARD COMMITTEE TRANSMITTAL

May 11, 2009

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: Cooperative Agreement for Public Restrooms at the Santa Ana Transit Terminal

Transit Committee Meeting of April 23, 2009

Present: Directors Brown, Dalton, Dixon, Green, Nguyen, and Winterbottom
Absent: Director Pulido

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendation

Authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0258 between the Orange County Transportation Authority, the County of Orange, and the City of Santa Ana, to provide public restrooms at the Santa Ana Transit Terminal.



April 23, 2009

To: Transit Committee

From:  James S. Kenan, Interim Chief Executive Officer

Subject: Cooperative Agreement for Public Restrooms at the Santa Ana Transit Terminal

Overview

The Orange County Transportation Authority proposes to enter into a cooperative agreement with the County of Orange and the City of Santa Ana. The cooperative agreement is required to establish roles, responsibilities, and a process for all expenses to be reimbursed to the Orange County Transportation Authority to open the Santa Ana Transit Terminal's restrooms for public use.

Recommendation

Authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0258 between the Orange County Transportation Authority, the County of Orange and the City of Santa Ana, to provide public restrooms at the Santa Ana Transit Terminal.

Discussion

On October 27, 2008, the Orange County Transportation Authority's (Authority) Board of Directors (Board) directed staff to explore an arrangement with the County of Orange (County) and the City of Santa Ana (City) to assist in keeping the public restrooms open at the Santa Ana Transit Terminal (SATT) after the facility closed on December 14, 2008. Staff determined what the capital and operational requirements would be to open only the restrooms at SATT while keeping the rest of the facility closed. The Authority's staff worked on a cooperative agreement with staff at the County and the City.

Capital improvements are necessary to control access to the facility. A barrier will be built to separate the restrooms from the remainder of the facility. This will allow the bus entry gates to be opened, granting pedestrian access to the restrooms while keeping the remaining facility closed. This access will allow the use of the wheelchair ramp to the restrooms as well. The cooperative

agreement requires the Authority to design and construct these improvements. Once complete, the actual cost will be billed back to the County and City, 50 percent each, respectively.

Once improvements are complete, the restrooms will be open from 8:00 a.m. to 5:00 p.m., seven days per week. The Authority will contract with a janitorial firm to open and close the gate and restroom doors. The janitorial firm will return to the restrooms three additional times per day to provide janitorial services. The full cost of this service will be billed back to the County and the City on a monthly basis, 50 percent each, respectively. In addition, the Santa Ana Police Department will include the premises in their patrolling of the civic center and will assist the custodial personnel with security matters when requested.

On March 24, 2009, the County's Board of Supervisors approved the cooperative agreement with the Authority and the City for public usage of restrooms at SATT. On April 8, 2009, the City Manager also approved the cooperative agreement.

Fiscal Impact

The project will be included in the Authority's proposed Fiscal Year 2009-10 Budget, Transit Division, Maintenance Department, and will be funded through the Local Transportation Fund. All expenses will be reimbursed to the Authority via the cooperative agreement, equating to a net zero budgetary impact to the Authority.

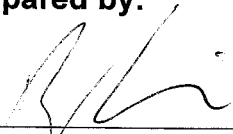
Summary

Staff recommends approval to execute Cooperative Agreement No. C-9-0258, with the County of Orange and the City of Santa Ana, to provide public restrooms at the Santa Ana Transit Terminal.

Attachment

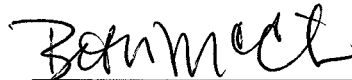
- A. Cooperative Agreement No. C-9-0258 between Orange County Transportation Authority, County of Orange and the City of Santa Ana for Public Restrooms at the Santa Ana Transit Terminal

Prepared by:

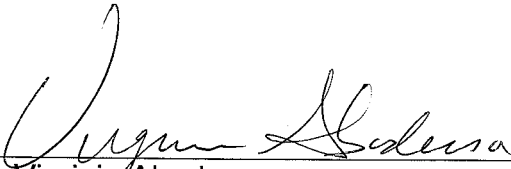


Ryan Erickson
Section Manager,
Facilities Maintenance
714-560-5897

Approved by:



Beth McCormick
General Manager, Transit
714-560-5964



Virginia Abadessa
Director, Contracts Administration and
Materials Management
714-560-5623

1 **COOPERATIVE AGREEMENT NO. C-9-0258**

2 **BETWEEN**

3 **ORANGE COUNTY TRANSPORTATION AUTHORITY,**
4 **COUNTY OF ORANGE**

5 **AND**

6 **THE CITY OF SANTA ANA**

7 **FOR**

8 **PUBLIC RESTROOMS AT THE SANTA ANA TRANSIT TERMINAL**

9 **THIS AGREEMENT**, is effective this ____day of _____, 2009, by and
10 between the Orange County Transportation Authority, 550 South Main Street, P.O. Box 14184,
11 Orange, California 92863-1584, a public corporation of the State of California, acting on behalf
12 of the Orange County Transit District, (hereinafter referred to as "AUTHORITY"), the County of
13 Orange, Hall of Administration, 333 W. Santa Ana Blvd., Santa Ana, CA 92701, a political
14 subdivision of the State of California, (hereinafter referred to as "COUNTY"), and the City of
15 Santa Ana, 20 Civic Center Plaza, 8th Floor, P.O. Box 1988, M31, Santa Ana, CA 92701, a
16 municipal corporation (hereinafter referred to as "CITY"). Collectively AUTHORITY, COUNTY
17 and CITY may be referred to as "PARTIES", or sometimes individually referred to as "PARTY."

18 **RECITALS:**

19 **WHEREAS**, AUTHORITY, owns certain real property within the civic center area of the
20 City of Santa Ana that was previously used as a transit terminal and commonly known as the
21 Santa Ana Transit Terminal (SATT); and

22 **WHEREAS**, AUTHORITY has permanently closed the SATT and it is currently vacant;
23 and

24 **WHEREAS**, the SATT has restroom facilities and there is a need for public restrooms in
25 the Civic Center area of Santa Ana; and

26 **WHEREAS**, AUTHORITY is willing to open those restroom facilities in the SATT for

1 public use on a temporary basis if certain improvements are made to the SATT and
2 AUTHORITY is reimbursed for the cost of those improvements and the cost of maintaining the
3 restrooms; and

4 **WHEREAS**, COUNTY and CITY are willing to reimburse AUTHORITY for the cost of
5 necessary improvements and the cost of maintenance.

6 **NOW, THEREFORE**, it is mutually understood and agreed by AUTHORITY, COUNTY
7 and CITY as follows:

8 **ARTICLE 1. COMPLETE AGREEMENT**

9 This Agreement, including all exhibits and documents incorporated herein and made
10 applicable by reference, constitutes the complete and exclusive statement of the terms and
11 conditions of the Agreement between AUTHORITY, COUNTY and CITY and it supersedes all
12 prior representations, understandings and communications between the PARTIES. The
13 above-referenced Recitals are true and correct and are incorporated by reference herein.

14 **ARTICLE 2. PURPOSE**

15 This Agreement establishes the terms and conditions for:

- 16 A. Use of the restrooms located within the SATT by the general public until the property is
17 redeveloped and leased for commercial purposes,
18 B. The design and construction of necessary improvements to the SATT that will permit the
19 restroom facilities to be used by the general public,
20 C. Providing necessary custodial and maintenance services,
21 D. Providing security, and
22 E. Financial obligations of the PARTIES related to the interim public use of the restrooms
23 located in the SATT.

24 **ARTICLE 3. IT IS MUTUALLY UNDERSTOOD AND AGREED**

25 A. This Agreement may be amended in writing at any time by the mutual consent of all
26 PARTIES. No amendment shall have any force or effect unless executed in writing by all PARTIES.

B. The persons executing this Agreement on behalf of the PARTIES hereto warrant that they are duly authorized to execute this Agreement on behalf of said PARTIES and that, by so executing this Agreement, the PARTIES hereto are formally bound to the provisions of this Agreement.

C. All notices hereunder and communications regarding the interpretation of the terms of this Agreement, or changes thereto, shall be effected by delivery of said notices in person or by depositing said notices in the U.S. mail, registered, or certified mail and addressed as follows:

To COUNTY:	To AUTHORITY:
County Executive Office County of Orange 333 W. Santa Ana Blvd. Third Floor Santa Ana, CA 92701 Attention: Thomas G. Mauk County Executive Officer (714) 834-6200	Orange County Transportation Authority 550 South Main Street P. O. Box 14184 Orange, CA 92863-1584 Attention: Yvette Crowder Contract Administrator (714) 560 – 5616 cc: Ryan Erickson, Project Manager (714) 714 – 5897
To CITY:	
City Manager's Office City of Santa Ana 20 Civic Center Plaza, 8th Floor P.O. Box 1988 Santa Ana, CA 92701 Attention: David N. Ream City Manager (714) 647- 5200	

D. The headings of all sections of this Agreement are inserted solely for the convenience of reference and are not part of and not intended to govern, limit or aid in the construction or interpretation of any terms or provision thereof.

E. The provision of this Agreement shall bind and inure to the benefit of each of the parties

1 hereto and all successors or assigns of the parties hereto.

2 F. If any term, provision, covenant or condition of this Agreement is held to be invalid, void or
3 otherwise unenforceable, to any extent, by any court of competent jurisdiction, the remainder to this
4 Agreement shall not be affected thereby, and each term, provision, covenant or condition of this
5 Agreement shall be valid and enforceable to the fullest extent permitted by law.

6 G. This Agreement may be executed and delivered in any number of counterparts, each of
7 which, when executed and delivered shall be deemed an original and all of which together shall
8 constitute the same agreement.

9 H. PARTIES shall be excused from performing its obligations under this Agreement during the
10 time and to the extent that it is prevented from performing by an unforeseeable cause beyond its
11 control, including but not limited to: any incidence of fire, flood; acts of God; commandeering of material,
12 products, plants or facilities by the federal, state or local government; national fuel shortage; or a
13 material act or omission by the other PARTY; when satisfactory evidence of such cause is presented to
14 the other PARTY, and provided further that such nonperformance is unforeseeable, beyond the control
15 and is not due to the fault or negligence of the PARTY not performing.

16 **ARTICLE 4. TERM OF AGREEMENT**

17 The term of this Agreement shall commence upon execution by all of the PARTIES and
18 continue in full force and effect for one year. The Agreement shall renew automatically for another year
19 and annually thereafter unless any PARTY gives notice more than 30 days before the end of the term
20 of its intent not to renew. AUTHORITY may terminate this Agreement at any time by providing the
21 other PARTIES with thirty (30) calendar days written notice of its intent to terminate.

22 **ARTICLE 5. USE OF SATT**

23 AUTHORITY agrees to allow the restrooms within the SATT to be available for use by the
24 general public from 8 AM to 5 PM seven days a week. This public use of the restrooms within the
25 SATT shall commence after the completion of the construction of a partition that will permit the public to
26 access the restrooms in the SATT but shall restrict public access to all other parts of the SATT (SATT

1 Improvements). Nothing in this Agreement is intended to grant the public or the PARTIES any right to
2 use any other portion of the SATT.

