



625 Burnell Street • Napa, CA 94559-3420
Tel: (707) 259-8631
Fax: (707) 259-8638

Technical Advisory Committee (TAC)

AGENDA

Thursday, January 2, 2014
2:00 p.m.

625 Burnell Street
Napa CA 94559

General Information

All materials relating to an agenda item for an open session of a regular meeting of the Technical Advisory Committee (TAC) which are provided to a majority or all of the members of the TAC by TAC members, staff or the public within 72 hours of but prior to the meeting will be available for public inspection, on and after at the time of such distribution, in the office of the Secretary of the TAC, 625 Burnell Street, 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 a majority or all of the members of the TAC at the meeting will be available for public inspection at the public meeting if prepared by the members of the TAC 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 TAC on any item at the time the TAC 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 TAC Secretary. Also, members of the public are invited to address the TAC 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 the Administrative Assistant, 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, click on Minutes and Agendas – TAC or go to <http://www.nctpa.net/technical-advisory-committee-tac>.

ITEMS

1. Call to Order
2. Introductions
3. Approval of Meeting Minutes
4. Public Comments
5. TAC Member and Staff Comments
6. Standing
 - Congestion Management Agency (CMA) Report

- Project Monitoring Funding Programs**
- Transit Report (*VINE Ridership – see Attachment 1*)
- Vine Trail Report
- Caltrans Report (*Attachment 2*)

<u>REGULAR AGENDA ITEMS</u>	<u>RECOMMENDATION</u>	<u>TIME*</u>
<p>7. Active Transportation Program (ATP) Update (Diana Meehan) (Pages 13-37)</p> <p>TAC will review 1) new Active Transportation Program (ATP) guidelines and timeline and 2) recommend for countywide project priority coordination.</p>	INFORMATION	2:30 PM
<p>8. Report on the Feasibility Study for a Transit Maintenance Yard and Fueling Facility (Lawrence E. Gawell) (Pages 38-39)</p> <p>TAC will receive a final report for the Transit Maintenance Yard and Fueling Facility Feasibility.</p>	INFORMATION	2:40 PM
<p>9. 2014 Technical Advisory Committee (TAC) Work Plan (Danielle Schmitz) (Pages 40-42)</p> <p>TAC will review and adopt final draft 2014 TAC Work Plan.</p>	INFORMATION/ ACTION	3:00 PM
<p>10. Measure T Program Update (Danielle Schmitz) (Pages 43-48)</p> <p>Staff will provide TAC with the latest update on the Measure T program.</p>	INFORMATION	3:05 PM
<p>11. Legislative Update and State Bill Matrix (Kate Miller) (Pages 49-60)</p> <p>Staff will provide TAC with the latest Federal and State legislative update presented to the NCTPA Board.</p>	INFORMATION	3:25 PM
<p>12. NCTPA Board of Directors Agenda for January 15, 2014 (Draft)** (Kate Miller)</p> <p>Preview draft version of the NCTPA Board of Directors Agenda for January 15, 2014.**</p>	INFORMATION	3:30 PM

- | | | | |
|-----|--|------------|---------|
| 13. | Topics for Next Meeting
o Discussion of topics for next meeting
by TAC members | DISCUSSION | 3:35 PM |
| 14. | Approval of Next Regular Meeting Date of
February 6, 2014 and Adjournment | APPROVE | 3:40 PM |

* *Times shown are approximate only.*

** *Material made available at the meeting.*

**Technical Advisory Committee
(TAC)**

MINUTES

Thursday, December 5, 2013

ITEMS

1. Call to Order

Chair Whan called the meeting to order at 2:05 PM (local).

Brent Cooper	City of American Canyon
Jason Holley	City of American Canyon
Eric Whan, Chair	City of Napa
Rick Tooker	City of Napa
Debra Hight, Vice Chair	City of St. Helena
Mike Kirn	City of Calistoga
Sandra Smith	Town of Yountville
Rick Marshall	County of Napa
John McDowell	County of Napa

2. Introductions.

Ursula Vogler, MTC District Representative

3. Approval of Meeting Minutes

Meeting minutes for November 7, 2013, motioned for approval and unanimously carried.

MSC* MARSHALL / HIGHT for APPROVAL

4. Public Comment None

5. TAC Member and Staff Comments

City of St. Helena – Vice Chair Hight announced that the PG&E Project PH I at Charter Oak is nearing completion and a milestone celebration is scheduled for December 12, 2013

NCTPA – Staff announced the following:

- PDAWG – Last meeting's discussion was about Resolution 3606 which is currently under revision. MTC is proposing to accelerate obligation

deadlines in the region in order to stay competitive in the state. MTC – Bay Area project completions have been successful; obligation projects are moving forward and up by 6 months; federal projects award by FY15/16; draft schedule is available and will be made available to TAC. Guidelines (preliminary) will be available in March 2014; applications due April 2014 and out in June 2014. Regional Cap & Trade - AB 32 is currently under discussion.

- Travel Behavior Study – Online survey still in progress; to date 1200+ employees have taken the survey; survey will close December 13, 2013.
- TFCA – Audit scheduled for December 11-12, 2013; some insurance certificates are still needed and have been requested from recipients. FY14 projects have been approved by the Air District.

6. Standing.

- **Congestion Management Agency (CMA) Report.**
 - *Project Monitoring Funding Program Report* – Staff provided TAC with the latest project reporting data and deadline updates.
 - *Transit Dashboard* – Staff provided TAC with the latest transit data report and ridership update. An updated reporting format will be available at the next TAC meeting.
 - *Vine Trail Report* – Progress being made with 35% of the design of the Solano Segment complete; cost proposals are due December 6, 2013.
- **Caltrans Report.** TAC reviewed current project report provided by Caltrans. Member Marshall questioned as to why project EA4E490 (under PROJECT INITIATION DOCUMENT) has been listed twice and each with different values. Staff will seek clarification from Caltrans.

7. State Route 29 Gateway Corridor Update.

Information

Concerns about traffic modeling results have prompted a recommendation to complete a micro simulation analysis and additional focus on a modified boulevard concept. Community Advisory Committee, Staff Technical Committee and Executive Steering Committee meetings are being scheduled for January and February 2014. The Caltrans grant is due to expire on February 28th and staff was unable to extend. To move forward, a plan will be adopted and submitted to Caltrans in order to seek reimbursement for expenses and an amendment of the plan will be made after February and resubmitted.

8. Measure T Program Update and Review of Master

Information

TAC reviewed and commented on the draft master agreement. Chair Whan questioned staff as to the necessity of a master agreement or if guidelines/policy be sufficient between NVTA and JPAs. Staff informed TAC that the agreement's content reflects the ordinance (*copy of NVTA Ordinance 2012-01 provided as handout*), solidifies all conversations, and establishes processes and procedures. Staff also suggested for TAC/JPAs to seek assistance from their counsel. Roberta Raper, City of Napa Finance Director, also addressed her concerns to the TAC. Staff has requested that comments be provided to NCTPA by December 13, 2013. An ad hoc meeting consisting of staff, Chair Whan, Member Holley, Member Marshall, and all JPA finance directors will be called following comment deadline.

9. 2014 Technical Advisory Committee (TAC) Work Plan.

Information

Staff presented TAC with draft 2014 TAC Work Plan. Member Marshall requested that item 8 be removed as the item does not fall under TAC's responsibilities. Work Plan will be revised with requested additions and changes, and will be presented to TAC at the January 2014 meeting for approval and/or adoption.

10. DRAFT Countywide Strategic Transportation Plan Outline.

Information

TAC reviewed the proposed structure of the 2014 25-year Countywide Transportation Plan and proposed presentation outline to be presented at January Board Retreat. Members commented that a pedestrian plan and a corridor management plan should be included in the outline.

11. Legislative Update and State Bill Matrix.

Information

Staff reviewed with TAC the recent actions taken by the NCTPA Board and provided a general legislative update.

12. Selection and Nomination of Chairperson and Vice Chairperson of the Technical Advisory Committee (TAC).

Action

By motion TAC nominated and elected the following members as the 2014 TAC Chairperson and Vice Chairperson for:

Chairperson - Jason Holley, City of American Canyon

Vice Chairperson – Eric Whan, City of Napa

Both parties accepted their nomination and duties.

***MSC HIGHT / MCDOWELL for APPROVAL**

13. NCTPA Board of Directors Agenda for December 18, 2013.

Information

TAC previewed draft version of the NCTPA Board of Directors Agenda for December 18, 2013.

14. Topics for Next Meeting

Discussion

- Measure T Update
- Countywide Plan

15. Approval of Next Regular Meeting Date of January 2, 2013 and Adjournment.

Approve

Staff inquired as to TAC availability for the regular scheduled meeting date of January 2, 2013, due to upcoming holiday schedules and/or public office closures. TAC requested for staff to conduct an inquiry to all members to determine if a postponement and/or special meeting shall called due to quorum or lack thereof.

Meeting adjourned at 3:55 PM (local).

VINE Transit Services Ridership Report: November 2013

Summary

Overall, systemwide ridership was flat between November 2012 and 2013. This was due to the schools having additional vacation days this year for the Thanksgiving Holiday. On-time performance was up 10 to 20 points over last year depending on route. Note, for the first time OTP for the routes 10 and 11 are shown for weekends vs. weekdays. The results provide insight into the commuter vs. tourist impacts up-valley vs. south county.

System Wide

	Nov-12	Nov-13	
Passenger Trips	51,367	51,195	-0.3%

VINE Routes 1-8, 10, 11

	Nov-12	Nov-13	
Passenger Trips	40,547	40,888	0.8%

VINE Commuter and Regional Routes

	Nov-12	Nov-13	
Route 21: Solano	0	461	
Route 25: Sonoma	365	350	-4.1%
Route 29: Ferry/BART	2,478	1,910	-22.9%

VINE Community Transit Services

	Nov-12	Nov-13	
Am Canyon Transit	2,512	2,245	-10.6%
Calistoga Shuttle	1,494	1,708	14.3%
St. Helena Shuttle	971	1,361	40.2%
Yountville Trolley	3,000	2,272	-24.3%

On Time Performance (OTP)

Route	OVERALL OTP		
		Weekday	Weekend
1	96.76%		
2	93.73%		
3	93.56%		
4	97.47%		
5	90.57%		
6	88.93%		
7	89.12%		
8	91.27%		
10N*	74.95%	77.15%	63.70%
10S*	81.11%	82.04%	76.64%
11N*	80.72%	80.18%	82.47%
11S*	75.74%	77.43%	69.60%
21E	92.09%		
21W	89.86%		
25E	98.53%		
25W	94.41%		
29N	73.47%		
29S	77.01%		

Draft
NCTPA - Caltrans Report

PROJECT INITIATION DOCUMENT

EA 0A500

Pedestrian Circulation from Rio Del Mar to Eucalyptus; NAPA 29-PM 1.6/1.8; In City of American Canyon
Scope: Repair curb ramps, cross walk and sidewalk

EA 3G140

ADA Curb Ramps; NAPA 29 and 128; In County of Napa
Scope: Upgrade and Construct curb ramps at various locations.

