

***TRANSPORTATION TECHNICAL COMMITTEE/
POLICY ADVISORY COMMITTEE***

***TRANSPORTATION
ACTION/DISCUSSION ITEM III. & VIII A.***

Council of Fresno County Governments Amendment to the Measure "C"
Regional Transportation Program Short Range Plan
October 21, 2009

The proposal rolls the Short Range Plan out the next two years and amends it to include program design and right of way acquisition for major projects, to have shelf ready projects, should additional federal or state funding opportunities such as ARRA materialize in the future. It also includes a proposal to advance the Willow - Barstow to Escalon project using savings from the California - West to Fruit project and makes minor offsetting phasing adjustments between fiscal years 11/12 and 12/13 for project segments on Ventura, Peach, and Willow.

The proposal does not at this point include bonding. The city of Fresno has requested that the Transportation Authority consider bonding to advance Veterans Blvd. on a schedule equated with the SR41/180/168 Braided Ramps. The Transportation Authority would like to see the Medium and Long Term plans formalized on a financially constrained basis prior to considering bonding. This proposal does not formalize the Medium and Long Term plans however could be used to provide the financially constrained starting point to consider bonding alternatives. Due to the uncertainties of the future, those projects schedules appearing in the Medium and Long Term plans should remain flexible pending future revenue enhancements or change in strategy.

The \$1.7 million Willow - Barstow to Escalon recommendation has the concurrence of both the cities of Fresno and Clovis and is supported by Fresno State, who is donating Right of Way for a trail. The advancement is made possible due to favorable bid savings of \$2.3 million.

The minor offsetting phasing adjustments on Ventura, Peach, and Willow also have the concurrence of the Cities of Fresno and Clovis and are intended to allow a more logical implementation.

\$82.8 million in previously unprogrammed revenues make the major schedule enhancements to the program feasible.

The Transportation Authority is far enough down the road on the SR 180 East and West projects that they feel comfortable programming and additional \$39.6 on projects that are jointly eligible under both the old and new measure. Of this, \$21.9 is urban and \$17.8 is rural. This does not automatically transfer old measure dollars to the extended measure, as a strict accounting is kept of the old measure Urban and Rural Capital Projects Funds and the eligibility criteria of the old measure money must be adhered to.

The State and Local Partnership contributes \$23.5 to the funding mix. This money is available to the Transportation Authority and we are following their instructions in programming these funds to develop shelf ready projects. Apportionments for this program are estimated at \$4.7 million per year. The first year's apportionment is already available.

The creation of Federal ARRA stimulus funds brought an additional \$18.4 million to be used on SR 180 Temperance to Academy. And additional \$1.4 million in federal demonstration funding was also awarded this project. This, in conjunction with project savings on the project,

frees up approximately \$32 million in STIP funds that were programmed in 2012/13. The proposed strategy assumes that STIP funding will still be available in 2012/13 however the California Transportation Commission advises that their program is oversubscribed. They asking for shelf ready projects and delivering a project with other funding sources does not guarantee that the funding will remain in line. However our strategy is to bring them a shelf ready project and are hopeful the CTC will be receptive. As a note, the COG Board committed 75% of the STIP county shares to the Regional Transportation program; however the current strategy utilizes almost 100% of the STIP in the early years to deliver promised projects. Any free STIP funds are not available until 2020 and beyond.

There is net \$46.3 million in project savings, almost all coming from favorable bids and subsequent lowered estimates involving the SR 180 projects.

On the Urban program, the revised schedule shows the Willow - Barstow to Escalon project advancing from 2016/17 to 2009/10. It also programs enough to complete the design and right of way for the SR41/180/168 Braided Ramps and Veterans Blvd. in the short term period so that each project is shelf ready to take advantage of any hereto unknown future revenue enhancements. The construction for the Braided Ramps has been broken into two segments with the first segment occurring in 2012/13 and the second segment in 2014/15. The construction schedule for Veterans has not been formalized pending future revenue or strategy enhancements but was advanced on paper from 2023 to 2018.

Measure "C"
2009 Plan Update
Additional Revenues
10/01/09

Old Measure Revenues

Urban	21,980
Rural	17,649
State & Local Partnership	23,575
ARRA/Demo/STIP	19,612

Total New Revenues **82,816**

Measure "C" Rural Tier I List**\$ in 1,000****10/29/2009**

Proj. ID	Location	Limits	2008 Estimate	2009 Estimate	Change
A	SR180 W	Yuba/James Passing Lanes	9,800	9,800	0
B	SR 180 E	Temperance to Academy	96,300	78,443	(17,857) Favorable Bid
C	SR180 E	Academy to Trimmer	53,700	35,744	(17,956) Lower Estimate
D	SR180 E	Trimmer to Frankwood	65,100	52,646	(12,454) Lower Estimate
E	Friant	Copper to Millerton	4,000	4,000	0
I	Mountain View	Bethel to Tulare County	22,200	22,200	0
F	Golden State	American to Tulare Cnty	34,979	34,979	0
G	SR 269	Bridge SR198 & Huron	24,300	24,300	0
J	Academy	Manning to Ind. Park	3,350	3,350	0
K	SR 99	American Interchange	32,600	32,600	0
H	SR 180 W	SR 180 to I5	174,000	174,000	0
L	I-5	SR 198 Interchange	10,400	10,400	0
			530,729	482,462	(48,267)