3 **ARTICLE 6. IMPROVEMENTS TO SATT**

4 A. AUTHORITY shall design and construct SATT Improvements.

5 B. CITY shall reimburse AUTHORITY for fifty percent (50%) of the total cost of the design and
6 construction of the SATT Improvements and the COUNTY shall reimburse the AUTHORITY for the
7 remaining fifty percent (50%) of the cost of the design and construction of the SATT Improvements.

8 The financial obligation amount of the CITY and the COUNTY shall not exceed Fifteen Thousand
9 Dollars (\$15,000) each. If AUTHORITY receives a bid for the construction that exceeds the maximum
10 financial obligation of the CITY and COUNTY, AUTHORITY shall notify the CITY and COUNTY. If the
11 CITY and COUNTY agree to increase their maximum financial obligations under this section, they shall
12 amend this Agreement to reflect that increase. If the CITY or the COUNTY choose not to increase their
13 maximum financial obligations under this section, this Agreement shall terminate and CITY shall
14 reimburse AUTHORITY for fifty percent (50%) of the costs of design and bidding incurred by
15 AUTHORITY and COUNTY shall reimburse the AUTHORITY for the remaining fifty percent (50%) of
16 the costs of design and bidding incurred by AUTHORITY. AUTHORITY shall invoice CITY and
17 COUNTY separately for their respective share of the design and bidding costs. Once construction of
18 the SATT Improvements is complete, AUTHORITY shall invoice CITY and the COUNTY separately for
19 their respective share of the cost of SATT improvements. The invoice shall contain documentation of
20 the actual costs to the CITY and the COUNTY.

21 C. Once an invoice with documentation is received, the CITY and COUNTY shall issue
22 payment to the AUTHORITY within 30 calendar days.

23 **ARTICLE 7. CUSTODIAL SERVICES**

24 A. AUTHORITY shall provide or cause to be provided custodial services for the restrooms at
25 the SATT. The restrooms shall be cleaned three times per day. The custodian shall also open the
26 restrooms at 8:00 AM and lock them at 5:00 PM every day.

1 B. If the custodial services are provided pursuant to a contract, the contract shall require that
2 the firm providing custodial services carry insurance meeting the AUTHORITY's insurance
3 requirements and should list AUTHORITY, COUNTY and CITY as additional insureds on the liability
4 policy.

5 C. The COUNTY and CITY shall reimburse AUTHORITY for the cost of providing these
6 custodial services. The maximum financial obligation of the COUNTY and CITY shall not exceed
7 Fifteen Thousand Dollars (\$15,000 per year) each. At the end of each month the AUTHORITY shall
8 invoice the COUNTY and CITY each for 50% of the costs incurred by AUTHORITY in providing those
9 custodial services for the previous month. The invoice shall include documentation of the actual cost
10 incurred by AUTHORITY in a form acceptable to COUNTY and CITY.

11 D. Once an invoice with acceptable documentation is received, the CITY and COUNTY shall
12 issue payment to the AUTHORITY within 30 business days.

13 **ARTICLE 8. SECURITY**

14 The CITY will provide security to the SATT at no cost to COUNTY or AUTHORITY. The Santa
15 Ana Police Department will include the premises in their patrolling of the civic center and will assist the
16 custodial personnel with security matters when requested.

17 **ARTICLE 9. MAINTENANCE**

18 Any non-emergency maintenance repairs needed, including, but not limited to plumbing repairs,
19 graffiti removal, and vandalism shall be discussed among the PARTIES in advance of actual repairs
20 made. The AUTHORITY will make any emergency repairs needed. CITY shall reimburse
21 AUTHORITY for fifty percent (50%) of the total cost of the non-emergency and emergency repairs
22 made by the AUTHORITY and the COUNTY shall reimburse the AUTHORITY for the remaining fifty
23 percent (50%) of the cost of the repairs made by the AUTHORITY. The maximum obligation of the
24 CITY under articles 6, 7, and 9 in FY 2008-09 shall not exceed Twenty-Five Thousand Dollars
25 (\$25,000) in the aggregate.

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1 **ARTICLE 10. INDEMNIFICATIONS**

2 A. COUNTY hereby agrees to indemnify, defend, and to hold harmless AUTHORITY and its
3 elected and appointed officials, and employees (collectively, the "AUTHORITY INDEMNITEES"), and
4 each of them, and its and their property from all loss, injury, liability, damages, claims, costs and
5 expenses, whether incurred by or made against AUTHORITY or AUTHORITY INDEMNITEES, arising
6 out of the use by the general public of the restrooms within SATT. However, nothing contained in this
7 subparagraph shall operate to relieve AUTHORITY from any loss, injury, liability, damages, claims,
8 costs or expenses to the extent determined by a court of competent jurisdiction to have been
9 proximately caused by the willful misconduct or negligent acts or omissions of AUTHORITY or
10 AUTHORITY INDEMNITEES or any of them.

11 B. CITY hereby agrees to indemnify, defend and to hold harmless AUTHORITY and
12 AUTHORITY INDEMNITEES and each of them, and its and their property from all loss, injury, liability,
13 damages, claims, costs and expenses, whether incurred by or made against AUTHORITY or
14 AUTHORITY INDEMNITEES, arising out of the use by the general public of the restrooms within
15 SATT. However, nothing contained in this subparagraph shall operate to relieve AUTHORITY from any
16 loss, injury, liability, damages, claims, costs or expenses to the extent determined by a court of
17 competent jurisdiction to have been proximately caused by the willful misconduct or negligent acts or
18 omissions of AUTHORITY or AUTHORITY INDEMNITEES or any of them.

19 C. The Indemnity and defense obligations of the COUNTY and CITY pursuant to the above
20 subparagraphs shall each be limited to 1/2 each respectively, of the total defense costs and loss, injury,
21 liability, damages, claims, costs and expenses incurred by AUTHORITY that fall within the terms of this
22 Indemnity clause.

23 **ARTICLE 11. INSURANCE REQUIREMENTS**

24 COUNTY and CITY agrees to obtain and maintain in good standing with adequate limits of
25 liability insurance or self-insurance covering liability for property losses and/or personal injuries,
26 including maintenance related losses and injuries related to the use of SATT restrooms. COUNTY and

1 CITY shall be responsible for handling and processing all liability claims, including any claims arising
2 from the public use of SATT restrooms identified herein.

3 **ARTICLE 12. INDEPENDENT CONTRACTOR STATUS**

4 This Agreement is by and between COUNTY, AUTHORITY and CITY and is not intended and
5 shall not be construed so as to create the relationship of agent, servant, employee, partnership, joint
6 venture or association, as among CITY, AUTHORITY and COUNTY.

7 **ARTICLE 13. SUCCESSORS AND ASSIGNS**

8 This Agreement shall be binding on the successors and assigns of the PARTIES hereto, and
9 shall not be assigned by any of the PARTIES, without the written consent of the other PARTIES.

10 **ARTICLE 14. WAIVER OF RIGHTS**

11 The failure of any of the PARTIES to insist upon strict performance of any of the terms,
12 covenants or conditions of this Agreement shall not be deemed a waiver of any right or remedy that
13 PARTY may have, and shall not be deemed a waiver of the right to require strict performance of all the
14 terms, covenants and conditions of this Agreement thereafter, nor a waiver of any remedy for the
15 subsequent breach or default of any term, covenant or condition of this AGREEMENT.

16 **ARTICLE 15. APPLICABLE LAW**

17 A. This AGREEMENT has been negotiated and executed in the State of California and shall be
18 governed by and construed in accordance with the laws of the State of California. In the event of any
19 legal action to enforce or interpret this AGREEMENT, the sole and exclusive venue shall be a court of
20 competent jurisdiction located in Orange County, California, and the PARTIES hereto agree to and do
21 hereby submit to the jurisdiction of such court, notwithstanding Code of Civil Procedure Section 394.

22 B. The PARTIES specifically agree that by soliciting and entering into and performing services
23 under this Agreement, AUTHORITY, COUNTY and CITY shall be deemed to constitute doing business
24 within Orange County from the time of initiation of work, through the period when all work under this
25 Agreement is completed, and continuing until the expiration of any applicable limitations period.

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ARTICLE 16. ATTORNEY FEES/COSTS

Should litigation be necessary to enforce any terms or provisions of this Agreement, then each PARTY shall bear its own litigation and collection expenses, witness fees, court costs and attorney's fees.

ARTICLE 17. WAIVER AND INTERPRETATION

Titles or captions contained herein are inserted as a matter of convenience and for reference, and in no way define, limit, extend, or describe the scope of this Agreement or any provisions hereof. No provision in this Agreement is to be interpreted for or against a PARTY because that PARTY or his legal representative drafted such provision.

ARTICLE 18. AUTHORITY

The PARTIES to this Agreement represent and warrant that this Agreement has been duly authorized and executed and constitutes the legally binding obligation of their respective organization or entity, enforceable in accordance with its terms.

ARTICLE 19. AMENDMENT(S)

It is mutually understood and agreed that no addition to, alteration of, or variation of the terms of this Agreement, nor any oral understanding or agreement not incorporated herein, shall be valid unless made in writing and signed and approved by all necessary PARTIES.

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This Agreement shall be made effective upon execution by all parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement No. C-9-0258 to be executed on the date first above written.

THE COUNTY OF ORANGE,
a political subdivision of the State of California

Date: _____

By _____
Chair of the Board of Supervisors
Orange County, CA

SIGNED AND CERTIFIED THAT A
COPY OF THIS AGREEMENT HAS BEEN
DELIVERED TO THE CHAIR OF THE BOARD
PER G. C. Sec 25103, Reso 79-1535

APPROVED AS TO FORM:
Office of the County Counsel
Orange County, California

Date: _____

By _____
Deputy

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**ORANGE COUNTY TRANSPORTATION
AUTHORITY**

Date: _____

BY: _____

Chief Executive Officer

APPROVED AS TO FORM

Date: _____

BY: _____

Kennard R. Smart, Jr.
AUTHORITY General Counsel

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CITY OF SANTA ANA,

Date: _____

BY: _____
David N. Ream, City Manager

ATTEST

Date : _____

BY: _____
City Clerk



BOARD COMMITTEE TRANSMITTAL

May 11, 2009

To: Members of the Board of Directors
From: Wendy Knowles, ^{WK} Clerk of the Board
Subject: Amendment to Cooperative Agreement with Riverside Transit Agency to Jointly Fund Intercounty Route 149 and Intercounty Express Bus Route 794

Transit Committee Meeting of April 23, 2009

Present: Directors Brown, Dalton, Dixon, Green, Nguyen, and Winterbottom
Absent: Director Pulido

Committee Vote

This item was passed by all Committee Members present.


