

Napa Valley Transportation Authority

625 Burnell Street
Napa, CA 94559



Agenda - Final

Wednesday, November 16, 2022
1:00 PM

***Meeting is being held remote via Zoom and
in person at 625 Burnell Street, Napa CA 94559***

NVRTA Board of Directors

*****COVID-19 SPECIAL NOTICE*****

PUBLIC MEETING GUIDELINES FOR PARTICIPATING VIA PHONE/VIDEO CONFERENCING
Consistent with California Assembly Bill 361 and Government Code Section 54953, due to the COVID-19 State of Emergency and the recommendations for physical distancing, the Napa Valley Transportation Authority (NVRTA) Board meeting will be held remotely via Zoom and in person at the JoAnn Busenbark Boardroom located at 625 Burnell Street, Napa, Ca 94559. Members of the public may observe and participate in the meeting from home or in person. The public is invited to participate telephonically or electronically via the methods below:

- 1) To join the meeting via Zoom video conference from your PC, Mac, iPad, iPhone or Android: go to <https://zoom.us/join> and enter meeting ID 997 5007 2830
- 2) To join the Zoom meeting by phone: dial 1-669-900-6833, enter meeting ID: 997 5007 2830 If asked for the participant ID or code, press #.
- 3) Watch live on YouTube: <https://www.youtube.com/channel/UCrpfLcW9uRmA0EE6w-eKZyw?app=desktop>

Public Comments: Members of the public may comment on matters within the subject matter of the Board's jurisdiction that are not on the meeting agenda during the general public comment item at the beginning of the meeting. Comments related to a specific item on the agenda must be reserved until the time the agenda item is considered and the Chair invites public comment. (Members of the public are welcome to address the Board, however, under the Brown Act Board members may not deliberate or take action on items not on the agenda, and generally may only listen.) Instructions for submitting a Public Comment are on the next page.

Members of the public may submit a public comment in writing by emailing info@nvta.ca.gov by 10:00 a.m. on the day of the meeting with PUBLIC COMMENT as the subject line (for comments related to an agenda item, please include the item number). All written comments should be 350 words or less, which corresponds to approximately 3 minutes or less of speaking time. Public comments emailed to info@nvta.ca.gov after 10 a.m. the day of the meeting will be entered into the record but not read out loud. If authors of the written correspondence would like to speak, they are free to do so and should raise their hand and the Chair will call upon them at the appropriate time.

1. To comment during a virtual meeting (Zoom), click the "Raise Your Hand" button (click on the "Participants" tab) to request to speak when Public Comment is being taken on the Agenda item. You must unmute yourself when it is your turn to make your comment for up to 3 minutes. After the allotted time, you will then be re-muted. Instructions for how to "Raise Your Hand" is available at <https://support.zoom.us/hc/en-us/articles/205566129-Raise-Hand-In-Webinar>.

2. To comment by phone, press "*9" to request to speak when Public Comment is being taken on the Agenda item. You must unmute yourself by pressing "*6" when it is your turn to make your comment, for up to 3 minutes. After the allotted time, you will be re-muted.

Instructions on how to join a video conference are available at: <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

Instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663-Joining-a-meeting-by-phone>

Note: The methods of observing, listening, or providing public comment to the meeting may be altered due to technical difficulties or the meeting may be cancelled, if needed.

All materials relating to an agenda item for an open session of a regular meeting of the NVTA Board of Directors are posted on the NVTA website 72 hours prior to the meeting at: <https://nctpa.legistar.com/Calendar.aspx> or by emailing info@nvta.ca.gov to request a copy of the agenda.

Materials distributed to the members of the Board present at the meeting will be available for public inspection after the meeting. 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.

Americans with Disabilities Act (ADA): 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 Laura Sanderlin, NVTA Board Secretary, at (707) 259-8633 during regular business hours, at least 48 hours prior to the time of the meeting.

Note: Where times are indicated for agenda items, they are approximate and intended as estimates only, and may be shorter or longer as needed.

Acceso y el Título VI: La NVTA puede proveer asistencia/facilitar la comunicación a las personas discapacitadas y los individuos con conocimiento limitado del inglés quienes quieran dirigirse a la Autoridad. Para solicitar asistencia, por favor llame al número (707) 259-8633. Requerimos que solicite asistencia con tres días hábiles de anticipación para poderle proveer asistencia.

Ang Accessibility at Title VI: Ang NVTA ay nagkakaloob ng mga serbisyo/akomodasyon kung hilingin ang mga ito, ng mga taong may kapansanan at mga indibiduwal na may limitadong kaalaman sa wikang Ingles, na nais na matugunan ang mga bagay-bagay na may kinalaman sa NVTA Board. Para sa mga tulong sa akomodasyon o pagsasalin-wika, mangyari lang tumawag sa (707) 259-8633. Kakailanganin namin ng paunang abiso na tatlong araw na may pasok sa trabaho para matugunan ang inyong kahilingan.

