



707 Randolph Street, Suite 100 • Napa, CA 94559-2912

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## **Napa County Transportation and Planning Agency (NCTPA)**

### **Board of Directors**

#### **AGENDA**

**Wednesday, February 15, 2012**

**1:30 p.m.**

**NCTPA/NVTA Conference Room  
707 Randolph Street, Suite 100  
Napa CA 94559**

### **General Information**

***All materials relating to an agenda item for an open session of a regular meeting of the NCTPA Board of Directors are posted on our website at [www.nctpa.net/m\\_a.cfm](http://www.nctpa.net/m_a.cfm) at least 72 hours prior to the meeting and will be available for public inspection, on and after at the time of such distribution, in the office of the Secretary of the NCTPA Board of Directors, 707 Randolph Street, Suite 100, Napa, California 94559, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m., except for NCTPA holidays. Materials distributed to the present members of the Board at the meeting will be available for public inspection at the public meeting if prepared by the members of the NCTPA Board or staff and after the public meeting if prepared by some other person. Availability of materials related to agenda items for public inspection does not include materials which are exempt from public disclosure under Government Code sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.***

***Members of the public may speak to the Board on any item at the time the Board is considering the item. Please complete a Speaker's Slip, which is located on the table near the entryway, and then present the slip to the Board Secretary. Also, members of the public are invited to address the Board on any issue not on today's agenda under Public Comment. Speakers are limited to three minutes.***

***This Agenda shall be made available upon request in alternate formats to persons with a disability. Persons requesting a disability-related modification or accommodation should contact Karrie Sanderlin, NCTPA Board Secretary, at (707) 259-8631 during regular business hours, at least 48 hours prior to the time of the meeting.***

***This Agenda may also be viewed online by visiting the NCTPA website at [www.nctpa.net](http://www.nctpa.net), click on Minutes and Agendas – NCTPA Board or go to [www.nctpa.net/bod-c/bod/curr-am.html](http://www.nctpa.net/bod-c/bod/curr-am.html)***

## **ITEMS**

1. Call to Order – Chair Keith Caldwell
2. Pledge of Allegiance
3. Roll Call

### Members:

|                       |                                  |
|-----------------------|----------------------------------|
| Joan Bennett          | City of American Canyon          |
| Leon Garcia, Mayor    | City of American Canyon          |
| Michael Dunsford      | City of Calistoga                |
| Jack Gingles, Mayor   | City of Calistoga                |
| Jim Krider            | City of Napa                     |
| Jill Techel, Mayor    | City of Napa                     |
| Keith Caldwell        | County of Napa                   |
| Bill Dodd, BOS Chair  | County of Napa                   |
| Del Britton, Mayor    | City of St. Helena               |
| Peter White           | City of St. Helena               |
| Lewis Chilton         | Town of Yountville               |
| John F. Dunbar, Mayor | Town of Yountville               |
| JoAnn Busenbark       | Paratransit Coordinating Council |

4. Modifications to / Setting of the Agenda
5. Public Comment
6. Chairperson, Board Members and Metropolitan Transportation Commission (MTC) Update
7. Directors Update
8. Caltrans Update

### 9. **CONSENT ITEMS (9.1 – 9.9)**

- 9.1 Approval of Meeting Minutes of December 14, 2011 and January 11, 2012. APPROVE  
(Debbie Schwarzbach) (*Pages 8-15*)

- 9.2 Approval of Resolution 12-02 Authorizing the submission of a Federal Transit Administration (FTA) Section 5311 grant application with the California Department of Transportation. APPROVE  
(Caltrans) (Antonio Onorato) (*Pages 16-46*)

Board action will approve Resolution No. 12-02 Authorizing the agency to submit a grant application for FTA 5311 funds in the amount of \$175,001 for rural routes operating assistance in northern Napa County.

- 9.3 Approval of Resolution 12-03, Jameson Canyon Cooperative Agreement. (Paul Price) *(Pages 47-49)* APPROVE

This action will adopt a resolution which ratifies the Cooperative Agreements entered into with Caltrans for the construction of the Jameson Canyon project.

- 9.4 Approval of Resolution 12-04 and 12-05, PCC and VCAC Bylaws and Appointments. (Tom Roberts) *(Pages 50-67)* APPROVE

Board action will approve Resolution 12-04 and 12-05 and approve revised bylaws and appointments to the PCC and VCAC.

- 9.5 Approval of Amendment No.8 to the Joint Powers Agreement (JPA). (Antonio Onorato) *(Pages 68-94)* APPROVE

Board action will approve Amendment No. 8 to the Joint Powers Agreement seeking to expand the scope of services of the Agency by being subject to the Uniform Cost Construction Accounting Act to simplify the bidding process for small projects.

- 9.6 Agreement to Membership in the Joint Powers Authority or "CalVans". (Diana Meehan) *(Pages 95-109)* APPROVE

Board action will approve the Agreement to become full and equal members in the Cal Vans JPA.

- 9.7 Destruction of NCTPA purged documents. (Paul Price) *(Pages 110-121)* APPROVE

Board action will approve the destruction of old records in accordance with the NCTPA Policies and Procedures adopted by the Board.

- 9.8 Notice of Retirement, Executive Director. (Paul Price) *(Pages 122-124)* APPROVE

That the NCTPA Board accept the notice of retirement of Paul W. Price, Executive Director and direct staff to begin recruitment for a new Executive Director.

- 9.9 Transit Performance Dashboard.  
(Tom Roberts) (*Pages 125-127*)

INFORMATION

The Transit Performance Dashboard is presented for Board review.

10. **PUBLIC HEARING (10.1 -10.2)**

**TIME CERTAIN 1:30 PM**

- 10.1 Public Hearing on Bike Path CEQA Document.  
(Eliot Hurwitz) (*Pages 128-191*)

APPROVE

Board action will approve release of the Initial Study/Mitigated Negative Declaration for a 30-day public comment period.

- 10.2 Public Hearing on A Resolution of the Napa County Transportation and Planning Agency to Adopt the Uniform Public Construction Cost Accounting Act Providing Informal Bidding Procedures as Required By Law for a 30 day public comment period. (Antonio Onorato)  
(*Pages 192-199*)

APPROVE

Board action will approve electing NCTPA to become subject to the Uniform Public Construction Cost Accounting Act and Establishing Uniform Public Construction Cost Account Act procedures set forth at the California Public Contract Code Section 22000 et seq.

11. **REGULAR AGENDA ITEMS (11.1-11.4)**

**RECOMMENDATION**

- 11.1 Call for Projects Lifeline Transportation Program.  
(Antonio Onorato) (*Pages 200-232*)

INFORMATION

Announcement of a "Call for Projects" for the Lifeline Transportation Program Cycle 3.

- |  |                                     |
|--|-------------------------------------|
| <p>11.2 Recommendation of Advanced Fare Box Consultant. (Antonio Onorato) <i>(Pages 233-238)</i></p> <p>Board action will allow the Executive Director to negotiate and execute a fixed price contract with Auriga Corporation in the estimated amount up to \$152,050 for Advanced Farebox System consulting services and procurement of equipment.</p> | <p>APPROVE</p>                      |
| <p>11.3 Approval of distribution of Draft Sales Tax Ordinance. (Paul Price) <i>(Pages 239-256)</i></p> <p>Board action will approve the distribution of the draft Sales Tax Ordinance and draft expenditure plan to the jurisdictions for comment.</p>   | <p>APPROVE</p>                      |
| <p>11.4 Board Appoint Ad Hoc Committee to work with Napa Transit Investors. (Paul Price) <i>(Pages 257-259)</i></p> <p>Board action is requested to appoint an Ad-Hoc Committee for the purposes of evaluating the potential for a public-private partnership with Napa Transit Investors in consideration of the Wine Train assets.</p>                 | <p>APPROVE</p>                      |
| <p><b>12. <u>INTERJURISDICTIONAL ISSUES FORUM (12.1-12.2)</u></b></p>  | <p><b><u>RECOMMENDATION</u></b></p> |
| <p>12.1 Interjurisdictional Issues Discussion Forum and Information Exchange</p> <p>Board Members are encouraged to share specific new projects with Interjurisdictional impacts.</p>  | <p>INFORMATION</p>                  |
| <p>12.2 Napa County Commission for Arts and Culture Report (NCCAC)</p> <p>The NCCAC will provide an update of activities to date.</p>  | <p>INFORMATION</p>                  |

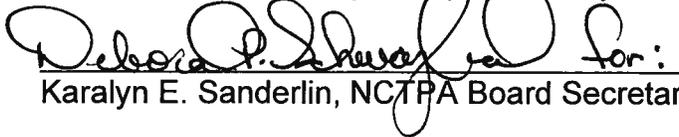
13. **ADJOURNMENT (13.1)**

**RECOMMENDATION**

13.1 Approval of Meeting Date of Wednesday March 21,  
2012 and Adjournment.

APPROVE

I hereby certify that the agenda for the above stated meeting was posted at a location freely accessible to members of the public at the NCTPA offices, 707 Randolph Street Suite 100 Napa CA, by 5:00 p.m., Friday February 8, 2012

 for:  
Karalyn E. Sanderlin, NCTPA Board Secretary

## Glossary of Acronyms

|                 |   |                   |   |
|-----------------|---|-------------------|---|
| <b>ABAG</b>     | Association of Bay Area Governments                       | <b>PDA</b>        | Priority Development Areas  |
| <b>ADA</b>      | American with Disabilities Act                            | <b>PSR</b>        | Project Study Report  |
| <b>BAAQMD</b>   | Bay Area Air Quality Management District                  | <b>RACC</b>       | Regional Agency Coordinating Committee  |
| <b>AVAA</b>     | Abandoned Vehicle Abatement Authority                     | <b>RFP</b>        | Request for Proposal  |
| <b>BART</b>     | Bay Area Rapid Transit District                           | <b>RFQ</b>        | Request for Qualifications  |
| <b>BATA</b>     | Bay Area Toll Authority                                   | <b>RM2</b>        | Regional Measure 2 (Bridge Toll)  |
| <b>BRT</b>      | Bus Rapid Transit   | <b>RTEP</b>       | Regional Transit Expansion Program  |
| <b>Caltrans</b> | California Department of Transportation                   | <b>RTIP</b>       | Regional Transportation Improvement Program   |
| <b>CEQA</b>     | California Environmental Quality Act                      | <b>RTP</b>        | Regional Transportation Plan  |
| <b>CIP</b>      | Capital Investment Program                                | <b>SAFE</b>       | Service Authority for Freeways and Expressways  |
| <b>CMA's</b>    | Congestion Management Agencies                            | <b>SAFETEA-LU</b> | Safe, Accountable, Flexible, and Efficient Transportation Equity Act-A Legacy for Users |
| <b>CMAQ</b>     | Congestion Mitigation and Air Quality Improvement Program | <b>SCS</b>        | Sustainable Community Strategy  |
| <b>CMP</b>      | Congestion Management Program                             | <b>SR</b>         | State Route   |
| <b>CTC</b>      | California Transportation Commission                      | <b>SRS</b>        | Safe Routes to School   |
| <b>EIR</b>      | Environmental Impact Report                               | <b>SOV</b>        | Single-Occupant Vehicle   |
| <b>FHWA</b>     | Federal Highway Administration                            | <b>STA</b>        | State Transit Assistance  |
| <b>FTA</b>      | Federal Transit Administration                            | <b>STIP</b>       | State Transportation Improvement Program  |
| <b>FY</b>       | Fiscal Year   | <b>STP</b>        | Surface Transportation Program  |
| <b>GHG</b>      | Greenhouse Gas  | <b>TMC</b>        | Transportation Control measure  |
| <b>HIP</b>      | Housing Incentive Program                                 | <b>TCRP</b>       | Traffic Congestion Relief Program   |
| <b>HOT</b>      | High Occupancy Toll                                       | <b>TDA</b>        | Transportation Development Act  |
| <b>HOV</b>      | High Occupancy Vehicle                                    | <b>TDM</b>        | Transportation Demand Management<br>Transportation Demand Model                         |
| <b>IFB</b>      | Invitation for Bid  | <b>TEA</b>        | Transportation Enhancement Activities   |
| <b>ITIP</b>     | State Interregional Transportation Improvement Program    | <b>TEA 21</b>     | Transportation Equity Act for the 21 <sup>st</sup> Century                              |
| <b>LIFT</b>     | Low-Income Flexible Transportation                        | <b>TFCA</b>       | Transportation Fund for Clean Air   |
| <b>LOS</b>      | Level of Service  | <b>TIP</b>        | Transportation Improvement Program  |
| <b>MPO</b>      | Metropolitan Planning Organization                        | <b>TLC</b>        | Transportation for Livable Communities  |
| <b>MTC</b>      | Metropolitan Transportation Commission                    | <b>TMP</b>        | Traffic Management Plan   |
| <b>MTS</b>      | Metropolitan Transportation System                        | <b>TMS</b>        | Transportation Management System  |
| <b>NCTPA</b>    | Napa County Transportation and Planning Agency            | <b>TOD</b>        | Transit-Oriented Development  |
| <b>NEPA</b>     | National Environmental Policy Act                         | <b>TOS</b>        | Transportation Operations Systems   |
| <b>NOC</b>      | Notice of Completion                                      | <b>VHD</b>        | Vehicle hours of Delay  |
| <b>NOD</b>      | Notice of Determination                                   | <b>VMT</b>        | Vehicle Miles Traveled  |
| <b>NOP</b>      | Notice of Preparation                                     |                   |   |
| <b>NVTA</b>     | Napa Valley Transportation Authority                      |                   |   |
| <b>PCI</b>      | Pavement Condition Index                                  |                   |   |

**Napa County Transportation and Planning Agency (NCTPA)**

**Board of Directors**

**MINUTES**

**Wednesday, January 11, 2012**

**ITEMS**

**1. Call to Order**

Chair Caldwell called the meeting to order at 1:31 p.m.

**2. Pledge of Allegiance**

Chair Caldwell led the pledge of allegiance.

**3. Roll Call**

Members Present:

|                  |                         |
|------------------|-------------------------|
| Joan Bennett     | City of American Canyon |
| Leon Garcia      | City of American Canyon |
| Michael Dunsford | City of Calistoga       |
| Jack Gingles     | City of Calistoga       |
| Jim Krider       | City of Napa            |
| Jill Techel      | City of Napa            |
| Mark Luce        | County of Napa          |
| Keith Caldwell   | County of Napa          |
| Peter White      | City of St. Helena      |
| Margie Mohler    | Town of Yountville      |
| Lewis Chilton    | Town of Yountville      |

Members Absent:

|                  |                    |
|------------------|--------------------|
| Michael Dunsford | City of Calistoga  |
| Jim Krider       | City of Napa       |
| Bill Dodd        | County of Napa     |
| Peter White      | City of St Helena  |
| Lewis Chilton    | Town of Yountville |
| JoAnn Busenbark  | PCC                |

**4. Modifications to / Setting of the Agenda**

None

**MSC - Motioned, Seconded, and Unanimously Carried**

**5. Public Comment**

Speakers included Eve Kahn in regards to Metering Lights on HWY 12 from I-80

**6. Chairperson, Board Members' and Metropolitan Transportation Commission (MTC) Update**

No MTC update. No other reports given.

**7. Directors Update**

Paul W. Price, Executive Director reported that various funding sources available to the Bay Area through MTC. The Transit Center construction is going along rapidly with the good weather and the concerns about excavation have been covered and ready for the rain. Mayor Gingles asked for a description of the Clipper Program, no other reports.

**8. Caltrans Update**

Ahmad Rahimi Caltrans Representative reported on the Caltrans Groundbreaking of Jameson Canyon Widening Project.

**9. Wine Train Presentation**

Chuck McMinn and Keith Rogal made presentation to the Board.

**10. CONSENT ITEMS (10.1)**

**MSC\* GARCIA / GINGLES to APPROVE** Consent Item 10.1

**10.1 Approval of Resolution 12-01 submitting two (2) applications for Regional Measure 2 (RM2) funding for the VINE Express Bus North Project.**

Board action approved Resolution No. 12-01 submitting two (2) funding applications for VINE for long-haul transit vehicles on Express Route 29 and the acquisition of the Yountville Park and Ride Lot.

**11. REGULAR AGENDA ITEMS**

**11.1 FY 10/11 Independent External Audit Report**

Board action accepted audit and has authorized the Executive Director to file the FY 10/11 NCTPA financial audit and single audit and to receive an

additional \$110,574 from the County's Local Transportation Fund for monies owed to NCTPA.

**MSC\* BRITTON / GINGLES to APPROVE**

**11.2 Regional Transportation Plan (RTP) prioritized list for Napa County**

Board action approved selected list of Napa countywide projects for Inclusion in MTC's 2012 RTP.

**MSC\* GINGLES / GARCIA to APPROVE**

**11.3 Countywide Bike Plan**

Board action will accept the new Countywide Bicycle Plan for circulation. Staff will return to the Board for Adoption of the Plan at the conclusion of the public hearing period.

**11.4 VINE/VINE Go Services Report**

Board action will review and provide feedback to agency staff on the new Transit Performance Dashboard.

**12. INTERJURISDICTIONAL ISSUES FORUM**

**12.1 Interjurisdictional Issues Discussion Forum and Information Exchange.**

Board members were encouraged to share specific new projects with Interjurisdictional impacts. None

**12.2 Approval of Appointment to Napa County Commission for Arts and Culture**

Board approved the appointment of Robin Baldwin to the NCCAC.

**13. CLOSED SESSION**

**13.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION** (Government Code Section 54957) Title: Executive Director

**14. ADJOURNMENT**

**14.1 Approval of Meeting Date of February 15, 2012 and Adjournment**

The next regular meeting will be held Wednesday February 15, 2012 at 1:30 p.m.

The meeting was adjourned by Chair Caldwell at 3:57 p.m.

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Karalyn E. Sanderlin, NCTPA Board Secretary

DRAFT

**Napa County Transportation and Planning Agency (NCTPA)**

**Board of Directors**

**MINUTES**

**Wednesday, December 14, 2011**

**ITEMS**

**1. Call to Order**

Chair Caldwell called the meeting to order at 1:31 p.m.

**2. Pledge of Allegiance**

Chair Caldwell led the pledge of allegiance.

**3. Roll Call**

Members Present:

|                  |                         |
|------------------|-------------------------|
| Joan Bennett     | City of American Canyon |
| Leon Garcia      | City of American Canyon |
| Michael Dunsford | City of Calistoga       |
| Jack Gingles     | City of Calistoga       |
| Jim Krider       | City of Napa            |
| Jill Techel      | City of Napa            |
| Mark Luce        | County of Napa          |
| Keith Caldwell   | County of Napa          |
| Peter White      | City of St. Helena      |
| Margie Mohler    | Town of Yountville      |
| Lewis Chilton    | Town of Yountville      |

Members Absent:

|                  |                   |
|------------------|-------------------|
| Michael Dunsford | City of Calistoga |
| Jack Gingles     | City of Calistoga |

**4. Public Comment** – Speakers included Genji Schmeder, Carol Kunze, Chuck McMinn, Tony Norris, Ginny Simms, and Jack Gray.

**5. Chairperson, Board Members' and Metropolitan Transportation Commission (MTC) Update**

Bill Dodd provided MTC update. No other reports given.

**MSC - Motioned, Seconded, and Unanimously Carried**

**6. Directors Update**

*Paul W. Price, Executive Director*  
No report given.

**7. Caltrans Update**

Kelly Hirschberg, Caltrans Regional Project Manager, reported on the Caltrans Groundbreaking of Jameson Canyon Widening Project.

**8. CONSENT ITEMS (8.1 – 8.7)**

**MSC\* DODD / KRIDER to APPROVE** Consent Items 8.1 - 8.7.

**8.1 Approval of Meeting Minutes of November 16, 2011**

Board action approved meeting minutes of November 16, 2011.

**8.2 Approval of Amended Resolution No. 11-24 Adopting the Revised Transportation for Clean Air (TFCA) projects List for FY 11/12**

Board action approved an amended Resolution No. 11-24 adopting the Revised list of projects for TFCA FY 11/12 Program Manager Funds.

**8.3 Approval of revised Section 2.10. Performance Evaluation of the NCTPA Policies, Practices and Procedures Section 10 Personnel Policies and Procedures**

Board action approved the revised Section 2.10. Performance Evaluations of the NCTPA Policies, Practices, and Procedures Section 10: Personnel Policies and Procedures.

**8.4 Appointment/Reappointment of Members of NCTPA Advisory Committees**

Board action authorized posting annual committee appointments and position availability of membership to bicycle Advisory Committee (BAC), the Napa County Commission for Arts and Culture (NCCAC), the Paratransit Coordinating Council (PCC) and the VINE Consumer Advisory Committee (VCAC).

**8.5 Notice of Completion Trancas Park and Ride Lot Concrete Islands NCTPA No. 11-26**

Board action authorized the filing of a notice of Completion with the Recorder-County Clerk for NCTPA Contract 11-26, the Trancas Park and Ride Lot concrete work.

**8.6 Approval to Renew Lease Agreement at 707 Randolph St. on a Month-to Month Basis, Commencing March 1, 2012**

Board action authorized the Executive Director to sign the lease addendum to renew the lease at 707 Randolph St. on a month-to-month basis, commencing March 1, 2012.

**8.7 Report of the Technical Efficiency Committee**

Board action accepted the report of the Transit Efficiency Committee and authorized the Transit Efficiency Committee to reschedule its meetings from a quarterly to "as needed" basis.

**REGULAR AGENDA ITEMS**

**9.1 Transportation Sales Tax Recommendation**

Board action approved recommendation and asked that staff move forward to develop an environmental report, a revenue sharing plan, and an expenditure plan. Further staff was directed to return with cost estimates to prepare the potential measure for voter consideration.

**MSC\* GARCIA / BRITTON to APPROVE**

**10. INTERJURISDICTIONAL ISSUES FORUM**

**10.1 Napa County Commission for Arts and Culture Report (NCCAC)**

Paul Price provided an update of activities to date.

**10.2 Interjurisdictional Issues Discussion Forum and Information Exchange**

(1) Board members were encouraged to share specific new projects with interjurisdictional impacts.

(2) Board Members received a presentation from County of Napa ITS Department and Board would like to see NCTPA get iPad.

**ADJOURNMENT**

## **12.1 Approval of Meeting Date of January 11, 2012 and Adjournment**

The next regular meeting will be held Wednesday January 11, 2012 at 1:30 p.m.

The meeting was adjourned by Chair Caldwell at 4:20 p.m.

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Karalyn E. Sanderlin, NCTPA Board Secretary

DRAFT



February 15, 2012  
NCTPA Agenda Item 9.2  
Continued From: New  
Action Requested: **APPROVE**

## **NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter**

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**TO:** Board of Directors  
**FROM:** Paul W. Price, Executive Director  
**REPORT BY:** Antonio Onorato, Manager of Finance  
(707) 259-8779 / Email: aonorato@nctpa.net  
**SUBJECT:** Resolution 12-02 authorizing submission of 5311 grant application for Rural Routes Operating Assistance in FY2011/12 and send a letter of no prejudice.

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### **RECOMMENDATION**

That the NCTPA Board adopt Resolution 12-02 authorizing the agency to submit a grant application for Federal 5311 funds in the amount of \$175,001 toward operating assistance for rural routes that serve the northern Napa County communities of Yountville, St. Helena and Calistoga.

### **EXECUTIVE SUMMARY**

The U.S. Department of Transportation is authorized to make grants to states through the Federal Transit Administration to support capital and operating assistance projects for non-urbanized public transportation systems under Section 5311 of the Federal Transit Act and the California Department of Transportation (Department) has been designated by the Governor of the State of California to administer Section 5311 grants for public transportation projects. This action authorizes NCTPA to submit a grant application in the amount of \$175,001 operating assistance for rural routes that serve the northern Napa County communities of Yountville, St. Helena and Calistoga.

### **PROCEDURAL REQUIREMENTS**

1. Staff Report
2. Public Comment
3. Motion, Second, Discussion and Vote

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## **FINANCIAL IMPACT**

Is there a fiscal impact? Yes - \$316, 286. \$175,001 would be received from Caltrans and would require a local match of \$141,285.

Is it Currently Budgeted? No.

Where is it budgeted? NA.

Is it Mandatory or Discretionary? Discretionary

Future Fiscal Impact: Yes. \$316,286 for FY 11/12.

Consequences if not approved: Agency could use an equivalent amount of local funds.

## **CEQA REQUIREMENTS**

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action, which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

## **BACKGROUND AND DISCUSSION**

NCTPA is the sole eligible recipient for these funds for the region, has prepared an application for a Section 5311 grant application in the amount of \$175,001 for FY11/12. The grant application is an effort to obtain additional funds for existing transit operations.

Each year the Metropolitan Transportation Commission (MTC) conducts a call for projects for Federal 5311 funding for our region and selects a short list of projects and recommended funding amounts to advance in the process for final application submission to Caltrans. A call for projects was announced by the MTC on 12/5/2011. Recent changes to the 5311 funding guidelines converted this grant program to formula based from competitive. This change was to give a level of funding certainty to transit operators whereas in the past, funding for 5311 programs was unreliable.

The next step in the process is for NCTPA to submit the formal grant application to Caltrans along with a resolution of support from the agency's Board of Directors (attached).

If the standard agreement or 5311 funding with Caltrans is delayed, a Letter of No Prejudice (LONP) will be sent to Caltrans. If approved by Caltrans, the LONP will allow NCTPA to expend its own funds in order for the project to proceed and receive the reimbursement from Caltrans when the money becomes available.

**SUPPORTING DOCUMENTS**

Attachments:

- (1) Resolution 12-02
- (2) 5311 Grant Application

**RESOLUTION No. 12-02**

**A RESOLUTION OF THE  
NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY (NCTPA)  
AUTHORIZING FEDERAL FUNDING UNDER  
FEDERAL TRANSIT ADMINISTRATION (FTA) SECTION 5311  
(49 U.S.C. SECTION 5311)  
WITH CALIFORNIA DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, the U. S. Department of Transportation is authorized to make grants to states through the Federal Transit Administration to support operating assistance projects for non-urbanized public transportation systems under Section 5311 of the Federal Transit Act (FTA C 9040.1F); and

**WHEREAS**, the California Department of Transportation (Department) has been designated by the Governor of the State of California to administer Section 5311 grants for transportation projects for the general public for the rural transit and intercity bus; and

**WHEREAS**, NCTPA desires to apply for said financial assistance to permit operation of service in Napa County; and

**WHEREAS**, NCTPA has, to the maximum extent feasible, coordinated with other transportation providers and users in the region (including social service agencies):

**NOW THEREFORE BE IT RESOLVED** that the Napa County Transportation Planning Agency does hereby authorize the Executive Director, to file and execute an application in an amount up to \$175,001 on behalf of NCTPA with the Department to aid in the financing of operating assistance pursuant to Section 5311 of the Federal Transit Act (FTA C 9040.1F), as amended.

**BE IT FURTHER RESOLVED** that the Executive Director is authorized to execute and file all assurances or any other document(s) required by the Department.

**BE IT FURTHER RESOLVED** that the Executive Director or designee is authorized to provide additional information as the Department may require in connection with the application for the Section 5311 projects.

**BE IT FURTHER RESOLVED** that the Executive Director or designee is authorized to submit and approve request for reimbursement of funds from the Department for the Section 5311 projects.

**BE IT FURTHER RESOLVED** that the Executive Director or designee is authorized to submit an application to the Metropolitan Transportation Commission (MTC) for the required match for this project.

Passed and Adopted on the 15<sup>th</sup> day of February 2012.

\_\_\_\_\_  
Keith Caldwell, Chair, NCTPA

Ayes:

ATTEST:

\_\_\_\_\_  
Karrie Sanderlin, NCTPA Board Secretary

Noes:

APPROVED:

\_\_\_\_\_  
Janice D. Killion, NCTPA Legal Counsel

Absent:

**CALIFORNIA DEPARTMENT OF TRANSPORTATION  
DIVISION OF MASS TRANSPORTATION  
Rural Transit and Intercity Branch**

**FEDERAL TRANSIT  
ADMINISTRATION (FTA)  
FEDERAL FISCAL YEAR 2012  
SECTION 5311 OPERATING  
ASSISTANCE APPLICATION**

Name of Subrecipient: Napa County Transportation and Planning Agency

Address: 707 Randolph St. Suite 100

City/State/Zip Code: Napa, CA 94559

Contact Person: Antonio Onorato Title: Manager of Finance

Phone: 707-259-8779 E-Mail: aonorato@nctpa.net

|              |                  |             |                  |
|--------------|------------------|-------------|------------------|
| DUNS Number: | <u>831725911</u> | CCR Number: | <u>831725911</u> |
|--------------|------------------|-------------|------------------|

Funding Program: 5311 or CMAQ FTA Amount of Funds Requested: \$175,001



California Department of Transportation  
Division of Mass Transportation, MS 39  
P.O. Box 942874  
1120 N Street, Room 3300

**GENERAL INSTRUCTIONS  
STATE OF CALIFORNIA  
FTA SECTION 5311 PROJECT OPERATING ASSISTANCE APPLICATION**

1. Mark "ORIGINAL" on the cover of your application package, which contains the master copy of the requested documentation with **original "wet" signatures**. Note: We also accept a notarized copy of the application if you cannot submit the original application.
2. Submit one original and one copy of application, as well as the Program of Project (POP) to your District Transit Representative (DTR).
3. The DTR will:
  - a. Review the application for completeness using the DTR application checklist, and may contact the agency for questions and clarification to improve the application.
  - b. Forward the original application and the completed DTR application checklist to headquarters (HQ) liaison.
4. Applications must be complete and final as submitted. Note: Incomplete applications will be returned to the applicant for revision.
5. The project will NOT be included in the FTA Section 5311 grant until the complete application package is received.
6. The application format is provided in a Word document.
7. Review glossary for terms used throughout the application.

**Application Checklist/Table of Contents**

**Subrecipient:** Napa County Transportation and Planning Agency      **County/Region:** Napa County/ MTC

**Federal Share** \$ 175,001    **Local Share** \$141,285    **Contact DTR:** Mercy Lam  
District 4 (510) 286-5520

**Funding Source (check one):**      **5311 Regional Apportionment:**    
**CMAQ or STP Flexible Funding:**     

**Table of Contents:**

**Checklist (Return  
Applicable Items to Caltrans)**

- 1. Program Overview/Goals
- 2. Eligibility
- 3. **PART I** -- Certifications and Assurances of the Subrecipient
- 4. **PART II** - Certifications and Assurances of The Regional Transportation Planning Agency
- 5. **PART III** -- Project Description
- 6. **PART IV** – Project Budget Worksheet (Subrecipient)
- 7. **PART V** – Project Budget Worksheet (Third Party Contractor)
- 8. **PART VI** – Project Budget
- 9. **PART VII** – Labor Union Information
- 10. **PART VIII** -- Coordination of Services with Social Service Agencies
- 11. **PART IX** – Transit Security and Emergency Preparedness
- 12. **PART X** –Civil Rights
- 13. **PART XI** –Disadvantage Business Enterprise (DBE)
- 14. **PART XII** - Authorizing Resolution
- FTA Annual Certifications and Assurances
- Copy of POP signed by the certifying representative of MPO
- Caltrans’ Bid Related Documents for Operating Contracts (If applicable)
- Approved Indirect Cost Allocation Plan (If applicable)
- Copy of FHWA/FTA Federally Approved TIP
- Copy of In-kind Valuation Plan (If applicable)
- Glossary

Application Prepared By: Antonio Onorato

Phone: 707-259-8779

**PROGRAM OVERVIEW/GOALS  
STATE OF CALIFORNIA  
FTA SECTION 5311 PROJECT OPERATING ASSISTANCE APPLICATION**

Federal Transit Administration (FTA) Section 5311 is a program that is formula based and provides funding to states for the purpose of supporting public transportation in rural areas. Rural areas encompass all populations, housing, and territory not included within an urbanized area of 50,000 or more population. Counties and regions may be entirely rural, or they may be composed of rural areas and one or more urbanized areas. The goal of the 5311 program is to provide the following services to rural areas:

- Enhance the access of people in nonurbanized areas to health care, shopping, education, employment, public services, and recreation;
- Assist in the maintenance, development, improvement, and use of public transportation systems in nonurbanized areas;
- Encourage and facilitate the most efficient use of all transportation funds used to provide passenger transportation in nonurbanized areas through the coordination of programs and services;
- Assist in the development and support of intercity bus transportation; and
- Provide for the participation of private transportation providers in rural areas.

**ELIGIBILITY  
STATE OF CALIFORNIA  
FTA SECTION 5311 PROJECT OPERATING ASSISTANCE APPLICATION**

***Eligible Recipients:***

Section 3013 (s) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), amended eligible recipients to include a State or Indian tribe that receives a federal transit program grant directly from the FTA. A subrecipient of the program includes a State or local governmental authority, a nonprofit organization, or an operator of public transportation or intercity bus service that receives federal transit program grant funds.

***Eligible Operating Activities:***

Operating assistance consists of activities and services directly provided or purchased by the subrecipient. The project funds may be used for expenses such as labor, supplies, fuel, etc. Operating funds cannot be used for depreciation on vehicles purchased with federal or state dollars; expenses associated with charter and school use for vehicles; and costs associated with expenses incurred for timeframes outside of the stated operating period (such as pre-paid insurance coverage, etc.).

**PART I - CERTIFICATIONS AND ASSURANCES**  
**STATE OF CALIFORNIA**  
**FTA SECTION 5311 PROJECT OPERATING ASSISTANCE APPLICATION**

**General Information:**

Name of Applicant: Napa County Transportation and Planning Agency

**Certifications and Assurances:**

1. Pursuant to 49 Code of Federal Regulations (CFR), Part 21, Title VI of the Civil Rights Act of 1964, the subrecipient assures that no person, on the grounds of race, color, creed, national origin, sex, age, or disability shall be excluded from participation in, or denied the benefits of, or be subject to discrimination under any project, program or activity funded in whole or in part by Federal Transit Administration (FTA).
2. Pursuant to 49 CFR, Part 21, Title VI of the Civil Rights Act of 1964, the subrecipient assures that it shall not discriminate against any employee or subrecipient for employment because of race, color, religion, sex, national origin, and that it shall take affirmative action to ensure that subrecipients are employed, and that employees are treated during employment, without regard to their race color, religion, sex, or national origin.
3. Pursuant to 49 CFR, Part 27, U.S. DOT Regulations implementing the Rehabilitation Act of 1973, the subrecipient certifies that it will conduct any program or operate any facility that receives or benefits from Federal financial assistance administered by FTA in compliance with all imposed requirements, Nondiscrimination on the basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.
4. Pursuant to 49 CFR, Part 26, the subrecipient must prepare and maintain complaint procedures for investigating and tracking Title VI complaints filed against them. Such procedures include record of investigations, complaints, and/or lawsuits, and notice to the public about rights containing instructions on how to file a discrimination complaint. Recipients of federal financial assistance are required to take reasonable steps to ensure meaningful access to their programs and activities by limited English proficient persons.
5. Pursuant to 49 CFR Part 21, the subrecipient certifies that special efforts are being made to provide the level and quality of transportation services that disabled persons, including wheelchair users and semi-ambulatory persons, can use. This transportation shall be reasonable in comparison to the transportation provided to the general public and shall meet a significant fraction of actual transportation needs of such persons within a reasonable time.
6. The subrecipient assures and certifies that it will comply with the Federal statutes, regulations, executive orders and administrative requirements, which relate to applications made to and grants received from FTA. The subrecipient acknowledges receipt and understanding of the list of such statutes, regulations, executive orders and administrative requirements that is provided in FTA Circular 9040.1F.

7. The subrecipient agrees and assures that it will comply with U.S. DOT regulations, "Participation by Disadvantaged Business Enterprises (DBE) in Department of Transportation Financial Assistance Programs," 49 CFR part 26. Among other provisions, this regulation requires recipients of DOT Federal financial assistance, namely State and local transportation agencies, to establish goals for the participation of disadvantaged entrepreneurs and certify the eligibility of DBE firms to participate in their DOT-assisted contracts. The recipient agrees and assures that it will comply with 49 CFR 26.49 which requires each transit vehicle manufacturer, as a condition of being authorized to bid or propose a FTA-assisted transit vehicle procurement (new vehicles only), certify that it complied with the requirements of the DBE program.
8. The subrecipient assures and certifies that it will adhere to the California State DBE Program Plan as it applies to local agencies. The subrecipient must complete and submit to the Department a DBE Implementation Agreement. The subrecipient certifies that it must report twice annually on DBE participation in their contracting opportunities; their award/commitments and actual payments.
9. The subrecipient assures and certifies that its services funded by Section 5311 are, and shall remain, open to the general public.
10. The subrecipient certifies that its procurements and procurement system will comply with all applicable requirements imposed by Federal laws, executive orders, or regulations and the requirements of FTA Circular 4220.1F, "Third Party Contracting Requirements," and such other implementing requirements as FTA may issue. The subrecipient certifies that it will include in its contracts, financed in whole or in part with FTA assistance, all clauses required by Federal laws, executive orders, or regulations and will ensure that each sub recipient and each contractor will also include in its sub agreements and contracts financed in whole or in part with FTA assistance all applicable contract clauses required by Federal laws, executive orders, or regulations.
11. The subrecipient assures and certifies that private for-profit transit operators have been afforded a fair and timely opportunity to participate to the maximum extent feasible in the planning and provision of the proposed transportation services.
12. The subrecipient certifies that it has established and implemented an anti-drug and alcohol misuse prevention program and has conducted employee training complying with the requirements of 49 CFR part 655, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations".
13. The subrecipient assures and certifies that it requires its subcontractors and sub-recipients to have established and implemented an anti-drug and alcohol misuse prevention program, to have conducted employee training complying with the requirements of 49 CFR part 655, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations".
14. Subrecipients are not subject to the charter rule when using FTA-funded vehicles to provide public transportation or coordinated human service transportation or to serve groups of individuals with disabilities, the elderly, or low income individuals. The charter rule does apply, however, if the FTA recipient wants to provide other charter service using FTA-funded vehicles. Subrecipients providing charter service under exceptions 604.6 government officials, 604.7 qualified human service agencies, 604.8 leasing, and 604.9 no response from a registered charter provider must report trip information to FTA.

15. As required by 49 U.S.C. 5323 (f) and FTA regulations, "School Bus Operations," at 49 CFR 605.14, the subrecipient agrees that it and all its recipients will: (1) engage in school transportation operations in competition with private school transportation operators only to the extent permitted by an exception provided by 49 U.S.C. 4323 (f) and implementing regulations, and (2) comply with requirements of 49 CFR part 605 before providing any school transportation using equipment or facilities acquired with Federal assistance awarded by FTA and authorized by 49 U.S.C. Chapter 53 or Title 23 U.S.C. for transportation projects. The subrecipient understands that the requirements of 49 CFR part 605 will apply to any school transportation it provides, that the definitions of 49 CFR part 605 apply to any school transportation agreement, and a violation of this agreement may require corrective measures and the imposition of penalties, including debarment from the receipt of further Federal assistance for transportation.
16. The subrecipient certifies that it will submit the "FTA Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements" and Appendix A Certifications and Assurances Checklist and Signature Page annually.
17. The subrecipient has provided documentation needed by the Department to assure FTA that it has properly and sufficiently delegated and executed authority, by Resolution, to the appropriate individual(s) to take official action on its behalf.
18. The subrecipient, providing complimentary paratransit service, certifies that it has submitted to the Department an initial plan for compliance with the complimentary paratransit service provision by January 26, 1992, as required by 49 CFR Part 37, Section 135(b) and has provided the Department annual updates to its plan on January 26 of each year, as required by 49 CFR Part 37, Section 139(c). The subrecipient has provided the Department an initial plan.
19. The subrecipient certifies that all indirect costs billed are allowable per Title 2 Code of Federal Regulations, Part 225 (2 CFR 225) (formerly Office of Management and Budget (OMB) Circular A-87), the federal guidelines for allowable costs for subrecipients that are State, Local and Indian Tribal governments or 2 Code of Federal Regulations, Part 230 (2 CFR 230), (formerly, OMB Circular A-122) if the subrecipient is non-profit organization. With regards to private for-profit organizations, see 48 CFR Part 3.
20. The subrecipient certifies that all indirect cost billed are supported by an annual indirect cost allocation plan submitted in accordance with 2 CFR 225. The plan or subrecipients' cognizant agency approval of the plan was submitted to the Department's Division of Audits and Investigations and approved before subrecipient submits request for reimbursement of any indirect costs. Indirect costs prior to having a plan approved as evidenced by a letter from the Departments' Division of Audits and Investigations is not an allowable expense. If subrecipient does not bill for indirect cost then an indirect cost allocation plan is not required.
21. The subrecipient certifies that it understands that Transit Employee Protection is specified in Title 49 U.S.C. 5333(b). This Title requires that the interests of employees affected by assistance under most FTA programs shall be protected under arrangements the Secretary of labor, and concludes that they are fair and equitable. Title 49 U.S.C. 5311(b) requires that the Department of Labor (DOL) use "a special warranty that provides a fair and equitable arrangement to protect the interests of employees" in order for the 5311(i) requirements to apply to Section 5311.
22. The subrecipient certifies that it has a written maintenance plan for FTA funded vehicles, equipment, and facilities, as required by FTA Master Agreement Section 19.c, 49 CFR 37.161, FTA C 5010.1D, Chapter II, Section 3.a(11) and Chapter IV, Section 3.m.

23. The subrecipient certifies that an In-kind contribution used as a local match is documented and supported, represents a cost which would otherwise be eligible under the program, and is included in the project budget, as required by FTA's Annual Certifications and Assurances and FTA C 9040.IF.Chapter III, Section 1.a and 3.

**Certifying Representative:**

By signing below, I have read and acknowledged that my agency is in compliance with certifications and assurances as stated above.

*(Please Print)*

Name: Paul Price Title: Executive Director

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(Original signature in **BLUE** ink)

**PART II – CERTIFICATIONS AND ASSURANCES OF THE  
REGIONAL AGENCY/TRANSPORTATION PLANNING AGENCY (TPA)  
STATE OF CALIFORNIA  
FTA SECTION 5311 PROJECT OPERATING ASSISTANCE APPLICATION**

Name-Regional Agency/TPA: Metropolitan Transportation Commission  
 Contact Person: Anne Richman Title: Sr. Program & Policy Analyst  
 Phone: 510-817-5722 E-Mail: arichman@mtc.ca.gov  
 Name of Subrecipient: Napa County Transportation and Planning Agency  
 Project Description: Rural Operating Assistance Program in Northern Napa County

**Project Amount and Fund Type**

| <i>Regional Apportionment<br/>5311</i> | <i>Flexible Fund<br/>CMAQ or STP*</i> | <i>Toll Credit**</i> | <i>In-kind Match**</i> |
|--|---------------------------------------|----------------------|------------------------|
| \$175,001                              | \$ %                                  | \$                   | \$                     |

\* CMAQ projects may be equal up to 100% at the discretion of the Regional Planning Agency Certification per Part II.  
 \*\* Prior approval by Caltrans required

**Federal Transportation Improvement Program - Metropolitan Planning Organizations/Regional Transportation Planning Agency**

| Document (or Amendment)<br>Number | Document (or Amendment) Year | FHWA/FTA Federally<br>Approved TIP (Date) |
|-----------------------------------|------------------------------|---|
|                                   |                              |   |

**Check all that apply:**

- Flexible Funded Projects Only - Please initiate the transfer of funds to **Grant CA-85-X00X**. (Following the transfer of flexible funds to the FTA, this agency agrees to comply with the applicable terms and conditions set forth in Title 49, U.S. Code, Chapter 53, "Mass Transportation", and the policies and procedures stated by the FTA relative to the above designated project.)
- Some combination of state, local, or private funding sources have been or will be committed to provide the required local share.
- The subrecipient has coordinated with other transportation providers and users in the region, including social service agencies capable of purchasing service.
- The amount requested does not exceed the Federal funds provided to this agency in the approved Federal TIP/Federal Statewide TIP(FSTIP)
- The regional agency/TPA has approved, by resolution, the programming of funds for this Project and Project has met all Statewide Transportation Improvement Program (STIP) requirements.

**Certifying Representative:**

By signing below, I have read and acknowledged that my agency is in compliance with certifications and assurances as stated above.

*(Please Print)*

Name: Anne Richman Title: Sr. Program & Policy Analyst

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(Original signature in BLUE ink)

*MTC will send under separate cover.*

**PART III – Project Description**  
**STATE OF CALIFORNIA**  
**FTA SECTION 5311 PROJECT OPERATING ASSISTANCE APPLICATION**

Answer the following questions regarding the project description and the operational plan:

1. Indicate the type(s) of public transportation service for the proposed project funded by FTA Section 5311. (Check all that apply.)

- Fixed route – Vehicles will travel on specific roads and stop at pre-designated locations according to a schedule.
- Demand-response – Vehicles will pick people up when they need a ride.
- Deviated fixed route – Vehicles will travel from point A to point B but go out of the way to pick up or drop off people if necessary.
- ADA paratransit service.

2. Please indicate the geographic area your agency serves. (If your agency serves both rural and urbanized areas, please attach the route map to this application to clearly indicate that 5311 funds will only be spent on the rural area route(s)/service only.)

- Rural area only (population under 50,000)  
Both rural and urbanized areas (Population more than 50,000)

List all cities and counties served by your project:

Town of Yountville, City of St. Helena, City of Calistoga, County of Napa (north of City of Napa) in Napa County, California

If your agency serves both rural and urbanized areas, please describe the cost allocation methodology your agency uses to segregate rural service costs funded by 5311 from the urbanized service costs funded by Section 5307 or other urban funds and attach your agency's cost allocation plan to this application:

Rural service costs is segregated from urban service cost by calculations based upon service areas. The rural areas north of the City of Napa in Napa County are services by community shuttles. Each service has dedicated vehicles. The Town of Yountville is serviced by the Yountville Trolley. St. Helena is serviced by the St. Helena Shuttle, City of Calistoga by the Calistoga Shuttle (formerly Calistoga HandyVan).

Two regional routes also service the area's north of the City of Napa. Regional Route 10 and Express Route 29 follow the same path departing/arriving from Southern Napa County to the northern Napa County in the City of Calistoga. Costs for this portion of service will be determined by calculating a combination of revenue hours and revenue miles on rural route north of the City of Napa.

3. Please fill out the following:

At a minimum, transportation service shall be provided between   8   AM to   7   PM from    MonDAY to    FriDAY.

4. For the FY you are applying for, did your agency receive any other FTA funds that would be utilized on this project? (Check all that apply and provide standard agreement #s and dollar amount.) \*\*For 5307, the term "receive" means funds have been obligated, and for 5316 & 5317, the term "receive" means your agency received an executed standard agreement from Caltrans.

No

|   |           |          |
|---|-----------|----------|
| 5316 (Job Access and Reverse Commute Program) | SA# _____ | \$ _____ |
| 5317 (New Freedom Program)                    | SA# _____ | \$ _____ |
| 5307 (Urbanized Area Formula Program)         |           | \$ _____ |
| Other FTA funds. Specify: _____               |           | \$ _____ |

5. Please fill out the following:

- Applicant certifies that there have been no changes in its paratransit plan as filed on \_January 26, 1992\_. The plan continues to meet all requirements for complementary paratransit service as required by Federal Regulations, Title 49, Part 37.

(OR)

- Applicant's initial paratransit plan has been updated. A copy of the revised plan and a letter of explanation are attached with this application.

6. Have you changed fare in the last year?

Yes  No  (Go to question #7)

7. How did you notify the public of the fare change?

Newspaper      Radio      Flyer  
 Public Hearing      TV/Cable      Other Specify: \_\_\_\_\_

8. Which one of the following describes your agency's service:

Add new service      Expand existing service to additional areas  
 Maintain service at current level      Decrease service

If applicable, describe the new/expanded/decreased service:

---



---

9. How is your project service marketed? (Check all that apply.)

Newspaper      Radio       Flyer  
 Survey      TV/Cable      Other Specify: \_\_\_\_\_

10. Does your agency contract with a third party operator for existing service?

Yes  
 No (Go to question #13)

11. Is your current third party contract on file with Caltrans?

Yes

No (Attach copy of the third party contract with this application or send electronic copy of the third party contract to your Caltrans HQ liaison and DTR.)

12. What is the operating period of this contract? (Page \_\_1\_\_)

\_8/30/2009\_ THROUGH \_8/30/2014\_

13. Is there any option to extend beyond the base years? (Page \_\_1\_\_)

Yes Explain \_\_Two (2) one-year options\_\_\_\_\_

No

14. If you don't have an existing contract, will your agency seek a contract with a third party operator?

Yes (Attach the copy of the bid related documents/vendor selection process. If these documents are not available, please provide an estimate of when they would be available.)

No

14. Does your agency receive more than \$500,000 in federal funds?

Yes No

15. Does your agency employ more than 50 transit-employees (including temporary, full time or part time employees either directly employed and/or through contractors) and receive more than \$1 million in capital or operating assistance?

Yes, NCTPA received more than \$1 million in capital or operating assistance per fiscal year.

**PART IV –PROJECT BUDGET WORKSHEET (SUBRECIPIENT)**  
**STATE OF CALIFORNIA**  
**FTA SECTION 5311 PROJECT OPERATING ASSISTANCE APPLICATION**

**PROJECT BUDGET WORKSHEET (Subrecipient)** The worksheet provides annual expense categories that applicants should use to calculate project eligible expenses for work done “in-house.” The information in this worksheet should be used in completing project budget on page 14.

**1. Direct Labor**

| (Job Title/Classification) | Description of Task Performed | Hours | Hourly Rate | Total |
|----------------------------|-------------------------------|-------|-------------|-------|
|                            |                               |       | \$          | \$    |
|                            |                               |       | \$          | \$    |
|                            |                               |       | \$          | \$    |
|                            |                               |       | \$          | \$    |
|                            |                               |       | \$          | \$    |
|                            |                               |       | \$          | \$    |
|                            |                               |       | \$          | \$    |
|                            |                               |       | \$          | \$    |
|                            |                               |       | \$          | \$    |
| <b>TOTAL</b>               |                               |       | \$          | \$    |

**2. Direct cost(s) for Employees (Except Labor)**

Equipment and Supplies (itemize) \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 Sub Total \_\_\_\_\_ \$ \_\_\_\_\_

**3. Other Direct costs (itemize)**

\_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 Sub Total \_\_\_\_\_ \$ \_\_\_\_\_

**4. Travel costs (itemize)**

\_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 Sub Total \_\_\_\_\_ \$ \_\_\_\_\_

**5. <sup>1</sup>Indirect cost(s) (Overhead and Fringe Benefits):**

Overhead Rate \_\_\_\_\_ % \$ \_\_\_\_\_

**6. Total Costs:**

\$ \_\_\_\_\_

<sup>1</sup> Must have approved ICAP

**PART V – PROJECT BUDGET WORKSHEET – (THIRD PARTY CONTRACTOR)**  
**STATE OF CALIFORNIA**  
**FTA SECTION 5311 PROJECT OPERATING ASSISTANCE APPLICATION**

**PROJECT BUDGET WORKSHEET (Third Party Contractor)** - Complete the worksheet below if funded services are provided by the **third party contractor**.

1. Since third party contracts vary, please modify the table below to identify how eligible expenditures are calculated. Applicants may also attach price proposal or budget sheets from executed contract.

| <b>Contract No.</b>           | <b>Agreement for the Provision of Transit Services between NCTPA and Veolia Transportation Services</b> |                         | <b>Total</b>     |
|-------------------------------|---|-------------------------|------------------|
| Contract Year 3<br>Yountville | Cost per Vehicle Service Hours<br>(\$58.25)   | Budgeted Hours<br>4,206 | \$245,000        |
| Contract Year 3<br>St. Helena | Cost per Vehicle Service Hours<br>(\$58.25)   | Budgeted Hours<br>2,592 | \$151,000        |
| Contract Year 3<br>Calistoga  | Cost per Vehicle Service Hours<br>(\$58.25)   | Budgeted Hours<br>2,936 | \$171,000        |
|                               |   |                         | <b>\$567,000</b> |

2. If you are requesting reimbursement for Capital Cost of Contracting, please indicate the type of contract below.

Service Contract (contractor provides maintenance and transit service; subrecipient provides vehicles)

Service Contract (contractor provides transit service only; subrecipient provides vehicles and maintenance)

Vehicle Maintenance Contract (contractor provides maintenance; subrecipient provides vehicles and transit service)

Vehicle Lease Contract (contractor provides vehicles; subrecipient provides maintenance and transit service)

Maintenance/Lease Contract (contractor provides vehicles and maintenance; subrecipient provides transit service)

Turnkey Contract (contractor provides vehicles, maintenance, and transit service)

Vehicle/Service Contract (contractor provides vehicles and transit service; subrecipient provides maintenance)

\*Please note that the types of contracts are based on the assumption that contractor provides the assets.

|  |
|--|
| <b>PART VI - PROJECT BUDGET / OPERATING ASSISTANCE</b><br><b>STATE OF CALIFORNIA</b><br><b>FTA SECTION 5311 PROJECT OPERATING ASSISTANCE APPLICATION</b> |
|--|

**Subrecipient:** Napa County Transportation and Planning Agency  
**Contractor (if applicable):** Veolia Transportation  
**Project Period:** July 1, 2011 to June 30, 2012 : Fiscal Year 2011-12

**(1) Total DIRECT Operating Expenses (Itemize)**

|   |                  |            |
|---|------------------|------------|
| Total Direct Labor/Contracted Service(s)          | \$567,000        |            |
| Total Equipment and Supplies                      | \$57,000         |            |
| Total Other Direct Costs                          | \$8,300          |            |
| Total Travel Costs                                | \$               |            |
| <b>TOTAL DIRECT OPERATING EXPENSES</b>            | <b>\$632,300</b> |            |
| <b>TOTAL *INDIRECT EXPENSE (Indirect Rate: %)</b> | <b>\$ 75,400</b> |            |
| <b>TOTAL DIRECT &amp; INDIRECT EXPENSE</b>        | <b>\$707,700</b> | <b>(1)</b> |

\*\* Prior approval by Caltrans required

**(2) Less Fare box and Other Revenue (Itemize)**

|  |                  |            |
|--|------------------|------------|
| Fares  | \$67,700         |            |
|  | \$               |            |
|  | \$               |            |
|  | \$               |            |
| <b>TOTAL FAREBOX AND OTHER REVENUE APPLIED AGAINST ELIGIBLE EXPENSES</b> | <b>\$ 67,700</b> | <b>(2)</b> |

**(3) Less Ineligible Expenses (e.g. Charter and School Use, Depreciation)**

|                                  |                 |            |
|----------------------------------|-----------------|------------|
| Depreciation                     | \$8,300         |            |
|                                  | \$              |            |
|                                  | \$              |            |
|                                  | \$              |            |
| <b>TOTAL INELIGIBLE EXPENSES</b> | <b>\$ 8,300</b> | <b>(3)</b> |

**(4) NET PROJECT COST (Line 1 – Line 2 – Line 3)** **\$631,700 (4)**

**(5) Local Share (Itemize by Fund Source (State, County, & City), In-kind Match and Toll Credit included)**  
\*Local Share can NOT be from other Federal DOT funds.)

|                                 |                   |            |
|---------------------------------|-------------------|------------|
| Local Transportation Assistance | \$271,699         |            |
| State Transit Assistance        | \$185,000         |            |
|                                 | \$                |            |
| <b>TOTAL LOCAL SHARE</b>        | <b>\$ 456,699</b> | <b>(5)</b> |

**(6) FEDERAL SHARE \*** **\$175,001 (6)**  
\*Federal Share Max Allowed % of Net Project Cost (Item 4):  
5311 Regional=55.33%; Flexible Funded may be equal up to 100%

**(7) BUDGET SUMMARY: Local Share + Federal Share = Net Project Cost**

|                            |                    |            |
|----------------------------|--------------------|------------|
| LOCAL SHARE:               | \$456,699          | (5)        |
| FEDERAL SHARE:             | + \$175,001        | (6)        |
| <b>TOTAL PROJECT COST:</b> | <b>= \$631,700</b> | <b>(7)</b> |

**PART VII –LABOR UNION INFORMATION FOR SECTION 13(c) CERTIFICATION  
STATE OF CALIFORNIA  
FTA SECTION 5311 PROJECT OPERATING ASSISTANCE APPLICATION**

Name of Subrecipient: Napa County Transportation and Planning Agency

Union Representation of Subrecipient’s Employees

Organization Name: Teamsters Local 490  
 Contact Person: C. Kelly  
 Address: 445 Nebraska Street  
 Telephone: Vallejo, CA 94590-3890  
 (required) Email : ckelly@teamsters490.com

| Other Surface<br>Public Transportation Providers | Union Representation of Employee<br>If Any  |
|--|---|
|  | <b>Organization:</b><br><b>Contact Person:</b><br><b>Address:</b><br><br><b>Telephone:</b><br><b>Contact Person’s Email (Required):</b> |
|  | <b>Organization:</b><br><b>Contact Person:</b><br><b>Address:</b><br><br><b>Telephone:</b><br><b>Contact Person’s Email (Required):</b> |
|  | <b>Organization:</b><br><b>Contact Person:</b><br><b>Address:</b><br><br><b>Telephone:</b><br><b>Contact Person’s Email (Required):</b> |

**PART VIII – DESCRIPTION OF EFFORTS TO COORDINATE SERVICES  
WITH SOCIAL SERVICE AGENCIES  
STATE OF CALIFORNIA  
FTA SECTION 5311 PROJECT OPERATING ASSISTANCE APPLICATION**

Please answer the following questions regarding the Description of Efforts to Coordinate Services with Social Service Agencies:

1. What human service agencies, employment/training programs, or other transportation providers does your agency coordinate with?