Measure "C" Urban Tier I List
By Segment
\$ in 1,000
10/29/2009

Proj. ID	Agency	Location	Limits	2008 Estimate	2009 Estimate	Change	
A	Caltrans	SR 180 E	Clovis to Temperance	107,710	107,710	0	
B1	Caltrans	SR 180	Brawley/Hughes West	70,160	70,160	0	
B2	Fresno	SR 180	Access RD	6,975	6,975	0	
B3	Caltrans	SR 180	Brawley/Hughes Land Scape	4,560	4,560	0	
C	Caltrans	SR180/41/168	Braided Ramps	72,000	75,679	3,679	Split in two phases
D1	Clovis	Willow	Shepherd to Copper	6,287	6,287	0	
D2	Clovis	Willow	Teague to Shepherd	752	752	0	
D4a	Fresno	Willow	Teague to Shepherd	350	350	0	
D2a	Clovis	Willow	Shepherd Signal	2,189	2,189	0	
D3	Clovis	Willow	1/4 mi North of Alluvial	606	606	0	
D4b	Fresno	Willow	Shepherd to Behymer	3,469	3,469	0	
D5	Fresno	Willow	Decatur to Shepherd	3,606	3,606	0	
D6	Fresno	Willow	International to Copper	598	598	0	
D7	Fresno	Willow	Herndon to Alluvial	1,366	1,366	0	
D8	Fresno	Willow	Barstow to Escalon	1,800	1,700	(100)	Revised down
E1	Clovis	Temperance	Enterprise Canal to Nees	1,306	1,306	0	
E2	Clovis	Temperance	N & S or Sierra	2,235	2,235	0	
E3	Clovis	Temperance	Shepherd to Nees	1,486	1,486	0	
F	Fresno	Ventura	SR41 to SR 99	5,550	5,550	0	
G	Fresno	SR 99	Monterey Bridge	7,370	7,370	0	
H1	Fresno	California	West to Fruit	4,500	2,136	(2,364)	Good Bid
H2	Fresno	California	Fruit to Ventura	8,649	8,649	0	
I2	Fresno	Peach	Jensen to Butler	8,141	8,141	0	
I3	Fresno	Peach	SR180 to Butler	14,224	14,224	0	
J	Caltrans	SR 41	Aux LN Tulare to "O"	13,926	13,926	0	
K 1	Clovis	Herndon	Willow to Minnewawa	3,170	3,840	670	Recognize other funding
K 2	Clovis	Herndon	Clovis to Bundy	1,187	1,187	0	
K 3	Clovis	Herndon	Temperance to DeWolf	9,382	9,382	0	
K 5	Fresno	Herndon	Blythe to Valentine	4,158	4,158	0	
K 6	Fresno	Herndon	Valentine to Marks	2,800	2,800	0	
K 7	Fresno	Herndon	SR99 to Weber	5,380	5,380	0	
K 8	Fresno	Herndon	@SR99	15,050	15,050	0	
K 9	Fresno	Herndon	@UPRR	35,000	35,000	0	
K 10	Fresno	Herndon	Weber to Polk	4,906	4,906	0	
K 11	Fresno	Herndon	Polk to Milburn	5,560	5,560	0	
L1	Clovis	Shaw	East of Locan	1,650	1,650	0	
L2	Clovis	Shaw	Dewolf to McCall	8,425	8,425	0	
M	Caltrans	SR 99	North to Cedar	50,000	50,000	0	
N	Fresno	Veterans Blvd	Herndon to Grantland	116,000	116,000	0	
TOTAL URBAN				612,483	614,368	1,885	

Measure "C" Plan Update
Changes in Construction Scheduling
10/01/09

	Prior Start Construction	Revised Schedule	Advanced
Urban Program			
Willow - Barstow to Escalon	2016/17	2009/10	7 years
SR 168/41/180 Braided Ramps Phase I	2016/17	2012/13	4 years
SR 168/41/180 Braided Ramps Phase II	2016/17	2014/15	2 years
Veterans Blvd.	2022/23	2018/19	4 years
Rural Program			
SR 180 E Academy to Trimmer	2017/18	2016/17	1 year
SR 180 E Trimmer to Frankwood	2019/20	2018/19	1 year