1. Call to Order
2. Roll Call
3. Adoption of the Agenda
4. Public Comment
5. Chairperson's, Board Members', Metropolitan Transportation Commissioner's, and Association of Bay Area Governments Update
6. Executive Director's Update
7. Caltrans' Update

Note: Where times are indicated for the agenda items, they are approximate and intended as estimates only and may be shorter or longer as needed.

8. CONSENT AGENDA ITEMS

8.1 AB 361 Requirements for Remote Public Meetings (Osman Mufti) (Pages 11-16)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board approve Resolution 22-29 making findings and declaring it intent to continue remote teleconference meetings in accordance with Government Code section 54953(e) due to the Governor's COVID-19 State of Emergency Proclamation.

Estimated Time: 1:30 p.m.

Attachments: [Staff Report](#)

8.2 Meeting Minutes of October 19, 2022 (Laura Sanderlin) (Pages 17-20)

Recommendation: Board action will approve the minutes of October 19, 2022 regular meeting.

Estimated Time: 1:30 p.m.

Attachments: [Draft Minutes](#)

8.3 State Legislative Advocacy Agreement (Kate Miller) (Pages 21-40)

Recommendation: That the Napa Valley Transportation Authority Board approve Agreement No. 22-C32 and authorize the Executive Director to enter into a 3-year agreement, with two (2) one (1) year extension options, with Platinum Advisors, LLC for state legislative advocacy services in an amount not to exceed \$180,000 (approximately \$36,000 annually).

Estimated Time: 1:30 p.m.

Attachments: [Staff Report](#)

8.4 Resolution No. 22-31 Setting the Regular Meeting Time, Place, and Schedule of the Napa Valley Transportation Authority (NVTB) Governing Board for Calendar Year (CY) 2023 (Laura Sanderlin) (Pages 41-46)

Recommendation: That the Napa Valley Transportation Authority (NVTB) Board approve Resolution 22-31, setting the regular meeting time, place and schedule of the NVTB governing Board for CY 2023.

Estimated Time: 1:30 p.m.

Attachments: [Staff Report](#)

8.5 Resolution No. 22-32 Adopting the Napa Valley Transportation Authority (NVTB) Title VI Program Policy for Fiscal Years (FY) 2023-2025 (Libby Payan) (pages 47-107)

Recommendation: That the Napa Valley Transportation Authority (NVTB) Board approve Resolution 22-32 adopting the NVTB Title VI Program Policy for Fiscal Years 2023-2025.

Estimated Time: 1:30 p.m.

Attachments: [Staff Report](#)

**8.6 State Route 37 (SR 37) Memorandum of Understanding (MOU)
Amendment No. 1 adding Sonoma Marin Area Rail Transit
(SMART) (Danielle Schmitz) (Pages 108-118)**

Recommendation: That the Napa Valley Transportation Authority (NVTB) Board approve Amendment No. 1 to the Resilient State Route 37 Memorandum of Understanding (MOU), adding Sonoma Marin Area Rail Transit (SMART) as a partner on the project.

Estimated Time: 1:30 p.m.

Attachments: [Staff Report](#)

**8.7 Amendment to Cultural Resources Monitoring and Treatment
Agreement for the St. Helena to Calistoga Napa Valley Vine Trail
Project (Rebecca Schenck) (Pages 119-123)**

Recommendation: That the Napa Valley Transportation Authority (NVTB) Board authorize the Executive Director to execute and make minor modifications to Amendment 2 with Middletown Rancheria Agreement No. 22-C10 for Cultural Resources Monitoring and Treatment Services in an amount not to exceed \$59,386 which brings the total contract amount to \$104,000.

Estimated Time: 1:30 p.m.

Attachments: [Staff Report](#)

9. PRESENTATIONS

9.1 2023 Federal Legislative Update (George Riccardo, K&L Gates)

Estimated Time: 1:45 p.m.

**9.2 2023 State Legislative Update (Steve Wallauch, Platinum
Advisors)**

Estimated Time: 2:00 p.m.

10. REGULAR AGENDA ITEMS

10.1 2023 Federal and State Legislative Advocacy Program and Project Priorities and Federal and State Legislative Update (Kate Miller) (Pages 124-147)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board approve the 2023 Federal and State Legislative Advocacy Program and receive the federal and state legislative update.

Estimated Time: 2:10 p.m.

Attachments: [Staff Report](#)

10.2 Resolution 22-33 to Adopt the Metropolitan Transportation Commission (MTC) Multi-Jurisdictional Hazard Mitigation Plan (Libby Payan) (Pages 148-153)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board adopt Resolution 22-33, the 2021 MTC Multi-Jurisdictional Hazard Mitigation Plan, which will allow NVTA to apply for a number of funding opportunities such as Federal Emergency Management Agency (FEMA) Hazard Mitigation Assistance Grants.

Estimated Time: 2:20 p.m.