NCTPA provides travel training and transportation services to clients attending the programs of a host of organizations in Napa County. NCTPA is the Consolidated Transportation Service Agency (CTSA) for Napa County. As such, from the development of planning documents to advisory boards, public outreach to service design and the provision of client transportation, the agency communicates, collaborates, and coordinates with a host of social service organizations in Napa County including:

- Queens Carriage, Queen of the Valley Hospital, Napa CA
- Molly's Angels, non-profit volunteers, Napa CA
- Adult Day Services, day program center in Napa CA
- Napa Valley Support Services, day program center & employer, Napa CA
- Davila Dialysis, Napa CA
- Napa Valley Dialysis Center, Napa CA
- PSI, work center for disabled individuals, Napa CA
- CARE, support network for Queen of the Valley Hospital, Napa CA
- Napa Valley Family Services, Napa CA
- Napa Valley Community Housing, Napa CA
- Vine Village, day program, Napa CA
- Napa Valley Volunteer Center, Napa CA
- Clinic Ole & Sister Mary Ann's, low income medical clinic, Napa & Calistoga, CA
- St. Helena Hospital, Deer Park CA
- Napa Senior Center, Napa CA
- Golden Living Center, nursing home, Napa CA
- Napa Nursing Center, nursing home, Napa CA
- American Cancer Society, Napa CA
- North Bay Regional Center (NBRC), Napa CA
- Napa County HHSA, Napa CA
- Department of Rehabilitation, Napa CA
- Napa Valley Unifed School District, Napa CA
- Napa Valley Low Vision Support Group, Napa CA
- Womens Center of St. Helena, St. Helena CA
- Aldea, family services, Napa CA
- Napa County Public Authority, In-Home Supportive Services, Napa CA
- Napa Valley College, adaptive PE classes, Napa CA

2. In your agency’s coordination efforts with social service agencies, check all that apply:

|   | Current Practice                    | Would Consider           |
|---|-------------------------------------|--------------------------|
| Drivers attend safety/sensitivity training                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sharing vehicles with other agencies                                | <input type="checkbox"/>            | <input type="checkbox"/> |
| Providing information to riders/patrons on other available services | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Working with CTSA or other agencies to coordinate trips             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Utilize pre-paid fare media with other agencies                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Coordinate with Medical, CalWorks or Employment Programs            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Other: _____  |                                     |                          |

3. Describe your agency's role in the human service-public transportation coordination planning efforts?

See above.

4. Will this service funded by 5311 address gaps and/or barriers identified in the regional public transportation coordination plan or maintain the existing service?

Yes      No

5. Has your agency made any efforts to provide information about your agency's service to human service agencies, the Work Force Center, or other activity centers.

Yes      No



**PART X – Civil Rights  
STATE OF CALIFORNIA  
FTA SECTION 5311 PROJECT OPERATING ASSISTANCE APPLICATION**

1. Please indicate the date of your last Title VI report.   1/25/2011
2. Subrecipient must describe any lawsuits or complaints that have been received or acted on in the last year relating to Title VI or other relevant civil rights requirements.

The applicant has no lawsuits or complaints received in the last year relating to Title VI or other Civil Rights requirements.

The applicant had lawsuits and/or complaints that were received in the last year relating to Title VI or other Civil Rights requirements. (Attach a report describing the status of lawsuits and/or complaints and how lawsuits and/or complaints were resolved including corrective actions taken.)

**PART XI – Disadvantage Business Enterprise (DBE)  
STATE OF CALIFORNIA  
FTA SECTION 5311 PROJECT OPERATING ASSISTANCE APPLICATION**

1. What enforcement mechanisms does the subrecipient use for DBE requirements? Please explain.

All NCTPA contracts contain federal prompt payment language. NCTPA requires contractors to submit a DBE payment statement with their invoices. The agency DBELO reviews third party contracts, invoices and purchase requisitions for compliance with this program. In addition, random contacts are made directly to DBE's to ensure they are receiving prompt payment as reported by prime contractors.

NCTPA has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

- 1) A finding of material breach of contract;
- 2) Suspension of payment of invoices;
- 3) Bringing to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.

In addition, the federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE problem, including, but not limited to, the following:

Suspension or debarment proceedings pursuant to 49 CFR part 26  
 Enforcement action pursuant to 49 CFR part 31  
 Prosecution pursuant to 18 USC 1001.

2. Does the subrecipient require contractors to obtain approval from its DBE Liaison Officer (DBELO) prior to substituting a DBE firm after contract award?

Yes                      No                      N/A

3. Does the subrecipient monitor prime contractors to ensure that DBEs are actually performing applicable work on federally funded projects?

Yes                      No                      N/A

4. Did the subrecipient receive any complaints or procurement protests alleging that it did not comply with the DBE regulations for federally funded projects?

Yes      (Go to question #6)       No

5. What are the subrecipients' processes for handling protests? Please explain.

Within 5 days of being informed by NCTPA that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the Executive Director.

6. Do the complaints indicate any problems with the DBE program?

Yes                       No

\*The following is a link to FTA's sample DBE program, "Section 26.37 Monitoring and Enforcement Mechanisms" this section gives examples of monitoring and enforcement mechanisms that ensure compliance. [http://www.fta.dot.gov/civilrights/dbe/civil\\_rights\\_5771.html](http://www.fta.dot.gov/civilrights/dbe/civil_rights_5771.html)

**PART XII - AUTHORIZING RESOLUTION  
STATE OF CALIFORNIA  
FTA SECTION 5311 PROJECT OPERATING ASSISTANCE APPLICATION**

**Resolution: Pending**

**RESOLUTION NO.** \_\_\_\_\_

RESOLUTION AUTHORIZING THE FEDERAL FUNDING UNDER FTA SECTION 5311 (49 U.S.C. SECTION 5311) WITH CALIFORNIA DEPARTMENT OF TRANSPORTATION

**WHEREAS**, the U. S. Department of Transportation is authorized to make grants to states through the Federal Transit Administration to support operating assistance projects for non-urbanized public transportation systems under Section 5311 of the Federal Transit Act (FTA C 9040.1F); and

**WHEREAS**, the California Department of Transportation (Department) has been designated by the Governor of the State of California to administer Section 5311 grants for transportation projects for the general public for the rural transit and intercity bus; and

**WHEREAS**, [subrecipient] desires to apply for said financial assistance to permit operation of service in [subrecipient's service area or county]; and

**WHEREAS**, the [subrecipient] has, to the maximum extent feasible, coordinated with other transportation providers and users in the region (including social service agencies).

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the [subrecipient] does hereby authorize [Name/Title or Title of designated representative], to file and execute applications on behalf of [subrecipient] with the Department to aid in the financing of capital/operating assistance projects pursuant to Section 5311 of the Federal Transit Act (FTA C 9040.1F), as amended.

That [Name/Title or Title of designated representative] is authorized to execute and file all certification of assurances, contracts or agreements or any other document required by the Department.

That [Name/Title or Title of designated representative] is authorized to provide additional information as the Department may require in connection with the application for the Section 5311 projects.

That [Name/Title or Title of designated representative] is authorized to submit and approve request for reimbursement of funds from the Department for the Section 5311 project(s).

**PASSED AND ADOPTED** by the [subrecipient] of the [Sample County], State of California, at a regular meeting of said Commission or Board Meeting held on the ## of [Month], 20## by the following vote:

AYES:  
NOES:  
ABSENT:

**<<Insert ANY/ALL Pertinent Signatures (as applicable),**

**Titles and Dates>>**

(Original signature in BLUE ink)

**FTA SECTION 5311 GLOSSARY**  
**STATE OF CALIFORNIA**  
**FTA SECTION 5311 PROJECT OPERATING ASSISTANCE APPLICATION**

**ADA** - Americans with Disabilities Act, this Federal law is a comprehensive civil rights measure prohibiting discrimination against the disabled in employment, housing and transportation. The intent of ADA is to ensure equal access for persons with disabilities to public accommodations, public services, telecommunications and transportation.

**Annual Certification and Assurances** - Subrecipients are required to complete FTA's Certs and Assurances annually for all FTA grants and cooperative agreements. FTA updates the assurances in January every year. Subrecipients must download the forms from FTA or Caltrans' website. The signature page must be completed, signed and returned to Caltrans with the application. Subrecipients receiving both 5311 and 5307 funds may submit a hard copy of the Certs and Assurances submitted to FTA.

**Authorized Resolution by Planning Agency and/or Subrecipients** - The resolution must identify the Section 5311 program and designate all individuals authorized to submit/sign applications, contractual documents (standard agreements), and request for reimbursements. The resolution must cover the following:

- Planning agency has approved the programming of funds for this project.
- Some combination of state, local, or private funding sources has been or will be committed to provide the required local share.
- The subrecipient has, or will have by the time of delivery, sufficient funds to operate the vehicles and equipment purchased under this project or operate the service, as applicable.
- The subrecipient has coordinated with other transportation providers and users in the region, including social service agencies capable of purchasing service.

**Capital Cost of Contracting** - Some subrecipients turn to an outside source to obtain public transportation service, maintenance service, or vehicles that the recipient will use in public transportation service. When subrecipient's contract for such service, FTA will provide assistance with the capital consumed in the course of the contract. In the case of a contractor's providing vehicles for public transportation service, the capital consumed is equivalent to the depreciation of the vehicles in use in the public transportation service during the contract period. In the case of a maintenance contract, the capital consumed may be, for example, depreciation of the maintenance garage, or depreciation of the machine that lifts the vehicle. Capital consumed may also include a proportionate share of the interest the contractor might pay out as the contractor purchases and makes available to the subrecipient of these capital assets. FTA refers to the concept of assisting with capital consumed as the "capital cost of contracting."

**Charter Service** – Transportation provided by a recipient at the request of a third party for the exclusive use of a bus or van for a negotiated price, such as:

- A third party pays the transit provider a negotiated price for the group;
- (Any fares charged to individual members of the group are collected by a third party;
- The service is not part of the transit provider is regularly scheduled service, or is offered for a limited period of time; or
- A third party determines the origin and destination of the trip as well as scheduling; or

Transportation provided by a recipient to the public for events or functions that occur on an irregular basis or for a limited duration and:

- A premium fare is charged that is greater than the usual or customary fixed route fare; or
- The service is paid for in whole or in part by a third party.

Note: Charter Service does NOT include demand response service to individuals.

***Copy of FTIP/Copy of FHWA/FTA Federally approved TIP Letter*** - Before FTA can make grants available to recipients, adequate planning must take place. The project proposed must be a product of the metropolitan planning process and/or the statewide planning process specified in 49 CFR part 613 and 23 CFR part 450. That is, all transit projects for which federal funds are expected to be used and that are within metropolitan planning boundaries must be included in a Metropolitan Transportation Improvement Program (TIP) approved by the MPO and the Governor and in a Statewide Transportation Improvement Program (STIP) that has been approved by FTA and the Federal Highway Administration (FHWA). Projects not within metropolitan planning boundaries are required only to be in the STIP. The application should identify the latest approved STIP (or amendments) containing the project(s), the appropriate page numbers, and a statement identifying the date that FTA and FHWA approved the STIP (or STIP amendment) that contains the proposed project(s). Projects listed in the TIP and STIP must be derived from and consistent with the State's long range plan.

***Direct Operating Expenses*** – Expenses that are for activities and services that benefit the proposed project directly.

Examples of eligible direct operating expenses include, but are not limited to:

- Fuel and Lubricants – Gas, Diesel, bio-diesel, CNG, oil, and grease consumed by vehicles providing transportation services.
- Insurance – Vehicle insurance expenses accrued during the specified time period.
- Vehicle Maintenance – Routine vehicle maintenance and repairs that are not capitalized by your organization. (New engines and complete vehicle restorations and refurbishments that substantially extend the useful life of the vehicle should not be included. Those items should be requested through a capital grant application.)
- Contracted Services – Expenses that are paid to outside sources/vendors to provide the services in lieu of subrecipient's employees performing the activity.
- Labor and Benefits – Wages, salaries and fringe benefits paid to employees such as drivers, dispatchers, and shop mechanics.
- Administrative Expenses – Salaries and related benefits of those employees who perform administrative/clerical duties, and other non-salaried administrative expenses incurred to support a project.

***Fringe Benefits*** – Compensation in addition to direct wages or salaries, such as company car, house allowance, medical and dental insurance, paid holiday, pension plans, subsidized meals, etc.

***Indirect Costs*** - Indirect costs are overhead costs incurred by subrecipients as a result of the project, but that are not easily identified with the specific project. Generally, indirect costs are defined as administrative or other expenses that are not directly allocable to a particular activity or project; rather they are related to overall general operations and are shared among projects and/or functions. Indirect costs are sometimes referred to as "overhead costs."

Example of indirect operating expenses include, but is not limited to:

- Executive Oversight
- Accounting
- Grants Management
- Legal Expenses
- Utilities
- Technology Support
- Facility Maintenance
- Depreciation
- Insurance

***Indirect Cost Allocation Plan (ICAP)***- If subrecipients are planning to charge indirect costs to an operating project, you must submit a plan documenting how charges were calculated and allocated

between programs and projects. The plan MUST be reviewed and approved in writing by Caltrans Division of Audits and Investigation as well as FTA. Otherwise, Caltrans will NOT reimburse indirect operating expenses.

***In-kind Match*** - In-kind match are goods and services donated from outside your agency. The value of non-cash charges for real property and equipment, and the value of goods and services must be directly benefiting and specifically identifiable to the project. To be eligible as a match, the monetary value of the in-kind contributions must be documented.

***In-kind Valuation Plan*** - If subrecipients are planning to use in-kind match for local share, you must submit a plan documenting a list of donated goods and services, the fair market value of such goods and services and how the values were determined. The plan MUST be approved by Caltrans DMT as well as FTA. Otherwise, Caltrans will NOT issue a standard agreement for your proposed project.

***Labor Union Information*** - Under the terms of the Special Section 13 (c) Warranty for Application to the Small Urban and Rural program, Caltrans must provide an accurate up-to-date listing of all existing transportation providers in the transportation service area of the project, and any labor organization representing employees of such providers to the Department of Labor.

- Project Description – As identified in the Program of Projects.
- Other Providers – Provide a listing of all surface public transportation providers in the subrecipient’s service area.
- Union Representative of Subrecipient’s Employees – List union representation including name of organization, contact person, address, telephone number, and email address or indicate “none,” if applicable.

***Local Share*** - Local share is subrecipients’ revenue generated from local sources such as, but are not limited to, taxing authority, funding received from state, county or municipal sources, other local or private grant awards and revenue generated from other internal activities. Operating assistance consists of 55.33% federal contribution and a 44.67% local match. Please note that source of local funds can NOT be from federal funds such as FTA Section 5310, 5316, or 5317 funds.

***Maintenance Plan*** - Subrecipients are required to develop written maintenance plans for FTA funded facilities, vehicles, and equipment. The plan should identify the goals and objectives of a maintenance program and establish the means by which such goals and objective will be attained. In the maintenance plans, periodic reporting, maintenance record review, visual inspections, and maintenance audits should also be addressed.

***Procurement Requirements*** - Recipients/subrecipients seeking federal assistance under the Federal Transit Laws as codified at 49 U.S.C. 5301 et seq. to acquire property or services in support of a proposed project is subject to numerous provisions of law pertaining to third-party procurement requirements. SAFETEA-LU re-codified FTA’s procurement requirements in 49 U.S.C. 5325. In addition, regulations promulgated at 49 CFR part 18 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments) establish uniform administrative rules for federal grants, cooperative agreements, and subawards to State, local, and Indian tribal governments (private, non-profit organizations must comply with similar regulations in 49 CFR part 19). Provisions of the common rule pertaining to procurement requirements for FTA recipients that are governmental authorities are set forth at 49 CFR 18.36. Those requirements, as well as other FTA specific provisions, are also set forth in FTA’s Master Agreement, FTA MA(13) October 1, 2006, at Section 15, “Procurement,” and will be updated annually with issuance of each new Master Agreement. Finally, FTA has published additional guidance on recipient compliance with third-party procurement requirements within the most current FTA Circular 4220 and its “Best Practices Procurement Manual.” These regulations and guidance are intended to ensure full and open competition and equitable treatment of all potential sources in the procurement process including planning, solicitation, award, administration, and documentation of all Federally-funded contracts. Each recipient of FTA assistance to acquire property or services in support of its proposed

project shall certify to FTA, in accordance with 49 CFR 18.36 that its procurements and procurement system will comply with all applicable third-party procurement provisions of federal laws, regulations, and directives, except to the extent FTA has expressly approved otherwise in writing. Any subrecipient that fails to provide this certification may be determined ineligible for award of federal assistance if FTA and State determines that its procurement practices and procurement system are incapable of compliance with federal laws, regulations, and directives governing procurements financed with FTA assistance.

***Toll Credits*** - Toll credits provide a credit toward a project's local share for certain expenditures with toll revenues. The amount of credit toward local share to be earned by State is based on revenues generated by toll authorities within the State. Under the provision of 23 U.S.C. 120(j), FHWA oversees the determination of toll credit within each state. For FTA, the effect of utilizing toll credits means that FTA, in essence, provides 100% of the total net project cost. If subrecipients are planning to use toll credit for local share, you MUST coordinate with your MPO and Caltrans before you submit an application to ensure the availability of the credit.



February 15, 2012  
NCTPA Agenda Item 9.3  
Continued From: November 16, 2011  
**Action Requested: APPROVE**

## **NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter**

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**TO:** Board of Directors  
**FROM:** Paul W. Price, Executive Director  
**REPORT BY:** Paul W. Price, Executive Director  
(707) 259-8634 / Email: [pprice@nctpa.net](mailto:pprice@nctpa.net)  
**SUBJECT:** Adopt Resolution 12-03 which forwards the approval of Cooperative Agreements between Caltrans, Napa County Transportation and Planning Agency (NCTPA) and Solano Transportation Authority (STA) for the Construction of the Jameson Canyon Project

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### **RECOMMENDATION**

That the NCTPA Board Adopt resolution 12-03 which ratifies the two Cooperative Agreements (Attachments 1 & 2) signed under Board authorization in November 2011 between Caltrans, Napa County Transportation and Planning Agency (NCTPA) and Solano Transportation Authority (STA) for the Construction of the Jameson Canyon Project.

### **COMMITTEE RECOMMENDATION**

None.

### **EXECUTIVE SUMMARY**

As the Jameson Canyon project moves towards construction it is standard practice for the partners in the project to enter into a cooperative agreement to identify the specific tasks that each partner will undertake during the construction. These agreements were approved by the Board in November 2011. Caltrans now requires a Board resolution to place these agreements into effect. There are two agreements (Attachments 1 & 2) because the project is divided into two separate construction contracts, one for Napa County and one for Solano County.

### **PROCEDURAL REQUIREMENTS**

1. Staff Reports

- 2. Public Comment
- 3. Motion, Second, Discussion and Vote

**FISCAL IMPACT**

Is there a Fiscal Impact? Yes. In past years State Transportation Improvement Program (STIP) (\$6,860,000) funding allocations by the NCTPA through Caltrans were made available for this project. No additional local funding is provided by these agreements.

Is it currently budgeted? Yes.

Where is it budgeted? Caltrans budget

Is it Mandatory or Discretionary: Discretionary.

Is the TDA fund affected? No.

Future fiscal impact: None.

Consequences if not approved: Potential delay to the Notice To Proceed of the Jameson Canyon construction projects.

**CEQA REQUIREMENTS**

The proposed action is a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, Caltrans undertook the CEQA action for this project.

**BACKGROUND AND DISCUSSION**

The Jameson Canyon construction project been awarded by Caltrans. To begin construction Caltrans requires a Board resolution that ratifies the agreements entered into under Board authority in November 2011. The project has been a three partner project with NCTPA joining with Caltrans and STA to shepherd the project through design, environmental, and property acquisition.

The funding for this project is fully in-place and is being administered by Caltrans.

**SUPPORTING DOCUMENTS**

- Attachments: (1) Resolution 12-03
- References: (2) Cooperative Agreement Phase 1 Segment 1
- (3) Cooperative Agreement Phase 1 Segment 2

**RESOLUTION No. 12-03**

**A RESOLUTION OF THE  
NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY (NCTPA)  
AFFIRMING THE COOPERATIVE AGREEMENT 4-2393 AND 04-2394  
ENTERED INTO BETWEEN THE  
CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS),  
SOLANO TRANSPORTATION AUTHORITY (STA), AND  
NAPA COUNTY TRANSPORTATION PLANNING AGENCY (NCTPA)**

**WHEREAS**, by minute order at a prior meeting, the Napa County Transportation and Planning Agency (NCTPA) Board granted the Executive Director under the Memorandum of Understanding for the Jameson Canyon Project signed on February 20, 2007, the authority to enter into the Agreements with the parties listed above; and

**WHEREAS**, Caltrans requires an NCTPA Board Resolution setting forth the Executive Director's authority to sign the tri-party Agreement:

**NOW THEREFOR BE IT RESOLVED**, that the NCTPA Board hereby authorizes the Executive Director to execute the tri-party Cooperative Agreement 04-2393 and 04-2394 with the California Department of Transportation, Solano Transportation Authority and Napa County Transportation and Planning Agency.

Passed and adopted this 15<sup>th</sup> day of February, 2012.

\_\_\_\_\_  
Keith Caldwell, Chair, NCTPA

Ayes:

Noes:

ATTEST:

Absent:

\_\_\_\_\_  
Karalyn E. Sanderlin, NCTPA Board Secretary

APPROVED AS TO FORM:  
Janice Killion, NCTPA Legal Counsel



February 15, 2012  
NCTPA Agenda Item 9.4  
**Action Requested: APPROVE**

## **NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter**

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**TO:** Board of Directors  
**FROM:** Paul W. Price, Executive Director  
**REPORT BY:** Tom Roberts, Manager-Public Transit  
(707) 259-8635 / Email: [troberts@nctpa.net](mailto:troberts@nctpa.net)  
**SUBJECT:** Revision of PCC and VCAC By-laws and Appointment of Members

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### **RECOMMENDATION**

That the NCTPA Board (1) adopt the revised By-laws of the Paratransit Coordinating Council (PCC), and (2) adopt the revised By-laws of the Vine Consumer Advisory Committee (VCAC), and (3) appoint members to designated terms.

### **EXECUTIVE SUMMARY**

NCTPA legal counsel has been working with the various appointed advisory boards of the agency to bring consistency and legal compliance to the various group's by-laws. Today's recommended action amends the by-laws of the PCC and VCAC and appoints the currently seated members to new terms on their respective advisory body.

### **PROCEDURAL REQUIREMENTS**

1. Staff Report
2. Public Comment
3. Motion, Second, Discussion and Vote

### **FINANCIAL IMPACT**

Is there a fiscal impact? No

Is it Currently Budgeted? N/A

Where is it budgeted? N/A

Is it Mandatory or Discretionary? Discretionary

Future Fiscal Impact: None

Consequences if not approved: Agency advisory bodies will have inconsistent by-laws and no members.

### **CEQA REQUIREMENTS**

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

### **BACKGROUND AND DISCUSSION**

NCTPA legal counsel has been working with the various appointed advisory boards of the agency to bring consistency and legal compliance to the various group's by-laws. Today's recommended action amends the by-laws of the PCC and VCAC and appoints the currently seated members to new terms on their respective advisory body.

The changes proposed primarily reflect clean up language to add consistency throughout the respective documents and bring them into legal compliance. Significantly, no changes are proposed that alter the mission, duties or responsibilities of the groups. The PCC did recommend lowering its meeting quorum threshold from five down to four members being present.

Each group's by-laws call for the appointment of individuals to serve designated terms and represent specific constituencies. Working with staff, the PCC and VCAC developed the following list of currently serving individuals, the constituency they represent and an initial term of appointment (next page).

Staff recommends the board adopt the PCC and VCAC by-law revisions and appointments as presented along with the enabling resolutions (attached).

-next page-

| <b>PCC ( 9 members total in specific categories)</b>          |                               |                     |
|---|-------------------------------|---------------------|
| <b>Category</b>   | <b>Appointee(s)</b>           | <b>Initial Term</b> |
| Consumer/user 60 years of age or older (1):                   | Vacant                        |                     |
| Consumer/user persons with disabilities (1):                  | Doug Weir                     | 3                   |
| Social services provider for seniors (1):                     | Celine Regalia                | 1                   |
| Social services providers for persons with disabilities (2):  | Beth Kahiga, Randy Kitch      | 3, 2                |
| Social services provider for persons of limited means (1):    | Vacant                        |                     |
| Member of the public residing within an urbanized area (2):   | Joann Busenbark, Betty Rhodes | 2, 1                |
| Member of the public residing within a nonurbanized area (1): | Vacant                        |                     |

| <b>VCAC (9 members total from any category)</b>                                      |  |                     |
|--|--|---------------------|
| <b>Category</b>  | <b>Appointee</b>                           | <b>Initial Term</b> |
| <i>Public transit consumer/user who uses the VINE for commute purposes</i>           | Jean Vincent Deal, Jack Wall               | 1, 3                |
| <i>Public transit consumer/user from the City of Napa</i>                            | Dorine Johnson, Gengi Scmeder, Anna Ernest | 2, 2, 1             |
| <i>Public transit consumer/user at large from Up Valley</i>                          | Margret Schlenke                           | 3                   |
| <i>Public transit consumer/user at large from South County</i>                       | -  |                     |
| <i>Public transit consumer/user under age 21</i>                                     | -  |                     |
| <i>Public transit consumer/user over age 60, nominated by the PCC</i>                | George Blackstock                          | 3                   |
| <i>Public transit consumer/user with a physical disability, nominated by the PCC</i> | Doug Weir                                  | 2                   |
| <i>Public transit consumer/user representing the Latino community</i>                | Richardo Huijon                            | 1                   |

## **SUPPORTING DOCUMENTS**

- Attachment: (1) Resolution # 12-04 amending the by-laws of the PCC  
 (2) Resolution # 12-05 amending the by-laws of the VCAC

RESOLUTION No. 12-04

A RESOLUTION OF THE  
NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY (NCTPA)  
APPROVING AMENDMENTS TO THE PARATRANSIT COORDINATING COUNCIL  
BYLAWS

**WHEREAS**, the NCTPA Board created the Paratransit Coordinating Council (PCC) to advise the Board on transportation related issues as they impact senior citizens, the disabled, and persons of limited means ; and

**WHEREAS**, NCTPA periodically updates its advisory committee and council bylaws to be consistent with current agency directives and state and federal law:

**NOW THEREFORE BE IT RESOLVED** by the governing board of the Napa County Transportation and Planning Agency:

1. The PCC bylaws are hereby amended as reflected in Exhibit A, attached.

Passed and Adopted the 16<sup>th</sup> day of February, 2011.

\_\_\_\_\_  
Keith Caldwell, NCTPA Chair

Ayes:

ATTEST:

Noes:

\_\_\_\_\_  
Karalyn E. Sanderlin, NCTPA Board Secretary

Absent:

APPROVED:

\_\_\_\_\_  
Janice Killion, NCTPA Legal Counsel

## **BYLAWS FOR THE PARATRANSIT COORDINATING COUNCIL**

### **Article I GENERAL PROVISIONS**

#### **1.1 Purpose**

These Bylaws govern the proceedings of the Paratransit Coordinating Council (PCC), an advisory committee established by the Board of Directors of the Napa County Transportation and Planning Agency (NCTPA).

### **Article II DUTIES AND AUTHORITY**

#### **2.1 Duties**

Pursuant to Metropolitan Transportation Commission's policies related to Paratransit Coordinating Councils, attached as Attachment A, the PCC shall advise the NCTPA Board of Directors and the Metropolitan Transportation Commission (MTC) regarding setting priorities for transportation services, review and make recommendations regarding the submission of claims for certain TDA and UMTA funds and allocations consistent with its priorities, and address coordination of paratransit services within Napa County.

#### **2.2 Limitations on Authority**

PCC shall have no independent duties and no authority to take actions that bind NCTPA or the Board of Directors. No expenditures or requisitions for services and supplies shall be made and no individual member thereof shall be entitled to reimbursement for travel or other expenses except as authorized by the Board of Directors.

### **Article III MEMBERSHIP**

#### **3.1 Membership**

Members shall be appointed by, and serve at the pleasure of, NCTPA. There shall be Nine (9) voting members of the PCC, representing the following categories:

- (1) Consumer/user 60 years of age or older
- (1) Consumer/user persons with disabilities
- (1) Social services provider for seniors

- (2) Social services providers for persons with disabilities
- (1) Social services provider for persons of limited means.
- (2) Members of the public residing within an urbanized area
- (1) Member of the public residing within a nonurbanized area

Representatives of no more than two separated contracted transportation service providers may be included as ex-officio, advisory, non-voting members.

Members may represent more than one of the above categories.

### 3.2 Member Terms

Initial appointments to the PCC shall be one-third for one year, one-third for two years, and one-third for three years. Subsequent appointments shall be for three years. Members shall draw lots to determine the term of initial appointment.

Non-attendance at three consecutive meetings without excuse may result in termination.

## Article IV OFFICERS

### 4.1 Chairperson and Vice Chairperson

The PCC shall elect from its membership a chairperson and a vice chairperson. Nominations for officers shall be made at the September meeting with elections held at the November meeting, annually. New officers shall take office at the January meeting and hold office for one year.

The chairperson shall preside at all meetings of the Committee and represent the Committee before the Board of Directors. The vice chairperson shall perform the duties of the chairperson when the chairperson is absent. In the event of a vacancy in the chairperson's position, the vice chairperson shall succeed as chairperson for the balance of the chairperson's term, and the Committee shall elect a successor to fill the vacancy in the vice chairperson's position as provided below. If both officers are absent from a meeting, the remaining members shall select one member to preside at the meeting.

### 4.2 Staff Resources

The NCTPA shall furnish clerical services to prepare and distribute PCC agendas, notices, minutes, correspondence and other documents and shall assign an employee to attend each meeting. The NCTPA shall maintain a record of all proceedings of the PCC as required by law and shall perform other duties as provided in these Bylaws.

## Article V MEETINGS

### 5.1 Regular Meetings

The PCC shall meet at least bimonthly. A meeting calendar shall be adopted the first meeting in January each year.

### 5.2 Special Meetings

A special meeting may be called by the chairperson. The meeting may be called and noticed as provided in Section 5.3 below. (For a general description of the noticing procedures, see the Rules of Procedure of the Board of Directors.)

### 5.3 Calling and Noticing of Meetings

All meetings shall be called, noticed and conducted in accordance with the applicable provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code). The Executive Director and General Counsel shall be given notice of all meetings.

### 5.4 Quorum; Vote

A quorum of the PCC shall consist of four members. All acts of the Committee shall require the presence of a quorum and the affirmative vote of a majority of the total membership present.

## Article VI MISCELLANEOUS

### 6.1 Adoption and Amendment of Bylaws

These Bylaws shall be adopted and amended by the PCC by the affirmative vote of a majority of its total membership and with the approval of the NCTPA Board.

### 6.2 Parliamentary Procedure

The rules contained in the "Standard Code of Parliamentary Procedure", by A. Sturgis, shall govern the PCC in all cases to which they are applicable and not inconsistent with these bylaws.

## MTC Policies Related to Paratransit Coordinating Councils

The following provisions shall be applicable for TDA Article 4.5 claimants (PUC Sections 99275 et seq.) and Article 8 transit claimants (PUC Sections 99400(c) and (d)) effective immediately:

### Role and Responsibilities of Paratransit Coordinating Councils:

A. Membership: Membership on the PCCs shall include representatives of paratransit providers, relevant public agencies including public transit operators, and paratransit users, including, but not limited to, the elderly, handicapped, minority and low-income, as well as representatives of urbanized and nonurbanized areas of the county. The executive committees of the PCCs, where they exist, shall reflect the diverse membership of the PCCs.

MTC staff will review the charter and organizational structure of each county's PCC to determine that appropriate groups are represented on the PCC and its executive committee.

B. Setting Priorities for Transportation Services: Priorities for transportation services (funded under Article 4.5 or Article 8) shall be developed by the PCCs for their respective counties and their communities. The PCCs shall consider the local and regional AB 120 Action Plans and the transit service recommendations of the Minority Transit Needs Assessment Project (MTNAP) as they develop priorities for transportation needs in their counties. MTC's policy is to encourage the use of Article 4.5 and Article 8 transit funds for coordinated services to meet the general transportation needs of persons eligible for service.

C. Submission of Claims to Paratransit Coordinating Councils: All claimants for Article 4.5 and Article 8 transit funds shall participate in their county Paratransit Coordinating Council. Copies of all claims for TDA Article 4.5 or Article 8 transit funds and the quarterly and annual reports that claimants are required to submit to MTC shall also be submitted by the claimants to the appropriate PCC for their review and recommendations to MTC. Copies of all applications for UMTA Section 16(b)(2) and Section 18 funds and any other requests for funds for paratransit services shall also be forwarded to the appropriate PCC(s) for their review and recommendations to MTC.

D. Review of Claims by Paratransit Coordinating Councils: Each PCC shall review all applications for TDA Article 4.5 and Article 8-transit funds according to its priorities for service. Each PCC shall present to MTC its recommendations for the allocation of Article 4.5 and Article 8 transit monies. These recommendations are advisory and not binding on MTC. MTC staff shall include the PCC recommendations with the staff evaluations presented to MTC's Grant Review and Allocations Committee.

Each PCC shall also review and make recommendations regarding priorities for UMTA Section 16(b)(2) applications and requests for UMTA Section 18 funds and any other requests for funds for paratransit services.

E. Coordination of Paratransit Services: Each Paratransit Coordinating Council shall address coordination of paratransit services within the county. Such coordination shall, to the maximum extent possible, involve the coordination of TDA-funded services with non-TDA-funded paratransit services. Coordination efforts shall include, but not be limited to, those activities described in the Social Service Transportation Improvement Act, Government Code Sections 15950 et seq. Each PCC shall develop definitions and policies regarding comparable fares and comparable services.

F. Coordination with Transit Services: Paratransit services shall complement and interface with transit services whenever possible. This coordination of paratransit services with fixed-route, public transit is especially important in areas where paratransit can provide transfers to regional trunkline transit service. Each Paratransit Coordinating Council shall address coordination between paratransit services and fixed-route services as part of their planning effort.

The following provisions shall be applicable for TDA Article 4.5 claimants (PUC Sections 99275 et seq.) and Article 8 transit claimants (PUC Sections 99400(c) and (d)), effective with claims for FY 1983-84.

I. Definitions:

A. "Special Transportation Services" are intended to serve those population groups who cannot use existing conventional fixed-route, public transit services and facilities for any of the following reasons:

- The traveler, because of age or disability (as determined by the local PCC priority process) cannot use existing public transit.
- Local public transit service is not otherwise available in the area or for the trip required.
- The majority of route miles are within the nonurbanized area of a nonurbanized county, as determined by the 1980 federal census.

Standards and definitions for determining whether a program qualifies as a "special transportation service" shall be adopted by each county's PCC, subject to review by MTC's Grant Review and Allocations Committee at the time claims are considered for approval.

B. "Operating Cost" means all costs in the operating expense object classes exclusive of the costs in the depreciation and amortization expense object class of the Uniform System of Accounts and Records adopted by the State Controller pursuant to PUC Section 99243 and exclusive of all direct costs for providing charter services and exclusive of all vehicle lease costs and exclusive of the costs of the following, for which, notwithstanding 21 Cal. Admin. Code Section 6634(e), MTC may allocate Article 4.5 and Article 8-transit funding:

- a) a performance audit;
- b) special planning studies or demonstration projects, including those funded with State Transit Assistance (STA) funds); and
- c) Paratransit Coordinating Council staffing for purposes such as planning and administration: however, other planning and administration costs funded under PUC Section 99275 and 99400(d) shall not be excluded.

For the purpose of determining a transit service claimant's compliance with its local match requirement, "operating cost" shall also exclude liability and casualty insurance premiums and payments in settlement of claims arising out of the transit

service claimant's liability. This exclusion shall remain effective only until June 30, 1991 and shall not apply for purposes of determining a claimant's maximum eligibility for TDA/STA funds.

In the case of a transit service claimant that is allocated funds for payment to an entity which is under contract with it to provide transportation services, "operating cost" also includes the amount of the fare revenues that are received by the entity providing the services and not transferred to the claimant.

The above definition shall apply in lieu of PUC Section 99247(a) and 99268.17 and 21 Cal. Admin. Code 6611.1.

C. "Local Match" means the revenue object classes 401, 402, and 403 as specified in Section 630.12 of Title 49 of the Code of Federal Regulations, as now or as may hereafter be amended, and private contributions, funds available under the Older Americans Act of 1965 (as amended) or through agreement with a Regional Center for persons with developmental disabilities (referenced in Welfare and Institutions Code Sections 4620 et seq.), and local support revenues in revenue account object classes 406, 408, 409 (excluding funds allocated under the Transportation Development Act or the State Transit Assistance Program), 410, 413.991, 430 and 440 of the Uniform System of Accounts and Records adopted by the Controller pursuant to PUC Section 99243, as now or as hereafter may be amended.

Contributed services reported under revenue object class 430 shall be considered local match only to the extent that the value of these services is reported as a contra account for expense. Contributed services of a paid employee of the transit service claimant or another entity shall be valued at a rate not to exceed the hourly wage of that employee for the number of hours that can be verified by the annual independent audit. Contributed services of a volunteer shall be valued at a rate not to exceed the federal minimum wage for the number of hours that can be verified by the annual independent fiscal audit.

The above definition shall apply in lieu of PUC Section 99205.7.

D. Service Extensions: The required ratio of local match to operating cost prescribed by this resolution shall not apply to an extension of transportation services until two years after the end of the fiscal year in which the extension of services was put into operation. As used in this section, "extension of transportation services" shall include additions of geographical areas or route miles, or improvements in service frequency or hours of service greater than 25 percent of the route total, or the addition of new days of service, and for transit service claimants also includes the addition of a new type of service, such as van, taxi, or bus. Within 90 days after the end of each year of implementation, the claimant shall submit to MTC a report on the extension of public transportation services, including, but not limited to, the area served, the revenues generated, and the cost to provide the extended services.

In addition, for a claimant that is designated a consolidated transportation service agency (CTSA), coordination activities undertaken to implement an action plan to meet

the legislative intent expressed in Section 15951 of the Government Code shall be considered an extension of public transportation services. Such coordination activities are limited to activities initiated after designation as a CTSA which include ongoing coordination with non-TDA-funded social service transportation services as well as TDA claimants. Any questions concerning whether an activity falls within the above limits shall be resolved by MTC.

The above definition shall apply in lieu of PUC Section 99268.8.

E. "Community" is defined as a population group sharing common interests within a geographic area.

## II. General Rules:

A. For Special Transportation Service Claimants: The maximum contribution of TDA and STA funds to a special transportation service (as defined above) claimant shall be 90% of total operating costs (as defined above). For any fiscal year, at least 10% of the operating cost of a special transportation service shall be provided with local match revenues (as defined above).

B. Other Claimants: All claimants for TDA Article 4.5 or Article 8 transit funds that are determined by MTC to not qualify as special transportation services shall be considered as providers of general transportation. The maximum contribution of TDA and STA funds for such general transportation shall be 80% of total operating costs (as defined above). For any fiscal year, at least 20% of the operating cost of a general transportation service shall be provided with local match revenues (as defined above).

However, for a transit service claimant providing general transportation in a county with a population of 500,000 or less and serving an urbanized area, MTC may set the maximum contribution of TDA and STA funds for the service at no more than 85% and the local match requirement at not less than 15% if a finding is made pursuant to PUC Section 99268.12.

C. Noncompliance with Local Match Requirements: Noncompliance with the above stated local match provisions during Fiscal Year 1983-84 1986-87 or future fiscal years shall result in a reduction in the claimant's eligibility to receive TDA and STA by the amount of the difference between the required local match and the actual local match, as prescribed by PUC Section 99268.9 and 21 Cal. Admin. Code Section 6633.9.

D. Fare Coordination: Comparable fares shall be charged for comparable services throughout each county.

E. Separability: If a claimant is responsible for more than one type or area of service, the claimant may request that these rules may be applied separately or collectively to the services provided by the claimant. However, quarterly and annual reports shall be submitted for each service.

F. Maximum Allocation of TDA Article 4.5 Funds: It is MTC policy that, pursuant to PUC Code Section 99233.7, 5 percent of the funds available shall be allocated, in those counties with eligible claimant(s), for community transit purposes. Unused funds made available for Article 4.5 purposes in one year shall be reserved in the Local Transportation Fund for use in subsequent years for Article 4.5 purpose

RESOLUTION No. 12-05

A RESOLUTION OF THE  
NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY (NCTPA)  
APPROVING AMENDMENTS TO THE VINE CONSUMER ADVISORY COMMITTEE  
BYLAWS

**WHEREAS**, the NCTPA Board created the Vine Consumer Advisory Committee (VCAC) to advise the Board on transportation related issues as they impact system riders ; and

**WHEREAS**, NCTPA periodically updates its advisory committee and council bylaws to be consistent with current agency directives and state and federal law:

**NOW THEREFORE BE IT RESOLVED** by the governing board of the Napa County Transportation and Planning Agency:

1. The VCAC bylaws are hereby amended as reflected in Exhibit A, attached.

Passed and Adopted the 16<sup>th</sup> day of February, 2011.

\_\_\_\_\_  
Keith Caldwell, NCTPA Chair

Ayes:

ATTEST:

Noes:

\_\_\_\_\_  
Karalyn E. Sanderlin, NCTPA Board Secretary

Absent:

APPROVED:

\_\_\_\_\_  
Janice Killion, NCTPA Legal Counsel

# VCAC

## VINE CONSUMER ADVISORY COMMITTEE

### COMMITTEE BYLAWS

#### Article I - NAME

The name of this committee shall be the VINE Consumer Advisory Committee (VCAC). Establishment of the committee is authorized under section 4.4.4 of the Joint Powers Agreement of the Napa County Transportation Planning Agency.

#### Article II - OBJECTIVE

The VINE Consumer Advisory Committee (VCAC) serves to provide the Napa County Transportation Planning Agency (NCTPA) Board and staff with advice, comments and suggestions regarding issues of importance to the consumers of public transportation. The committee shall serve in an advisory capacity. Its objective will be to assist NCTPA in developing and perfecting a public transit system which meets the needs of residents in a practical, cost efficient manner. The functions of the committee shall include, but are not limited to the following:

1. Identify and advise on consumer issues related to the transit system's physical equipment. Physical equipment includes but is not limited to items such as buses, transfer instruments, bus shelters, wheelchair lifts, etc.
2. Identify and advise on consumer issues related to the design of the combined VINE system. Design issues include elements such as distance between bus stops, bus stop locations, bus routing, service standards, hours of operation, customer service, telephone information, office and fare structures.
3. Advise on the preferred balance between the various types of service the agency intends to offer, including
  - a. Local circulation service, usually routed
  - b. Intercity Service
  - c. General public, elderly and disabled demand-responsive service
  - d. Routed commuter service (express)
4. Review and advise on items related to marketing communications. Marketing communications includes issues such as signage, legibility of printing materials (e.g. schedules), quality/ value of disseminated marketing information, and effectiveness of NCTPA promotions.

5. Identify and advise on items influencing consumer perceptions and behavior, including but not limited to bus operator attitudes, safety, ease of use of the public transit system, and convenience and reliability of transit service and facilities.
6. Review of quality of service issues, including periodic review of customer complaints.
7. Review and comment on service costs and fare-box return ratio.

### **Article III - COMPOSITION-QUALIFICATION AND TERMS**

All VCAC members shall be appointed by, and serve at the pleasure of, the Napa County Transportation & Planning Agency Board.. Two members, as described below, will be recommended to the Board by the Paratransit Coordinating Council.

The VCAC will consist of nine (9) voting members. Composition is to be reflective of NCTPA's transit service users throughout the service area. Generally members will be appointed based on their representation of the following constituencies:

1. Public transit consumer/user who uses the VINE for commute purposes
2. Public transit consumer/user from the City of Napa
3. Public transit consumer/user at large from Up Valley
4. Public transit consumer/user at large from South County
5. Public transit consumer/user under age 21
6. Public transit consumer/user over age 60, to be nominated by the Paratransit Coordinating Council
7. Public transit consumer/user with a physical disability, to be nominated by the Paratransit Coordinating Council
8. Public transit consumer/user representing the Latino community

It is possible that any one member could represent more than one of the above consumer categories. Members will be appointed according to their familiarity with particular routes, geographical areas and/or of the system.

All members, while understanding that they may have been appointed by virtue of a particular position or interest they hold or represent, must also understand that they represent all the citizens of the transit service area in their work as advisory committee members.

Initial appointments to the Committee shall be three for a one-year term, three for a two-year term and three for a three-year term. Subsequent to the initial appointment, the term of appointment shall be for three years, which may be renewed, subject to the Maddy Act. Members shall draw lots to determine term of initial appointment.

#### **Article IV - MEMBERSHIP WITHDRAWAL**

Membership may be withdrawn for any of the following reasons::

1. Three (3) consecutive unexcused absences or five (5) absences in an eighteen month period.
2. If a member ceases to use the system.

#### **Article V - OFFICERS AND DUTIES**

The committee members will elect a committee Chair and Vice-Chair annually at the November/December meeting. New offices will be held for one year or until their successors are elected. New officers will be seated at the meeting following their election.

The Chair will preside at all meetings. Should the Chair be absent, the Vice-Chair will preside. If both Chair and Vice-Chair are absent, a majority of those present will elect a member to preside over the meeting.

The Chair may appoint ad hoc committees on an as-needed, non-scheduled basis to accomplish a specific task and report back to the full VCAC. Ad hoc committees must have less than a quorum of VCAC members and are exempt from the requirements of the Brown Act. The VCAC may not direct the ad hoc committee on how to fulfill its function or when it should meet.

NCTPA staff will provide the administrative support for the committee including mailing agendas to members, and other related duties.

The Chair or an appointee delegated by the committee may make presentations to the NCTPA Executive Director and/or the Board of Directors at milestone points in various projects or when the VCAC as a whole has identified items and directed that such a communication occur.

#### **Article VI - MEETINGS**

The VCAC will meet bi-monthly on the first Thursday of the month at 6 pm, effective September 2009, unless otherwise scheduled by the majority of a quorum. Additional meetings may be required to address time sensitive matters. Meetings will be held at a date, time and place as set by resolution of the NCTPA.

All VCAC meetings will be held in accordance the Ralph M. Brown Act (Government Code section 54950 et seq.). Agenda items will be agreed upon by the Chair and the

NCTPA staff representative, or upon motion of the committee. Any committee member may make recommendations for the agenda at a prior meeting or to the Chair prior to the agenda being produced. .

Each member shall have one vote and a quorum shall consist of five (5) voting members. A majority vote of the quorum shall be necessary to present an issue to the Executive Director or to the NCTPA Board of Directors. The Executive Director may present or ask the Chair (or designee) to make presentations to the NCTPA Board of Directors from time to time.

All actions of the committee shall require the approval of a majority of the members present.

#### **Article VII - PARLIAMENTARY PROCEDURE**

The rules contained in "Standard Code of Parliamentary Procedure", by A. Sturgis, shall govern the Committee in all cases to which they are applicable, and not inconsistent with the Bylaws of the Committee.

Public Notice of all meetings shall be given pursuant to the Brown Act in compliance with the 72-hour posting deadline for regular meetings and the 24-hour deadline for special meetings.

#### **Article VIII - PROHIBITED ACTIVITIES**

No individual member shall represent the VCAC to the general public or at a NCTPA Board meeting without majority vote of a quorum at a VCAC meeting prior to the representation.

No VCAC member will represent NCTPA to the general public without consent of the NCTPA Board (or designee) prior to the representation.



February 15, 2012  
NCTPA Agenda Item 9.5  
Continued From: New  
**Action Requested: APPROVE**

## **NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter**

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**TO:** Board of Directors  
**FROM:** Paul W. Price, Executive Director  
**REPORT BY:** Antonio Onorato, Executive Director  
(707) 259-8779 / Email: aonorato@nctpa.net  
**SUBJECT:** Approval of Amendment No. 8 to the Joint Powers Agreement (JPA)  
for the Napa County Transportation and Planning Agency (NCTPA)

---

### **RECOMMENDATION**

That the NCTPA Board approve Amendment No. 8 to the Joint Powers Agreement (JPA) (Attachment 1).

### **EXECUTIVE SUMMARY**

At the November 16, 2011 meeting, the Board approved circulating among its member agencies Amendment No. 8 to the Joint Powers Agreement for the Napa County Transportation and Planning Agency with the intent to review, approve and sign Amendment No. 8. Amendment No. 8 expands the scope of duties performed by NCTPA by adopting the Uniform Public Cost Construction Accounting Act and allowing the Agency to simplify the bidding process for small projects.

### **PROCEDURAL REQUIREMENTS**

1. Staff Report
2. Public Comments
3. Motion, Second, Discussion and Vote

### **FINANCIAL IMPACT**

Is there a fiscal impact? No.

Is it Currently Budgeted? N/A

Where is it budgeted? N/A

Is it Mandatory or Discretionary? Discretionary

Future Fiscal Impact: Yes. Savings achieved in time and staff resources.

Consequences if not approved: Agency would continue current practices.

### **CEQA REQUIREMENTS**

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

### **BACKGROUND AND DISCUSSION**

The NCTPA JPA has undergone several amendments over the course of its twelve-year history to reflect changing circumstances and new initiatives that arise over time.

The existing JPA has been amended on seven (7) different occasions. The significant change to the new amendment is in Sections 5.2(f):

*“To enact an ordinance for the purpose of adopting the California Uniform Construction Cost Accounting Act and establishing an alternative method of procuring small construction contracts pursuant to California Public Contract Code sections 22000, et seq, as amended from time to time.”*

The Cities of Napa, Calistoga, St. Helena and Town of Yountville approved Amendment No. 8 in December 2011. The City of American Canyon and County of Napa approved in January 2012.

### **SUPPORTING DOCUMENTS**

Attachment: (1) Amendment No. 8 to the Joint Powers Agreement for the Napa County Transportation Planning Agency (with tracking)

**AMENDMENT NO.8  
TO THE JOINT POWERS AGREEMENT  
FOR THE NAPA COUNTY  
TRANSPORTATION AND PLANNING AGENCY**

**(ALSO KNOWN AS NAPA COUNTY AGREEMENT NO. 3061; CITY OF NAPA AGREEMENT NO. 6147; CITY OF AMERICAN CANYON RESOLUTION NO. 92-33/AGREEMENT NO. 95-15; TOWN OF YOUNTVILLE RESOLUTION. NO. 868; CITY OF ST. HELENA RESOLUTION NO. 91-32; CITY OF CALISTOGA RESOLUTION NO. 91-19)**

**THIS AMENDMENT NO. 8 TO THE JOINT POWERS AGREEMENT OF THE NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY (the "Agreement")** is entered into as of the effective date determined under (4), below, by and between the COUNTY OF NAPA, CITY OF AMERICAN CANYON, CITY OF NAPA, TOWN OF YOUNTVILLE, CITY OF ST. HELENA, and CITY OF CALISTOGA ("Member Jurisdictions");

**RECITALS**

**WHEREAS**, the Napa County Transportation and Planning Agency (the "NCTPA") is a joint powers agency created by the Member Jurisdictions to provide coordinated transportation planning and transportation services within the County of Napa; and

**WHEREAS**, the Member Jurisdictions desire to expand the scope of duties that may be performed by NCTPA; and

**WHEREAS**, in order to expand the scope of duties that may be performed by NCTPA, the Member Jurisdictions now desire to amend the Agreement as set forth below.

**TERMS**

**NOW, THEREFORE, THE MEMBER JURISDICTIONS** agree as follows:

1. The Member Jurisdictions find the foregoing Recitals to be true and correct.
2. The terms of the Agreement are hereby amended to read in full as set forth in Attachment "A", attached hereto and incorporated by reference herein.
3. By approving this Amendment No. 8 and authorizing execution thereof each Member Jurisdiction hereby reconfirms its prior election to exempt Napa County from the congestion management requirements of Chapter 2.6 of Division 1 of Title 7 of the California Government Code as permitted by Government Code section 65088.3.

4. This Amendment No. 8 and the attached provisions of Attachment "A" shall become effective on the date the documents have been ratified by all of the Member Jurisdictions. This Amendment may be signed in counterparts by the parties hereto and shall be valid and binding as if fully executed all on one copy.

**IN WITNESS WHEREOF**, this Amendment No. 8 to the Joint Powers Agreement creating the Napa County Transportation and Planning Agency was executed by the Member Jurisdictions through their duly-authorized representatives as noted below:

**COUNTY OF NAPA**

By: \_\_\_\_\_  
KEITH CALDWELL, Chairman of the  
Board of the Napa County Board of Supervisors

Date: \_\_\_\_\_

ATTEST: GLADYS I. COIL,  
Clerk of the Board of Supervisors

APPROVED AS TO FORM:  
ROBERT WESTMEYER  
Napa County Counsel

By: \_\_\_\_\_

By: \_\_\_\_\_

**CITY OF AMERICAN CANYON**

By: \_\_\_\_\_  
LEON GARCIA, Mayor

Date: \_\_\_\_\_

ATTEST: Rebekah Barr ,  
American Canyon City Clerk

APPROVED AS TO FORM:  
WILLIAM ROSS  
American Canyon City Attorney

By: \_\_\_\_\_

By: \_\_\_\_\_

**CITY OF NAPA**

By: \_\_\_\_\_  
JILL TECHEL, Mayor

Date: \_\_\_\_\_

ATTEST: DOROTHY ROBERTS,  
Napa City Clerk

APPROVED AS TO FORM:  
MICHAEL BARRETT  
Napa City Attorney

By: \_\_\_\_\_

By: \_\_\_\_\_

**TOWN OF YOUNTVILLE**

By: \_\_\_\_\_  
JOHN F. DUNBAR, Mayor

Date: \_\_\_\_\_

ATTEST: MICHELLE DAHME,  
Town Clerk

APPROVED AS TO FORM:  
ARNOLD M. ALVAREZ-  
GLASMAN,  
Yountville Town Attorney

By: \_\_\_\_\_

By: \_\_\_\_\_

**CITY OF ST. HELENA**

By: \_\_\_\_\_  
DEL BRITTON, Mayor

Date: \_\_\_\_\_

ATTEST: DELIA GUIJOSA,  
St. Helena City Clerk

APPROVED AS TO FORM:  
JOHN TRUXAW ,  
St. Helena City Attorney

By: \_\_\_\_\_

By: \_\_\_\_\_

**CITY OF CALISTOGA**

By: \_\_\_\_\_  
JACK GINGLES, Mayor

Date: \_\_\_\_\_

ATTEST: AMANDA DAVIS,  
Calistoga City Clerk

APPROVED AS TO FORM:  
MICHELE KENYON,  
Calistoga City Attorney

By: \_\_\_\_\_

By: \_\_\_\_\_

cc\DNCTPA\Joint Powers Agreement\JPA Seventh Amendment\Clean.doc

**ATTACHMENT "A"**

**NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY  
JOINT EXERCISE OF POWERS AGREEMENT**

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**NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY**  
**JOINT EXERCISE OF POWERS AGREEMENT**

**SECTION 1. FORMATION**

- 1.1 Creation and Name.** The County of Napa, the Cities of Napa, St. Helena, Calistoga, American Canyon, and the Town of Yountville (hereinafter referred to as “Member Jurisdictions”), pursuant to Article 2 of Chapter 5 of Division 7 of Title 1 (commencing with section 6500) of the California Government Code, do hereby form, establish and create a joint powers agency to be known as “Napa County Transportation and Planning Agency”, hereinafter referred to as “NCTPA”, which shall constitute a public entity separate and distinct from the Member Jurisdictions and shall supersede and replace the Napa County Congestion Management Agency (“CMA”).