Sched_1.xls Urban Combined
10/21/2009 3:24 PM
\$1,000

Priority	Urban Combined Urban Regional Program Consolidated	Prior 06/30/09	Short Term Planning Period					Mid Term Planning Period					Long Term Planning Period					Total	Initiated Projects Unfunded 2026/27			
			2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/16	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24			2024/25	2025/26	2026/27
7 M	SR99 - North/Cedar Interchange	PE	0	0	0	0	0	0	0	0	0	0	0	0	10,050	0	0	0	0	0	10,050	
		ROW	0	0	0	0	0	0	0	0	0	0	0	0	13,159	0	0	0	0	0	13,159	
		Const	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	28,850	28,716	0	58,566	
		0 Total	0	0	0	0	0	0	0	0	0	0	0	0	10,050	13,159	0	28,850	28,716	0	81,775	
8 E	Temperance - Bullard to Shepherd Widen to 4Ln divided expressway/	PE	0	295	214	228	0	0	0	0	0	0	0	0	0	0	0	0	0	0	737	
		ROW	0	0	0	220	186	0	0	0	0	0	0	0	0	0	0	0	0	0	407	
		Const	0	0	2,212	1,073	1,353	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4,638
		0 Total	0	295	2,425	1,522	1,539	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5,782
9 J	SR41 Aux. Lane Tulare to "O" Widen Aux Ln Imp. Ramps	PE	0	0	0	0	0	0	0	0	0	0	3,351	0	0	0	0	0	0	0	3,351	
		ROW	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
		Const	0	0	0	0	0	0	0	0	0	0	0	17,000	0	0	0	0	0	0	17,000	
		0 Total	0	0	0	0	0	0	0	0	0	0	0	3,351	17,000	0	0	0	0	0	0	20,350
9 N	Veterans Blvd - Herndon to Grant/ Grade Separation	PE	1,000	9,601	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	11,601	
		ROW	0	9,635	10,130	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	19,964
		Const	0	0	0	0	0	0	0	0	0	103,890	17,463	0	0	0	0	0	0	0	0	121,352
		0 Total	1,000	19,435	10,130	0	0	0	0	0	0	103,890	17,463	0	0	0	0	0	0	0	0	152,918
Grand Total		PE	4,431	3,573	15,501	642	1,793	798	1,536	1,177	652	0	3,351	0	10,050	0	0	0	851	0	44,355	
		ROW	8,182	3,264	9,937	16,156	220	4,037	5,691	0	444	2,016	0	0	0	13,159	0	0	0	0	63,106	
		Const	193,580	3,903	14,628	3,346	61,164	18,818	40,860	13,015	12,000	0	113,083	17,463	17,000	0	0	28,850	28,716	86,886	654,444	
		Total	206,203	10,641	40,267	20,143	63,198	23,653	48,077	14,192	13,096	2,016	113,083	20,813	17,000	10,050	13,159	0	28,850	30,567	86,886	761,904
Balance Forward		Revenues	0	25,549	28,075	18,323	15,249	5,226	1,372	354	3,218	4,758	15,613	73	10,194	7,688	12,781	15,530	32,430	21,261	8,854	Total
		Prior STIP/Measure "C"	113,752	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	113,752
		Current Measure "C"	16,498	8,973	9,354	9,752	10,167	10,599	11,050	11,520	12,010	12,521	13,053	13,608	14,167	14,791	15,420	16,075	16,769	17,472	18,215	252,024
		Measure Match	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Current STIP	54,428	0	0	0	0	5,445	31,600	3,296	0	0	36,690	13,405	0	0	0	0	0	0	0	173,598
		RTMF	0	0	0	0	0	0	2,538	0	0	0	0	33,708	3,744	0	0	0	0	0	0	40,388
		Interest	338	922	798	577	352	113	30	61	137	350	270	177	308	352	487	825	923	518	160	7,688
		Other	46,738	3,272	20,362	6,740	13,911	3,642	1,443	2,179	2,489	0	13,842	0	0	0	0	0	0	170	60,103	174,869
		Total Revenues	231,752	13,167	30,514	17,069	53,175	19,799	47,059	17,056	14,636	12,671	97,553	30,934	14,495	15,143	15,907	16,900	17,682	18,160	78,478	762,350
		Project Expenses	206,203	10,641	40,267	20,143	63,198	23,653	48,077	14,192	13,096	2,016	113,083	20,813	17,000	10,050	13,159	0	28,850	30,567	86,886	761,904
		Debt Service	206,203	10,641	40,267	20,143	63,198	23,653	48,077	14,192	13,096	2,016	113,083	20,813	17,000	10,050	13,159	0	28,850	30,567	86,886	761,904
		Total Expenses	206,203	10,641	40,267	20,143	63,198	23,653	48,077	14,192	13,096	2,016	113,083	20,813	17,000	10,050	13,159	0	28,850	30,567	86,886	761,904
Ending Balance	25,549	28,075	18,322	15,249	5,226	1,372	354	3,218	4,758	15,613	73	10,194	7,688	12,781	15,530	32,430	21,261	8,854	446	446		