Attachments: [Staff Report](#)

10.3 Measure T 6.67% Equivalent Fund Certification (Victoria Ortiz) (Pages 154-159)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board approve Resolution 22-34 certifying Napa Valley Transportation Authority (NVTA) 6.67% Equivalent Fund spending for Fiscal Years 2018-19 through 2021-22.

Estimated Time: 2:30 p.m.

Attachments: [Staff Report](#)

10.4 Fiscal Year (FY) 2022-23 Q1 Financial Update and Executive Director Delegated Authority Actions (Roxanna Moradi) (Pages 160-166)

Recommendation: That the Napa Valley Transportation Authority (NVRTA) Board receive the FY 2022-23 Q1 Update and Executive Director Delegated Authority actions.

Estimated Time: 2:40 p.m.

Attachments: [Staff Report](#)

10.5 Vine Transit Update (Rebecca Schenck) (Pages 167-173)

Recommendation: That the NVRTA Board receives the first quarter FY 2022-23 Vine Transit Update and Schedule Changes.

Estimated Time: 2:50 p.m.

Attachments: [Staff Report](#)

10.6 Napa Valley Transportation Authority's (NVRTA) Fiscal Year 2023-2028 Short Range Transit Plan (SRTP) (Libby Payan) (Pages 174-178)

Recommendation: That the Napa Valley Transportation Authority (NVRTA) Board approve the FY2023 - FY2028 Short Range Transit Plan (SRTP) and allow staff to make minor modifications to the document.

Estimated Time: 3:00 p.m.

Attachments: [Staff Report](#)

10.7 Napa Valley Transportation Authority (NVRTA) and Vine Transit Marketing Overview (Valerie Walston) (Pages 179-183)

Recommendation: Information only. Staff will provide an overview of various marketing efforts to promote Vine Transit, V-Commute, and other agency activities and programs.

Estimated Time: 3:10 p.m.

Attachments: [Staff Report](#)

10.8 Brown Act Updates and Future Board Meetings (Osman Mufti)
(Pages 184-192)

Recommendation: General counsel will review the three options available to Board members to participate in Board Meetings after February 28, 2023 when the Governor's executive order suspending certain elements of the Brown Act expires. Staff is requesting direction on how the Board wishes to conduct meetings after February 28, 2023 when the changes go into effect.

Estimated Time: 3:20 p.m.

Attachments: [Staff Report](#)

11. FUTURE AGENDA ITEMS

12. CLOSED SESSION

12.1

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957(b)(1))

Title: Executive Director

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6))

Authority Designated Representative: Authority Chair
Unrepresented Employee: Executive Director

Estimated Time: 3:45 p.m.

12. ADJOURNMENT

12.1 Next Regular Meeting Date is scheduled for December 21, 2022.

I hereby certify that the agenda for the above stated meeting was posted at a location freely accessible to members of the public at the NVTA Offices, 625 Burnell Street, Napa, CA by 5:00 p.m. by Friday, November 11th.



Laura M. Sanderlin, NVTA Board Secretary

Glossary of Acronyms

AB 32	Global Warming Solutions Act	FAS	Federal Aid Secondary
ABAG	Association of Bay Area Governments	FAST	Fixing America's Surface Transportation Act
ACFR	Annual Comprehensive Financial Report	FHWA	Federal Highway Administration
ADA	American with Disabilities Act	FTA	Federal Transit Administration
APA	American Planning Association	FY	Fiscal Year
ATAC	Active Transportation Advisory Committee	GHG	Greenhouse Gas
ATP	Active Transportation Program	GGRF	Greenhouse Gas Reduction Fund
BAAQMD	Bay Area Air Quality Management District	GTFS	General Transit Feed Specification
BAB	Build America Bureau	HBP	Highway Bridge Program
BART	Bay Area Rapid Transit District	HBRR	Highway Bridge Replacement and Rehabilitation Program
BATA	Bay Area Toll Authority	HIP	Housing Incentive Program
BIL	Bipartisan Infrastructure Law (IIJA)	HOT	High Occupancy Toll
BRT	Bus Rapid Transit	HOV	High Occupancy Vehicle
CAC	Citizen Advisory Committee	HR3	High Risk Rural Roads
CAP	Climate Action Plan	HSIP	Highway Safety Improvement Program
CAPTI	Climate Action Plan for Transportation Infrastructure	HTF	Highway Trust Fund
Caltrans	California Department of Transportation	HUTA	Highway Users Tax Account
CASA	Committee to House the Bay Area	HVIP	Hybrid & Zero-Emission Truck and Bus Voucher Incentive Program
CBTP	Community Based Transportation Plan	IFB	Invitation for Bid
CEQA	California Environmental Quality Act	ITIP	State Interregional Transportation Improvement Program
CIP	Capital Investment Program	ITOC	Independent Taxpayer Oversight Committee
CMA	Congestion Management Agency	IS/MND	Initial Study/Mitigated Negative Declaration
CMAQ	Congestion Mitigation and Air Quality Improvement Program	JARC	Job Access and Reverse Commute
CMP	Congestion Management Program	LCTOP	Low Carbon Transit Operations Program
CalSTA	California State Transportation Agency	LIFT	Low-Income Flexible Transportation
CTA	California Transit Association	LOS	Level of Service
CTP	Countywide Transportation Plan	LS&R	Local Streets & Roads
CTC	California Transportation Commission	LTF	Local Transportation Fund
CY	Calendar Year	MaaS	Mobility as a Service
DAA	Design Alternative Analyst	MAP 21	Moving Ahead for Progress in the 21 st Century Act
DBB	Design-Bid-Build	MPO	Metropolitan Planning Organization
DBE	Disadvantaged Business Enterprise	MTC	Metropolitan Transportation Commission
DBF	Design-Build-Finance	MTS	Metropolitan Transportation System
DBFOM	Design-Build-Finance-Operate-Maintain	ND	Negative Declaration
DED	Draft Environmental Document	NEPA	National Environmental Policy Act
EIR	Environmental Impact Report	NOAH	Natural Occurring Affordable Housing
EJ	Environmental Justice	NOC	Notice of Completion
EPC	Equity Priority Communities	NOD	Notice of Determination
ETID	Electronic Transit Information Displays		