EA4G210

Widen Roadway at Huichica Creek; NAPA 121-PM 0.75; In County of Napa
Scope: Remove existing triple box culvert and replace with a new bridge

EA4G920

Tulucay Creek Bridge; NAPA 121-PM 6.1/6.2; In City of Napa
Scope: Bridge Repair

EA4G840

Capell Creek Bridge; NAPA 128-PM 20.2; In County of Napa
Scope: Bridge Repair/Replacement

EA4G490

Concrete Barrier at Solano Ave SB Onramp; NAPA 29 PM 11.9; In City of Napa
Scope: Install Concrete Barrier (Type 60)

EA4G540

Signals at First Street Off Ramp; NAPA 29-PM 11.4; In City of Napa
Scope: Install new traffic signals

EA 4H200

Pavement Preservation from 0.4 mile north of Trancas St. to Mee Ln.; NAPA 29-PM 13.5/25.5; In County of Napa
Scope: Resurface the existing pavement

EA 4G490

Install Concrete Barrier southbound Solano Avenue Onramp , NAPA 29-PM 11.9; In City of Napa
Scope: Construct Concrete Barrier

PID (Project Initiation Document)

PAED (Project Approval/ Environmental Document)

RWC (Right of Way Certification)

ADV (Advertise Contract)

PSR (Project Study Report)

RTL (Ready to List)

BO (Bid Open)

DED (Draft Environmental Document)

PSE (Plans, Specifications, and Estimate)

CCA (Construction Contract Acceptance)

AWD (Award Contract)

ENVIRONMENTAL

EA 28120

Soscol Junction; NAPA 221 PM 0.0/0.7 NAPA 29 PM 5.0/7.1; In Napa County

Scope: Construct Flyover Structure at SR 221/29/12

Cost Estimate: \$35M Construction Capital

Schedule DED:2/2014 PAED:7/2014 PSE:8/2018 RWC:1/2018 RTL:12/2018 CCA:12/2020

EA 1G430

Conn Creek Bridge Scour Mitigation; NAPA 128 PM R7.4; In Napa County

Scope: Replace bridge at Conn Creek

Cost Estimate: \$7.2M Construction Capital

Schedule: PAED:7/2015 PSE:12/2016 RWC:4/2017 RTL:4/2017 CCA:1/2020

EA 3G640

Napa River Bridge Scour Mitigation; NAPA 29 PM 37.0; In City of Calistoga

Scope: Reconstruct bridge at Napa River Bridge

Cost Estimate: \$10M Construction Capital

Schedule: PAED:6/2014 PSE:11/2015 RWC:3/2016 RTL:3/2016 CCA:12/2017

EA 2G940

West. of Knoxville Road Storm Damage; NAPA 128 PM 17.9; Near Rutherford

Scope: Construct Roadway Retaining System

Cost Estimate: \$1.6M Construction Capital

Schedule: PAED :5/2014 PSE:8/2015 RWC:11/2015 RTL:11/2015 CCA:11/2020

PID (Project Initiation Document)

PAED (Project Approval/ Environmental Document)

RWC (Right of Way Certification)

ADV (Advertise Contract)

PSR (Project Study Report)

PAED (Project Approval/ Environmental Document)

RTL (Ready to List)

BO (Bid Open)

DED (Draft Environmental Document)

PSE (Plans, Specifications, and Estimate)

CCA (Construction Contract Acceptance)

AWD (Award Contract)

DESIGN

EA 25941

Channelization; NAPA 29 PM 25.5/28.4; In and Near City of St. Helena

Scope: Left-turn channelization and pavement rehabilitation from Mee Lane to Charter Oak Avenue

Cost Estimate: \$24M Construction Capital

Schedule: PAED:6/29/07 PSE:2/2014 RWC:5/2014 RTL:5/2014 CCA:8/2017

EA 4A090

Troutdale Creek Bridge Replacement; NAPA 29 PM 47.0/47.2; In Napa County

Scope: Bridge replacement at Troutdale Creek

Cost Estimate: \$17M Construction Capital

Schedule: PAED:6/28/13 PSE:3/2014 RWC:6/2014 RTL:6/2014 CCA:12/2016

EA 2A320

Sarco Creek Bridge Replacement; NAPA 121 PM 9.3/9.5; In Napa County Near City of Napa

Scope: Bridge replacement at Sarco Creek

Cost Estimate: \$9.7M Construction Capital

Schedule: PAED:6/28/12 PSE:12/2015 RWC:4/2016 RTL:4/2016 CCA:12/2020

EA 2G950

East of Wragg Canyon Road Storm Damage; NAPA 128 PM 29.7; Near Rutherford

Scope: Construct Roadway Retaining System

Cost Estimate: \$2.1 M Construction Capital

Schedule: PAED:12/06/2012 PSE:10/2014 RWC:2/2015 RTL:2/2015 CCA:4/2019

EA 3E220 (VT)

Pavement Digouts; NAPA-29 PM 13.5/19.8; In City of Napa and Town of Yountville

Scope: AC digouts from 0.5 Mile North of Trancas Street to Madison Street

Cost Estimate: \$1.1M Construction Capital

Schedule: PAED:7/2012 PSE:9/26/13 RWC:9/26/13 RTL:11/26/13 CCA 12/2014

EA 3E270 (RBC)

Rubberized Hot Mix Asphalt Pavement Overlay; NAPA 29 PM 29.3/36.9; In Napa County

Scope: Pavement Resurfacing with Rubberized Asphalt from north of York Creek to Myrtle Street

Cost Estimate: \$2M Construction Capital

Schedule: PSE1/2014 RTL 2/2014 CCA 12/2014

EA 3E370 (RC)

Pavement Digouts; NAPA 29 PM 0.0/5.1; In and Near City of American Canyon

Scope: AC Digouts from Solano County Line to north of SR12 Junction (Jameson Canyon/Airport)

Cost Estimate: \$900K Construction Capital

Schedule: PAED:11/8/12 PSE:8/15/13 RWC:10/30/12 RTL:11/15/13 CCA:12/2014

EA 3E400 (RC)

Rubberized Bonded Wearing Course Seal Coat; NAPA 128 PM 19.0/34.2; In Napa County

Scope: Place asphalt rubber seal coat from Knoxville Road to the County Line

Cost Estimate: \$2.7M Construction Capital

Schedule: PAED:04/16/12 PSE:8/24/12 RWC:9/25/12 RTL:11/15/13 CCA:12/2014

PID (Project Initiation Document)	PSR (Project Study Report)	DED (Draft Environmental Document)
PAED (Project Approval/ Environmental Document)		PSE (Plans, Specifications, and Estimate)
RWC (Right of Way Certification)	RTL (Ready to List)	CCA (Construction Contract Acceptance)
ADV (Advertise Contract)	BO (Bid Open)	AWD (Award Contract)

CONSTRUCTION

EA 4442A (JH)

Duhig Project Landscaping; NAPA 12/121 PM 0.3/2.0; in Napa County

Scope: Highway Planting from 0.3 mile North of Sonoma County line to Duhig Road

Cost Estimate: \$920K Construction Capital

Schedule: PAED:8/26/05 RTL:11/10/10 AWD:9/23/11(Parker Landscape Inc.) CCA:6/2015

EA 26413

Jameson Canyon; NAPA 12 PM 0.2/3.3; In Napa County

Scope: Jameson Canyon: Widen 2 lane to 4 lanes, construct a concrete median from SR 29 to the County Line.

Cost Estimate: \$29.2M

Schedule: PAED:1/31/08 RTL:11/19/10 AWD:1/26/12 (Ghillotti Bros.) CCA:12/2015

EA 26414

Jameson Canyon; SOLANO 12 PM 0.0/2.6; In Solano County

Scope: Jameson Canyon: Widen 2 lane to 4 lanes, construct a concrete median from the County Line to Red Top.

Cost Estimate: \$52M

Schedule: PAED:1/31/08 RTL:12/1/10 AWD:1/11/12 (Ghillotti Const.) CCA:12/2015

EA 4S020

Storm Damage; NAPA 29 PM 41.0; In Napa County

Scope: Reconstruct slope and replace culvert, 1.6 miles north of Tubbs Lane,

Cost Estimate: \$2.4M Construction Capital

Schedule: PAED: 8/2/10 RTL:6/21/12 AWD:12/27/12 (Gordon Ball) CCA:11/2018

EA 4S030

Storm Damage; NAPA 128 PM 10.3; In Napa County near Lake Hennessy

Scope: Construct sheet pile wall at 2.8 miles east of Silverado Trail

Cost Estimate: \$1.3M Construction Capital

Schedule: PAED:8/2/10 RTL:5/1/12 AWD:2/6/2013 (Gordon Ball) CCA:10/2017

EA 2A110

Capell Creek Bridge Replacement; NAPA 121 PM 20.2/20.4; In Napa County

Scope: Bridge replacement at Capell Creek

Cost Estimate: \$3.4M Construction Capital

Schedule: PAED:6/22/11 RTL:3/14/13 BO:7/24/13 (Current low bidder Gordon Ball) CCA:8/2015

ACTION ITEMS

Hopper Slough Bridge: Will be addressed in Spring 2014

PID (Project Initiation Document)	PSR (Project Study Report)	DED (Draft Environmental Document)
PAED (Project Approval/ Environmental Document)		PSE (Plans, Specifications, and Estimate)
RWC (Right of Way Certification)	RTL (Ready to List)	CCA (Construction Contract Acceptance)
ADV (Advertise Contract)	BO (Bid Open)	AWD (Award Contract)



January 2, 2014
TAC Agenda Item 7
Continued From: NEW
Action Requested: INFORMATION

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY TAC Agenda Letter

TO: Technical Advisory Committee (TAC)
FROM: Kate Miller, Executive Director
REPORT BY: Diana Meehan, Assistant Program Planner/Administrator
(707) 259-8327 / Email: dmeehan@nctpa.net
SUBJECT: Active Transportation Program (ATP) Update

RECOMMENDATION

That the TAC review the new ATP guidelines and timeline and make recommendations for countywide project priority coordination.

EXECUTIVE SUMMARY

The new ATP consolidates former federal and state transportation programs, including the Transportation Alternatives Program (TAP), Bicycle Transportation Account (BTA), and Safe Routes to School (SR2S). The first round of funding is anticipated to be \$240 million due to carry over amounts (in a normal year, the funding levels are expected to be closer to \$130 million) and is intended for projects that support non-auto transportation purposes.

FISCAL IMPACT

Is there a fiscal impact? None.

BACKGROUND AND DISCUSSION

On September 26, 2013, Governor Brown signed legislation creating the ATP in the Department of Transportation (Senate Bill 99, Chapter 359 and Assembly Bill 101, Chapter 354). The ATP consolidates existing federal and state transportation programs, including the Transportation Alternatives Program (TAP), Bicycle Transportation Account (BTA), and SR2S, into a single program with a focus to make California a national leader in active transportation. The ATP is administered by the Division of Local Assistance, Office of Active Transportation and Special Programs.

The goals of this effort are to:

- Increase the proportion of trips accomplished by biking and walking.
- Increase the safety and mobility of non-motorized users.
- Advance the active transportation efforts of regional agencies to achieve greenhouse gas reduction goals as established pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) and Senate Bill 391 (Chapter 585, Statutes of 2009).
- Enhance public health, including reduction of childhood obesity through the use of programs including, but not limited to, projects eligible for Safe Routes to School Program funding.
- Ensure that disadvantaged communities fully share in the benefits of the program.
- Provide a broad spectrum of projects to benefit many types of active transportation users.

Overall Program Funding:

On December 11, 2013, the California Transportation Commission (CTC) adopted the overall fund estimate of \$129.5M with \$95.3M (74%) from the federal trust fund and \$34.2M (26%) from the state highway account.

The program distribution is:

- 50% to the state (\$64.7M) with \$24.0M (37%) in reserve for SR2S programming
- 40% to MPO's (\$51.8M) with populations greater than 200k
- 10% to small urban and rural(\$12.9M) areas with populations equal to or less than 200k – the current draft guidelines restrict these funds to small urbanized and rural areas outside of Metropolitan Planning Organization (MPO) boundaries.
- 25% of funds in all distributions must benefit disadvantaged communities

Project Selection:

Project selection will be sequential, with the 50% statewide competition going first, followed by the 40% MPO and 10% small urban, rural project selection. Projects not selected in the statewide competition are eligible for the subsequent two (2) categories.

Program Timeline:

ACTION	DATE
Commission adopts Fund Estimate	December 11, 2013
Guidelines Hearing, South	January 22, 2014
Guidelines Hearing, North	January 29, 2014

ACTION	DATE
Guidelines Submitted to Joint Legislative Budget Committee	February 3, 2014
Commission adopts Active Transportation Program Guidelines	March 20, 2014
Call for Projects	March 21, 2014
Project applications to Commission	May 21, 2014
Large MPO guidelines to Commission (optional)	May 21, 2014
Commission approves or rejects MPO guidelines	June 25, 2014
Commission Adopts Active Transportation Program (statewide and rural/small urban portions). Projects no programmed distributed to large MPO's based on location	August 20, 2014
Deadline for MPO project programming recommendation to the Commission	September 30, 2014
Commission programming of MPO selected projects	November 2014

The draft guidelines will be adopted by the commission on March 20, 2014, with the first cycle call for projects in the statewide competition issued immediately following on March 21, 2014. It is important to create a coordinated effort among jurisdictions on all active transportation projects to achieve the highest potential for improving active transportation throughout Napa County.