	Prior	Short Term Planning Period								Mid Term Planning Period						Long Term Planning Period							Initiated Projects
	06/30/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	Total	Unfunded 2025/27		
Rural Combined Rural Regional Program																							
B SR180 East - Temp to Academy Widen to 4 Ln. divided expressway	PE 0 Const Total	11,841 23,859 42,743 76,443	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	11,841 23,859 42,743 76,443	0		
1 E Friant Rd - Copper to Millerton Widen to 4Ln divided expressway	PE ROW 0 Const Total	0 4,120 4,120	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 4,120 4,120	0	
2 I Mt. View - Bethel to Tulare Co. Widen to 4Ln divided arterial	PE ROW 0 Const Total	2,060 0 2,334 2,060	0 0 19,669 19,669	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	2,060 2,334 19,669 24,063	0		
3 F Golden State - American to Tulare Co. Corridor Improvements	PE ROW 0 Const Total	515 0 0 515	0 0 0 0	0 0 0 0	0 0 0 0	5,970 0 5,970	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	6,485 0 37,343 43,828	0		
4 G SR 269 Bridge @ SR109 & Huron Brigade & Channel	PE ROW 0 Const Total	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	3,897 0 3,897	2,630 0 27,802	0 0 27,802	0 0 27,802	0 0 27,802	0 0 27,802	0 0 27,802	0 0 27,802	0 0 27,802	0 0 27,802	0 0 27,802	3,897 2,630 27,802 34,330	0	
5 J Academy	PE ROW 0 Const Total	219 371 0 590	0 0 2,946 2,946	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	219 371 2,946 3,536	0		
5 K SR99 - American Ave. Interchange	PE ROW 0 Const Total	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	8,958 2,337 0 8,958	0 2,337 0 2,337	0 0 42,525 42,525	0 0 0 0	0 0 0 0	0 0 0 0	8,958 2,337 42,525 51,820	0		
6 C SR 180 East - Academy to Trimmer Widen to 4 Ln express on 4 Ln ROW	PE ROW 0 Const Total	0 0 0 0	3,500 9,631 0 13,131	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 30,489 30,489	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	3,500 9,631 30,489 43,619	0		
6 D SR180 East - Trimmer to Frankwood Widen to 4 Ln express on 4 Ln ROW	PE ROW 0 Const Total	0 0 0 0	3,589 0 0 3,589	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 12,802 0 12,802	0 13,187 0 13,187	0 41,027 41,027	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	3,589 25,988 41,027 70,605	0		
7 H SR 180 West - Extend to I5	PE ROW 0 Const Total	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	39,668 43,093 219,188 219,188	0		
8 A SR180 West - Yuba to James Passing Lanes	PE ROW	0 0	0																				

Ending Balance

***TRANSPORTATION TECHNICAL COMMITTEE/
POLICY ADVISORY COMMITTEE***

***TRANSPORTATION
ACTION/DISCUSSION ITEM III. & VIII E.***

JOINT EXERCISE OF POWERS AGREEMENT

by and between the

Association of Monterey Bay Area Governments

Council of Fresno County Governments

Kings County Association of Governments

Madera County Transportation Commission

Tulare County Association of Governments

Sacramento Area Council of Governments

JOINT EXERCISE OF POWERS AGREEMENT

THIS JOINT EXERCISE OF POWERS AGREEMENT

is by and between the Association of Monterey Bay Area Governments, Council of Fresno County Governments, Kings County Association of Governments, Madera County Transportation Commission, Sacramento Area Council of Governments, and Tulare County Association of Governments ("Member Agencies").

W I T N E S S E T H:

WHEREAS, the Joint Exercise of Powers Act (Government Code sections 6500 *et. seq.*) authorizes the Member Agencies to create a joint powers entity and to jointly exercise common powers; and

WHEREAS, the Member Agencies are each empowered by law to undertake public transportation projects and programs; and

WHEREAS, Federal Transit Administration and State matching funds have provided for the establishment of the "Agricultural Industries Transportation Services" and "RideShare" demonstration programs to help workers have an efficient and safe means of commuting to work within the southern San Joaquin Valley; and

WHEREAS, the California Department of Transportation ("Caltrans") has determined that the Kings County Area Public Transit Agency's vanpool programs should be replicated regionally as a means of addressing the non-traditional transportation needs of California residents.

NOW, THEREFORE, the Member Agencies agree as set forth below.

Article I

General Provisions

1. Name.

The legal name of the joint powers entity shall be the "xxxxxx Public Authority, a/k/a "CalVANS."

2. Boundaries.

The boundaries of the "xxxxx Public Authority" shall coincide with the collective geographic boundaries of the Member Agencies.