**SECTION 2. PURPOSE**

- 2.1 General.** NCTPA is formed to serve as the countywide transportation planning body for the incorporated and unincorporated areas within Napa County, and as an advisory body for countywide deliberations on land-use, demographics, economic development, community development, environmental issues, arts and cultural issues, which purposes shall include conducting in a coordinated and more simplified way countywide:
- (a) Transportation policy development and planning activities, including those relating to transit on both a short-term and long-term basis and within an intermodal policy framework; improving transit services; providing coordinated and more competitive input to the region’s transportation planning and funding programs; and performing such other transportation related duties and responsibilities as the Member Jurisdictions may delegate to NCTPA by this Agreement or amendment thereto; and
  - (b) Advisory deliberations on land-use, demographics, economic development, community development, environmental issues, arts and cultural issues. Any such deliberations may result in advisory recommendations only, and such recommendations shall not be binding on any Member Jurisdiction.
- 2.2 Chapter 2.6 Compliance Not Included in Purpose.** It is the intention of the Member Jurisdictions in executing the Agreement to exempt Napa County and the Member Jurisdictions from the requirements of Chapter 2.6 of Division 1 of Title 7 (commencing with Government Code section 65088) pertaining to congestion management planning, as permitted by Government Code section 65088.3. For this reason, compliance with Chapter 2.6 shall not be deemed to be a purpose of NCTPA.
- 2.3 Abandoned Vehicle Abatement Authority.** NCTPA shall supersede and replace the CMA as the service authority for the abatement of abandoned vehicles (AVAA) for Napa

County and the Member Jurisdictions pursuant to Vehicle Code section 9250 et seq. and 22710 seq. All resolutions, authorizations, funds, imposition of service fees, and responsibilities of the CMA in its capacity as the service authority shall be deemed to be ratified and assumed by and remain thereafter as the resolutions, authorizations, funds, imposition of service fees, and responsibilities of NCTPA as AVAA on and after the effective date of Amendment No. 4 of the Agreement until such time as modified or terminated by the NCTPA Board.

- 2.4 **Preparation of County Transportation Plan.** The purposes of NCTPA shall include delegation by the County of Napa to NCTPA of the County's authority under Government Code section 66531 to prepare and submit to the MTC a county transportation plan for the incorporated and unincorporated territory of Napa County which shall include consideration of the planning factors included in Section 134 of the federal Intermodal Surface Transportation Efficiency Act of 1991, as such may be amended from time to time.
- 2.5 **Exercise of Common and Additional Powers.** The purposes of NCTPA shall include establishment of NCTPA as an independent joint powers entity to enable the Member Jurisdictions not only to exercise jointly the common powers of the Member Jurisdictions set forth in Section 2.1 but also to exercise such additional powers as are conferred by Section 5 of this Agreement or by the Government Code upon all joint powers agencies.

### SECTION 3. ASSUMPTION OF CMA CONTRACTS

- 3.1 **Assumption of CMA Contracts.** All contracts between the CMA and any person or entity, public or private, which are in effect as of the effective date of Amendment No. 4 of this Agreement shall be assigned to and assumed by NCTPA on and after that date and all references therein to "CMA", "Congestion Management Agency", or "Napa County Congestion Management Agency" shall thereafter refer to NCTPA.
- 3.2 **Delegation of Contract Responsibilities of CMA Manager.** All references in any CMA contracts assumed by NCTPA under Section 3.1 delegating contract responsibilities to the CMA Manager shall refer, on and after the effective date of Amendment No. 4 of the Agreement, to the Executive Director of NCTPA.

### SECTION 4. ORGANIZATION

- 4.1 **Composition.** NCTPA shall be composed of the Member Jurisdictions, to-wit: the County of Napa, the Cities of American Canyon, Napa, St. Helena, and Calistoga, and the Town of Yountville.
- 4.2 **Principal Office.** The principal office of NCTPA shall be established by resolution of the NCTPA Board.

4.3 **Governing Board.** The powers of NCTPA shall be vested in its governing board (hereinafter referred to as “NCTPA Board”).

**4.3.1 Appointment, Replacement and Voting Power of NCTPA Board Members (“Members”).**

(a) **Voting Members.** Each voting Member of the NCTPA Board shall be an elected official of the governing board of the appointing Member Jurisdiction. One voting Member from each appointing Member Jurisdiction which is a city or town shall be that Member Jurisdiction’s mayor. Any elected official serving as the Napa County representative to the Metropolitan Transportation Commission shall be one of the voting Member’s appointed by that Member Jurisdiction. Members shall continue to serve as such until they cease to hold their elected positions, are removed in the sole discretion of their respective Member Jurisdiction, resign or are otherwise removed from or disqualified from holding their elected positions as a matter of law or by judgment of a court of competent jurisdiction.

(b) **Non-Voting Member Representing the PCC.** The non-voting Member appointed by NCTPA Board upon nomination by the Paratransit Coordinating Council (PCC) shall also be a member or alternate member of the PCC, selected by and serving at the pleasure of the PCC.

(c) **Second Non-Voting Member Appointed by the NCTPA Board.** The NCTPA Board may in its sole discretion appoint a second non-voting Member whose appointment shall be made in accordance with the Maddy Local Appointive List Act of 1975, Government Code section 54970 et seq., as such has been and may be amended from time to time. Such non-voting Member shall serve at the pleasure of the NCTPA Board.

(d) **Vacancies.** Except for a vacancy in the non-voting position appointed by the NCTPA Board under subsection (c), vacancies on the NCTPA Board shall be filled, to the extent practicable, by the respective Member Jurisdictions within sixty (60) days of the occurrence thereof. NCTPA and the NCTPA Board shall be entitled to rely upon written notice from the clerk of the governing board of the Member Jurisdiction as conclusive evidence of the appointment and removal of all Members and their alternates.

(e) **Composition of Members.** The composition of the Members of the NCTPA Board shall be as follows:

| <u>Appointing Entity</u>                                    | <u>Number of Members</u> |
|---|--------------------------|
| City of American Canyon                                     | 2                        |
| City of Calistoga   | 2                        |
| City of Napa  | 2                        |
| City of St. Helena  | 2                        |
| Town of Yountville  | 2                        |
| County of Napa  | 2                        |
| NCTPA Board (nominated by Paratransit Coordinating Council) | 1                        |
| NCTPA Board Appointment                                     | 1                        |

(f) **Voting Power of Members.** The voting power of the Members of the NCTPA Board shall be as follows:

(1) On all matters concerning powers under Section 5.2 subsections (a) through (p), inclusive:

| <u>Appointing Entity</u> | <u>Voting Power</u>   |
|--------------------------|---|
| City of American Canyon  | 2 (each Member has one vote)  |
| City of Calistoga        | 2 (each Member has one vote)  |
| City of Napa             | 10 (one Member shall have 6 votes and one Member shall have 4 votes; such division to be determined by the appointing entity) |
| City of St. Helena       | 2 (each Member has one vote)  |
| Town of Yountville       | 2 (each Member has one vote)  |
| County of Napa           | 4 (each Member has 2 votes)   |

NCTPA Board (nominated by Paratransit Coordinating Council) 0 (non-voting)

NCTPA Board Appointment 0 (non-voting)

(2) On all matters concerning powers under Section 5.2 subsection (p), each voting Member shall have one vote.

(g) **Alternate Members.** Each Member Jurisdiction may, in its discretion, appoint alternate(s) for its Members of the NCTPA Board. An alternate shall be an elected official of the governing board of the appointing Member Jurisdiction. Any appointed alternate Members may attend in place of that jurisdiction's Member and participate in discussions of the NCTPA Board in the same manner as the Members, but an alternate of a voting Member shall vote only when the Member for whom he or she is an alternate is physically absent or cannot vote due to a conflict of interest.

**4.3.2 Compensation.** No compensation shall be received by any Member of the NCTPA Board unless expressly authorized by unanimous resolution of all of the voting Members of the NCTPA Board.

#### **4.4 Advisory Committees.**

**4.4.1 Technical Advisory Committee (TAC).** A single Technical Advisory Committee (TAC) shall be appointed by the NCTPA Board to advise the NCTPA Board regarding transit and roadway issues, including planning, project, and policy aspects. The TAC members shall include the Executive Director of NCTPA, serving ex-officio; a member nominated by the PCC and appointed by the NCTPA Board; and two members and two alternate members from the technical staffs of each of the Member Jurisdictions, serving ex officio as designated by the chief administrative officers of the respective Member Jurisdictions.

**4.4.2 Bicycle Advisory Committee (BAC).** The Bicycle Advisory Committee (BAC) shall be appointed by and serve in an advisory capacity to the NCTPA Board on matters of bicycling and pedestrian issues. By-laws and amendments thereto for the BAC shall be approved by the NCTPA Board.

**4.4.3 Paratransit Coordinating Council (PCC).** The Paratransit Coordinating Council (PCC) shall be advisory to the NCTPA Board and serve as the social services transportation advisory council for Napa County provided for under Public Utilities Code section 99238 by the MTC, the transportation planning

agency designated under Public Utilities Code section 99214 and Government Code section 29523. The PCC shall serve as the primary means of advice to the NCTPA Board regarding, and representation of, the special transportation interests of the disabled and elderly, in order to carry out the intent of the Legislature expressed in Public Utilities Code section 99238(d) to avoid duplicative transit advisory councils whenever possible. By-laws and amendments thereto for the PCC shall be approved by the NCTPA Board.

**4.4.4 Other Advisory Committees.** The NCTPA Board may create such other advisory committees, both ad hoc and standing, as it sees fit from time to time.

**4.4.5 Compliance with Maddy Act.** When appointing members to the committees provided for in Sections 3.4.2 and 3.4.4, the NCTPA Board shall comply with the provisions of the Maddy Local Appointive List Act of 1975, Government Code section 54970 et seq., as such has been and may be amended from time to time.

**4.4.6 Compliance with Brown Act.** Except for ad hoc committees, all advisory committees created pursuant to this Section 4.4 shall be subject to the requirements of the Ralph M. Brown Act, Government Code section 54950 et seq.

## **SECTION 5. POWERS**

**5.1 General.** NCTPA shall have all powers necessary to carry out the purpose of this Agreement except the power to tax. Such powers shall be subject only to the limitations set forth in this Agreement, applicable laws and regulations, and such restrictions upon the manner of exercising such powers as are imposed by law upon the County of Napa in the exercise of similar powers except where specifically authorized otherwise by the Joint Exercise of Powers Act, Government Code section 6500 et seq.

**5.2 Approved Powers.** The powers of NCTPA specifically include but are not limited to the following:

- (a) To sue and be sued in its own name;
- (b) To incur debts, liabilities and obligations;
- (c) To employ agents, employees and to contract with third parties for goods and services, including but not limited to the services of engineers, planners, attorneys, accountants, fiscal agents (including auditors, controllers, and treasurers), and providers of transit services;
- (d) To acquire, improve, hold, lease and dispose of real and personal property of all types;

- (e) To undertake the acquisition of real property through the exercise of eminent domain in furtherance of transportation and transit related projects in accordance with State and Federal laws;
- (f) To enact an ordinance for the purpose of adopting the California Uniform Construction Cost Accounting Act procedures and establishing an alternative method of procuring small construction contracts pursuant to California Public Contracts Code sections 22000, *et seq.*, as amended from time to time.
  - (g) To make and enter into any contracts with any of the Member Jurisdictions for goods, services, equipment, or real property;
  - (h) To assume contracts made by any Member Jurisdiction or made pursuant to joint powers agreement between any of the Member Jurisdictions;
  - (i) To apply for and accept grants, advances and contributions;
- (j) To make plans and conduct studies;
  - (k) To coordinate efforts with local, regional, state and federal agencies having jurisdiction over matters pertaining to transportation (including roads) and transit;
  - (l) To engage in all activities necessary for NCTPA to act as the Abandoned Vehicle Abatement Authority for Napa County;
  - (m) To operate, directly or by contract with any person or entity including any Member Jurisdiction, any transit and paratransit services within Napa County in whole or in part and, if so, to submit any corresponding claims for funds or reimbursement under the Transportation Development Act (TDA), Section 29530 *et seq.* of the Government Code, as such may be amended from time to time;
  - (n) To act as the overall program manager within Napa County for the purpose of receiving and reallocating the county's proportionate share of vehicle registration fees collected by the Bay Area Air Quality Management District (BAAQMD) under AB 434 (Chapter 807, Statutes of 1991, set forth in Health and Safety Code section 44241 *et seq.*);
  - (o) To act as, exercise the powers conferred upon, and fulfill the responsibilities of the Consolidated Transportation Service Agency (CTSA) for Napa County as that term is defined in Public Utilities Code section 99204.5 as amended from time to time, if and when appointed as CTSA by the MTC, such appointment being deemed to supersede the appointment of the County of Napa as CTSA;

(p) To invest any funds in the treasury of NCTPA that are not required for the immediate necessities of NCTPA in such manner as the NCTPA Board deems advisable, in the same manner and upon the same conditions as local agencies pursuant to Section 53601, except where otherwise restricted for particular funds by conditions imposed by the person or agency which is the source of those funds;

(q) To act as a countywide advisory deliberative body on issues of land-use, demographics, economic development, community development, environmental issues, arts and related cultural issues. Any such deliberations may result in advisory recommendations only, and such recommendations shall not be binding on any Member Jurisdiction.

## SECTION 6. PERSONNEL AND ADMINISTRATION

6.1 **Employees.** NCTPA may appoint, retain and compensate as a charge against the funds of NCTPA employees, whether temporary, probationary, limited term or permanent and/or may contract with any person or entity, including a Member Jurisdiction, for the furnishing of any services, including but not limited to legal, financial, accounting, data processing, secretarial, purchasing, and personnel services, which are necessary to fulfill the powers, duties and responsibilities of NCTPA under this Agreement or as necessary to comply with the laws applicable to joint powers agencies within the State of California, including but not limited to the services described in Sections 6.2 through 6.4, below. Where such services are provided by employees of a Member Jurisdiction by contract between such Member Jurisdiction and NCTPA or pursuant to Section 6.3 or 6.4 of this Agreement, NCTPA and the employing Member Jurisdiction hereby expressly waive any conflict of interest or incompatibility of employment created thereby.

### 6.2 **Executive Director.**

6.2.1 **General.** NCTPA shall hire or contract for the provision of the services of an Executive Director to serve as the chief administrative officer of NCTPA, performing management and other duties which shall be described in a job description/scope of services approved by resolution of the NCTPA Board.

6.2.2 **Filings with Secretary of State.** In addition to any other duties assigned to the Executive Director or otherwise required by law, the Executive Director is hereby authorized to and shall be responsible for filing on behalf of NCTPA and the NCTPA Board all notices required by Government Code sections 6503.5 and 53051. Notwithstanding the foregoing, unless and until an Executive Director is appointed, such filings are authorized to and shall be made by the Napa County Director of Public Works.

**6.3 Treasurer.**

**6.3.1 General.** The Napa County Treasurer-Tax Collector shall serve as the NCTPA Treasurer and in that capacity shall be the depository and have custody of all of the funds of NCTPA, from whatever source, and shall perform the functions described in Government Code section 6505.5 (a) through (e). Notwithstanding the foregoing, the NCTPA Board may retain a certified public accountant to serve as NCTPA Treasurer in lieu of the Napa County Treasurer-Tax Collector.

**6.3.2 Bond.** The NCTPA Treasurer shall post an official bond in an amount to be fixed by the NCTPA Board. The cost of such bond shall be a charge against NCTPA funds, except that if the NCTPA Treasurer is the Napa County Treasurer-Tax Collector, the cost of the bond to be borne by NCTPA shall be that amount which is in excess of the cost of the official bond posted by the Napa County Treasurer-Tax Collector for functions unrelated to NCTPA.

**6.3.3 Compensation.** Pursuant to Section Government Code section 6505.5, the Napa County Board of Supervisors shall determine the charges to be made against NCTPA for the services performed by the Napa County Treasurer-Tax Collector for NCTPA which shall be a charge against NCTPA funds. If the NCTPA Board retains a certified public accountant to be NCTPA Treasurer, the compensation of the NCTPA Treasurer shall be determined by the NCTPA Board and shall be a charge against NCTPA funds.

**6.4 Auditor-Controller.**

**6.4.1 General.** The Napa County Auditor-Controller shall serve as the auditor-controller of NCTPA and shall be responsible for drawing warrants to pay demands against NCTPA when the demands have been approved by the NCTPA Board or, upon delegation by the NCTPA Board, by the Executive Director, or the Deputy Executive Director when acting as purchasing agent for NCTPA.

**6.4.2 Custodian of Property; Bond.** With the exception of NCTPA funds which shall be in the custody of the NCTPA Treasurer, the Napa County Auditor-Controller shall, acting as NCTPA Auditor-Controller, be the public officer designated pursuant to Government Code section 6505.1 to have charge of, handle, have access to, and maintain inventory any property of NCTPA and shall post an official bond in an amount to be fixed by the NCTPA Board. The cost of such bond, to the extent in excess of the cost of the official bond posted by the Napa County Auditor-Controller in connection with functions unrelated to NCTPA, shall be a charge against NCTPA funds.

**6.4.3 Compensation.** Pursuant to Government Code section 6505.5, the Napa County Board of Supervisors shall determine the charges to be made against the

NCTPA for the services performed by the Napa County Auditor-Controller for NCTPA, which shall constitute a charge against the funds of NCTPA.

## SECTION 7. DUTIES AND RESPONSIBILITIES

- 7.1 **Limitations.** The authority of NCTPA shall be limited to those powers enumerated in Section 5 or as otherwise provided for herein.
- 7.2 **Coordination of Transportation Systems.** NCTPA shall facilitate the coordination of transportation systems operated by or on behalf of the Member Jurisdictions with Napa County and adjacent counties.
- 7.3 **Coordination of Transportation and Land Use Management.** NCTPA shall develop and implement programs and policies for the coordination of transportation and related land use management by the Member Jurisdictions. Such programs may include, but shall not be limited to, providing analysis of the impacts of land use decisions by the Member Jurisdictions on regional transportation systems and the costs associated with mitigating those impacts. In carrying out this responsibility, NCTPA shall review and comment on all discretionary projects related to transportation under consideration by any of the Member Jurisdictions and may review and comment on such discretionary projects under consideration by any other public entity which are submitted to NCTPA for review and comment.
- 7.4 **Countywide Transportation Plans.** NCTPA shall develop, adopt, implement, update as necessary, and submit to MTC a county transportation plan under Government Code section 66531 for the incorporated and unincorporated territory of Napa County which shall include consideration of the planning factors included in Section 134 of the federal Intermodal Surface Transportation Efficiency Act of 1991, as such may be amended from time to time.
- 7.5 **Submission of Funding Applications and Claims.** NCTPA may submit applications and funding claims for transportation related purposes to local government, MTC, the State of California, the Federal Government and other entities supporting transportation.
- 7.6 **Intermodal Policies and Programs.** NCTPA may consider and adopt policies and programs for all modes of transportation including but not limited to, transit, paratransit, streets and roads, bicycle and pedestrian facilities, airports, marinas, harbors, and railroads.
- 7.7 **Transportation Development Act (TDA) Claims for Transit and Paratransit Services.** If NCTPA operates directly or by contract with any person or entity including any Member Jurisdiction the operation of any transit and paratransit services within Napa County in whole or in part, NCTPA shall be deemed authorized by this Agreement to submit any corresponding claims for funds or reimbursement under the Transportation

Development Act (TDA), Section 29530 et seq. of the Government Code, as such may be amended from time to time.

- 7.8 **Consolidated Transit Services Agency.** If, in the future and with the consent of all of the Member Jurisdictions and MTC, NCTPA is appointed in place of the Napa County Board of Supervisors as the consolidated transportation service agency (CTSA) for Napa County as that term is defined in Public Utilities Code section 99204.5, as such may be amended from time to time, then and only then may NCTPA make claims pursuant to the procedure set forth in Article 7 of Chapter 3 of Title 21 of the California Code of Regulations, commencing with 6680.
- 7.9 **Overall Program Manager (AB 434).** NCTPA shall act as the overall program manager within Napa County for the purpose of receiving and reallocating the county's proportionate share of vehicle registration fees collected by the Bay Area Air Quality Management District (BAAQMD) under AB 434 (Chapter 807, Statutes of 1991, set forth in Health and Safety Code section 44241 et seq.)
- 7.10 **Deliberative Body.** NCTPA shall act as the countywide deliberative body for discussions of interjurisdictional issues relating to land use, infrastructure, the economy and economic development, community development, environmental issues and culture and the arts. No subject may be deliberated unless a majority of votes, as determined by Section 4.3.1 (f) (2) of this Agreement, of the Board has approved such deliberations. The NCTPA may adopt decisions on such matters, but its decisions shall constitute recommendations to the Member Jurisdictions only, and shall have no binding effect. Final decision making on all matters affecting members shall remain with the governing body of each Member, except as provided by Sections 5.2 (a) through (o) inclusive, of this Joint Powers Agreement, state or federal law, and applicable regulations.
- 7.11 **Other Duties and Responsibilities.** NCTPA shall carry out such other duties and responsibilities as the Member Jurisdictions, by unanimous approval expressed through amendment of this Agreement or resolutions of their respective governing boards, may delegate to NCTPA.

## SECTION 8. FINANCE

- 8.1 **Fiscal Year.** The fiscal year for NCTPA shall begin on July 1 and end on June 30.
- 8.2 **Budget.** A budget for NCTPA shall be adopted by the NCTPA Board for each fiscal year prior to June 30 of the preceding fiscal year. The budget shall include sufficient detail to constitute an operating guideline. It shall also include the anticipated sources of funds and the anticipated expenditures to be made for the operations of NCTPA. Approval of the budget by the NCTPA Board shall constitute authority for the Executive Director to expend funds for the purposes outlined in the approved budget, subject to the availability of funds on hand as determined by the NCTPA Auditor-Controller and subject to the constraints imposed upon general law counties pertaining to execution of

contracts by purchasing agents. Nothing in this Section 8.2 shall be construed to limit the power of the NCTPA Board to modify the budget in whatever manner it deems appropriate and to instruct the Executive Director accordingly.

### **8.3 Revenues.**

**8.3.1 General.** Unless otherwise agreed by the Member Jurisdictions by amendment of this Agreement, the total expenditures in the annual planning budget shall be paid for with revenues derived from funds paid directly to NCTPA by persons or entities, public or private, other than the Member Jurisdictions and from contributions from the Member Jurisdictions (in money or, upon approval by the NCTPA Board, in kind) based on the relative populations of the Member Jurisdictions. In determining said population ratios the latest population statistics by the State Department of Finance shall be used.

**8.3.2 Approval Required for Member Jurisdiction Contributions.** Notwithstanding the foregoing, no Member Jurisdiction shall be required to expend any of its general fund monies to support the operations of NCTPA in any fiscal year unless such expenditure has been first approved by the legislative body of the Member Jurisdiction.

**8.3.3 Transportation Funds.** In order to carry out the transportation duties and responsibilities of this Agreement, NCTPA shall be empowered to claim all TDA funds under Articles 4, 4.5 and/or 8 of Chapter 4 of the Public Utilities Code apportioned within Napa County by the Metropolitan Transportation Commission (MTC) commencing with the fiscal year 2001-2002 apportionment. All TDA funds, excluding those apportioned prior to the 2001-2002 fiscal year, will be used for purposes allowed under TDA regulations with the exception of those funds for streets and roads, Section 99400(a) of the Public Utilities Code. All TDA funds claimed by NCTPA shall be used at the sole discretion of the NCTPA Board of Directors only for transit and paratransit services and capital improvements. TDA funds apportioned or allocated under Section 99233.3 are not subject to this agreement. Member Jurisdictions endorse a single apportionment by MTC, commencing with the 2001-2002 apportionment, under Sections 99233.8 and 99233.9 of the Public Utilities Code to the NCTPA on behalf of the jurisdictions of Napa County. If apportionment under Sections 99233.8 and 99233.9 of the Public Utilities Code are made to any Member Jurisdiction commencing with the fiscal year 2001-2002 apportionment, the NCTPA is authorized to claim all such apportionments for transit purposes without further action by the Member Jurisdiction. Funds available pursuant to Section 99313.6, excluding funds apportioned or allocated under Section 99314.3, shall be claimed solely by the NCTPA for transit purposes. No Member Jurisdiction shall claim funds apportioned or allocated under Section 99313.6, excluding funds apportioned or allocated under Section 99314.3.

**8.3.4 Standards For Use of TDA Funds.** Every two years, the NCTPA will prepare and adopt a Short Range Transit Plan (“Plan”). As warranted, at the discretion of the NCTPA Board, the Plan may be updated annually. The NCTPA Board will adopt the Plan and any updated Plan. The Plan shall provide the basis for evaluating what services are necessary and where services will be provided. Each Member Jurisdiction operating its own transit system during fiscal year 2000-2001 is guaranteed an amount of funding, in addition to TDA funds apportioned to that Member Jurisdiction prior to fiscal year 2001-2002 apportionment if such funds remain unallocated by MTC, sufficient to operate its system at the level of service existing for that system for fiscal year 2000-2001. In the case of a jurisdiction not operating local transit during fiscal year 2000-2001, an equitable amount of funding, in addition to TDA funds apportioned to that Member Jurisdiction prior to the fiscal year 2001-2002 apportionment if such funds remain unallocated by MTC, will be provided to that Member Agency for local transit as determined through a memorandum of understanding with the NCTPA.

#### **8.4 Accountability.**

**8.4.1 Accountable to Member Jurisdictions.** NCTPA shall be strictly accountable to the Member Jurisdictions for all receipts and disbursements of NCTPA.

**8.4.2 Limitation on Expenditures.** NCTPA may not obligate itself beyond the monies due to NCTPA under this Agreement plus any monies on hand or irrevocably pledged to its support from other sources.

**8.4.3 Annual Audit.** The NCTPA Board shall cause an annual audit to be prepared and filed to the extent required by Government Code section 6505.

#### **8.5 Debts, Liabilities and Obligations.**

**8.5.1 General.** Except as provided in Section 8.4.2, the debts, liabilities, and obligations of NCTPA shall be solely the obligation of NCTPA and not the debts, liabilities, and obligations of the Member Jurisdictions or their respective officers or employees. However, nothing in this Agreement shall prevent any Member Jurisdiction from separately contracting for, or assuming responsibility for, specific debts, liabilities, or obligations of NCTPA, provided that both the NCTPA Board and that Member Jurisdiction give prior approval of such contract or assumption.

#### **8.5.2 Liability.**

**(a) Primary Liability.** If liability is imposed upon NCTPA by a court of competent jurisdiction by reason of negligent or willful acts or omissions of NCTPA or any of its officers, employees, agents, volunteers,

or contractors, any resulting monetary judgment against NCTPA shall be paid first from the discretionary funds of NCTPA or, if the liability arose from the actions of a contractor, contribution shall be sought from the contractor.

(b) **Insurance.** To comply with subsection (a), above, NCTPA shall obtain and maintain in force during the life of this Agreement insurance for errors and omissions, general liability, and vehicle liability in amounts deemed by the NCTPA Board to be sufficient to fully cover NCTPA, its officers, employees, board members, and agents, and the Member Jurisdictions for any reasonably foreseeable losses. Where services are provided by contract to NCTPA, the contract shall require the contractor to obtain insurance sufficient to hold NCTPA and the Member Jurisdictions harmless and indemnify them against any claims for liability arising from the provision of the services. The cost of such coverage, whether obtained directly by NCTPA or as any increased in the contract price for services obtained under contract, shall be a charge against NCTPA funds.

(c) **Contribution by Member Jurisdictions.** If NCTPA funds or insurance coverage are insufficient, or if any Member Jurisdiction is sued and found liable for a negligent or willful act or omission of NCTPA or any of its officers, employees, agents, volunteers, or contractors and NCTPA funds or contractor contribution are insufficient to pay the judgment or to reimburse the sued Member Jurisdiction for paying the judgment, the Member Jurisdictions shall be responsible for the liability for purposes of contribution under Government Code section 895.4 in proportion to the voting power of each Member Jurisdiction on the NCTPA Board.

## SECTION 9. RULES OF CONDUCT

- 9.1 **Bylaws.** The NCTPA Board may from time to time adopt bylaws for the conduct of the affairs of NCTPA and the NCTPA Board, provided such Rules of Conduct are not inconsistent with this Agreement.
- 9.2 **Quorum.** A majority of the voting power and seven of the twelve voting members (or their alternates) of the NCTPA Board shall constitute a quorum for the transaction of business at any meeting of the NCTPA Board. Notwithstanding the foregoing, if a quorum has been present at the commencement of the meeting, the affirmative vote of a majority of the voting power of the NCTPA Board shall constitute the act of the NCTPA Board even if, at the time of such vote, less than seven voting members (or their alternates) are present.

- 9.3 **Adjournment of Meetings.** Any meeting of the NCTPA Board, whether or not a quorum is present, may be adjourned from time to time by a vote of the majority of the voting members (or their alternates) present or, if no voting members or their alternates are present, may be adjourned by the person appointed to serve as Clerk or Secretary of the NCTPA Board.
- 9.4 **Brown Act.** All meetings of the NCTPA Board shall comply with the requirements of the Ralph M. Brown Act (Government Code section 54950 et seq.).

## SECTION 10. NOTICES

- 10.1 **Method.** All notices which any Member Jurisdiction or NCTPA may wish to give in connection with this Agreement shall be in writing and served by personal delivery during business hours at the principal office of the Member Jurisdiction or NCTPA to an officer or person apparently in charge of that office, or by deposit in the United States mail, postage prepaid, and addressed to the Member Jurisdiction or NCTPA at its principal office or to such other address as the Member Jurisdiction or NCTPA may designate from time to time by written notice to NCTPA and each of the parties. Service of notice shall be deemed complete on the day of personal delivery (or 24 hours after such delivery for notice of special meetings) or three (3) days after mailing if deposited in the United States mail.
- 10.2 **Addresses for Notice.** Until changed by written notice to NCTPA and the Member Jurisdictions, notices under this Agreement shall be delivered to the following addresses:

**NCTPA:** Executive Director  
 Napa County Transportation and Planning Agency  
 707 Randolph, Street, Suite 100  
 Napa, California 94559

**COUNTY OF NAPA:** Clerk of the Board of Supervisors  
 Room 310, County Administration Building  
 1195 Third Street  
 Napa, California 94559

**CITY OF AMERICAN CANYON:** American Canyon City Clerk  
 1381 Broadway, Suite 201  
 American Canyon, California 94503-9682

**CITY OF NAPA:** Napa City Clerk  
 955 School Street  
 Napa, California 94559

**TOWN OF YOUNTVILLE:** Yountville Town Clerk  
 6550 Yount Street

Yountville, California 94599

**CITY OF ST. HELENA:**

St. Helena City Clerk  
1480 Main Street  
St. Helena, California 94574

**CITY OF CALISTOGA:**

Calistoga City Clerk  
1232 Washington Street  
Calistoga, California 94515

**SECTION 11. ASSIGNMENT, WITHDRAWAL AND TERMINATION**

- 11.1 Assignment.** This Agreement shall be binding upon and inure to the benefit of the permitted successors and assigns of the Member Jurisdictions, except that no Member Jurisdiction shall assign any of its rights under this Agreement except to a duly-formed public entity organized and existing under the laws of the State of California and then only when approved by amendment of this Agreement.
- 11.2 Withdrawal.** A Member Jurisdiction may withdraw from NCTPA without the consent of the other Member Jurisdictions by giving no less than ninety (90) days prior written notice to the NCTPA Board. A Member Jurisdiction may withdraw from NCTPA at any time with the written consent of all of the other Member Jurisdictions contained in an amendment of this Agreement. A Member Jurisdiction electing to withdraw prior to termination of the Agreement pursuant to Section 11.3 shall not be entitled to share in the distribution of assets provided for in Section 11.3.
- 11.3 Termination.** The Agreement shall continue in effect until terminated. The Agreement may be terminated at any time and NCTPA dissolved with the written consent of the majority of the then-existing Member Jurisdictions representing a majority of the votes on the NCTPA Board. Such consent shall be expressed in duly-authorized resolutions of the Member Jurisdictions.
- 11.4 Disposition of Assets.** In the event of termination of the Agreement and dissolution of NCTPA, any remaining assets of NCTPA shall be sold or, if sale is prohibited under the terms of original acquisition, returned to or otherwise disposed of at the direction of the party or persons from whom they were obtained. After all liabilities, encumbrances and liens have been paid, the proceeds of such sales shall be allocated proportionately to the Member Jurisdictions based upon their respective populations as determined by the latest California State Department of Finance population figures. Notwithstanding the foregoing, in accordance with Government Code section 6512, any funds remaining at the time of termination which were contributed by the Member Jurisdictions shall be returned to the Member Jurisdictions in proportion to the contributions made.

**SECTION 12. AMENDMENTS**

**12.1 Method of Amendment.** Amendments to this Agreement shall be made only with the written consent of all then-existing Member Jurisdictions without regard to voting power on the NCTPA Board.

**SECTION 13. WAIVER**

**13.1 Limitation.** Waiver by any Member Jurisdiction of breach of any provision of this Agreement shall not constitute a waiver of any other breach of such provision or of any other provision of this Agreement, nor shall failure to enforce any provision hereof operate as a waiver of such provision or of any other provision.

**SECTION 14. SEVERABILITY**

**14.1 General.** Should any part, term or provision of this Agreement be decided by a final judgment of a court of competent jurisdiction to be illegal or in conflict with any State or federal law or regulation or any applicable local ordinance or otherwise be unenforceable or ineffectual, the validity of the remaining parts, terms and provisions shall not be affected.

**SECTION 15. SECTION HEADINGS**

**15.1 Effect.** All section numbers and headings contained in this Agreement are for convenience and reference only and are not intended to define or limit the scope of any provision of this Agreement.

**SECTION 16. APPLICABLE LAW AND VENUE**

**16.1 Applicable Law.** The rights, obligations, duties and liabilities of NCTPA and of the Member Jurisdictions under this Agreement shall be interpreted in accordance with and governed by the law of the State of California.

**16.2 Venue for Disputes.** Venue for any action filed by any Member Jurisdiction under state law to enforce this Agreement or any provision thereof shall be in the courts of Napa County. Venue for any action filed by any Member Jurisdiction under federal law or as a federal action shall be in the federal courts for the Northern District of California.

**SECTION 17. NO RIGHTS CREATED IN THIRD PARTIES**

**17.1 No Rights for Third Parties.** The parties to this Agreement hereby expressly agree that it is not the intent of the parties to create, and this Agreement shall not be deemed or construed to create any third party beneficiaries or otherwise inure to the benefit of any third parties.

## SECTION 18. ENTIRE AGREEMENT

- 18.1 Integrated Agreement.** The terms and provisions of this Agreement constitute the full and entire agreement between the Member Jurisdictions with respect to the matters covered herein. This Agreement supersedes any and all other communications, representations, proposals, understandings or agreements, either written or oral, between the Member Jurisdictions with respect to such subject matter, including any prior agreement or amendment thereto relating to the CMA.



February 15, 2012  
NCTPA Agenda Item 9.6  
Continued From: New  
Action Requested: **APPROVE**

## NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter

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**TO:** Board of Directors  
**FROM:** Paul W. Price, Executive Director  
**REPORT BY:** Diana Meehan, Assistant Planner  
(707) 259-5976 / Email: [dmeehan@nctpa.net](mailto:dmeehan@nctpa.net)  
**SUBJECT:** JPA Formation and Membership with Cal Vans

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### **RECOMMENDATION**

That the NCTPA Board (1) review and accept membership in the now formed Joint Powers Authority with the "California Vanpool Authority" or CalVans.

### **EXECUTIVE SUMMARY**

CalVans has been providing Vanpool services throughout the state since 2001 operating over 200 Vanpools for both agricultural and non-agricultural workers. The NCTPA Ag Worker Vanpool program has been successfully transitioned over to CalVans for operation, and has provided over 300 trips to workers in the 4<sup>th</sup> quarter of 2011.

Staff recommends signing agreement for full and equal membership in the CalVans JPA for the purpose of operating Vanpool programs in the Napa County area.

### **PROCEDURAL REQUIREMENTS**

1. Staff Report
2. Public Comment
3. Motion, Second, Discussion and Vote

### **FISCAL IMPACT**

Is there a Fiscal Impact? No

Is it Currently Budgeted? N/A

Where is it Budgeted? N/A

Is it Mandatory or Discretionary? Discretionary

Future Fiscal Impact? No

**CEQA REQUIREMENTS**

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

**BACKGROUND AND DISCUSSION**

CalVans has been providing Vanpool services throughout the state since 2001; operating over 200 Vanpools for both agricultural and non-agricultural workers.

The NCTPA Ag Worker Vanpool program has been successfully transitioned over to CalVans for operation, and has provided over 300 trips to workers in the 4<sup>th</sup> quarter of 2011

On September 7, 2011 by Resolution No. 11-20, (Attachment 1) the NCTPA Ag Worker Vanpool program was transitioned to the California Vanpool Authority or "Cal Vans" ("a Joint Powers Authority in formation") for continuance of operation under a Memorandum of Understanding with standard terms and conditions. (Attachment 2) The MOU was to terminate upon acceptance into the CalVans JPA upon formation.

In October of 2011, the Joint Powers Authority was formed and as of January 12, 2012, NCTPA was formally accepted as a member, terminating the current MOU. The primary representative from NCTPA in the CalVans JPA is Chairman Keith Caldwell, and the alternate member is Paul W. Price. Legal counsel has reviewed and accepted the agreement.

**SUPPORTING DOCUMENTS**

- Attachment(s): (1) Addendum to Agreement to Form Joint Powers Authority  
(2) MOU  
(3) Resolution 11-20

**ADDENDUM  
TO  
AGREEMENT TO FORM JOINT POWERS AUTHORITY**

THIS ADDENDUM is executed \_\_\_\_\_, 2012, by NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY ("NCTPA") in light of the following:

**RECITALS:**

WHEREAS, on or about October 21, 2011, certain public entities entered into an AGREEMENT TO FORM JOINT POWERS AUTHORITY ("Agreement"), a true and correct copy of which is attached hereto as Exhibit A and incorporated herein by this reference, whereby they formed an entity known as "California Vanpool Authority" or "CalVans"; and

WHEREAS, in section 4 of Article IV of the Agreement provision is made for other public entities to join CalVans; and

WHEREAS, NCTPA made a written request for inclusion as a member agency of CalVans with the Executive Director of CalVans; and

WHEREAS, on January 12, 2012, during a duly convened meeting, the Board of Directors of CalVans voted unanimously to accept NCTPA as a member of CalVans; and

WHEREAS, upon execution of the Agreement, NCTPA shall become a full and equal member of CalVans; and

WHEREAS, by signing this addendum, NCTPA intends to be executing the Agreement in satisfaction of the requirement set forth in section 4 of Article IV of the Agreement,

NOW, THEREFORE, NCTPA agrees as set forth below.

1. **Agreement.** NCTPA agrees that by signing this addendum it acknowledges that it is executing the Agreement and thereby becoming a full and equal member of CalVans with all of the rights, privilege, duties and responsibilities of a member of CalVans as expressed or implied in the Agreement.

2. **Notices.** Any notices to the NCTPA required or given pursuant to the Agreement shall be mailed, U.S. first class, postage prepaid, addressed as follow:

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY  
707 Randolph Street, Suite 100  
Napa, CA 94559-2912

IN WITNESS WHEREOF, NCTPA has caused this addendum to be executed by an authorized officer of NCTPA to be effective on the dated first above written.

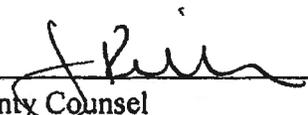
NAPA COUNTY TRANSPORTATION AND PLANNING  
AGENCY

Dated: \_\_\_\_\_

\_\_\_\_\_  
Chairperson

Approved as to Form:

Dated: 11/25/12

  
County Counsel

**MEMORANDUM OF UNDERSTANDING BETWEEN  
THE KINGS COUNTY AREA PUBLIC TRANSPORTATION AGENCY  
AND THE NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY  
FOR REIMBURSEMENT OF GRANT FUNDED ACTIVITIES IN  
NAPA COUNTY AREA**

This Memorandum of Understanding (“Agreement”) is entered into between the Kings County Area Public Transit Agency (KCAPTA), and the Napa County Transportation and Planning Agency (NCTPA), effective November 1, 2011.

**WHEREAS**, KCAPTA is a public agency supplying intraregional and interregional vanpool services to the general work force, including agricultural workers; and

**WHEREAS**, KCAPTA is able to perform grant funded activities as it relates to JARC funding NCTPA has received benefiting employers and residents of Napa County; and,

**WHEREAS**, NCTPA desires to provide employers and residents of Napa County with this benefit; and

**WHEREAS**, NCTPA intends to enter into this MOU until such time as its membership in CalVans is approved, at which time this MOU will automatically terminate:

**NOW THEREFORE, NCTPA AND KCAPTA HEREBY ENTER INTO THIS  
AGREEMENT ON THE FOLLOWING TERMS AND CONDITIONS:  
AGREEMENT**

**A. PURPOSE**

The purpose of this Agreement is to provide for the use of JARC funds by KCAPTA to assist employees traveling to or from Napa County in the course of getting to their place of employment.

**B. SCOPE OF SERVICES**

The services will include all items necessary to successfully promote and provide vanpool riders traveling to or from Napa County with JARC vouchers to reduce the cost of their trip as way of promoting vanpooling.

**C. JARC VOUCHER FUNDING**

KCAPTA will assist NCTPA in securing eligible JARC funding for the use of the residents or employers of Napa County using the vanpool program. Disbursement of funding hereunder is at all times subject to receipt of JARC funds by NCTPA.

This will include the following tasks:

1. Develop a procedure with NCTPA Staff for billing and reimbursement of JARC funds.
2. Provide outreach service about the availability of JARC vouchers to residents and employers of Napa County.
3. Provide and approve JARC vouchers application for those riders expressing interest in the program.
4. Monitor and track all applications, matching JARC and matching funds by the assigned project number.
5. Prepare reimbursement claims by associating voucher amount to the rider and corresponding matching contribution.

KCAPTA Staff will coordinate with NCTPA Staff for the purpose of outreach and marketing. However, this is not a requirement of NCTPA, but an option should they chose it.

#### **D. BILLING**

JARC billing will be monthly and broken down by outreach and voucher subsidy in the following manner:

1. Outreach activity will be tracked and billed by the hourly cost of the KCAPTA employee expending the effort. The rate will be the direct cost and will not include any overhead charges. All billing will include the individual, their hours and the outreach activity completed.
2. Billing for support of vouchers will include the individual receiving the voucher, voucher amount and matching funds.

#### **E. REPORTING**

1. KCAPTA Staff will provide regular updates to NCTPA staff on the number of vanpools initiated in the NAPA area. KCAPTA staff will work to match new riders with any existing vanpools.

#### **E. PRIMARY CONTACTS**

KCAPTA's contact for this Agreement is Ronald Hughes, unless KCAPTA otherwise informs NCTPA. With the exception of a notice of termination sent by certified mail pursuant to Section 3 of Exhibit A, any notice, report, or other communication required by this Agreement will be mailed by first-class mail to the KCAPTA Executive Director at the following address:

Ronald Hughes  
Executive Director  
1340 North Drive  
Hanford, CA 93230

Telephone: (559) 852-2696  
E-mail: [ron.hughes@co.kings.ca.us](mailto:ron.hughes@co.kings.ca.us)

NCTPA's contact for this Agreement is Paul Price unless NCTPA otherwise informs KCAPTA. With the exception of a notice of termination sent by certified mail pursuant to Section 3 of Exhibit B, any notice, report, or other communication required by this Agreement will be mailed by first-class mail to the KCAPTA Executive Director at the following address

Paul Price  
Executive Director, NCTPA  
707 Randolph Street, Ste. 100  
Napa, CA 94559  
Telephone: 707-259-8634  
E-mail: [pprice@nctpa.net](mailto:pprice@nctpa.net)

**F. JARC PROGRAM REQUIREMENTS**

KCAPTA agrees to be bound and abide by any and all applicable provisions of the JARC grant program which is attached hereto as Exhibit B and is incorporated herein by this reference. Where the grant requires NCTPA to perform a certain task, KCAPTA agrees to be bound by and comply with the item or obligation being required.

**G. STANDARD TERMS AND CONDITIONS; PRIORITY OF CONTRACT DOCUMENTS**

The Standard Terms and Conditions, attached hereto as Exhibit "A," are incorporated herein as if set forth in full. In the event of any conflict or discrepancy between this Agreement and Exhibit A, the conflict or discrepancy shall be resolved in accordance with the order of precedence hereinafter enumerated:

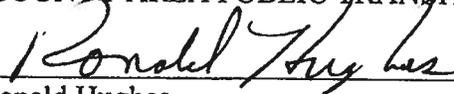
FIRST: This Agreement  
SECOND: Standard Terms and Conditions (Exhibit A)

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IN WITNESS WHEREOF, THE PARTIES HAVE ENTERED INTO THIS  
MEMORANDUM OF UNDERSTANDING AS OF THE DATE HEREIN ABOVE  
APPEARING:

KINGS COUNTY AREA PUBLIC TRANSIT AGENCY

  
\_\_\_\_\_  
Ronald Hughes  
Executive Director, KCAPTA

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY

  
\_\_\_\_\_  
Paul W. Price Executive Director, NCTPA  
Executive Director, NCTPA

## EXHIBIT A

### STANDARD TERMS AND CONDITIONS

1. Compliance with Laws: KCAPTA will comply with all applicable federal, state, and local laws, codes, ordinances, regulations, orders, circulars, and directives, in the performance of this Agreement.

2. Independent Contractor: KCAPTA, and its agents and employees, in the performance of this Agreement, will act as and be independent contractors and not officers or employees or agents of NCTPA. KCAPTA, its officers, employees, agents, and subcontractors, if any, will have no power to bind or commit NCTPA to any decision or course of action, and will not represent to any person or business that they have such power.

3. Termination: Either party may terminate this Agreement immediately for cause. The notice of termination will be deemed served and effective for all purposes on the date it is deposited in the U.S. mail, certified, return receipt requested, addressed to NCTPA or KCAPTA at the address indicated in Section F above.

4. Binding Agreement: This Agreement will be binding on the parties hereto, their assigns, successors, administrators, executors, and other representatives.

5. Amendments: No alteration or variation of the terms of this Agreement will be valid unless made in writing and signed by the parties hereto, and no oral understanding or agreement not incorporated herein will be binding on any of the parties hereto.

6. Contractors and Subcontractors: KCAPTA will be fully responsible for all work performed by its contractors and subcontractors.

- a. NCTPA reserves the right to review and approve any contract or agreement to be funded in whole or in part using funds provided under this Agreement.
- b. Any contract or subcontract to be funded in whole or in part using funds provided under this Agreement will require the contractor and its subcontractors, if any, to:
  - (1) Comply with applicable state and federal requirements that pertain to, among other things, labor standards, non-discrimination, the Americans with Disabilities Act, Equal Employment Opportunity, and Drug-Free Workplace.
  - (2) Maintain at least the minimum state-required Workers' Compensation Insurance for those employees who will perform the work or any part of it.
  - (3) Maintain unemployment insurance and disability insurance as required by law, along with liability insurance in an amount that is reasonable to compensate any person, firm, or corporation who may be injured or

damaged by the contractor or any subcontractor in performing work associated with this Agreement or any part of it.

(4) Retain all books, records, computer records, accounts, documentation, and all other materials relevant to this Agreement for a period of three (3) years from the date of termination of this Agreement, or three (3) years from the conclusion or resolution of any and all audits or litigation relevant to this Agreement and any amendments, whichever is later.

(5) Permit NCTPA and/or its representatives, upon reasonable notice, unrestricted access to any or all books, records, computer records, accounts, documentation, and all other materials relevant to this Agreement for the purpose of monitoring, auditing, or otherwise examining said materials.

7. Audit, Retention and Inspection of Records:

- a. NCTPA or its designee will have the right to review, obtain, copy, and audit all books, records, computer records, accounts, documentation and any other materials (collectively "Records") pertaining to performance of this Agreement, KCAPTA further agrees to maintain such Records for a period of three (3) years after final payment under the Agreement or three (3) years from the conclusion or resolution of any and all audits or litigation relevant to this Agreement and any amendments, whichever is later.
- b. If so directed by NCTPA upon expiration of this Agreement, KCAPTA will cause all Records pertaining to this Agreement to be delivered to NCTPA as depository.

8. Waivers: No waiver of any breach of this Agreement will be held to be a waiver of any prior or subsequent breach. NCTPA's failure at any time to enforce the provisions of this Agreement or to require the performance by KCAPTA of these provisions will in no way be construed to be a waiver of such provisions nor to affect the validity of this Agreement or NCTPA's right to enforce these provisions.

9. Litigation: KCAPTA will notify NCTPA immediately of any claim or action undertaken by it or against it that affects or may affect this Agreement or NCTPA, and will take such action with respect to the claim or action as is consistent with the terms of this Agreement and NCTPA's interests.

10. Americans with Disabilities Act (ADA) of 1990: By signing this Agreement, KCAPTA assures NCTPA that it complies with the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. § 12101, et seq.), which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA.

11. Non-discrimination Clause:

- a. During the performance of work funded by this Agreement, KCAPTA and its contractors will not unlawfully discriminate, harass, or allow harassment, against any employee or applicant for employment because of sex, sexual orientation, race, color, ancestry, religion, national origin, physical disability, mental disability, medical condition, age or marital status. KCAPTA and its contractors will insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. KCAPTA and its contractors will comply with all applicable federal and state employment laws and regulations including, without limitation, the provisions of the Fair Employment and Housing Act (Government Code § 12900, et seq.) and the applicable regulations promulgated there under (California Code of Regulations, Title 2, § 7285.0, et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code §§ 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. KCAPTA and its contractors will give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.
- b. KCAPTA will include the non-discrimination and compliance provisions of this clause in all contracts to perform work funded under this Agreement.

12. Drug-Free Certification: By signing this Agreement, KCAPTA hereby certifies under penalty of perjury under the laws of the State of California that KCAPTA will comply with the requirements of the Drug-Free Workplace Act of 1990 (Government Code § 8350, et seq.) and will provide a drug-free workplace by taking the following actions:

- a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited, and specifying actions to be taken against employees for violations.
- b. Establish a Drug-Free Awareness Program to inform employees about:
  - (1) The dangers of drug abuse in the workplace;
  - (2) The person's or the organization's policy of maintaining a drug-free workplace;
  - (3) Any available counseling, rehabilitation, and employee assistance programs; and
  - (4) Penalties that may be imposed upon employees for drug abuse violations.
- c. Every employee of KCAPTA who works under this Agreement will:
  - (1) Receive a copy of KCAPTA's Drug-Free Workplace Policy Statement; and

- (2) Agree to abide by the terms of KCAPTA's Statement as a condition of employment on this Agreement.

13. Union Organizing: By signing this Agreement, KCAPTA hereby acknowledges the applicability of Government Code § 16645 through § 16649 to this Agreement, excluding § 16645.2 and § 16645.7.

- a. KCAPTA will not assist, promote, or deter union organizing by employees performing work on this Agreement if such assistance, promotion, or deterrence contains a threat of reprisal or force, or a promise of benefit.
- b. KCAPTA will not meet with employees or supervisors on NCTPA or state property if the purpose of the meeting is to assist, promote, or deter union organizing, unless the property is equally available to the general public for meetings.

14. Prohibition of Expending State or Federal Funds for Lobbying:

- a. KCAPTA certifies, to the best of his or her knowledge or belief, that:
  - (1) No State or Federal appropriated funds have been paid or will be paid, by or on behalf of the KCAPTA to any person for influencing or attempting to influence an officer or employee of any State or Federal agency, a Member of the State Legislature or United States Congress, an officer or employee of the Legislature or Congress, or any employee of a Member of the Legislature or Congress in connection with the awarding of any State or Federal contract, the making of any State or Federal grant, the making of any State or Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any State or Federal contract, grant, loan, or cooperative agreement.
  - (2) If any funds other than Federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or any employee of a Member of Congress in connection with this Federal Agreement, that KCAPTA will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- b. This certification is a material representation of fact upon which reliance was placed when this Agreement was entered into. Submission of this certification is a prerequisite for making or entering into this Agreement imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification will be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

- c. NCTPA also agrees by signing this Agreement that he or she will require that the language of this certification be included in all lower tier contracts and subcontracts.

15. Non-Liability of NCTPA: NCTPA will not be liable to KCAPTA or any third party for any claim for loss of profits or consequential damages. Further, NCTPA will not be liable to KCAPTA or any third party for any loss, cost, claim or damage, either direct or consequential, allegedly arising from a delay in performance or failure to perform under this Agreement.

16. Indemnity: NCTPA and KCAPTA are responsible for their own acts and omissions. Further, each party agrees to indemnify, defend, and hold harmless the other party, its governing body, officers, employees, and agents, from and against any and all actions, claims, demands, losses, damages, liabilities, costs, and expenses, including reasonable attorney's fees and costs, resulting from the acts or omissions of the indemnifying party arising out of, or in any way connected with, the performance of this Agreement, however caused. The provisions of this Section will survive the expiration, termination, or assignment of this Agreement.

NCTPA and KCAPTA warrant that they carry and shall maintain, in full force and effect during the full term of this Agreement, sufficient general liability insurance and auto liability insurance to cover any claims, demands, losses, damages, liabilities, costs, and expenses, including reasonable attorney's fees and costs incurred under this Agreement.

17. Costs and Attorneys' Fees: If either party commences any legal action against the other party arising out of this Agreement or the performance thereof, the prevailing party in such action may recover its reasonable litigation expenses, including court costs, expert witness fees, discovery expenses, and reasonable attorneys' fees.

18. Governing Law and Choice of Forum: This Agreement will be administered and interpreted under California law as if written by both parties. Any litigation arising from this Agreement will be brought in the Superior Court of Napa County.

19. Integration: This Agreement represents the entire understanding of KCAPTA and NCTPA as to those matters contained herein and supersedes all prior negotiations, representations, or agreements, both written and oral. This Agreement may not be modified or altered except in accordance with Section 6.

20. Severability: If any term or provision of this Agreement or the application thereof to any person or circumstance will, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those to which it is invalid or unenforceable, will not be affected thereby, and each term and provision of this Agreement will be valid and will be enforced to the fullest extent permitted by law, unless the exclusion of such term or provision, or the application of such term or provision, would result in such a material change so as to cause completion of the obligations contemplated herein to be unreasonable.

21. Headings: The headings of the various sections of this Agreement are intended solely for convenience of reference and are not intended to explain, modify, or place any interpretation upon any of the provisions of this Agreement.

22. Authority: Each person signing this Agreement on behalf of a party hereby certifies, represents, and warrants that he or she has the authority to bind that party to the terms and conditions of this Agreement.

23. Ownership; Permission: KCAPTA represents and warrants that all materials used in the performance of the Project work, including, without limitation, all computer software materials and all written materials, are either produced or owned by KCAPTA or that all required permissions and license agreements have been obtained and paid for by KCAPTA. KCAPTA will defend, indemnify and hold harmless NCTPA and its directors, officers, employees, and agents from any claim, loss, damage, cost, liability, or expense to the extent of any violation or falsity of the foregoing representation and warranty.

24. Counterparts: This Agreement may be executed in multiple counterparts, each of which will constitute an original, and all of which taken together will constitute one and the same instrument.

25. Ambiguities: The parties have each carefully reviewed this Agreement and have agreed to each term and condition herein. No ambiguity will be construed against either party.



**RESOLUTION No. 11-20**

**A RESOLUTION OF THE  
NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY (NCTPA) AUTHORIZING  
THE AGENCY TO JOIN THE CALIFORNIA VANPOOL (CALVANS) PROGRAM, APPOINT  
TWO MEMBERS OF THE NCTPA BOARD TO SERVE ON THE CALVANS BOARD,  
TRANSFER ACTIVE VANPOOLS TO THE CALVANS PROGRAM AND TRANSFER  
OWNERSHIP OF FOUR AGENCY VEHICLES TO CALVANS**

**WHEREAS**, NCTPA has actively pursued the development of vanpools for agricultural workers within the Napa Valley; and

**WHEREAS**, NCTPA desires to promote vanpools as a viable commute option in all employment sectors; and

**WHEREAS**, NCTPA does not possess the in-house resources to actively continue or expand vanpool services; and

**WHEREAS**, since 2001 the CalVans program has provided successful vanpool services to agricultural and non-agricultural workers and today operates over 200 vanpools statewide from all employment sectors;

**NOW THEREFORE BE IT RESOLVED** that the Napa County Transportation and Planning Agency Board authorizes (1) the agency to join the California Vanpool Authority program (CalVans); (2) appoint two members of the NCTPA Board to serve on the Board of Directors of the CalVans (a Joint Powers Authority in formation) as one regular member and one alternate; (3) transfer management of three (3) active vanpools, and ownership four (4) of the agency's ten (10) vanpool vehicles, to CalVans.

Passed and Adopted the 7<sup>th</sup> day of September, 2011.

  
Keith Caldwell, Chair, NCTPA

**Ayes: GARCIA, BENNETT,  
DUNSFORD, GINGLES,  
KRIDER, TECHEL,  
DODD, CALDWELL,  
BRITTON, WHITE,  
MOHLER**

**Noes: NONE**

**Absent: CHILTON**

ATTEST:

  
Karalyn E. Sanderlin, NCTPA Board Secretary

APPROVED AS TO FORM:

  
Janide Killion, NCTPA Legal Counsel



February 15, 2012  
NCTPA Agenda Item 9.7  
**Action Requested: APPROVE**

## NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter

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**TO:** Board of Directors  
**FROM:** Paul W. Price, Executive Director  
**REPORT BY:** Paul W. Price, Executive Director  
(707) 259-8634 / Email: [pprice@nctpa.net](mailto:pprice@nctpa.net)  
**SUBJECT:** Destruction of archived files

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### **RECOMMENDATION**

That the NCTPA Board authorize the staff to destroy the records as listed in attachment 1.