Committee Recommendations

- A. Authorize the Interim Chief Executive Officer to execute Amendment No. 3 to Cooperative Agreement No. C-6-0283, between the Orange County Transportation Authority and Riverside Transit Agency, in an amount not to exceed \$204,327, to jointly fund intercounty Route 149 through June 30, 2010, bringing the total contract value to \$853,327.
- B. Authorize the Interim Chief Executive Officer to execute Amendment No. 3 to Cooperative Agreement No. C-6-0589, between the Orange County Transportation Authority and Riverside Transit Agency, receiving an amount not to exceed \$120,000, to jointly fund intercounty express bus Route 794, through August 31, 2010, bringing the total contract value to \$579,000.



April 23, 2009

To: Transit Committee

From:  James S. Kenan, Interim Chief Executive Officer

Subject: Amendment to Cooperative Agreement with Riverside Transit Agency to Jointly Fund Intercounty Route 149 and Intercounty Express Bus Route 794

Overview

The Orange County Transportation Authority currently has two cooperative agreements with the Riverside Transit Agency for the provision of intercounty bus service Route 149 and Route 794. Both of the agreements establish the level of service provided and a joint funding arrangement. Board of Directors' approval is requested to exercise the option terms of both agreements.

Recommendations

- A. Authorize the Interim Chief Executive Officer to execute Amendment No. 3 to Cooperative Agreement No. C-6-0283, between the Orange County Transportation Authority and Riverside Transit Agency, in an amount not to exceed \$204,327, to jointly fund intercounty Route 149 through June 30, 2010, bringing the total contract value to \$853,327.
- B. Authorize the Interim Chief Executive Officer to execute Amendment No. 3 to Cooperative Agreement No. C-6-0589, between the Orange County Transportation Authority and Riverside Transit Agency, receiving an amount not to exceed \$120,000, to jointly fund intercounty express bus Route 794, through August 31, 2010, bringing the total contract value to \$579,000.

Discussion

Since 1990 the Orange County Transportation Authority (Authority) has partnered with the Riverside Transit Agency (RTA) to jointly fund the operation of Route 149, a daily intercounty express service for bus riders traveling between Riverside County and Orange County (Attachment A). In September 2005, the Board of Directors (Board) approved a plan to implement

a network of intercounty express bus service. On August 28, 2006, the Authority Board approved a cooperative agreement with the RTA to implement Route 794, an express bus service traveling from Riverside County to South Coast Metro in Orange County (Attachment B). This route was identified as a service needed for intercounty travel along the Riverside Freeway (State Route 91) corridor.

RTA Route 149

Route 149 is directly operated by the RTA. The hours of operation are 4:30 a.m. to 7:30 p.m., Monday through Friday, and 8:00 a.m. to 9:30 p.m. weekends and holidays. (Attachment C). Route 149 has an average daily ridership of 189 passengers. The cost-sharing arrangement between the two agencies for this service is based on the percentage of revenue vehicle hours in each county. Thirty percent of the revenue vehicle hours operate within Orange County, starting at the Riverside County line to The Village at Orange. Connections to a number of Authority bus routes are available at The Village at Orange.

The Authority reports Route 149 directional, revenue, and passenger miles traveled within Orange County and funded by the Authority, as fixed guideway through the National Transit Database (NTD) reporting process required by the Federal Transit Administration (FTA). This reporting mechanism is utilized by the FTA to determine the federal Section 5307 formula grant apportionment and the federal Section 5309 fixed guideway modernization component. By reporting Route 149, the Authority will receive approximately \$600,000 in federal funds each year.

Express Bus Route 794

Express Bus Route 794 is operated under contract by the Authority. The service travels on the 91 Express Lanes between Riverside and Orange counties, using existing bus stops and park-and-ride facilities at each end of the route (Attachment D). This route serves employers in the South Coast Metro area, which include Hutton Center, South Coast Plaza, Auto Club of Southern California, Los Angeles Times of Orange County, Deloitte & Touche, National University, and Whittier Law School. Since its implementation in September 2006, ridership has consistently met the Authority's projections. Three additional trips were added last year based on overloaded ridership. The Tyler Mall terminal point in Riverside County will be changed September 1, 2009, to the La Sierra Metrolink Station. The La Sierra Metrolink Station provides a safer and more user-friendly atmosphere for customers. This facility is very well lit, provides a 24-hour security guard, and provides ample parking.

The Authority reports Route 794 directional, revenue, and passenger miles traveled within Orange County and funded by the Authority, as fixed guideway through the NTD reporting process required by the FTA. By reporting Route 794, the Authority will receive approximately \$1,300,000 in federal funds each year.

Both agreements establish the level of service, a joint funding arrangement, and requirements for NTD reporting. The cost-sharing arrangements are based on the percentage of service operated in each county. The Authority pays RTA to operate Route 149, based on the number of revenue vehicle hours operated in Orange County. For Route 794, the Authority receives funding from RTA based on the number of revenue vehicle hours in Riverside County.

Procurement Approach

The cooperative agreement for the provision of intercounty bus service Route 149 with RTA consists of a one-year initial term and three one-year option terms. The initial term began on July 1, 2006, and the second option term will expire on June 30, 2009. The cost for the option term is calculated based on the cost sharing arrangement between RTA and the Authority. The Authority's cost is \$204,327 or 30 percent of the estimated revenue vehicle hours operated within Orange County. RTA bills the Authority monthly for actual revenue vehicle hours provided under the agreement. Amending this contract will allow the Authority and RTA to continue to jointly fund intercounty Route 149 through June 30, 2010.

The cooperative agreement for the provision of intercounty express bus Route 794 with RTA consists of a one-year initial term and four one-year option terms. The initial term began on September 1, 2006, and the second option term will expire on August 31, 2009. The cost for the option term is calculated based on the cost-sharing arrangement between the Authority and RTA. The Authority receives funding from RTA based on the number of revenue vehicle hours operated in Riverside County. The total cost of this service is estimated to be \$351,000 for the third option term. Of this amount, the Authority will pay approximately 66 percent of the operating costs or approximately \$231,000. The Authority will bill RTA for remaining operating costs or \$120,000. Amending this contract will allow the Authority and RTA to continue to jointly fund intercounty Route 794 through August 31, 2010.

Amendment to Cooperative Agreement with Riverside Transit Agency to Jointly Fund Intercounty Route 149 and Intercounty Express Bus Route 794 **Page 4**

Fiscal Impact

Funding for Route 149 is in the Authority's proposed Fiscal Year 2009-2010 Budget, Transit Division, Community Transportation Services Department, Account 2131-7831, and will be funded through the Local Transportation Fund.

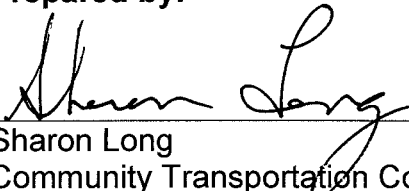
Summary

The Orange County Transportation Authority has two cooperative agreements with the Riverside Transit Agency for the provision of intercounty express bus service. Agreement No. C-6-0283 requires an amendment to continue service through June 30, 2010 and Agreement No. C-6-0589 requires an amendment to continue service through August 31, 2010. Staff recommends approval of the amendments and continuation of the services.

Attachments

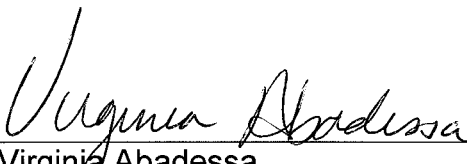
- A. Riverside Transit Agency Cooperative Agreement No. C-6-0283 Fact Sheet
- B. Riverside Transit Agency Cooperative Agreement No. C-6-0589 Fact Sheet
- C. 149 Downtown Terminal to Village at Orange
- D. Route 794 Riverside/Corona to South Coast Metro Express

Prepared by:


Sharon Long
Community Transportation Coordinator
714-560-5593

Approved by:


Beth McCormick
General Manager, Transit
714-560-5964


Virginia Abadessa
Director, Contracts Administration and
Materials Management
714-560-5623

**Riverside Transit Agency
Cooperative Agreement No. C-6-0283 Fact Sheet**

1. April 24, 2006, Cooperative Agreement No. C-6-0283, \$220,000, approved by Board of Directors
 - Cooperative agreement to jointly fund Route 149, an intercounty service operating daily between Riverside County and Orange County.
 - Increase in cost based on increased labor costs as well as going from contract operated to directly operated. No increase in service hours.
 - Initial term is from July 1, 2006 through June 30, 2007.
2. May 14, 2007, Amendment No. 1 to Cooperative Agreement No. C-6-0283, \$199,000, approved by Board of Directors.
 - Exercise first option year to continue the joint agreement through June 30, 2008.
3. June 9, 2008, Amendment No. 2 to Cooperative Agreement No. C-6-0283, \$230,000, approved by Board of Directors.
 - Exercise second option year continue the joint agreement through June 30, 2009.
4. May 11, 2009, Amendment No. 3 to Cooperative Agreement No. C-6-0283. \$204,327, pending approval by Board of Directors.
 - Exercise third option year to continue the joint agreement through June 30, 2010.

Total committed to Riverside Transit Agency, Cooperative Agreement No. C-6-0283: \$853,327.

**Riverside Transit Agency
Cooperative Agreement No. C-6-0589 Fact Sheet**

1. August 28, 2006, Cooperative Agreement No. C-6-0589, \$120,000, approved by Board of Directors.
 - Cooperative agreement to jointly fund Route 794 with Riverside Transit Agency for express bus service from Tyler Mall in Riverside County to South Coast Metro in Orange County.
 - Initial term is from September 1, 2006 through August 31, 2007.
2. April 9, 2007, Amendment No. 1 to Cooperative Agreement No. C-6-0589, \$177,000, approved by Board of Directors.
 - Increase the maximum obligation for the initial term by \$26,000.
 - Increase first option year funding and exercise first option term through August 31, 2008, for a total increase of \$151,000.
3. May 22, 2008, Amendment No. 2 to Cooperative Agreement No. C-6-0589, \$162,000, approved by Board of Directors.
 - Increase second option year funding and exercise second option term through August 31, 2009, for a total increase of \$162,000.
4. May 11, 2009, Amendment No. 3 to Cooperative Agreement No. C-6-0589, \$120,000, pending approval by Board of Directors.
 - Increase third option year funding and exercise third option term through August 31, 2010, for a total increase of \$120,000