A key component of this effort would include recommendations by the TAC and the ATAC for countywide project prioritization that achieve the stated goals for the new ATP.

NCTPA staff recommends that the TAC consider the following:

- 1) Existing gaps in Class I or Class II
- 2) Safe routes to schools
- 3) Access to transit (including sidewalk and crossing improvements)
- 4) User Safety and Information (such as signage/wayfinding, cross walk improvements, informational programs etc.)
- 5) Number of users or potential users

SUPPORTING DOCUMENTS

Attachments: (1) Preliminary Draft Active Transportation Program Guidelines –
CTC Memo dtd 12/11/13

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: December 11, 2013

Reference No.: 4.15
Information

From: ANDRE BOUTROS
Executive Director

Subject: Active Transportation Program Update

ISSUE:

On September 26, 2013 the Governor signed legislation creating the Active Transportation Program (Senate Bill 99, Chapter 359 and Assembly Bill 101, Chapter 354). This legislation requires the Commission, in consultation with an Active Transportation Program Workgroup, to develop program guidelines by March 26, 2014.

As a first step in the development of guidelines, Commission staff conducted a series of workgroup meeting, open to the public, to solicit input on key issues. Having gathered this input, staff developed the attached preliminary draft guidelines as a basis for continuing workgroup discussions. We intend these preliminary draft guidelines to be a starting point for more detailed discussions than has occurred in previous workgroup meeting.

The following is the schedule for the development of the Active Transportation Program guidelines:

Workgroup and subgroup meetings	December 2013 – mid January
Guidelines hearing, South	January 23, 2014
Guidelines hearing, North	January 29, 2014
Guidelines to the Joint Legislative Budget Committee	February 3, 2014
Commission adopts Guidelines	March 20, 2014

BACKGROUND:

The goals of the Active Transportation Program are to:

- Increase the proportion of biking and walking trips.
- Increase safety for nonmotorized users.
- Increase mobility for nonmotorized users.
- Advance the efforts of regional agencies to achieve greenhouse gas reduction goals.
- Enhance public health, including the reduction of childhood obesity through the use of projects eligible for Safe Routes to Schools Program funding.
- Ensure disadvantaged communities fully share in program benefits (25% of program).

- Provide a broad spectrum of projects to benefit many types of active transportation users.

The Commission guidelines are to describe the policy, standards, criteria, and procedures for the development, adoption and management of the Active Transportation Program. The Commission must hold at least two public hearings prior to adopting these guidelines.

Attachment

PRELIMINARY DRAFT

PRELIMINARY DRAFT
ACTIVE TRANSPORTATION PROGRAM
GUIDELINES

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PRELIMINARY DRAFT

INTRODUCTION

BACKGROUND

The Active Transportation Program was created by Senate Bill 99 (Chapter 359, Statutes 2013) and Assembly Bill 101 (Chapter 354, Statutes 2013) to encourage increased use of active modes of transportation, such as biking and walking.

These guidelines describe the policy, standards, criteria, and procedures for the development, adoption and management of the Active Transportation Program. They were developed in consultation with the Active Transportation Program Workgroup. The workgroup includes representatives from Caltrans, other government agencies, and active transportation stakeholder organizations with expertise in pedestrian and bicycle issues, including Safe Routes to School programs.

The Commission must hold at least two public hearings prior to adopting these guidelines. The Commission may amend the adopted guidelines after conducting at least one public hearing. The Commission shall make a reasonable effort to amend the guidelines prior to the call for projects or may extend the deadline for project submission in order to comply with the amended guidelines.

PROGRAM GOALS

Pursuant to statute, the goals of the Active Transportation Program are to achieve:

- Increase the proportion of trips accomplished by biking and walking.
- Increase the safety and mobility of non-motorized users.
- Advance the active transportation efforts of regional agencies to achieve greenhouse gas reduction goals as established pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) and Senate Bill 391 (Chapter 585, Statutes of 2009).
- Enhance public health, including reduction of childhood obesity through the use of programs including, but not limited to, projects eligible for Safe Routes to School Program funding.
- Ensure that disadvantaged communities fully share in the benefits of the program.
- Provide a broad spectrum of projects to benefit many types of active transportation users.

PROGRAM SCHEDULE

The guidelines for an initial two-year program of projects must be adopted by March 26, 2014 (within six months of the enactment of the authorizing legislation). No later than 45 days prior to adopting the initial set of guidelines for the Active Transportation Program, the Commission must submit the draft guidelines to the Joint Legislative Budget Committee.

Subsequent programs must be adopted not later than April 1 of each odd-numbered year, however, the Commission may alternatively elect to adopt a program annually.

The following schedule lists the major milestones for the development and adoption of the 2014 Active Transportation Program:

- December 11, 2013: Commission adopts Fund Estimate
- January 22, 2014: Guidelines hearing, South
- January 29, 2014: Guidelines hearing, North

- February 3, 2104: Guidelines submitted to the Joint Legislative Budget Committee
- March 20, 2014: Commission adopts Active Transportation Program Guidelines
- March 21, 2014: Call for projects
- May 21, 2014: Project applications to Commission
- May 21, 2014: Large MPO guidelines to Commission (optional)
- June 25, 2014: Commission approves or rejects MPO guidelines
- August 20, 2014: Commission adopts Active Transportation Program (statewide and rural/small urban portions). Projects not programmed distributed to large MPOs based on location.
- September 30, 2014: Deadline for MPO project programming recommendations to the Commission.
- November 2014: Commission programming of MPO selected projects.

FUNDING

SOURCE

The Active Transportation Program is funded from various federal and state funds appropriated in the annual Budget Act. These are:

- 100% of the federal Transportation Alternative Program funds, except for federal Recreation Trail Program funds appropriated to the Department of Parks and Recreation.
- \$21 million of federal Highway Safety Improvement Program funds or other federal funds.
- State Highway Account funds.

In addition to furthering the goals of this program, all Active Transportation Program projects must meet eligibility requirements specific to the Active Transportation Program's funding sources.

DISTRIBUTION

State and Federal law segregate the Active Transportation Program into multiple, overlapping components. The Active Transportation Program Fund Estimate shall indicate the funds available for each of the program components. Consistent with these requirements, the Active Transportation Program funds shall be distributed as follows:

1. Forty percent to Metropolitan Planning Organizations in urban areas with populations greater than 200,000.

These funds shall be distributed based on total county population. The funds programmed and allocated under this paragraph shall be selected through a competitive process by the MPOs in accordance with these guidelines.

Projects selected by MPOs may be in either large urban, small urban, or rural areas.

25% of the funds in each MPO must benefit disadvantaged communities.

The following statutory requirements apply specifically to the Southern California Association of Governments (SCAG)

- SCAG shall consult with county transportation commissions, the Commission, and Caltrans in the development of competitive project selection criteria.
 - The criteria used by SCAG should include consideration of geographic equity, consistent with program objectives.
 - SCAG shall place priority on projects that are consistent with plans adopted by local and regional governments within the county where the project is located.
 - SCAG shall obtain concurrence from the county transportation commissions.
2. Ten percent to small urban and rural regions with populations of 200,000 or less, with projects competitively awarded by the Commission to projects in those regions. Federal law segregates Transportation Alternative Program into separate small urban and rural competitions; therefore this portion of the program will be segregated into separate Small Urban and Rural programs based upon their relative share of the state population. Small Urban areas are those with populations of 5,001 to 200,000. Rural areas are those with populations below 5,000.

25% of the funds in the Small Urban and Rural programs must benefit disadvantaged communities.

Projects within the boundaries of a MPO with an urban area with a population of greater than 200,000 are not eligible for funding in the Small Urban or Rural programs.

3. Fifty percent to projects competitively awarded by the Commission on a statewide basis.

25% of the funds in the statewide competitive program must benefit disadvantaged communities.

In the initial three years of the program, \$24 million of the statewide competitive program is available for safe routes to schools projects, with at least \$7.2 million for non-infrastructure grants, including funding for a state technical assistance resource center.

MATCHING REQUIREMENTS

No match from project sponsors is required for the Active Transportation Program funds awarded in the statewide competitive, small urban, or rural programs. The match required for federal funding may be met through the use of toll credits, through State Highway Account Funds in the Active Transportation Program, or through the use of other non-federal funds committed to the project.

Large MPOs, in administering a competitive selection process, may require a funding match for projects selected through their competitive process. While the statewide competitive program does not require matching funds, applicants from within a large MPO should be aware that the requirements in these two competitions may differ.

REIMBURSEMENT

The Active Transportation Program is a reimbursement program for costs incurred. Reimbursement is requested through the invoice process detailed in Chapter 5, Accounting/Invoices, Local Assistance Procedures Manual. Costs incurred prior to Commission allocation and, for federally funded projects, Federal Highway Administration project approval (i.e. Authorization to Proceed) are not eligible for reimbursement.

ELIGIBILITY

ELIGIBLE APPLICANTS

The applicant for Active Transportation Program funds assumes responsibility and accountability for the use and expenditure of program funds. Applicants must be able to comply with all the federal and state laws, regulations, policies and procedures required to enter into a Local Administering Agency-State Master Agreement (Master Agreement). Refer to Chapter 4, Agreements, of the Local Assistance Procedures Manual for guidance and procedures on Master Agreements. The following entities, within the State of California, are eligible to apply for Active Transportation Program funds:

- Local or Regional Agency - Examples include city, county, MPO*, and Regional Transportation Planning Agency.
- Caltrans*
- Transit Agencies - Any agency responsible for public transportation that is eligible for funds under the Federal Transit Administration.
- Natural Resource or Public Land Agencies - Federal, Tribal, State, or local agency responsible for natural resources or public land administration Examples include:
 - State or local park or forest agencies
 - State or local fish and game or wildlife agencies
 - Department of the Interior Land Management Agencies
 - U.S. Forest Service
- School districts, local education agencies, or schools – May include any public or nonprofit private school. Projects should benefit the general public, and not only a private entity.
- Tribal Governments - Federally-recognized Native American Tribes
- Any other entity with responsibility for oversight of transportation or recreational trails that the Commission and Caltrans determine to be eligible.

For funding awarded to a tribal government, a fund transfer to the Bureau of Indian Affairs (BIA) would be required. A tribal government may also partner with another eligible entity to apply if desired.

** State DOTs and MPOs are not eligible project sponsors for the federal TAP funds appropriated to the Active Transportation Program. Therefore, funding awarded to projects submitted directly by Caltrans and MPOs are limited to other Active Transportation Program funds. Caltrans and MPOs may partner with an eligible entity to expand funding opportunities.*

PARTNERING WITH IMPLEMENTATING AGENCIES

Entities that are unable to apply for Active Transportation Program funds, enter into a Master Agreement with the State, or unfamiliar with the requirements to administer a Federal-Aid Highway Program project may partner with an eligible applicant that can implement the project. This arrangement should be formalized through a signed Memorandum of Understanding or Interagency Agreement between the project applicant and implementing agency, documentation of which must be included with the project application.

The implementing agency will be responsible and accountable for the use and expenditure of program funds.

ELIGIBLE PROJECTS

All projects shall be selected through a competitive process and must meet one or more of the program goals. Because the majority for funds in the Active Transportation Program are federal funds, most infrastructure projects and all non-infrastructure projects must be federal-aid eligible:

- Infrastructure Projects: Capital improvements that will further the goals of this program. This typically includes the planning, design, and construction of facilities.
- Non-infrastructure projects: Education, encouragement, and enforcement activities that further the goals of this program.

Additionally, in order to maximize the effectiveness of program funding and to encourage the aggregation of small projects into a comprehensive bundle of projects, the minimum request for Active Transportation Program fund that will be considered is \$500,000. MPOs, in administering a competitive selection process, may use different minimum funding size. Use of a different minimum project size must be approved by the Commission prior to the MPO's call for projects.

EXAMPLE PROJECTS

Below is a list of projects considered generally eligible for Active Transportation Program funding. This list is not intended to be comprehensive; other types of projects that are not on this list may also be eligible if they further the goals of the program.