### **EXECUTIVE SUMMARY**

In accordance with the Board adopted Policy and Procedures, Chapter 9, Section 3, certain records have reached their maintenance of availability timeframe. Staff is requesting authority to destroy these files in accordance with the Board policy.

### **PROCEDURAL REQUIREMENTS**

1. Staff Report
2. Public Comment
3. Motion, Second, Discussion and Vote

### **FINANCIAL IMPACT**

Is there a fiscal impact? No

Is it Currently Budgeted? N/A

Where is it budgeted? N/A

Is it Mandatory or Discretionary? Discretionary

Future Fiscal Impact: None

Consequences if not approved: Agency will not be in compliance with current policies and procedures.

**CEQA REQUIREMENTS**

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

**BACKGROUND AND DISCUSSION**

Over the course of years, the NCTPA has generated a substantial list of old documents that are no longer required to be kept by law or by necessity. In order to reduce our file space needs the Board has adopted a Policy and Procedure that identifies which records should be destroyed. Staff has prepared a list of such documents and has had a review by agency counsel of the list.

**SUPPORTING DOCUMENTS**

Attachment: (1) List of documents to be destroyed



Project Specific Document Inventory

| Inventory No. | Item Description  | Date      | Total Retention Period | Quantity/<br>Pages | Returned |                            | Initial Confirming All Information is Returned |
|---------------|---|-----------|------------------------|--------------------|----------|----------------------------|--|
|               |   |           |                        |                    | Agency   | December 2011/January 2012 |  |
|               | Library Purge/Document Destruction  |           |                        |                    |          |                            |  |
|               | Performed By Brenna Blanchard   |           |                        |                    |          |                            |  |
|               | NC Flood Control and Water Conservation District Memo of Transmittal: Napa Creek 65% Progress Plans | Aug 2008  | 3 years                | 1 sheet            |          |                            |  |
|               | Request for Proposals: 65% Specifications. Napa Creek Box Culverts & Flood Terrace Project          | Jul 2008  | 3 years                | 1 copy, 913 pages  |          |                            |  |
|               | User's Comments, Napa River/creek Box Culverts and Flood Terrace Project                            | Aug 2008  | 3 years                | 44 pages           |          |                            |  |
|               | NCFCDD 95% Submittal: Behrens Street Pedestrian Bridge Demolition                                   | Apr 2008  | 3 years                | 162 pages          |          |                            |  |
|               | NCFCDD & WCD Behrens Street Pedestrian Bridge 95% submittal Plans                                   | Aug 2008  | 3 years                | 1 copy, 20 pages   |          |                            |  |
|               | City of Napa Public Works Department Behrens Bridge 90% Submittal & Comments                        | Apr 2008  | 3 years                | 15 pages           |          |                            |  |
|               | Napa Land Title Company title search for 795 Soscol Ave   | Jul 1986  | 25 years               | 112 pages          |          |                            |  |
|               | General Ledger Reports/Various Finance Documents  | 1999-2000 | 11-12 yrs              | 155 pages          |          |                            |  |

| Inventory No. | Item Description  | Date           | Total Retention Period | Quantity/ Pages   | Remarks | Initial Confirming All Information is Returned |
|---------------|---|----------------|------------------------|-------------------|---------|--|
|               | Napa Creek Box Culverts & Flood Terrace Project 65% Resubmittal                           | September 2008 | 3 years                | 198 pages         |         |  |
|               | Invoices for paratransit complimentary Sunday service                                     | May/Jul 2000   | 11 years               | 14 pages          |         |  |
|               | Letter to Public Works, Request for repayment, transit support for NCTPA admin            | May 2001       | 10 years               | 1 page            |         |  |
|               | Route Identifier information: Lift funded increase n VINE service hours                   | Nov 2001       | 10 years               | 2 pages           |         |  |
|               | MTC forms for expenditures, requests, reimbursement or advance. Not filled in             | Apr 1992       | 19 years               | 13 pages          |         |  |
|               | Letters & forms to MTC, requests for disbursement   | 1999-2006      | 5-12 years             | 28 pages          |         |  |
|               | Letters to City of Napa Controller, payroll requests                                      | 1999-2001      | 10-12 yrs              | 10 pages          |         |  |
|               | Crain & Associates Invoices   | May-Nov 2000   | 11 years               | 7 pages           |         |  |
|               | Letters & Invoices to Member Agencies for Local Match                                     | 2000-2006      | 5-11 years             | 26 pages          |         |  |
|               | JKaplan & Associates Short Range Transit Plan Update documents FY 1998-2007               | 1998           | 13 years               | 27 pages          |         |  |
|               | Napa Short Range Transit Plan Quarterly Progress Reports                                  | 2000           | 11 years               | 2 pages           |         |  |
|               | Soil and Groundwater Investigation Report, Transit Yard                                   | Sep 2000       | 11 years               | 1 copy, 55 pages  |         |  |
|               | Napa Transit Yard Expansion, Notice of Completion and Environmental Document              | Jul 1998       | 13 years               | 1 copy, 150 pages |         |  |
|               | Project Manual, Construction Documents: Transit Yard Expansion, Book 1                    | Mar 2005       | 6 years                | 1 copy, 122 pages |         |  |
|               | Project Manual, Construction Documents: Transit Yard Expansion, Book 2                    | Mar 2005       | 6 years                | 1 copy, 177 pages |         |  |
|               | General and Special Provisions Proposal & Contract: Demolition of houses for Transit Yard | Jun 2004       | 7 years                | 1 copy, 88 pages  |         |  |

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| Inventory No. | Item Description  | Date          | Total Retention Period | Quantity/Pages     | Remarks             | Initial Confirming All Information is Returned |
|---------------|---|---------------|------------------------|--------------------|---------------------|--|
|               | Solano/Napa Travel Demand Model, Phase 1: Report, Appendices, presentation copies | Jan 05-Feb 06 | 5-6 years              | 1 copy, 198 pages  |                     |  |
|               | Ranking Documents for Bus Stop Lighting, Including photos of stops                | 2007          | 4 years                | 101 pages          |                     |  |
|               | Napa Valley Consolidated Transportation Service Center Feasibility Report         | Apr 1996      | 15 years               | 110 pages          |                     |  |
|               | Proposal for the MTC LIFT Project, Extended VINE Services, Nights & Weekends      | Oct 2000      | 11 years               | 1 copy, 25 pages   |                     |  |
|               | NVWT Relocation 100% Plan Review, Plans & Specifications                          | Feb 2008      | 3 years                | 99 pages           |                     |  |
|               | NCTPA Budget Sub Committee FY 04/05   | Apr 2004      | 7 years                | 1 copy, 38 pages   |                     |  |
|               | NCTPA FY 2003/04 Budget Committee Meeting   | Apr 2003      | 8 years                | 1 copy, 36 pages   |                     |  |
|               | Wine Country Interregional Partnership Phase II, Origin and Destination Study     | Dec 2006      | 5 years                | 1 copy, 91 pages   |                     |  |
|               | VINE Lifeline Transportation Program Funding Application                          | Jul 2006      | 5 years                | 1 copy, 37 pages   |                     |  |
|               | Final Report: Napa Transportation Management Plan                                 | May 2001      | 10 years               | 1 copy, 100 pages  |                     |  |
|               | North Bay Corridor Study, Final Report  | Mar 1998      | 13 years               | 1 copy, 90 pages   |                     |  |
|               | Downtown Napa Transit Center and Parking Garage: Feasibility Study                | Oct 1999      | 12 years               | 1 copy, 87 pages   |                     |  |
|               | Res 05-239, NC Approving proposed NVTA Improvement Expenditure Plan               | Dec 2005      | 6 years                | 1 copy, 55 pages   | Certified           |  |
|               | Res 2423-05, Yountville Approval/NVTA Improvement Expenditure Plan                | Dec 2005      | 6 years                | 2 copies, 33 pages | 1 copy is certified |  |
|               | Res R2005-158, City of Napa, approval of NVTA Improvement Expenditure Plan        | Dec 2005      | 6 years                | 3 pages            | Certified           |  |
|               | 100% Specifications, NVWT Relocation from South Soscol to Napa St                 | Feb 2008      | 3 years                | 1 copy, 800 pages  | Binder              |  |

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| Inventory No. | Item Description   | Date        | Total Retention Period | Quantity/ Pages   | Remarks                | Initial Confirming All Information is Returned |
|---------------|--|-------------|------------------------|-------------------|------------------------|--|
|               | Trancas/SR 29 Interchange Documents, RFP, Funding, Groundwater, NWWT   | 1999        | 12 years               | 1 copy, 400 pages | Includes maps and a CD |  |
|               | FTA 5311 Application to Caltrans for N Napa Truck Line Route Along HWY 29 Corridor                                 | May 2008    | 3 years                | 1 copy 65 pages   | Binder                 |  |
|               | Montebello Bus Lines Technical Proposal RFP #06-01, New Flyer  | Nov 2006    | 5 years                | 1 copy, 280 pages | Binder                 |  |
|               | North Bay Regional Center and Senior Center Pass and Taxi Scrip Orders   | 2008-2009   | 2-3 years              | 295 pages         | Binder                 |  |
|               | Soscol Gateway Vision  | Jul 2004    | 7 years                | 1 copy, 40 pages  |                        |  |
|               | Planning Commission Agenda Item: Soscol Gateway Implementation Plan  |             |                        |                   |                        |  |
|               | Recommendations Report   | Jan 2006    | 5 years                | 2 copies 51 pages |                        |  |
|               | Planning Commission Agenda Item: Soscol Gateway Vision   | Jul 2004    | 7 years                | 33 pages          |                        |  |
|               | Transmittal Sheets for Napa Creek 65% Progress Plans & Revised 65%   | Aug08/Sep08 | 3 years                | 3 pages           |                        |  |
|               | Napa Creek Box Culverts and Flood Terrace Project Demolition Plan No. 3  | Aug 08      | 3 years                | 1 page            |                        |  |
|               | Letter from Betsy Strauss Re: Gateway Vision Plan  | Jul 2004    | 7 years                | 1 page            |                        |  |
|               | Agenda Item: Potential Site Acquisition, Napa Intermodal Transit and Mixed-Use Development Project, BPI Relocation | Dec 2008    | 3 years                | 4 pages           | Including 2 site plans |  |
|               | Various documents relating to business between NWWT and Bell Products  | 1964-2003   | 8-47 years             | 69 pages          |                        |  |
|               | Related Party Transactions Folder  | Sep 2007    | 4 years                | 19 pages          |                        |  |
|               | Documents related to Fifth Amendment with Bartig, Basler & Ray, Auditors   | Sep 2006    | 5 years                | 27 pages          |                        |  |
|               | NCTPA Transit Fixed Assets Spreadsheet   | Jul 2004    | 7 years                | 3 pages           |                        |  |

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|---------------|--|----------|------------------------|----------------------|--|--|
|               | Letters from Raymundo Engineering Re: alternative fuels  | Jun 1995 | 16 years               | 2 letters, 3pages    |  |  |
|               | Notice of Presentation of a Draft EIR and Public Scoping Meeting   | Jun 2006 | 5 years                | 45 pages             |  |  |
|               | Folder titled: FY 05/06 Closeout   | 2006     | 5 years                | 180 pages            | Includes PO reports, other financial documents |  |
|               | Letter of intent regarding option agreement for purchase of property located at 625 Burnell St, Napa           | Mar 2007 | 4 years                | 4 pages              |  |  |
|               | Letter from Christopher Grimsshaw Re: letter of intent to purchase 625 Burnell St                              | Apr 2007 | 4 years                | 1 page               |  |  |
|               | Maintenance Building CNG Conversion Options, alt fuel vehicles facility study                                  | Oct 1995 | 16 years               | 1 copy, 15 pages     |  |  |
|               | Analysis of potential site acquisition costs: Napa Intermodal Transit & Mixed-use Dev                          | Dec 2007 | 4 years                | 1 copy, 15 pages     |  |  |
|               | Napa City Council, Regular Meeting Agenda  | May 2007 | 4 years                | 6 pages              |  |  |
|               | NCTPA Purchase and Sale Agreement form, not completed  | 2007     | 4 years                | 8 pages              |  |  |
|               | Letter to James Asbury from Andrew Plescia, Re: Napa Intermodal Project  | Nov 2007 | 4 years                | 1 page               |  |  |
|               | Letter to Jean Hasser from NCTPA, requesting a conformance review  | Mar 2007 | 4 years                | 1 page               |  |  |
|               | Implementation Strategy for the Napa Intermodal Transit Center & Mixed-use Dev                                 | Sep 2005 | 6 years                | 11 pages             |  |  |
|               | Letter to Bill Dodd from Christopher Grimsshaw, Re: relocation of BP   | Dec 2005 | 6 years                | 2 pages              |  |  |
|               | Draft: Analysis of Potential Site Acquisition Costs: Napa Intermodal Transit and Mixed-use Development Project | Dec 2006 | 5 years                | 35 pages             |  |  |
|               | Form 730: Statement of Economic Interests For Designated Employees for 1995/1996                               | 1996     | 15 years               | 19 copies, 1-7 pages |  |  |

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| Inventory No. | Item Description  | Date     | Total Retention Period | Quantity/ Pages       | Remarks | Initial Confirming All Information is Returned |
|---------------|---|----------|------------------------|-----------------------|---------|--|
|               | News Bulletin Re: Form 730  | Dec 1995 | 16 years               | 1 page                |         |  |
|               | Notice to all local government agencies, Re: Statement of Economic Interests            | Feb 1996 | 15 years               | 2 pages               |         |  |
|               | Form 700: Statement of Economic Interests for 1996/1997                                 | 1997     | 14 years               | 22 copies, 1-6 pages  |         |  |
|               | Form 700: Statement of Economic Interests for 1997/1998                                 | 1998     | 13 years               | 3 copies, 1-10 pages  |         |  |
|               | List of Board Members for 1998/1999 with dates  | 1999     | 12 years               | 1 page                |         |  |
|               | Letter to Board Members and alternates, Re: Statement of Economic Interests             | Feb 1999 | 12 years               | 1 page                |         |  |
|               | Notice to all local government agencies, Re: Statement of Economic Interests            | Feb 1999 | 12 years               | 1 page                |         |  |
|               | Form 700: Statement of Economic Interests for 1998/1999                                 | 1999     | 12 years               | 19 copies, 1-12 pages |         |  |
|               | List of Board Members and alternates, dates Form 700s were returned                     | 1999     | 12 years               | 2 pages               |         |  |
|               | Letter to Board Members and alternates, Re: Statement of Economic Interests             | Feb 2000 | 11 years               | 1 page                |         |  |
|               | Notice to all local government agencies, Re: Statement of Economic Interests            | Feb 2000 | 11 years               | 1 page                |         |  |
|               | Form 700: Statement of Economic Interests for 1999/2000                                 | 2000     | 11 years               | 22 copies, 1-13 pages |         |  |
|               | Form 700: Statement of Economic Interests for 2001/2002                                 | 2002     | 9 years                | 29 copies, 1-11 pages |         |  |
|               | Form 700: Statement of Economic Interests for 2002/2003                                 | 2003     | 8 years                | 27 copies, 1-11 pages |         |  |
|               | Transit and Paratransit Management Certificate Program 2009, Northern California Series | 2009     | 2 years                | 1 copy, 266 pages     |         |  |
|               | Paratransit Scheduling & Dispatching Fundamentals Course Agenda                         | Undated  | Unknown                | 1 copy, 225 pages     |         |  |

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| Inventory No. | Item Description  | Date      | Total Retention Period | Quantity/Pages     | Remarks   | Initial Confirming All Information is Returned |
|---------------|---|-----------|------------------------|--------------------|-----------|--|
|               | Draft EIR, Stagecoach Vineyards Erosion Control Plan                              | Nov 2007  | 4 years                | 1 copy, 427 pages  |           |  |
|               | File on bus stop at 3587 Jefferson St, Re: homeowner complaints                   | 2007      | 4 years                | 103 pages          |           |  |
|               | Travel and Expense forms and supporting documents from staff                      | 2002-2009 | 2-9 years              | 67 pages           |           |  |
|               | Taxi Scrip and ADA Applications, blank forms and info                             | 2002      | 9 years                | 22 pages           |           |  |
|               | Taxi Guaranteed Ride Home Program Letters, emails, contracts                      | Dec 2005  | 6 years                | 127 pages          |           |  |
|               | Napa County HHS A Transportation Questionnaire for Workforce NOW workshop         | Undated   | Unknown                | 8 copies, 1 page   | Blank     |  |
|               | Napa County HHS A Transportation Questionnaire for Workforce NOW workshop         | 2005-2007 | 4-6 years              | 132 copies, 1 page | Completed |  |
|               | Napa Town and County Fair file, thank you letter, emails, maps, special schedules | 2005-2006 | 5-6 years              | 111 pages          |           |  |
|               | File for Fill-A-Bus, Food and Coat Drive for the Napa Food Bank                   | 2006      | 5 years                | 111 pages          |           |  |
|               | Porta-King Mark Alexander File  | Aug 2007  | 4 years                | 10 pages           |           |  |
|               | Sheet on Bus Stop Improvements, costs, funding                                    | 2006      | 5 years                | 1 page             |           |  |
|               | File on Tolar Shelters  | Jul 2007  | 4 years                | 14 pages           |           |  |
|               | File on All Purpose Manufacturing   | Oct 2007  | 4 years                | 26 pages           |           |  |
|               | File on Daytech Limited   | Aug 2007  | 4 years                | 18 pages           |           |  |
|               | File on Lacor Streetscape, diagrams, pictures, quotes                             | Aug 2007  | 4 years                | 88 pages           |           |  |
|               | Facility Maintenance Reports  | Oct 2008  | 3 years                | 9 pages            |           |  |

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|---------------|---|--------------|------------------------|-----------------|---------|--|
|               | Email and notes, Re: Proposed bus stops from road supervisors   | Jun 2006     | 5 years                | 5 pages         |         |  |
|               | City Notice: Non-emergency sandbag distribution dates announced | Dec 2008     | 3 years                | 1 page          |         |  |
|               | File on Brasco Shelters, quotes, pictures, diagrams             | 2007-2008    | 3-4 years              | 73 pages        |         |  |
|               | Trainers Pass Info 08/09  | 2008-2009    | 2-3 years              | 6 pages         |         |  |
|               | Trainers Pass Info 07/08  | 2007-2008    | 3-4 years              | 3 pages         |         |  |
|               | Trainers Pass Info 06/07  | 2006-2007    | 4-5 years              | 5 pages         |         |  |
|               | Trainers Pass Issued Clinic Ole 05                              | Mar 2005     | 6 years                | 8 pages         |         |  |
|               | Letter from passenger, Re: no bench at Jefferson-El Centro stop | Mar 2009     | 2 years                | 1 page          |         |  |
|               | Weekly Status Meeting Minutes: Capital PM Services              | Jan/Feb 2009 | 3 years                | 12 pages        |         |  |
|               | Transit Center schedule, map, brochure, print media inventory   | 2006-2010    | 1-5 years              | 114 pages       |         |  |
|               | VINE Route Print Orders   | 2006-2008    | 3-5 years              | 39 pages        |         |  |
|               | Email to Bart Wright, Re: Transit Schedule Changes              | Jan 2008     | 3 years                | 1 page          |         |  |
|               | Outreach 2006   | 2006         | 5 years                | 23 pages        |         |  |
|               | Outreach 2005   | 2005         | 6 years                | 3 pages         |         |  |
|               | NCTPA Events 2005   | 2005         | 6 years                | 58 pages        |         |  |
|               | City of Napa Special Events Applications                        | 2008         | 3 years                | 120 pages       |         |  |

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| Inventory No. | Item Description  | Date      | Total Retention Period | Quantity/ Pages     | Remarks | Initial Confirming All Information is Returned |
|---------------|---|-----------|------------------------|---------------------|---------|--|
|               | File labeled: Specials  | 2006      | 5 years                | 12 pages            |         |  |
|               | File labeled: Specials 2007   | 2007      | 4 years                | 101 pages           |         |  |
|               | File labeled: Specials 2008   | 2008      | 3 years                | 68 pages            |         |  |
|               | Contractor Meeting Agenda – Veolia  | Jan 2008  | 4 years                | 1 page              |         |  |
|               | Letters from Veolia Drivers   | 2008      | 3 years                | 7 pages             |         |  |
|               | CSO Inventory   | Aug 2008  | 3 years                | 9 pages             |         |  |
|               | Spare the Air Alerts 2009   | Sep 2009  | 2 years                | 1 page              |         |  |
|               | Transit Memos   | 2005-2006 | 5-6 years              | 89 pages            |         |  |
|               | NCTPA Draft Procurement Policies and Procedures Manual  | May 2006  | 5 years                | 2 copies, 138 pages |         |  |
|               | Draft Short Range Transit Plan 2004-2013  | May 2005  | 6 years                | 31 pages            |         |  |
|               | NCLOG County Wide Community Development Strategy: Draft Visitor-Serving Industry Development Strategy | Dec 2004  | 7 years                | 40 pages            |         |  |
|               | Santa Rosa Transit Service Survey Conducted by Go West Communication                                  | Jun 2004  | 7 years                | 22 pages            |         |  |
|               | NOP & Initial Study for the Hussey Ranch Residential Subdivision Draft EIR                            | Jan 2005  | 7 years                | 44 pages            |         |  |
|               | Strategic Transportation Plan with signed cover letter  | Nov 1999  | 12 years               | 86 pages            |         |  |
|               | Auburn-Oakland Regional Rail Service - Service Concept & Implementation Plan                          | Apr 2005  | 6 years                | 63 pages            |         |  |
|               | Napa County Transportation Resource Guide   | Feb 2003  | 9 years                | 6 copies 33 pages   | Bound   |  |

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| Inventory No. | Item Description   | Date     | Total Retention Period | Quantity/ Pages        | Remarks | Initial Confirming All Information is Returned |
|---------------|--|----------|------------------------|------------------------|---------|--|
|               | Summary Findings and Recommendations Regarding NC Transportation Voter Opinion Survey Research | Dec 2003 | 8 years                | 54 pages               |         |  |
|               | Napa Countywide Bicycle Plan Draft   | Nov 2003 | 8 years                | 89 pages               |         |  |
|               | Saving Our Streets: A Strategic Plan for Maintaining the Bay Area's Streets & Roads            | May 2007 | 4 years                | 11 pages               |         |  |
|               | VINE Lifeline Transportation Program Funding Application                                       | Jul 2006 | 5 years                | 2 copies<br>31 pages   | Bound   |  |
|               | NCTPA Audit Report for the Fiscal Year Ended Jun e 30, 2006                                    | Sep 2006 | 5 years                | 2 copies<br>40 pages   | Bound   |  |
|               | Napa's Transportation Future: A Strategic Transportation Plan for NCTPA. Board Summary         | Apr 2009 | 2 years                | 14 copies,<br>11 pages |         |  |



February 15, 2012  
NCTPA Agenda Item 9.8  
Action Requested: **APPROVE**

## NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter

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**TO:** Board of Directors  
**FROM:** Paul W. Price, Executive Director  
**REPORT BY:** Paul W. Price, Executive Director  
(707) 259-8634 / Email: [pprice@nctpa.net](mailto:pprice@nctpa.net)  
**SUBJECT:** Executive Director Retirement

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### **RECOMMENDATION**

That the NCTPA Board accept the notice of retirement of Paul W. Price, Executive Director and direct staff to begin recruitment for a new Executive Director.

### **EXECUTIVE SUMMARY**

On January 12, 2012, Paul Price tendered his notice of intent to retire effective June 8, 2012.

### **PROCEDURAL REQUIREMENTS**

1. Staff Report
2. Public Comment
3. Motion, Second, Discussion and Vote

### **FINANCIAL IMPACT**

Is there a fiscal impact? Potentially. There will be a cost for recruitment; however there may be cost savings in the event a replacement is not found prior to the retirement date.

Is it Currently Budgeted? No

Where is it budgeted? N/A

Is it Mandatory or Discretionary? Discretionary

Future Fiscal Impact: Unknown.

**CEQA REQUIREMENTS**

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

**BACKGROUND AND DISCUSSION**

On January 12, 2012, Paul Price tendered his notice of intent to retire effective June 8, 2012, which was accepted by Chairman Caldwell. In order to be effective, and to begin planning for recruitment, the Board must formally accept letter of retirement.

Counsel recommends the Board accept the notice of retirement, effective June 8, 2012, and direct staff to begin the recruitment process for a new Executive Director.

**SUPPORTING DOCUMENTS**

Attachment: (1) Notice of Retirement



January 12, 2012

Keith Caldwell  
NCTPA Board Chair  
707 Randolph Street, Suite 100  
Napa, California 94559

Dear Chair Caldwell,

It is with some reluctance and sorrow that I send this letter informing you and the NCTPA Board that I will be retiring from the NCTPA this June. My last work day will be June 8, 2012. I will be reaching a milestone in my life with my 64<sup>th</sup> birthday this June and, after a long and fulfilling career, I find that it is time to put more focus on my family and personal life.

I have enjoyed the support of you and the Board over these past three years. We have accomplished much during this time and we have developed a professional and well working team of staff members. I will provide any assistance necessary to make the transition to a new Director as seamless as possible.

Sincerely,

Paul W. Price  
Executive Director



February 15, 2012  
NCTPA Agenda Item 9.9  
Continued From: New  
**Action Requested: INFORMATION**

## **NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter**

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**TO:** Board of Directors  
**FROM:** Paul W. Price, Executive Director  
**REPORT BY:** Tom Roberts, Manager of Public Transit  
(707) 259-8635 / Email: [troberts@nctpa.net](mailto:troberts@nctpa.net)  
**SUBJECT:** Transit Performance Dashboard

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### **RECOMMENDATION**

That the NCTPA Board (1) receives the monthly Transit performance Dashboard.

### **EXECUTIVE SUMMARY**

Agency staff has developed a Transit Performance Dashboard document to replace lengthy staff reports previously presented to the Board. The goal of the document is to concisely present key information in a format that allows more effective and meaningful monitoring of transit performance.

### **PROCEDURAL REQUIREMENTS**

1. Staff Report (Information only)

### **FISCAL IMPACT**

Is there a Fiscal Impact? No.  
Is it currently budgeted? N/A  
Where is it budgeted? N/A  
Is it Mandatory or Discretionary: N/A  
Is the general fund affected? N/A

Future fiscal impact: N/A

Consequences if not approved: N/A

### **CEQA REQUIREMENTS**

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

### **BACKGROUND AND DISCUSSION**

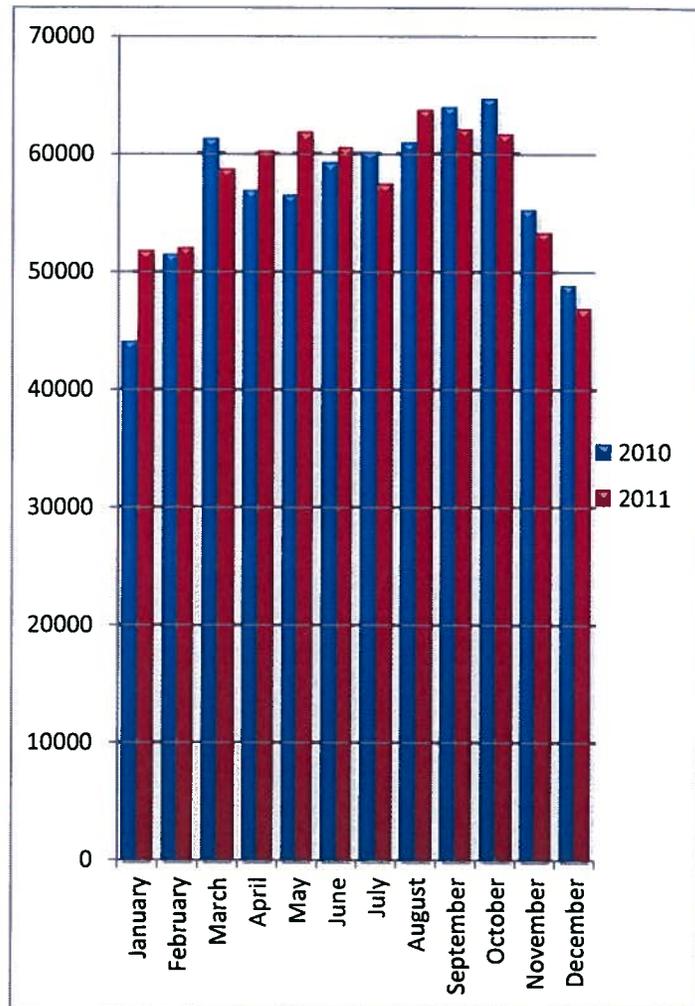
Based upon feedback from the TEC and Board, staff has developed a "Transit Performance Dashboard" that, in a single page, reports on key indicators allowing the staff, Board and public to monitor system performance.

### **SUPPORTING DOCUMENTS**

Performance Dashboard: Included in agenda packet.

# Transit Performance Dashboard

| RIDERSHIP and On Time Performance Jan - Dec 2011 |            |               |                |                |
|--|------------|---------------|----------------|----------------|
|  | OTP Dec'11 | Dec'11        | YTD            | Last YTD       |
| 1A   | 88.2%      | 2,712         | 42,117         | 35,530         |
| 1B   | 88.2%      | 1,583         | 23,381         | 24,897         |
| 2  | 77.8%      | 2,369         | 37,239         | 42,931         |
| 3A   | 67.2%      | 2,679         | 36,437         | 40,073         |
| 3B   | 66.4%      | 2,624         | 32,605         | 29,501         |
| 4  | 77.5%      | 3,965         | 42,469         | 47,487         |
| 5A   | 83.3%      | 1,335         | 27,803         | 27,379         |
| 5B   | 78.7%      | 1,764         | 23,116         | 28,271         |
| 6  | 96.3%      | 2,311         | 26,417         | 28,191         |
| 10   | 62.2%      | 13,904        | 236,159        | 237,009        |
| 20   | 84.6%      | 902           | 7,083          | 0              |
| 29   | 75.3%      | 2,268         | 31,327         | 16,287         |
| Trippers   |            | 365           | 9,777          | 10,259         |
| <hr/>  |            |               |                |                |
| AmCan  |            | 2,276         | 27,008         | 19,025         |
| Calistoga  |            | 532           | 5,610          | 5,948          |
| St. Helena                                       |            | 416           | 7,165          | 8,732          |
| Yountville                                       |            | 1,712         | 20,486         | 18,615         |
| Napa Shuttle                                     |            | 141           | 1,629          | 1,432          |
| VineGO   | 95.1%      | 2,706         | 36,756         | 34,108         |
| Taxi**   |            | 1,626         | 15,941         | 18,887         |
| Other  |            |               | 2,176          | 8,551          |
| <b>TOTAL</b>                                     |            | <b>48,190</b> | <b>692,701</b> | <b>683,113</b> |



\*\* incomplete data in 2011

| VINE ON TIME PERFORMANCE Oct - Dec |             |          |          |
|------------------------------------|-------------|----------|----------|
| 4th Quarter                        | 3rd Quarter | YTD      | Last YTD |
| 90/79.48                           | 90/83.48    | 90/85.37 | 90/97.29 |
| Goal is 90% or greater on-time     |             |          |          |

| VINE GO ON TIME PERFORMANCE Oct - Dec |             |          |          |
|---------------------------------------|-------------|----------|----------|
| 4th Quarter                           | 3rd Quarter | YTD      | Last YTD |
| 90/94.94                              | 90/92.92    | 90/94.95 | 90/96.50 |
| Goal is 90% or greater on-time        |             |          |          |

| PREVENTABLE ACCIDENTS Oct - Dec             |             |         |          |
|---|-------------|---------|----------|
| 4th Quarter                                 | 3rd Quarter | YTD     | Last YTD |
| 1.2/0.6                                     | 1.2/0.0     | 1.2/0.4 | 1.1/0.5  |
| Goal is no more than 1 claim per 100,000 mi |             |         |          |

| VINE COMPLAINTS Oct - Dec                           |             |         |          |
|---|-------------|---------|----------|
| 4th Quarter   | 3rd Quarter | YTD     | Last YTD |
| 2.5/0.4   | 2.8/0.6     | 2.7/0.6 | 2.6/1.2  |
| Goal is one actionable complaint every 20,000 trips |             |         |          |

| VINE GO COMPLAINTS Oct - Dec                       |             |         |          |
|--|-------------|---------|----------|
| 4th Quarter  | 3rd Quarter | YTD     | Last YTD |
| 1.6/0.0  | 1.7/0.0     | 1.6/0.0 | 1.4/0.0  |
| Goal is one actionable complaint every 2,000 trips |             |         |          |

| Trend Over Last Quarter | Trend Over Last Year |
|-------------------------|----------------------|
|                         |                      |

| Trend Over Last Quarter | Trend Over Last Year |
|-------------------------|----------------------|
|                         |                      |

| Trend Over Last Quarter | Trend Over Last Year |
|-------------------------|----------------------|
|                         |                      |

| Trend Over Last Quarter | Trend Over Last Year |
|-------------------------|----------------------|
|                         |                      |

| Trend Over Last Quarter | Trend Over Last Year |
|-------------------------|----------------------|
|                         |                      |



February 15, 2012  
NCTPA Agenda Item 10.1  
Continued From: January 2012  
**Action Requested: INFORMATION**

## **NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter**

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**TO:** Board of Directors  
**FROM:** Paul W. Price, Executive Director  
**REPORT BY:** Eliot Hurwitz, Planning Manager  
(707) 259-8782 / Email: [ehurwitz@nctpa.net](mailto:ehurwitz@nctpa.net)  
**SUBJECT:** **Public Hearing on Bike Path CEQA Document**

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### **RECOMMENDATION**

That the Board receive the new Countywide Bicycle Plan environmental document – Initial Study/Mitigated Negative Declaration (IS/MND), hold a public hearing and direct staff to circulate a notice of intent to adopt the IS/MND and open a 30-day public comment period. Staff will return to the Board for further action at the conclusion of the public comment period.

### **COMMITTEE RECOMMENDATION**

Project Steering Committee (approval at its December 16 meeting)  
BAC (approval at its December 19 meeting)  
TAC (approval at January 5 meeting)

### **EXECUTIVE SUMMARY**

This Napa Countywide Bicycle Plan presents a cooperatively-developed 25-year vision for building a complete bicycling system for our community. It also presents a carefully chosen set of specific goals, objectives, and policies to guide the ongoing evolution of that system.

This Plan is made up of two major elements:

- I. A specific set of existing and proposed Class I, II and III bikeways, presented on a set of maps and a linked set of data tables that describe the routes, including their beginning and end points.

2. A set of supportive policies and programs designed to make maximum safe use of existing routes, and to promote turning "proposed" routes into reality.

This Plan is presented in two parts:

1. The Countywide Overview, which describes elements that are common to all six Napa jurisdictions.
2. Six jurisdiction-specific planning documents, one each for the Cities of American Canyon, Napa, St. Helena and Calistoga, one for the Town of Yountville and one for Napa County. Once the CEQA document has been adopted by NCTPA, following the public comment period, each of these plans will be presented to the elected council for that jurisdiction for adoption.

A Project Steering Committee was made up of staff representatives from the Cities of American Canyon, Napa and St. Helena, Napa County, NCTPA and a representative from the NCTPA Bicycle Advisory Committee.

### **PROCEDURAL REQUIREMENTS**

1. Staff Report
2. Open Public Hearing
3. Public Comment
4. Board Discussion
5. Close Public Hearing

### **FINANCIAL IMPACT**

Is there a fiscal impact? Yes. Once the IS/MND is formally adopted at a subsequent NCTPA Board meeting, funding priorities for bicycle projects will be established as guidelines for future funding availability. Additionally, adoption of the Plan will qualify Napa jurisdictions for specific funding sources, such as the State Bicycle Transportation Account.

Is it Currently Budgeted? no

Where is it budgeted? n/a

Is it Mandatory or Discretionary? Discretionary

Future Fiscal Impact: All funding implications referred to above are in the future

Consequences if not approved: Napa jurisdictions will not qualify for selected funding sources, such as the State Bicycle Transportation Account.

## **CEQA REQUIREMENTS**

A Mitigated Negative Declaration (MND) has been prepared pursuant to CEQA, the State CEQA Guidelines, and local procedures. According to the MND, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: (e.g. biological resources, cultural resources, hazards & hazardous materials.)

## **BACKGROUND AND DISCUSSION**

The Napa Countywide Bicycle Plan was last updated in 2003. The new plan has been developed at a time when there has been a strong surge of interest in bicycling in Napa County, as well as in the Bay Area Region, the nation and the world. New programs, systems and technologies have been emerging month by month, spurred on by an intention to reduce greenhouse gas emissions, to promote more active, healthy transportation options, to reduce traffic congestion, and to provide connections between our communities.

NCTPA has adopted a long range strategic goal of having 10 percent of all trips made by bicycle in Napa County. This new Countywide Bicycle Plan is one way that NCTPA looks to accomplish this goal, in close partnership with the governments, non-profit organizations and citizens of our community.

This Plan is presented in two parts:

3. The Countywide Overview, which describes elements that are common to all six Napa jurisdictions. The Overview covers:
  - Vision and Goals
  - Background and Partners
  - Objectives and Policies
  - Existing Conditions
  - The Recommended Bicycle System
  - Implementation
4. Six jurisdiction-specific planning documents, one each for the Cities of American Canyon, Napa, St. Helena and Calistoga, one for the Town of Yountville and one for Napa County.

The Plan has been developed over the past year with active participation of several key groups: the staff of each City, Town and County; the local bicycle committees, made up of citizens appointed by the local governments; the general cycling community, which has been invited to all planning meetings; and the public at large, which was invited to two "bicycle summits" held at key points in the development of the Plan.

**SUPPORTING DOCUMENTS**

- Attachments:      (1) Countywide Bicycle Plan – Executive Summary  
                          (2) Initial Study/Mitigated Negative Declaration

Additional documents available online and at the meeting:

- (3) Countywide Bicycle Plan with Appendices  
(4) Six individual Bicycle Plans, one for each jurisdiction, with  
    appendices

# NCTPA Countywide Bicycle Plan



Prepared for



Napa County Transportation & Planning Agency



City of American Canyon



City of St. Helena



City of Calistoga



Town of Yountville



City of Napa



County of Napa

Submitted by

**Whitlock & Weinberger Transportation, Inc.**

490 Mendocino Avenue  
Suite 201  
Santa Rosa, CA 95401  
voice 707.542.9500  
web [www.w-trans.com](http://www.w-trans.com)

475 14<sup>th</sup> Street  
Suite 290  
Oakland, CA 94612  
voice 510.444.2600

**Questa Engineering Corporation**

1220 Brickyard Cove Road  
Suite 206  
Point Richmond, CA 94801  
voice 510.236.6114  
web [www.questaec.com](http://www.questaec.com)

December 2011

## Executive Summary

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This Napa Countywide Bicycle Plan presents a cooperatively-developed 25-year vision for building a complete bicycling system for our community. It also presents a carefully chosen set of specific goals, objectives, and policies to guide the ongoing evolution of that system.

Napa County, with its varied terrain, beautiful scenery, and mild weather is ideal for both practical and recreational cycling. Cities in the County are relatively flat and compact, characteristics that are optimal for intra-city commute and utilitarian trips. Currently, inter-city travel on the valley floor via bicycle can be challenging because of the distance between the cities, limited connections, and roads with high-speed traffic. Outside of the cities and valley floor, the County's mountains, valleys, and scenery provide a "world class" experience that is a physically challenging and attractive for recreational cyclists.

This Plan has been developed at a time when there has been a strong surge of interest in bicycling in Napa County, as well as in the Bay Area Region, the nation and the world. New programs, systems and technologies have been emerging month by month, spurred on by an intention to reduce greenhouse gas emissions, to promote more active, healthy transportation options, to reduce traffic congestion, and to provide connections between our communities. The Napa Vine Trail Coalition, dedicated to creating a Class I Multi-use Path the full length of Napa Valley, has emerged as a popular community organization, made up of 27 of the county's most influential non-profit and government groups. The Napa Bicycle Coalition, recently re-named "Napa Bike," has energized the cycling community to become an even more active participant in the development of cycling resources in the county. The local "Safe Routes to School" program has been expanding rapidly, now serving schools throughout Napa County. The Napa County Transportation and Planning Agency (NCTPA) has adopted a long range strategic goal of having 10 percent of all trips made by bicycle in Napa County. This new Countywide Bicycle Plan is one way that NCTPA looks to accomplish this goal, in close partnership with the governments, non-profit organizations and citizens of our community.

This Plan is made up of two major elements:

1. A specific set of existing and proposed Class I, II and III bikeways, presented on a set of maps and a linked set of data tables that describe the routes, including their beginning and end points.
2. A set of supportive policies and programs designed to make maximum safe use of existing routes, and to promote turning "proposed" routes into reality.

This Plan is presented in two parts:

1. The Countywide Overview, which describes elements that are common to all six Napa jurisdictions. The Overview covers:
  - Vision and Goals
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  - Objectives and Policies
  - Existing Conditions
  - The Recommended Bicycle System
  - Implementation
2. Six jurisdiction-specific planning documents, one each for the Cities of American Canyon, Napa, St. Helena and Calistoga, one for the Town of Yountville and one for Napa County.

The Plan has been developed over the past year with active participation of several key groups: the staff of each City, Town and County; the local bicycle committees, made up of citizens appointed by the local governments; the general cycling community, which has been invited to all planning meetings; and the public at large, which was invited to two "bicycle summits" held at key points in the development of the Plan.

## **A Bicycling Vision and Goals for Napa County**

### Vision

There will be a comprehensive, interconnected bicycle system throughout Napa County, including connections to the rest of the Bay Area region. There will also be development patterns and programs that will support access to this system and provide people with safe, convenient and enjoyable. Bicycling is common for everyday trips and recreation, contributing to the quality of life in Napa and the health, safety and welfare of its residents, workers and visitors. Napa is known as a bicycle friendly community, achieving the highest level of certification from the League of American Bicyclists, with a “world class” bicycling system.

### Goals

*Principal Goal* – To develop and maintain a safe and comprehensive countywide bicycle transportation and recreation system that provides access, opportunities for healthy physical activity, and reduced traffic congestion and energy use. Policies, programs and projects work together to provide safe, efficient and enjoyable opportunities for bicyclists of all types, ages, and abilities to access public transportation, school, work, recreation areas, shopping and other activity centers, and residential neighborhoods, and to connect Napa jurisdictions to each other and the region.

*Goal from the NCTPA Strategic Plan, “Napa’s Transportation Future”* – Increase the percent of countywide trips made by bicycle to 10 percent.

## **Background and Partners**

### Relationship to Local Plans and Other Relevant Land Use, Transportation, Air Quality, and Energy Planning Efforts

Implementation of the NCTPA Countywide Bicycle Plan will require coordination, consistency, and cooperation amongst numerous jurisdictions and agencies with varied interests that implement policy and maintain regulatory authority over land-use and transportation decisions within and immediately adjacent to Napa County. Local bicycle plans in American Canyon, Calistoga, Napa, St. Helena, Yountville, and the County of Napa supplement this overview document and comprise the Napa Countywide Bicycle Plan. Additionally, there are a number of federal, state, regional, county, and local agencies that have developed plans, programs, directives, policies, and regulations related to funding, planning, designing, operating, maintaining, and using transportation systems and bicycle facilities. These agencies and their plans, policies, and supporting information have been evaluated for coordination, consistency, and conformance with this Plan as identified by Caltrans and stipulated in the Streets and Highways Code Section 891.2. Relevant documents, policies, and supporting information are summarized and provided in Appendix A.

### Bicycle Plan Development and Public Participation

The Bicycle Plan was developed over an 18-month period in 2010/11. The Plan was prepared by a consulting team working closely with NCTPA staff, a Project Steering Committee, local agency staff, Bicycle Advisory Committees or other responsible groups from the County and Napa’s cities, stakeholders, and the public and interested citizens. The 2011 Napa Countywide Bicycle Plan builds upon the efforts of the 2003 Plan and integrates new projects, partnerships, concepts, and programs.

Public participation was an important component in the development of the Countywide Bicycle Plan. The NCTPA and plan participants solicited public input on existing conditions for bicyclists, potential improvement projects and programs, and site-specific issues such as safety concerns, access, connectivity, bicycle parking, and other items needed to improve conditions for bicyclists.

## Implementing Partners



Implementation of the Countywide Bicycle System and encouragement of its use is a responsibility shared by all government agencies and jurisdictions in the Plan Area. It relies not only upon the development of good plans, but commitment at each level of government to support bicycle projects and programs. Whereas each agency has a different level of responsibility for building capital facilities, the implementation of education and encouragement programs is a responsibility shared fairly equally among all agencies.

- Cities and County
- Napa County Transportation Planning Agency
- Metropolitan Transportation Commission
- California Department of Transportation (Caltrans)
- Regional Trail Agencies
- Transit Agencies
- Private Developers
- Local Advisory Committees
- Napa County Health and Human Services Agency
- Napa County Office of Education, School Districts, and Schools

## **Objectives and Policies**

In addition to the countywide policies indicated below, each jurisdiction may choose to identify additional local policies. These additional policies are shown in the jurisdiction-specific plans that accompany this countywide overview. (Full text of all policies, including responsible agencies, is contained in the body of the Plan – pages 9-14)

### Objective 1.0: The Countywide Bicycle Network

*Establish a comprehensive, safe, connected countywide bicycle transportation and recreation system to support increases in bicycle trips made throughout the County to 10 percent of all trips by 2035.*

#### Policies

- 1.1 Develop and maintain a local and countywide bicycle transportation and recreation network that connects Napa's neighborhoods and communities . . .
- 1.2 Develop and maintain contiguous north-south and east-west Class I pathways . . .
- 1.3 . . . ensure that all transportation projects on designated bicycle routes include, enhance or maintain bicycle transportation facilities.
- 1.4 . . . cooperatively with all responsible departments and agencies . . . to close existing gaps in facilities and ensure the network is funded, designed, constructed, and maintained.
- 1.5 Consider the needs of all types of bicyclists
- 1.6 Establish and/or maintain local and countywide bicycle advisory committees

### Objective 2.0: Design

*Utilize accepted design standards and "best practices" to facilitate completion of a connected bicycle system that is safe, convenient and enjoyable to use.*

### Policies

- 2.1 (use standard official guidelines) as well as evolving “best practices”
- 2.2 . . . assure that all approaches to signalized intersections include bicycle detection devices . . .
- 2.3 Provide consistent enhanced crossing features at uncontrolled intersections with Class I trails.
- 2.4 Where standard Class II bike lanes are infeasible under current conditions, consider innovative approaches to safely accommodate bicycles . . .
- 2.5 Install way-finding signage, markers, and stencils on off-street paths, on-street bikeways, local Class III routes, and State Routes . . .
- 2.6 Improve safety and access for bicyclists at all at-grade railroad crossings . . .

### Objective 3.0: Multimodal Integration

*Develop and enhance opportunities for bicyclists to easily access public transit and other transportation resources.*

### Policies

- 3.1 Require transit providers to provide and maintain convenient and secure bike parking facilities . . .
- 3.2 Require local and regional transit agencies to accommodate bicycles on all transit vehicles . . .
- 3.3 Plan for additional bicycle storage capacity on transit vehicles . . .
- 3.4 Consider a “Safe Routes to Transit” program that prioritizes bicycle and pedestrian access to transit stops and centers . . .
- 3.5 Encourage the development of “staging areas” as a component of trail development and other bikeway projects . . .
- 3.6 Develop strategies and work with private landowners/businesses to provide bicycle parking at strategic locations . . .

### Objective 4.0: Comprehensive Support Facilities

*Ensure development of comprehensive support facilities for bicycling such as short- and long-term bicycle parking, end of trip amenities, bicycle staging areas, repair stations, and other resources such as bicycle maps, guide information, and on-line tools.*

### Policies

- 4.1 Require adequate . . . bicycle parking for non-residential uses as required in local standards.
- 4.2 Provide adequate short-term bicycle parking and long-term bicycle storage for transportation centers . . .
- 4.3 Work with businesses and private property owners to provide bicycle parking at existing employment, retail, and commercial sites . . .
- 4.4 Encourage employers to provide secure indoor and/or covered bicycle parking for their employees . . .
- 4.5 Encourage major employers to provide shower and locker facilities for workers . . .
- 4.6 Encourage local school district to provide well located, secure bicycle parking at schools. [NCTPA, cities, towns, County]
- 4.7 Design Class I Trails to incorporate high-visibility crossing treatments, pedestrian scale lighting, street furniture, drinking fountains, interpretive elements, and other amenities . . .

### Objective 5.0: Safety and Security

*Create a countywide bicycle system that is perceived to be safe for bicyclists of all types and age groups, and work to reduce collisions involving bicyclists by 50 percent by the year 2035. (Use 2008 collision data as the baseline for analysis and perform periodic progress evaluations at 5-year intervals to benchmark progress.)*

Policies

- 5.1 Coordinate the delivery of bicycle Safety Education Programs to schools . . .
- 5.2 Focus on improving safety at intersections . . .
- 5.3 Focus on improving safety at railroad crossings . . .
- 5.4 Safety improvements in the vicinity of schools, major public transit hubs, civic buildings, shopping centers, and other community destinations shall be given a high priority for implementation.
- 5.5 Improve ongoing collection and analysis of collision data . . .
- 5.6 Promote targeted enforcement of violations that focus on primary collision factors . . .

Objective 6.0: Land Use

*Support and strengthen local land use policies for compact, mixed use development in appropriate areas, and for designing and constructing bicycle facilities as part of new development projects.*

Policies

- 6.1 Condition discretionary projects to provide needed bicycle improvements . . .
- 6.2 In accordance with CEQA Guidelines, projects that could result in the loss of existing bicycle facilities or jeopardize future facilities included in this Plan must be mitigated.
- 6.3 Encourage school districts to participate in providing safe and continuous bicycle and pedestrian connections from surrounding neighborhoods . . .

Objective 7.0: Education and Promotion

*Develop programs and public outreach materials to promote safety and the positive benefits of bicycling.*

Policies

- 7.1 Develop and implement a multimedia countywide bicycle and pedestrian safety and education campaign . . .
- 7.2 Expand the delivery of Safe Routes to Schools curriculum to all elementary and middle schools annually . . .
- 7.3 Educate law enforcement personnel, agency staff, elected officials, and school officials about the benefits of non-motorized transportation, and the safety needs of bicyclists and pedestrians.
- 7.4 Develop and maintain a public bikeway map and user guide . . .
- 7.5 Distribute bicycle and pedestrian safety, educational, and promotional materials . . .
- 7.6 Encourage events that introduce the public to bicycling and walking . . .
- 7.7 Encourage major employment centers and employers to facilitate commuting by bicycle . . .

Objective 8.0: Planning

*Continue to update and integrate bicycle-related transportation projects into land use and recreation plans and roadway improvement projects.*

Policies

- 8.1 The countywide and/or local Bicycle Advisory Committee (BAC) shall be responsible for advising staff and decision makers on the ongoing planning and coordination of the countywide bicycle transportation system.
- 8.2 Update and adopt the Bicycle Plan in accordance with the California Bicycle Transportation Act, and to coordinate with Regional Transportation Plan updates.
- 8.3 Participating jurisdictions shall update their general plans to incorporate the key contents of this Bicycle Plan.

- 8.4 Consider local and the Countywide BAC as a resource to review roadway improvement projects,
- 8.5 Proactively seek new opportunities for acquisition of . . . rights-of-way . . . for the development of new Class I multi-use pathways . . .
- 8.6 . . . maintain on-street bikeways where off street pathways or alternative routes are proposed. Existing bikeways should not be altered or eliminated without consulting local bicycle advisory committees.
- 8.7 . . . assign staff to assume bicycle coordination duties to oversee implementation of the Countywide Bicycle Plan and coordinate activities between affected departments . . .

**Objective 9.0: Maintenance**

*Maintain and/or improve the quality, operation, and integrity of bicycle infrastructure.*

*Policies*

- 9.1 Maintain geometry, pavement surface condition, debris removal, markings, and signage . . . to the same standards and condition as the adjacent motor vehicle lanes.
- 9.2 Develop or retain a maintenance reporting system with a central point of contact to report, track, and respond to routine bicycle maintenance issues . . .
- 9.3 Require that road construction projects minimize their impacts on bicyclists through the proper placement of construction signs and equipment, and by providing adequate detours . . .
- 9.4 Consider bicycle safety in the routine maintenance of local roads and seek to, at a minimum . . .
  - Trim vegetation . . .
  - Clear debris . . .

**Objective 10.0: Funding**

*Work to maximize the amount of funding to implement bicycle projects and programs throughout the county.*

*Policies*

- 10.1 Seek varied sources of funding, . . .
- 10.2 Encourage multi-jurisdictional funding applications . . .
- 10.3 Promote the availability of adequate regional, state and federal funding sources . . .

**Existing Conditions**

**Issues, Opportunities, and Constraints**

There are a variety of challenges associated with the planning and development of bicycle facilities throughout Napa County. General challenges are listed below and include:

- Limited Local Funds
- Limited Right-of-Way
- Public Support and Perception
- Physical Barriers
- Accommodating Bicyclists on Rural Highways, Arterials, and Roadways
- Railroad Tracks
- Narrow Bridges
- Traffic Signal Detection
- Construction Zones
- Plan and Policy Support
- Routine Consideration
- Bikeway Continuity
- Maintenance
- Bicyclists come in all Sizes, Ages, Skill Levels and Degrees of Confidence
- Real and Perceived Safety Concerns
- Lack of Respect between Motorists and Bicyclists
- SR 29 Divides Napa’s Communities
- Limited North-South and East-West Connections
- Distance Between Communities
- Visitors and Tourism

### Existing Bicycle Programs

There are a variety of existing entities and programs throughout Napa County that work to support and promote bicycling. Existing activities are aimed at improving the safety and convenience of getting around by bicycle and boosting ridership levels. Some of these existing programs have been in place for years, while others such as the County Office of Education Safe Route to Schools Program are relatively new. In some cases, the programs are city or county funded; in others, they are non-profit or volunteer run. Many of the existing programs are delivered on a by-request basis, rather than annually or at regular intervals. Further, there is little coordination amongst existing programs or entities, which tends to limit the delivery and impact of the efforts. Existing entities that provide support programs and/or current activities include:

- Napa County Bicycle Coalition – Napa Bike
- Napa Valley Vine Trail Coalition
- Napa County Office of Education
- Napa Valley Car Free
- Napa County Health and Human Services Agency Activities
- Street Smarts Traffic Safety Campaign
- Eagle Cycling Club
- Focused Law Enforcement Activities
- Bicycle Fairs, Races, and Community Events
- Bike to Work Day/Month Activities
- Bicycle Tours
- Bicycle Maps

### Existing Bikeway Network

#### *Primary Bikeway Network*

A new element of this planning effort has been the designation of a countywide Primary Bikeway Network – a continuous countywide network of on- and off-street bikeways that extends between and through communities. The Primary Bikeway Network consists of a selection of existing and proposed Class I, Class II, and Class III bikeways that provide inter-city and inter-county routes along with connections to other transportation modes, major destinations, jobs, neighborhoods, recreation, and local bicycle networks. The network typically includes a north-south and east-west route through each community. The intention of the network is to focus and collaborate on a set of basic routes that will provide access to major destinations and activity areas.

#### *Bikeways Inventory (Maps, Database, Description)*

The Countywide Bikeway Network consists of Class I multi-use paths, Class II bike lanes, and Class III bike routes and bicycle boulevards. A comprehensive inventory of existing bikeways is provided in tabular format by jurisdiction within the local agency plans. Existing bikeways are shown on the bikeway maps, Figures I through II.

### **Safety Plan**

#### Bicycle Collisions and Safety Analysis

This section addresses safety conditions for bicyclists and includes a review of the California Office of Traffic Safety's (OTS) collision rankings, the Statewide Integrated Traffic Records System, Seasonal Trends in Napa County, an understanding of the limitations of bicycle collision reporting, an analysis of bicycle collisions throughout the County for the most recent 10 years for which collision data was available at the time of the analysis, identification of the top ten collision locations throughout the County by intersection and segment, and a review of urban and rural bicycle crash types.

## Safety, Education, Encouragement, and Enforcement Programs

The Countywide Bikeway Network has been planned to provide safe, convenient access for all types of bicyclists to destinations throughout Plan Area. Like all other modes of transportation, the system and its network of facilities must be used appropriately to maximize the safety of all users, bicyclists, pedestrians, and motorists alike. To help minimize safety risks, it is imperative that bicyclists and motorists follow basic traffic laws. For bicyclists, this includes activities such as riding in the correct direction, stopping at stop signs and traffic signals when the light is red, riding predictably, and taking proper measures to be visible day and night; and for motorists yielding to turning bicyclists, passing with care, and not driving or parking in designated bicycle lanes, to name a few behaviors for both.