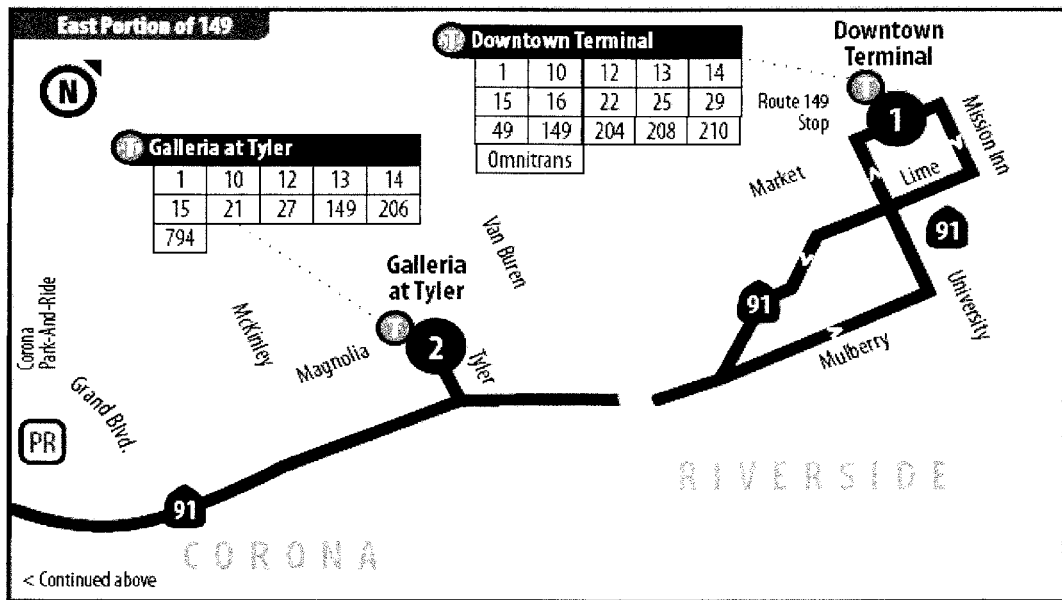
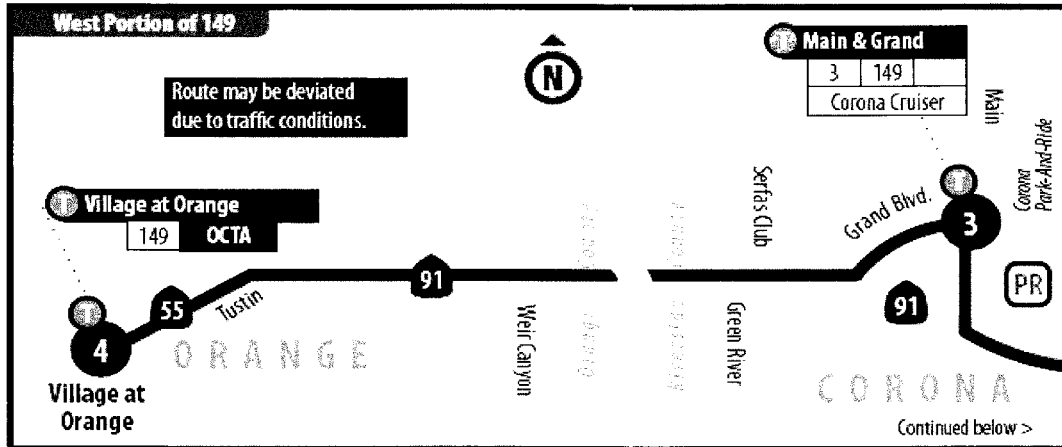
Total committed to Riverside Transit Agency, Cooperative Agreement No. C-6-0589: \$579,000.

149 Downtown Terminal to Village at Orange

Information Center
1-800-800-7821
Web site
www.RiversideTransit.com

Routing and timetables subject to change.

Also serving: Riverside, The Galleria at Tyler, Corona, and Village at Orange, Orange County. **No service on the following holidays:** Thanksgiving Day or Christmas Day. **Sunday service on the following holidays:** New Year's Day, Memorial Day, Independence Day, and Labor Day.



Legend | Map not to scale

- Time and/or Transfer Point
- Transfer Point and Information
- Inset Map
- Park-And-Ride

Terminal Staging

Omnitrans, RTA 149, 204, 208, 210

Mission Inn Ave.

Market St.

Parking Garage

University Ave.

Fairmount Blvd.

Parking Lot

Greyhound Terminal

10, 13, 49, 12, 14, 29, 16

15, 1, 22, 25

Riverside Transit Agency: 1-800-800-7821 or (951) 565-5002 **OCTA:** 1-800-636-7433
METROLINK PASSES NOT ACCEPTED.

149 Weekdays | Westbound to Orange County and Eastbound to Riverside

A.M. times are in PLAIN, P.M. times are in **BOLD** | Times are approximate

WESTBOUND				EASTBOUND			
Riverside D.T. Terminal	Galleria at Tyler	Grand & Main	Village at Orange	Village at Orange	Grand & Main	Galleria at Tyler	Riverside D.T. Terminal
1	2	3	4	4	3	2	1
4:40	4:58	5:20	6:00	6:15	6:53	7:13	7:35
5:40	5:58	6:20	7:00	7:15	7:53	8:13	8:35
7:45	8:03	8:25	9:05	9:20	9:58	10:18	10:40
1:35	1:53	2:15	2:55	3:10	3:48	4:08	4:30
2:45	3:03	3:25	4:05	4:30	4:58	5:18	5:40
3:45	4:03	4:25	5:05	5:20	5:58	6:18	6:40
4:40	4:58	5:20	6:00	6:15	6:53	7:13	7:35

149 Saturdays | Westbound to Orange County and Eastbound to Riverside

A.M. times are in PLAIN, P.M. times are in **BOLD** | Times are approximate

WESTBOUND				EASTBOUND			
Riverside D.T. Terminal	Galleria at Tyler	Grand & Main	Village at Orange	Village at Orange	Grand & Main	Galleria at Tyler	Riverside D.T. Terminal
1	2	3	4	4	3	2	1
8:10	8:28	8:50	9:30	9:40	10:18	10:38	11:00
11:10	11:28	11:50	12:30	12:40	1:18	1:38	2:00
3:25	3:43	4:05	4:45	4:55	5:33	5:53	6:15
6:25	6:43	7:05	7:45	7:55	8:33	8:53*	—

* Rt 149 switches to Rt 1 at Galleria

149 Sundays | Westbound to Orange County and Eastbound to Riverside

A.M. times are in PLAIN, P.M. times are in **BOLD** | Times are approximate

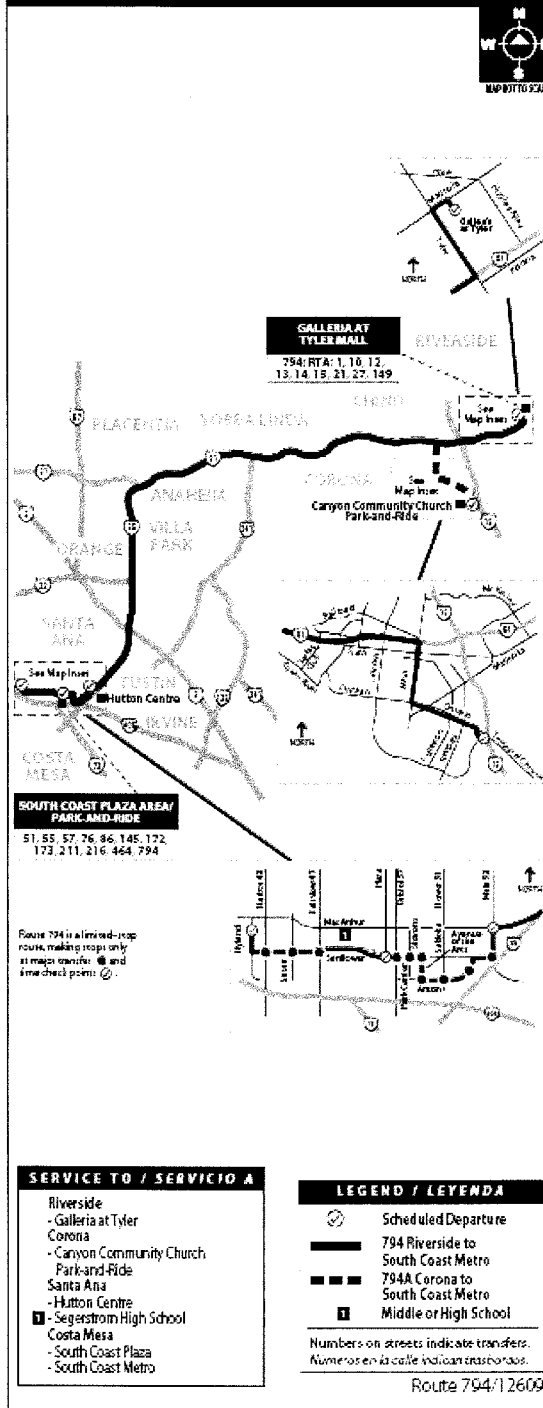
WESTBOUND				EASTBOUND			
Riverside D.T. Terminal	Galleria at Tyler	Grand & Main	Village at Orange	Village at Orange	Grand & Main	Galleria at Tyler	Riverside D.T. Terminal
1	2	3	4	4	3	2	1
8:10	8:28	8:50	9:30	9:40	10:18	10:38	11:00
11:10	11:28	11:50	12:30	12:40	1:18	1:38	2:00
3:25	3:43	4:05	4:45	4:55	5:33	5:53	6:15
6:25	6:43	7:05	7:45	7:55	8:33	8:53*	—

* Rt 149 switches to Rt 1 at Galleria

FARE GRID	From	To	Regular	Youth	Senior/Disabled
	Any point in Riverside County	Any point in Riverside County	\$1.25	\$1.25	60¢
Any point in Riverside County	Any point in Orange County	\$2.90	\$2.90	85¢	

RTA only accepts valid OCTA Day Passes and 31-Day Passes for base fares in Orange County. OCTA passes are not accepted on any RTA route, including Route 149, in Riverside County.

Route 794 Riverside/Corona to South Coast Metro Express via 91 Fwy / 55 Fwy



**MONDAY - FRIDAY: Westbound
TO: South Coast Metro**

Galleria at Tyler	Canyon Community Church	Main & MacArthur (Santa Ana) (F)	Sunflower & Plaza (F)	Hyland & Scenic (F)	
5:08	---	5:53	6:00	6:14	AM
	5:40	6:23	6:30	6:44	
5:42	---	6:33	6:40	6:56	
5:59	---	7:03	7:10	7:26	
	6:28	7:28	7:35	7:51	
6:22	---	7:33	7:40	7:56	
7:10	---	8:06	8:13	8:29	
7:42	---	8:38	8:45	9:01	

F = Times are approximate

**MONDAY - FRIDAY: Eastbound
TO: Riverside/Corona**

Hyland & Scenic	Sunflower & Plaza	MacArthur & Main (Santa Ana)	Canyon Community Church	Galleria at Tyler	
3:30	3:40	3:45	---	4:39	PM
4:05	4:15	4:20	5:16		
4:10	4:20	4:25	5:23		
4:10	4:20	4:25	---	5:22	
4:35	4:45	4:52	---	5:50	
5:05	5:15	5:22	---	6:23	
5:10	5:20	5:28	6:29		
5:55	6:05	6:11	---	7:03	

PLEASE NOTE:
This route is operated using new mid-size buses with added amenities.