- Development of new bikeways and walkways that improve mobility, access, or safety for non-motorized users.
- Improvements to existing bikeways and walkways, which improve mobility, access, or safety for non-motorized users.
 - Elimination of hazardous conditions on existing bikeways and walkways.
 - Preventative maintenance of bikeways and walkways with the primary goal of extending the service life of the facility.
- Installation of traffic control devices to improve the safety of pedestrians and bicyclists.
- Safe Routes to School projects that improve the safety of children walking and bicycling to school, in accordance with Section 1404 of Public Law 109-59.
- Safe routes to transit projects, which will encourage transit by improving biking and walking routes to mass transportation facilities and school bus stops.
- Secure bicycle parking at employment centers, park and ride lots, rail and transit stations, and ferry docks and landings.
- Bicycle-carrying facilities on public transit, including rail and ferries.
- Recreational trails and trailheads, park projects that facilitate trail linkages or connectivity to non-motorized corridors, and conversion of abandoned railroad corridors to trails.
- Education programs to increase bicycling and walking, and other non-infrastructure investments that demonstrate effectiveness in increasing active transportation.
- Development of a bike, pedestrian or active transportation plan.

PROJECT TYPE REQUIREMENTS

As discussed in the Funding Distribution section (above), State and Federal law segregate the Active Transportation Program into multiple, overlapping components. Below is an explanation of the requirements specific to these components.

DISADVANTAGED COMMUNITIES

For a project to contribute toward the Disadvantaged Communities funding requirement, the project shall clearly demonstrate a benefit to a community that meets any of the following criteria:

- The median household income is less than 80% of the statewide average based on zip code level data from the American Community Survey. Data is available at http://www.dof.ca.gov/research/demographic/state_census_data_center/american_community_survey/.
- At least 75% of school students in the project area are eligible to receive free or reduced-price meals under the National School Lunch Program. Data is available at <http://www.cde.ca.gov/ds/sd/sd/files/sp.asp>
- An area identified as among the most disadvantaged 10% in the state according to latest versions of the California Communities Environmental Health Screening Tool (CalEnviroScreen) scores. Scores are available at <http://oehha.ca.gov/ej/ces11.html>
- If a project applicant believes a project benefits a disadvantaged community but the project does not meet the aforementioned criteria, the applicant may submit for consideration a quantitative assessment of why the community should be considered disadvantaged.
- MPOs, in administering a competitive selection process, may use different criteria for determining which projects benefit Disadvantaged Communities if the criteria are approved by the Commission prior to the MPO's call for projects.

SAFE ROUTES TO SCHOOL PROJECTS

For a project to contribute toward the Safe Routes to School funding requirement, the project shall directly increase safety and convenience for primary and middle school (grades K-8) students to walk and/or bike to school. In accordance with Section 1404 of Public Law 109-59, infrastructure-related projects must also be located within two miles of a primary or middle school. Other than traffic education and enforcement activities, non-infrastructure projects do not have a location restriction.

RECREATIONAL TRAILS PROJECTS

For Recreational Trails types of projects to be eligible for Active Transportation Program funding, the projects must meet the federal requirements of the Recreational Trails Program (http://www.fhwa.dot.gov/environment/recreational_trails/) as such projects may not be eligible for funding from other sources.

PROJECT SELECTION PROCESS

PROJECT APPLICATION

Active Transportation Program project applications are available at www.dot.ca.gov

A project nomination shall include the signature of the Chief Executive Officer or other officer authorized by the applicant's governing board. Where the project is to be implemented by an agency other than the applicant, the nomination shall also include a copy of the Memorandum of Understanding or Interagency Agreement between the project applicant and implementing agency. A project nomination shall also include documentation of all other funds committed to the projects.

Project nominations should be addressed or delivered to:

Andre Boutros, Executive Director
California Transportation Commission Mail Station 52, Room 2231
1120 N Street Sacramento, CA 95814

Except for applications submitted through an optional MPO supplemental call for project, the Commission will consider only projects for which five hard copies of a complete nomination are received in the Commission office by *June 30, 2014*. By the same date, an additional copy shall also be sent to the Regional Transportation Planning Agency or County Transportation Commission within which the project is located and to the MPO if the project is located within a multi-county MPO.

SEQUENTIAL PROJECT SELECTION

All project applications shall be submitted to the Commission for consideration in the statewide competition. The Commission will consider approval of a competitive grant only when it finds that the grant request meets the requirements of statute and that the project has a commitment of any supplementary funding needed for a full funding plan.

Projects not selected for programming in the statewide competition shall be considered in the large MPO run competitions or the state run Small Urban or Rural competitions.

A large urban MPO may elect to have a supplemental MPO specific call for projects. The projects received in this call shall be considered along with those not selected through the statewide competition.

A large urban MPO choosing to use the same project selection criteria and weighting, minimum project size, and definition of disadvantage communities for its competitive selection process may defer its project selection to the Commission.

MPO COMPETITIVE PROJECT SELECTION

Applications of projects not selected for programming in the statewide competition will be distributed to the appropriate MPO following the Commission adoption of the statewide portion of the Active Transportation Program. These projects shall be considered by the MPOs in administering a competitive selection process. A MPO choosing to use the same project selection criteria and weighting, minimum project size, match requirement, and definition of disadvantage communities as used by the Commission for the statewide competition may defer its project selection to the Commission.

A MPO, with Commission approval, may use a different project selection criteria or weighting, minimum project size, match requirement, or definition of disadvantage communities for its competitive selection process. A MPO may also elect to have a supplemental MPO specific call for projects. The projects received in this call shall be considered along with those not selected through the statewide competition.

In administering a competitive selection process, a MPO shall use a multidisciplinary advisory group to assist in evaluating project applications. Following its competitive selection process, a MPO shall submit its programming recommendations to the Commission.

RATING CRITERIA

Proposed projects will be rated and ranked on the basis of applicant responses to the below criteria. Project programming recommendations may not be based strictly on the rating criteria because of the various components of the Active Transportation Program and the requirements of the various fund sources.

- Demonstrated needs of the applicant. (0 – 10 points)

A project that is already fully funded will not be considered for funding in the Active Transportation Program. The Commission may make an exception to this policy by allowing the supplanting of federal funds on a project for the 2014 Active Transportation Program.

- Planning. (0 – 20 points)

All projects submitted must be consistent with the relevant adopted regional transportation plan that has been developed and updated pursuant to Government Code Section 65080.

Emphasis will be placed on projects that demonstrate consistency with an adopted city or county bicycle transportation plan, pursuant to Section 891.2, pedestrian plan, safe routes to school plan, or overall active transportation plan.

- Potential for reducing pedestrian and bicyclist fatalities and injuries, including the identification of safety hazards for pedestrians and bicyclists. (0 – 20 points)
- Potential for encouraging increased walking and bicycling, especially among students, including the identification of walking and bicycling routes to and from schools, transit facilities, community centers, and other destinations; and including increasing and improving connectivity and mobility of non-motorized users. (0 – 20 points)
- Cost-effectiveness, defined as maximizing the impact of the funds provided. (0 – 15 points)

Applicants shall quantify the safety and/or mobility benefit in relationship to total project cost.

Caltrans shall develop a benefit/cost model for bicycle and pedestrian projects in order to improve information available to decision makers at the state and MPO level in future programming cycles.

- Identification of the local public participation process that culminated in the project proposal, which may include noticed meetings and consultation with local stakeholders. (0 – 15 points)

Project applicants must clearly explain the relationship between the local participation process and the potential for increasing walking and bicycling.

- Benefit to disadvantaged communities. Use of the California Conservation Corps or a qualified community conservation corps, as defined in Section 14507.5 of the Public Resources Code, as partners to undertake or construct applicable projects in accordance with Section 1524 of Public Law 112-141. (0 – 10 points)

Direct contracting with the California Conservation Corps or a qualified community conservation corps without bidding is permissible provided that the responsible agency demonstrates cost effectiveness per 23 CFR 635.204 and obtains approval from Caltrans. A copy of the agreement between the responsible agency and the proposed conservation corps shall be included in the project application as supporting documentation.

- Other factors, such potential for reducing congestion, improving air quality, and reducing greenhouse gas emissions. (0 – 10 points)

Applicants should explain how the project promotes local land-use planning efforts being undertaken to implement the growth visions established by the Regional Transportation Plan/Sustainable Community Strategy.

- Applicant's performance on past grants. This may include project delivery, project benefits (anticipated v. actual), and use of the California Conservation Corps or qualified community conservation corps (planned v. actual). Applications from agencies with poor performance records on past grants may be excluded from competing or may be penalized in scoring. (0 – 10 points)

PROJECT EVALUATION COMMITTEE

Commission staff will form a multidisciplinary Project Evaluation Committee is to assist in evaluating project applications. In forming the Project Evaluation Committee, staff will seek participants with expertise in bicycling and pedestrian transportation, including Safe Routes to Schools type projects, and in projects benefiting disadvantaged communities, and will seek representation from state agencies, large MPOs, small urban and rural areas, and non-governmental organizations. Priority for participation in the evaluation committee will be given to those who do not represent a project sponsor or applicant, or will not benefit from projects submitted by others.

In reviewing and selecting projects to be funded by federal funds in the Recreational Trails Program, the Commission staff will collaborate with the Department of Parks and Recreation to evaluate proposed projects

MPOs, in administering a competitive selection process, shall use a multidisciplinary advisory group, similar to the aforementioned Project Evaluation Committee, to assist in evaluating project applications.

PROGRAMMING

PROJECT PROGRAMMING

Following at least one public hearing, the Commission will adopt an annual program of projects for the Active Transportation Program, by April 1 of each odd numbered year. The Active Transportation

Program shall be developed consistent with the fund estimate and the amount programmed in each fiscal year shall not exceed the amount identified in the fund estimate.

The program of projects for each fiscal year will include, for each project, the amount to be funded from the Active Transportation Program, and the estimated total cost of project construction or equipment acquisition, including any additional supplementary funding. Project costs in the Active Transportation Program will include all project support costs and all project listings will specify costs for each of the following components: (1) completion of all permits and environmental studies; (2) preparation of plans, specifications, and estimates; (3) right-of-way capital outlay (4) support for right-of-way acquisition; (5) construction capital outlay; and (6) construction management and engineering, including surveys and inspection. The cost of each project cost component will be listed in the Active Transportation Program no earlier than in the fiscal year in which the particular project component can be delivered.

When proposing to fund only preconstruction components for a project, the applicant should demonstrate the means by which it intends to fund the construction of a useable segment, consistent with the regional transportation plan or the Caltrans interregional transportation strategic plan.

When project design, right-of-way or construction are programmed before the sponsoring agency completes the environmental process, updated cost estimates, updated analysis of the project's cost effectiveness, and updated analysis of the project's ability to further the goals of the program shall be submitted to the Commission following completion of the environmental process. If this updated information indicates that a project is expected to accomplish fewer benefits or is less cost effective as compared with the initial project application, future funding for the project may be deleted from the program. For the MPO selected competitions, this information should be submitted to the MPO. It is the responsibility of the MPO to recommend that the project be deleted from the program if warranted.

The Commission will program and allocate funding to projects in whole thousands of dollars and will include a project only if it is fully funded from a combination of Active Transportation Program and other committed funding. The Commission will regard funds as committed when they are programmed by the Commission or when the agency with discretionary authority over the funds has made its commitment to the project by ordinance or resolution. For federal formula funds, including Surface Transportation Program, Congestion Mitigation and Air Quality Improvement Program, and federal formula transit funds, the commitment may be by Federal Transportation Improvement Program adoption. For federal discretionary funds, the commitment may be by federal approval of a full funding grant agreement or by grant approval.

The Commission may approve an amendment to the Active Transportation Program at any time. An amendment must appear in an agenda published 10 days in advance of the Commission meeting. Amendments do not require the 30-day notice that applies to a State Transportation Improvement Program (STIP) amendment. Amendments to the MPO selected portion of the program must be approved by the MPO prior to Commission approval.

If the program of projects adopted by the Commission does not program the full capacity identified in the fund estimate for a given fiscal year, the balance will remain available for future program amendments to advance programmed projects. A balance not programmed in one fiscal year will carry over and be available for projects in the following fiscal year, except that unprogrammed funds will not carry over into a subsequent fund estimate.

The intent of the Commission is to consolidate the allocation of federal funds to as few projects as practicable. Therefore, the smallest project may be designated, at the time of programming, for state-only funding.