### **Recommended Bicycle System**

#### Proposed Bikeway System

The proposed bikeway system consists of an interconnected network of Class I pathways, Class II bike lanes, and Class III bike routes to complete both the local and primary countywide bikeway networks, along with various safety enhancements, bicycle support facilities, and programs designed to improve safety and encourage bicycling.

The local and primary bikeway networks have been planned to link residents, visitors, and bicyclists of all ages and types between residential areas and community destinations including schools, parks, shopping, civic buildings, employment centers, and regional trails and bikeways.

While the projects in this Plan have received a preliminary feasibility evaluation, engineering and environmental studies will be required prior to project implementation to determine project specific issues such as right-of-way impacts, traffic operations, parking impacts, and/or environmental issues.

#### Programs

The bikeway system must be comprised of more than just bikeways to realize increases in the number of people who choose to bicycle, and to achieve the community benefits associated with an increase in bicycle trips and a reduction in vehicle miles traveled. Therefore, in addition to the construction of bicycle facilities and supporting infrastructure, it is critical that steps be taken to mainstream bicycling as a viable transportation option. To raise the awareness level of the rights and responsibilities of bicyclists and motorists and to forge a higher level of understanding between those on our roads and paths, a variety of education, encouragement, and enforcement activities are recommended.

- Education and Awareness
- Countywide Traffic Safety Campaign
- Share the Road Campaign
- Bicycle Ambassadors
- Bike Share Programs
- Local Agency Bicycle Fleets
- Education and Encouragement Activities
- Signing Program
- Countywide Bicycle Parking Program
- Maintenance Monitoring and Reporting System

### **Implementation**

This section identifies the activities and actions that are necessary to implement the physical improvements, facilities, and programs contained in this Plan, along with the estimated costs for the proposed improvements, maintenance requirements, and funding and financing strategies.

Successful implementation of the projects and programs contained in the Bicycle Plan will require ongoing cooperation within and amongst the NCTPA, local agencies, and various stakeholders including other public agencies and bicyclists. The planning horizon for the projects identified in this plan is the year 2035.

Implementation of the projects in this plan will occur incrementally in a variety of ways. Many projects will be incorporated into local agency's Capital Improvement Program (CIP) processes and will be implemented as the CIP projects get funded. Others can happen as part of regular maintenance and operations practices and road resurfacing projects. Development and/or redevelopment in some areas will present a significant opportunity to implement some of the recommendations of this Plan.

Amending the Countywide Bicycle Plan and Maps between Updates

NCTPA will update the map of existing and proposed bikeways each year in January important changes may be made more frequently if required. The NCTPA Bicycle Advisory Committee (BAC) meets monthly on the fourth Monday of each month and will review submitted requests for changes.

Project Costs

Construction costs for bicycle infrastructure are presented in Table i. The costs below are for planning level estimates. They are unit costs for construction and do not include contingencies, design, environmental analysis, administrative costs, right-of-way acquisition, or inflation factors.

**Table i  
Construction Cost Assumptions for Bikeway Improvements**

| <b>Capital Project</b>                       | <b>Unit</b> | <b>Cost</b>       |
|--|-------------|-------------------|
| <b>Class I: Multi Use Trail</b>              |             |                   |
| Construct Multi-Use Pathway                  | Mile        | \$550,000         |
| Rehabilitation                               | Mile        | \$125,000         |
| <b>Class II: Bike Lanes</b>                  |             |                   |
| Install Signs, Striping, & Stencils          | Mile        | \$30,000          |
| Reconfigure Roadway Striping, add Bike Lanes | Mile        | \$75,000-\$90,000 |
| <b>Class III: Bike Route</b>                 |             |                   |
| Install Signing (Up to 10 signs per mile)    | Mile        | \$2,500           |
| Bicycle Boulevard                            |             |                   |
| (Signing and Stencils Only)                  | Mile        | \$4,500           |
| (Traffic Calming Treatments)                 | Each        | \$2,000-\$60,000  |

Program Costs

This plan includes a variety of collaborative programmatic improvements and actions that will help achieve the vision of increased bicycling throughout Napa County and bicycle safety improvements for each community. The programs and actions are important to help realize Plan vision and safety enhancements and should be implemented as soon as time and funding resources are available. Costs for individual programs and actions are highly variable and dependent upon the scope and scale of actions. Table 5 identifies the primary programmatic improvements, which are defined in greater detail in earlier sections, includes a range of estimated costs, a potential lead agency, likely partner agencies, and potential funding sources.

Funding Resources

This section provides an overview of funding mechanisms available to implement the bicycle projects and programs contained in this plan. Due to its dynamic nature, transportation financing is complex.

Implementation of bicycle facilities, improvements, and programs is made possible by a wide variety of funding sources including Federal, State, Regional, and Local Governmental sources, private sector development and investment, and community, special interest and philanthropic organizations.

#### *Federal, State, Regional, and Local Governmental Sources*

Transportation funds are divided into myriad funding programs. In general, federal funds are used for capital projects. State funds are used for new capital projects too, but also cover maintenance costs. Regional and local funds are the most flexible, and may be used for capital project, maintenance, and operational costs, and programmatic improvements.

The primary implementers of infrastructure projects are city and county public works departments. Project selection is typically based on planning processes involving public participation. Additionally, schools and school districts can be project implementers.

#### *Private Sector Development and Investment*

Private sector development and investment play an important role in funding non-motorized infrastructure. Many newer housing and retail developments throughout Napa County have been planned, or required, to include sidewalks, pathways, and bicycle facilities. Private development is expanding its focus on “smart growth” and balanced transportation options. This inherently builds in orientation to the bicycle and pedestrian modes. Sometimes developers also fund such amenities as bicycle racks, bicycle storage, benches, lockers and shower facilities. Additionally, in many locations improvements such as closure of gaps in sidewalks or road widenings are made only after a private land use change is approved. Improvements or right-of-way dedication can be made conditions of approval, allowing upgrades for bicyclists and pedestrians.

#### *Community, Special Interest and Philanthropic Organizations*

Other non-governmental sources of funding include the contributions of community-based organizations, such as the Napa County Bicycle Coalition and the Napa Vie Trail Coalition, in carrying out programs that support bicycle usage.

#### Plan Maintenance and Revision

This Plan is a complex living document and will be continuously revised in the years to come. Each of the six jurisdictions in our community has staff members (in the public works and/or planning departments) who work together with the NCTPA to bring the elements of the plan to life. Most communities also have local citizen committees dedicated to the implementation, upkeep and revision of this plan. Other community organizations, such as the Napa Valley Vine Trail Coalition and NapaBike also participate in cooperatively overseeing the implementation of this plan. Throughout the year, these groups will review recommendations from the community for revisions to the plan. Based on this input, the NCTPA will revise the set of existing and proposed routes each year in January and we will revise the entire plan every five years. Special amendments may also be made at any time

## INITIAL STUDY

Prepared for the:

Napa County Transportation and Planning Agency

# NAPA COUNTYWIDE BICYCLE PLAN UPDATE

Napa County  
City of American Canyon  
City of Napa  
City of Saint Helena

Prepared by:

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Jeffrey H. Peters, Principal, Questa Engineering Corporation

City of Calistoga  
Town of Yountville

Prepared by:

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Eliot Hurwitz, Napa County Transportation and Planning Agency

January 7, 2012

## Napa County Transportation and Planning Agency

### 30 DAY NOTICE OF AVAILABILITY OF A DRAFT MITIGATED NEGATIVE DECLARATION

NOTICE IS HEREBY GIVEN that the Napa County Transportation and Planning Agency has prepared an Initial Study Checklist for environmental review of the following described project in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended.

**Project Title:** Napa Countywide Bicycle Plan Update  
**Project Applicant:** Napa County Transportation and Planning Agency (NCTPA)  
**Project Location:** The Bicycle Plan area includes the area within Napa County's jurisdictional boundaries.

**Project Description.** The proposed project for the purposes of CEQA review consists of the adoption of the NCTPA Countywide Bicycle Plan (Plan), which incorporates four stand-alone Bicycle Plans and associated policies and projects for the cities of American Canyon, Napa, Calistoga, Yountville St. Helena and the County of Napa (unincorporated areas).

NCTPA is the lead agency for the overall planning effort, also providing assistance in programming regional, state, and federal funds, and will lead or support the implementation of programmatic improvements. The Plan and environmental analysis will also be separately adopted and certified by each respective agency prior to project implementation. The Plan will be used by each individual agency to document policy and guide implementation of local projects and programs.

The Plan is intended to guide development and enhancement of bicycle facility infrastructure within the cities and unincorporated areas of Napa County. It provides a description of proposed projects and priorities for implementation; details design standards for bikeways, and programmatic recommendations to meet transportation goals, and improve safety conditions as part of a multi-modal transportation network. The plans are also intended to guide the future development of bicycle infrastructure in the County and Cities, and in doing so will reduce the use of motor vehicles and improve connectivity, including connectivity between neighborhoods and commercial districts, and improve public health by fostering additional outdoor exercise.

In order to provide for a geographically and thematically comprehensive analysis of the Napa County Bicycle Plan, potential environmental impacts associated with the Plan are analyzed at a "program" level within this Initial Study. The agencies responsible for plan implementation, including Napa County, the Cities of American Canyon, Napa, and St. Helena, and the Napa County Regional Parks and Open Space District, will review all projects on a case-by-case basis to determine if any supplemental environmental review under CEQA of potentially adverse project-specific impacts would occur that are not mitigated through the recommended project revisions and mitigations identified in this Initial Study. This analysis uses the established policies in the Napa County General Plan, as well as the General Plans of the Cities within Napa County, and the ordinances and codes of these entities.

The basis for proposing a Mitigated Negative Declaration (MND) is the finding that implementation of the Countywide Bicycle Plan will have a less than significant effect on the environment because the NCTPA has hereby agreed to implement each of the identified mitigation measures, which would be adopted as part of the Mitigation Monitoring and Reporting Program associated with this CEQA document.

**Review and Comment Period:** Comments on the Draft MND must be received by 5:00 PM, March 15, 2012, at the following address:

Eliot Hurwitz  
Program Manager for Planning  
Napa County Transportation and Planning Agency  
707 Randolph St, Napa CA 94559

**Report Availability:** A copy of the Draft MND and IS are available for review online at <http://www.nctpa.net>. Copies are also available at the following locations:

Napa County Transportation and Planning Agency  
707 Randolph Street, Ste. 100  
Napa, CA 94558  
Napa County Planning Department, Front Counter  
1195 Third Street, Suite 210  
Napa, CA 94559

Napa City-County Public Library  
580 Coombs St.  
Napa, CA 94559

City of American Canyon, City Clerk  
4381 Broadway Street, Ste. 201  
American Canyon, CA 94503

City of St. Helena, Planning Department  
1480 Main Street  
St. Helena, CA 94574

St. Helena Public Library  
1492 Library Lane  
St Helena, CA 94574

**Start of Public Review:** February 15, 2012 **End of Public Review:** March 15, 2012

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**APPENDIX A: PROJECT MAPS**

Study Area and Vicinity

Overview of Countywide Bicycle Facilities

Planning Area - North Valley

Planning Area - Mid Valley

Planning Area - City of Napa

Planning Area - South Valley

Existing and Proposed Bicycle Network, City of American Canyon

Existing and Proposed Bicycle Network, City of Napa

Existing and Proposed Bicycle Network, City of Saint Helena

Existing and Proposed Bicycle Network, Napa County

**APPENDIX B: PROJECT LIST**

Proposed Bicycle Network, American Canyon

Proposed Bicycle Network, City of Napa

Proposed Bicycle Network, Saint Helena

Proposed Bicycle Network, Napa County Unincorporated

Proposed Bicycle Network Calistoga

Proposed Bicycle Network Yountville

**APPENDIX C: MITIGATION MONITORING AND REPORTING PROGRAM**



## NAPA COUNTYWIDE BICYCLE PLAN UPDATE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

1. **Project Title:** Napa Countywide Bicycle Plan Update
2. **Lead Agency Name and Address:** Napa County Transportation Planning Agency
3. **Contact Person and Phone Number:** Eliot Hurwitz  
Program Manager for Planning  
Napa County Transportation and Planning Agency  
707 Randolph St, Napa CA 94559  
707-259-8782
4. **Project Location:** Unincorporated Napa County and the Cities of Napa,  
St. Helena and American Canyon  
Town of Yountville  
City of Calistoga
5. **Project Sponsor's Name and Address:** Napa County Transportation Planning Agency
6. **General Plan Land Use Designation:** Varies
7. **Zoning:** Varies
8. **Description of Project:**

The proposed project for the purposes of CEQA review consists of the adoption of the NCTPA Countywide Bicycle Plan Update (Plan), which incorporates four stand-alone Bicycle Plans and associated policies and projects for the cities of American Canyon, Napa, Calistoga, Yountville, St. Helena and the County of Napa (unincorporated areas).

The NCTPA Bicycle Plan Update addresses bicycle facility needs over a 25-year planning horizon and consists of several parts. The stand-alone Bicycle Plans for the cities of American Canyon, Napa, Calistoga, Yountville, St. Helena and the County of Napa, will be used by the individual agencies to document policy and compliance with CEQA requirements, and guide implementation of local projects and programs, with a countywide overview that addresses countywide issues. The Plan is intended to address the local context of each community, coordinate bicycle access between jurisdictions, and comply with the requirements of the State-mandated Bicycle Transportation Act. This Plan includes a vision statement, goals, policies, and objectives; and documents existing conditions and proposed projects in text, tables, and Bike Plan Maps (the Plan and background information are available for review online at <http://www.nctpa.net/pro-pro/pla-stu/bicycle.html>). The Bike Plan includes a collision analysis, and documents past expenditures and future funding needs. The Bike Plan: 1) provides a description of proposed projects and priorities for implementation; 2) details design standards for bikeways, and includes a series of programmatic recommendations intended to help mainstream bicycling; 3) helps achieve larger community livability and transportation goals; and 4) includes programs to improve safety conditions for bicyclists and motorists.

NCTPA is the lead agency for the overall planning effort, also providing assistance in programming regional, state, and federal funds, and will lead or support the implementation of programmatic improvements. The Plan and environmental analysis will also be separately adopted and certified by each respective agency prior to project implementation.

In order to provide for a geographically and thematically comprehensive analysis of the Napa County Bicycle Plan, potential environmental impacts associated with the Plan are analyzed at a "program" level within this Initial Study. The agencies responsible for plan implementation, including Napa County, the Cities of American Canyon, Napa, Calistoga, Yountville, St. Helena, and the Napa County Regional Parks and Open Space District, will review all projects on a case-by-case basis to determine if any supplemental environmental review under CEQA of potentially adverse project-specific impacts would occur that are not mitigated through the recommended project revisions and mitigations identified in this Initial Study. This analysis uses the established policies in the Napa County General Plan, as well as the General Plans of the Cities, and the ordinances and codes of these entities.

## **A) BACKGROUND AND PURPOSE**

The Plan is an update of the *2003 Napa Countywide Bicycle Master Plan*, and addresses bicycle facility needs over a 25-year planning horizon. The Plan includes a Vision Statement, Goals, Objectives, Policies and Programs to guide bicycle access within Napa County. The Plans for each community address the local context of each area, including specific projects, programs and implementation actions to comply with the requirements of the State-mandated Bicycle Transportation Act. The Plan documents existing conditions, proposed projects, contains a collision analysis, and an analysis of past expenditures and future funding needs.

The Plan is intended to guide development and enhancement of bicycle facility infrastructure within the cities and unincorporated areas of Napa County. It provides a description of proposed projects and priorities for implementation; details design standards for bikeways, and programmatic recommendations to meet transportation goals, and improve safety conditions as part of a multi-modal transportation network.

The Plan focuses on facilities that provide direct, convenient connections to desired destinations, including employment centers, commercial areas, parks, schools, tourist destinations, and transit. This coordinated effort will help with the inter-jurisdictional planning of bikeways that cross boundaries and affect more than one city or one planning agency (primary routes). The Plan will also be used to obtain regional, state, and federal funding for bicycle projects and programs. Project proposals will be incorporated into the Napa County Transportation and Planning Agency (NCTPA) Strategic Transportation Plan, the Regional Bicycle Plan for the San Francisco Bay Area, and the Metropolitan Transportation Commission's (MTC) Regional Transportation Improvement Program (RTIP).

## **B) SETTING**

Napa County is located in the North Bay, within the nine-county San Francisco Bay Area Metropolitan Statistical Area. With a County population of approximately 139,000 housed within 754 square miles, it is a primarily rural area, with urban uses concentrated in a valley along a north-south axis roughly paralleling the Napa River. The area is primarily agricultural, and bordered on the west by the Mayacamas Mountains and Sonoma County, on the east by the Howell Range and Solano and Yolo Counties, on the north by Lake County, and on the south by San Pablo Bay. The County is home to the cities of American Canyon, Calistoga, Napa, St. Helena, and Yountville. Napa County is sparsely settled outside of the incorporated and urbanized areas, but the transportation system is affected by tourism, which influences vehicular as well as bicycle use.

## C) PLAN ELEMENTS

The Plan has two components, including both programmatic and physical elements: 1) programs, safety enhancements and bicycle support facilities to improve safety and encourage bicycling, which will be implemented countywide and by each City, and 2) a network of proposed bikeway improvements including Class I multi-use paths, Class II bike lanes, and Class III bike route projects in American Canyon, Napa, Calistoga, Yountville, Saint Helena and unincorporated Napa County. Many of the Class I multi-use paths will implement portions of larger trail networks within the County, including the San Francisco Bay Trail, the Napa Vine Trail, Napa River Trail, as well as the Bay Area Ridge Trail. These regional trails are symbolically designated as such on the Bike Plan map sheets.

**1) Countywide and Community Programs.** Recommended bicycle support facilities and programs include:

- Increasing short- and long-term bicycle parking supplies;
- Improving multi-modal integration; maintenance and monitoring programs;
- Strategies to develop a bicycle counting program;
- Safe routes to school programs;
- Public education;
- Signing and marking enhancements;
- A communitywide traffic safety education campaign.

In general, these activities are Categorically Exempt, as described in Sections 15305-15322 of CEQA. Proposed programs and activities include:

- Bicycle education and awareness program, including developing program webpage;
- Traffic safety multimedia campaign, including public service announcements, educational materials, campaign posters and neighborhood outreach;
- Bicycle safety multimedia campaign, including public service announcements, educational materials, campaign posters and neighborhood outreach;
- Share the Road sign and decal program;
- Bicycle Ambassador/outreach program;
- Bicycle sharing and bicycle fleets;
- Sign Program, including:
  - Caltrans/custom bike route signs
  - Wayfinding signs
  - Warning and advisory signs
  - Pavement markings, lanes, lines, sharrows, etc.
- Bicycle parking and support facilities, which may include racks, lockers, lighting and/or shower facilities;
- Bicycle facility maintenance and monitoring.

**2) Bikeway Network Projects.** The Bikeway Network consists of the physical projects, including delineation of a Primary Bikeway Network – a continuous countywide network of on- and off-street bikeways that extend between and through communities. The Primary Bikeway Network consists of a combination of existing and proposed Class I, Class II, and Class III bikeways. The proposed bikeway network is organized by geographic planning areas including South Valley, Mid-Valley and North Valley, and by jurisdiction.

**Class I Multi Use Path.** Class I facilities, typically known as bike paths, are multi-use facilities that provide a completely separated right-of-way for the exclusive use of bicycles and pedestrians, with cross flows of motorized traffic minimized.

**Class II Bike Lane.** Class II facilities, known as bike lanes; provide a striped and signed lane designated for one-way bicycle travel on a street or highway. The minimum width for bike lanes ranges between four and five feet depending upon the edge of roadway conditions (curbs). Bike lanes are demarcated by a six-inch white stripe, signage and pavement legends.

**Class III Bike Route.** Class III facilities, known as bike routes, provide signs for shared use with motor vehicles within the same travel lane on a street or highway. Bike routes may be enhanced with warning or guide signs and shared lane marking pavement stencils. Class III Bike Route enhancements, such as bicycle boulevards, may include traffic calming features that reduce the total number of vehicles that use the roadway to make the roadway more bicycle-friendly.

#### **D) CONSTRUCTION ELEMENTS**

Depending on the project, construction elements could include the following:

- Signage and striping
- Signal modification
- Street lane width modification (road diet)
- Shoulder widening and improvement
- Off-street trail on existing road (such as a flood control levee, fire or service road)
- Off-street trail through undeveloped area
- Vehicle bridge—modifications to existing bridge, or new bridge with bicycle facilities
- Bicycle/pedestrian bridge
- Boardwalk
- Curb modifications, such as bulb-outs
- Overpass or underpass
- Retaining wall
- Earthwork/grading
- Traffic lane removal/modification
- Parking space removal/modification

#### **Projects**

There are approximately 443 miles of bicycle projects that are proposed within Napa County, including the cities of American Canyon, Napa, Saint Helena, Calistoga, Yountville, as well as unincorporated areas. This includes:

Class I = 78 miles  
Class II = 104 miles  
Class III = 260 miles

### ***Napa County Unincorporated Projects***

Approximately 320 miles of bikeway improvements are proposed in unincorporated Napa County. This includes:

- 42 miles of Class I pathways connecting the cities including the Napa Vine Trail (north-south), the Bay Trail, and the Bay Area Ridge Trail.
- 66 miles of Class II bike lanes including Tubbs Lane, Dunaweal Lane, Zinfandel Lane, SR 29, Conn Creek Road, Rutherford Road, and SR's 12, 29, 121, and 221 bike lane improvements.
- 215 miles of Class III bike routes including rural highway segments on SR's 29, 121, 128; Petrified Forest Road, Franz Valley School Road, Larkmead Lane, Bale Lane, Chaix Lane, Howell Mountain Road, Pope Valley Road, Chiles-Pope Valley Road, Sage Canyon Road, Redwood Road, Mount Veeder Road, Atlas Peak Road, Monticello Road, Wooden Valley Road, and others.

### ***City of American Canyon Projects***

Approximately 24 miles of bikeway improvements are proposed in American Canyon. This includes:

- 8.5 miles of Class I pathways including the Napa Valley Vine Trail (north-south), San Francisco Bay Trail, Commerce Blvd. extension, Broadway/Veteran's Park, Newell Drive, Napa Junction, Jameson Canyon, and the Eucalyptus Road River to Ridge Trail (east-west).
- 14 miles of Class II bike lanes including Donaldson Way from Newell Drive to Andrew Road; Elliott Drive, Eucalyptus Drive from Rio Del Mar to Wetlands Edge Road; Rio Del Mar from Broadway to Wetlands Road; Silver Oaks, James Road, and Kimberly Drive from Elliott Drive to Meadow Bay Drive.
- 1.5 miles of Class III bike routes including a north-south route that utilizes Melvin Road, James Road, and Danrose Drive, along with an east-west connection along American Canyon between Broadway and the eastern city limit.

### ***City of Napa Projects***

Approximately 60 miles of bikeway improvements are proposed in the City of Napa:

- 12 miles of Class I pathways , including:
  - Bay Trail, east side of the Napa River from Kennedy Park to Tulucay Creek
  - Napa River Trail,
  - Napa Valley Vine Trail
- 15 miles of Class II bike lanes:
  - Redwood Road from Trancas Street to Browns Valley Road,
  - West Imola Avenue,
  - Old Sonoma Road,
  - Silverado Trail from Trancas Street to Soscol Avenue
  - Trower Avenue,
  - SR 221 south to Kaiser Road
  - 1<sup>st</sup> Street /Browns Valley Road west of SR 29
  - Soscol Avenue,
  - Solano Avenue,
  - California Boulevard,
  - Big Ranch Road,
  - Orchard Avenue between Solano Avenue and Dry Creek Road, and

- Golden Gate Drive from West Imola Avenue south to the City Limits.
- 32.5 miles of Class III bike routes

### ***City of Saint Helena Projects***

Approximately 36 miles of bikeways are proposed in St. Helena:

- 15 miles of Class I pathways
  - Napa Vine Trail (north-south),
  - Sulphur Creek Path (east-west),
  - Napa River Trail (north-south)
  - Lower Reservoir Park to Spring Mountain Road
  - Crane Park to Grayson Avenue.
- 9 miles of Class II bike lanes
  - Madrona Avenue between Main Street and Sylvaner Avenue
  - Spring Street between Oak Avenue and Sulphur Creek
  - Pope Street between Main Street and Silverado Trail
  - Grayson Avenue and Sulphur Springs Avenue, between Main Street and Crane Avenue.
  - Mountain Road
  - Valley View Street
  - Crane Avenue
  - SR 29 between Deer Park Road and Pratt Aven
- 11 miles of Class III bike routes
- Sign placement and community programs

### ***City of Calistoga Projects***

- 5 miles of Class I pathways
  - Napa River Path (east-west),
  - Fair Way Extension Path (east-west),
  - Southern Crossing (north-south)
  - Money Lane extention (east-west)
  - Oak St. connector (north-south)
  - Eastern connection (north-south)
- 5 miles of Class II bike lanes
  - Lake St cross town (north-south)
  - Foothill Blvd (east-west)
  - Lincoln Ave (north-south)
- 4 miles of Class III bike routes
- Sign placement and community programs

### ***Town of Yountville Projects***

- 1 mile of Class I pathways
  - Solano Ave Vine Trail (north-south)
  - SR 29 west Vine Trail alignment (north-south)
  - Oak Circle path connector (north-south)
- .3 miles of Class II bike lanes
  - Finnell St (east-west)
- 1.5 miles of Class III bike routes
- Sign placement and community programs

## E) ENVIRONMENTAL ANALYSIS

This Initial Study (IS) analyzes the Plan's potential environmental impacts at a *program* level, and at a *project* level where sufficient information about the project is known and available. The IS also identifies those projects where additional information is needed prior to project approval. These designated projects will be subject to supplemental environmental review to determine if potentially adverse project-specific impacts could occur that would not be mitigated to a less than significant level through the mitigation measures and project modifications contained in this IS, and/or where additional site-specific/project-specific measures are needed.

The Project Table (**Appendix B**) describes all proposed Class I (off-street) and Class II facilities and contains a screening and evaluation of potential project impacts and the recommended environmental determination.

Screening was based on review of information contained in the sources listed in this initial Study, including an examination of digital aerial photography and GIS information obtained from the Napa County Baseline Data Report (BDR) that documents countywide environmental features and land use information, to determine if there were significant environmental issues that could be mitigated through the implementation of standard Countywide mitigation measures contained in General Plan policies, ordinances, or development requirements, additional mitigation measures contained in this document, or if the environmental issues were potentially more significant, requiring a more specific and detailed level of analysis. The Napa BDR information was supplemented for geology/soils and hydrology/water quality analysis through the use of Bay Area Association of Governments hazards information (landslides, faults, liquefaction, erosive soils, and tsunamis). The California Toxic Substances Control (DTSC) on-line hazardous waste database *Envirostor*, and the State Water Resources Control Board on-line data base *GeoTracker* was used to assess Hazards and Hazardous Materials. Based on evaluation and GIS-assisted screening of environmental characteristics, each project's recommended environmental determination was assigned (**Appendix B**):

- CEQA Categorically Exempt (CE) and/or NEPA Categorical Exclusion (CEX). This includes all Class III facilities and many Class II bike lanes that do not require roadway reconfiguration.
- Mitigated Negative Declaration (MND, incorporating Mitigation Measures as outlined in this Initial Study and MMRP). This includes most Class II bike lanes with incorporation of mitigation measures included herein, and some Class I facilities that are located in areas with few potential impacts, or where supplemental environmental analysis has been completed.
- Projects requiring further study (FSN) prior to environmental determination. This includes most Class I facilities where the exact alignment has not been determined, or are not located on existing roads, and may traverse agricultural lands, geologically hazardous areas, creeks, riparian areas, sensitive habitat, flood areas, or require bridges or special crossings as part of the project. In some cases, a focused study regarding a potential impact area such as traffic, flooding or biology might be needed prior to project implementation, rather than a full EIR/EIS.

### **CEQA Categorically Exempt Projects (CE/CEX)**

The creation of bicycle lanes on existing rights of way is Categorically Exempt as indicated in Article 19, Sections 15301(c) (Existing Facilities) and 15304H (h) (Bicycle Lanes) of the California Environmental Quality Act. This applies to all Class III facilities (bicycle routes), as well as most Class II (bicycle lanes) projects, provided that the project is not subject to exceptions such as location, cumulative impact, Scenic Highways (Napa County does not have any designated Scenic Highways, although Hwy 29 is eligible), hazardous wastes, and historic resources. Class I trails and bike projects are also normally categorically excluded (CEX) under NEPA, provided that the project does not affect wetlands, endangered species habitat, protected cultural and historical resources, floodplains and agricultural lands. Focused technical

studies are often required to be completed under NEPA prior to making a Categorical Exclusion determination (See NEPA below).

#### ***Mitigated Negative Declaration/Projects Evaluated as part of this Initial Study (MND)***

This Initial Study / Mitigated Negative Declaration (IS/MND) contains an evaluation of Class I and Class II projects for which sufficient information is known about the project site and existing conditions, and the proposed project's construction elements, to determine the potential level of environmental impact and for which the mitigation measures contained in this document are sufficient to reduce potential impacts to a less than significant level.

#### ***Projects Needing Further Study (FSN)***

Projects where there is insufficient information known about the site or project, and/or there are potential project-specific impacts that cannot be mitigated by applying the measures contained in this IS/MND and associated MMRP, or where further study is needed to make such a determination, will be subject to subsequent environmental review prior to implementation.

#### ***Projects Subject to NEPA***

The federal process for environmental review of projects is contained in the National Environmental Policy Act (NEPA). Some, but not all of the projects may also be subject to NEPA review, depending largely on how the project is funded. Bike Plan projects that receive federal funding (including most Caltrans-overseen projects where they act as lead agency for the Federal Highway Administration FHWA) will more than likely be subject to NEPA review. Typical NEPA Technical Studies and potential environmental documentation required for bicycle projects subject to NEPA is contained in the Appendix B. Many NEPA bicycle and trail projects have a Finding of No Significant Impact (FONSI) after an Environmental Assessment with the appropriate Technical Studies completed.

#### ***Surrounding Land Uses and Setting***

The project location is in the unincorporated areas of Napa County, the Cities of Napa, St. Helena and American Canyon. Land uses and settings in these areas include agricultural land, vineyards, open-space areas, residential, industrial, commercial, institutional uses and park and open space.

#### ***Other Public Agencies Whose Approval is Required:***

The following public agencies may require approvals for projects which are developed under this Plan, depending on the location of the project and the development activity involved.

- Bay Area Air Quality Management District
- Caltrans
- California Department of Fish and Game
- Regional Water Quality Control Board
- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- NOAA Fisheries
- Napa County Airport Land Use Commission
- State Lands Commission
- County and local agencies and Special Districts, such as Napa County Park and Open Space District

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a Potentially Significant Impact, as indicated by the checklist on the following pages.

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Aesthetics             | <input checked="" type="checkbox"/> Agriculture & Forestry Resources | <input checked="" type="checkbox"/> Air Quality                        |
| <input checked="" type="checkbox"/> Biological Resources   | <input checked="" type="checkbox"/> Cultural Resources               | <input checked="" type="checkbox"/> Geology & Soils                    |
| <input type="checkbox"/> Greenhouse Gas Emissions          | <input checked="" type="checkbox"/> Hazards & Hazardous Materials    | <input checked="" type="checkbox"/> Hydrology & Water Quality          |
| <input type="checkbox"/> Land Use                          | <input type="checkbox"/> Mineral Resources                           | <input checked="" type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population & Housing              | <input type="checkbox"/> Public Services                             | <input type="checkbox"/> Recreation                                    |
| <input checked="" type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities & Service Systems                 | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

**Determination:**

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
For

## ENVIRONMENTAL CHECKLIST

| I. AESTHETICS   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant               | No Impact                |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| Would the project:  |                                |  |                                     |                          |
| a) Have a substantial adverse effect on a scenic vista?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a State scenic highway? | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?   | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?                                    | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/> |

### Comment to Questions

a,c) The proposed Plan would result in the construction of bike lanes, routes and paths including at-grade, surface-level improvements that would not change scenic vistas. Napa County is primarily rural and agricultural, with extensive scenic resources. Urban uses are concentrated in the incorporated valley communities, with low rise buildings with a variety of design elements. Bikeways, bicycle facilities, signage, and other improvements would primarily be located along existing roadways.

Access to scenic vistas and view corridors may be improved by the implementation of bicycle facilities in some areas. All structures, signage, fencing, bridges, and walls would be reviewed to ensure that such features are compatible with the surrounding environment. Trails would generally be located on or next to existing roads, and would generally follow existing contours. Projects that require extensive grading would be subject to further environmental review.

Signage would follow specific County, State and Regional Trail facility design standards and would be placed to avoid obstructing scenic views. **Mitigation Measures AESTH- 1, 2 and 3** would reduce this impact to a less than significant level. **Less-than significant with mitigation incorporated.**

b) There are no designated State Scenic Highways within Napa County. Many of the Plan's projects would occur within existing right of way and would not affect scenic resources. Some of the Plan's projects however, would require grading that could disturb rock outcroppings, require the removal of trees, or be located near historic buildings or other visual resources. **Mitigation Measures AESTH- 3 and 4** would reduce this impact to a less than significant level. **Less-than significant with mitigation incorporated.**

d) Street or trail lighting in more urban areas may be included with for some of the proposed bicycle improvements that may introduce a new source of light at those project locations. **Mitigation Measure AESTH -5** would reduce this potentially significant impact to a less than significant level. **Less-than significant impact with mitigation incorporated.**

### Mitigation Measures

**AESTH -1** All off-street trails and bikeways shall be designed to minimize the amount of cut and fill, conform to existing topography and minimize vertical height of cut/fill slopes to less than 10 feet. All graded areas shall be revegetated with site appropriate native plant species.

- AESTH - 2 Retaining walls shall be limited to three feet, with a maximum slope ratio of 2:1 unless supplemental study is completed.
- AESTH - 3 Structural elements shall be minimized. Bridges, boardwalks, retaining walls, fencing, signage, and other structures shall be compatible with the existing landscape setting and follow approved signage design standards. Avoid placement of bicycle support facilities and/or signage at key areas of scenic viewpoints and trailheads. Signs and service facilities shall be located on the road or interior portion of scenic vista overlooks where feasible.
- AESTH - 4 Removal of trees for the purpose of bicycle facilities development shall be minimized to the greatest extent practicable. Any trees that must be removed shall be replaced according to the local jurisdiction's Tree Removal regulations and policies where the bicycle project is located, or, at a minimum, shall be replaced in a 1:1 ratio.
- AESTH - 5 Limit use of lighting in rural areas. Lighting of bicycle facilities shall be limited to that required for safety. Lighting shall be directed down onto the facility itself and shall not spill over onto adjacent land uses.

**II. AGRICULTURE AND FORESTRY RESOURCES**

Would the project:

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant               | No Impact                           |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?  | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| b) Conflict with an existing Williamson Act contract?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or of conversion of forest land to non-forest use?   | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |

Comment to Questions

- a) Some proposed bicycle improvements may be located adjacent to lands designated as Prime Farmland, Unique Farmland or Farmland of Statewide Importance as shown on the Important Farmland Map prepared by the State Farmland Mapping and Monitoring Program. (Source: 1). In order to mitigate the potential loss of farmland to a less than significant level, **Mitigation Measure AG -1** shall be implemented. **Less Than Significant With Mitigation Incorporated.**

The County has adopted a Right-to-Farm Ordinance that states the County will not consider impacts arising from agricultural operations to be a nuisance if such operations are legal, consistent with accepted customs and standards and operated in a non-negligent manner.

Napa County General Plan Policies, as well as the policies and guidelines of the Regional Trails, including the Bay Trail, Vine Trail, and Ridge Trail, generally preclude or strongly discourage the placement of trails on prime farmland, or where they would displace important crops such as vineyards or orchards. Class I and Class II projects that have the potential to displace prime farmland or unique and important crops were designated as requiring further environmental study.

- b) Approximately 40 of the bicycle route segments are adjacent to agricultural land that is encumbered by Williamson Act Contracts. (Source: 14). Napa County's Williamson Act Policies allow open space recreational uses to occur on lands encumbered by Williamson Act contracts. **Less Than Significant.**
- c) – d) The proposed bicycle facility improvements would not conflict with existing zoning, cause the rezoning of forest land or timberland, result in the loss of forestland, or convert forestland to a non-forest use. **No Impact.**
- e) The bicycle improvements would attract bicyclists to areas that have been traditionally used for agriculture. Pesticide use, dust, odors and noise is associated with agricultural operations and could potentially cause a nuisance to bicyclists and trail users. Bicyclists could also potentially trespass onto agricultural property. These conflicts could lead to increased nuisance complaints. Implementation of Mitigation Measures **AG-2** through **AG-4** is anticipated to reduce this impact to a less than significant level. **Less Than Significant With Mitigation Incorporated.**

Mitigation Measures:

- AG-1 Final bicycle route alignments shall avoid conflicts with active agricultural lands to the greatest extent feasible by locating them within existing right-of-ways, and/or on roads or other disturbed lands. Should a trail route be located within an active agricultural parcel, then further studies will be completed to address impacts to agricultural land. The study would include consultation with property owners, Farm Bureau, Viticulture Associations, Napa Valley Grape growers and the Napa County Agricultural Commissioner's Office, and include:
  - a. Methods for minimizing trespassing and vandalism by trail users.
  - b. Procedures for minimizing pesticide exposure (spraying restrictions, notification, pathway closure etc.)
  - c. Design guidelines for pathway elements intended to prevent land use conflicts.
- AG-2 Prior to final design and construction of bicycle facility improvements, the Lead Agency shall coordinate with affected agricultural land owners, the Napa County Agricultural Commissioner's Office, Farm Bureau, Napa Valley Vintners, and/or Napa Valley Grape Growers Association, and members of the bicycling community to design facilities that minimize agricultural conflicts with the use of improvements including but not limited to: signage, fencing, striping and bollards.
- AG-3 Where bicycle facilities intersect agricultural roads, the bicycle route intersections shall be designed to accommodate agricultural equipment.
- AG-4 Information shall be provided at trailheads that would reduce agricultural land use conflicts including signage to inform bikepath users not to: (1) trespass onto agricultural lands, (2) litter, (3) pick food or handle the crops, or (4) feed or interfere with farm animals. In addition, signage regarding the County's Right-to-Farm Ordinance which provides protection for farmers against agricultural operation nuisance complaints shall also be displayed.

### III. AIR QUALITY

Would the project:

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant               | No Impact                |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?   | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?  | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project area is in non-attainment under applicable federal or State ambient air quality standards (including releasing emissions which exceed quantitative Standards for ozone precursors)? | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations?  | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

#### Comment to Questions

- a)-c) After they are built, the proposed bicycle improvement projects could potentially conflict with the implementation of an approved air quality plan. Some of the proposed bicycle improvements could increase traffic congestion in some locations by reducing the number of vehicle lanes and could therefore increase the amount of automobile related exhaust emissions. This impact would likely be offset by a reduction in the amount of exhaust emissions by creating more opportunities for people to bike as an alternative mode of transportation. In addition, as more people use the proposed bicycle facilities, there would be less vehicle congestion on local roads and streets, therefore lowering levels of exhaust emissions. This impact is considered to be less than significant. However, during construction of some of the proposed projects, particulate matter from dust, and particulate matter from exhaust from construction vehicles could conflict with the implementation of an air quality plan. **Mitigation Measure AQ – 1** would reduce this impacts to a less than significant level. **Less Than Significant With Mitigation Incorporated.**

Napa County and the participating cities are all located within the Bay Area Air Quality Management District (BAAQMD). The BAAQMD region is currently in a non-attainment status for state and national ozone standards and national particulate matter ambient air quality standards. Air emissions during construction of the bicycle improvements could potentially contribute to an existing air quality violation. These sources include: (1) dust (including particulate matter) from grading and earthmoving, (2) exhaust (including particulate matter, and precursors to ozone) from construction equipment, and (3) exhaust (including particulate matter, and precursors to ozone) from workers driving to the construction sites (Source 2). **Mitigation Measure AQ-1** recommended by the BAAQMD will reduce this impact to a less than significant level. **Less Than Significant With Mitigation Incorporated.**

- d) Bicycle facilities are proposed in close proximity to major roads which could temporarily expose users of these facilities to carbon monoxide and other motor vehicle exhaust pollutants from vehicles adjacent to those roads. Most bicycle facility users are not considered to be sensitive receptors. Some facility users located near schools, hospitals and other occupied buildings may be considered to be sensitive receptors, but they will only be exposed to substantial pollutant

concentrations for brief periods. In order to reduce this impact to a less than significant level, **Mitigation Measure AQ-1** shall be implemented. **Less Than Significant With Mitigation Incorporated.**

Bicycle facility users may also be exposed to automobile emissions from farm equipment and vehicles on adjacent roads, as well as occasional agricultural spraying of crops located near the facility. As noted above, bicyclists are not normally considered sensitive receptors, and they will only be exposed temporarily while traveling on the bike routes, therefore exposure to the pollution concentrations would not be substantial. **Less Than Significant Impact.**

- e) During construction of the proposed bicycle facility improvements, construction vehicles, equipment and materials have the potential to create minor odors. These odors would be minimal and temporary and therefore the impact is less than significant. **Less Than Significant Impact.**

#### Mitigation Measures

##### AQ-1

1. Construction of the bicycle facilities shall comply with applicable BAAQMD dust control and all construction management guidelines.
2. During construction, all exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered at least two times per day to control dust particulates.
3. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
4. All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is not allowed.
5. All construction vehicle speeds on unpaved roads shall be 15 mph or less.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes. Clear signage on this and other air quality control requirements shall be provided for construction workers at all access points.
7. All construction equipment shall be properly maintained and tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator following BAAQMD regulations.
8. The project sponsor shall post a publicly visible sign with the telephone number and person to contact at lead agency and the BAAQMD phone number regarding dust and other air quality and noise complaints. The responsible lead agency representative shall respond and take appropriate corrective action within 48 hours.

**IV. BIOLOGICAL RESOURCES**

Would the project:

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant    | No Impact                           |
|--|--------------------------------|--|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on a plant or animal population, or essential habitat, defined as a candidate, sensitive or special-status species identified in local or regional plans, policies, or regulations, or by the California Dept. of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/> | <input type="checkbox"/>            |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community type?  | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/> | <input type="checkbox"/>            |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act, through direct removal, filling, hydrological interruption or other means?  | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/> | <input type="checkbox"/>            |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species, their wildlife corridors or nursery sites?  | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/> | <input type="checkbox"/>            |
| e) Conflict with any local ordinances or policies protecting biological resources such as a tree preservation ordinance?   | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/> | <input type="checkbox"/>            |
| f) Conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or State habitat conservation plan?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment to Questions

- a.) Eighty one special status plant species and sixty special status animal species have potential to occur in Napa County (Napa County EIR). These include avian animal species such as burrowing owl and Swanson's hawk, species endemic to salt marsh habitat such as salt-marsh harvest mouse, California clapper rail and black rail, as well as aquatic animal species such as coho salmon, steelhead trout, California red legged frog and western pond turtle. In addition a large number of special status plant species occupy unusual habitat conditions in Napa County such as tidal salt marsh, vernal pools and serpentine soils. Some of these are endemic (found nowhere else) to Napa County such as the federally endangered Calistoga popcorn-flower (*Plagiobothrys strictus*) and Napa blue grass (*Poa napensis*).

Proposed Class III bicycle facilities would be located within existing paved and disturbed rights-of-way and would not modify or otherwise impact sensitive species habitat because they only involve striping and signage. Impacts on special status species and sensitive habitat from Class III facility construction would therefore be less-than-significant. Sidewalk improvement and most Class II bike lane projects, including shoulder widening, curb extensions, bulb outs, and curb ramps would also primarily be built in the paved or disturbed right-of-way and would not impact special status species or their habitats. Impacts from the majority of these projects would therefore be **Less Than Significant**. In a few instances, the proposed facilities are located near enough to sensitive habitat that potentially significant impacts could occur and appropriate mitigation measures have been specified; reducing significant impacts to **Less Than Significant With Mitigation**. In some instances, not enough is known about a project or existing biological condi-

tions with respect to species occurrence or habitat conditions, and additional environmental studies are recommended (**Appendix B**).

Some portions of proposed Class I projects will not be constructed within existing paved/disturbed right-of-way and will require earthwork and paving. Where the construction of Class I projects require grading and/or substantial disturbance of vegetation and are located near sensitive habitats, as determined through GIS-assisted screening, construction activities could disturb natural areas that have the potential to support special status species. As with some Class II projects, there was not enough information available on the project or existing habitat and species occurrence conditions to allow an environmental determination, and additional environmental studies are recommended for some Class I projects as summarized in **Appendix B**.

Potential impacts and required mitigation measures for various kinds of special status species are discussed below:

#### Special Status Plant Species

Special status plant species known to occur in Napa County and that have a potential to occur near proposed Class I facilities are Clara Hunt's milk vetch (*Astragalus clarinus*; Federally endangered), Contra Costa goldfields (*Lasthenia conjugens*; Federally endangered), Mason's lilaopsis (*Lilaeopsis masonii*; Federal species of concern), San Joaquin spearscale (*Atriplex Joaquiniana*; Federal species of concern), and showy rancheria clover (*Trifolium amoenum*; Federally endangered) among others. As previously discussed, most of the proposed projects are located in urbanized areas which do not provide suitable habitat for special-status plant species, the exceptions being Class I and some Class II projects near riparian habitats, tidal marsh or other wetland areas supporting sensitive plant communities. Additional environmental review has been recommended for these projects (**Appendix B**).

Implementing mitigation measures **BIO-1** and **BIO 4b-4d** will reduce potential impacts to special status plant species to less-than-significant levels. **Less Than Significant Impacts With Mitigation Incorporation.**

#### Special Status Bird Species

According to the CNDDDB, several special status avian or bird species, including nesting migratory birds protected under the Migratory Bird Treaty occur in Napa county and may nest in trees or other suitable habitat in or adjacent to proposed project sites. Noted special status birds include (but are not limited to), burrowing owl (*Athene cunicularia hypugaea*; CA species of special concern), California black rail, (*Laterallus jamaicensis coturniculus*; CA threatened), California clapper rail (*Rallus longirostris obsoletus*; Federal and California endangered), and Swanson's hawk (*Buteo swainsoni*; CA threatened). Tree thinning and removal, and even noise and disturbance near an occupied nest or habitat supporting these species can potentially cause the adult birds to flee the occupied nest, or may "harass" and otherwise impact state and federally protected species, including ground-nesting birds. Impacts to these protected species and other nesting bird species can be mitigated to less-than-significant levels through implementation of mitigation measure **BIO-2**. **Less Than Significant Impacts With Mitigation Incorporation.** As with special status plant species, some proposed Class I and II projects have been recommended for additional Environmental review (**Appendix B**).

#### Special Status Mammal Species

There are at least three bat species that could occur near some of the Class I and Class II projects including pallid bat (*Antrous pallidus*; CA species of special concern), fringed myotis (*Myotis thysanodes*; threatened), and Townsend's big-eared bat (*Corynorhinus townsendii*; CA species of special concern). They occupy habitat such as oak woodland and riparian habitat with

suitable roosting sites. Bats occupy trees year round and are particularly susceptible to disturbance during the maternity season and during hibernation. Mitigation measure **BIO-3** will reduce potential impacts to bat species to less-than-significant levels.

Like the California clapper rail and California black rail, the endangered salt marsh harvest mouse is likely to occur near proposed projects located near salt marsh habitat. Implementing mitigation measure **BIO-2** will reduce impacts special status mammal species to less-than-significant levels. **Less Than Significant Impacts With Mitigation Incorporation.** As with special status plant species, some proposed Class I and II projects have been recommended for additional Environmental review (**Appendix B**).

#### Special Status Fish and Aquatic Species

Western pond turtle (*Actinemys marmorata*; CA species of special concern), and California red-legged frog (*Rana draytonii*), a California and Federally Protected Endangered Species are known to have potential occurrences near proposed projects near riparian areas such as the Napa River and its tributaries. Special status fish species such as coho salmon, delta smelt, and steelhead trout are known to occur in sloughs and other estuarine habitats in addition to brackish tributaries of the Napa River. Soil erosion, loss of protective canopy, accidental spills, and storm-water quality pollution during project construction can impact these species. Potential impacts to these and other aquatic animal species can be mitigated to less-than-significant levels by implementation of mitigation measures **BIO-1**; **BIO-4a to BIO-4f**; **BIO-6**; and **BIO-7**. **Less Than Significant Impacts With Mitigation Incorporation.** As with special status plant species, some proposed Class I and II projects have been recommended for additional Environmental review (**Appendix B**).

- b.) Class III bicycle facility projects would be located within existing paved and disturbed rights-of-way and only involve striping and signage. Therefore, they would have no impact on riparian habitat. Proposed sidewalk improvements projects and most Class II bike lane projects would also be built in the paved or disturbed right-of-way and have no impact on riparian habitat or other natural communities.

Portions of areas where Class I pathways, as well as some Class II bike lanes, are proposed contain tidal, freshwater and seasonal wetlands and riparian habitat, including along the Napa River and its lower tributaries which flows through the City of Napa and through Napa Valley. The Napa River and its tributaries, and many of these sensitive natural areas, are jurisdictional waters of the U.S. and California whose fill is regulated under Sections 401 and 404 of the Clean Water Act and Sections 1600-1616 of the California Fish and Game Code. These wetlands, creeks and other riparian areas provide habitat that supports a variety of plants and animals, including special-status species such as coho salmon, delta smelt, steelhead trout, California red-legged frog and western pond turtle. Construction of proposed projects adjacent to creeks have the potential to affect riparian habitat via the removal of existing vegetation (including tree canopy), potential to cause pollution near the creeks, or could result in creek bank destabilization. Disturbance of riparian habitat during construction, including tree thinning, limbing, and removal, accidental release or spill of construction related hazardous materials, and the placement of fill within the riparian corridor represents a potentially significant impact. For those projects where not enough existing information is known about the project and existing biological conditions to make a determination, additional environmental review has been recommended (**Appendix B**).

Native and serpentine grassland, vernal pool wetlands, tidal marsh, and oak woodland also are unique and sensitive habitat, and have a measure of protection in Napa County (Napa General Plan, Napa County Oak Woodland Management Plan). These habitats are home to several special status animal species and, in the case of native and serpentine grasslands and seasonal wetlands, special status plant species such as Clara Hunt's milk vetch and San Joaquin spearscale. Disturbance associated with construction can impact these habitats.

Implementation of mitigation measures **BIO-4a to BIO-4f; BIO-6; and BIO-7** will mitigate these potential impacts to less-than-significant levels. **Less Than Significant Impacts With Mitigation Incorporation.**

- c.) Proposed Class III, and most Class II bicycle facilities and sidewalk improvements would be located within existing paved or disturbed rights-of-way and therefore will have no impact on protected wetlands, as discussed above in item b. Although no proposed projects involve directly physically altering wetlands or stream channels, some Class I projects and in a few instances, Class II projects, associated with street or roadway improvements, involve installation of bridges over creeks or boardwalks crossing over wetlands. Some project construction elements and activities could potentially impact wetlands through the placement of bridge abutments, or rock riprap, in the channel to protect the bridge structures. Boardwalk structures placed on pier piles in wetland areas also constitutes fill. Most projects are expected to have less-than-significant impacts to any protected wetland with implementation of mitigation measures **BIO-4a to BIO- 4f; BIO-6; BIO-7. Less Than Significant Impacts With Mitigation Incorporation.** For those projects where not enough existing information is known about the project and existing biological conditions to make a determination, additional environmental review has been recommended (**Appendix B**).
- d.) Proposed sidewalk improvements projects and Class II and Class III bicycle facilities would be located within existing paved and disturbed rights-of-way, and therefore, none of these kinds of improvements proposed would impede wildlife movement. Construction of some of the Class I multi-use pathway projects would cross Napa County creeks or travel through and potentially bisect natural habitat areas. Most wildlife are adept at moving through urban and rural environments, often along creek corridors, and none of the proposed projects contain elements (i.e., fencing) that would directly affect the ability of wildlife species to move through a project and surrounding areas during or following construction. Implementation of mitigation measure **BIO-1** will reduce overall potential impacts to habitat areas and wildlife movement corridors to a less-than-significant levels. **Less Than Significant Impacts With Mitigation Incorporation.** For those projects where not enough existing information is known about the project and existing biological conditions to make a determination, additional environmental review has been recommended (**Appendix B**).
- e.) Napa County and all of its incorporated cities have policies regarding protection of sensitive biological resources, such as creeks, as well as protection of public and some privately owned heritage trees as part of their Municipal Codes (e.g., see Napa County Code chapters 12.44 and 12.45). For instance, the City of Napa has Tree Preservation Standards for all trees on public property, and trees designated as City of Napa Significant Trees on private property. These require that the appropriate permits be obtained before beginning any tree removal work.
- Tree trimming and removal of some streetscape trees may be required for some of the projects that involve street modifications as well as tree trimming and limbing for construction of bridges across several creeks and other riparian areas. Implementing mitigation measures **BIO-4b to 4d and BIO-5** will reduce impacts to trees to less-than-significant levels. **Less Than Significant Impacts With Mitigation Incorporation.** For those projects where not enough existing information is known about the project and existing biological conditions to make a determination, additional environmental review has been recommended (**Appendix B**).
- f.) A Habitat Conservation Plan for northern spotted owl encompasses lands off Spring Mountain Road in Saint Helena. Bicycle facilities in this area are limited to provision of on street facilities within existing right of way. None of the proposed bicycle projects conflict with any adopted Habitat Conservation Plan. **No Impact.**

#### Mitigation Measures

All bicycle projects will be required to adhere to applicable Napa County General Plan policies and County codes and ordinances, as well as the General Plan policies and municipal codes and ordinances of the Cities of Napa, American Canyon, and St. Helena. The implementation of the proposed General Plan policies and ordinances with additional mitigation measures would reduce potential effects on Biological Resources from construction of projects contained in the Napa Countywide Bicycle Plan to a less than significant level. As noted throughout the discussion of potential impacts on biological resources, not enough is known about some projects, including construction elements and existing conditions; these projects will be subject to further environmental studies and additional mitigation measures associated with detailed project review and approval.

BIO-1 NCBP projects shall be designed to minimize impacts to biological resources. Projects within or adjacent to sensitive biological areas and natural areas, including all creeks and wetlands, that could support special status species shall incorporate the following design features:

- The project area shall be assessed by a qualified biologist prior to design to determine if additional biological field investigations, including habitat surveys, special status species surveys, and tree surveys, are needed. If so, the appropriate studies shall be conducted by Qualified Biologists. The Biologist Report shall include additional mitigation measures, such as pre-construction surveys, use of exclusion fencing, construction worker biological resource sensitivity training, onsite biological monitoring, and preparation and implementation of Habitat Mitigation & Monitoring Plans.
- Existing trails shall be used and improved whenever possible, and bicycle facility alignments shall be designed to avoid and minimize impacts to sensitive habitat communities. Alignment and design modifications may be identified during the engineering design phase to further avoid and minimize effects on sensitive biological resources and special status species. Reduction in path width shall be considered in sensitive biological resource areas, to the extent that trail safety can be maintained. All projects adjacent to creeks, wetlands, and natural areas shall be designed, in consultation with the California Department of Fish and Game (CDFG), to avoid and minimize impacts to listed and candidate sensitive or special status species.
- Bicycle facilities shall be designed to avoid impacts to wildlife movement corridors (e.g., no fencing that precludes wildlife movement shall be used in natural areas, paths shall not bisect critical wildlife movement corridors, etc).
- Use of stabilized decomposed granite or equivalent pervious trail surface shall be considered where appropriate, where Class I trail facilities are located in or near sensitive biological habitat.
- No nighttime lighting shall be used in sensitive biological resource areas.

BIO-2 For project construction activities near trees that provide suitable nesting bird habitat, and that might occur during the bird nesting season (February 1 through August 31), a qualified biologist shall conduct nesting bird surveys no more than one week prior to tree pruning, tree removal, ground disturbing activities, or construction activities to locate nests on or immediately adjacent to the project site(s). If nesting birds are identified at or near project sites, the locations of active nests shall be mapped and protective measures implemented. Protective measures shall include establishment of clearly delineated (i.e. colored construction fencing) exclusion zones around each nest site. Each exclusion zone shall have a 300-foot radius centered on the nest tree for raptor nests and a 50-foot radius centered on the nest for other birds. Active nest sites shall be monitored periodically throughout the nesting season to identify any sign of disturbance. These protection measures shall remain in effect until the young have left the nest and are foraging in-

dependently, or the nest becomes inactive. Exclusion zones may be reduced in size if, in consultation with CDFG, a smaller exclusion zone is determined to adequately protect the active nest. Upon completion of construction activities, a report detailing the results of the preconstruction surveys and monitoring shall be prepared. The report shall be submitted to CDFG by November 30 of the year following completion of construction.