BOARD COMMITTEE TRANSMITTAL

May 11, 2009

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: Amendment to Agreement for Provision of Same-Day Taxi Service

Transit Committee Meeting of April 23, 2009

Present: Directors Brown, Dalton, Dixon, Green, Nguyen, and Winterbottom
Absent: Director Pulido

Committee Vote

This item was passed by all Committee Members present.

Committee Chairman Nguyen abstained from voting on this item.


Committee Recommendation

Authorize the Interim Chief Executive Officer to execute Amendment No. 5 to Agreement No. C-5-2376 between the Orange County Transportation Authority and Yellow Cab of Greater Orange County, in an amount not to exceed \$159,870, for the provision of same-day taxi service through June 30, 2010, bringing the total contract value to \$747,843.



April 23, 2009

To: Transit Committee

From:  James S. Kenan, Interim Chief Executive Officer

Subject: Amendment to Agreement for Provision of Same-Day Taxi Service

Overview

On May 26, 2005, an agreement with Yellow Cab of Greater Orange County, to provide same-day taxi service for ACCESS eligible customers was approved. Board of Directors' approval is requested to exercise the fourth option term of this agreement.

Recommendation

Authorize the Interim Chief Executive Officer to execute Amendment No. 5 to Agreement No. C-5-2376 between the Orange County Transportation Authority and Yellow Cab of Greater Orange County, in an amount not to exceed \$159,870, for the provision of same-day taxi service through June 30, 2010, bringing the total contract value to \$747,843.

Discussion

When the Board of Directors (Board) adopted the Paratransit Growth Management Implementation Plan in October 2004, staff was directed to develop a service plan for same-day taxi service. The Board approved implementation of the same-day taxi service to mitigate possible negative impacts of certain growth management strategies implemented on July 1, 2005, such as restricting the service area to within a three-quarter mile corridor of fixed-route service and eliminating same-day medical back-up trips. This service is only available to individuals who qualify for ACCESS service under the Americans with Disabilities Act (ADA). Because the service is available on a same-day basis only, it exceeds the minimum requirements of the ADA which prescribe complementary paratransit service be available on an advance reservation basis.

The operating plan for the same-day taxi service provides specific parameters which include an average of 60 trips provided per day. Under this program an individual with ADA eligibility contacts the ACCESS reservation center to request a same-day taxi trip. The reservation center confirms the individual's eligibility, schedules the trip, and relays the trip information to Yellow Cab of Greater Orange County (Yellow Cab). Upon boarding the taxi, a fare of \$2.70 (which is the same as the ACCESS fare) is collected. The Authority subsidizes the next \$7.30 of the cost of the trip. The rider's initial fare and the Authority's subsidy total \$10 per trip, which pays for the cost of approximately a two-and-a-half to three mile trip. If the trip is a longer distance and requires more than a \$10 fare at the destination, the customer is required to pay the taxi operator any amount that exceeds \$10 as shown on the meter.

Ridership for this program is approximately 1,350 passengers per month, with 7,073 same-day taxi trips booked during the first six months of fiscal year 2008-09. Based on the Authority's current average cost per trip on ACCESS of \$28.76, the same number of trips via taxi rather than on ACCESS for the same six-month period provides a savings to the Authority of \$149,000. A maximum of 21,900 passengers per year is allowed under the contract. Of the 7,073 trips, 12 percent or 606 trips were booked by individuals whose origin or destination was beyond the three-quarter mile fixed-route corridor.

Procurement Approach

The agreement for same-day taxi service with Yellow Cab consists of a one-year initial term and four one-year option terms. The initial term began on May 26, 2005, and the third option term will expire on June 30, 2009. Option pricing was received and evaluated as part of the initial proposal. Yellow Cab has provided excellent service since the contract began. Amending this contract will allow the Authority to continue providing alternative transportation to ACCESS riders for trips within Orange County through June 30, 2010.

Fiscal Impact

The work described in Amendment No. 5 to Agreement No. C-5-2376 is in the Authority's proposed Fiscal Year 2009-10 Budget, Transit Division, Community Transportation Services Department, Account 2131-7311, and will be funded through the Local Transportation Fund.

Summary

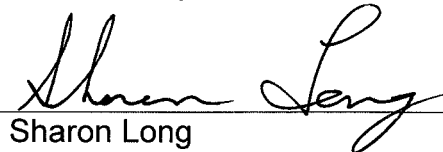
The same-day taxi program was implemented in May 2005 as part of the Paratransit Growth Management Plan. The current contract for this service will

expire June 30, 2009. An amendment to the contract is required to continue the program through June 30, 2010. Staff requests approval to execute Amendment No. 5 to Agreement No. C-5-2376, in the amount of \$159,870, with Yellow Cab of Greater Orange County, bringing the total contract value to \$747,843.

Attachment

- A. Yellow Cab of Greater Orange County Agreement No. C-5-2376 Fact Sheet

Prepared by:

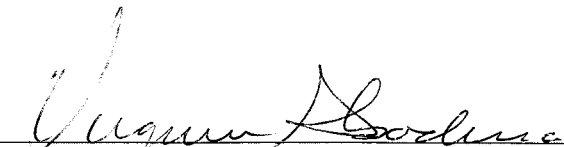


Sharon Long
Community Transportation
Coordinator
(714)560-5593

Approved by:



Beth McCormick
General Manager, Transit
(714) 560-5964



Virginia Abadessa
Director, Contracts Administration and
Materials Management
714-560-5623


**Yellow Cab of Greater Orange County
Agreement No. C-5-2376 Fact Sheet**

1. May 26, 2005, Agreement No. C-5-2376, \$75,000, approved by purchasing agent.
 - Provide non-ADA same-day taxi service to ACCESS eligible riders.
 - The initial term is effective May 26, 2005 through June 30, 2006.
 - Establish a user side subsidy where passenger pays \$2.25 upon boarding, the Authority pays next \$7.75, and passenger pays any amount on taxi meter in excess of \$10.
2. June 12, 2006, Amendment No. 1 to Agreement No. C-5-2376, \$178,410, approved by the Board of Directors.
 - Increase the maximum obligation for the initial term of the agreement by \$20,000.
 - Exercise the first option term, July 1, 2006 through June 30, 2007, for \$158,410.
3. May 14, 2007, Amendment No. 2 to Agreement No. C-5-2376, \$169,725, approved by the Board of Directors.
 - Exercise the second option term, July 1, 2007 through June 30, 2008.
4. April 14, 2008, Amendment No. 3 to Agreement No. C-5-2376, \$169,725, approved by the Board of Directors.
 - Exercise the third option term from July 1, 2008 through June 30, 2009.
5. February 24, 2009, Amendment No. 4 to Agreement No. C-5-2376, (\$4,887), approved by purchasing agent.
 - Reduction of maximum obligation of \$4,887 to adjust for fare policy change.
 - Increase in customer fare from \$2.25 to \$2.70 and decrease in same-day taxi per trip cost from \$7.75 to \$7.30.
6. May 11, 2009, Amendment No. 5 to Agreement No. C-5-2376, \$159,870, pending approval by Board of Directors.
 - Exercise the fourth option term from July 1, 2009 through June 30, 2010.

Total committed to Yellow Cab of Greater Orange County, Agreement No. C-5-2376: \$747,843.



May 11, 2009

To: Members of the Board of Directors
From:  James S. Kenan, Interim Chief Executive Officer
Subject: Measure M Quarterly Progress Report

Overview

Staff has prepared a Measure M progress report for the first quarter of 2009. This is a regular report that highlights the Measure M projects and programs currently under development.

Recommendation

Receive and file as an information item.

Background

Measure M Ordinance No. 2 requires quarterly reports to the Orange County Transportation Authority's (OCTA) Board of Directors (Board), which present the progress of implementing the Measure M Expenditure Plan. Quarterly reports highlight accomplishments for the freeway, streets and roads, and transit programs within Measure M. Reports also include summary financial information for the period and total program to date.

Discussion

This quarterly report updates progress in implementing the Measure M Expenditure Plan during the first quarter of 2009 (January through March). Highlights and accomplishments of work-in-progress for freeway, streets and roads, and transit programs, along with expenditure information are presented for Board review.

Freeway Program

Prior Measure M construction projects along the Santa Ana Freeway (Interstate 5), Costa Mesa Freeway (State Route 55), Orange Freeway (State Route 57), and

the Riverside Freeway (State Route 91) are complete. The following are highlights and major accomplishments along each of the freeway corridors:

Interstate 5 (I-5), Gateway Project

The two-mile stretch of the I-5, from just north of the I-5/State Route 91 (SR-91) interchange to the Los Angeles County line, is the last phase of the I-5 in Orange County to be improved. On April 18, 2006, the freeway widening construction package was awarded to FCI Constructors/Balfour Beatty Construction, Inc. Various construction activities continued during the report period, with the project currently 67 percent complete.

During the quarter, the re-constructed west side of the Beach Boulevard bridge was opened to traffic on January 26, 2009, as scheduled. Demolition work began on the east side with concrete work completed for two of the three footing areas and pile driving accomplished at the third footing. Column work and the soffit/wall concrete for the southbound Artesia Boulevard undercrossing was completed and the Artesia Boulevard southbound on-ramp was opened. Retaining wall construction continues for the walls adjacent to Union Pacific Railroad tracks, with fill-in retaining wall work completed on the I-5 northbound side, adjacent to the auto dealer properties

The public outreach team continues to attend community meetings and is making presentations to the city council, local organizations, and business associations concerning the Beach Boulevard closure and freeway detours.

State Route 57 (SR-57)

In November 1992, OCTA completed the Measure M carpool lane project on the SR-57, between the I-5 and Lambert Road. In September 2007, the Board approved amending the Measure M Expenditure Plan to include additional projects along SR-57 that are currently included in Project J in the Renewed Measure M. The amendment allocated \$22 million in Measure M freeway program savings to pay for design and right-of-way pre-construction costs to add a new northbound lane along the SR-57 from Orangewood Avenue to Lambert Road.

Three projects to provide the additional freeway capacity are currently underway. The design notice to proceed for the Orangethorpe Avenue to Yorba Linda Boulevard project was issued on February 18, 2008. The project's design schedule is very aggressive at 22 months. Design progress increased significantly during the quarter to 87 percent complete. The pre-final design plans and specifications are scheduled to be complete and submitted for review in April 2009, two months ahead of schedule.

The design notice to proceed for the Yorba Linda Boulevard to Lambert Road project was also issued on February 18, 2008. This project also has a compressed design duration of only 22 months. Design on this project also increased dramatically during the quarter to 88 percent complete. Pre-final design plans and specifications are also scheduled to be complete and submitted for review in April 2009, two months ahead of schedule.