ALLOCATIONS

The Commission will consider the allocation of funds for a project when it receives an allocation request and recommendation from Caltrans in the same manner as for the STIP (see section 64 of the STIP guidelines). The recommendation will include a determination project readiness, the availability of appropriated funding, and the availability of all identified and committed supplementary funding. The Commission will approve the allocation if the funds are available, the allocation is necessary to implement the project as included in the adopted Active Transportation Program.

Allocation requests for a project in the MPO selected portion of the program must include a recommendation by the MPO.

In compliance with Section 21150 of the Public Resources Code, the Commission will not allocate funds for design, right-of-way, or construction prior to documentation of environmental clearance under the California Environmental Quality Act. As a matter of policy, the Commission will not allocate funds for design, right-of-way, or construction of a federally funded project prior to documentation of environmental clearance under the National Environmental Policy Act. Exceptions to this policy may be made in instances where federal law allows for the acquisition of right-of-way prior to completion of National Environmental Policy Act review.

PROJECT DELIVERY

Active Transportation Program allocations must be requested in the fiscal year of project programming, and are valid for award for six months from the date of allocation unless the Commission approves an extension. Applicants may submit and the Commission will evaluate extension requests in the same manner as for STIP projects (see section 66 of the STIP guidelines) except that extension to the period for project allocation and for project award will be limited to twelve months. Extension requests for a project in the MPO selected portion of the program must include a recommendation by the MPO, consistent with the preceding requirements

Whenever programmed funds are not allocated within this deadline, the project will be deleted from the Active Transportation Program. Funds available following the deletion of a project may be allocated to a programmed project advanced from a future fiscal year. A MPO, in administering its competitive portion of the Active Transportation Program, shall determine which projects to advance and make that recommendation to the Commission. Unallocated funds in one fiscal year will carry over and be available for projects in the following fiscal year, except that unallocated funds will not carry over into a subsequent fund estimate.

For preconstruction allocations, the responsible agency must enter into a cooperative agreement with Caltrans and, if the project is federally funded, obligate the federal funds within six months.

Funds allocated for project development or right of way costs must be expended by the end of the second fiscal year following the fiscal year in which the funds were allocated. After the award of a contract, the project sponsor has up to 36 months to complete (accept) the contract. At the time of fund allocation, the Commission may extend the deadline for completion of work and the liquidation of funds if necessary to accommodate the proposed expenditure plan for the project. The project sponsor has six months after

contract acceptance to make the final payment to the contractor or vendor, prepare the final Report of Expenditure and submit the final invoice to Caltrans for reimbursement.

Caltrans will track the delivery of Active Transportation Program projects and submit to the Commission a quarterly report showing the delivery of each project component.

PROJECT INACTIVITY

Once funds for a project are encumbered, project applicants are expected to invoice on a regular basis (for federal funds, see 23 CFR 630.106 and the Caltrans' Inactive Obligation Policy). Failure to do so will result in the project being deemed "inactive" and subject to deobligation if proper justification is not provided.

PROJECT REPORTING

As a condition of the project allocation, the Commission will require the implementing agency to submit quarterly reports on the activities and progress made toward implementation of the project and a final delivery report. The purpose of the reports is to ensure that the project is being executed in a timely fashion and is within the scope and budget identified when the decision was made to fund the project. Costs associated with reporting are an eligible project cost.

Within six months of the project becoming operable, the implementing agency shall provide a final delivery report to the Commission which includes:

- The scope of the completed project as compared to the programmed project.
- Before and after photos documenting the project.
- The final costs as compared to the approved project budget.
- Its duration as compared to the project schedule in the project application.
- Performance outcomes derived from the project as compared to those described in the project application.
 - This should include before and after pedestrian and/or bicycle counts, and an explanation of the methodology for conduction counts. Counts after project completion should be taken at least six months after project completion.
- Actual use of the California Conservation Corps or qualified community conservation corps as compared to the use in the project application.

For the purpose of this section, a project becomes operable when the construction contract is accepted or acquired equipment is received, or in the case of non-infrastructure activities, when the activities are complete.

The Department of Transportation shall audit a sample of Active Transportation Program projects to determine whether project costs incurred and reimbursed are in compliance with the executed project agreement or approved amendments thereof; state and federal laws and regulations; contract provisions; and Commission guidelines, and whether project deliverables (outputs) and outcomes are consistent with the project scope, schedule and benefits described in the executed project agreement or approved amendments thereof.

ROLES AND RESPONSIBILITIES

CALIFORNIA TRANSPORTATION COMMISSION (COMMISSION)

The Commission responsibilities include:

- Adopt guidelines and policies for the Active Transportation Program.
- Adopt Active Transportation Program Fund Estimate.
- Evaluate projects, including the forming of the Project Evaluation Committee.
- Adopt a program of projects, including:
 - The statewide portion of the Active Transportation Program,
 - The rural portion of the Active Transportation Program,
 - The small urban portion of the Active Transportation Program, and
 - The MPO selected portion of the program based on the recommendations of the MPOs.
 - Ensure that at least 25% of the funds benefit disadvantage communities.
- Allocate funds to projects.
- Report to the legislature.

CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

Caltrans has the primary responsibility for the administration of the Active Transportation Program. Responsibilities include:

- Provide statewide program and procedural guidance to the Districts (i.e. provide project evaluation of materials and instructions) conducts outreach through various networks such as, but not limited to, the Active Transportation Program website, and at conferences, meetings, or workgroups.
- Solicit project applications for the program.
- Facilitate the Project Evaluation Committee.
- Perform eligibility reviews of Active Transportation Program projects.
- Review project applications for scope, cost, schedule, and completeness.
- Recommend project to the Commission for programming and allocation.
- Notify applicants of the results after each call for projects.
- Track project implementation.
- Serve as the main point of contact in project implementation after notifying successful applicants of award.

METROPOLITAN PLANNING ORGANIZATIONS WITH LARGE URBANIZED AREAS

These MPOs are responsible for overseeing a competitive project selection process in accordance with these guidelines. The responsibilities include:

- Ensure that at least 25% of the funds in each MPO must benefit disadvantage communities.
- If using different project selection criteria or weighting, minimum project size, match requirement, or definition of disadvantage communities for its competitive selection process, the MPO must obtain Commission approval prior to the MPO's call for projects

- If electing to have a supplemental MPO specific call for projects, the projects within the MPO boundaries that were not selected through the statewide competition shall be considered along with those received in the supplemental call for projects.
- In administering a competitive selection process, a MPO shall use a multidisciplinary advisory group to assist in evaluating project applications.
- In administering a competitive selection process, a MPO shall explain how the projects recommended for programming by the MPO include a broad spectrum of projects to benefit pedestrians and bicyclists. The explanation shall include a discussion of how the recommended projects benefit students walking and cycling to school.
- A MPO choosing to use the same project selection criteria and weighting, minimum project size, and definition of disadvantage communities for its competitive selection process may defer its project selection to the Commission.
- Approve amendments to the MPO selected portion of the program prior to Commission approval.
- Recommend allocation requests for a project in the MPO selected portion of the program.
- Determine which projects to advance and make that recommendation to the Commission.

The following statutory requirements apply specifically to the Southern California Association of Governments (SCAG)

- SCAG shall consult with county transportation commissions, the Commission, and Caltrans in the development of competitive project selection criteria. The criteria should include consideration of geographic equity, consistent with program objectives.
- SCAG shall place priority on projects that are consistent with plans adopted by local and regional governments within the county where the project is located.
- SCAG shall obtain concurrence from the county transportation.

REGIONAL TRANSPORTATION PLANNING AGENCIES OUTSIDE A MPO WITH LARGE URBANIZED AREAS AND A MPO WITHOUT LARGE URBANIZED AREAS

These Regional Transportation Planning Agencies and MPOs may make recommendations or provide input to Commission regarding the projects within their boundaries that are applying for Active Transportation Program funding.

PROJECT APPLICANT

Project applicants nominate Active Transportation Program projects for funding consideration. If awarded Active Transportation Program funding for a submitted project, the project applicant has contractual responsibility for carrying out the project to completion in accordance with federal, state, and local laws and regulations, and these guidelines. For capital projects, the project applicant will be responsible for the ongoing operations and maintenance of the facility.

FEDERAL REQUIREMENTS

Project applicants must comply with the provisions of Title 23 of the U.S. Code of Federal Regulations and with the processes and procedures contained in the Caltrans Local Assistance Procedure Manual and the Master Agreement with Caltrans. Below are examples of federal requirements that must be met when administering Active Transportation Program projects.

- National Environmental Policy Act (NEPA) compliance and documentation is required on all projects. Refer to Chapter 6, Environmental Procedures, of the Local Assistance Procedures Manual for guidance and procedures on complying with NEPA and other federal environmentally related laws.
- Project applicants may not proceed with the final design of a project or request "Authorization to proceed with Right-of-Way" or "Authorization to proceed with Construction" until Caltrans has signed a Categorical Exclusion, a finding of No Significant Impact, or a Record of Decision. Failure to follow this requirement will make the project ineligible for federal reimbursement.
- Active Transportation Program projects that require right of way acquisitions are discouraged. If the project, however, requires additional right of way (the acquisition of real property), the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 apply. For more information, refer to Chapter 13, Right of Way, of the Local Assistance Procedures Manual.
- If the project applicant requires the consultation services of architects, landscape architects, land surveyors, or engineers, the procedures in the Chapter 10, Consultant Selection, of the Local Assistance Procedures Manual must be followed.
- Contract documents are required to incorporate applicable federal requirements such as Davis Bacon wage rates, competitive bidding, Disadvantaged Business Enterprises/Equal Employment Opportunity provisions, etc. For more information, refer to Chapter 9, Civil Rights and Disadvantaged Business Enterprises, and Chapter 12, Plans, Specifications & Estimate, of the Local Assistance Procedures Manual

Failure to comply with federal requirements may result in the repayment to the State of Active Transportation Program funds.

DESIGN STANDARDS

Chapter 11, Design Standards, of the Caltrans Local Assistance Procedure Manual describes statewide design standards, specifications, procedures, guides, and references that are acceptable in the geometric, drainage, and structural design of Local Assistance projects. The chapter also describes design exception approval procedures. These standards and procedures shall be used for all Active Transportation Program projects. With each programming cycle, Caltrans shall report on the number and nature of design exceptions requested, whether those design exceptions were approved or denied, and when denied the reason for the denial.

For capital projects, the project applicant will be responsible for the ongoing operations and maintenance of the facility.

All facilities constructed using Active Transportation Program funds cannot revert to a non-Active Transportation Program use for a minimum of 20 years or its actual useful life, whichever is less, without approval of the Commission.

PROGRAM EVALUATION

The Active Transportation Program will be evaluated for its effectiveness in increasing the use of active modes of transportation in California. Applicants that receive funding for a project will be asked to collect and submit data to Caltrans as described in the "Project Reporting" section.

By December 31, 2014, the Commission will post its website information about the initial program of projects, including a list of all projects programmed and allocated in each portion of the program, by region, and by project type, along with information on grants awarded to disadvantaged communities,

After 2014, the Commission will include in its annual report to the Legislature a discussion on the effectiveness of the program in terms of planned and achieved improvement in mobility and safety and timely use of funds, and will include a summary of its activities relative to the administration of the Active Transportation Program including:

- Projects programmed,
- Projects allocated
- Projects completed to date by project type,
- Projects completed to date by geographic distribution,
- Projects completed to date by benefit to disadvantaged communities, and
- Projects completed to date with the California Conservation Corps or qualified community conservation corps.



January 2, 2014
TAC Agenda Item 8
Continued From: October 2013
Action Requested: INFORMATION

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY TAC Agenda Letter

TO: Technical Advisory Committee (TAC)
FROM: Kate Miller, Executive Director
REPORT BY: Lawrence E. Gawell, Program Manager – Chief Procurement & Compliance Officer, (707) 259-8636 / Email: lgawell@nctpa.net
SUBJECT: Report on the Feasibility Study for a Transit Maintenance Yard and Fueling Facility

RECOMMENDATION

That the TAC receive the final draft report for the Transit Maintenance Yard and Fueling Facility Feasibility Study presented to the NCTPA Board of Directors in December 2013.

EXECUTIVE SUMMARY

In April of 2013 the Board approved an agreement with Kimley-Horne Associates under the terms of RFQ 2012-01 On-Call Planning Services for a Feasibility Study for a Transit Maintenance Yard and Fueling facility. The feasibility study is now complete and two (2) sites have been recommended.