- BIO-3 For project construction activities near trees that provide suitable bat roosting habitat, a qualified biologist shall conduct bat surveys no more than three days prior to tree pruning, tree removal, ground disturbing activities, or construction activities to locate roosts on or immediately adjacent to the project site(s). If bats are discovered during the surveys, an exclusion zone of 100 to 150 feet radius centered on the roost shall be established. Active roost sites shall be monitored periodically throughout the construction period to identify any sign of disturbance and shall remain in effect unless the roost becomes inactive. Exclusion zones may be reduced in size if, in consultation with CDFG, a smaller exclusion zone is determined to adequately protect the active roost. Upon completion of construction activities, a report detailing the results of the preconstruction surveys and monitoring shall be prepared. The report shall be submitted to CDFG by November 30 of the year following completion of construction.
- BIO-4a All construction activities immediately adjacent to the creeks and wetlands shall take place outside of the salmonid migration period (December 1-March 30). Should the project demonstrate a need to conduct activities outside this time period, the project may request additional authorization for work outside of this period by obtaining approval from NOAA Fisheries and CDFG.
- BIO-4b Disturbance of soils and native vegetation for projects immediately adjacent to creeks and wetlands, including bridge and boardwalk construction, shall be minimized to the extent possible. Placement of any temporary construction access roads, staging areas, and other construction facilities shall be located outside of the riparian corridor to avoid and limit disturbance to the stream bank or stream channel habitat to the maximum extent possible. Work shall be performed from the top of creek bank only.
- BIO-4c If loss of riparian habitat elements (i.e. native trees and shrubs) cannot be avoided, impacted elements shall be replaced in like kind and amount, or as required by regulatory agencies, such that there is no net loss of the habitat element.
- BIO-4d To minimize the expansion of exotic plants into wetlands and the riparian corridor adjacent to bicycle facilities, only native plant species shall be used for reseeding and re-planting. Landscaping using native plant species near appropriate buffer areas should be implemented in accordance with wetlands mitigation and management plans, and in accordance with applicable permit requirements.
- BIO-4e All fueling and maintenance of vehicles and other equipment, and staging areas, shall be located at least 100 feet from creeks. Prior to the onset of work, the project applicant will prepare a plan for the prompt and effective response to any accidental spills into the creek (A Spill Control and Countermeasures Plan). All workers shall be informed of the importance of preventing spills and the appropriate measures to take should an accidental spill occur (see also HYDRO-2). In the event of a spill, the appropriate local Emergency Response Unit (Police, County sheriff, Fire Dept., etc) and the CDFG's Office of Spill Prevention and Response shall be notified immediately.
- BIO-4f Best management practices (BMPs) shall be implemented during all construction activities to control erosion and sediment into the stream and to prevent the spill of contaminants around the stream. These BMPs shall be described in a Stormwater Pollution Prevention Plan (SWPPP) that shall be prepared and submitted to San Francisco Bay Regional Water Quality Control Board along with a Notice of Intent (NOI), and an Erosion Control Plan in order to obtain a National Pollution Discharges Elimination System (NPDES) General Permit for Construction Activities. (see also Hydro 1-2)

- BIO-5 Significant, limbing, thinning, or removal of trees for the purpose of bicycle facilities construction shall be minimized to the greatest extent practicable. Any tree that must be removed shall be replaced according to the local jurisdictions/responsible agencies tree protection policies for construction of the bicycle projects. (See also AESTH-1) This will typically require replacement of removed trees on a 2:1 ratio for any tree removed larger than 3" dbh.
- BIO-6 The applicant shall obtain all necessary permits and/or authorizations under Sections 401 and 404 of the Federal Clean Water Act, and Section 1600 of the California Department of Fish and Game Code.
- BIO-7 Construction activities shall be timed to avoid impact to sensitive biological resources and protect water quality. To the extent possible, construction activities shall take place during the dry season, between April 15 and October 31, or as otherwise determined by permitting agencies, and in compliance with Section 401 of the Federal Clean Water Act.

| V. CULTURAL RESOURCES  |                                |  |                          |                          |
|--|--------------------------------|--|--------------------------|--------------------------|
| Would the project:   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant    | No Impact                |
| a) Cause a substantial adverse change in the significance of a historical resource as identified in Sec. 15064.5?      | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource as identified in Sec. 15064.5? | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?                | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries?                                   | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/> | <input type="checkbox"/> |

Comments to Questions

- a)-b) Some of the proposed Class I and Class II bicycle improvement projects would require grading or ground disturbance, which may have an impact on historical or archaeological resources. In order to reduce impacts to archaeological resources to a less than significant level, **Mitigation Measure CUL -1** shall be implemented. **Less than significant impact with mitigation incorporated.**
- c) Some of the proposed Class I and Class II bicycle improvement projects would required grading or ground disturbance and could have an impact on paleontological resources or unique geological features. In order to reduce this impact to a less than significant level, the Mitigation Measure CUL -2 shall be implemented. **Less-than significant with mitigation incorporated.**
- d) Some of the proposed Class I and Class II bicycle improvement projects would require grading or ground disturbance that may disturb human remains. In order to reduce this impact to a less than significant level, **Mitigation Measure CUL – 3** shall be implemented. **Less-than significant with mitigation incorporated.**

Mitigation Measures

CUL-1 If a potentially significant cultural resource is encountered during subsurface earthwork activities for the project, all construction activities within a 100-foot radius of the find shall cease until a qualified archaeologist determines whether the uncovered resource requires further study. The local jurisdiction where the project is located shall require the project applicant to include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of California Environmental Quality Act criteria by a qualified archaeologist. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramic, wood, or shell artifacts; fossils; or features including hearths, structural remains, or historic dumpsites. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analyses, prepare a comprehensive report and file it with the appropriate Information Center (Sonoma State University), and provide for the permanent curation of the recovered materials.

CUL-2 In the event a fossil is discovered during any earthwork activities for the proposed project (Including those occurring at depths of less than 10 feet), all excavations within 100 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the jurisdiction where the project is located, to determine procedures to be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the local jurisdiction determines that avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards. The plan shall be submitted to the local jurisdiction for review and approval. Upon approval, the plan shall be incorporated into the project.

CUL-3 If human remains are encountered during earth-disturbing activities for the project, all work in the adjacent area shall stop immediately and the Napa County Coroner's office shall be notified immediately. If the remains are determined to be Native American in origin, the Native American Heritage Commission shall be notified and will identify the Most Likely Descendent, who will be consulted for recommendations for treatment of the discovered remains.

**VI. GEOLOGY AND SOILS**

Would the project:

|   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant | No<br>Impact             |
|---|--------------------------------------|--|--------------------------|--------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:   |                                      |  |                          |                          |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                            | <input type="checkbox"/> | <input type="checkbox"/> |
| ii) Strong seismic ground shaking?  | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                            | <input type="checkbox"/> | <input type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction?  | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                            | <input type="checkbox"/> | <input type="checkbox"/> |
| iv) Landslides?   | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                            | <input type="checkbox"/> | <input type="checkbox"/> |

**VI. GEOLOGY AND SOILS**

Would the project:

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant    | No Impact                           |
|--|--------------------------------|--|--------------------------|-------------------------------------|
| b) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/> | <input type="checkbox"/>            |
| c) Result in substantial soil erosion or the loss of topsoil?  | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/> | <input type="checkbox"/>            |
| d) Be located on expansive soil, creating substantial risks to life or property?   | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/> | <input type="checkbox"/>            |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments to Questions

ai-aii) There are at least four known and active faults in Napa County (West Napa, Hunting Creek, Green Valley and Cordelia) that are of concern. Of these, the West Napa Fault has the potential capacity to generate a 6.8 to 7.1 magnitude earthquake. In addition there are a number of Bay Area regionally significant active faults (San Andreas, Hayward, Rogers Creek, Calaveras) that could affect proposed project improvements. There is a 67% chance for a 6.7 or larger magnitude earthquake to occur in the San Francisco Bay Area by the year 2032. (Source: 4,5,15)

The proposed project is located in the northern San Francisco Bay Area, a region of intense seismic activity. Strong groundshaking at any of the sites could also result from a rupture of any of the major Bay Area regional earthquake faults, the more local West Napa, Hunting Creek, Green Valley and Cordelia faults (Source: 15). Such strong groundshaking motion could damage elevated structures such as boardwalks, bridges and overcrossings that are project elements. Generally, Class I projects requiring bridges and overcrossings were designated as requiring further technical studies and further environmental review. Compliance with **Mitigation Measure GEO – 1** would reduce the impact of seismically induced ground shaking to a less than significant level. **Less Than Significant With Mitigation Incorporated.**

aiii-iv) There is a significant risk of a major earthquake on several regional and local active faults during the next thirty years. The hazards related to groundshaking vary depending on the location of the proposed bicycle improvements and underlying soils and geologic conditions. In areas underlain by consolidated bedrock, seismic hazards include small rock falls and possibly landslides that could harm bicycle facility users and damage the improvements. In areas underlain by unconsolidated sediments, ground failure and differential settlement could result from a severe earthquake, damaging paved surfaces and elevated structures. The Association of Bay Area Governments (ABAG) has produced liquefaction hazard maps, which show areas of susceptibility to liquefaction. On those maps, areas in the vicinity of the Bay and along the lower and middle reaches of the Napa river are shown as having liquefaction potential (Source 7: ABAG Liquefaction map). Liquefaction potential is highest in areas underlain by poorly engineered Bay fills, Bay mud, and unconsolidated alluvium. Generally, Class I projects requiring bridges and overcrossings were designated as requiring further technical studies and further environmental review. For those Class I and II projects which were reviewed and determined to have sufficient information, but apparently less serious groundshaking potential, **Mitigation Measure GEO-1** shall be implemented. **Less Than Significant With Mitigation Incorporated.**

- c) The sidewalk improvements and Class II and Class III bicycle facilities that would be constructed within existing paved right-of-ways are unlikely to cause significant soil erosion or loss of topsoil. The proposed Class I pathway projects and several Class II bicycle projects located in hilly and mountainous areas where shoulder widening for the facilities require hillside cut and fill for shoulder widening and bike lane configuration, or involve the construction of a separate pathway, have the potential to cause erosion and sedimentation. Generally, Class I projects requiring bridges and overcrossings were designated as requiring further technical studies and further environmental review. For those Class I and II projects which were reviewed and determined to have sufficient information, but apparently less serious erosion potential, Mitigation Measures **GEO- 2** and **HYDRO – 2** would be implemented. These measures require the review of each proposed project regarding the need to prepare a Stormwater Pollution Prevention Plan (SWPPP) to prevent stormwater quality related impacts, including erosion and sedimentation during and following construction. Generally the Class I and II projects in hilly terrain were noted as requiring additional study and the development of project specific design and mitigation measures, and additional CEQA environmental review. Implementation of this mitigation measure for projects on less sloping ground would ensure that this impact is reduced to a less than significant level. **Less Than Significant With Mitigation Incorporated.**
  
- d) In areas underlain by expansive soils as found in portions of southern and central Napa Valley, high shrink/swell soil movement can disrupt or damage paved surfaces as well as the foundations of public access facility structures such as bridges. The sidewalk improvements and Class II and Class III bicycle facilities that would be constructed within existing paved right-of-ways are unlikely to cause significant shrink-swell related to soil movement. Generally, Class I projects requiring bridges and overcrossings were designated as requiring further technical studies and further environmental review. For those Class I and II projects which were reviewed and determined to have sufficient information, but apparently less serious expansive soil potential, **Mitigation Measure GEO -1** shall be implemented. **Less Than Significant With Mitigation Incorporated.**
  
- e) None of the proposed projects involve the construction of septic tanks or alternative waste water disposal systems. **No Impact.**

Mitigation Measures:

GEO-1 Prior to final design of Class I and Class II bicycle improvements that involve substantial new paving, significant ground disturbance, and substantial structures such as steep hillside cut and fill slopes, retaining walls, boardwalks, and bridge and overcrossing footings, etc., or are located within an area of known landslide deposits, highly erosive soils, high liquefaction potential or high shrink and swell potential or near active faults, the local jurisdiction shall complete a geotechnical investigation to identify hazards and develop design measures to mitigate impacts associated with poor soil conditions, unstable slopes, landslides, and earthquake related events such as groundshaking and ground failure. The facility construction plans shall implement those measures in the respective bicycle facility improvement plans.

GEO-2. An erosion control plan shall be prepared and implemented for all Class I and Class II bicycle facility construction projects that involve substantial ground disturbance in accordance with Erosion Control Ordinances (as applicable) of Napa County and the Cities of American Canyon, Napa, and St. Helena, and Regional Board Stormwater Pollution Prevention Control Guidelines (see also Mitigation Measure HYDRO -2).

**VII. GREENHOUSE GAS EMISSIONS**

Would the project:

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant               | No Impact                |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| a) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in the exposure of local residents to hazards associated with climate change?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Comments to Questions a)-c)

None of the proposed Class I and Class II projects conflict with any Napa County-adopted or another applicable plan, policy or regulation (including those of the Cities of American Canyon, Napa, and St. Helena) adopted for the purpose of reducing the emission of greenhouse gases. The use of vehicles for the construction of the proposed bicycle improvements would temporarily increase levels of carbon dioxide (a greenhouse gas) during the construction period and some of the improvements may increase automobile congestion, thereby increasing levels of carbon dioxide during operation of the bicycle improvements. These impacts would be offset by the reduction of carbon dioxide after the improvements are built, by enabling people to bike and walk instead of driving vehicles. In addition, reducing the number of vehicles on the road will reduce traffic congestion and thereby reduce carbon dioxide levels. The proposed bicycle improvements are anticipated to reduce greenhouse gases and therefore would not conflict with a plan adopted to reduce greenhouse gases (Source: 12, 13). **Less Than Significant Impact.**

**VIII. HAZARDS & HAZARDOUS MATERIALS**

Would the project:

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant    | No Impact                           |
|--|--------------------------------|--|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?                      | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?  | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/> | <input type="checkbox"/>            |
| d) Be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment? | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/> | <input type="checkbox"/>            |

**VIII. HAZARDS & HAZARDOUS MATERIALS**

Would the project:

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant               | No Impact                           |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| e) Expose people or structure to a significant risk or loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?                  | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g) For a project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people living or working in the project area? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| h) For a project within the vicinity of a private airstrip, result in a safety hazard for people living or working in the project area?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

Comments to Questions

- a)-b) None of the proposed bicycle improvements involve the transport, use or disposal of hazardous materials other than construction related chemicals (concrete, paint, asphalt etc.) and would not create conditions which could lead to the release of hazardous substances. Accidental spills or release of construction related hazardous materials could occur, and is especially of concern near creeks and the Bay. Mitigation Measure **BIO-4e**, requiring the preparation of Spill Control and Counter Measures Plans for work within 100 feet of San Pablo Bay, along the Napa River, and along all creeks designated on the Napa County BDR creek resources layer would reduce this impact to less than significant. **Less than Significant with Mitigation Incorporated.**
- c) During construction of some projects, construction vehicle emissions might be released in close proximity to a school. Implementation of the measures contained in Mitigation Measure AIR-1 would reduce this impact to a less than significant level. **Less Than Significant With Mitigation Incorporated.**
- d) According to databases maintained by the California Department of Toxic Substances Control (Envirostor) and the California State Water Resources Control Board (Geotracker), there are approximately twenty sites in various locations within the County that are on the Cortese list of hazardous materials sites. Many of these sites are at gas stations or agricultural/industrial/energy facilities that would not be affected by the placement of surface improvements. Class I and Class II bicycle improvements that involve the disturbance of soil at or near these hazardous materials sites could potentially expose people and the environment to hazardous substances (Sources 9, 10). In order to mitigate this impact to a less than significant level, Mitigation Measure HAZ-1 shall be implemented. **Less Than Significant With Mitigation Measure Incorporated.**
- e) The risk of wildland fires is high throughout much of rural Napa County. The creation of new bicycle routes could place bicycle facility users in areas prone to wildland fires. The County has an existing "Napa Firewise" program that educates residents on the dangers of wildland fires and provides strategies landowners can take to reduce the threat of fires on their property. (Source 16). The continuation of this program and implementation of the Mitigation Measure HAZ – 2 below will reduce this impact to a less than significant level. **Less Than Significant with Mitigation Incorporated.**

- f) The proposed bicycle improvements would augment the existing circulation system making it easier to access various areas of the County giving people more options to escape from a hazard. Construction of the proposed projects would not impair the implementation or physically interfere with an adopted emergency response plan or emergency evacuation plan. **No Impact.**
- g) Bicyclists using the proposed facility improvements could potentially be exposed to safety hazards and temporary and intermittent excessive noise levels. Various proposed bicycle facility improvements are located within the Airport Land Use Compatibility Plans of the Napa County Airport, Parrett Field, and the Calistoga Gliderport. These plans establish policies and guidelines for land use compatibility to local jurisdictions affected by airport activities. The Napa County Airport Land Use Commission (ALUC) has the authority to review local plans for consistency with the Airport Land Use Compatibility Plan. Projects within the vicinity of Napa Airport facilities will be reviewed for consistency with the Napa County Airport Land Use Compatibility Plan by the Napa County Airport Land Use Commission, and projects may be realigned or subject to additional review if necessary in order to avoid airport land use conflicts. (Source 6). This established process reduces this impact to a less than significant level. **Less Than Significant Impact.**
- h) Various segments of the proposed bicycle routes would be in the vicinity of the following private airports: Lake Berryessa Seaplane Base, Moskowite Airport, River Meadow Farm Heliport and Pope Valley Airport. (Source 15). All of the bike routes in the vicinity of these airports would be on existing roads and would not result in a new safety hazard. **No Impact.**

Mitigation Measures:

- HAZ-1 Prior to construction of any bicycle improvements that require ground disturbance, hazardous waste sites lists maintained by the California Department of Toxic Substances Control (DTSC) and the State Water Resources Control Board (SWRCB) shall be consulted. Where a proposed Class I and Class II bicycle facility is located near an identified site, follow up Phase I, and as appropriate, Phase II hazardous waste site investigations shall be completed. No disturbance of contaminated soil shall be permitted unless an approved site cleanup and remediation plan has been implemented for the identified hazardous waste sites.
- HAZ – 2 Trailhead signage for rural bicycle facilities in high fire risk hazard areas shall provide information regarding hazards and risks and indicate that no smoking or use of open flames (i.e. campfires) will be allowed, except in specifically designated areas.

**IX. HYDROLOGY AND WATER QUALITY**

Would the project:

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant    | No Impact                |
|---|--------------------------------|--|--------------------------|--------------------------|
| a) Violate any water quality standards or waste discharge requirements?   | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a significant lowering of the local groundwater table level? | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/> | <input type="checkbox"/> |

**IX. HYDROLOGY AND WATER QUALITY**

Would the project:

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant               | No Impact                           |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| c) Substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site?                | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| d) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| e) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?                  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?                    | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| h) Potentially be inundated by seiche, tsunami, or mudflow?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

Comments to Questions

a)-d) The Class II and Class III bicycle facilities that would be constructed within existing paved right-of-ways are unlikely to cause significant stormwater runoff pollution or violate water quality standards. Ground disturbance associated with construction of Class I and II for projects outside existing paved rights of ways could cause erosion and sedimentation into waterways, and paving bicycle facility surfaces with impermeable materials could increase the rate of runoff, also causing erosion and sedimentation, potentially contributing to the violation of water quality standards. For larger Class I projects, the increase in runoff from paved surfaces also has the potential to cause minor local flooding as would alteration of street storm drainage systems (if poorly engineered) to accommodate bulb-outs and other street and curb modifications for Class II projects and sidewalk improvements. In order to reduce the impacts to a less than significant level, **Mitigation Measures HYDRO-1 and HYDRO-2** shall be implemented. **Less Than Significant With Mitigation Incorporated.**

None of the proposed bicycle improvements would affect groundwater supplies. The addition of paved surfaces for the larger Class I and Class II projects has the potential to slightly reduce groundwater recharge. In order to reduce this impact to a less than significant level, **Mitigation Measure HYDRO-1** shall be implemented.

Some of the larger proposed Class I and Class II bicycle improvement projects could increase runoff, although it is unlikely the increase would affect the capacity of local drainage systems. Improperly modified street stormdrain systems, such as curb inlets, and/or modifications associated with sidewalk bulb-outs could reduce stormdrain capacity and cause the street drainage system to not function as well as under existing conditions. In order to mitigate this impact to a less than significant level, **Mitigation Measure HYRO-1** shall be implemented. **Less than Significant With Mitigation Incorporated.**

Erosion and sedimentation from construction related disturbance of some Class I and II projects could impact water quality (see also discussion Geology c, and Mitigation Measure GEO – 2). Generally, Class I projects requiring bridges and overcrossings were designated as requiring further technical studies and further environmental review. For those Class I and II projects which were reviewed and determined to have sufficient information, but apparently less serious erosion potential, Mitigation Measures **GEO- 2** and **HYDRO – 2** shall be implemented. **Mitigation Measure HYDRO-2** shall be implemented. **Less Than Significant With Mitigation Incorporated.**

- e)-f) No housing is proposed for 100-year floodplains as a part of the NCBP. Bicycle bridge crossings of a number of creeks and waterways are proposed as parts of several of the Class I and II projects and many of these proposed structures are located within FEMA designated 100-year floodplains. Unless properly designed and engineered, these facilities have the potential to block flood flows and/or divert floodwaters out of creeks and waterway channels. This is a potentially significant impact. Most, but not all of the Class I and II projects that include bridge construction have been designated as requiring further environmental review. Implementation of **HYDRO-3**, which requires the completion of a detailed design level hydraulic investigation of each bridge site to assist in facility design, will reduce potential impacts to an insignificant level. **Less Than Significant with Mitigation.**
- g) The proposed bicycle facility improvements would not expose people or structures to a significant risk of loss, injury or death involving flooding due to failure of a dam or levee because dams are routinely inspected and monitored for compliance with seismic safety standards. Localized flooding may occur in the event of levee break; however, this is anticipated to have a less than significant impact as none of the proposed projects involve the permanent placement of structures for occupancy of people in a flood prone area, or area at risk from inundation from a dam failure. The County and Cities will rely on their existing emergency notification and response warning and bikeway/trail evacuation procedures, should there be a dam break that releases floodwaters to areas containing bicycle facilities. This impact is considered to be **Less than Significant.**
- h) The proposed bicycle improvements that are in close proximity to the Napa River/SF Bay could potentially be inundated by a tsunami or seiche according to the ABAG tsunami inundation map for emergency planning; however, no structures are proposed associated with this project that could be damaged by a seiche or tsunami (Source 8). The Napa County Emergency Services would rely on its existing system of emergency notification developed for multi-hazard response to warn trail users and close trail segments as necessary. **Less Than Significant Impact.**

#### Mitigation Measures

- HYDRO-1 Proposed bicycle improvements shall be designed to minimize impacts on surface and ground water quality, including maintaining existing runoff conditions. Stormwater management measures, including but not limited to the use of permeable pavement and stormwater treatment techniques such as bioswales and bioretention structures, shall be incorporated into project plans where practical and feasible, in order to maintain the pre-project hydrologic conditions and treat stormwater runoff.
- HYDRO-2 The lead agency/local jurisdiction shall review each proposed bicycle improvement project prior to construction and determine if the project requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP). Based on this review, the lead agency/local jurisdiction shall prepare a SWPPP that includes Best Management Practices to prevent or minimize stormwater pollution during construction activities, and post construction. All Class I and Class II projects along creeks, waterways, and wetlands that involve substantial ground

disturbance shall be required to prepare an Erosion Control and Revegetation Plan, and a Spill Control and Countermeasures Plan, regardless of whether a SWPPP is needed or not.

HYDRO-3 Prior to final design of any bicycle facility, such as a bridge or other structure that is placed within or over the flow line of a creek or waterway, or crosses over a creek, and where the proposed facility has the potential to block or impede flood flows and alter hydrologic conditions, the project proponent will complete a detailed hydraulic analysis of the site and facility. The objective of the analysis is to verify that the project is in compliance with the local Floodplain Management Ordinances and related General Plan Policies regarding flood protection and protection of creek resources, and to determine the proposed sizing, geometry, and elevations of the structures so as to not impact creek hydrology and flood flow conditions. The hydraulic analysis and design recommendations will require review and approvals of the local jurisdiction's Engineer and Flood Plain Manager.

| X. LAND USE  |                                      |  |                          |                                     |
|--|--------------------------------------|--|--------------------------|-------------------------------------|
| Would the project:   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant | No<br>Impact                        |
| a) Physically divide an established community?   | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments to Questions

- a) The proposed bicycle facility improvements would enhance circulation in each City and within Napa County as a whole, making it easier to travel from one destination or community to another, and would not divide any established community. **No Impact.**
- b) The proposed bicycle improvements would not conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project that has been adopted for the purpose of avoiding or mitigating an environmental effect. The proposed bicycle facility improvements would not change designated land uses of any jurisdiction. The implementation of Mitigation Measures in this environmental document and adherence to the requirements in each respective jurisdiction's General Plans, and Municipal Codes and Ordinances, would ensure conformance with plans, policies and regulations to avoid or mitigate an environmental effect. **No Impact.**

## XI. MINERAL RESOURCES

Would the project:

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant    | No Impact                           |
|--|--------------------------------|--|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region or the State?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in loss of a locally important mineral resource recovery site delineated on a mineral resource plan, local general plan, specific plan or other land use plan? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

### Comments to Questions

- a)-b) None of the proposed bicycle improvements would result in the loss of availability of a known mineral resource, or in the loss of a locally important mineral resource recovery site. **No Impact.**

## XII. NOISE

Would the project:

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant               | No Impact                           |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Expose people to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or other applicable standards?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Expose people to or generate excessive groundborne vibration or groundborne noise levels?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Expose people living or working in the project area to excessive noise from a public or private airport?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

### Comments to Questions

- a) – b) During construction of the proposed bicycle facilities, the use of construction vehicles and equipment has the potential to generate excessive levels of noise. Each of the local jurisdictions having authority over individual projects has adopted Noise Control Regulations that control construction noise levels, including working hours; therefore this impact is not considered to be significant.

Bicyclists may be exposed to noise from vehicles on streets and roads and also from agricultural equipment used on adjacent agricultural fields. However, the noise levels that the facility users

would be exposed to would be temporary and intermittent. Therefore this impact is not considered to be significant. In addition, use of bicycle facilities and related exposure to ambient noise conditions is a discretionary decision by the bicyclists. **Less Than Significant.**

Various bicycle facilities are located in Airport Land Use Compatibility Plan areas for the Calistoga Glideport, Parrett Field and the Napa County Airport. The noise impacts associated with those airports are discussed in VIII g). **Less Than Significant.**

- c) Use of the proposed bicycle facilities would not generate excessive noise and would not increase ambient noise levels in areas where they are located. **No Impact.**
- d) Some of the proposed bicycle routes are located in the vicinity of airports that may expose bicycle facility users to noise. There is an established process for review of plans and projects located in the vicinity of airports. In addition, as described in a)-b) above, this is a discretionary activity. Please refer to Section VIII g) for a discussion of these impacts. **Less Than Significant.**
- e)-f) Some of the proposed bicycle routes are within two miles of an airport or are located in the vicinity of private air strips. The temporary and intermittent nature of the noise exposure to bicyclists is not considered to be excessive and therefore is not considered to be significant. **Less Than Significant.**

### XIII. POPULATION AND HOUSING

Would the project:

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant    | No Impact                           |
|--|--------------------------------|--|--------------------------|-------------------------------------|
| a) Induce substantial unexpected population growth or growth for which inadequate planning has occurred, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

#### Comments to Questions

- a) Implementation of the proposed Bicycle Plan does not involve the construction of additional vehicular roads or sewer and water lines that could induce population growth in the local jurisdictions. The proposed bicycle improvements would serve the existing population and would not add housing or jobs to the local jurisdictions (other than during construction) that would have a significant growth-inducing effect. Some additional out-of-area visitors/tourists may be attracted to Napa County as a result of implementation of NCBP elements, but this is also not considered to be significantly growth inducing. **No Impact.**
- b) - c) None of the proposed bicycle improvements would displace existing housing units or existing residents, or would require construction of replacement housing elsewhere. **No Impact.**

**XIV. PUBLIC SERVICES**

Would the project:

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant               | No Impact                           |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: |                                |  |                                     |                                     |
| (i) Fire protection?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (ii) Police protection?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (iii) Schools?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (iv) Library?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (v) Other public facilities?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

Comments to Questions

- a) i.,ii. Some of the proposed Class I bicycle facility improvements will increase public access to areas that are not currently accessible and therefore will require expanded police and fire patrol, emergency response, and protection services. The bicycle facilities will also increase access for use by police and fire protection services into areas with poor existing access. However, no new physical police or fire facilities would be required to serve proposed bicycle facilities. **Less Than Significant Impact.**
- iii, iv. None of the proposed bicycle facility improvements would result in an increase in the number of housing units or increase the population of the project area in a way that would have an impact on schools or libraries. **No Impact.**
- v. The proposed bicycle improvements would create new public access opportunities to open space areas not previously accessible to the public and will create recreational opportunities that did not previously exist. Access to existing park and open space facilities will be improved as a result of project implementation. The construction of the proposed bicycle facility improvements would not adversely impact the physical environment with the implementation of the mitigation measures required in this document. **Less Than Significant Impact.**

**XV. RECREATION**

Would the project:

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant               | No Impact                |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?       | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Comments to Questions

- a)-b) The proposed bicycle improvements will increase the use of neighborhood, regional parks or other recreational facilities because they will provide improved access to those facilities. However this impact is not considered to be significant. The increase in usage is not anticipated to significantly accelerate or cause the physical deterioration of those parks and facilities such that repair or expansion would be required. The proposed projects include non-motorized transportation facilities and recreational facilities that will require construction. However, with the implementation of the mitigation measures in this document, there would not be an adverse physical effect on the environment. **Less Than Significant Impact.**

| XVI. TRANSPORTATION/TRAFFIC  |                                      |  |                          |                                     |
|--|--------------------------------------|--|--------------------------|-------------------------------------|
| Would the project:   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant | No<br>Impact                        |
| a) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?   | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                            | <input type="checkbox"/> | <input type="checkbox"/>            |
| c) Result in inadequate emergency access?  | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                            | <input type="checkbox"/> | <input type="checkbox"/>            |
| d) Result in inadequate parking capacity?  | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                            | <input type="checkbox"/> | <input type="checkbox"/>            |
| e) Conflict with adopted policies, plans or programs supporting alternative transportation?  | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?  | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments to Questions

- a) The Napa Countywide Bicycle Plan is a policy tool that is intended to improve bicycle facilities and facilitate projects that support non-motorized travel. It also includes specific, physical projects for implementation to achieve the Plan's overall goals and objectives. The Plan does not include components that would generate substantial new vehicle trips or increase the existing traffic load. Implementation of the Plan would encourage bicycling as an alternate means of transportation and therefore decrease vehicle traffic congestion on city streets and county roads. It would have a net beneficial impact for alternative modes of transportation as it improves accessibility and promotes safer and more convenient travel for bicycles throughout Napa County and its cities. Implementation of some aspects of the Plan, such as the Vine Trail and Napa River and Bay Trail, could attract more visitors and tourists to Napa Valley, but the expectation is that these new visitors and tourists would use bicycles to explore the Napa Valley.

Many of the proposed on-street bicycle facility improvements include the addition of bikeway signage and striping and do not require significant street modifications. These projects are considered categorically exempt from CEQA per Sections 15301(c) and 15304(h) of the

California Environmental Quality Act (CEQA) guidelines. These projects include all of the proposed bicycle routes (Class III) and those bicycle lanes (Class II) that would not require the significant alteration of travel lanes, curbside parking, or continuous two-way center turn lanes (see **Appendix B**).

The Plan identifies several street and roadway improvement projects that when implemented, could potentially affect Level of Service (LOS) of County roads and City streets for motor vehicles through physical changes at intersections and lane modifications. The proposed facilities that alter existing lane configurations of the streets by reducing lane widths or removing lanes could result in conflicts with local jurisdictions' General Plans that require the maintenance of adequate circulation. For these projects, as identified during environmental screening (**Appendix B**), additional traffic studies will need to be completed associated with approval of the construction plans and prior to project implementation. For these projects, and prior to final design, the local jurisdiction will conduct detailed reviews of the project to determine the need for removal or narrowing of any travel lanes to accommodate the facility improvements. If travel lane modification is necessary, the local jurisdiction will assess whether the intersections and street traffic flow will continue to function at an acceptable LOS under project conditions, or require design modifications and other mitigations.

Implementation of some of the identified Class I and II projects under the Plan will require project specific environmental review including follow-up, detailed traffic analysis to determine if they would have site specific impacts beyond those addressed in this Initial Study. At that time, proposed bicycle facilities that could result in significant traffic impacts may be redesigned (or potentially relocated to another street in the same travel corridor) if doing so would reduce the overall traffic impacts. Future site specific transportation impacts would need to be evaluated for some of the bicycle improvements as identified in the Appendix.

Implementation Mitigation Measures **TRANS-1** and **TRANS-2** would reduce potentially significant impacts that may conflict with performance of the local jurisdictions' roadways and street systems LOS to a **Less Than Significant** level.

Simultaneous construction of several of the proposed bicycle facility improvements under the Plan could result in local, short-term traffic congestion, but have a less-than-significant effect. Constructing bicycle lanes on a street in one month, and then repaving the street or planting street trees several months later, all of which can affect travel flow, is an example of a potential cumulative effect. Implementation of **Mitigation Measure TRANS-3** would reduce potentially significant impacts that may result from cumulative bicycle facility/streetscape/roadway construction to a less than significant level. **Less Than Significant With Mitigation Incorporated.**

- b) Implementation of the Plan will include the addition of signage will reduce hazards and improve bicyclist safety. For Bicycle Lanes (Class II), the projects will include roadway signs, lane delineation and pavement stenciling consistent with the California Manual of Uniform Traffic Control Devices (CAMUTCD). The addition of this signage and Class III signage and striping to existing roadways would improve wayfinding for bicyclists, alert drivers to the presence of bicyclists, and help roadway users more effectively share the public right-of-way, reducing hazards.

The proposed Class II and III signage and striping modifications would also not create traffic hazards because they would follow established design standards, guidelines, and best practices. The signing and striping program would improve traffic safety by providing additional guidance to bicyclists, and drivers. Therefore, signage and striping would have a beneficial effect on traffic flow, and the impact would be less than significant.

The Class I & II street and road lane modifications and intersection improvements proposed in the NCBP are intended to reduce hazards to bicyclists. The proposed physical modifications to intersections, including construction of bulb-outs, pedestrian refuge islands, and reduction of turning radii would have the effect of reducing motor vehicle speed, provide greater visibility of bicyclists, and enhance the safety of intersections. This is a less than Significant Impact. **Less Than Significant.**

- c) Implementation of some of the bicycle improvement projects would potentially impede emergency access if they would reduce the right-of-way width of any street to one that is less than the minimum standards or result in reduction of turn radii, reducing speed for traffic safety and emergency response, or result in substandard travel lane widths. This is a potentially significant impact. Local jurisdictions' Fire Departments are responsible for emergency response. The project would be required to maintain the existing right-of-way width on all streets and would maintain adequate travel and maneuvering space consistent with Fire Department Standards and existing conditions. Implementation of Mitigation Measure TRANS-1 would reduce this to a less than significant level. **Less Than Significant With Mitigation Incorporated.**
- d) The removal of on-street parking associated with bicycle facility construction is not considered an environmental impact under CEQA. A California Appellate Court decision regarding a challenge to the City of San Francisco's treatment of parking as a social (and not a physical) impact. San Franciscans upholding the Downtown Plan vs. City and County of San Francisco held that parking is not part of the permanent physical environment, and noted that parking conditions change over time on their own as communities redevelop and people and communities change their travel patterns, in response to recreation, housing, commercial centers, and jobs. Reduced parking availability causing unmet parking demand created through implementation of NCBP projects would be considered a significant impact under CEQA only if they cause significant secondary effects, or if it is an area of public controversy. Although project impact on parking availability is not an environmental issue under CEQA, it is discussed below because it is an area of potential public controversy. All projects that involve significant parking removal or reconfiguration will be subject to further study on a case-by-case basis, as shown in **Appendix B.**

Although available parking might be reduced in some locations, the development of improved bicycle facilities will encourage more bicycle use, reducing the demand for automobile parking. In addition, a lack of adequate parking in an area could encourage or entice people to use alternative modes of travel. **Mitigation Measure TRANS – 2** reduces the impact on decreased parking availability to a less than significant level. **Less Than Significant With Mitigation Incorporated.**

- e) The proposed bicycle improvements implement the local jurisdictions' adopted policies supporting alternative transportation. **No Impact.**
- f) The proposed bicycle improvements do not involve altering air traffic patterns. **No Impact.**

Mitigation Measures:

- TRANS – 1 Prior to implementation of any of the bicycle facility projects listed in **Appendix B** as requiring further traffic analysis, the responsible agency shall prepare a LOS and queuing analysis of the intersection and street to determine whether the project would cause a significant impact per the agencies adopted LOS thresholds and standards, or would result in queuing that could affect traffic operations at near-by intersections. The analysis shall be prepared for both existing conditions, and existing conditions with project, using recent actual traffic count information (counts no more than 2 years old).

The responsible agency shall also evaluate the proposed project design to ensure that no project features such as curb bulb outs extend beyond the parking lane and into the travel lanes, and/or lane reductions narrow travel lanes below minimum widths of the agency and as described in State and Federal traffic and roadway design standards as adopted by the responsible agency.

Lane reductions, bulb outs, pedestrian refuge islands and other project design features such as speed bumps that affect traffic operation and emergency vehicle response shall also be reviewed with the respective local agency Police and Fire Departments to insure that emergency vehicle access is not impeded, and is consistent with adopted local agency standards and State and Federal standards.

If the proposed bicycle facility improvements result in a significant deterioration in LOS or a significant impact on operation of the project intersection or adjacent intersection, the responsible agency shall modify the project design to reduce LOS impacts to a degree that will be consistent with local agency adopted LOS thresholds and standards.

If the proposed bicycle facility improvements result in a significant deterioration in traffic operation or impedes emergency vehicle access, the responsible agency shall modify the project design to reduce impacts such that the final design will be consistent with adopted standards and practice considering operations, safety and emergency vehicle access and response times.

TRANS – 2 If a proposed project requires the removal of parking spaces, the lead agency/local jurisdiction shall review and consider redesigning or relocating the proposed bicycle improvement, or alternatively, shall prepare a supplemental parking analysis to develop mitigation measures related to loss of parking. This would include the responsible local agency coordinating and partnering with affected local businesses to develop and implement trip reduction and parking management.

TRANS – 3 The local agency/local jurisdictions shall integrate proposed bicycle projects into overlapping and concurrent roadway and street improvement projects such that construction staging occurs as a single project wherever feasible. Where the integration of such projects is feasible, the local agency/local jurisdiction shall schedule the implementation of projects to avoid any cumulative impacts to LOS that would be caused by the simultaneous construction of multiple roadway, street, and bicycle facility projects.

**XVII. UTILITIES & SERVICE SYSTEMS**

Would the project:

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant    | No Impact                           |
|--|--------------------------------|--|--------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**XVII. UTILITIES & SERVICE SYSTEMS**

Would the project:

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant    | No Impact                           |
|---|--------------------------------|--|--------------------------|-------------------------------------|
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the public from existing entitlements and resources, or are new or expanded entitlements needed?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or which may serve the project that it has adequate capacity to serve the project's project demand in addition to the provider's existing commitments? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments to Questions

- a)-b) The proposed bicycle improvements would not contribute to the need for new or updated wastewater treatment facilities or otherwise affect local wastewater treatment, resulting in requirements of the Regional Water Quality Control Board not being met. **No impact.**
- c) The proposed bicycle improvements would not require the construction of new stormwater management or treatment facilities. Local stormwater treatment, such as bioswales and bioretention facilities, will be included in the design of some facilities that include streetscape or separated pathway (Class I facility) construction, as discussed in **Mitigation Measure HYDRO-1. No impact.**
- d) None of the proposed bicycle improvements would increase the demand on the available water supply. **No impact.**
- e) None of the proposed bicycle improvements would increase the demand for wastewater treatment. **No impact.**
- f)-g) The proposed bicycle improvements would not generate substantial additional solid waste and therefore solid waste disposal regulations are not applicable. **No impact.**

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant               | No Impact                |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/> |

Comments to Questions

- a), b), c) See specific impacts discussed above. As noted, some of the proposed Class I and II projects have been designated as requiring additional environmental study and analysis (**Appendix B**).

## SOURCE REFERENCES

1. State of California Department of Conservation, Farmland Mapping and Monitoring Program Map 2010 <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/nap10.pdf>
2. Bay Area Air Quality Management District, California Environmental Quality Act, Air Quality Guidelines, Updated May 2011
4. California Department of Mines and Geology, Alquist Priolo Earthquake Fault Zone Map [http://www.quake.ca.gov/gmaps/ap/ap\\_maps.htm](http://www.quake.ca.gov/gmaps/ap/ap_maps.htm)
5. Uniform California Earthquake Rupture Forecast, Version 2, 2007 Working Group on California Earthquake Probabilities, 2008
6. Napa County Airport Land Use Compatibility Plan <http://www.countyofnapa.org/ALUC/>
7. Association of Bay Area Governments Liquefaction Hazard Map <http://gis.abag.ca.gov/website/liquefactionsusceptibility/>
8. Association of Bay Area Governments Tsunami Inundation Map <http://gis.abag.ca.gov/website/Tsunami/>
9. California Department of Toxic Substance Control, Envirostor website <http://www.envirostor.dtsc.ca.gov/public/>
10. California Water Resources Control Board, GeoTracker website <http://geotracker.swrcb.ca.gov/>
11. Napa County Municipal Code
12. AEP CEQA Guidelines 2011
13. Napa Countywide Bicycle Plan DRAFT
14. Napa County Baseline Data Report/Napa County GIS Database
15. Napa County General Plan Environmental Impact Report, 2007 <http://www.countyofnapa.org/Pages/DepartmentDocuments.aspx?id=4294967660>
16. Napa FIREWISE Program <http://www.napafirewise.org/defensable-space-live/index.html>

## REPORT PREPARATION

### **Questa Engineering (Point Richmond, CA)**

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### **W-Trans**

Joshua Abrams (Santa Rosa, CA)

**APPENDIX A**  
**PROJECT MAPS**

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Study Area and Vicinity

Overview of Countywide Bicycle Facilities

Planning Area - North Valley

Planning Area - Mid Valley

Planning Area - City of Napa

Planning Area - South Valley

Existing and Proposed Bicycle Network, City of American Canyon

Existing and Proposed Bicycle Network, City of Napa

Existing and Proposed Bicycle Network, City of Saint Helena

Existing and Proposed Bicycle Network, Napa County

**APPENDIX B**  
**PROJECT LIST**

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Proposed Bicycle Network, American Canyon  
Proposed Bicycle Network, City of Napa  
Proposed Bicycle Network, Saint Helena  
Proposed Bicycle Network, Napa County Unincorporated  
Proposed Bicycle Network Calistoga  
Proposed Bicycle Network Yountville

**APPENDIX C**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

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February 15, 2012  
NCTPA Agenda Item 10.2  
Action Requested: **APPROVE**

## **NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter**

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**TO:** Board of Directors  
**FROM:** Paul W. Price, Executive Director  
**REPORT BY:** Antonio Onorato, Manager of Finance  
(707) 259-8779 / Email: [anonorato@nctpa.net](mailto:anonorato@nctpa.net)  
**SUBJECT:** Public Hearing on the Adoption of Uniform Public Construction Cost Accounting Act (1<sup>st</sup> Reading)

---

### **RECOMMENDATION**

That NCTPA Board of Directors:

- a.) Adopt resolution 12-06 adopting the California Uniform Public Construction Cost Accounting Act and Establishing Uniform Public Construction Cost Accounting Procedures for NCTPA public works projects; and
- b.) First reading and intention to adopt an ordinance to Provide Informal Bidding Procedures under the Uniform Public Construction Cost Accounting Act; and
- c.) Amend NCTPA Policies, Practices and Procedures Chapter Section 11 Procurement to allow informal bidding procedures under the Uniform Public Construction Cost Accounting Act (Section 22000, et seq. of the Public Contract Code) with new signature limits.

### **EXECUTIVE SUMMARY**

Adoption of the Uniform Public Construction Cost Accounting Act (UPCCAA) allows for simplified, alternative procedures for bidding and awarding public construction projects in certain circumstances. The UPCCAA is a great tool for local public agencies which want to raise their bidding thresholds, simplify the bidding process for small projects and increase the likelihood that the bids they receive will be from responsible contractors. Not only will the UPCCAA save money and staff resources, it will also allow, when lawful, for a greater possibility of local construction firms to be awarded business.

**PROCEDURAL REQUIREMENTS FOR PROPOSED RESOLUTION**

1. Staff reports.
2. Public comments.
3. Motion, second, discussion and vote on the item.

**PROCEDURAL REQUIREMENTS FOR PROPOSED ORDINANCE**

1. Open Public Hearing.
2. Staff reports.
3. Public comments.
4. Close Public Hearing.
5. Secretary reads the Ordinance Title.
6. Motion, second, discussion and vote to waive the balance of the reading of the ordinance.
7. Motion, second, discussion and vote on intention to adopt the ordinance.

**FINANCIAL IMPACT.**

Is there a fiscal impact? Yes, indirect. Implementing the UPCCAA in lieu of an IFB for public works projects will save money and staff resources.

Is it Currently Budgeted? No.

Where is it budgeted? N/A

Is it Mandatory or Discretionary? Discretionary

Future Fiscal Impact: Yes. Savings achieved in time and staff resources.

Consequences if not approved: Agency would continue current procurement practices.

**CEQA REQUIREMENTS**

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action, which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

**BACKGROUND AND DISCUSSION**

In November 2011, staff requested the circulation of JPA Amendment No. 8. The amendment will allow NCTPA to become subject to the UPCCAA. The motion passed unanimously. Yountville, Calistoga, and St. Helena approved the Amendment in December 2011; Napa County and American Canyon approvals occurring in January 2012.

NCTPA currently require that public works construction projects estimated to cost \$10,000 and above be competitively bid and contracts be awarded to the lowest responsive and responsible bidder. There is a segment of the Public Contract Code (Public Projects: Alternative Procedure, Section 22000-22045) known as the Uniform Public Construction Cost Accounting Act (UPCCAA) that allows for simplified alternative procedures for bidding and awarding public construction projects in certain circumstances.

The UPCCAA applies to public works projects and contracts that typically involve the construction; remodeling; repair; or renovation of public buildings, roads, and other public improvements owned or to be used by the public agency. It does not apply to contracts for supplies, equipment, or services.

The Alternative Bidding procedures are:

- Public Projects of \$30,000 or less may be performed by negotiated contract or by purchase order.
- Public projects of \$175,000 (effective 1/1/2012) or less may be let to contract by the informal procedures
- Public projects of more than \$175,000 shall be let to contract by formal bidding procedures.

The cost accounting policies and procedures are applicable only for agencies that perform public projects by force account and since NCTPA doesn't use force labor, that section of the Act would not affect NCTPA.

Implementing the Act requires adoption of a resolution subjecting NCTPA to the Uniform Public Construction Cost Accounting Procedures, and adopting an ordinance to provide informal bidding procedures under the Uniform Public Construction Cost Accounting Act (Section 22000, et seq. of the Public Contract Code).

Once adopted, the Ordinance will become effective in April 2012. Notifications to trade journals and creation of a pre-qualified contracts list will occur during the month as well.

### **REFERENCE DOCUMENT**

Attachments: (1) Resolution 12-06  
(2) Ordinance 2012-01

**RESOLUTION No. 12-06**

**A RESOLUTION OF THE  
NAPA COUNTY TRANSPORTATION PLANNING AGENCY (NCTPA)  
ESTABLISHING UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING**

**WHEREAS**, prior to the passage of Assembly Bill No. 1666, Chapter 1054, Statutes of 1983, which added Chapter 2, commencing with Section 22000, to Part 3 of Division 2 of the Public Contract Code, existing law did not provide a uniform cost accounting standard for construction work performed or contracted by local public agencies; and

**WHEREAS**, Public Contract Code Section 22000 et seq., the Uniform Public Construction Cost Accounting Act establishes such a uniform cost accounting standard; and

**WHEREAS**, the Commission established under the Act has developed uniform public construction cost accounting procedures for implementation by local public agencies in the performance of or in the contracting for construction of public projects; and

**WHEREAS**, Senate Bill 206 amended Public Contract Code Section 20150.1 to confirm existing law that counties having a population of less than 500,000 are eligible to participate in the Uniform Public Construction Cost Accounting Act; and

**WHEREAS**, the Board desires to adopt this resolution this 15<sup>th</sup> day of February, 2012, but delay its effect until March 15<sup>th</sup>, 2012, in order to ensure a smooth transition in implementing the new procedures under the Uniform Public Construction Cost Accounting Act; and

**WHEREAS**, after its adoption a copy of this resolution will be forwarded to the Controller along with a letter notifying the Controller that NCTPA has elected to become subject to the uniform construction cost accounting procedures effective march 15<sup>th</sup>, 2012:

**NOW THEREFORE BE IT RESOLVED** by the Board of Directors of the Napa County Transportation and Planning Agency as follows: that the Napa County

Transportation and Planning Agency Board of Directors hereby elects under Public Contract Code Section 22030 to become subject to the uniform public construction cost accounting procedures set forth in the Uniform Public Construction Cost Accounting Act and to the Commission's policies and procedures manual and cost accounting review procedures, as they may each from time to time be amended, and directs that the Secretary of the Board notify the State Controller forthwith of this election. This resolution shall take effect on March 15<sup>th</sup>, 2012.

**BE IT FURTHER RESOLVED** that the resolution was duly and regularly adopted by the Board of Directors of the Napa County Transportation and Planning agency, at a regular meeting of the Board.

Passed and adopted this 15<sup>th</sup> day of February, 2012

\_\_\_\_\_  
Keith Caldwell, NCTPA Chair

Ayes:

Noes:

Absent:

ATTEST:

\_\_\_\_\_  
Karalyn E. Sanderlin, NCTPA Board Secretary

APPROVED:

\_\_\_\_\_  
Janice Killion, NCTPA Legal Counsel

**NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY**

**ORDINANCE NO. 1**

**AN ORDINANCE OF THE GOVERNING BOARD OF  
THE NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY  
TO PROVIDE INFORMAL BIDDING PROCEDURES UNDER  
THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT  
(SECTION 22000, ET SEQ. OF THE PUBLIC CONTRACT CODE)**

**WHEREAS**, Public Contract Code Section 22000 et seq., the Uniform Public Construction Accounting Act, establishes a uniform cost accounting standard and provides for greater contracting powers to be provided to the Executive Director; and

**WHEREAS**, the Commission established under this Uniform Public Contract Cost Accounting Act has developed uniform public construction cost accounting procedures for implementation by local agencies in the performance of or in the contracting for construction of public projects; and

**WHEREAS**, the Napa County Transportation and Planning Agency intends to subject itself to the Uniform Public Construction Cost Accounting Procedures by resolution and desires to now adopt the necessary informal bidding procedures by ordinance.

The governing board ("Board") of the Napa County Transportation and Planning Agency, ordains as follows:

**SECTION 1. Informal Bidding Procedures.**

Public projects, as defined by the Uniform Public Construction Cost Accounting Act and in accordance with the limits listed in Section 22032 of the Public Contract Code, as those limits may be amended from time to time, may be let to contract by informal procedures as set forth in section 22030, et seq., of the Public Contract Code.

**SECTION 2. List of Contractors.**

The Executive Director is authorized to develop and maintain lists of contractors in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission. Where it is appropriate to provide for pre-qualification, the Executive Director may develop and maintain appropriate pre-qualification packets for different levels and/or categories of work.

**SECTION 3. Notice Inviting Informal Bids.**

Where a public project is to be performed which is subject to the provisions of this Ordinance, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section 2 of this ordinance and/or to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified at the discretion of the Executive Director, provided however:

- A. If there is no list of qualified contractors maintained by the District for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission.
- B. If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

All notices to contractors and construction trade journals pursuant to subdivision (B) of this section shall be completed not less than 10 calendar days before bids are due. The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of bids.

**SECTION 4. Award of Contracts**

The Executive Director is authorized to award informal contracts in the amount not to exceed one hundred seventy-five thousand dollars per contract pursuant to this section. If all bids received are in excess of one hundred seventy-five thousand dollars, the Board of Directors may, by adoption of a resolution by a four-fifths vote, award the contract, at one hundred eighty-seven thousand five hundred dollars (\$187,500) or less, to the lowest responsible bidder, if it determines the cost estimate of the Executive Director was reasonable. The Executive Director is further authorized to award contracts without the necessity of informal bidding pursuant to the amounts and mechanisms set forth under section 22032(a) of the Public Contract Code.

**SECTION 5.**

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Directors of the Napa County Transportation and Planning Agency hereby declares it would have passed and adopted this ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

**ATTACHMENT 2**  
**Agenda Item 10.2**  
**February 15, 2012**

**SECTION 6.** This ordinance shall be effective thirty (30) days from and after the date of its passage.

**SECTION 7.** A summary of this ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in the County of Napa, together with the names of members voting for and against the same.

The foregoing ordinance was introduced and read at a regular meeting of the Napa County Transportation and Planning Agency Board of Director's, held on the 15<sup>th</sup> day of February, 2012, and passed at a regular meeting of the Napa County Transportation and Planning Agency Board of Directors, held on the 21<sup>st</sup> day of March, 2012, by the following vote:

|          |           |       |
|----------|-----------|-------|
| AYES:    | DIRECTORS | _____ |
| NOES:    | DIRECTORS | _____ |
| ABSTAIN: | DIRECTORS | _____ |
| ABSENT:  | DIRECTORS | _____ |

\_\_\_\_\_  
**KEITH CALDWELL, Chairman of the Board of Directors**  
Napa County Transportation and Planning Agency

ATTEST: KARILYN SANDERLIN  
Secretary of the Board

By: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_  
Agency Counsel

I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE SECRETARY, 707 RANDOLPH ST. SUITE 100, NAPA, CALIFORNIA ON \_\_\_\_\_, 2012

\_\_\_\_\_  
KARILYN SANDERLIN, SECRETARY OF THE BOARD



February 15, 2012  
NCTPA Agenda Item 11.1  
Continued From: New  
**Action Requested: APPROVE**

## **NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter**

---

**TO:** Board of Directors  
**FROM:** Paul W. Price, Executive Director  
**REPORT BY:** Antonio Onorato, Manager of Finance  
(707) 259-8779 / Email: aonorato@nctpa.net  
**SUBJECT:** Lifeline Transportation Program Cycle 3 Call for Projects

---

### **RECOMMENDATION**

That the NCTPA Board announce a Call for Projects for the Lifeline Transportation Program Cycle 3 program whereas up to \$692,105 of grant money will be available to non-transit operators on a competitive basis through an application and evaluation process.

### **EXECUTIVE SUMMARY**

The Napa County Transportation and Planning Agency announces the "Call for Projects" for the third cycle of the Lifeline Transportation Program for Napa County. All interested parties are invited to submit applications for projects.

The Lifeline Transportation program is intended to fund projects that result in improved mobility and public transit system enhancement for low-income residents. Funding has been structured to serve the low-income residents of the nine Bay Area Counties including Napa County.

The funding supports community-based transportation projects that: 1) Are developed through a collaborative and inclusive planning process; 2) improves transportation choices; 3) addresses transportation gaps identified in the Community Based Transportation Program; and 4) focus on transportation needs specific to elderly and disabled residents of low income communities.

---

**PROCEDURAL REQUIREMENTS**

1. Staff Report
2. Public Comment
3. Motion, Second, Discussion and Vote

**FINANCIAL IMPACT**

Is there a fiscal impact? Yes – up to \$692,105. Funding is over a two year period- FY2011-12 and FY 2012-13. A local match may be required depending on the applicant and the type of service(s) offered in the application.

Is it Currently Budgeted? No. A budget modification may be needed for the FY2011-12 fiscal year if funding for a current year project- FY2011-12 is requested by an applicant.

Where is it budgeted? N/A.

Is it Mandatory or Discretionary? Discretionary

Future Fiscal Impact: Yes.

Consequences if not approved: Lifeline Transportation Program would not exist.

**CEQA REQUIREMENTS**

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action, which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

**BACKGROUND AND DISCUSSION**

The Lifeline Program Administrator, Metropolitan Transportation Commission (MTC) has issued a call for projects under the Lifeline Transportation grant program. The Lifeline Program will be administered by county congestion management agencies (CMAs) or other designated county-wide agencies. NCTPA is the designated Lifeline program administrator for Napa County. Public agencies, including transit agencies, county social service agencies, cities and counties, and private operators of public transportation services are eligible applicants.

For this new cycle, MTC will fund the Lifeline program from three funding sources. These are:

1. Job Access Reverse Commute (JARC)
2. State Transit Assistance (STA)
3. Proposition 1B

Funding is for any approved programs will be over a two year period- Fiscal Year 2012-13 and FY 2013-14.