Glossary of Acronyms

NOP	Notice of Preparation	SHA	State Highway Account
NVTA	Napa Valley Transportation Authority	SHOPP	State Highway Operation and Protection Program
NVTA-TA	Napa Valley Transportation Authority-Tax Agency	SNTDM	Solano Napa Travel Demand Model
OBAG	One Bay Area Grant	SR	State Route
PA&ED	Project Approval Environmental Document	SRTS	Safe Routes to School
P3 or PPP	Public-Private Partnership	SOV	Single-Occupant Vehicle
PCC	Paratransit Coordination Council	STA	State Transit Assistance
PCI	Pavement Condition Index	STIC	Small Transit Intensive Cities
PCA	Priority Conservation Area	STIP	State Transportation Improvement Program
PDA	Priority Development Areas	STP	Surface Transportation Program
PID	Project Initiation Document	TAC	Technical Advisory Committee
PIR	Project Initiation Report	TCM	Transportation Control Measure
PMS	Pavement Management System	TCRP	Traffic Congestion Relief Program
Prop. 42	Statewide Initiative that requires a portion of gasoline sales tax revenues be designated to transportation purposes	TDA	Transportation Development Act
PSE	Plans, Specifications and Estimates	TDM	Transportation Demand Management Transportation Demand Model
PSR	Project Study Report	TE	Transportation Enhancement
PTA	Public Transportation Account	TEA	Transportation Enhancement Activities
RACC	Regional Agency Coordinating Committee	TEA 21	Transportation Equity Act for the 21 st Century
RAISE	Rebuilding American Infrastructure with Sustainability and Equity	TFCA	Transportation Fund for Clean Air
RFP	Request for Proposal	TIP	Transportation Improvement Program
RFQ	Request for Qualifications	TIFIA	Transportation Infrastructure Finance and Innovation Act
RHNA	Regional Housing Needs Allocation	TIRCP	Transit and Intercity Rail Capital Program
RM 2	Regional Measure 2 Bridge Toll	TLC	Transportation for Livable Communities
RM 3	Regional Measure 3 Bridge Toll	TLU	Transportation and Land Use
RMRP	Road Maintenance and Rehabilitation Program	TMP	Traffic Management Plan
ROW (R/W)	Right of Way	TMS	Transportation Management System
RTEP	Regional Transit Expansion Program	TNC	Transportation Network Companies
RTIP	Regional Transportation Improvement Program	TOAH	Transit Oriented Affordable Housing
RTP	Regional Transportation Plan	TOC	Transit Oriented Communities
SAFE	Service Authority for Freeways and Expressways	TOD	Transit-Oriented Development
SAFETEA-LU	Safe, Accountable, Flexible, and Efficient Transportation Equity Act-A Legacy for Users	TOS	Transportation Operations Systems
SB 375	Sustainable Communities and Climate Protection Act 2008	TPA	Transit Priority Area
SB 1	The Road Repair and Accountability Act of 2017	TPI	Transit Performance Initiative
SCS	Sustainable Community Strategy	TPP	Transit Priority Project Areas
		VHD	Vehicle Hours of Delay
		VMT	Vehicle Miles Traveled



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

AB 361 Requirements for Remote Public Meetings

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVRTA) Board approve Resolution 22-29 making findings and declaring its intent to continue remote teleconference meetings in accordance with Government Code section 54953(e) due to the Governor's COVID-19 State of Emergency Proclamation.

EXECUTIVE SUMMARY

AB 361 allows local legislative bodies to hold remote meetings during a proclaimed state of emergency, if state or local officials have imposed or recommended measures that warrant holding meetings remotely.