3. Powers.

The "xxxxx Public Authority" shall have all powers necessary to carry out the purpose of the Agreement, except the power to tax. The powers of the "xxxxx Public Authority" specifically include, but are not limited to, the following:

- a. Operate a vanpool system to serve the jurisdictions of the member agencies.
- b. To expend funds.
- c. To sue and be sued.
- d. To make and enter into contracts.
- e. To incur debts, liabilities and obligations.
- f. To apply for and execute agreements for financial assistance from the State of California, federal government, and other funding entities.
- g. To purchase insurance.
- h. To employ staff or to contract with the member agencies to provide the "xxxxx Public Authority" with the necessary and appropriate staff services including an executive director and legal counsel.

4. Separate Legal Entity.

The Public Authority shall be a public entity duly formed under the laws of the State of California. It is a legal entity that is separate and distinct from its member agencies. The debts, duties, and obligations created pursuant to this Agreement shall be solely the responsibility of the Public Authority and not of its officers, employees, nor the Member Agencies.

Article II

Organization

1. Board of Directors.

The powers of the Public Authority are vested in its Board of Directors ("Board"). The Board shall be composed of representatives from the Member Agencies, Each Member Agency shall appoint one voting member of the Board and one alternate member. Each appointed and alternate Board member shall serve a term of one year. Each Member Agency shall have one vote. Each Member Agency shall notify the Public Authority in writing upon making an appointment or change thereof.

2. Ex Officio Members.

The California Department of Transportation and the San Joaquin Valley Air Pollution Control District may each designate one non-voting representative to the Board.

3. Meetings.

The Board shall adopt the date, time, and place for regular bi-monthly meetings. Special meetings may be called by either the Chairperson or the Executive Director. All meetings shall be in conformance with the Ralph M. Brown Act (Government Code sections 64950 *et seq.*).

Article III

Finances

1. Limitation of Financial Commitment.

The Board shall not obligate the Public Authority to expenditures of funds not appropriated by the legislative bodies of the Member Agencies or received directly from the State or federal government.

2. Treasurer.

Pursuant to Government Code section 6505.6, the Public Authority shall use the Treasurer of the County of Kings, who shall comply with the provisions of Government Code section 6505.5 (a-d). The County of Kings shall be compensated for the services rendered by the Kings County Treasurer.

3. Auditor.

The Auditor shall draw warrants to pay demands against the Public Authority when approved by the Treasurer. Pursuant to Government Code section 6505.6, the Public

Authority shall use the Auditor of the County of Kings, who shall comply with the provisions of Government Code section 6505.5 (a-d). The Auditor shall provide for strict accountability of all funds and report of all receipts and disbursements pursuant to Government Code section 6505. The County of Kings shall be compensated for the services rendered by the Kings County Auditor.

4. Disposition of Assets.

Pursuant to Government Code section 6512, upon termination of this Agreement, after the payment of all obligations of the Public Authority, any assets remaining shall be distributed to the Member Agencies in proportion to the contributions made.

5. Liability of Public Authority.

Funds of the Public Authority may be used to defend, indemnify, and hold harmless the Public Authority, any Member, any Director or alternate, and any employee or officer of the Public Authority for their actions taken within the scope of their duties while acting on behalf of the Public Authority.

Article IV

Miscellaneous

1. Custodian of Public Authority Property.

The Executive Director shall have charge of, handle, and have access to, all property of the Public Authority. The Executive Director shall file an official bond in an amount determined by the Board.

2. Severability.

Should any part, term, or provision of this Agreement be decided by the courts to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining parts, terms or provisions hereof shall not be affected thereby.

3. Withdrawal.

A Member Agency may withdraw from the Public Authority by filing its written notice of withdrawal with the Executive Director 180 days before the actual withdrawal.

Such a withdrawal shall be effective on the last day of that 180-day period. The withdrawal of a Member Agency shall not in any way discharge, impair or modify the voluntarily-assumed obligations of the withdrawn Member Agency in existence as of the effective date of its withdrawal. Withdrawal of a Member Agency shall not affect the remaining Member Agencies. A withdrawn Member Agency shall not be entitled to the return of any funds or other assets belonging to the Public Authority, until the effective date of termination of the Public Authority or upon the unanimous vote of all remaining Member Agencies.

4. Joining the Agency.

An Agency may join the Public Authority by filing its written Request for Inclusion with the Executive Director. The Request for Inclusion shall be reviewed by the agency and voted on by the entire Board. By a unanimous vote, agencies may be accepted as part of the agency. Upon recordation of an amended Joint Powers Agreement, the new member shall become full and equal members of the Authority.

5. Amendment.

This may be amended at any time with the unanimous approval of all Member Agencies.

6. Ratification and Effective Date.

This Agreement shall become effective upon the signature of the last Member Agency to sign this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized, and their official seals to be hereto affixed, as of the day and year first above written.