Work is also underway on the SR-57 project between Katella Avenue and Lincoln Avenue. To expedite project delivery, OCTA awarded a consultant contract combining both environmental and design services. The combined effort is scheduled to be completed in an accelerated 31-month schedule. The notice to proceed was issued on April 10, 2008. The environmental phase is nearing completion with the draft environmental document completed and issued for public review and comment on March 24, 2009.

Streets and Roads Programs

Substantial additional funding to cities and the County is provided by the various programs within the Measure M Local and Regional Streets and Roads programs through OCTA's Combined Transportation Funding Program (CTFP). The CTFP encompasses Measure M streets and roads competitive programs, as well as federal sources such as the Regional Surface Transportation Program. Funds are awarded on a competitive basis within the guidelines of each program and are used to fund a wide range of transportation projects.

During the first quarter of 2009, the CTFP provided \$14.4 million towards streets and roads projects throughout the County. Some of the projects of significance include: \$1.8 million to the City of Huntington Beach for the Heil Avenue Widening Project, \$2.9 million to the City of Costa Mesa for intersection improvements at 17th and 19th streets along Newport Avenue, and \$1 million to the City of Tustin for the Newport Avenue/SR-55 Ramp Reconfiguration Project.

Transit Programs

Rail Program

The OCTA rail program is comprised mainly of the Metrolink Commuter Rail Program and the associated capital improvements intended to support existing service as well as future service expansion.

Metrolink Service Expansion Program (Expansion)

On November 14, 2005, the Board authorized the implementation of the Expansion. The Expansion includes all of the capital and operational improvements

necessary to accomplish high-frequency service between the stations located in Fullerton and Laguna Niguel/Mission Viejo. When feasible and appropriate, local, state, and federal funds are used to fund program elements. Only those elements supported by Measure M funding are discussed here.

On March 27, 2009, the Southern California Regional Rail Authority (SCRRA) awarded the civil package to Herzog Contracting Corporation to support the Expansion. The bid package includes civil construction work for both the Expansion (Measure M) and the Grade Crossing Safety Enhancements and Quiet Zone Program, which is part of the Early Action Plan for Renewed Measure M.

In addition to the civil construction contract, four other procurement packages associated with the Expansion, such as special track work, signal construction, signal maintenance, and rail and ties, either have been awarded or are currently being procured. All contracts associated with the Expansion are expected to be awarded no later than the second quarter of 2009. The SCRRA plans to start construction of the rail infrastructure improvements in June 2009.

Staff continues to meet with individual station cities in order to develop plans for expansion of parking facilities necessary to support the expanded service. The City of Orange has selected a preferred site for its parking expansion and is continuing with further studies to determine if the project will be a mixed use development project. A design contract has been awarded to Watry Design for the 825 space parking structure that will be built on the existing surface parking lot at the Tustin Metrolink Station. Final plans are expected in the first quarter of 2010 with a construction contract to be awarded in the second quarter of 2010. The City of Fullerton is completing design plans that will go out to bid for design build of an 818 space parking structure in July 2009.

City-Initiated Transit Extensions to Metrolink

Project development continued with the two Board-approved Go Local fixed-guideway project concepts. Consistent with prior Board direction to move these two projects into Step Two of the Go Local Program, both are undergoing detailed planning including alternatives analysis (AA), selection of a locally preferred alternative, and environmental clearance. During this quarter, the City of Anaheim completed a draft problem definition report and a purpose and need statement for its proposed fixed-guideway project. The project proposes to connect the Anaheim Regional Transportation Intermodal Center to the Platinum Triangle and Anaheim Resort area.

The City of Santa Ana is currently underway with procuring a technical consultant to conduct the AA and environmental clearance for its fixed-guideway concept. It is anticipated that the consultant will be on board within the next month.

The City of Santa Ana's fixed-guideway concept proposes to connect the Santa Ana Regional Transportation Center through downtown Santa Ana to Harbor Boulevard in the City of Garden Grove.

In January 2009, the Board selected Booz Allen Hamilton to serve as an extension of OCTA staff to provide project management oversight and technical support to ensure that the two fixed-guideway projects are developed consistent with the Board-approved guidelines and in compliance with Federal Small/New Starts protocol.

Two additional bus/shuttle proposals from the cities of Aliso Viejo and Fullerton were approved by the Board in January 2009 to advance into Step Two of the Go Local Program. To date, the Board has approved 27 concepts to undergo detailed service planning in order to assess the viability and feasibility of the proposals by evaluating areas such as ridership, alignment, operating parameters and financial plans. During the reporting period, staff initiated the negotiations of cooperative agreements with the lead agencies of the Board-approved bus/shuttle proposals to define the roles of responsibilities for the Step Two service planning effort. Cooperative agreements will be brought before the Board for approval beginning in April 2009.

All planning work done as part of Step One and Step Two of the Go Local Program is funded by Measure M in preparation for the implementation of Step Three through Project S, Transit Extensions to Metrolink, under Renewed Measure M.

Financial Status

As required in Measure M, all Orange County eligible jurisdictions receive 14.6 percent of the sales tax revenue based on population ratio, Master Plan of Arterial Highways miles, and total taxable sales. There are no competitive criteria to meet, but there are administrative requirements such as having a growth management plan. This money can be used for local transportation projects as well as ongoing maintenance of local streets and roads. The total amount of Measure M turnback funds distributed since program inception is \$520.4 million. Distributions to individual agencies, from inception-to-date and for the report period, are detailed in Attachment A.

Net Measure M expenditures through March 31, 2009, total \$3.227 billion. Net expenditures include project specific reimbursements to Measure M from local agencies, and the California Department of Transportation on jointly funded projects. Total net tax revenues consist primarily of Measure M sales tax revenues and non-bond interest minus estimated non-project related administrative expenses through 2011. Net revenues, expenditures, estimates at completion, and summary project budgets, per the Measure M Expenditure Plan,

are presented in Attachment B. The basis for project budgets within each of the Measure M Expenditure Plan programs is identified in the notes section of Attachment B. Additional details and supporting information to the Measure M Revenue and Expenditure Summary are provided under Attachment C.

Budget Variances

Project budget versus estimate at completion variances relate to freeway and transitway elements as these programs have defined projects. Other programs, such as regional and local streets and roads, assume all net tax revenues will be spent on existing or yet to be defined future projects.

The Garden Grove Freeway (State Route 22) project budget and estimate at completion were increased \$1.5 million during the report period to reflect the March 9, 2009, Board action to complete the addition of improvements to the Lewis Channel that were not included in the original project scope.

Revenue Projections

Staff continues to closely monitor actual local sales tax revenues versus prior forecasts. For the first quarter of 2009, actual tax revenues were \$5.3 million less than the December 2008 updated revenue forecast. Based on the trend in continued declining revenues, the March 2009 report includes an updated revenue forecast that results in an additional reduction of \$30.9 million in revenues available for all projects. The following revenue reductions are anticipated within the various Measure M programs: freeways \$13.3 million, turnback funding \$4.5 million, competitive grant programs \$5.4 million, and transit \$7.7 million.

The Measure M freeway program is funding a major freeway reconstruction project - the I-5 Gateway Project. The progress on this project is on schedule, on budget, and within the revised revenue forecasts. Staff will continue to monitor ongoing expenses and reduce existing project contingencies when appropriate and reasonable.

The Measure M Expenditure Plan was amended to allocate \$22 million in funding for the three SR-57 projects included in Renewed Measure M, Project J. The allocation is currently included in the Attachment B freeway program budget and estimate at completion. Project costs are initially charged to Renewed Measure M, with subsequent reimbursement through the original Measure M program. The reimbursements have not yet occurred and will be temporarily suspended. The initial \$22 million planned allocation could be adjusted to compensate for any further significant revenue reductions.

The reduced forecasts provide lower funding for the Measure M streets and roads programs. OCTA staff is in the process of completing a thorough analysis on the status of all active and pending Measure M-funded projects. This information, along with any revenue reduction implications and recommendations, will be presented to the Board in June 2009.

The transit component of Measure M is the other remaining program element with several outstanding projects. This program is currently funding the Expansion project, station improvements, and the planning phases of the Go Local Program. The reduction in Measure M revenues has been somewhat offset by new revenues including Proposition 1B and Proposition 116. Staff will be presenting a more complete assessment of the Expansion funding plan to the Finance and Administration Committee and the Transit Committee on May 13 and May 14, 2008, respectively.

Summary

As required in Measure M Ordinance No. 2, a quarterly report is provided to update progress in implementing the Measure M Expenditure Plan. This report covers freeways, streets and roads, transit program highlights, and accomplishments from January through March 2009.

Attachments

- A. Measure M Local Turnback Payments
- B. Measure M Revenue and Expenditure Summary as of March 31, 2009
- C. Supporting Information to Measure M Revenue and Expenditure Summary

Prepared by:

Norbert Lippert
Project Controls Manager
(714) 560-5733

Approved by:

Kia Mortazavi
Executive Director, Development
(714) 560-5741

MEASURE M LOCAL TURNBACK PAYMENTS

Agency	First Quarter 2009	Total Apportionment as of 3/31/09
Aliso Viejo	\$ 155,138	\$ 3,336,688
Anaheim	1,435,399	57,011,561
Brea	236,704	9,279,420
Buena Park	388,968	14,000,753
Costa Mesa	613,775	24,499,463
Cypress	236,937	9,154,187
Dana Point	144,209	5,813,709
Fountain Valley	270,087	11,176,391
Fullerton	546,085	22,310,937
Garden Grove	627,546	25,434,252
Huntington Beach	816,076	33,321,454
Irvine	1,050,595	36,597,150
Laguna Beach	113,118	4,365,751
Laguna Hills	155,058	6,135,261
Laguna Niguel	291,811	11,075,564
Laguna Woods	59,103	1,586,944
La Habra	229,806	8,736,651
Lake Forest	335,151	11,490,716
La Palma	73,797	2,920,292
Los Alamitos	56,606	2,436,247
Mission Viejo	409,210	16,165,750
Newport Beach	457,247	16,121,345
Orange	699,249	27,017,716
Placentia	199,374	8,054,164
Rancho Santa Margarita	184,537	4,313,141
San Clemente	240,890	8,250,373
San Juan Capistrano	166,107	6,429,183
Santa Ana	1,231,809	50,966,551
Seal Beach	108,781	4,108,855
Stanton	127,280	5,119,725
Tustin	359,358	14,002,443
Villa Park	22,855	933,687
Westminster	374,667	15,301,706
Yorba Linda	251,367	9,648,442
County Unincorporated	747,936	33,245,969
Total County:	\$ 13,416,635	\$ 520,362,442