In response to improving conditions, Governor Newsom issued Executive Order N-11-22 on June 17, 2022, which lifted many of the provisions related to the emergency while maintaining certain measures to support the ongoing response and recovery effort. Although a portion of the emergency provisions have been lifted the Governor's March 4, 2020 State of Emergency Proclamation as it related to the COVID-19 pandemic remains active.

NVRTA staff is monitoring the status of the Governor's state of emergency proclamation, state and local orders related to social distancing, and health and safety conditions related to COVID-19, and confirm that said conditions continue to exist that warrant "hybrid" meetings to allow members of the Board and public to attend either in person or remotely.

FISCAL IMPACT

None



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Laura Sanderlin, Office Manager/Board Secretary
(707) 259-8633 / Email: lsanderlin@nvta.ca.gov
SUBJECT: AB 361 Requirements for Remote Public Meetings

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Resolution 22-29 making findings and declaring its intent to continue remote teleconference meetings in accordance with Government Code section 54953(e) due to the Governor's COVID-19 State of Emergency Proclamation.

COMMITTEE RECOMMENDATION

None

BACKGROUND

AB 361 allows local legislative bodies to hold remote meetings during a proclaimed state of emergency, if state or local officials have imposed or recommended measures that warrant holding meetings remotely.

If the Board desires to continue to meet utilizing the relaxed teleconference meeting rules, AB 361 requires an ongoing finding every 30 days that the Board has reconsider the circumstances of the state of emergency and that the emergency continues to impact the ability to "meet safely in person," or that state or local officials continue to recommend measures to promote social distancing. Gov. Code § 54953(e)(3).

On September 27, 2021, the Napa County Executive Officer and Public Health Officer issued a recommendation that all public boards and commissions that wish to continue meeting remotely to help minimize the spread and transmission of COVID-19 be permitted to do so. This Local Order expired June 30, 2022, however, the operative Cal/OSHA regulations cited therein, 8 CCR 3205(c)(5)(D), remain in full force and effect and state in pertinent part as follows: "the fact that particles containing the virus can travel more than six feet, especially indoors, so physical distancing, face coverings, increased

ventilation indoors, and respiratory protection decrease the spread of COVID-19 but are most effective when used in combination.”

In response to improving conditions, Governor Newsom issued Executive Order N-11-22 on June 17, 2022, which lifted many of the provisions related to the emergency while maintaining certain measures to support the ongoing response and recovery effort. Although a portion of the emergency provisions have been lifted the Governor’s March 4, 2020 State of Emergency Proclamation as it related to the COVID-19 pandemic remains active.

NVTA staff is monitoring the status of the Governor’s state of emergency proclamation, state and local orders related to social distancing, and health and safety conditions related to COVID-19, and confirm that said conditions continue to exist that warrant “hybrid” meetings to allow members of the Board and public to attend either in person or remotely. COVID cases are decreasing, and regulations are relaxing; however, there remains local and state recommendations for social distancing and remote meeting attendance and all are encouraged to isolate when not feeling well. Hybrid meetings allow for these precautions to be implemented.

Hybrid meetings are one of the least disruptive methods the Board can utilize to protect against the ongoing threat of COVID-19 transmission. COVID-19 spreads easily and quickly through airborne droplets. While face coverings, testing, and ventilating indoor spaces can reduce transmission, they cannot eliminate the threat. Conducting hybrid meetings allows attendees to fully participate in each meeting without requiring that they gather in the same indoor space. Further, it allows members of the public, staff, and members of the Board to participate in meetings even if they have been exposed to COVID-19 or are experiencing symptoms of COVID-19.

Staff recommends the Board extend the time during which it may continue to meet by teleconference without compliance with paragraph (3) of subdivision (b) of section 54953 of the Brown Act.

ALTERNATIVES

The Board could decide not to approve Resolution 22-29 which would put the NVTA Board of Director’s meeting out of government compliance.

ATTACHMENT(S)

- 1) Resolution 22-29

RESOLUTION No. 22-29

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVTa)
MAKING FINDINGS REAUTHORIZING REMOTE TELECONFERENCE MEETINGS
AND DECLARING ITS INTENT TO CONTINUE MEETING IN HYBRID FORMAT TO
ALLOW ATTENDANCE IN PERSON OR REMOTELY PURSUANT TO
GOVERNMENT CODE SECTION 54953**

WHEREAS, the Napa Valley Transportation Authority (NVTa) is committed to preserving and nurturing public access and participation in meetings of the Board;

WHEREAS, all legislative body meetings of NVTa are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and observe the Commission conduct its business; and

WHEREAS, Governor Newsom signed AB 361, amending the Brown Act, including Government Code section 54953(e), which makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition of AB 361 is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, such conditions now exist in the State, specifically, the Governor of the State of California proclaimed a state of emergency on March 4, 2020, related to the threat of COVID-19, which remains partially in effect ; and