**Association of Monterey Bay
Area Governments**

Dated: _____

Chairperson

Approved as to Form:

Dated: _____

County Counsel, County of Monterey

Council of Fresno County Governments

Dated: _____

Chairperson

Approved as to Form:

Dated: _____

County Counsel, County of Fresno

Kings County Association of Governments

Dated: _____

Chairperson

Approved as to Form:

Dated: _____

County Counsel, County of Kings

Madera County Transportation Commission

Dated: _____

Chairperson

Approved as to Form:

Dated: _____

Dated: _____

County Counsel, County of Madera

Sacramento Area Council of Governments

Dated: _____

Chairperson

Approved as to Form:

Dated: _____

County Counsel, County of Sacramento

Tulare County Association of Governments

Dated: _____

Chairperson

Approved as to Form:

Dated: _____

Dated: _____

County Counsel, County of Tulare

STAFF REPORT

Date: November 13, 2009
TO: Fresno COG TTC and PAC
FROM: Ron Hughes

SUBJECT: JOINT EXERCISE OF POWERS AGREEMENT – CalVANS, A PUBLIC TRANSIT AGENCY

SUMMARY:

Agreement to participate in the Joint Exercise of Powers Agreement – CalVANS, a Public Transit Agency will allow Fresno COG to provide safe, efficient, reliable and affordable public transportation options and to ensure a voice in the quality and accessibility of vanpool services to residents of Fresno County.

BACKGROUND:

History

In 1999, a van transporting agricultural workers collided with a tractor semi-trailer at Five Points, a rural community in Fresno County, resulting in the loss of 13 lives. Several reforms were enacted almost immediately after the accidents regarding the process for inspecting farmworker vans. In 2000, a federal demonstration program was established to underwrite farmworker transportation projects. The most significant program, the Agricultural Worker Transportation Program (AWTP), was established in 2006 with the enactment of SB 1135, Chapter 516, Statutes of 2006. The AWTP is modeled on the Agricultural Industries Transportation Services (AITS) program operated by the Kings County Area Public Transit Agency (KCAPTA), the transit provider for Kings County.

In 2001, KCAPTA initiated its vanpool program with several vanpools transporting State workers to prison facilities in Corcoran and Avenal. The vanpool program expanded in 2002 with the successful funding of the Agricultural Industries Transportation Services (AITS) project. This project focused on farmworkers and was in cooperation with Tulare County. KCAPTA was asked by Caltrans to expand the AITS project to include Fresno County. In 2003, an MOU was signed with Fresno County Rural Transit Agency expanding the project.

Five counties and one city—Fresno, Kern, Madera, Tulare and Ventura Counties and the City of Greenfield have now entered in formal agreements with KCAPTA to provide vanpool services. Many other communities have solicited KCAPTA's assistance in establishing vanpools in their regions. In addition to the five Valley counties, Monterey and Sacramento Counties are interested in entering into a formal agreement with the proposed new ridesharing entity.

Current Vanpool Operations

KCAPTA provides between 300 - 350 vanpools to those traveling five-county project area, including Fresno, Kern, Kings, Madera, Monterey, Tulare, and Ventura Counties. The number of farmworker vanpools varies between 80 and 140 vans throughout the agricultural season. Support via the main office in Hanford consists of 24-hour roadside assistance, vehicle on-site service, a fuel card provided with van, and GPS monitoring. Random spot inspections are performed, as needed, to insure safe conditions and compliance with all rules and regulations. All driver licenses also are pulled and reviewed monthly.

All vans are insured at \$10 million, with \$1 million uninsured motorist and \$5,000 per person no-fault medical coverage, at a cost of less than \$1,400 per unit per year. Six years ago the rate was \$4,200 per unit for \$2 million coverage and no rider medical coverage.

Funding

All capital and operating costs come from fares received from system users, with the exception of the AWTP. Funds from the AWTP are used to purchase equipments and expand the AWTP. Additional grant funds are from the San Joaquin Valley Air Pollution Control District (SJVAPCD) and Fresno Measure C Program, Congestion Management and Air Quality (CMAQ), and Job Access and Reverse Commute (JARC). To date, there has been no expenditure of funds from any county's general fund or Local Transportation Funds supporting the vanpool program. The passage of SB716 (Wolk) in 2009, however, provides greater flexibility for rural cities to use their allocation of Local Transportation Funds for vanpool purposes, including farmworker transportation to and from work.

Vans for non-farmworker vanpools are lease/purchase and paid for over five years by the user of the vans. After five years the cost to the vanpool group is reduced to reflect that the van is paid for and lease/purchase payments are no longer being made. When the van is no longer serviceable, it is replaced with a new lease/purchase van that is again charged to the vanpool group. The fares collected from farmworkers cover the operating but not the capital cost of the vans. Replacement of these vans is anticipated to occur using the funding parameters found in recently passed SB716.

Proposed Joint Powers Agency

For future stability and to provide representation of all participants, it is recommended that the present vanpool operation be transitioned to a new joint powers agency with representation from Councils of Governments (COGs) served by the program. Since COGs represent both counties and cities, it is suggested that a COG representative serve as a member of the new joint powers agency. Any member agency may withdraw its membership from the agency by written notice 180 days before actual withdrawal.