The following is a summary proposed time schedule:

| <b>Lifeline Transportation Program Schedule</b> |  |
|---|--|
| February 15, 2012                               | NCTPA issues "Call for Projects"                       |
| February 22, 2012                               | Workshop 1:30 – 2:30 at NCTPA for Potential Applicants |
| March 12, 2012                                  | Applications due to NCTPA                              |
| April 18, 2012                                  | Recommendation of Lifeline Projects to NCTPA Board     |
| June 27, 2012                                   | MTC approval of Projects                               |

(Detailed timeline in grant application; dates are subject to change without notice)

Potential project applicants are urged to attend the February 22<sup>nd</sup> workshop at NCTPA, between 1:30-2:30 pm.

Applications are due March 12<sup>th</sup>, 2012. All submissions will be subject to six (6) evaluation criteria which include (1) project need/goals and objectives, (2) community-identified priority, (3) implementation plan and project management capacity, (4) coordination and program outreach, (5) cost effectiveness and performance indicators, and (6) project budget/sustainability.

The evaluation staff will consist of CMA staff, low income or minority representative from MTC, and local stakeholders. A full program of projects will be recommended to the NCTPA Board of Directors for approval at the April 2012 meeting. The project list is due to MTC on May 15, 2012 for MTC commission approval and funding shortly thereafter.

### **SUPPORTING DOCUMENTS**

Attachments:

- (1) Lifeline Funding Application- includes MTC resolution and Guidelines with Cycle 3 scoring criteria

**NC  
TPA** Napa County  
Transportation &  
Planning Agency

Call for Projects & Application to the  
**Lifeline Program**

*Improving the Range of Travel Choices*



**DATES OF IMPORTANCE**

Call for Projects: February 15<sup>th</sup>, 2012  
Workshop: February 22<sup>nd</sup>, 2012 at 1:30pm  
Applications Due to NCTPA: March 12<sup>th</sup>, 2012

NCTPA  
707 Randolph St. Suite 100  
Napa, CA 94559  
Phone: 707.259.8631  
Fax: 707.259.8638  
[www.nctpa.net](http://www.nctpa.net)



February 15<sup>th</sup>, 2012

Greetings participants!

The Napa County Transportation and Planning Agency is pleased to announce a “Call for Projects” for its Lifeline Transportation Program.

The Lifeline Transportation Program (LTP) is a grant program intended to address gaps and/or barriers in transportation for low-income communities, and to improve the range of travel choices available to the people of those communities. Projects should be developed through a collaborative and open planning process, and must be drawn from available Community-Based Transportation Plans, countywide or regional Welfare to Work Plans, or otherwise documented assessment of needs within communities of concern.

We’re pleased that your agency or organization has chosen the Lifeline Transportation Program as a potential funding source to complete your eligible project(s). This guide has been developed in order to help point you in the right direction as you develop an application for funding. If you have had the benefit of LTP funding for a project in the past, you will note that several changes have been made to the program starting this year. These changes are aimed at increasing the program’s effectiveness and efficiency.

The application, instructions, and selection process are available in this guide book. You may also download an application on NCTPA’s website at [www.nctpa.net](http://www.nctpa.net).

Eligibility is open to public agencies, including transit agencies, county social service agencies, cities and counties, and private operators of public transportation services are eligible applicants. Also eligible are private entities or non-profit organizations in partnership with a public agency. Awards are competitive.

An LTP workshop will occur on February 22<sup>nd</sup>, 2012 at 1:30pm at NCTPA’s headquarters. This will be a great opportunity to learn about the program and drop in to discuss questions about your application and receive assistance from NCTPA staff in person. Please bring your application materials to the meeting.

If you have any questions, you may contact Antonio Onorato, Lifeline Transportation Program Manager at [aonorato@nctpa.net](mailto:aonorato@nctpa.net) or 707 Randolph St. Suite 100 Napa, CA 94559 Phone: (707) 259-8631

Sincerely,

Antonio Onorato  
Lifeline Transportation Program Manager

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## CHAPTER I

### Lifeline Transportation Program Timeline

| <b>Program</b>                       | <b>Action</b>  | <b>Date</b>  |
|--------------------------------------|--|--|
| JARC/STA/STP                         | MTC issues guidelines to County LTP Administrators   | 12/21/2011   |
| Prop 1B                              | Transit Operators submit draft project lists to CMA's  | 2/15/2012  |
| <b>Lifeline Program (applicants)</b> | <b>NCTPA announces "Call for Projects"</b>   | <b>2/15/2012</b>                                   |
| Prop 1B                              | Allocation requests due to MTC   | 4/11/2012  |
| <b>Lifeline Program (applicants)</b> | <b>Lifeline Program Workshop at NCTPA's headquarters</b>   | <b>2/22/2012</b>                                   |
| Prop 1B                              | MTC & transit operators submit TIP amendments  | End of April- TBD                                  |
| <b>Lifeline Program (applicants)</b> | <b>Lifeline applications due to NCTPA</b>  | <b>3/12/2012</b>                                   |
| Prop 1B                              | Commission approval of Prop 1B projects  | May 23, 2012                                       |
| Prop 1B                              | MTC submits FY11 request to Caltrans   | June 1, 2012                                       |
| JARC/STA/STP                         | Board approved programs due to MTC from CMA's  | May 15, 2012                                       |
| JARC/STA/STP                         | MTC and transit operators submit TIP Amendments  | June/July 2012-<br>Deadline TBA                    |
| JARC/STA/STP                         | Commission approval of Program of Projects   | 6/27/2012  |
| STA                                  | Operators can file claims for FY12 and FY13  | After Commission Approval                          |
| JARC                                 | MTC and transit operators submit FTA grants with FY11 and FY12 JARC projects                               | Nov/ Dec 2012<br>(following TIP approval)          |
| JARC                                 | FY11 and FY12 JARC-funded project sponsors enter into funding agreements                                   | Jan/Feb 2013<br>(following FTA grant approval)     |
| JARC/STP                             | MTC confirms availability of FY13 funds; MTC and transit operators submit TIP Amendments for FY13 projects | Winter/Spring 2013<br>(estimated)                  |
| JARC/STP                             | MTC and transit operators submit FTA grant or FHWA obligation request with FY13 projects                   | Spring/Summer 2013<br>(following TIP approval)     |
| JARC/STP                             | FY13 project sponsors enter into funding agreements (if applicable)  | Summer/Fall 2013<br>(following FTA grant approval) |
| STP                                  | Deadline for STP funds to be obligated or transferred to FTA   | 4/30/2014  |

*(dates subject to change without notice)*

## **CHAPTER II**

### **General Program Information**

On December 21<sup>st</sup>, 2012, MTC adopted Resolution 4033, which includes a fund estimate and third cycle Lifeline Transportation Program (LTP) Guidelines for fiscal years 2011-2013. The resolution is attached as Attachment A.

#### **Program Goals**

The Lifeline Transportation Program is intended to fund projects that result in improved mobility for low-income residents of the nine San Francisco Bay Area counties, and are expected to carry out the following regional Lifeline Program goals:

The Lifeline Program supports community-based transportation projects that:

- Are developed through a collaborative and inclusive planning process that includes broad partnerships among a variety of stakeholders such as public agencies, transit operators, community-based organizations and other community stakeholders, and outreach to underrepresented stakeholders.
- Improve a range of transportation choices by adding a variety of new or expanded services including but not limited to: enhanced fixed route transit services, shuttles, children's programs, taxi voucher programs, improved access to autos, and capital improvement projects.
- Address transportation gaps and/or barriers identified in Community-Based Transportation Plans (CBTP) or other substantive local planning efforts involving focused outreach to low-income populations. While preference will be given to community-based plan priorities, strategies emerging from countywide or regional welfare-to-work transportation plans, the Coordinated Public Transit-Human Services Transportation Plan or other documented assessment of need within the designated communities of concern will also be considered. Findings emerging from one or more CBTPs or other relevant planning efforts may also be applied to other low-income areas, or otherwise be directed to serve low-income constituencies within the county, as applicable.
- Transportation needs specific to elderly and disabled residents of low-income communities may also be considered when funding projects. Existing transportation services may also be eligible for funding.

## Program Administration

The Lifeline Program will be administered by county congestion management agencies (CMAs) or other designated county-wide agencies, or Lifeline Program Administrators, as follows:

| County        | Lifeline Program Administrator  |
|---------------|---|
| Alameda       | Alameda County Congestion Management Agency                               |
| Contra Costa  | Contra Costa Transportation Authority                                     |
| Marin         | Transportation Authority of Marin   |
| <b>Napa</b>   | <b>Napa County Transportation &amp; Planning Agency</b>                   |
| San Francisco | San Francisco County Transportation Authority                             |
| San Mateo     | City/County Association of Governments                                    |
| Santa Clara   | Santa Clara County Valley Transportation Authority and Santa Clara County |
| Solano        | Solano Transportation Authority   |
| Sonoma        | Sonoma County Transportation Authority                                    |

## Funding Sources

The Lifeline Transportation Program is funded with a combination of three funding sources: State Transit Assistance (STA), Proposition 1B Transit funds and Job Access and Reverse Commute (JARC) funds. Projects must meet eligibility requirements of the funding sources in order to receive funds.

See Attachment A, Table A – Funding Source Information, for details about each of the three funding sources.

## Match Requirement

The Lifeline Program requires a minimum local match of 20% of the total project cost; new Lifeline Transportation Program funds may cover a maximum of 80% of the total project cost.

There are two exceptions to the 20% match requirement.

(1) JARC operating projects require a 50% match. Lifeline Program Administrators may use STA funds to cover the 30% difference for projects that are eligible for **both** JARC and STA funds.

(2) All auto-related projects require a 50% match.

Project sponsors may use federal or local funding sources (Transportation Development Act, operator controlled State Transit Assistance, local sales tax revenue, etc.) to meet the match requirement. The match may include a non-cash component such as donations, volunteer services, or in-kind contributions as long as the value of each is documented and supported, represents a cost that would otherwise be eligible under the program and is included in the net project costs in the project budget.

For JARC projects, if using federal funds, the local match must be from *non*-Department of Transportation (DOT) funds. Non-DOT federal funds may be eligible sources of local match and may include: Temporary Assistance to Needy Families (TANF), Community Services Block Grants (CSBG) and Social Services Block Grants (SSBG) administered by the US Department of Health and Human Services, Community Development Block grants (CDBG) and HOPE VI grants administered by the US Department of Housing and Urban Development (HUD). Grant funds from private foundations and other local sources may also be used to meet the match requirement.

### **Eligible Applicants**

Public agencies, including transit agencies, county social service agencies, cities and counties, and private operators of public transportation services are eligible applicants.

Non-profit entities are directly eligible for JARC funds. In order to be eligible for STA funds, a non-profit entity would need to partner with an eligible STA recipient to receive funds (see Attachment B for eligible STA recipients). STA funds can be used for project administration of eligible projects and could be budgeted into project costs to facilitate a fiscal partnership with an eligible STA recipient.

An eligible project sponsor must be identified at the time that the project application for funding is submitted in order to receive funds.

### **Eligible Use of Program Funds**

Lifeline Transportation Program funds are intended to fund innovative and flexible programs that address transportation barriers that low-income residents in the region face, many of whom are transit dependent. Therefore, it is expected that LTP funds be directed to meet these needs by funding new programs or services, or to continue existing programs that are otherwise at risk of being discontinued. The project must supplement, not supplant, existing funds. The project must not duplicate existing services, must coordinate with existing services to the extent feasible and demonstrate that no other funding sources are available to fund it.

See Attachment A Appendix 1 for additional details about eligibility by funding source.

### **Grant Funding Period**

Projects may be funded for up to three years.

### **Grant Funding Amounts**

Lifeline Program Administrators will establish a minimum and maximum grant amount for any one project over the three-year funding period (FY 2011 to FY 2013). Multi-year projects are allowed as long as the total Lifeline amount does not exceed the threshold established at the local level, and the project sponsor has clearly identified the funding match for each year of the project period.

### **Link to Community-based Planning**

Preference will be given to projects identified in Community-Based Transportation Plans (CBTP) and located within the communities in which the plans were completed. While preference will be given to CBTP priorities, strategies emerging from countywide or regional welfare-to-work transportation plans, the Coordinated Public Transit-Human Services Transportation Plan or other documented assessment of need within the designated communities of concern will also be considered. Findings emerging from one or more CBTPs or other relevant planning efforts may also be applied to other low-income areas, or otherwise be directed to serve low-income constituencies within the county, as applicable.

## **Project Performance/Monitoring**

Project applicants are responsible for identifying performance measures to track the effectiveness of the service in meeting the identified goals. At a minimum, performance measures for service related projects would include: documentation of new “units” of service provided with the funding (e.g. number of trips, service hours, workshops held, car loans provided, etc.), cost per unit of service, and a quantitative summary of service delivery procedures employed for the project. For capital-related projects, project sponsor is responsible to establish milestones and report on the status of project delivery.

Applicants should describe a plan for ongoing monitoring and evaluation of the service, as well as steps to be taken if original goals are not achieved. Project sponsors receiving JARC funds are subject to program reporting requirements as defined in those program guidelines.

## **Grant Application Submittal Requirements**

To ensure a streamlined application process for project sponsors throughout the region, a universal grant application form is attached starting on page 10.

## **Grant Application Review and Evaluation Process**

Lifeline Program Administrators are responsible for determining whether proposals meet the minimum Lifeline Program eligibility criteria (whether eligible fiscal agents are identified, and whether projects meet fund source eligibility requirements) and assigning appropriate fund sources to each project.

Lifeline Program Administrators will evaluate all eligible proposals. Each county will appoint a local review team of CMA staff, a local representative from MTC’s Minority Citizens Advisory Committee (if available), as well as representatives of local stakeholders, such as, transit operators or other transportation providers, community-based organizations, social service agencies, and local jurisdictions, to score and select projects. Project evaluations will be based on the rating criteria described on the next page. Efforts will be made to avoid a conflict of interest, or the appearance of a conflict of interest, in selecting projects.

Standard evaluation criteria will be used to assess and select projects. The six criteria include (1) project need/stated goals and objectives, (2) community-based transportation plan (CBTP) priority (3) implementation plan, (4) project budget/sustainability, (5) coordination and program outreach, and (6) cost-effectiveness and performance indicators. Lifeline Program Administrators may establish the weight to be assigned for each criterion in the assessment process\*.

Additional criteria may be added to a county program but should not replace or supplant the regional criteria. MTC staff will review the proposed county program criteria to ensure consistency and to facilitate coordination among county programs.

Based on the evaluation criteria, and funding availability as assigned by county, Lifeline Program Administrators will make funding recommendations to their respective policy boards for approval, and will then submit the list of recommended projects to MTC.

MTC will confirm that projects meet fund source eligibility requirements, and will allocate funds to each project by including submitted projects in a Program of Projects for the Commission’s approval.

Lifeline Program Administrators are responsible for entering eligible JARC projects into the Transportation Improvement Plan (TIP). If STA funds are used, MTC will allocate funds directly to a transit operator or other eligible entity. See Attachment A for additional details related to the estimated availability of funds to project sponsors.

### **Grant Award and Receipt of Funds**

Following project award and prior to receipt of funds, project sponsors must submit a resolution of local support to MTC committing to project delivery, as well as providing the required local matching funds.

For projects receiving STA funds:

Transit operators and eligible cities and counties can initiate claims immediately following MTC approval of program of projects for current fiscal year funds.

For other entities, the eligible recipient acting as fiscal agent will initiate a funding agreement following MTC approval of program of projects. Funds will be available on a reimbursement basis following execution of the agreement.

### ***NCTPA WEIGHTING OF SELECTION CRITERIA:***

Projects will be evaluated based on the following criteria:

#### *MTC Specific Criteria*

- 1) *Project Need/Stated Goals and Objectives (35%)*
- 2) *Community-based Transportation Plan Priority (5%)*
- 3) *Implementation Plan (15%)*
- 4) *Project Budget/Sustainability (15%)*
- 5) *Coordination and Program Outreach (15%)*
- 6) *Cost Effectiveness and Performance Indicators (15%)*

Since Napa County currently has only one Community-based Transportation Plan in place, the first criterion has been assigned less weight. The greatest weight has been placed on documenting project need for one of Napa County's low income populations and the associated goals and objectives. Equal weighting has been assigned the remaining categories.

These evaluation criteria alone do not determine which projects are funded. As outlined in the *Program Guidelines*, additional criteria may be applied to determine the final list of recommended projects. Additional criteria include:

*Balance of Project Types:* The program aims to balance a variety of project types, not solely construction, operations or programs projects.

# LIFELINE APPLICATION

## Lifeline Program Cycle 3 Funding Application

**A. GENERAL PROJECT INFORMATION**

**1. Project Sponsor**

Name of the organization \_\_\_\_\_

Contact person \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Telephone number \_\_\_\_\_

Fax number \_\_\_\_\_

E-mail address \_\_\_\_\_

DUNS Number<sup>1</sup> \_\_\_\_\_

**2. Other Partner Agencies**

| Agency | Contact Person | Address | Telephone |
|--------|----------------|---------|-----------|
|        |                |         |           |

**3. Project Type: *Check one.***

Operating     Capital     Both

**4. Project Name:** \_\_\_\_\_

**5. Brief Description of Project (50 words max.):**

**6. Budget Summary:**

|                                       | Amount (\$) | % of Total Project Budget |
|---------------------------------------|-------------|---------------------------|
| Amount of Lifeline funding requested: |             |                           |
| Amount of local match proposed:       |             |                           |
| Total project budget:                 |             |                           |

**B. PROJECT ELIGIBILITY**

<sup>1</sup> Provide your organization's nine-digit Dun & Bradstreet (D&B) Data Universal Numbering System (DUNS) Number. To search for your agency's DUNS Number or to request a DUNS Number via the Web, visit the D&B website: <http://fedgov.dnb.com/webform>. To request a DUNS Number by phone, contact the D&B Government Customer Response Center at 1-866-705-5711.

Please demonstrate that your project is eligible for one or more of the Lifeline funding sources (State Transit Assistance (STA), Job Access Reverse Commute (JARC), or Surface Transportation Program (STP)). See Attachment C for additional information about each funding source.

For example: Our project provides shuttle service to the local job center in community of concern X during swing-shift hours. It was listed as a priority project in the X community-based transportation plan, and is found in the low-income component of the Bay Area's Coordinated Public Transit-Human Services Transportation Plan. While our service focuses on serving low-income residents of this community, the service is open to the general public.

Therefore, we believe our project is eligible for both STA and JARC funds.

### C. CIVIL RIGHTS

1. **Civil Rights Policy:** The following question is not scored. If the response is satisfactory, the applicant is eligible for Lifeline funds; if the response is not satisfactory, the applicant is not eligible.

Describe the organization's policy regarding Civil Rights (based on Title VI of the Civil Rights Act) and for ensuring that benefits of the project are distributed equitably among low income and minority population groups in the project's service area.

2. **Demographic Information:** The following two questions are for administrative purposes only and are not a factor in determining which projects are selected to receive an award. (Please contact your Lifeline Program Administrator for assistance if you do not have this demographic information readily available or visit <http://factfinder.census.gov>)

Does the proportion of minority people in the project's service area exceed 56 percent (i.e., the regional average minority population)?

Yes  No

Does the proportion of low-income people in the project's service area exceed 24 percent (i.e., the regional average low-income population)? Note: for this purpose, low-income is defined as 200 percent of the federal poverty level.

Yes  No

### D. PROJECT NARRATIVE

Please provide a narrative to describe the project addressing points #1-14 below:

#### Project Need/Goals and Objectives

1. Describe the unmet transportation need that the proposed project seeks to address and the relevant planning effort that documents the need. Describe how project activities will mitigate the transportation need. Describe the specific community this project will serve, and provide pertinent demographic data and/or maps.
2. What are the project's goals and objectives? Estimate the number of service units that will be provided (e.g., one-way trips, vehicle loans, bus shelters, persons trained). Estimate the number of low-income persons that will be served by this project per day, per quarter and/or per year (as applicable).

### Community-Identified Priority

3. Is the project identified in a completed community-based transportation plan (CBTP) and/or other substantive local planning effort involving focused outreach to low-income populations? Indicate the name and page numbers of the completed plan(s) where the project is identified. (For more information about CBTPs, visit <http://www.mtc.ca.gov/planning/cbtp/> and <http://www.mtc.ca.gov/planning/snapshot/>.)

Is the project identified in the Bay Area's Coordinated Public Transit-Human Services Transportation Plan (Coordinated Plan)? Please indicate page number where the project is identified, and whether it is found in the low income or the elderly and disabled component of the plan. The Coordinated Plan is found on-line <http://www.mtc.ca.gov/planning/pths/>.

4. Is the project located in the community in which the CBTP and/or other substantive local planning effort involving focused outreach to low-income populations was completed? If not, please include justification for applying the findings from the CBTP and/or other substantive local planning effort in another low-income area.
5. Describe how the project addresses a priority indicated in the CBTP and/or other substantive local planning effort involving focused outreach to low-income populations.

### Implementation Plan and Project Management Capacity

6. *For operating projects:* Provide an operational plan for delivering service. For fixed route projects, include a route map.

*For capital projects:* Provide an implementation plan for completing a capital project, including key milestones and estimated completion date.

7. Describe any proposed use of innovative approaches that will be employed for this project and their potential impact on project success.
8. Is the project ready to be implemented? What, if any, major issues need to be resolved prior to implementation?
9. Describe and provide evidence of your organization's ability to provide and manage the proposed project. Identify previous experience in providing and coordinating transportation or related services for low-income persons. Describe key personnel assigned to this project, and their qualifications.
10. Indicate whether your organization has been or is a current recipient of state or federal transportation funding. If your organization has previously received Lifeline funding, please indicate project name and grant cycle and briefly describe project progress/outcomes including the most recent service utilization rate.

### Coordination and Program Outreach

11. Describe how the project will be coordinated with public and/or private transportation providers, social service agencies, and private non-profit organizations serving low-income populations.
12. Describe how project sponsor will continue to involve key stakeholders throughout the project. Describe plans to market the project, and ways to promote public awareness of the program.

**Project Effectiveness**

13. Demonstrate how the proposed project is the most appropriate way in which to address the identified transportation need. Identify performance measures to track the effectiveness of the project in meeting the identified goals. At a minimum, performance measures for service-related projects would include: documentation of new “units” of service provided with the funding (e.g. number of trips, service hours, workshops held, car loans provided, etc.), cost per unit of service (e.g. cost per trip), and a quantitative summary of service delivery procedures employed for the project. For capital-related projects, milestones and reports on the status of project delivery should be identified.
14. Describe a plan for ongoing monitoring and evaluation of the service, and steps to be taken if original goals are not achieved.

**E. BUDGET**

**Project Budget/Sustainability**

1. Provide a detailed line-item budget describing each cost item including start-up, administration, operating and capital expenses, and evaluation in the format provided below. If the project is a multi-year project, detailed budget information must be provided for all years. Please show all sources of revenue, including anticipated fare box revenue.

The budget should be in the following format:

| <b>Revenue</b>                             | <b>Year 1</b> | <b>Year 2</b> | <b>Year 3</b> | <b>TOTAL</b> |
|--|---------------|---------------|---------------|--------------|
| Lifeline Program Funds                     |               |               |               | \$ -         |
| [Other Source of Funds]                    |               |               |               | \$ -         |
| [Other Source of Funds]                    |               |               |               | \$ -         |
| <b>TOTAL REVENUE</b>                       | \$ -          | \$ -          | \$ -          | \$ -         |
| <b>Expenditures</b>                        | <b>Year 1</b> | <b>Year 2</b> | <b>Year 3</b> | <b>TOTAL</b> |
| Operating Expenses (list by category)      |               |               |               | \$ -         |
| Capital Expenses (list by category)        |               |               |               | \$ -         |
| Administrative Expenses (list by category) |               |               |               | \$ -         |
| [Other Expense Category]                   |               |               |               | \$ -         |
| [Other Expense Category]                   |               |               |               | \$ -         |
| <b>TOTAL EXPENSES</b>                      | \$ -          | \$ -          | \$ -          | \$ -         |

Clearly specify the source of the required matching funds. Include letter(s) of commitment from all agencies contributing towards the match. If the project is multi-year, please provide letters of commitment for all years.

2. Describe efforts to identify potential funding sources for sustaining the service beyond the grant period if needed.

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Date: December 21, 2011  
W.I.: 1311  
Referred by: PAC

Attachment A  
MTC Resolution No. 4033  
Page 1 of 16

### **Third Cycle Lifeline Transportation Program Guidelines and Funding FY 2011 through FY 2013**

**Program Goals:** The Lifeline Transportation Program is intended to fund projects that result in improved mobility for low-income residents of the nine San Francisco Bay Area counties, and are expected to carry out the following regional Lifeline Program goals:

The Lifeline Program supports community-based transportation projects that:

- Are developed through a collaborative and inclusive planning process that includes broad partnerships among a variety of stakeholders such as public agencies, transit operators, community-based organizations and other community stakeholders, and outreach to underrepresented stakeholders.
- Improve a range of transportation choices by adding a variety of new or expanded services including but not limited to: enhanced fixed route transit services, shuttles, children's programs, taxi voucher programs, improved access to autos, and capital improvement projects.
- Address transportation gaps and/or barriers identified in Community-Based Transportation Plans (CBTP) or other substantive local planning efforts involving focused outreach to low-income populations. While preference will be given to community-based plan priorities, strategies emerging from countywide or regional welfare-to-work transportation plans, the Coordinated Public Transit-Human Services Transportation Plan or other documented assessment of need within the designated communities of concern will also be considered. Findings emerging from one or more CBTPs or other relevant planning efforts may also be applied to other low-income areas, or otherwise be directed to serve low-income constituencies within the county, as applicable.
- Transportation needs specific to elderly and disabled residents of low-income communities may also be considered when funding projects. Existing transportation services may also be eligible for funding.

**Program Administration:** The Lifeline Program will be administered by county congestion management agencies (CMAs) or other designated county-wide agencies as follows:

| County        | Lifeline Program Administrator                                     |
|---------------|--|
| Alameda       | Alameda County Transportation Commission                           |
| Contra Costa  | Contra Costa Transportation Authority                              |
| Marin         | Transportation Authority of Marin                                  |
| Napa          | Napa County Transportation Planning Agency                         |
| San Francisco | San Francisco County Transportation Authority                      |
| San Mateo     | City/County Association of Governments                             |
| Santa Clara   | Santa Clara Valley Transportation Authority and Santa Clara County |
| Solano        | Solano Transportation Authority                                    |
| Sonoma        | Sonoma County Transportation Authority                             |

Lifeline Program Administrators are responsible for soliciting applications for the Lifeline Program. This requires a full commitment to a broad, inclusive public involvement process and using multiple methods of public outreach. Methods of public outreach include, but are not limited to highlighting the program and application solicitation on the CMA website; sending targeted postcards and e-mails to local community-based organizations, city departments, and non-profit organizations (particularly those that have previously participated in local planning processes); and contacting local elected officials and their staffs. Further guidance for public involvement is contained in MTC’s Public Participation Plan.

For the selection of projects involving federal funds, Lifeline Program Administrators must also consider fair and equitable solicitation and selection of project candidates in accordance with federal Title VI requirements, i.e. funds must be distributed without regard to race, color, and national origin.

**Fund Availability:** Fund sources for the Third Cycle Lifeline Program (FY2010-2011 to FY2012-2013) include State Transit Assistance (STA), Proposition 1B - Transit funds, Job Access and Reverse Commute (JARC), and Surface Transportation Program (STP), as shown in Table A. Note that MTC may apply Congestion Mitigation and Air Quality Improvement (CMAQ) funds instead of STP to CMAQ-eligible projects, and references throughout these guidelines to “STP” should be considered as “STP or CMAQ”. Funding for STA, JARC<sup>1</sup>, and STP will be assigned to counties by each fund source, based on the county’s share of the regional poverty population consistent with the estimated distribution outlined in Table B. Note that the county shares were updated using 2010 census data which resulted in some shifts compared to previous Lifeline cycles. Lifeline Program Administrators will assign funds to eligible projects in their counties based on a competitive process to be conducted by the Lifeline Program Administrators in each county. Proposition 1B funding will be assigned by MTC directly to transit operators and counties based on a formula that distributes half of the funds according to the transit operators’ share of the regional low-income ridership and half of the funds according to the transit operators’ share of the regional low-income population. The formula distribution is shown in Table C. All funded projects must meet the eligibility requirements of the respective funding source. See Appendix 1 for detailed eligibility requirements by fund source.

<sup>1</sup> Consistent with federal JARC guidance, MTC may set aside up to five percent of the region's FY11, FY12 and FY13 JARC apportionments to fund administration, planning and technical assistance.

MTC will set aside up to \$1 million in STA funds toward the development and implementation of a regional means-based discount. In Phase 1 of the means-based discount project, MTC will develop the regional concept, including identifying who is eligible, costs, funding, relationship to other discounts, etc. MTC will convene a regional Technical Advisory Committee to assist with scope development and project oversight. Depending on the results of Phase 1, any remaining funds from the \$1 million set-aside will be used for implementation activities.

Multi-Year Programming: The Third Cycle Lifeline Transportation Program will cover a three-year programming cycle, FY2010-2011 to FY2012-2013.

Competitive Process: Projects must be selected through an open, competitive process with the following exceptions:

(1) In an effort to address the sustainability of fixed-route transit operations, Lifeline Program Administrators may elect to allocate some or all of their STA funds directly to transit operators for Lifeline transit operations within the county. Projects must be identified as Lifeline projects before transit operators can claim funds, and will be subject to Lifeline Program reporting requirements.

(2) In most cases, Proposition 1B Transit funds will be allocated directly to transit operators by MTC, due to the limited eligibility and uses of this fund source. Upon concurrence from the applicable governing board of the CMA, transit operators may program funds to any capital project that is consistent with the Lifeline Program and goals, and is eligible for this fund source. Transit operators are encouraged to consider needs throughout their service area. Projects must be identified as Lifeline projects before transit operators can claim funds, and, at the discretion of the Lifeline Program Administrators, may be subject to Lifeline Program reporting requirements. For Solano and Sonoma counties, Proposition 1B funds are being directed to the CMA, who should include these funds in the overall Lifeline programming effort (keeping in mind the limited sponsor and project eligibility of Proposition 1B funds).

Other exceptions may be considered by MTC on a case-by-case basis but must meet the guidelines/restrictions of the applicable fund sources. LPAs should contact MTC staff as early as possible for any exception requests.

Grant Application: To ensure a streamlined application process for project sponsors, a universal application form (or standard format and content for project proposals) will be used, but, with review and approval from MTC, may be modified as appropriate by the Lifeline Program Administrator for inclusion of county-specific grant requirements.

Applicants with multi-county projects must notify the relevant Lifeline Program Administrators and MTC about their intent to submit a multi-county project, and submit copies of their application to all of the relevant counties. If the counties have different application forms, the applicant can submit the same form to all counties, but should contact the Lifeline Program Administrators to determine the appropriate form. If the counties have different application deadlines, the applicant should adhere to the earliest deadline. The Lifeline Program Administrators will work together to score and rank the multi-county projects, and, if selected, to

determine appropriate funding. (Note: Multi-county operators with projects that are located in a single county need only apply to the county where the project is located.)

Program Match: The Lifeline Program requires a minimum local match of 20% of the total project cost; new Lifeline Transportation Program funds may cover a maximum of 80% of the total project cost.

There are two exceptions to the 20% match requirement:

(1) JARC operating projects require a 50% match. However, consistent with MTC's approach in previous funding cycles, Lifeline Program Administrators may use STA funds to cover the 30% difference for projects that are eligible for both JARC and STA funds.

(2) All auto-related projects require a 50% match.

Project sponsors may use certain federal or local funding sources (Transportation Development Act, operator controlled State Transit Assistance, local sales tax revenue, etc.) to meet the match requirement. The match may include a non-cash component such as donations, volunteer services, or in-kind contributions as long as the value of each is documented and supported, represents a cost that would otherwise be eligible under the program, and is included in the net project costs in the project budget.

For JARC projects, the local match can be *non*-Department of Transportation (DOT) federal funds. Eligible sources of non-DOT federal funds include: Temporary Assistance to Needy Families (TANF), Community Services Block Grants (CSBG) and Social Services Block Grants (SSBG) administered by the US Department of Health and Human Services or Community Development Block grants (CDBG) and HOPE VI grants administered by the US Department of Housing and Urban Development (HUD). Grant funds from private foundations may also be used to meet the match requirement.

Eligible Projects: Per the requirements set forth in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), projects selected for funding under the JARC program must be "derived from a locally developed, coordinated public transit-human services transportation plan", and the plan must be "developed through a process that includes representatives of public, private, and non-profit transportation and human services providers and participation by members of the public." A locally developed, coordinated, public transit-human services transportation plan ("coordinated plan") identified the transportation needs of individuals with disabilities, older adults, and people with low incomes, and provides strategies for meeting those local needs. The Bay Area's Coordinated Plan was adopted in December 2007 and is available at <http://www.mtc.ca.gov/planning/pths/>. The plan includes a low-income component and an elderly and disabled component.

Eligible operating projects, consistent with requirements of funding sources, may include (but are not limited to) new or enhanced fixed route transit services, restoration of lifeline-related transit services eliminated due to budget shortfalls, shuttles, children's transportation programs,

taxi voucher programs, improved access to autos, etc. See Appendix 1 for additional details about eligibility by funding source.

Eligible capital projects, consistent with requirements of funding sources, include (but are not limited to) purchase of vehicles; bus stop enhancements, including the provision of bus shelters, benches, lighting or sidewalk improvements at or near transit stops; rehabilitation, safety or modernization improvements; or other enhancements to improve transportation access for residents of low-income communities. See Appendix 1 for additional details about eligibility by funding source.

Eligible planning projects, consistent with requirements of funding sources, include (but are not limited to) planning assistance for updating Community-Based Transportation Plans (CBTP), consolidated transportation services planning, and bicycle and pedestrian planning projects. CBTP updates are eligible for STP funding provided the following conditions are met: 1) All of the previously identified CBTPs in the county have been completed<sup>2</sup>; 2) The county has identified a lead agency to update the status of existing plans, needs, and projects, and to track implementation of projects over time; 3) A county-led process involving multiple stakeholders has established a way to set priorities for plan updates within the county (e.g., oldest first, largest populations, highest percentage of implemented projects); 4) Communities getting plan updates must be identified as Communities of Concern (CoCs) as part of the Plan Bay Area process to have priority, but countywide updates will be considered in counties with either no CoCs or with more than two-thirds of the county low-income population residing outside designated CoCs. Counties may decide whether and/or how to prioritize CBTP updates over other eligible uses such as bicycle and pedestrian projects. See Appendix 1 for additional details about eligibility by funding source.

Transportation needs specific to elderly and disabled residents of low-income communities may also be considered when funding Lifeline projects.

Project Selection/Draft Program of Projects: MTC is the designated recipient for the Bay Area's large Urbanized Area (UA) funding apportionment of JARC funds. Caltrans is the designated recipient for California's small and non-UA funding apportionment of JARC funds. As the designated recipient, MTC is responsible for ensuring a competitive selection process to determine which projects should receive funding. For the large UA apportionment, the competitive selection is conducted on a county-wide basis. For the small and non-UA apportionment, the competitive selection is conducted by Caltrans.

For the MTC process, standard evaluation criteria will be used to assess and select projects. The six criteria include (1) project need/goals and objectives, (2) community-identified priority, (3) implementation plan and project management capacity, (4) coordination and program outreach, (5) cost-effectiveness and performance indicators, and (6) project budget/sustainability.<sup>3</sup>

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<sup>2</sup> Because funding has been available for completing the region's remaining CBTPs since 2008, counties who have not completed all of their existing plans will not be eligible for any plan update funds. MTC's expectation is that all CBTPs will be complete by the end of this cycle.

<sup>3</sup> For future cycles of the Lifeline Transportation Program, transit operations projects will need to be consistent with recommendations stemming from MTC's Transit Sustainability Project. See <http://www.mtc.ca.gov/planning/tsp/>

Lifeline Program Administrators may establish the weight to be assigned for each criterion in the assessment process.

Additional criteria may be added to a county program but should not replace or supplant the regional criteria. MTC staff will review the proposed county program criteria to ensure consistency and to facilitate coordination among county programs.

Each county will appoint a local review team of CMA staff, the local low-income or minority representative from MTC's Policy Advisory Council, and representatives of local stakeholders, such as, transit operators, other transportation providers, community-based organizations, social service agencies, and local jurisdictions, to score and select projects. Counties are strongly encouraged to appoint a diverse group of stakeholders for their local review team. Each county will assign local priorities for project selection.

In funding projects, preference will be given to strategies emerging from local CBTP processes or other substantive local planning efforts involving focused outreach to low-income populations. Projects included in countywide regional welfare-to-work transportation plans, the Coordinated Public Transit-Human Services Transportation Plan or other documented assessment of need within the designated communities of concern will also be considered. Findings emerging from one or more CBTPs or other relevant planning efforts may also be applied to other low-income areas, or otherwise be directed to serve low-income constituencies within the county, as applicable. Regional Lifeline funds should not supplant or replace existing sources of funds.

A full program of projects is due to MTC from each Lifeline Program Administrator on May 15, 2012. However, with state and federal funding uncertainties, sponsors with projects selected for FY2013 JARC funds should plan to defer the start of those projects until the funding is appropriated and secured. Lifeline Program Administrators, at their discretion, may opt to prioritize high scoring projects with FY2011 and FY2012 funds. MTC staff will work with Lifeline Program Administrators on this sequencing; more will be known about the FY2013 funds near the end of calendar year 2012.

**Project Delivery:** All projects funded under the county programs are subject to MTC obligation deadlines and project delivery requirements. STP funds are subject to all of the delivery requirements in MTC Res. 3606. All projects will be subject to a "use it or lose it" policy. Beginning this cycle, MTC is adding a project delivery requirement that project sponsors must expend the Lifeline Transportation funds within three years of the grant award or execution of subrecipient agreement with MTC, whichever is applicable.

**Policy Board Adoption:** Prior to the programming of funds to any project, MTC requires that the project sponsor adopt and submit a resolution of local support. Projects recommended for STA, JARC and STP funding must be submitted to and approved by the respective governing board of the Lifeline Program Administrator. Projects funded with Proposition 1B Transit funds must have concurrence from the applicable CMA; furthermore, Caltrans requires that Proposition 1B - Transit projects either be consistent with the project sponsor's most recent short-range transit plan (SRTP), as evidenced by attaching the relevant SRTP page to the allocation request, or be accompanied by a certified Board Resolution from the project sponsor's governing board. For all

funds, the appropriate governing board shall resolve that approved projects not only exemplify Lifeline Program goals, but that the local project sponsors understand and agree to meeting all project delivery, funding match and eligibility requirements, and obligation and reporting deadlines and requirements.

Project Oversight: For Lifeline projects funded by STA, JARC, and STP, Lifeline Program Administrators are responsible for programmatic and fiscal oversight, and for ensuring projects meet MTC obligation deadlines and project delivery requirements. In addition, Lifeline Program Administrators will ensure that projects substantially carry out the scope described in the grant applications for the period of performance, and are responsible for approving reimbursement requests, budget changes, and scope of work changes, prior to MTC's authorization. All scope changes must be fully explained and must demonstrate consistency with Lifeline Program goals. Any changes to JARC or STP funded projects must be reported to MTC and reconciled with FTA (or FHWA, as applicable for STP funds).

For projects funded by Proposition 1B, the Lifeline Program Administrators are encouraged to continue coordination efforts with the project sponsors if they feel that it would be beneficial toward meeting the Lifeline goals; however, this may not be necessary or beneficial for all Proposition 1B projects.

See appendix 1 for detailed accountability and reporting requirements by funding source.

As part of the Call for Projects, applicants will be asked to establish project goals, and to identify basic performance indicators to be collected in order to measure the effectiveness of the Lifeline projects. At a minimum, performance measures for service-related projects would include: documentation of new "units" of service provided with the funding (e.g., number of trips, service hours, workshops held, car loans provided), cost per unit of service, and a qualitative summary of service delivery procedures employed for the project. For capital projects, project sponsors are responsible for establishing milestones and reporting on the status of project delivery. For planning projects, project sponsors are responsible for establishing a schedule of deliverables related to the project. Project sponsors are responsible for satisfying all reporting requirements, as referenced in Appendix 1. Lifeline Program Administrators will forward all reports containing performance measures to MTC for review and overall monitoring of the Lifeline Transportation Program.

Fund Administration:

*For projects receiving JARC Funds:* MTC will enter all projects into the Transportation Improvement Program (TIP). For projects sponsored by non-Federal Transit Administration (FTA) grantees, e.g., nonprofits or other local government entities, MTC will enter projects into MTC's FTA grant planned to be submitted in fall 2012. Following FTA approval of the grant, MTC will enter into funding agreements with subrecipients. Transit operators who are FTA grantees will act as direct recipients, and will submit grant applications to FTA directly. MTC reserves the right to reprogram funds if direct recipients fail to obligate the funds through grant submittal and FTA approval within 12 months of program approval. See Appendix 2 for federal compliance requirements.

*For projects receiving STA funds:* For transit operators receiving STA funds, MTC will allocate funds directly through the annual STA claims process. For other STA eligible projects administered by sponsors who are not STA eligible recipients, the project sponsor is responsible for identifying a local transit operator who will act as a pass-through for the STA funds, and will likely seek to enter into a funding agreement directly with the project sponsor.

*For projects receiving Proposition 1B Transit Funds:* Project sponsors receiving Proposition 1B funds must submit a Proposition 1B application to MTC for submittal to Caltrans with prior review by MTC. The estimated due date to Caltrans is June 1, 2012. The state will distribute funds directly to the project sponsor. Note that although the Proposition 1B Transit Program is intended to be an advance-payment program, actual disbursement of funds is dependent on the State budget and State bond sales.

*For projects receiving STP funds:* Projects must comply with the provisions of the Cycle 2 STP/CMAQ programming guidelines and program adoption, and project sponsors must submit a Local Resolution of Support (template located on MTC's Website at: <http://www.mtc.ca.gov/funding/STPCMAQ/>) meet all of the delivery requirements in MTC Resolution 3606 (located on MTC's Website at: <http://www.mtc.ca.gov/funding/delivery/>) and STP funds must be obligated by the Federal Highway Administration (FHWA) or transferred to FTA by April 30, 2014. Furthermore, the following provisions apply accordingly:

- Transit operators who are FTA grantees will act as direct recipients, and will enter projects into the TIP, request FHWA transfers through Caltrans and submit grant applications to FTA directly. MTC reserves the right to reprogram funds if direct recipients fail to obligate the funds through grant submittal and FTA approval within 18 months of MTC approval of the project.
- For non-FTA grantees with transit projects, the CMA (or appropriate agency) will enter projects into the TIP, request a transfer of funds from FHWA to FTA, and include the projects into an FTA grant for submittal in spring 2013. Following FTA approval of the grant, the CMA or appropriate agency will execute funding agreements with the implementing entity.
- Local non-transit agencies with non-transit projects (e.g., planning, bicycle, and pedestrian projects) will receive the funding directly, and will enter projects into the TIP and submit obligation/authorization requests through Caltrans to FHWA. (See Appendix 2 for federal compliance requirements.)

Timeline Summary

| <b>Program</b>      | <b>Action</b>  | <b>Date</b>   |
|---------------------|--|---|
| JARC/STA/STP        | MTC issues guidelines to counties  | December 21, 2011                                       |
| Prop 1B             | Transit operators submit draft project lists to CMAs   | February 15, 2012                                       |
| Prop 1B             | Allocation requests due to MTC (concurrence from the CMA is required)                                      | April 11, 2012  |
| Prop 1B             | MTC & transit operators submit TIP amendments  | End of April – Deadline TBD                             |
| <b>Prop 1B</b>      | <b>Commission approval of Prop 1B projects</b>   | <b>May 23, 2012</b>                                     |
| Prop 1B             | MTC submits FY11 request to Caltrans   | June 1, 2012  |
| JARC/STA/STP        | Board-approved programs due to MTC from CMAs   | May 15, 2012  |
| JARC/STA/STP        | MTC and transit operators submit TIP Amendments  | June/July 2012 – Deadline TBD                           |
| <b>JARC/STA/STP</b> | <b>Commission approval of Program of Projects</b>  | <b>June 27, 2012</b>                                    |
| STA                 | Operators can file claims for FY12 and FY13  | After Commission Approval                               |
| JARC                | MTC and transit operators submit FTA grants with FY11 and FY12 JARC projects                               | November/December 2012<br>(following TIP approval)      |
| JARC                | FY11 and FY12 JARC-funded project sponsors enter into funding agreements                                   | January/February 2013<br>(following FTA grant approval) |
| JARC/STP            | MTC confirms availability of FY13 funds; MTC and transit operators submit TIP Amendments for FY13 projects | Winter/Spring 2013 (est.)                               |
| JARC/STP            | MTC and transit operators submit FTA grant or FHWA obligation request with FY13 projects                   | Spring/Summer 2013<br>(following TIP approval)          |
| JARC/STP            | FY13 project sponsors enter into funding agreements (if applicable)  | Summer/Fall 2013<br>(following FTA grant approval)      |
| STP                 | Deadline for STP funds to be obligated or transferred to FTA   | April 30, 2014  |

**Table A – Lifeline Transportation Program  
Third Cycle Funding  
FY2010-11 through FY2012-13**

| Fund Source          | FY2011 Actual           | FY2012 Estimate      | FY2013 Estimate      | Total                |
|----------------------|-------------------------|----------------------|----------------------|----------------------|
|                      | (Programmed in Cycle 2) |                      |                      |                      |
| STA <sup>1</sup>     |                         | \$ 11,673,561        | \$ 11,907,032        | \$ 23,580,593        |
| Prop 1B <sup>2</sup> | \$ 46,519,967           | -                    | -                    | \$ 46,519,967        |
| JARC <sup>3</sup>    | \$ 2,562,648            | \$ 2,562,648         | \$ 2,562,648         | \$ 7,687,944         |
| STP <sup>4</sup>     | \$ -                    | \$ -                 | \$ 8,971,587         | \$ 8,971,587         |
| <b>Total</b>         | <b>\$ 49,082,615</b>    | <b>\$ 14,236,209</b> | <b>\$ 23,441,267</b> | <b>\$ 86,760,091</b> |

Notes:

- (1) FY2011 STA Funds were programmed in Cycle 2. The FY2011-12 STA Estimates reflect the \$413.2 million in the FY2011-12 State Budget. The FY2012-13 STA estimates assume 2% growth.
- (2) FY2011 Prop 1B appropriations represent three years of funding.
- (3) Consistent with federal JARC guidance, MTC may set aside five percent of the region's FY11, FY12 and FY13 apportionment to fund administration, planning and technical assistance. Amounts shown here are prior to any MTC set-aside.
- (4) STP funds are available to the Lifeline Program starting in FY13, as part of MTC's "Resolution 3814 payback" being implemented in the 2nd cycle STP/CMAQ program (proposed One Bay Area Grants). Note that MTC may apply Congestion Mitigation and Air Quality Improvement (CMAQ) funds instead of STP to CMAQ-eligible projects, and references to "STP" should be considered as "STP or CMAQ."

**Table B – Estimated Funding Target by Fund Source per County**

| County<br>& Share of Regional Low Income Population      | FY2011           |                   | FY2012            |                   | FY2013            |                   | Total             |
|--|------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
|  | STA <sup>1</sup> | JARC <sup>2</sup> | STA               | JARC <sup>2</sup> | STA               | JARC <sup>2</sup> |                   |
| Alameda  | 23.7%            | 685,806           | 2,653,456         | 685,806           | 2,708,899         | 685,806           | 9,550,312         |
| Contra Costa   | 13.4%            | 387,331           | 1,498,625         | 387,331           | 1,529,939         | 387,331           | 5,393,849         |
| Marin  | 2.6%             | 75,235            | 291,094           | 75,235            | 297,176           | 75,235            | 1,047,704         |
| Napa   | 2.2%             | -                 | 245,095           | -                 | 250,216           | -                 | 692,105           |
| San Francisco  | 13.1%            | 378,258           | 1,463,520         | 378,258           | 1,494,100         | 378,258           | 5,267,499         |
| San Mateo  | 7.6%             | 218,838           | 846,709           | 218,838           | 864,401           | 218,838           | 3,047,472         |
| Santa Clara  | 23.7%            | 561,175           | 2,650,265         | 561,175           | 2,705,643         | 561,175           | 9,167,409         |
| Solano   | 5.8%             | -                 | 649,332           | -                 | 662,900           | -                 | 1,833,601         |
| Sonoma   | 7.8%             | 127,873           | 875,465           | 127,873           | 893,757           | 127,873           | 2,855,777         |
| MTC - Means-Based Discount Project                       |                  | -                 | 500,000           | -                 | 500,000           | -                 | 1,000,000         |
| MTC - Admin. Planning, Technical Assistance <sup>2</sup> |                  | 128,132           | -                 | 128,132           | -                 | 128,132           | 384,397           |
| <b>Total</b>   | <b>100.0%</b>    | <b>2,562,648</b>  | <b>11,673,561</b> | <b>2,562,648</b>  | <b>11,907,032</b> | <b>2,562,648</b>  | <b>40,240,123</b> |

(1) FY2011 STA Funds were programmed in Cycle 2  
 (2) Consistent with federal JARC guidance, MTC will set aside five percent of the region's FY11, FY12 and FY13 apportionment to fund administration, planning and technical assistance  
 (3) STP funds are available to the Lifeline Program starting in FY13, as part of MTC's "Resolution 3814 payback" being implemented in the 2nd cycle STP/CMAQ program (proposed One Bay Area Grants). Note that MTC may apply Congestion Mitigation and Air Quality Improvement (CMAQ) funds instead of STP to CMAQ-eligible projects, and references to "STP" should be considered as "STP or CMAQ."

**Table C – Estimated Funding Target for Proposition 1B Transit Funds per Transit Operator and County**

| Transit Operator & Hybrid Formula (Share of Regional Low Income Ridership & Share of Regional Low Income Population) <sup>2</sup> | Prop 1B <sup>1</sup> |          | Total             |
|---|----------------------|----------|-------------------|
|   | FY2011               | FY2012   |                   |
| AC Transit  | 8,403,487            | -        | 8,403,487         |
| BART  | 8,173,010            | -        | 8,173,010         |
| County Connection (CCCTA)   | 484,534              | -        | 484,534           |
| Golden Gate Transit/Marin Transit   | 1,477,729            | -        | 1,477,729         |
| Wheels (LAVTA)  | 240,910              | -        | 240,910           |
| Muni (SFMTA)  | 11,723,430           | -        | 11,723,430        |
| SamTrans  | 2,272,697            | -        | 2,272,697         |
| Tri Delta Transit (ECCTA)   | 327,019              | -        | 327,019           |
| VINE (NCTPA)  | 597,647              | -        | 597,647           |
| VTA   | 9,186,049            | -        | 9,186,049         |
| WestCat (WCCTA)   | 147,335              | -        | 147,335           |
| Solano County Operators   | 1,547,328            | -        | 1,547,328         |
| Sonoma County Operators   | 1,938,791            | -        | 1,938,791         |
| <b>Total</b>  | <b>46,519,967</b>    | <b>-</b> | <b>46,519,967</b> |

(1) FY2011 Prop 1B appropriations represent three years of funding.  
 (2) Only transit operators who have previously received Proposition 1B Lifeline funds are included in the formula distribution

Appendix 1  
Lifetime Transportation Program Third Cycle Funding

Funding Source Information

|                               | <b>State Transit Assistance (STA)</b><br>To improve existing public transportation services and encourage regional transportation coordination<br><a href="http://www.dot.ca.gov/hq/MassTrans/Docs-Pdfs/TDA2007Work.pdf">http://www.dot.ca.gov/hq/MassTrans/Docs-Pdfs/TDA2007Work.pdf</a>  | <b>Proposition 1B – Transit</b><br>To help advance the State's goals of providing mobility choices for all residents, reducing congestion, and protecting the environment<br><a href="http://www.mtc.ca.gov/funding/infrastructure/PTMISEA_12-05-07.PDF">www.mtc.ca.gov/funding/infrastructure/PTMISEA_12-05-07.PDF</a>  | <b>Job Access and Reverse Commute (JARC)</b><br>To improve access to transportation services to employment and related activities for welfare recipients and eligible low-income individuals<br><a href="http://www.fta.dot.gov/documents/FTA_C_9050.1_JARC.pdf">www.fta.dot.gov/documents/FTA_C_9050.1_JARC.pdf</a>  | <b>Surface Transportation Program (STP)</b><br>To fund highway improvements, including projects on eligible public roads, transit capital projects, and intracity/intercity bus terminals and facilities.<br><a href="http://www.fhwa.dot.gov/programadmin/13005.cfm">http://www.fhwa.dot.gov/programadmin/13005.cfm</a>   |
|-------------------------------|--|--|---|--|
| <b>Purpose of Fund Source</b> | To improve existing public transportation services and encourage regional transportation coordination  | To help advance the State's goals of providing mobility choices for all residents, reducing congestion, and protecting the environment   | To improve access to transportation services to employment and related activities for welfare recipients and eligible low-income individuals  | To fund highway improvements, including projects on eligible public roads, transit capital projects, and intracity/intercity bus terminals and facilities.   |
| <b>Detailed Guidelines</b>    | <a href="http://www.dot.ca.gov/hq/MassTrans/Docs-Pdfs/TDA2007Work.pdf">http://www.dot.ca.gov/hq/MassTrans/Docs-Pdfs/TDA2007Work.pdf</a>  | <a href="http://www.mtc.ca.gov/funding/infrastructure/PTMISEA_12-05-07.PDF">www.mtc.ca.gov/funding/infrastructure/PTMISEA_12-05-07.PDF</a>   | <a href="http://www.fta.dot.gov/documents/FTA_C_9050.1_JARC.pdf">www.fta.dot.gov/documents/FTA_C_9050.1_JARC.pdf</a>  | <a href="http://www.fhwa.dot.gov/programadmin/13005.cfm">http://www.fhwa.dot.gov/programadmin/13005.cfm</a>  |
| <b>Use of Funds</b>           | For public transportation purposes including community transit services  | For public transportation purposes   | For transportation services that meet the transportation needs of low-income persons  | For public transportation purposes   |
| <b>Eligible Recipients</b>    | <ul style="list-style-type: none"> <li>▪ Transit operators</li> <li>▪ Cities and Counties if eligible to claim TDA</li> <li>▪ MTC for regional coordination</li> <li>▪ Other entities, under an agreement with an eligible recipient</li> </ul>  | Transit operators or local agencies that are eligible to receive STA funds, as listed by State Controller's Office   | <ul style="list-style-type: none"> <li>▪ Operators of public transportation services, including private operators of public transportation services</li> <li>▪ Private non-profit organizations</li> <li>▪ State or local governmental authority</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Operators of public transportation services.</li> <li>▪ State or local governmental authority</li> </ul>  |
| <b>Eligible Projects</b>      | <b>Transit Capital and Operations</b> , including: <ul style="list-style-type: none"> <li>▪ New, continued or expanded fixed-route service</li> <li>▪ Purchase of vehicles</li> <li>▪ Shuttle service if available for use by the general public</li> <li>▪ Purchase of technology (i.e. GPS, other ITS applications)</li> <li>▪ Capital projects such as bus stop improvements, including bus benches, shelters, etc.</li> <li>▪ Various elements of mobility management, if consistent with STA program purpose and allowable use. These may include planning, coordinating, capital or operating activities.</li> </ul> | <b>Transit Capital</b> (including a minimum operable segment of a project) for: <ul style="list-style-type: none"> <li>▪ Rehab, safety, or modernization improvements</li> <li>▪ Capital service enhancements or expansions</li> <li>▪ New capital projects</li> <li>▪ Bus rapid transit improvements</li> <li>▪ Rolling stock procurement, rehab, or replacements</li> </ul> Projects must be consistent with most recently adopted short-range transit plan or other publicly adopted plan that includes transit capital improvements. | <b>Capital and Operating projects</b> including: <ul style="list-style-type: none"> <li>▪ Services (e.g. late-night &amp; weekend, shuttles)</li> <li>▪ Ridesharing and carpooling</li> <li>▪ Transit-related aspects of bicycling</li> <li>▪ Local car loan programs</li> <li>▪ Marketing</li> <li>▪ Certain pedestrian and bicycle projects</li> <li>▪ Administration and expenses for voucher programs</li> <li>▪ ITS, AVL, etc. for improving scheduling and dispatch</li> <li>▪ Mobility management</li> </ul> Projects must be derived from the regionally-adopted Coordinated Public Transit-Human Services Transportation Plan. | <b>Capital and Planning projects</b> including: <ul style="list-style-type: none"> <li>▪ Public transit capital improvements</li> <li>▪ Rehab, safety, or modernization improvements</li> <li>▪ Pedestrian and bicycle facilities</li> <li>▪ Transportation planning activities</li> <li>▪ Community-Based Transportation Plan updates</li> <li>▪ Consolidated transportation services planning</li> </ul> |

|  | State Transit Assistance (STA)   | Proposition 1B – Transit   | Job Access and Reverse Commute (JARC)   | Surface Transportation Program (STP)   |
|--|--|--|---|--|
| <b>Lifeline Program Local Match</b>                                  | 20%  | 20%  | <ul style="list-style-type: none"> <li>50% for operating projects (may use STA funds to cover up to 30% if project is eligible for both JARC and STA)</li> <li>50% for auto projects</li> <li>20% for capital projects</li> </ul>   | 20%  |
| <b>Estimated timing for availability of funds to project sponsor</b> | <ul style="list-style-type: none"> <li>Transit operators and eligible cities and counties can initiate claims for FY12 and FY13 funds immediately following MTC approval of program of projects for current fiscal year funds.</li> <li>For “other entities”, the eligible recipient acting as fiscal agent will initiate a funding agreement following MTC approval of program of projects. Funds will be available on a reimbursement basis after execution of the agreement.</li> </ul>   | Project sponsors must submit a Proposition 1B application to MTC for submittal to Caltrans by April 11, 2012. Disbursement timing depends on bond sales.   | <p>For FY11 and FY12 funds, following MTC approval of the program of projects, there will be a 3-6 month process of entering projects in the TIP, applying for the FTA grant. FTA review and award. Following FTA award, there will be an additional 3 month process of entering into funding agreements with the non-FTA recipient project sponsors. Funds will be available on a reimbursement basis after execution of agreements. For FY13 funds, the 6-9 month process of entering projects in the TIP, applying for the FTA grant, and entering into funding agreements will start as soon as the funds are appropriated and secured (approximately Spring 2013).</p> | <p>For transit projects: After approval by the Commission, the sponsor will enter projects in the TIP, apply to FHWA for a funds transfer to FTA, apply for the FTA grant. FTA review and award. Following FTA award, there will be an additional process of entering into funding agreements with the non-FTA recipient project sponsors. Funds will be available on a reimbursement basis after execution of agreements.</p> <p>For local agencies with non-transit projects (e.g., bicycle and pedestrian facilities): After project approval by the MTC Commission, the sponsor will enter projects in the TIP, followed by submitting the obligation requests to FHWA. Project sponsors cannot spend STP funds until after they receive FHWA authorization.</p> |
| <b>Accountability &amp; Reporting Requirements</b>                   | <ul style="list-style-type: none"> <li>Transit operators and eligible cities and counties must submit annual performance (i.e., ridership) statistics for the project, first to Lifeline Program Administrators for review, and then to MTC along with annual claim.</li> <li>Depending on the arrangement with the pass-through agency, “other entities” will likely submit quarterly performance reports with invoices, first to the pass-through agency for reimbursement, and then to Lifeline Program Administrators for review.</li> </ul> | <p>Using designated Caltrans forms, project sponsors are required to submit project activities and progress reports to the state every six months, as well as a project close-out form. Caltrans will track and publicize progress via their website.</p> <p>Project sponsor will not be required to submit progress reports to the Lifeline Program Administrator unless the LPA believes that county-level project monitoring would be beneficial.</p> | <p>Non-FTA recipient sponsors will submit quarterly performance reports with invoices, first to Lifeline Program Administrators for review, and then to MTC for reimbursement. Non-FTA recipient sponsors will also submit FTA VI reports annually to MTC, and are subject to Title VI monitoring. FTA recipients are responsible for following all applicable federal requirements for preparing and maintaining their JARC grants. All project sponsors will submit annual JARC reporting information to MTC.</p>   | <p>Non-FTA recipient sponsors will submit quarterly performance reports with invoices, first to Lifeline Program Administrators for review, and then to MTC for reimbursement. Non-FTA recipient sponsors will also submit FTA Certifications and Assurances and Title VI reports annually to MTC, and are subject to Title VI monitoring. FTA recipients are responsible for following all applicable federal requirements for preparing and maintaining their STP grants. All project sponsors will submit annual STP reporting information to MTC.</p>  |

Note: Information on this chart is accurate as of December 2011. MTC will strive to make Lifeline Program Administrators aware of any changes to fund source guidelines that may be enacted by the appropriating agencies (i.e. State of California, Federal Transit Administration).