WHEREAS, 8 CCR 3205(c)(5)(D) of the Cal/OSHA regulations state: “the fact that particles containing the virus can travel more than six feet, especially indoors, so physical distancing, face coverings, increased ventilation indoors, and respiratory protection decrease the spread of COVID-19 but are most effective when used in combination”; and

WHEREAS, the hybrid meeting model allows each individual attendee of the meeting to assess his or her own risk, and the risk they may pose to others, based on vaccination status, health conditions, age, or any other factor which may dissuade a person from attending an in-person meeting; and

WHEREAS, the hybrid meeting model also provides those that wish to attend meetings in-person the ability to do so; and

WHEREAS, the Board of Directors does hereby find that COVID-19 continues to directly impact the ability of the members to meet safely in person, and the Governor's state of emergency proclamation, and state Cal/OSHA regulations related to social distancing remain in effect and remote meetings continue to provide health and safety benefits.

NOW, THEREFORE, BE IT RESOLVED THAT THE NAPA VALLEY TRANSPORTATION BOARD DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

2. The Board hereby finds that it has considered the state of the emergency and that meeting in person for meetings of all NVTa related legislative bodies subject to the Ralph M. Brown Act would present imminent risks to the health and safety of attendees.

3. Holding hybrid meetings will reduce the possibility of COVID-19 transmission during meetings by allowing those who are at risk or potentially suffering COVID-19 symptoms to participate in meetings without physically attending.

4. Staff is hereby directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings of the Board and all NVTa legislative bodies in accordance with Government Code section 54953, subdivision (e) and other applicable provisions of the Brown Act for hybrid meetings.

5. NVTa shall hold their meetings in hybrid format offering attendees both in-person and videoconference/teleconference access. Any public comment period during any such meeting shall be taken in the same form and fashion from in-person and remote attendees. If at any time during any such meeting the ability to broadcast the meeting and accept public comments from remote attendees through videoconference/teleconference is disrupted, the body holding the meeting shall recess until the disruption is resolved or continue the meeting to a later date when videoconference/teleconference participation can be restored.

6. Staff is further directed to continue to monitor the health and safety conditions related to COVID-19, the status of the Governor's state of emergency, the state regulations related to social distancing, and the local orders related to health and safety, and present to the Board at its next regularly scheduled meeting the related information and recommendations for hybrid meetings pursuant to the provisions of paragraph Government Code section 54953, subdivision (e)(3), and to consider extending the time during which the Commission may continue to meet by teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Board of Directors of the Napa Valley Transportation Authority, at a regular meeting held on November 16, 2022, by the following vote:

Liz Alessio, NVTA Chair

Ayes:

Nays:

Absent:

ATTEST:

Laura Sanderlin, NVTA Board Secretary

APPROVED:

Osman Mufti, NVTA Legal Counsel

Napa Valley Transportation Authority

625 Burnell Street
Napa, CA 94559

Meeting Minutes NVTB Board of Directors

Wednesday, October 19, 2022

1:00 PM

REFER TO COVID-19 SPECIAL NOTICE

1. Call to Order

Chair Alessio called the meeting to order at 1:00pm.

2. Pledge of Allegiance

Chair Alessio led the Pledge of Allegiance.

3. Roll Call

Leon Garcia
Chris Canning
Paul Dohring
Mark Joseph
John F. Dunbar
Belia Ramos
Geoff Ellsworth
Liz Alessio
Gary Kraus
Joe Tagliaboschi
Non Voting:
Doug Weir
Absent:
Alfredo Pedroza
Scott Sedgley

4. Adoption of the Agenda

Motion MOVED by JOSEPH, SECONDED by KRAUS to APPROVE, adoption of the agenda. Motion carried by the following roll call vote:

Aye: 14 - Garcia, Dohring, Joseph, Dunbar, Ellsworth, Alessio, Kraus, and Tagliaboschi

Absent: 10 - Canning, Pedroza, Ramos, and Sedgley

5. Public Comment

Public comment made by Justin Hole, Napa resident.

6. Chairperson's, Board Members', Metropolitan Transportation Commissioner's, and Association of Bay Area Governments Update

Director Ellsworth reported on the recent electric bus service for the City of St. Helena.
Chair Alessio reported on the recent ribbon cutting for the Imola Park and Ride project and City of Napa finalized 20 year general plan.
Executive Director Miller reported on recent MTC activities.

{Director Ramos and Director Canning entered the meeting}

7. Executive Director's Update

Director Miller reported:

- Recent NVTA ribbon cuttings and various transit events
- Staff acknowledgment

8. Caltrans' Update

Amani Meligy, Caltrans reported on recent project updates for Napa County.

9. PRESENTATIONS

9.1 Safe Routes to School Program (Kara Vernor, Napa County Bicycle Coalition)

Director Ellsworth commented on expanded infrastructure.

Director Joseph commented on advocacy for bike friendly communities.