**Measure M Revenue and Expenditure Summary
as of March 31, 2009**

Project Description <i>(\$ in thousands, escalated to year of expenditure/revenue)</i>	Total Net Tax Revenues	Project Budget	Estimate at Completion	Variance Total Net Tax Revenues to Est at Completion	Variance Project Budget to Est at Completion	To Date Net Project Cost	Percent Budget Expended	Notes
	A	B	C	(A - C)	(B - C)	D	(D / B)	
Freeways (43%)								
I-5 between I-405 and I-605	\$ 958,888	\$ 810,010	\$ 804,897	\$ 153,991	\$ 5,113	\$ 702,793	86.8%	1
I-5 between I-5/I-405 Interchange and San Clemente	68,586	57,836	59,935	8,651	(2,099)	59,936	103.6%	1
I-5/I-405 Interchange	87,052	72,802	73,075	13,977	(273)	73,075	100.4%	1
SR-55 between I-5 and SR-91	58,035	44,511	50,196	7,839	(5,685)	49,339	110.8%	1
SR-57 between I-5 and Lambert Road	50,121	46,128	44,596	5,525	1,532	22,758	49.3%	1
SR-91 between Riverside Co. line & Los Angeles Co. line	125,302	116,136	105,666	19,636	10,470	105,389	90.7%	1
SR-22 between SR-55 and Valley View Street	399,647	301,463	301,037	98,610	426	297,582	98.7%	1,4
Subtotal Projects	\$ 1,747,631	\$ 1,448,886	\$ 1,439,402	\$ 308,229	\$ 9,484	\$ 1,310,872	90.5%	
Net (Bond Revenue)/Debt Service		307,552	307,552	(307,552)	-	166,047		
Total Freeways	\$ 1,747,631	\$ 1,756,438	\$ 1,746,954	\$ 677	\$ 9,484	\$ 1,476,919	84.1%	3
Expenditures as a Percent of Total Program							48.4%	
Regional Street and Road Projects (11%)								
Smart Streets	\$ 153,281	\$ 150,905	\$ 150,905	\$ 2,376	\$ -	\$ 150,112	99.5%	2
Regionally Significant Interchanges	89,414	89,414	89,414	-	-	61,138	68.4%	2
Intersection Improvement Program	127,734	127,734	127,734	-	-	74,832	58.6%	2
Traffic Signal Coordination	63,867	63,867	63,867	-	-	45,513	71.3%	2
Transportation Systems and Transportation Demand Mgmt	12,773	12,773	12,773	-	-	7,312	57.2%	2
Subtotal Projects	\$ 447,069	\$ 444,693	\$ 444,693	\$ 2,376	\$ -	\$ 338,907	76.2%	
Net (Bond Revenue)/Debt Service		2,376	2,376	(2,376)	-	1,283		
Total Regional Street and Road Projects	\$ 447,069	\$ 447,069	\$ 447,069	\$ -	\$ -	\$ 340,190	76.1%	2
Expenditures as a Percent of Total Program							11.1%	

ATTACHMENT B

**Measure M Revenue and Expenditure Summary
as of March 31, 2009**

<u>Project Description</u> <i>(\$ in thousands, escalated to year of expenditure/revenue)</i>	Total Net Tax Revenues	Project Budget	Estimate at Completion	Variance Total Net Tax Revenues to Est at Completion	Variance Project Budget to Est at Completion	To Date Net Project Cost	Percent Budget Expended	Notes
	A	B	C	(A - C)	(B - C)	D	(D / B)	
Local Street and Road Projects (21%)								
Master Plan of Arterial Highway Improvements	\$ 162,614	\$ 162,614	\$ 162,614	\$ -	\$ -	\$ 79,247	48.7%	2
Streets and Roads Maintenance and Road Improvements	590,881	590,881	590,881	-	-	520,426	88.1%	2
Growth Management Area Improvements	100,000	100,000	100,000	-	-	71,679	71.7%	2
Subtotal Projects	\$ 853,495	\$ 853,495	\$ 853,495	\$ -	\$ -	\$ 671,352	78.7%	
Net (Bond Revenue)/Debt Service						-		
Total Local Street and Road Projects	\$ 853,495	\$ 853,495	\$ 853,495	\$ -	\$ -	\$ 671,352	78.7%	
Expenditures as a Percent of Total Program						22.0%		
Transit Projects (25%)								
Pacific Electric Right-of-Way	\$ 19,666	\$ 15,000	\$ 14,000	\$ 5,666	\$ 1,000	\$ 13,861	92.4%	
Commuter Rail	366,760	351,690	335,584	31,176	16,106	290,563	82.6%	
High-Technology Advanced Rail Transit	445,758	427,441	464,580	(18,822)	(37,139)	87,505	20.5%	
Elderly and Handicapped Fare Stabilization	20,000	20,000	20,000	-	-	17,010	85.1%	
Transitways	163,881	146,381	126,348	37,533	20,033	125,955	86.0%	1
Subtotal Projects	\$ 1,016,065	\$ 960,512	\$ 960,512	\$ 55,553	\$ -	\$ 534,894	55.7%	
Net (Bond Revenue)/Debt Service		55,553	55,553	(55,553)	-	29,993		
Total Transit Projects	\$ 1,016,065	\$ 1,016,065	\$ 1,016,065	\$ -	\$ -	\$ 564,887	55.6%	
Expenditures as a Percent of Total Program						18.5%		
Total Measure M Program	\$ 4,064,260	\$ 4,073,067	\$ 4,063,583	\$ 677	\$ 9,484	\$ 3,053,348	75.0%	

Notes:

1. Project Budget based on escalated value of 1996 Freeway Strategic Plan plus subsequent Board approved amendments.
2. Project Budget and Estimate at Completion equal to Total Net Tax Revenues as all funds collected will be expended on future projects.
3. Due to a change in reporting practices, Estimates at Completion now include approximately \$10 million of OCTA direct project labor not included in Project Budgets.
4. SR-22 Budget and Estimate at Completion increased by \$1.5 million for the addition of improvements to the Lewis Channel not included in the original project scope.

Schedule 1

Supporting Information to Measure M Revenue and Expenditure Summary

(\$ in thousands)	Quarter Ended Mar 31, 2009	Year to Date Mar 31, 2009	Period from Inception to Mar 31, 2009
	(A)	(B)	
Revenues:			
Sales taxes	\$ 57,438	\$ 176,848	\$ 3,518,640
Other agencies share of Measure M costs			
Project related	1,049	1,533	381,704
Non-project related	-	-	614
Interest:			
Operating:			
Project related	30	30	953
Non-project related	6,135	18,404	242,294
Bond proceeds	-	-	136,067
Debt service	1,325	2,440	80,253
Commercial paper	1	26	6,072
Orange County bankruptcy recovery	-	-	42,268
Capital grants	4,440	7,514	152,526
Right-of-way leases	130	293	4,651
Proceeds on sale of assets held for resale	537	1,610	21,354
Miscellaneous	-	-	801
	<hr/>	<hr/>	<hr/>
Total revenues	71,085	208,698	4,588,197
Expenditures:			
Supplies and services:			
State Board of Equalization (SBOE) fees	735	2,204	51,174
Professional services:			
Project related	6,522	9,582	170,996
Non-project related	455	837	28,236
Administration costs:			
Project related	518	1,635	17,348
Non-project related	1,311	3,851	76,410
Orange County bankruptcy loss	-	-	78,618
Other:			
Project related	24	53	1,192
Non-project related	108	187	15,465
Payments to local agencies:			
Turnback	13,417	26,016	520,410
Competitive projects	15,471	34,867	527,389
Capital outlay	8,057	33,658	1,929,034
Debt service:			
Principal payments on long-term debt	75,355	75,355	842,755
Interest on long-term debt and commercial paper	6,669	13,365	547,907
	<hr/>	<hr/>	<hr/>
Total expenditures	128,642	201,610	4,806,934
Excess (deficiency) of revenues over (under) expenditures	<hr/>	<hr/>	<hr/>
	(57,557)	7,088	(218,737)
Other financing sources (uses):			
Transfers out:			
Project related	(391)	(1,391)	(252,760)
Non-project related	-	-	(5,116)
Transfers in project related	-	86	1,915
Bond proceeds	-	-	1,169,999
Advance refunding escrow	-	-	(931)
Payment to refunded bond escrow agent	-	-	(152,930)
	<hr/>	<hr/>	<hr/>
Total other financing sources (uses)	(391)	(1,305)	760,177
Excess (deficiency) of revenues over (under) expenditures and other sources (uses)	<hr/>	<hr/>	<hr/>
	\$ (57,948)	\$ 5,783	\$ 541,440

Measure M
Schedule of Calculations of Net Tax Revenues and Net Bond Revenues (Debt Service)
as of March 31, 2009

<i>(\$ in thousands)</i>	Quarter Ended Mar 31, 2009 (actual)	Year Ended Mar 31, 2009 (actual) <i>(C.1)</i>	Period from Inception through Mar 31, 2009 (actual) <i>(D.1)</i>	Period from April 1, 2009 through March 31, 2011 (forecast) <i>(E.1)</i>	Total <i>(F.1)</i>
Tax revenues:					
Sales taxes	\$ 57,438	\$ 176,848	\$ 3,518,640	\$ 473,325	\$ 3,991,965
Other agencies share of Measure M costs	-	-	614	-	614
Operating interest	6,135	18,404	242,294	18,032	260,326
Orange County bankruptcy recovery	-	-	20,683	-	20,683
Miscellaneous	-	-	801	-	801
Total tax revenues	<u>63,573</u>	<u>195,252</u>	<u>3,783,032</u>	<u>491,358</u>	<u>4,274,390</u>
Administrative expenditures:					
SBOE fees	735	2,204	51,174	4,402	55,576
Professional services, non-project related	438	791	19,385	3,429	22,814
Administration costs, non-project related	1,311	3,851	76,410	11,375	87,785
Operating transfer out, non-project related	-	-	5,116	-	5,116
Orange County bankruptcy loss	-	-	29,792	-	29,792
Other, non-project related	108	187	6,366	2,681	9,047
	<u>2,592</u>	<u>7,033</u>	<u>188,243</u>	<u>21,887</u>	<u>210,130</u>
Net tax revenues	<u>\$ 60,981</u>	<u>\$ 188,219</u>	<u>\$ 3,594,789</u>	<u>\$ 469,471</u>	<u>\$ 4,064,260</u>
Bond revenues:					
Proceeds from issuance of bonds	\$ -	\$ -	\$ 1,169,999	\$ -	\$ 1,169,999
Interest revenue from bond proceeds	-	-	136,067	-	136,067
Interest revenue from debt service funds	1,325	2,440	80,253	8,084	88,337
Interest revenue from commercial paper	1	26	6,072	-	6,072
Orange County bankruptcy recovery	-	-	21,585	-	21,585
Total bond revenues	<u>1,326</u>	<u>2,466</u>	<u>1,413,976</u>	<u>8,084</u>	<u>1,422,060</u>
Financing expenditures and uses:					
Professional services, non-project related	17	46	8,851	-	8,851
Payment to refunded bond escrow	-	-	153,861	-	153,861
Bond debt principal	75,355	75,355	842,755	161,200	1,003,955
Bond debt interest expense	6,669	13,365	547,907	15,042	562,949
Orange County bankruptcy loss	-	-	48,826	-	48,826
Other, non-project related	-	-	9,099	-	9,099
Total financing expenditures and uses	<u>82,041</u>	<u>88,766</u>	<u>1,611,299</u>	<u>176,242</u>	<u>1,787,541</u>
Net bond revenues (debt service)	<u>\$ (80,715)</u>	<u>\$ (86,300)</u>	<u>\$ (197,323)</u>	<u>\$ (168,158)</u>	<u>\$ (365,481)</u>