FISCAL IMPACT

Is there a fiscal impact? Yes

BACKGROUND AND DISCUSSION

The NCTPA has a need for a new transit maintenance yard and fueling facility. The present facility at Jackson Street is not capable of fueling any NCTPA vehicles. The Jackson Street facility has an inadequate number of bus maintenance bays; it does not have adequate parking spaces for all of the NCTPA vehicles; and it has no room for a modern bus wash. At the present time, NCTPA is required to park vehicles at the Napa Valley Expo (Fairground) due to lack of space.

The primary focus of the proposed feasibility study was to conduct a needs assessment, update existing CNG and alternative fueling studies, assess the feasibility of a

multijurisdictional facility and recommend candidate sites for assessment. Kimley-Horn and Associates was awarded this contract at the April 2013 Board meeting. The study is now complete and two sites have been recommended for further consideration in the final report.

Report can be reviewed at NCTPA or on its website at <http://www.nctpa.net/agendas-minutes/12>.

SUPPORTING DOCUMENTS

Attachment: (1) Bus Maintenance Yard and Fueling Facility Draft Final Feasibility Study – dtd December 11, 2013 (provided separately)



January 2, 2014
TAC Agenda Item 9
Continued From: December 2013
Action Requested: INFORMATION/ACTION

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY TAC Agenda Letter

TO: Technical Advisory Committee (TAC)
FROM: Kate Miller, Executive Director
REPORT BY: Danielle Schmitz, Senior Planner
(707) 259-5968 / Email: dschmitz@nctpa.net
SUBJECT: 2014 Technical Advisory Committee (TAC) Work Plan

RECOMMENDATION

That the TAC adopt the 2014 TAC Work Plan.

EXECUTIVE SUMMARY

NCTPA staff proposes the attached 2014 Work TAC Plan, featuring regular agenda items, transportation project funding cycles and special projects.

FISCAL IMPACT

Is there a Fiscal Impact? No, this item only establishes the work program for the coming year. Individual budget items will be considered separately.

BACKGROUND AND DISCUSSION

The NCTPA TAC is responsible for making recommendations to the NCTPA Board on the technical issues involved in transportation planning, funding, and related policies. NCTPA staff envisions that 2014 will include both a familiar range of regular program monitoring in addition to the long range transportation plan, outlined in the 2014 TAC Work Plan, attached.

Revisions to the 2014 TAC Work Plan were made based on comments received at the December meeting. Those comments included:

- 1) Replacing the words "review and approve" with "review and recommend" in several places
- 2) Addition of the words "Partner in the development and review" to item number 5
- 3) Deletion of ATAC appointments

- 4) Consolidated of the Vine Transit reporting and plan review into one item
- 5) Addition of Training under “other topics of interest”

SUPPORTING DOCUMENTS

Attachments: (1) 2014 TAC Work Plan

**NCTPA Technical Advisory Committee (TAC)
2014 Work Plan**

Item	Period
1. Review and recommend monthly agenda for the NCTPA Board of Directors	Monthly
2. Review and Maintain Project Monitoring Reports for Federal and State Programs	Monthly
3. Review monthly Caltrans updates	Monthly
4. Review progress on development of the Napa Valley Vine Trail	Monthly
5. Partner in the development and review of elements of Measure T expenditure program	As needed
6. Partner in the development of NCTPA Countywide Transportation Plan	Monthly
7. Monitor progress of the Regional Transportation Plan (RTP), OBAG, PDA and PCA projects in Napa County.	Ongoing
8. Review ATAC findings relative to "complete streets" compliance of state and federally funded projects	As needed
9. Review and recommend Transportation Development Act, part 3 (TDA-3) call for projects and project selection	January-February
10. Review and recommend Transportation Fund for Clean Air (TFCA) call for projects and project selection	February-May
11. Review work products from the SR29 Gateway Corridor Study	As needed
12. Receive regular briefings on status of the countywide "Vine" transit system and Vine System overview	Monthly
13. Receive briefing on the Travel Behavior Study Report	Spring
14. Consider and advise on development of new NCTPA fleet maintenance facility and CNG fueling depot	As needed
15. Appoint chair and vice-chair for 2015	December 2014
16. Receive State and Federal legislative updates	Monthly
17. Review and recommend consultant contracts as necessary	As needed
18. Review work products of studies	As needed
19. Other items as required	As needed

Other topics and issues of interest for the TAC in 2014

- Pavement Management Plans
- Congestion Management Planning
- The Napa-Solano Travel Demand Model
- Regional Housing Needs Allocation
- Other Infrastructure issues
- Training – transportation funding/programming and other



January 2, 2014
TAC Agenda Item 10
Continued From: December 2013
Action Requested: INFORMATION

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY TAC Agenda Letter

TO: Technical Advisory Committee (TAC)
FROM: Kate Miller, Executive Director
REPORT BY: Danielle Schmitz, Senior Planner
(707) 259-5968 / Email: dschmitz@nctpa.net
SUBJECT: Measure T Program Update and Review

RECOMMENDATION

Information Only

EXECUTIVE SUMMARY

On November 6, 2012, the voters in Napa County approved Measure T, the Napa Countywide Road Maintenance Act. Measure T is a ½% sales tax expected to generate roughly \$300 million over a 25 year period beginning July 1, 2018, when the Measure A Flood Tax expires, and is to be used for the rehabilitation of local streets and roads.

NCTPA staff have been working with all six (6) jurisdictions eligible to receive Measure T funds to solidify a proposed process for consideration of the Measure T Independent Taxpayer Oversight Committee (ITOC) and the Napa Valley Transportation Authority (NVTA) Board.

In December, staff presented a draft Master Agreement and received input from TAC members. An ad hoc committee was formed to discuss and refine the details of the draft agreement. The ad hoc committee met on December 17th.

FISCAL IMPACT

Is there a Fiscal Impact? None.

BACKGROUND AND DISCUSSION

On May 2, 2013, NCTPA staff presented a proposed call for projects to TAC for consideration. It was determined that a refined process be developed prior to

requesting the ITOC and NVTA board approval to issue a call for projects. It was also staff's recommendation that a sub-committee of the TAC be formed to develop proposed processes.

On June 6, 2013, TAC approved the formation of the Measure T subcommittee made up of the City of Napa, Town of Yountville, County of Napa, and NCTPA staff. The Measure T subcommittee met on June 21, 2013 to discuss the Measure T application process. On July 23, 2013, the subcommittee met with the utility companies Comcast and AT&T to discuss how local jurisdictions and the utility providers can better communicate to allow for improved project planning and delivery. The committee also met with PG&E on August 23, 2013. NCTPA staff also met with Measure A staff to review invoicing processes and procedures. Also, on November 4, 2013 NCTPA staff met with jurisdiction's finance department to review and seek feedback on the proposed process and procedures.

The Measure T Expenditure Plan (Expenditure Plan) tasks NVTA to develop an inventory of projects and to ensure adherence with certain compliance elements in the plan. Even though the revenues are not anticipated to flow until 2018, there are a number of requirements and potential opportunities that have prompted staff to recommend moving forward with gathering data.

The subcommittee has tentatively agreed on the following conditions:

The ITOC is required by Measure T to review the minimum maintenance of effort, and the 5-year expenditure plan for each jurisdiction. They will also review the countywide goal of spending at least 6.67% of the amount of yearly Measure T allocations on Class I multipurpose paths. To meet the maintenance of effort requirements, each jurisdiction will submit its FY 2007-08, FY 2008-09, and FY 2009-10 State Controller's Street Report when submitting its five year proposed expenditure plan and related audits to validate expenditures. Thereafter, jurisdictions will submit its annual State Controller's Street Report and Comprehensive Annual Financial Report.

NCTPA has acquired the Street Saver Software to assist in the Measure T planning process.

Jurisdictions' Responsibilities:

- Provide the ITOC with the street report and Comprehensive Annual Financial Report to meet the maintenance of effort requirement
- Biennially, submit to NCTPA a 5-year expenditure plan
- Once a year (or more frequently if needed), submit any updates to the 5-year plan
- Provide NCTPA with their expenditures in meeting the Class I multipurpose path goal. Since this is not a part of the State Controller's report, a separate audit validation will be required,
- Provide proof of project expenditures (e.g. invoices along with quarterly report, working with Finance staff as noted below).

NCTPA's Responsibilities:

- Recommend approval of jurisdictions' draft expenditure plan to ITOC and the NVTA Board for their approval
- Allocate Measure T revenues
- Seek approval from the NVTA Board and ITOC on expenditure plans and allocations
- Validate maintenance of effort and Class I Multipurpose Path requirements and provide quarterly Measure T reports to the NVTA Board and ITOC
- Review and validate expenditures are consistent with 5-year expenditure plans
- Coordinate meetings with the utility providers

A final step prior to meeting with ITOC is to receive comment from Measure T-eligible jurisdictions on the Measure T Master Agreement. The Master Agreement summarizes requirements outlined in the Measure T Expenditure Plan and the procedures developed in partnership with the TAC and City, County, Town finance staff. The Draft Measure T Master Agreement was provided to TAC in late November and discussed at the December TAC meeting.

It was decided that further discussion on roles and responsibilities was needed and TAC formed a second ad hoc Measure T committee made up of TAC members from the Cities of Napa, American Canyon and the County of Napa and included finance representatives. On December 17th staff met with the ad-hoc committee to discuss the draft Master Funding Agreement.

The meeting recipients reviewed a portion of the comments but were not able to complete the list. NCTPA staff will schedule a second meeting of the ad hoc group to review the balance of comments and incorporate those comments into the draft Master Agreement. NCTPA staff is also preparing a project resolution template which will be an exhibit to the Master Agreement for TAC's consideration. A finance group is scheduled to meet to develop a exhibit attachment to the Master Agreement to include specifics about the accounting process.

SUPPORTING DOCUMENTS

Attachments: (1) Comments Received on Draft Agreement

Measure T Master Agreement Comments

- Refers to funds as “grant funds”. The funds are tax revenues and should not be treated like grant funds.
- Ordinance inconsistent/unclear on bicycle requirement and so is agreement. This needs to be beefed up on “how” the requirement will be met and when.
- Section 4 MOE at beginning and end of year – need to define how that will be done (forms, etc.)
- Whose requirement is it to determine the MOE? The agreement and ordinance state that the agencies will submit SCO Street reports and audits to NCTPA. Who is responsible for going through them and calculating the MOE requirement? How is that to be calculated?
- SCO reports and audits due to NCTPA by 12/1/13. That date is in the past and will not work, particularly if there is a requirement on the part of each agency to calculate the MOE (as it states in agreement).
- Allocation of funds disbursed when agency certifies the projects will commence within 6 months. This is not in ordinance and will not work for smaller agencies if they need to save funds for larger projects, and this is inconsistent with the intention of the ordinance (See Section 21: Amendments)
- There is nothing in agreement as to HOW NCTPA will track the funds, allocate interest, etc. This is just as important as how the Local Agencies will account for the use of funds.
- Vague wording needs to be defined/clarified (timely, to NVTA satisfaction, etc.)
- How will audits work? Who is required to be audited? These requirements need to be defined in agreement for agencies to prepare accordingly and satisfy the audit requirement.
- What is the intent on the 3rd party contract audits?
- Right to withhold section includes clause that while funds are being held for non-compliance, interest earned on those funds goes to NVTA for administrative costs. That is inappropriate and not in line with ordinance. Interest earned on funds belong to the agency to which the funds belong and are NOT to be used for admin costs. The ordinance specifically defines the 1% limit for administration costs.
- NVTA reserves right to rescind authorization of unneeded funds – this is also NOT in line with the intention of the ordinance. Ordinance defines allocations and that is what taxpayers voted on. These are not grant funds under NCTPA/NVTA’s purview. These funds belong to each agency in the allocation percentages included in the ordinance.
- Master agreement does not mention the process for interagency loans of Measure T funds. This needs to be included and the process defined.
- Termination of agreement for breach – cannot do this. Ordinance defines who gets funds, not NVTA. There is an amendment process defined in the Ordinance. Termination of an agreement or funding for breach is not in NVTA/NCTPA purview and must follow process for amendments defined in the ordinance.
- Ordinance states that each agency will receive their full allocations per the ordinance in the 25 year period. That is missing from agreement, and the agreement actually contradicts this in some instances.
- Requirement for quarterly request of funds and quarterly reporting is not included in agreement. Seems like a hefty requirement for all involved and unnecessary based on ordinance.