The current vanpool program does not require outside funding for its operation; and it is not anticipated that any member agency would be obligated to provide funding to the new agency. This would not prevent any COG or agency, however, from providing support if it so chooses (i.e., the flexibility of a transportation commission, county, city, or transit operator to expend LTF for vanpool operating and capital improvements for agricultural worker transportation to and from work is greatly enhanced under SB716).

Benefits to Fresno COG

Participation on the CalVANS Board will ensure Fresno COG is fully representing its constituents and has a voice in the quality and accessibility of vanpool services in Fresno County. Fresno COG will benefit from participation in the proposed new entity, CalVANS, by providing improved transportation options above and beyond traditional public transportation alternatives and through economies of scale derived from consolidation of operations into a single entity. CalVANS has an established efficient and cost-effective organizational and operational infrastructure that can be seamlessly replicated in Fresno County.

The Fresno COG will further benefit by reducing single-occupancy vehicle trips, reducing traffic congestion, and improving air quality.

FINANCIAL IMPACT:

This action will have no fiscal impact.

RECOMMENDATION:

Staff recommends approval of a Board resolution to become a member agency of the proposed new entity, CalVANS, a Public Authority, through a joint powers agreement.

DRAFT

***TRANSPORTATION TECHNICAL COMMITTEE/
POLICY ADVISORY COMMITTEE***

***TRANSPORTATION
ACTION/DISCUSSION ITEM III. & VIII G.***

DRAFT
FFY 2008 - 2009
Local Assistance Delivery
Formula OA Funds

Based on CBARS/FMIS Transactions as of September 30, 2009

Region	ACTUAL Base FFY 2008 OA ¹	Adjustment to FFY 2009 OA for FFY 2008 Over - Under Delivery ²	Contribution for NEPA FY 2008/09	NEPA Funding Offset	FFY 2008 Actual OA ³	FFY 2009 Obligations as of 9/30/09	Percent Delivered	FFY 2009 August Redistribution (\$37,371,111)	Balance of FFY 2009 OA ⁴
Butte	4,554,769	2,739,111			7,293,881	5,094,947	69.9%	-	2,198,934
Fresno	19,378,786	(1,886,989)	(18,376)		17,473,421	23,612,858	135.1%	968,046	(5,171,391)
Kern	14,905,173	(4,255,046)	(15,266)		10,634,862	16,888,486	158.8%	986,051	(5,287,573)
Kings	2,971,191	828,298			3,799,489	2,677,410	70.5%	-	1,122,079
Los Angeles	234,321,344	(14,464,436)	(227,743)	1,000,000	220,629,155	238,339,904	108.0%	2,792,572	(14,918,167)
Madera	2,888,018	392,032			3,280,050	3,379,827	103.0%	15,733	(84,045)
Merced	4,916,167	681,086			5,597,264	4,774,673	85.3%	-	822,591
Monterey	4,803,485	(2,475,959)			2,327,526	4,969,841	213.5%	416,632	(2,225,684)
Orange	70,265,995	19,774,865	(69,238)		89,972,522	29,070,394	32.3%	-	60,902,128
Riverside ⁵	42,353,687	(1,723,170)	(39,081)		40,591,436	33,680,984	83.0%	-	6,910,452
Sacramento (SACOG)	43,856,238	(17,423,079)	(41,308)		26,393,851	58,903,237	223.2%	5,125,974	(27,383,412)
San Benito	636,468	134,221			770,689	621,507	80.6%	-	149,182
San Bernardino ⁵	44,458,386	18,702,707	(41,847)		63,119,256	98,525,403	156.1%	5,582,728	(29,823,421)
San Diego	60,478,738	(19,353,886)	(58,763)		41,066,087	50,827,103	123.8%	1,539,085	(8,221,931)
S.F. Bay Area (MTC)	144,553,361	(46,878,465)	(139,797)		97,535,099	190,503,982	195.9%	14,858,984	(78,309,599)
San Joaquin	14,189,003	(3,965,149)	(13,292)		10,210,562	17,350,946	169.9%	1,125,873	(6,014,512)
San Luis Obispo	2,949,329	(134,760)			2,814,569	2,849,329	104.8%	21,248	(113,511)
Santa Barbara	4,774,612	(38,361)			4,736,251	7,753,661	163.7%	475,775	(2,541,634)
Santa Cruz	3,055,980	(64,344)			2,991,646	3,642,627	121.8%	102,645	(548,337)
Stanislaus	11,000,841	(1,738,604)	(10,465)		9,251,772	9,103,942	98.4%	-	147,830
Tehama	1,027,850	1,764,826			2,792,678	897,680	32.1%	-	1,894,998
Tulare	8,477,733	(3,776,290)			4,701,443	8,152,017	173.4%	544,075	(2,906,499)
Ventura	15,634,943	(883,135)	(14,974)		14,756,834	8,646,242	58.6%	-	6,108,592
Amador ^{6,8}	737,823	196,683			817,908	596,657	72.9%	-	221,251
Calaveras ^{8,9}	872,503	336,865			827,804	533,422	64.4%	-	294,382
Imperial ⁶	2,874,962	(199,329)	(1,923)		2,683,710	3,955,433	147.4%	200,521	(1,071,202)
Mariposa ⁶	354,242	423,405			777,647	364,308	46.8%	-	413,339
Nevada ⁶	1,914,098	733,960			2,648,058	2,572,133	97.1%	-	75,925
Tuolumne ^{6,9}	1,142,704	681,738			2,302,604	2,269,885	98.6%	-	32,710
Rural Counties ⁶	11,222,285	-	-	-	11,222,285	11,222,285	100.0%	-	-
TOTAL LOCAL AGENCIES	775,572,635	(71,861,195)	(691,073)	1,000,000	704,020,367	841,882,831	119.6%	34,555,941	(103,306,524)
HBP	256,007,155	(25,840,262)	(308,927)		229,857,966	247,712,027	107.8%	2,815,170	(15,038,890)
Safety	42,649,262	54,202,438			106,851,700	16,645,381	15.6%	-	90,206,319
SRTS	21,039,493	29,543,072			50,582,566	18,548,825	36.7%	-	32,033,741
TOTAL	1,095,268,545	(3,955,946)	(1,000,000)	1,000,000	1,091,312,598	1,124,789,064	103.1%	37,371,111	3,894,645
FFY 2008 Formula OA Obligations YTD (9/30/08) (Total)		Prior year data here for informational purposes			1,133,861,837	1,180,167,862	104.1%	42,350,079	(3,955,946)