Measure M
Schedule of Revenues and Expenditures Summary
as of March 31, 2009

Project Description	Net Tax Revenues Program to date Actual	Total Net Tax Revenues	Project Budget	Estimate at Completion	Variance Total Net Tax Revenues to Est at Completion	Variance Project Budget to Est at Completion	Expenditures through Mar 31, 2009	Reimbursements through Mar 31, 2009	Net Project Cost	Percent of Budget Expended
(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)	(O)	(P)	(Q)
<i>(\$ in thousands)</i>										
Freeways (43%)										
I-5 between I-405 (San Diego Fwy) and I-605 (San Gabriel Fwy)	\$ 848,127	\$ 958,888	\$ 810,010	\$ 804,897	\$ 153,991	\$ 5,113	\$ 784,917	\$ 82,124	\$ 702,793	86.8%
I-5 between I-5/I-405 Interchange and San Clemente	60,664	68,586	57,836	59,935	8,651	(2,099)	70,294	10,358	59,936	103.6%
I-5/I-405 Interchange	76,996	87,052	72,802	73,075	13,977	(273)	98,157	25,082	73,075	100.4%
S.R. 55 (Costa Mesa Fwy) between I-5 and S.R. 91 (Riverside Fwy)	51,331	58,035	44,511	50,196	7,839	(5,685)	55,511	6,172	49,339	110.8%
S.R. 57 (Orange Fwy) between I-5 and Lambert Road	44,331	50,121	46,128	44,596	5,525	1,532	25,617	2,859	22,758	49.3%
S.R. 91 (Riverside Fwy) between Riverside Co. line & Los Angeles Co. line	110,828	125,302	116,136	105,666	19,636	10,470	123,995	18,606	105,389	90.7%
S.R. 22 (Garden Grove Fwy) between S.R. 55 and Valley View St.	353,483	399,647	301,463	301,037	98,610	426	604,041	306,459	297,582	98.7%
Subtotal Projects	1,545,760	1,747,631	1,448,886	1,439,402	308,229	9,484	1,762,532	451,660	1,310,872	
Net (Bond Revenue)/Debt Service			307,552	307,552	(307,552)	-	166,047		166,047	
Total Freeways	\$ 1,545,760	\$ 1,747,631	\$ 1,756,438	\$ 1,746,954	\$ 677	\$ 9,484	\$ 1,928,579	\$ 451,660	\$ 1,476,919	48.4%
%				43.0%						48.4%
Regional Street and Road Projects (11%)										
Smart Streets	\$ 135,575	\$ 153,281	\$ 150,905	\$ 150,905	\$ 2,376	\$ -	\$ 153,601	\$ 3,489	\$ 150,112	99.5%
Regionally Significant Interchanges	79,085	89,414	89,414	89,414	-	-	61,284	146	61,138	68.4%
Intersection Improvement Program	112,979	127,734	127,734	127,734	-	-	75,046	214	74,832	58.6%
Traffic Signal Coordination	56,490	63,867	63,867	63,867	-	-	45,645	132	45,513	71.3%
Transportation Systems Management and Transportation Demand Management	11,298	12,773	12,773	12,773	-	-	7,461	149	7,312	57.2%
Subtotal Projects	395,427	447,069	444,693	444,693	2,376	-	343,037	4,130	338,907	
Net (Bond Revenue)/Debt Service			2,376	2,376	(2,376)	-	1,283		1,283	
Total Regional Street and Road Projects	\$ 395,427	\$ 447,069	\$ 447,069	\$ 447,069	\$ -	\$ -	\$ 344,320	\$ 4,130	\$ 340,190	11.1%
%				11.0%						11.1%

Measure M
Schedule of Revenues and Expenditures Summary
as of March 31, 2009

Project Description (G)	Net Tax Revenues Program to date Actual (H)	Total Net Tax Revenues (I)	Project Budget (J)	Estimate at Completion (K)	Variance Total Net Tax Revenues to Est at Completion (L)	Variance Project Budget to Est at Completion (M)	Expenditures through Mar 31, 2009 (N)	Reimbursements through Mar 31, 2009 (O)	Net Project Cost (P)	Percent of Budget Expended (Q)
Local Street and Road Projects (21%)										
Master Plan of Arterial Highway Improvements	\$ 132,278	\$ 162,614	\$ 162,614	\$ 162,614	\$ -	\$ -	\$ 79,346	\$ 99	\$ 79,247	48.7%
Streets and Roads Maintenance and Road Improvements	522,627	590,881	590,881	590,881	-	-	520,426	-	520,426	88.1%
Growth Management Area Improvements	100,000	100,000	100,000	100,000	-	-	72,110	431	71,679	71.7%
Subtotal Projects	754,905	853,495	853,495	853,495	-	-	671,882	530	671,352	
Net (Bond Revenue)/Debt Service							-		-	
Total Local Street and Road Projects	\$ 754,905	\$ 853,495	\$ 853,495	\$ 853,495	\$ -	\$ -	\$ 671,882	\$ 530	\$ 671,352	
%				21.0%					22.0%	
Transit Projects (25%)										
Pacific Electric Right-of-Way	\$ 17,394	\$ 19,666	\$ 15,000	\$ 14,000	\$ 5,666	\$ 1,000	\$ 16,492	\$ 2,631	\$ 13,861	92.4%
Commuter Rail	322,085	366,760	351,690	335,584	31,176	16,106	351,437	60,874	290,563	82.6%
High-Technology Advanced Rail Transit	394,267	445,758	427,441	464,580	(18,822)	(37,139)	94,074	6,569	87,505	20.5%
Elderly and Handicapped Fare Stabilization	20,000	20,000	20,000	20,000	-	-	17,010	-	17,010	85.1%
Transitways	144,951	163,881	146,381	126,348	37,533	20,033	162,642	36,687	125,955	86.0%
Subtotal Projects	898,697	1,016,065	960,512	960,512	55,553	-	641,655	106,761	534,894	
Net (Bond Revenue)/Debt Service			55,553	55,553	(55,553)	-	29,993		29,993	
Total Transit Projects	\$ 898,697	\$ 1,016,065	\$ 1,016,065	\$ 1,016,065	\$ -	\$ -	\$ 671,648	\$ 106,761	\$ 564,887	
%				25.0%					18.5%	
Total Measure M Program	\$ 3,594,789	\$ 4,064,260	\$ 4,073,067	\$ 4,063,583	\$ 677	\$ 9,484	\$ 3,616,429	\$ 563,081	\$ 3,053,348	

See accompanying notes to Measure M Schedules



BOARD COMMITTEE TRANSMITTAL

May 11, 2009

To: Members of the Board of Directors
From: Wendy Knowles, Clerk of the Board
Subject: Orange County Transportation Authority Fiscal Year 2009-10 Budget Workshop

Finance and Administration Committee meeting of April 22, 2009

Present: Directors Amante, Bates, Brown, Buffa, Campbell, Green, and Moorlach
Absent: None

Committee Vote

No action was taken on this informational receive and file item.


Committee Recommendation

Review the fiscal year 2009-10 budget in a workshop setting following the regularly scheduled Orange County Transportation Authority Board of Directors' meeting on May 11, 2009.



April 22, 2009

To: Finance and Administration Committee

From:  James S. Kenan, Interim Chief Executive Officer

Subject: Orange County Transportation Authority Fiscal Year 2009-10
Budget Workshop Preview

Overview

The Orange County Transportation Authority is developing the fiscal year 2009-10 budget, which identifies available revenues and the costs associated with providing transportation services and programs for Orange County commuters. Following the May 11, 2009, Orange County Transportation Authority Board of Directors' meeting, the proposed budget will be reviewed in detail in a two-hour informal workshop.

Recommendation

Review the fiscal year 2009-10 budget in a workshop setting following the regularly scheduled Orange County Transportation Authority Board of Directors' meeting on May 11, 2009.

Discussion

The preparation of the Orange County Transportation Authority's (OCTA) annual budget began in December 2008 with the development of revenue projections, budget targets, a service plan, and program goals and objectives for the upcoming fiscal year (FY). The revenue and expenditure plan was carefully aligned and balanced with the goal of sustaining all of OCTA's programs and services into the future. Each division developed and submitted their respective budgets in January and February, which were subject to successive internal reviews, with results presented to executive management. The proposed budget has since been subject to continuous revisions to ensure a fiscally responsible operating budget is delivered consistent with the 2009 Comprehensive Business Plan (CBP).

The development of the FY 2009-10 proposed budget was based on a series of revenue assumptions that were significantly impacted due to the downturn in the state economy, loss of State Transit Assistance (STA) Funds, and lower

sales tax receipts. With the anticipation of this revenue shortfall, the budget parameters that were initially established focused on a revised service plan, 10 percent reduction in each division operating budget, a wage and hiring freeze, and the utilization of funding through the American Recovery and Reinvestment Act of 2009.

In spite of these efforts, bus transit operating revenues are projected to decline by more than \$270 million over the next five years as compared to the 2008 CBP projections. Longer term, bus transit operating revenues are projected to decline by approximately 24 percent over the next 20 years. Based on these future revenue projections, on March 23, 2009, the Board of Directors approved a one-year bus service reduction program of 400,000 annual revenue vehicle hours to help ensure a sustainable level of service going forward.

The loss of revenue is not isolated to the bus program. Similar impacts are anticipated within the Measure M Program. The decline in the ½ cent sales tax receipts for Measure M will affect the contingency balance in the freeway mode and funding for transit and streets and roads projects. In addition, all elements of the Renewed Measure M Program will have to be reviewed in the next year to determine financial feasibility.

Staff will be presenting the FY 2009-10 proposed budget in detail in an informal workshop setting on May 11, 2009. The presentation will include a discussion of program goals and objectives, proposed staffing plan, and the sources of revenues and the uses of funds planned to meet program goals during this difficult economic period.

Summary

Staff will conduct a budget workshop for the Orange County Transportation Authority Board of Directors immediately following the last discussion item scheduled at the May 11, 2009, Board meeting.

Attachment

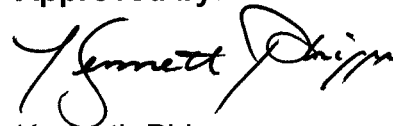
None.

Prepared by:



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Section Manger, Budget Development
Financial Planning and Analysis
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Approved by:



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