Implementation Procedures Needed (from Ordinance)

- How are revenues provided to Local Agencies?
 - Remitted quarterly by the 20th of the month following the end of the quarter based on funding allocations in ordinance with any accrued interest earnings.
 - Administrative fee and other BOE/County costs come off the top prior to distribution of funds to Local Agencies.
 - BOE admin costs
 - County election costs
 - ITOC budget (up to \$70K annually with CPI increase)
 - How does this get reconciled and excess funds returned to Local Agencies? Does this include the stipends for ITOC members?
 - Each agency establishes a Special Revenue Transportation Improvement Fund (interest bearing) for Measure T revenues.
 - 6.67% off the top placed in reserve for approved bicycle/ped projects.
- How is bicycle requirement met? Is this annual or overall requirement? Is this each agency or collective requirement? Ordinance is inconsistent and unclear.
 - 6.67% placed in reserve account for bicycle/ped improvements off the top.
 - Entities provide plans for improvements.
 - Funds provided to appropriate entity for improvements from the reserve account on reimbursement basis?
- How is expenditure plan prepared/approved?
 - Prepared by entities every two years by (date) and approved by Governing Board via resolution after public hearing.
 - Provided to ITOC for consideration and finding by (date)
 - Provided to NCTPA/NVTA for approval by (date)
- How will loans between local agencies be administered?
 - Agreement to include detailed repayment plan, interest earnings (limited to interest earned on the funds).
 - Approved by each agency's Council/Board.
 - Approved by NCTPA/NVTA Board.
 - If all funds are remitted to each agency according to allocation percentages in Ordinance, loan is made from one entity to another and repaid directly.
- Maintenance of Effort Requirements
 - Local Agencies remit SCO Street Reports and Financial Statements for FY07/08, FY08/09, FY09/10 to NCTPA by July 1, 2014?
 - Who is responsible for determining maintenance of effort requirement? Agency or NCTPA?
 - Agencies and NCTPA approve MOE requirement calculation.
 - What is the format for the calculation? Need to develop consistent form and process for each agency to follow.
 - What is format for notification at beginning of FY that MOE requirement will be met? Need to develop consistent form and process and due date to NVTA (July 1?).
 - NVTA holds future disbursements reserved for the agency until MOE requirement is met
 - NVTA DOES NOT KEEP INTEREST EARNED ON FUNDS FOR FAILURE TO MEET MOE REQUIREMENT

**ATTACHMENT 1
TAC Agenda Item 10
January 2, 2014**

- Audit Requirements
 - What is the audit requirement for NVTA/NCTPA and each Local Agency with respect to Measure T Funds?
 - Do audits get reviewed by TAC, ITOC, NVTA/NCTPA Board? If so, by when?
 - Public Meeting of ITOC for audit review held when?
 - Biennial report to community by NVTA/NCTPA by when?
- Other?



January 2, 2014
TAC Agenda Item 11
Continued From: NEW
Action Requested: INFORMATION

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY TAC Agenda Letter

TO: Technical Advisory Committee (TAC)
FROM: Kate Miller, Executive Director
REPORT BY: Kate Miller, Executive Director
(707) 259-8634 / Email: kmiller@nctpa.net
SUBJECT: Legislative Update and State Bill Matrix

RECOMMENDATION

That the TAC review the latest monthly Federal and State Legislative Update given to the NCTPA Board of Directors.

EXECUTIVE SUMMARY

The NCTPA Board received a Federal legislative update and State legislative update (Attachment 1) from Platinum Advisors at their December 2013 meeting.

FINANCIAL IMPACT

Is there a fiscal impact? No.

BACKGROUND AND DISCUSSION

Federal Update

Bi-Cameral Budget Conference Continues to Work toward Budget Deal

Senate and House budget conferees continue to negotiate in order to reach a FY 2014 budget deal by the December 13 deadline. Republicans and Democrats are hoping to avoid the across the board budget cuts imposed by sequestration but have starkly different approaches. Republicans, led by Rep. Paul Ryan (R-WI), oppose revenue increases and instead are hoping to reduce discretionary spending by cutting various programs, including defense programs. Democrats, led by Sen. Patty Murray (D-WA), are proposing a combination of spending cuts and elimination of tax breaks that would more than offset sequestration and increase FY 2014 funding over the current year level. The 2013 sequestration cuts were limited to discretionary transportation

programs funded by the General Fund (e.g. Federal Transit Administration (FTA) New Starts, Federal Highways (FHWA) Tiger programs). The FY 2014 sequestration report issued by the Office of Management and Budget anticipates that FTA formula and Amtrak funding will not be affected by sequestration; however other reports have indicated that the transfer of general fund revenues to maintain the Highway Trust Fund (HTF) and Mass Transit Account (MTA) may be affected.

Highway Trust Fund

In a news conference, Rep. Earl Blumenauer (D-Ore.) announced the proposal to raise the federal tax on gas to 33.4 cents per gallon. The proposal was supported by various labor organizations and business leaders. In his announcement, Rep. Blumenauer noted that “Every credible independent report indicates that we are not meeting the demands of our stressed and decaying infrastructure system — roads, bridges and transit.”

The federal gas tax has not increased since 1993. Consequently, general fund revenues are subsidizing the trust fund in order to maintain funding for highway and transit at authorized levels and are vulnerable to sequestration cuts. The current tax is 18.3 cents per gallon on gasoline. The proposal would phase in a 15 cent per gallon tax over a three years period and would raise roughly \$170 billion over a 10 year period.

MAP-21 Primary Freight Network

USDOT has released its draft Primary Freight Network (<http://ops.fhwa.dot.gov/freight/infrastructure/pfn/index.htm>), which is part of the National Freight Network established in MAP-21. Congress limited the Primary Freight Network to 27,000 centerline miles plus an additional 3,000 centerline miles of roadways if needed. Key trade corridors in the Bay Area not encompassed on the maps include 880, 580, 101, and 680. FHWA acknowledges that this congressional cap “does not yield a network that is representative of the most critical highway elements of the national freight system that exists in the United States.” To address that issue, they also published “a 41,518 mile connected network that DOT would prefer to designate if it were not constrained to 27,000 miles by the statute.”

Transportation Empowerment Act (S.1702)

On November 14, 2013 Senator Mike Lee (R-UT) introduced the Transportation Empowerment Act to the Senate. The bill would open up America’s transportation system to greater local control which is intended to help target local projects, and build a more efficient way to maintain and improve the nation’s infrastructure. The proposal would transfer almost all authority for federal highway and transit programs to the states over a five year transition period. It would lower the federal gas tax from 18.4 cents to 3.7 cents over the same period. During the phase in, the states would receive block grants with reduced federal requirements.

Senate Filibuster Rules Change

Last Thursday, the Senate voted to [change its filibuster rules](#) to eliminate filibusters on all Executive Branch nominations and all judicial nominations except for the Supreme Court. Known as the “nuclear option”, the change had been debated for many years and is widely viewed to have broad implications.

Members of the majority party have for years argued the change was necessary due to the large and growing number of filibusters of nominations, while members of the minority party have called it a power grab that will turn the Senate into a version of the House (where the rules allow the majority to pass almost everything with a simple majority vote). While not specifically transportation-related, it is a significant change and could potentially affect the Senate’s ability to work together in a bipartisan fashion.

State Update

See attached report from Platinum Advisors

SUPPORTING DOCUMENTS

Attachments: (1) December 9, 2013 State Legislative Update
(2) Capitol Update



December 9, 2013

TO: Kate Miller, Executive Director
Napa County Transportation Planning Agency

FR: Steve Wallauch
Platinum Advisors

RE: **Legislative Update**

Legal for Now: Sacramento Superior Court has rejected two lawsuits challenging the legality of California's Cap & Trade auction. The lawsuits filed by the California Chamber of Commerce and Morning Star Packaging Company claimed AB 32 did not authorize CARB to collect auction revenues in excess of the cost to administer AB 32 programs, and the auction is an illegal tax because AB 32 was not approved by a 2/3 vote of the Legislature. The Court found that CARB does have the authority to auction emission allowances and it is not an illegal tax that violates Prop 13. Needless to say CalChamber plans to appeal this decision, so the saga of whether Cap & Trade funds will flow continues.

However, the findings in this case may put pressure on the state to repay the \$500 million in cap & trade auction revenue loaned to the general fund in the 2013-14 budget, and appropriate cap & trade funds to AB 32 programs. To determine if it is a fee and not a tax, the Court opined that the auction revenue must be used to regulate and further the goals of AB 32, and not be used as a revenue raising effort. If the state does not repay the loan and use the funds to further AB 32 then the Appeal Court may reconsider whether it is a regulatory fee. As for determining the nexus on how the auction revenue is used, the Superior Court found that "all that is required is a reasonable relationship between the charges and the covered entities' responsibility for the harmful effects of GHG emissions." The appeal will likely challenge whether this is too broad of a test.

Active Transportation Program: The California Transportation Commission (CTC) will receive an update on the development of the Active Transportation Program at its hearing this week (December 11) in Riverside. The proposed timeline for the adoption of the guidelines is for the north and south hearings on the guidelines to be held January 29th and January 23rd respectively, followed with submitting the final draft to the Joint Budget Committee on February 3, and adoption by the CTC on March 20th. A call for projects would then be released on March 21st. A copy of the preliminary draft guidelines and fund estimate can be found at: <http://www.catc.ca.gov/>

The first round of funding for the ATP will include the 2013-14 carry over funds and the 2014-15 budget year funds. The total funds available in the first round amount to about \$240 million. The ATP fund estimate projects about \$95.8 million for MPOs (of which \$20 million is earmarked for the MTC region), \$23.8 million for small urban and rural grants, and \$119.6 million for the statewide competitive program.

The preliminary guidelines prohibit a project located within the boundaries of an MPO from applying for the small urban and rural grant funds. As for the regional funds, an MPO may issue its own call for projects using its own criteria, but the selection criteria must be approved by the CTC. In addition the guidelines would institute a “sequential project selection” process. Under this proposal a project located within an MPO that is not selected for funding under the statewide competitive program shall then be considered for funding by the MPO under the regional program.

ZBus: CARB is revisiting its Zero Emission Bus (ZBus) program regulations. They have held two workshops so far and more are on the way. In addition to these workshops, CARB staff is meeting with operators and bus manufactures to explore regulatory changes needed to take the next steps in the development and commercialization of zero emission buses, which includes both battery electric and fuel cell buses. *In addition, CARB is examining the possibility of expanding the ZBus program to include medium and smaller operators.*

Since the existing requirement for large operators to start purchasing zero emission buses is on hold, CARB staff will be drafting amendments to the ZBus regulations that will likely focus on further research and development of zero emission buses, and the eventual phase in of the these vehicles. Regulatory changes being considered also include using a calculation of zero emission miles traveled by operators, such as the use of hybrid vehicles, as a means of phasing in the ZBus goals.

Another workshop will likely be set for late April or early May. At this workshop CARB staff anticipates releasing draft regulatory changes. This will be followed by an informational update to the Board in May, a series of workshops next summer, and taking the ZBus amendments to the Board for adoption in December of 2014.

Budget News: Urging careful consideration by the Legislature before making new budgetary commitments, the Legislative Analyst released his fiscal forecast. The forecast assumes the continued growth in the economy as well as maintaining the State’s current policies. Should the State’s economy continue as expected, California would end 2014-15 with a \$5.6 billion reserve.

The revenue gains projected by the LAO are largely from increased personal income tax revenue, which includes volatile capital gains tax revenue. An alarming statistic in the LAO’s report is personal income tax revenues will comprise 66.3% of all general fund revenue in 2014-15. The LAO points out that despite what appear to be strong numbers now, an economic downturn could immediately reverse the improving financial picture.