Director Garcia inquired about crossing guards at Highway 29 and Donaldson Way in American Canyon.

10. CONSENT AGENDA ITEMS

Motion MOVED by GARCIA, SECONDED by JOSEPH to APPROVE Consent Items 10.2-10.4.

Motion carried by the following roll call vote:

Aye: 17 - Garcia, Canning, Dohring, Joseph, Dunbar, Ramos, Ellsworth, Alessio, Kraus, and Tagliaboschi

Absent: 7 - Pedroza, and Sedgley

10.1 AB 361 Requirements for Remote Public Meetings (Osman Mufti) (Pages 10-15)

Attachments: [Staff Report](#)

Director Dunbar commented on the recent AB 361 and AB 2449 legislation.

Motion MOVED by DUNBAR, SECONDED by CANNING to APPROVE Consent Item 10.1. Motion carried by the following roll call vote:

Aye: 17 - Garcia, Canning, Dohring, Joseph, Dunbar, Ramos, Ellsworth, Alessio, Kraus, and Tagliaboschi

Absent: 7 - Pedroza, and Sedgley

10.2 Meeting Minutes of September 21, 2022 (Laura Sanderlin) (Pages 16-19)

Attachments: [Draft Minutes](#)

10.3 Napa Valley Transportation Authority (NVTA) Conflict of Interest Code (Laura Sanderlin) (Pages 20-36)

Attachments: [Staff Report](#)

- 10.4** Fund Transfer Agreement with the State of California Department of Transportation (Caltrans) for the Fiscal Year (FY) 2022-23 State Transportation Improvement Program (STIP) Planning, Programming and Monitoring (PPM) Program (Antonio Onorato) (Pages 37-47)

Attachments: [Staff Report](#)

11. REGULAR AGENDA ITEMS

- 11.1** Project Work Order No. PWO-02 to NVTa Agreement No. 21-35 with Fehr & Peers for Work Associated with the Napa Valley Vision Zero Plan (Diana Meehan) (Pages 48-61)

Attachments: [Staff Report](#)

Motion MOVED by KRAUS, SECONDED by JOSEPH to APPROVE Item 11.1. Motion carried by the following roll call vote:

Aye: 17 - Garcia, Canning, Dohring, Joseph, Dunbar, Ramos, Ellsworth, Alessio, Kraus, and Tagliaboschi

Absent: 7 - Pedroza, and Sedgley

- 11.2** Solar Photovoltaic System (PVS) and 20-Year Purchase Power Agreement for the new Vine Bus Maintenance Facility on Sheehy Court (Kate Miller) (Pages 162-201)

Attachments: [Staff Report](#)

Director Joseph, Director Garcia and Chair Alessio commented on the item.

Additional information provided by Gopal Shanker, President of Récolte Energy.

Motion MOVED by JOSEPH, SECONDED by GARCIA to APPROVE Item 11.2, (1) Resolution 22-27 and (2) authorizing the Executive Director to enter into Power Purchase Agreement No. 22-C30.

Motion carried by the following roll call vote:

Aye: 17 - Garcia, Canning, Dohring, Joseph, Dunbar, Ramos, Ellsworth, Alessio, Kraus, and Tagliaboschi

Absent: 7 - Pedroza, and Sedgley

- 11.3** Project Work Order No. PWO-03 to NVTa Agreement No. 21-42 with Stantec Consulting Services, Inc. for work associated with the California Air Resource Board (CARB) Zero Emission Bus Rollout Plan and associated grant development services (Victoria Ortiz) (Pages 202-257)

Attachments: [Staff Report](#)

Motion MOVED by JOSEPH, SECONDED by KRAUS to APPROVE Item 11.3. Motion carried by the following roll call vote:

Aye: 17 - Garcia, Canning, Dohring, Joseph, Dunbar, Ramos, Ellsworth, Alessio, Kraus, and Tagliaboschi

Absent: 7 - Pedroza, and Sedgley

11.4 Imola Park and Ride Electrification (Alberto Esqueda) (Pages 258-280)

Attachments: [Staff Report](#)

Director Dohring inquired about the deferred projects.

Motion MOVED by DUNBAR, SECONDED by CANNING to APPROVE Item 11.4. Motion carried by the following roll call vote:

Aye: 17 - Garcia, Canning, Dohring, Joseph, Dunbar, Ramos, Ellsworth, Alessio, Kraus, and Tagliaboschi

Absent: 7 - Pedroza, and Sedgley

11.5 Recruitment Strategy for Advisory Committee Member Vacancies (Valerie Walston) (Pages 281-289)

Attachments: [Staff Report](#)

Information Only/No Action Taken

Director Dunbar recommended for the communication to be shared in both English and Spanish. Director Joseph, Ellsworth, Canning and Tagliaboschi discussed the consideration of youth member opportunities.