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DRAFT
INTERNAL USE ONLY

Prepared by John Flores
October 12, 2009

DRAFT
FFY 2008 - 2009
Local Assistance Delivery
Formula OA Funds
Based on CBARS/FMIS Transactions as of September 30, 2009

Assumptions:

< Obligations are based on CBARS/FMIS transactions and adjustments per the Department's Federal Resources Office (FRO).
< Obligations include obligations, deb obligations, exchanges, FTAs.

Footnotes:

- ¹ As of the September 30, 2009 Delivery Report, the Locals' FFY 2009 OA is based the Actual FFY OA per Caltrans Federal Resource Office.
- ² Balance of FFY 2008 OA -- This is the amount a Region must pay back if over delivered or the amount a Region will receive to "make whole" if under delivered based on the DLA OA Management Policy. Amounts shown in parenthesis are amounts owed back and positive (non-parenthesis numbers) amounts are amounts owed to those Regions/Programs. When DLA, as a whole, under delivers the OA in an FFY and this under delivered OA is "lost" to the State because of DLA under delivery -- this "lost" OA may not be repaid to DLA.
- ³ This is FFY 2009 OA with the adjustments for FFY 2008 OA Over or Under Delivery and National Environmental Policy Act (NEPA) delegation for FFY 2009.
- ⁴ Balance of FFY 2009 OA per date of report -- This is the amount a Region must pay back if over delivered or the amount a Region will receive to "make whole" if under delivered based on the DLA OA Management Policy. Amounts shown in parenthesis are amounts owed back and positive (non-parenthesis numbers) amounts are amounts owed to those Regions/Programs. If OA is lost to the State due to DLA under delivery, as a whole, then under delivered OA may not be available to repay Regions and/or Programs.
- ⁵ Per August 1, 2006 MOU from Riverside County Transportation Commission (RCTC) and the San Bernardino Associated Governments (SANBAG), the FFY 2006 OA for these two regions was adjusted in September 2006 to reflect a loan of OA of \$16,000,000. The Loan decreased RCTC's FFY 2006 OA and increased SANBAG's FFY 2006 OA by the \$16,000,000. The August 1, 2006 memo states that the payback of the OA to RCTC from SANBAG is anticipated in FFY 2009 or FFY 2010. Upon direction from these Regions the payback will not be in FFY 2009.
- ⁶ The Rural Counties' subtotal above excludes those rural counties receiving CMAQ beginning in FFY 2006.
- ⁷ Based on the FFY-2008 September 30, 2008 year-end reconciliation with FRO, this amount is an adjustment to OA that will be made in FFY 2009. This is a payback of DLA's Over Delivery of OA to Capital and thus reduces DLA's share of FFY 2009 OA.
- ⁸ MOU (June 2008) between ACTC, CCOG, and TCTC -- \$381,564 of OA from CCOG to TCTC for FFY 2008-09, and \$116,598 of OA from ACTC to TCTC for FFY 2008-09; repayment and future loans in FFYs 2010, 2011; and 2012.
- ⁹ Includes transfer of \$24.3M of L1C0 from the Locals to the State in accordance with Prop. 1B.
- ¹⁰ As of March 31, 2009 Delivery Report, includes FFY 2009 RSTP Exchange.