- 2012-13 – The LAO estimates that last fiscal year closed with \$1.65 billion more revenue than originally estimated. This bump is due primarily to higher income tax collections compared to the Budget Act. Because of the way the Proposition 98 guarantee was calculated, \$1.75 billion additional would go to schools leaving a \$234 million reserve. The Budget Act assumed a \$254 million reserve.
- 2013-14 – The Budget Act assumes a \$1.1 billion reserve, which the LAO believes, has increased to \$2.4 billion. Higher capital gains pushed income tax revenue up \$4.7 billion. Prop 98 will take \$3.1 billion of this jump, and other spending will consume about \$300 million.
- 2014-15 - As compared to the Budget Act forecast, the LAO is now forecasting \$5.8 billion in higher revenue, \$3.3 billion in higher prop 98 spending, and \$1.5 billion in other spending on obligations such as debt service, health, and human services. This would leave an operating surplus of \$3.2 billion.

Given the volatility of income taxes, the still shaky economy, and the eventual end Prop 30 tax hikes, the LAO recommends building an \$8 billion reserve by 2016-17. The LAO also encourages prioritizing expenditures toward unfunded retirement liabilities, paying off debt to schools and community colleges, using funds toward inflationary increases of existing programs, and using a small amount of the surplus toward new programs. The additional sales tax coming into the State as a result of Proposition 30 expires at the end of 2016 and the additional personal income tax sunsets at the end of 2018. Governor Brown stated his approval of the LAO's suggestions to build a reserve and pay down debt.

Transportation Funding: The California Alliance for Jobs and Transportation California submitted an initiative proposal aimed at creating a new funding program for transportation projects in California. Title and summary of the proposed initiative is expected to be completed by January 10th. This initiative would be placed on the November 2014 ballot; however, the sponsors have not made any decisions on whether to move forward with signature gathering. They submitted this proposal in order to keep their options open.

The California Road Repair Act would phase in a 1% fee based on the value of each vehicle registered in California. The fee would not apply to commercial trucks over 10,000 pounds if the excise tax on diesel fuel is increased by at least 3 cents per gallon by July 1, 2016.

The 1% fee would be phased in over four years at which point it is estimated to generate \$2.9 billion annually. In addition, the revenue cannot be used make any interest or principle payments on bonds, therefore it creates a pay as you go program. As specified in the Coalition's press release, the revenue would be allocated as follows.

- 25% of all new revenue to all cities in California distributed on a formula allocation based on population for local street and road projects.
- 25% of all new revenue to all counties in California based on a formula allocation equal to 75% of fee-paying vehicle and 25% road miles for local street and road projects.
- 40% of all new revenue for maintenance and rehabilitation of the State Highway System. Half of these funds would be programmed for projects based on the North-

South split formula, where 60% is allocated to Southern California projects, and 40% to Northern California projects. The remaining 50% would be programmed for projects based on the “highest need” statewide.

- 10% of all new revenue to public transit operators for system maintenance, rehabilitation and vehicle replacement. The funds cannot be used for operations, and the revenue would be allocated based on the current State Transit Assistance Program formula.



December 16, 2013

Capitol Update

Assembly Budget Blueprint: Assembly Speaker John Pérez and Assembly Budget Chair Nancy Skinner jointly released the Assembly Democrats' Budget Blueprint for the 2014-15 budget year last week. This document will be used to guide the Assembly's discussions on developing a budget for the 2014-15 fiscal year. In general, the Blueprint calls for creating an \$8 billion reserve over the next few years, prioritizing the use of one-time revenue on one-time expenses, and increasing the State's investment in a wide range of programs.

The Governor will release his budget proposal by January 10th, and has indicated that he will continue focusing on fiscal prudence and building a budget reserve. In a similar vein, Pérez and Skinner announced the Assembly Democrats will focus on, "achieving stability and expanding opportunity" in conjunction with the Senate and Governor by:

- Building an \$8 billion reserve as recommended by the Legislative Analyst at the end of the 2016-17 budget year.
- Passing a constitutional amendment requiring that spiking capital gains revenues are saved instead of spent, in order to balance years in which capital gains revenues are low.
- Eliminating the use of one-time funds for ongoing programs. Using one-time funds instead for infrastructure investments like clean energy, parks, and schools. Expanding the Infrastructure bank revolving loan fund for local government projects. Reinvesting Cap and Trade funds into communities.
- Paying down debts, deferrals, and unfunded liabilities.
- Reducing the costs of housing prisoners by implementing recommendations of the Select Committee on Justice Reinvestment including investing in long-term recidivism reduction programs, as well as expanding drug, mental health, and veteran's courts.
- Strengthening the State's early childhood educational programs including establishing Universal Transitional Kindergarten, improving access to early care programs for 0-3-year olds.
- Expanding funding and enrollment at UC and CSU as well as strengthening CalGrants by increasing the number of awards given and amount of those awards.
- Expanding job training and creation programs and helping small businesses hire and grow.

- Reducing child poverty by providing more funds to the CalWORKs program, improving CalWORKs job training programs, increasing the number of child care slots, and providing more funding to CalFresh to children enrolled in CalWORKs.
- Expanding access to health care by phasing in Med-Cal rate increases and restoring specific public health programs. Public health programs targeted for restoration are the Early Mental Health Initiative, Asthma Public Health Initiative, and Black Infant Health.

A copy of the Assembly Democrats outline can be found at: <http://asmdc.org/issues/budget-blueprint/images/2014-15-blueprint-for-a-responsible-budget-v7cw.pdf>

EPIC: With a nod to Upton Sinclair, Senator Mark DeSaulnier announced the formation of a new Legislative Caucus that will be called the Ending Poverty and Inequality in California (EPIC) Caucus. While these caucuses do not review and act on legislation, they do provide an opportunity for members to hear from experts on various issues, which leads to the development of legislation and the formation of positions on state policies and budget priorities. Initial partners with the EPIC Caucus include the Western Center on Law & Poverty, SEIU, the County Welfare Directors Association, and the California Business Roundtable.

Legal for Now: Sacramento Superior Court has rejected two lawsuits challenging the legality of California's Cap & Trade auction. The lawsuits filed by the California Chamber of Commerce and Morning Star Packaging Company claimed AB 32 did not authorize CARB to collect auction revenues in excess of the cost to administer AB 32 programs, and the auction is an illegal tax because AB 32 was not approved by a 2/3 vote of the Legislature. The Court found that CARB does have the authority to auction emission allowances and it is not an illegal tax that violates Prop 13. Needless to say, CalChamber plans to appeal this decision, so the saga of whether Cap & Trade funds will flow continues.

However, the findings in this case may put pressure on the State to repay the \$500 million in Cap & Trade auction revenue loaned to the general fund in the 2013-14 budget, and appropriate Cap & Trade funds to AB 32 programs. To determine if it is a fee and not a tax, the Court opined that the auction revenue must be used to regulate and further the goals of AB 32, and not be used as a revenue raising effort. If the State does not repay the loan and use the funds to further AB 32 then the Appeal Court may reconsider whether it is a regulatory fee. As for determining the nexus on how the auction revenue is used, the Superior Court found that "all that is required is a reasonable relationship between the charges and the covered entities' responsibility for the harmful effects of GHG emissions." The appeal will likely challenge whether this is too broad of a test.

New Realignment Study: The Public Policy Institute of California (PPIC) released its second report on realignment in three weeks, issuing "Public Safety Realignment and Crime Rates in California," on December 10. This new report follows the release of "Funding Public Safety Realignment" on November 19.

The latest report represents PPIC researchers' analysis of crimes committed in California since the implementation of public safety realignment. The Institute's researchers found no evidence that realignment has had an impact on the most serious and violent offenses, such as murder and rape. An analysis of the data did not provide a clear indication of a possible increase in robberies associated with realignment.

On the other hand, the researchers found strong evidence that realignment has a connection to an increase in property crimes. The researchers state that they "estimate an additional one to two property crimes per year on average for each offender who is not incarcerated as a result of realignment." The study cites a substantial increase in vehicle thefts – a 14.8 percent increase between 2011 and 2012, the initial year of realignment.

The study revealed that the crime rate increases vary widely, with California's 10 largest counties tending to see greater increases than other counties in the State. However, crime rates continue to remain at historically low levels.

The researchers also compared the costs of incarceration to various alternative crime-reducing practices and strategies and found that straight incarceration is "an expensive way to maintain public safety." Based on an analysis of available data, the report suggests that more crimes would be prevented by expending more dollars on policing rather than on prison incarceration. The researchers suggest that as realignment continues to evolve "...California should consider safer, smarter, and more cost-effective approaches to corrections and crime prevention.

A copy of the full report may be found at www.ppic.org

Calendar

Monday, December 16, 2013

10 a.m.

ASSEMBLY JOINT LEGISLATIVE AUDIT COMMITTEE

LOCATION: State Capitol, Room 126

2013-107: Accounts Outside the State's Treasury System

2013-103: Armed Persons with Mental Illness

Women, Infants, and Children Program

10:30 a.m. to 1 p.m.

SENATE BUDGET AND FISCAL REVIEW SUBCOMMITTEE NO. 2 ON RESOURCES,
ENVIRONMENTAL PROTECTION, ENERGY AND TRANSPORTATION

LOCATION: Bascom Community Center, Multipurpose Room, 1000 S. Bascom Avenue, San Jose

SUBJECT: The State of California's Roads and Funding

Tuesday, December 17, 2013

12 noon to 2 p.m.

ASSEMBLY WATER, PARKS AND WILDLIFE

LOCATION: City of Seaside Council Chambers, 440 Harcourt Avenue, Seaside

SUBJECT: The Need for a 2014 Water Bond

- Local Perspectives –

2:30 p.m. to 4 p.m.

ASSEMBLY JOINT HEARING SELECT COMMITTEE ON GUN VIOLENCE IN THE EAST BAY AND
SELECT COMMITTEE ON STATUS OF BOYS AND MEN OF COLOR

LOCATION: Elihu Harris State Building (Rooms 1 and 2), 1515 Clay Street, Oakland

SUBJECT: "Connecting the Community: Gun Violence Solutions in Oakland" -- to highlight
successful gun violence prevention efforts in Oakland and identify ways to grow those efforts
by connecting the community to existing resources and expanding those resources.

Monday, January 06, 2014

Upon adjournment of Session

SENATE RULES

LOCATION: Room 3191

GOVERNOR'S APPOINTEES REQUIRED TO APPEAR

Carla J. Peterman, Member, Public Utilities Commission

Susan K. Burr, Member, State Board of Education

Nicolasa I. Sandoval Ph.D., Member, State Board of Education

Ilene W. Straus Ed.D., Member, State Board of Education

Tuesday, January 07, 2014

9 a.m.

ASSEMBLY JOBS, ECONOMIC DEVELOPMENT AND THE ECONOMY

LOCATION: State Capitol, Room 127

SUBJECT: Economic Development Programs; International Trade and Foreign Investment

Wednesday, January 08, 2014

1:30 p.m.

SENATE RULES

LOCATION: Room 113

GOVERNOR'S APPOINTEES REQUIRED TO APPEAR

Dorene d'Adamo, Member, State Water Resources Control Board

Tam M. Doduc, Member, State Water Resources Control Board
Frances S. Weber, Member, State Water Resources Control Board

Monday, January 13, 2014

12 m.

SENATE BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT

LOCATION: State Capitol, Room 4203

SUBJECT: "Fake" Service Dogs

Thursday, January 16, 2014

9 a.m.

ASSEMBLY SELECT COMMITTEE ON SEA LEVEL RISE AND THE CALIFORNIA ECONOMY

LOCATION: State Capitol, Room 126

SUBJECT: How State Agencies are Addressing Sea Level Rise in California.

Monday, February 03, 2014

1:30 p.m. to 3:30 p.m.

ASSEMBLY JOINT HEARING REVENUE AND TAXATION, LOCAL GOVERNMENT, AND HOUSING
AND COMMUNITY DEVELOPMENT

LOCATION: State Capitol, Room 4202

SUBJECT: Understanding the Scope of Payment in Lieu of Taxes (PILOTS) and Their Impact on
Welfare Property Tax Exemption.

Tuesday, February 11, 2014

9 a.m.

SENATE HUMAN SERVICES

LOCATION: State Capitol, Room 4203

INFORMATIONAL HEARING

SUBJECT: Increasing Accountability in Assisted Living Facilities

1 p.m.

SENATE JOINT HEARING BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT AND HEALTH
COMMITTEE

LOCATION: State Capitol, Room 4203

INFORMATIONAL HEARING

SUBJECT: Increasing Accountability in Assisted Living Facilities