## **Appendix 2 Lifeline Transportation Program Third Cycle Funding**

### **Compliance with Federal Requirements for Job Access and Reverse Commute (JARC) and Surface Transportation Program (STP) Funds**

Applicants should be prepared to abide by all applicable federal requirements as specified in 49 U.S.C. Section 5316, FTA Circulars C 9050.1 and 4702.1A, the most current FTA Master Agreement MA(13), and the most current Certifications and Assurances for FTA Assistance Programs.

MTC includes language regarding these federal requirements in its funding agreements with subrecipients and requires each subrecipient to execute a certification of compliance with the relevant federal requirements. Subrecipient certifications are required of the subrecipient prior to the execution of a funding agreement by MTC and annually thereafter when FTA publishes the annual list of certifications and assurances.

Direct recipients are responsible for adhering to FTA requirements through their agreements and grants with FTA directly.

#### **Title VI of the Civil Rights Act**

In connection with MTC's Title VI monitoring obligations, as outlined in FTA Circular 4702.1A (Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients), applicants will be required to provide the following information in the grant application:

- a. The organization's policy regarding Civil Rights (based on Title VI of the Civil Rights Act) and for ensuring that benefits of the project are distributed equitably among low-income and minority population groups in the project's service area.
- b. Information on whether the project will provide assistance to predominately minority and low-income populations. (Projects are classified as providing service to predominately minority and low-income populations if the proportion of minority and low-income people in the project's service area exceeds the regional average minority and low-income population.)

In order to document that federal funds are passed through without regard to race, color or national origin, and to document that minority populations are not being denied the benefits of or excluded from participation in the Lifeline Transportation Program, MTC will keep a record of applications submitted for Lifeline funding. MTC's records will identify those applicants that would use grant program funds to provide assistance to predominately minority and low-income populations and indicate whether those applicants were accepted or rejected for funding.

MTC requires that all JARC and STP subrecipients submit all appropriate FTA certifications and assurances to MTC prior to funding agreement execution and annually thereafter when FTA publishes the annual list of certifications and assurances. MTC will not execute any funding agreements prior to having received these items from the selected subrecipients. MTC, within its administration, planning, and technical assistance capacity, also will comply with all appropriate certifications and assurances for FTA assistance programs and will submit this information to the FTA as required.

The certifications and assurances pertaining to civil rights include:

1. Nondiscrimination Assurances in Accordance with the Civil Rights Act
2. Documentation Pertaining to Civil Rights Lawsuits and Complaints

Nondiscrimination assurances included above involve the prohibition of discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibit discrimination in employment or business opportunity, as specified by 49 U.S.C. 5332 (otherwise known as Title VI of the Civil Rights Act of 1964O, as amended (42 U.S.C. 2000d et seq.) and U.S. DOT regulations, *Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act*, 49 C.F.R. Part 21. By complying

with the Civil Rights Act, no person, on the basis of race, color, national origin, creed, sex, or age, will be excluded from participation in, be denied the benefits of any program for which the subrecipient receives federal funding via MTC.

As a condition of receiving JARC and STP funds, subrecipients must comply with the requirements of the US Department of Transportation's Title VI regulations. The purpose of Title VI is to ensure that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Subrecipients are also responsible for ensuring compliance of each third party contractor at any tier of the project.

Subrecipients must develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public upon request. In order to reduce the administrative burden associated with this requirement, subrecipients may adopt the Title VI complaint investigation and tracking procedures developed by MTC.

Subrecipients must prepare and maintain a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the subrecipient that allege discrimination on the basis of race, color, or national origin. This list shall include the date, summary of allegations, current status, and actions taken by the subrecipient in response to the investigation, lawsuit, or complaint.

Subrecipients must provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. Subrecipients that provide transit service shall disseminate this information to the public through measures that can include but shall not be limited to a posting on the agency's Web site.

All successful subrecipients must submit compliance reports to MTC. The following contents will be required with the submission of the standard agreement and annually thereafter with the submission of the annual FTA certifications and assurances:

1. A summary of public outreach and involvement activities undertaken and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities.
2. A copy of the subrecipient's plan for providing language assistance for persons with limited English proficiency (LEP) that was based on the DOT LEP Guidance or a copy of the agency's alternative framework for providing language assistance.
3. A copy of the subrecipient procedures for tracking and investigating Title VI complaints.
4. A list of any Title VI investigations, complaints, or lawsuits filed with the subrecipient. This list should include only those investigations, complaints, or lawsuits that pertain to the subrecipient submitting the report, not necessarily the larger agency or department of which the entity is a part.
5. A copy of the subrecipient's notice to the public that it complies with Title VI and instructions to the public on how to file a discrimination complaint.

The first compliance report, submitted with the standard agreement, must contain all of the contents listed above. If, prior to the deadline for subsequent compliance reports, the subrecipient has not altered items 2, 3 and 5 above (its language assistance policies, procedures for tracking and investigating a Title VI complaint, or its notice to the public that it complies with Title VI and instructions to the public on how to file a Title VI complaint), the subrecipient should submit a statement to this effect in lieu of copies of the original documents. The annual compliance report should include an update on items 1 and 4.

Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS)

JARC and STP recipients/subrecipients will be required to have a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number and provide it during the application process.<sup>4</sup> A DUNS number may be obtained from D&B by telephone (866-705-5711) or the Internet (<http://fedgov.dnb.com/webform>).

Role of Recipients/Subrecipients: JARC and STP recipients/subrecipients' responsibilities include:

- For direct recipients (transit operators who are FTA grantees), submitting a grant application to FTA and carrying out the terms of the grant;
- Meeting program requirements and grant/funding agreements requirements including, but not limited to, Title VI reporting requirements;
- Making best efforts to execute selected projects; and
- Complying with other applicable local, state, and federal requirements.

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<sup>4</sup> A Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number is a unique, non-indicative 9-digit identifier issued and maintained by D&B that verifies the existence of a business entity. The DUNS number is a universal identifier required for Federal financial assistance applicants, as well as recipients and their direct subrecipients.



February 15, 2012  
NCTPA Agenda Item 11.2  
Continued From: New  
**Action Requested: APPROVE**

## NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter

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**TO:** Board of Directors  
**FROM:** Paul W. Price, Executive Director  
**REPORT BY:** Antonio Onorato, Manager of Finance  
(707) 259-8779 / Email: [anonorato@nctpa.net](mailto:anonorato@nctpa.net)  
**SUBJECT:** Advanced Farebox System Consultant Services

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### **RECOMMENDATION**

Authorize the Executive Director to negotiate and execute a fixed fee contract with Auriga Corporation for the amount up to \$65,550 to perform a needs assessment and develop functional requirements for the replacement of VINE Transit's (including AmCan Transit, Yountville Trolley, St. Helena Shuttle, Calistoga Shuttle, and VINE Go) bus fare collection system (Phase I). Additionally, to authorize an option in the amount of \$86,500 to provide support services in support of procurement, installation, and testing of such equipment (Phase II) for a maximum amount not to exceed \$152,050.

### **COMMITTEE RECOMMENDATION**

None.

### **EXECUTIVE SUMMARY**

VINE Transit's current bus fare collection system was procured in the late 1980's. These fareboxes are obsolete, and the software as well as the hardware has exceeded its useful life. NCTPA has experienced great difficulty in procuring spare parts for some system components and the reporting is unreliable. The fare boxes do not properly account for currency greater than \$1.00 bills, do not support electronic payments, and do not provide needed management information on fare programs such the Summer Youth program or special promotions. NCTPA/VINE Transit needs to replace these fareboxes to meet current fare collection requirements.

With the increasing prevalence of electronic payments in all areas of the economy, VINE Transit needs to prepare for accepting such payments throughout its transit system. As VINE moves towards acceptance of electronic payments and other technologies, it has the opportunity to increase the quantity and quality of information with respect to fare payments, thereby improving revenue control and enhancing its ability to design fare programs that are responsive to rider needs.

### **PROCEDURAL REQUIREMENTS**

1. Staff Report
2. Public Comment
3. Motion, Second, Discussion and Vote

### **FINANCIAL IMPACT**

Is there a fiscal impact? Yes- up to \$152,050 for this contract.

Is it Currently Budgeted? Yes.

Where is it budgeted? FY2011/12 NCTPA budget- Fund 2100- LTF Transit Capital

Is it Mandatory or Discretionary? Discretionary

Future Fiscal Impact: Yes. Contract deliverables will lead to the purchase of new fareboxes in the amount up to \$850,000. Proposition 1B funds will be used for the purchase of fareboxes. An application for new fareboxes was sent to Caltrans in January 2011 and is currently waiting funding. Funding is expected to occur in 2012.

Consequences if not approved: Agency will continue to use current obsolete fareboxes.

### **CEQA REQUIREMENTS**

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action, which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

### **BACKGROUND AND DISCUSSION**

A Request for Proposals (RFP) for Advanced Farebox System Consultant Services was issued on November 21, 2011. A pre-proposal meeting was held on December 8, 2011 and attended by representatives of one firm. On January 5, 2012 NCTPA received one proposal from Auriga Corporation of Milpitas, California.

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A review panel composed of the NCTPA's Executive Director, Manager of Finance, Transit Manager, General Manager and Maintenance at Veolia reviewed the single proposal. Since multiple bids were not received, the evaluation criteria were based upon minimum qualifications of the firm from the written proposal. The review panel determined Auriga Corporation met the minimum qualifications of the RFP.

A cost and price analysis was performed (see attachment) on Auriga Corporation. The cost data provided by the consultant have been determined to be appropriate and reasonable for the work to be performed. A price analysis concluded Auriga's hourly consulting rate is also reasonable.

Auriga has extensive experience with similar projects in California, notably with Valley Transportation Authority, SamTrans, and Fresno Area Express. Auriga's headquarters in Milpitas should allow for easy arrangements of meetings and appointments. Auriga is also a certified Disadvantaged Business Enterprise.

The initial contract will commit funds for Phase I work in the amount of up to \$65,550, with an option for Phase II activities in the amount of up to \$86,500 for a potential contract amount of \$152,050.

### **SUPPORTING DOCUMENTS**

Attachments: (1) Cost and Price Analysis Worksheet  
(2) Cost and Price Analysis

PRICE AND COST ANALYSIS WORKSHEET

The following worksheet is provided to ensure that appropriate documentation is obtained to support the proposed budget or quotation. This support documentation is required in accordance with Federal and State regulations. FAILURE TO PROVIDE THIS INFORMATION MAY DELAY ISSUANCE OF THE SUBCONTRACT OR CONTRACTUAL SERVICES CONTRACT. Simply restating a budget in detail is not sufficient. Please contact the Procurement Officer if you have questions about this worksheet.

**Vendor: Auriga Corporation**

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**Price Analysis** was conducted based on one or more of the following (attach documentation).

Written quotations from 2 or more vendors.

Documented quotations; indicate the name of the contact person, phone number and other pertinent information.

Published price lists from 2 or more vendors.

Previous purchases by NCTPA of same or similar item(s) from this or another vendor (attach copies of applicable quotations, bids, or purchase orders).

Previous purchases by others of same or similar item(s) from this vendor (attach copies of applicable quotations, bids, or purchase orders)

Comparison to in-house estimate (attach estimate).

**Cost Analysis** was conducted based on one or more of the following (attach documentation):

**Salaries/Wages:** Attach supporting documentation of the individual's actual base rate. If the proposed rate includes an escalation factor, identify that factor and attach the consultant's justification for its inclusion. Attach the consultant's justification for direct charging of administrative or clerical personnel. Support documentation for salaries and wages may include copies of payroll forms or reports. If such documentation is not available, the following certification signed by an authorized representative of the subcontractor will be required: "The salary and wage information provided is true and correct and represents the current and actual base rate of each individual proposed."

**Fringe Benefits:** Attach supporting documentation for fringe benefits. Support documentation for fringe benefits may include a copy of the federally-negotiated fringe benefit rate agreement or a copy of the published rates. If such documentation is not available, the following certification signed by an authorized representative of the subcontractor will be required: "The fringe benefit information provided is true and correct and represents the current and actual fringe benefits of each individual proposed."

**Consultants:** Identify the name, rate and number of hours/days for each consultant. Determine that the purpose and cost are appropriate. Attach supporting documentation for the rates used. Attach written justification for rates exceeding the federally authorized rate. Supporting documentation for consultant rates may include a copy of the consultant's published rates or a statement signed by the consultant indicating the rate normally charged for the services provided.

**ATTACHMENT 1**  
**Agenda Item 11.2**  
**February 15, 2012**

\_\_\_\_\_ **Travel:** For each trip, provide the cost elements proposed for air fare, hotel, per diem, etc., as well as the purpose of the trip. Attach supporting documentation. Support documentation for travel costs may include a copy of the consultants current travel policy and procedures or a statement signed by an authorized representative that states that the costs or rates proposed for travel do not exceed current NCTPA travel policies.

\_\_\_\_\_ **Materials and Supplies:** Attach supporting documentation for items with unit costs of \$500 or more. Attach justification for direct charging items such as office supplies, postage, local telephone costs, and memberships that are normally treated as indirect costs. Support documentation for materials and supplies with unit costs exceeding \$500 may include copies of published catalog prices or copies of previous expense vouchers.

\_\_\_\_\_ **Other Direct Costs:** Examples are computing services or time, communications, student fees, etc. Attach supporting documentation for rates and costs used. Verify the need, and attach a justification for direct charging an item, if necessary.

\_\_\_\_\_ **Equipment:** Equipment means an article of nonexpendable, tangible personal property having a useful life of more than two years and an acquisition cost that equals or exceeds \$500. Attach supporting documentation for each item. Support documentation for equipment may include copies of published catalog prices or copies of previous expense vouchers.

\_\_\_\_\_ **Other Costs, Profit, or Fees:** Please explain/justify. Attach supporting documentation. Support documentation for other direct costs may include copies of published rates or copies of previous expense vouchers. Support documentation for other costs or fees may include copies of published catalog prices or copies of previous expense vouchers.

\_\_\_\_\_ **Indirect Costs or Overhead:** Attach a copy of the consultant's federally-negotiated indirect cost rate agreement. Support documentation for indirect costs is the federally-negotiated indirect cost rate agreement. If the contractor does not have a rate agreement, (1) sufficient information should be attached indicating how the rate used was determined and (2) if the rate was accepted and paid previously by either a federal agency or agency of the State of California, documentation to that affect should be provided.

**NCTPA PROGRAM MANAGER'S RECOMMENDATIONS REGARDING COSTS:**

A price and cost analysis was completed for this vendor (see attached). The analysis has found that the hourly rate is reasonable.

**PRICE/COST REASONABLENESS CERTIFICATION**

***"I have reviewed the price and cost data provided by the consultant/contractor and have determined that the costs proposed are necessary and reasonable for the work to be performed by the consultant/contractor."***

\_\_\_\_\_  
**NCTPA Program Manager**

\_\_\_\_\_  
**Date**



### Cost Analysis

Auriga Corporation  
 Advanced Farebox System Consulting Services

| Phase, Task              | Total Cost Per Hour                                    | Project Manager<br><i>Daryani</i><br>\$150 | AFC Sys Spec<br>Consultant<br><i>Chan</i><br>\$150 | Principle<br>Consultant<br><i>Daryani</i><br>\$150 | Total Hours | Total Cost      |
|--------------------------|--|--|--|--|-------------|-----------------|
| Phase 1, Task 1          | Needs Assessment Report and<br>Project Management Plan | 180  | 120  | 12   | 312         | \$46,800        |
| Phase 1, Task 2          | Farebox Specification Document                         | 64   | 40   | 16   | 120         | \$18,000        |
| <b>SUBTOTAL, PHASE 1</b> |  | <b>244</b>                                 | <b>160</b>   | <b>28</b>  | <b>432</b>  | <b>\$64,800</b> |
| Phase 2, Task 3          | Support and Award                                      | 120  | 56   | 12   | 188         | \$28,200        |
| Phase 2, Task 4          | Implementation   | 328  | 32   | 12   | 372         | \$55,800        |
| <b>SUBTOTAL, PHASE 2</b> |  | <b>448</b>                                 | <b>88</b>  | <b>24</b>  | <b>560</b>  | <b>\$84,000</b> |
|                          | Total Hours  | 692  | 248  | 52   | 992         | \$148,800       |
|                          | Total Consulting Costs                                 | \$103,800                                  | \$37,200   | \$7,800  |             |                 |

Additional Expenses  
 Other Direct Costs \$3,250

**PHASE 1 & 2 TOTAL COSTS \$152,050**

### Price Analysis

Auriga Corporation  
 Advanced Farebox System Consulting Services

| Hourly Rate- Project Manager (or similar level) |       |
|---|-------|
| Auriga Corporation                              | \$150 |
| Booz Allen Hamilton                             | \$258 |
| LSC Consulting                                  | \$180 |
| nti now technologies, inc.                      | \$161 |
| Patti Post Consultants                          | \$162 |



February 15, 2012 NCTPA Agenda Item 11.3

Continued From: June 16, 2010

March 16, 2011

April 20, 2011

December 14, 2011

**Action Requested: ACTION**

## **NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter**

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**TO:** Board of Directors  
**FROM:** Paul W. Price, Executive Director  
**REPORT BY:** Paul W. Price, Executive Director  
(707) 259-8634 / Email: [pprice@nctpa.net](mailto:pprice@nctpa.net)  
**SUBJECT:** Transportation Sales Tax Consideration

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### **RECOMMENDATION**

That the NCTPA Board gives staff direction to:

1. Circulate the draft Transportation Infrastructure Sales Tax Ballot language to our member jurisdictions for consideration and action
2. Complete the Categorical Exemption for the project under CEQA

### **COMMITTEE RECOMMENDATIONS**

The Technical Advisory Committee (TAC) of the Board has met on the subject matter of the Expenditure Plan and the proposed Ballot language. The TAC has voted to recommend to the Board that the items in attachments 1 and 2 be submitted to the member jurisdictions for their action.

### **EXECUTIVE SUMMARY**

In its December Board meeting, the staff was directed to undertake a number of tasks related to the potential for a Transportation Sales Tax vote by the citizens of Napa County. Potential Ballot Ordinance language (Attachments 1) was developed as a result of the Board direction. Attachment 1 provides for a draft of the proposed ballot language.

Agency Counsel has researched the environmental documents requirements of the measure as drafted and has concluded that the tax measure is categorically exempt from the requirements of CEQA for the reasons set forth below.

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**PROCEDURAL REQUIREMENTS**

1. Staff Reports
2. Public Comment
3. Motion, Second, Discussion and Vote

**FISCAL IMPACT**

Is there a Fiscal Impact? Yes. The proposed action would require an investment in information and ballot preparation. The measure, if passed, would generate approximately \$11.4 million per year in today's dollars.

**CEQA REQUIREMENTS**

**Categorical Exemption Class 1:** It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Class 1 ("Existing Facilities"), Guidelines for the Implementation of the California Environmental Quality Act at 14 CCR §15301]

**General Rule:** It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)]

It is unknown whether any particular project will be undertaken and therefore particular impacts are too speculative for evaluation. [See Guidelines for the Implementation of the California Environmental Quality Act, 14 CCR 15145]

**BACKGROUND AND DISCUSSION**

At its December Board meeting, the Board directed staff to:

1. Undertake the development and circulation of an updated Environmental Impact Report (EIR)
2. Develop an Revenue and Expenditure Plan in concert with our member jurisdictions
3. Develop such a Revenue and Expenditure Plan consistent with the Napa Action Committee and Technical Advisory Committees' recommendations as noted in Attachment 1
4. Direct staff to work with legal counsel to develop proposed language for a transportation sales tax measure for NCTPA Board review
5. Develop a cost estimate for Board consideration to undertake the necessary document development and public education in advance of requesting the County Board of Supervisors placement of such a measure on a countywide ballot.

As to item 1 (Environmental), Agency Counsel reviewed the requirements and has concluded that the projects identified in the tax ordinance are either categorically exempt from CEQA, can be seen with certainty to have no effect on the environment, and/or environmental impacts are too speculative at this time to evaluate. As specific projects are undertaken, the appropriate environmental review will be undertaken by the responsible agency.

As to item 2 and 3 (Revenue and Expenditure Plan), the TAC and the City Manager/County Executive group are continuing to meet to develop a Revenue and Expenditure Plan for consideration.

As to item 4 (draft Ballot language), the Ballot language was developed in concert with the Agency Counsel and was reviewed by the TAC.

As to item 5 (cost for placing the measure on the ballot), the County estimates a cost of approximately \$110,000 to place the measure on the ballot. Additional potential costs of approximately \$55,000 might be considered to undertake any additional polling (\$23,000) and a public informational document (\$32,000).

#### **SUPPORTING DOCUMENTS**

Attachments: (1) Ballot language

ORDINANCE NO. 12-02

**NAPA VALLEY TRANSPORTATION AUTHORITY ORDINANCE AND  
TRANSPORTATION IMPROVEMENT EXPENDITURE PLAN  
IMPOSING A TRANSACTION AND USE TAX TO BE ADMINISTERED  
BY THE STATE BOARD OF EQUALIZATION**

The Napa Valley Transportation Authority (Authority) ordains as follows:

**SECTION 1. TITLE:** This ordinance shall be known and may be cited as the Napa Valley Ordinance and Transportation Improvement Expenditure Plan (Authority Ordinance 12-01), hereinafter referred to as the Ordinance. This Ordinance establishes a retail transactions and use tax for a twenty-five year period commencing July 1, 2018, or upon expiration of the Measure A Flood Protection tax. Should the Flood Protection tax be extended by a vote of the electorate then this measure will not take effect until the expiration of such extension. Should the Flood Protection Tax be terminated prior to July 1, 2018 this tax shall commence at that earlier date.

**SECTION 2. EXPENDITURE PLAN PURPOSES:** This Ordinance provides for the implementation of the Napa Valley Transportation Authority Transportation Improvement Expenditure Plan (Expenditure Plan) which will provide funding resulting in countywide local street and road improvements and alternative transportation projects. This funding program will ensure improved maintenance of currently under-funded local community streets and adjacent facilities within the public right-of-way (i.e., sidewalks, gutters, curbs). The goal of this measure is to raise the Pavement Condition Index (PCI) countywide to a level of 75 or greater and maintain that level throughout the life of this ordinance. These needed improvements shall be funded by a one-half of one percent transactions and use tax established for a twenty-five year period commencing July 1, 2018, or upon expiration of the Measure A Flood Protection tax as expressed in Section 1 above. The revenues shall be deposited in a special fund, used solely for the identified improvements as provided herein, and made available to the agencies responsible for the improvements for all purposes necessary for the approval and implementation of the tasks. The identified improvements that are eligible to receive revenues from the tax are described in the Expenditure Plan, which is hereby incorporated by reference as if fully set forth herein.

**SECTION 3. EXPENDITURE PLAN SUMMARY:** The revenues received by the Authority from this Ordinance, after deduction of required Board of Equalization costs for performing the functions specified in Section 180204(b) of the Public Utilities Code, reimbursing the County of Napa for its cost in conducting the election if the measure is approved per Section 180203(a) of the Public Utilities Code, administration (Section 13 A), and annual and biennial audits of the Independent Taxpayer Oversight Committee (Section 12 A), shall be used to fund the improvements set forth herein. In the event the measure does not pass, the costs in conducting the election shall be borne by the Authority. A summary of the projects and programs that are eligible to receive this

funding is provided in the following sections. All funding and revenues are expressed in 2011 dollars. The annual revenues shall be allocated as follows:

- A. **Local Streets and Roads Maintenance Program:** Of the annual revenues available, ninety percent (90%) shall be allocated on a fair and equitable basis to each city, town and the county (hereinafter referred to individually as Agency and collectively as Agencies) to provide revenue for such projects and to supplement other revenues available for Local Streets and Road Maintenance program. The revenues distributed to each Agency under this Section must be used for maintenance, rehabilitation and reconstruction of local streets and roads except as otherwise allowed by this Subsection. Total estimated funding = \$258.75 million (2011 dollars).

If the submittal of the five-year list of projects required under Section 6 shows a Pavement Condition Index (PCI), as determined by the Metropolitan Transportation Commission's (MTC) pavement management system exceeding a jurisdictional three (3)-year moving average of 75 out of a total of 100 using the MTC system, and additionally, should the MTC pavement condition assessment predict that the Pavement Condition Index will remain in excess of 75, or equivalent score, over the five year period covered by the submission under Section 6, the Agency may program in that submittal and the Authority may approve expending revenues awarded under this Section within the jurisdiction meeting the standard, for identified regional congestion relief projects as adopted in the Metropolitan Transportation Commission's Regional Transportation Plan as well as other local transportation projects that address capacity, safety, or operations of the local roadway system. The PCI is an averaging algorithm and therefore, upon a quantifiable review by the Independent Taxpayers Oversight Committee (ITOC) and approval by the Napa Valley Transportation Authority (Authority), a finding that the PCI goal has been met may be made.

(1) The Local Streets and Roads Maintenance Program shall be allocated and expended pursuant to the following distribution formula:

- a. To the City of American Canyon X.X% of the annual revenues available under this subdivision. Total estimated funding = \$X.X million.
- b. To the City of Calistoga X.X% of the annual revenues available under this subdivision. Total estimated funding = \$X.X million.
- c. To the City of Napa X.X% of the annual revenues available under this subdivision. Total estimated funding = \$X.X million.
- d. To the County of Napa X.X% of the annual revenues available under this subdivision. Total estimated funding = \$X.X million.

- e. To the City of St. Helena X.X% of the annual revenues available under this subdivision. Total estimated funding = \$X.X million.
- f. To the Town of Yountville X.X% of the annual revenues available under this subdivision. Total estimated funding = \$X.X million.

Net revenues, plus interest earned, shall be apportioned to the Agencies transportation improvement account on a quarterly basis.

**B. Alternative Transportation Projects:** Of the annual revenues available, ten percent (10%) shall be allocated for alternative transportation projects - Total estimated funding = \$28.75 million (2011 dollars).

1. Safe Routes to Transit and Schools: Grants will be awarded by the Authority on a competitive basis for pedestrian and bicycle facilities designed and intended to improve the safety and access of individuals accessing schools and/or transit facilities and services. Grants to be awarded to only the Cities, Town and County within Napa County based on requests submitted to and awarded by the Authority. These funds are for the provision of infrastructure improvements such as walkways, traffic lights, crosswalks, and other physical capital improvements which safeguard pedestrians to schools and transit facilities.
2. Senior citizen Fixed Route Transit pass buy-down, up to seventy-five percent (75%) off regular pass price.
3. Bicycle elements as identified in the approved Napa Countywide Bicycle Plan.
4. Pedestrian projects that provide major linkages that do not have safe pedestrian access. Such funding will be awarded on a competitive regional grant process submitted annually by the cities, town and county to NCTPA for ranking and funding. The NCTPA ranking will be forwarded to the Authority for fund allocation.
5. Actual costs, not to exceed 1% of the annual revenue, may be used for administration of this ordinance by the Authority.

**SECTION 4. IMPOSITION OF RETAIL TRANSACTIONS AND USE TAX:** In addition to any other taxes authorized by law, there is hereby imposed in the incorporated and unincorporated territory of the County of Napa, in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 and Section 7261 and 7262 of the Revenue and Taxation Code, which provisions are adopted by reference, and Division 19 of the Public Utilities Code commencing with Code Section 180000, a retail

transactions and use tax at the rate of one-half of one percent (1/2%) for a twenty-five year period commencing July 1, 2018, or upon expiration of the Measure A Flood Protection tax, in addition to any existing or future authorized state or local transactions and use tax.

**SECTION 5. CONTRACT WITH STATE:** Prior to the operative date, the Authority shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the Authority shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

**SECTION 6. EXPENDITURE PLAN PROCEDURES:**

- A. Each Agency shall biennially develop and submit to the Authority a five-year list of projects to be funded with revenues made available for the Local Streets and Roads Maintenance Program (Section 3(A)), and the Alternative Transportation Projects (Section 3(B)). A local public hearing and adopt a Resolution in support of the proposed list of projects shall be held by each Agency prior to submitting the project list to the Authority pursuant to Section 7. The performance audit of Agencies implementing this section shall be part of the Independent Taxpayers Oversight Committee audit (Section 12(B)).
- B. In the allocation of all revenues made available under Section 3, the Authority shall make every effort to maximize state, federal, and local transportation funding to the Agencies. The Authority may amend the Expenditure Plan in accordance with Section 17 as needed to maximize the transportation funding available throughout the County. It is also the intent of the Authority to encourage the purchase of goods and services for the projects described in Section 3 from suppliers based in Napa County.
- C. The Agencies and the Authority shall fully consider the needs of non-motorized travelers, including pedestrians, bicyclists and persons with disabilities, in all planning, maintenance, construction, operations and project development activities and products. Projects funded in full or in part with Authority revenues shall not remove or reduce existing facilities for bicycling or pedestrians.

**SECTION 7. PROJECT PROGRAMMING APPROVAL:** Upon the Operative Date of the tax the Authority shall biennially approve a five-year list of projects eligible to be funded with the revenues made available under Section 3 herein, provided that the submittal meets all of the requirements of this ordinance and funding is, or is estimated to be, available. The Independent Taxpayer Oversight Committee shall consider the biennial five-year list of projects and make a finding that such lists are consistent with the intent of the measure and make a recommendation on those lists to the Authority.

**SECTION 8. COOPERATIVE FUNDING AGREEMENTS:** To maximize the effectiveness of the retail transactions and use tax revenues, the Authority and/or Agency (ies) may loan revenues or exchange revenues for federal, state, or other local funds allocated or granted to any public agency within or outside the area of jurisdiction of the Authority provided that the percentage of revenues allocated for each purpose as provided in Section 3 is maintained over the duration of the Ordinance. The periods run consecutively with the first beginning on the effective date of the ordinance as described in Section 16. All proposed exchanges, including agreements between Agencies to exchange or loan revenues, must include detailed repayment provisions, including appropriate interest earnings, such that the Authority suffers no loss of revenue as a result of the exchange or loan. All loans and /or exchanges must be approved by the Authority by a majority vote and shall be consistent with any and all rules approved by the Authority relating thereto.

**SECTION 9. MAINTENANCE OF EFFORT:** It is the intent of the State Legislature and the Authority that revenues provided from this Ordinance be used to supplement, not replace, existing revenues being used for transportation improvements and programs as set forth in Section 3 herein. Each Agency receiving revenues pursuant to Section 3(A) shall annually maintain, as a minimum, the same level of local general fund revenues expended for the maintenance of Local Streets and Roads Maintenance and supporting infrastructure within the public right-of-way as the annual average of three fiscal years 2009, 2010, and 2011, for pavement sealing, overlays, reconstruction, associated infrastructure, as required, excluding any local revenues expended for the purpose of storm damage repair as verified by an independent auditor. One-time allocations that have been expended for Local Streets and Roads Maintenance, but which may not be available on an ongoing basis may not be considered when calculating an Agency's level of local discretionary revenues expended for road and infrastructure rehabilitation and maintenance purposes. The Authority shall not allocate any revenues pursuant to Section 3(A) to any eligible Agency in any fiscal year until that Agency has certified to the Authority that it will meet the maintenance of effort requirement included in this Section. Any Agency which does not meet its local maintenance of effort requirement for a three year average floating period shall have its funding under Section 3(A) the following year reduced by the amount the Agency did not meet its required average maintenance of effort level for the three prior years. Any funds not allocated due to failure to meet the maintenance of effort requirement shall be held for the Agency until any and all maintenance of effort expenditures are fulfilled. The maintenance of effort must also be met prior to the programming, award or distribution by the Authority to the Agencies of any funds under Sections 3(B).

**SECTION 10. PRIVATE SECTOR FUNDING:** Revenues provided from this measure shall not be used to replace private developer funding that has been or will be committed for any project to help alleviate the direct traffic impacts of any new or redeveloped residential, commercial or industrial development in Napa County or its cities.

**SECTION 11. BONDING AUTHORITY:** "Pay as you go" is the preferred method of financing transportation improvements and programs. However, the Authority may use bond financing as an alternative method if it determines that the scope of the planned expenditures makes "pay as you go" financing unfeasible or uneconomical when compared to bond financing or when the safety and/or congestion relief benefits of a project appear to the Authority to outweigh the costs of bonding. Upon voter approval of the Ordinance, the Authority shall have the authority to issue bonds, encumbering no more than 25% of the revenue, payable from the proceeds of the tax and secured by a pledge of revenues from the proceeds of the tax, in order to finance and refinance improvements authorized by this Ordinance (including bond reserves and financing costs). The Authority, in allocating the annual revenues from the measure, shall meet all debt service requirements and other financing costs prior to allocating revenues for other purposes or projects.

**SECTION 12. INDEPENDENT TAXPAYER OVERSIGHT COMMITTEE:**

**A. ITOC Goal and Functions**

Voter adoption of this transportation retail transactions and use tax ordinance shall result in creation of the Independent Taxpayer Oversight Committee upon the Operative Date of this tax. The (ITOC) shall remain in existence for so long as the tax herein exists. The ITOC shall review the fiscal and program performance of the retail transactions and use tax transportation program through a biennial audit to ensure that all transportation retail transactions and use tax revenues are spent by the Authority in accordance with all provisions of the voter-approved Expenditure Plan and Ordinance. The ITOC's secondary mission is to provide positive, constructive advice to the Authority on how to improve implementation over the twenty-five year course of the program; this role shall include consideration by the ITOC of the biennial program of projects submitted by the Agencies under Section 6 and projects submitted under Sections 3. Up to \$70,000 per year, with adjustments for inflation based on the Consumer Price Index, may be used for activities necessary to the ITOC as described in this Section 12, including financial and performance audits of the Authority and the Agencies receiving revenue from the Authority.

**B. Audit Requirement**

The ITOC shall oversee the independent financial audit of the Authority and the financial and performance audits of the Authority and Agencies, which shall be performed in accordance with generally accepted auditing standards and Government Auditing Standards issued by the Comptroller General of the United States and performance goals adopted by the Authority consistent with Public Utilities Code Section 180000 et seq. The audits shall include the basic financial statements of the Authority as defined by the Governmental Accounting Standard Board pronouncement No. 34 and the performance of all aspects of the program based on the specific performance goals adopted by the Authority. The ITOC audit shall not relieve the Authority from performing its auditing obligations as imposed by law.

1. Role of Fiscal and Performance Audit and the ITOC

- (a) The ITOC shall, under the procurement rules of the Authority, jointly recommend with the active involvement of the Executive Director and the Authority Auditor, an independent external California Certified Public Accountant to conduct an annual financial audit of the Authority pursuant to the provisions of this Ordinance; to report findings based on the audit to the Authority; and to recommend any additional considerations which the ITOC believes may improve the financial operation, while meeting all voter mandates.
- (b) The ITOC shall, under the procurement rules of the Authority jointly recommend with the active involvement of the Executive Director and the Authority Auditor, an independent external California Certified Public Accountant to conduct a biennial performance audit of the Agencies, pursuant to the provisions of this Ordinance; to report findings based on the audits to the Authority; and to recommend any additional considerations with the ITOC believes may improve the integrity of program implementation, while meeting all voter mandates.
- (c) The ITOC shall receive copies of each Agency's standardized (such standards as adopted by the ITOC and approved by the Authority) annual financial audit for review; report relevant findings based on the audits to the Authority; and recommend any additional considerations which the ITOC believes may improve the financial operations, while meeting all voter mandates.
- (d) The Authority shall hold a publicly noticed meeting, which may be a regular or special Authority Board meeting, with the direct participation of the ITOC, to consider the findings and recommendations of the audits. A report of the findings and recommendations of each audit by the ITOC shall be made readily available to the public in print and on the Authority's electronic website.
- (e) The Authority shall publish a biennial report to the community to be published at the expense of tax revenues in all local Napa County newspapers of general circulation.

**C. Membership and Selection Process**

- 1. The Authority shall develop an open selection process, actively recruit, and appoint Five (5) committee members who shall be residents of the County of Napa possessing the following credentials:

- (a) One member who is a professional, retired or active, in the field of municipal audit, finance and/or budgeting with a minimum of five years in a relevant and senior decision-making position in the public or private sector.
  - (b) One member who is a licensed civil engineer, retired or active, with at least five years of demonstrated experience in the fields of transportation in government and/or the private sector.
  - (c) One member who is a Certified Public Accountant (CPA) and experienced in financial audits
  - (d) One member shall be a representative of a Napa region Chamber of Commerce.
  - (e) One member from a recognized IRS 403b taxpayers association.
2. The Chair, Executive Director of the Authority, the Chair of the Napa County Transportation and Planning Agency Technical Advisory Committee, and the County Auditor-Controller shall serve as non-voting ex-officio members of the ITOC.
  3. The Chair of the ITOC shall be a resident of Napa County.

**D. Terms and Conditions for Committees**

1. The initial Committee members shall serve a two, three, and four year term, determined by the drawing of lots. Thereafter, Committee members shall serve four-year terms.
2. The Authority shall develop By-laws for the operation of the ITOC the ITOC members shall receive a stipend of \$250 per quarterly meeting and no other payment shall be made for any purpose. This stipend will increase by \$50 per quarterly meeting every five years. Committee members who miss two meetings in any 12 month period shall be removed from the committee by the Authority.
3. Committee members cannot be a current local elected official in Napa County or a full time staff member of any city, town, or County government, a local transit operator, or state transportation agency.
4. Non-voting ex-officio committee members shall serve only as long as they remain incumbents in their respective positions and shall be automatically replaced by their successors in those positions.
5. If and when vacancies on the ITOC occur on the part of voting committee members, either due to expiration of term, death or resignation the

Authority shall appoint an appropriate replacement within 90 days of the vacancy to fill the remainder of the term.

**E. ITOC Operation Protocols**

1. Given the twenty-five year duration of the retail transactions and use tax, the ITOC shall be appointed within 180 days after the Operative Date of the retail transactions and use tax and continue as long as retail transactions and use tax revenues from the current voter authorization are available for expenditure.
2. The Authority Board and staff shall fully cooperate with and provide necessary financial and staff support to ensure the ITOC successfully carries out its duties and obligations.

**F. Conflict of Interest**

1. ITOC voting members shall have no legal action pending against the Authority and are prohibited from participating in any commercial activity directly or indirectly involving the Authority or Napa County Transportation and Planning Agency (NCTPA), such as being a consultant or vendor to the Authority or NCTPA during their tenure on the ITOC.
2. ITOC voting members shall not have direct and/or indirect commercial interest or employment with any public or private entity which receives transportation retail transactions and use tax revenues authorized by this Ordinance.

**SECTION 13. ADMINISTRATIVE FUNCTIONS AND EXPENSES:**

- A. Revenues may be expended by the Authority for the actual expense of salaries, wages, benefits, overhead, and those services, including contractual services, necessary to administer the Ordinance; however, in no case shall such administrative expenditures exceed one percent of the annual revenues provided by the Ordinance.
- B. Administrative functions include providing overall program direction and management necessary to implement Authority policy; formulating organizational goals and objectives; coordinating activities with other agencies and organizations; performing finance, accounting, purchasing, personnel, government and community relations; and legal matters. Performing or contracting for project related work shall be paid from the revenues allocated to the appropriate purpose as set forth in Section 3 herein.

**SECTION 14. ESTABLISHMENT OF SEPARATE ACCOUNTS:** Each entity receiving revenues pursuant to Section 3 shall have its revenues deposited in a separate interest

bearing Transportation Improvement Account. Interest earned on revenues allocated pursuant to this Ordinance shall be expended only for those purposes for which the revenues were allocated.

**SECTION 15. IMPLEMENTING ORDINANCES:** Upon approval of this Ordinance by the voters the Authority shall, in addition to the rules required to be provided pursuant to this Ordinance, adopt implementing ordinances, rules, and policies and take such other actions as may be necessary and appropriate to carry out its responsibilities.

**SECTION 16. EFFECTIVE AND OPERATIVE DATES:** This Ordinance shall be effective on November 6, 2012, if two-thirds of the electors voting on the ballot proposition approving the ordinance vote to approve the ballot proposition on November 6, 2012. The imposition of the tax authorized by this Ordinance shall be operative on July 1, 2018, or upon expiration of the Measure A Flood tax.

**SECTION 17. AMENDMENTS:** This Ordinance and Expenditure Plan may be amended to provide for the use of additional federal, state, and local revenues or to account for unexpected revenues by approval of a majority vote of the members of the Authority; the majority must include the City of Napa, the County of Napa, and at least three other jurisdictions. No amendment may, in the aggregate, reduce the level of funding directed to roadway projects as apportioned in Section 3. No amendment shall operate so as to affect the rate of tax imposed by this ordinance.

Amendments constituting expenditures for new programs or new projects that were not a part of the voter approved Expenditure Plan or generally referred to in the Local Streets and Roads Maintenance Program may only be approved with the subsequent consent of the electorate.

**SECTION 18. TEN-YEAR PROGRAM REVIEW:** After the tax has been in effect for ten-years after the Operative Date, the Authority shall conduct a comprehensive review of all revenues, projects, and programs under the Expenditure Plan to evaluate the performance of the overall program over the previous ten-year period and to make revisions to the Expenditure Plan to improve its performance and allow for changed demographic conditions, transportation needs, revenues, and technology over the subsequent ten years. Revisions to the Ordinance and Expenditure Plan required as a result of the ten-year review shall be subject to the amendment process in Section 17 and/or the remaindered revenues provisions set forth in Section 22. However, the 90% local street and road allocation provided in Section 3 shall not be altered.

**SECTION 19. DESIGNATION OF FACILITIES:** Each project or program receiving in excess of \$250,000 funded in whole or in part by revenues from the Ordinance shall be clearly designated with project signage at the project site during its construction or implementation as being provided by revenues from the Ordinance.

**SECTION 20. SEVERABILITY:** If any section, part, clause, or phrase of this ordinance is for any reason held invalid or unconstitutional, the remaining portions shall not be affected but shall remain in full force and effect.

**SECTION 21. DISTRIBUTION OF REMAINDERED REVENUES:** In the event that the retail transactions and use tax revenues generated by this Ordinance, in combination with other revenues, are greater than needed to meet the funding requirements necessary to complete the projects and support the programs as identified in Section 3(B), the remaindered transactions and use tax revenues shall be distributed to the Agencies for the purposes and under the requirements of Section 3. Such funds shall be distributed by the following formula: the distributed amount is equal to the sum total of the remaindered amount multiplied by the distribution formula percentage for each Agency under Section 3A. Determination of when remaindered revenues become available will be made as part of each Five (5)-Year Expenditure period.

**SECTION 22. ANNUAL APPROPRIATIONS LIMIT:** Article XIII (B) of the California Constitution requires the establishment of an annual appropriations limit for certain governmental entities. The maximum annual appropriations limit for the Authority is hereby established as \$40 million. The appropriations limit shall be subject to adjustment as provided by law. All expenditures of the retail transactions and use tax revenues imposed in Section 4 are subject to the appropriations limit of the Authority.

**SECTION 23. ENJOINING COLLECTION FORBIDDEN:** No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the Authority, or against any officer of the State or the Authority, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

**SECTION 24. DEFINITIONS:**

- A. *Agency.* Means those cities, town, and county that lie within the geographic boundaries of the County of Napa.
- B. *Authority.* Means the Napa Valley Transportation Authority created by the Napa County Board of Supervisors with the concurrence of a majority of cities having a majority of the incorporated population of the County.
- B. *Bonds.* Means indebtedness and securities of any kind or class, including but not limited to bonds, notes, revenue anticipation notes, commercial paper, leasor and installment sales agreements, credit enhancement, swaps and certificates of participation.
- C. *Expenditure Plan.* Expenditure Plan means the expenditure plan required by Section 180206 of the Public Utilities Code to be adopted prior to the call of an

election on this Ordinance. The expenditure plan includes the allocation of revenues for each authorized purpose.

- D. *Highways*. Means all purposes necessary and convenient to the design, right-of-way acquisition, and construction of highway facilities, including all state highway routes and any other facilities so designated in the Expenditure Plan.
- E. *Infrastructure*. Means all components within the right-of-way necessary to support the roadway which includes road pavement, sub-layer, curb, gutter, sidewalks, drainage, signals, and signage.
- F. *Maintenance* means repair, reconstruction, rehabilitation and/or replacement of streets, roadways, and other infrastructure within the public right-of-way.
- G. *Project* is a single effort with a beginning and an end that would cause the construction or maintenance or reconstruction of some tangible portion of a transportation asset owned or operated by public agency. A *project* is not repeated on an annual basis, it does not appear without a detailed description as to cost and location in a local agency budget, and it must appear in a capital budget.
- H. *Reconstruction* or *Rehabilitation* includes any overlay, including the placement or replacement of base materials and any sub-layer work or widening of the roadway, if the widening is necessary to bring the roadway width to the desirable minimum width consistent with the geometric design criteria of the State for 3R (reconstruction, resurfacing, and rehabilitation). This does not include widening for the purpose of increasing the traffic capacity of a street or highway. This does include additions, changes or reconstruction of Infrastructure directly associated with the function of a street or roadway. It also includes additions necessary to incorporate and/or maintain bicycle facilities called for in the Napa County Transportation and Planning Agency's Countywide Bicycle Plan or adopted bicycle plans of the Agencies and any improvements or alterations necessary to the roadway and or pedestrian or bicycle travel ways to improve overall circulation and to meet American's with Disabilities Act requirements.
- I. *Regional Transportation Improvement Program Submission*. Means any program of projects sent or otherwise caused to be delivered to the Regional Transportation Planning Agency for Napa County by the entity designated by the Regional Transportation Planning Agency with the submission of that program for the local agencies for consideration by the Regional Transportation Planning Agency for inclusion in the Regional Transportation Improvement Program or its related documents.
- J. *Local Streets and Roads*. Means the pavement facilities and supporting Infrastructure within the street, road, or highway right-of-way.

- K. *Senior citizen.* Anyone age 65 years or older.
- L. *Storm damage repair.* Means repair or reconstruction of local streets and highways and related drainage improvements that have been damaged due to storms and flooding, in those jurisdictions that have been declared disaster areas by the President of the United States and/or by the Governor of California.

**SECTION 25. PUBLICATION OF ORDINANCE:** A summary of this Ordinance shall be published at least five days before its passage in the local newspapers of general circulation published in the County of Napa, and at least once before the expiration of 15 days after its passage together with the names of the Directors voting for and against the same.

The foregoing Ordinance was introduced and read at a regular meeting of the Napa Valley Transportation Authority, held on \_\_\_\_\_ and passed at a regular meeting of the Napa Valley Transportation Authority held on \_\_\_\_\_ by the following vote:

\_\_\_\_\_, NVTA Chair

Ayes:

ATTEST:

\_\_\_\_\_  
Karalyn E. Sanderlin, NVTA Board Secretary

Noes:

APPROVED:

Absent:

\_\_\_\_\_  
Janice D. Killion, NVTA Legal Counsel

Attachment (1) Napa Valley Transportation Authority Transportation Improvement Expenditure Plan

## ATTACHMENT 1

### Napa Valley Transportation Authority Transportation Improvement Expenditure Plan

The revenues received by the Authority from the proposed transactions and use tax shall be distributed following the requirements of ordinance for the following projects, after deduction of required Board of Equalization costs for performing the functions specified in Section 180204(b) of the Public Utilities Code, reimbursing the County of Napa for its cost in conducting the special election if the measure is approved per Section 180203(a) of the Public Utilities Code, administration, and annual and biennial audits of the Independent Taxpayer Oversight Committee. . All funding and revenues are expressed in 2012 dollars over the twenty-five year life of the program.

#### Local Streets and Roads Maintenance Program

Description:

Under the ordinance the funds must be used for maintenance, rehabilitation and reconstruction of local streets, roads, and infrastructure within the public right-of-way. Exceptions will be approved only as allowed by ordinance for jurisdictions which meet and will continue to meet the pavement maintenance index set by the ordinance; such funds may be used by each agency for any transportation related project purpose including, but not limited to, additional expenditures for maintenance, safety, bike and pedestrian projects, signal timing, roundabout installation, signal installation, intelligent transportation systems, operational projects, and local system congestion relief projects, including transit, and environmental and design costs for the projects.

The estimated funding for the project is (millions of dollars):

| Project         | Transaction and Use Tax |  |  |  |
|-----------------|-------------------------|--|--|--|
| American Canyon |                         |  |  |  |
| Calistoga       |                         |  |  |  |
| Napa            |                         |  |  |  |
| Napa County     |                         |  |  |  |
| St. Helena      |                         |  |  |  |
| Yountville      |                         |  |  |  |
| Total           |                         |  |  |  |

## **Alternative Transportation Projects**

### Description:

- Safe Routes to Transit and Schools: Grants will be awarded by the Authority on a competitive basis for pedestrian and bicycle facilities designed and intended to improve the safety and access of individuals accessing schools and/or transit facilities and services. Grants to be awarded to only the Cities, Town and County within Napa County based on requests submitted to and awarded by the Authority.
2. Senior citizen Fixed Route Transit pass buy-down, up to seventy-five percent (75%) off regular pass price.
  3. Bicycle elements as identified in the approved Napa Countywide Bicycle Plan.
  4. Pedestrian projects that provide major linkages that do not have safe pedestrian access. Such funding will be awarded on a competitive regional grant process submitted annually by the cities, town and county to NCTPA for ranking and funding. The NCTPA ranking will be forwarded to the Authority for fund allocation.
  5. Actual costs, not to exceed 1% of the annual revenue, may be used for administration of this ordinance by the Authority.

The estimated funding for the alternative transportation project is (28.75 million dollars):

## **Amendments**

This Ordinance and Expenditure Plan may be amended to provide for the use of additional federal, state, and local revenues or to account for unexpected revenues by approval of a majority vote of the members of the Authority; the majority must include the City of Napa, the County of Napa, and at least three other jurisdictions. No amendment shall operate so as to affect the rate of tax imposed by this ordinance.

Amendments constituting expenditures for new programs or new projects that were not a part of the voter approved Expenditure Plan or generally referred to in the Local Streets and Roads Maintenance Program may only be approved with the subsequent consent of the electorate.



February 15, 2012  
NCTPA Agenda Item 11.4  
Continued From: New  
**Action Requested: ACTION**

## NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter

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**TO:** Board of Directors  
**FROM:** Paul W. Price, Executive Director  
**REPORT BY:** Paul W. Price, Executive Director  
(707) 259-8634 / Email: [pprice@nctpa.net](mailto:pprice@nctpa.net)  
**SUBJECT:** Establishment of a Board Committee to explore a Public/Private Partnership with Napa Transit Investors

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### **RECOMMENDATION**

That the Board appoint a committee to explore the potential for a Public/Private Partnership with Napa Transit Investors (NTI) on the purchase of the Wine Train assets in Napa County.

### **COMMITTEE RECOMMENDATION**

None.

### **EXECUTIVE SUMMARY**

A private consortium has announced its intention to explore developing a light rail service to run from the southern end of the City of Napa to the northern border of the City of St. Helena. The proposed project would use the right of way of the Napa Valley Wine Train and run two-car "Diesel Multiple Unit" trains departing from Napa every 20 minutes. The project envisions, upgrades to most of the existing track as well as significant upgrade at the many currently unsignalized track crossings along the route.

The NTI is working to develop support for a business plan development that would look at the corridor as a potential public transit and tourist serving light rail project. The Board is being asked to consider appointing a committee to serve as a liaison between the NTI and the NCTPA Board in the development of the business plan and discussions around the nature of the partnership.

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## **PROCEDURAL REQUIREMENTS**

1. Staff Report
2. Public Comment
3. Board committee appointments

## **FISCAL IMPACT**

Is there a Fiscal Impact? Yes. Staff hours and resources would be necessary to further the actions and directions of the committee. The cost would vary depending on the extent of staff time required.

## **CEQA REQUIREMENTS**

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action, which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

## **BACKGROUND AND DISCUSSION**

A private consortium, "Napa Transit Investors" has announced their intention to explore developing a light rail service to run from the southern end of the City of Napa to the northern border of the City of St. Helena. The investor group is headed by Chuck McMinn of the Napa Valley Vine Trail Coalition and Keith Rogal. A public forum was held on September 26 at which the basic proposal was laid out. This proposal is the first significant investigation of rail service in Napa County since the Solano-Napa Passenger/Freight Rail Study completed in 2003 which studied potential routes between Calistoga and the Vallejo Ferry with additional service to Fairfield Suisun. That study concluded that a financially feasible rail system was not possible along those lines.

The newly proposed project would use the right of way of the Napa Valley Wine Train and run two-car "Diesel Multiple Unit" (DMU) trains with a capacity of 225 people, minus possible accommodation for bicycles. According to preliminary plans presented thus far, trains would depart from Napa every 20 minutes.

The potential route would begin at a proposed station at Streblow Drive near Napa Valley College and run north to the Charles Krug Winery in St. Helena. The draft plans show several possible station points, including the new NCTPA transit center in downtown Napa at Soscol and 4<sup>th</sup> St. Possible stops would consist of major stations, as well as additional commuter and winery stops.

As envisioned, most of the existing track would be upgraded to allow for a 50 mph maximum speed. This would also require significant upgrade at the many currently unsignalized track crossings along the route.

Under the financial model being discussed by project backers, the service would require significant public operating subsidy, which is standard practice for all forms of transportation including buses and roadways.

**SUPPORTING DOCUMENTS**

None.