11.6 Federal and State Legislative Update (Kate Miller) (Pages 290-312)

Attachments: [Staff Report](#)

Information Only/No Action Taken

12. FUTURE AGENDA ITEMS

None

13. CLOSED SESSION

13.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Significant exposure to litigation pursuant to of Government Code Section 54956.9(d)(1): Claim of George Thomson

Reportable claim: Board voted unanimously to reject the claim.

14. ADJOURNMENT

Chair Alessio adjourned the meeting at 2:47pm.

14.1 Approval of Next Regular Meeting Date of November 16, 2022 and Adjournment

Laura M. Sanderlin, NVTB Board Secretary



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

State Legislative Advocacy Agreement

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority Board approve Agreement No. 22-C32 (Attachment 1) and authorize the Executive Director to enter into a 3-year agreement, with two (2) one (1) year extension options, with Platinum Advisors, LLC for state legislative advocacy services in an amount not to exceed \$180,000 (approximately \$36,000 annually).

EXECUTIVE SUMMARY

State legislative advocates provide monthly updates, seek input on bills and legislative matters from the NVRTA board and staff and communicate with state legislators on behalf of the agency. NVRTA issued a request for proposals (RFP) on September 23, 2022. Proposals were due on October 24, 2022. NVRTA received one proposal from Platinum Advisors LLC that was deemed responsive to the RFP.

FISCAL IMPACT

\$180,000 over a 5-year period which is currently budgeted.



November 16, 2022
NVRTA Agenda Item 8.3

Continued From: New
Action Requested: APPROVE

NAPA VALLEY TRANSPORTATION AUTHORITY Board Agenda Memo

TO: NVRTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Kate Miller, Executive Director
(707) 259-8634 / Email: kmiller@nvta.ca.gov
SUBJECT: State Legislative Advocacy Agreement

RECOMMENDATION

That the Napa Valley Transportation Authority Board approve Agreement No. 22-C32 (Attachment 1) and authorize the Executive Director to enter into a 3-year agreement, with two (2) one (1) year extension options, with Platinum Advisors, LLC for state legislative advocacy services in an amount not to exceed \$180,000 (approximately \$36,000 annually).

COMMITTEE RECOMMENDATION

None

BACKGROUND

The state legislative advocate provides monthly legislative updates, works with legislators to communicate NVRTA interests and concerns, and provides information about pending legislation that affect agency interests and objectives.

The Request for Proposal (RFP) was released on September 23rd, bids were due on October 24th. The agency advertised in both the Sacramento Bee and the San Francisco Chronicle. Only one bid was received. Staff's evaluation deemed the proposal responsive and the cost proposal reasonable. Platinum Advisors has been NVRTA's state legislative advocate for 10 years and has deep knowledge of the agency, its operations, and policy interests.

Staff is recommending that the Board authorize the executive director to enter into and make minor modifications to Agreement #22-C32 for a period of 3 years with two 1-year extensions for an amount of roughly \$36,000 per year for a total amount not to exceed \$180,000.

ALTERNATIVES

The Board may elect not to approve the State Legislative Advocate Agreement, and then staff would need to rely on other sources of information to provide monthly updates and work directly with legislators to advocate for the agency's interests and concerns. An additional full-time staff position would be required to meet this need.

STRATEGIC GOALS MET BY THIS PROPOSAL

The Legislative Advocacy Services meets all of the strategic goals by supporting legislative advocacy for projects, regulatory and statutory reform, however, its impact has greater influence on three specific goals; meeting the needs of the entire community (Goal 1), improving system safety (Goal 2), and supporting Napa County's economic vitality by ensuring staff has the leverage to advocate on behalf of NVTAs priorities.

ATTACHMENT(S)

(1) Draft Agreement 22-C32 with Platinum Advisors LLC, for State Legislative Advocacy Services.



DRAFT

NAPA VALLEY TRANSPORTATION AUTHORITY

AGREEMENT NVTA NO. 22-C32

THIS AGREEMENT is made and entered into as of this ____ of _____, **2022**, by and between the Napa Valley Transportation Authority, a joint powers agency under the laws of the State of California, hereinafter referred to as "NVTA", and Platinum Advisors, LLC whose mailing address is 1215K Street, Suite 1150, Sacramento, CA 95814, hereinafter referred to as "CONTRACTOR";

RECITALS

WHEREAS, NVTA wishes to obtain specialized services in state legislative advocacy services to NVTA, including its Vine suite of transit services, and the Napa Valley Transportation Authority-Tax Agency (NVTA-TA); and

WHEREAS, CONTRACTOR is willing and has been determined to be qualified to provide such specialized services to NVTA under the terms and conditions set forth herein;

TERMS

NOW, THEREFORE, NVTA hereby engages the services of CONTRACTOR, and CONTRACTOR agrees to serve NVTA in accordance with the terms and conditions set forth herein:

1. Term of the Agreement.

- (a) The term of this Agreement shall commence on the date first above written and **shall expire on November 30, 2025**, unless earlier terminated as provided herein, except that the obligations of the parties under "Insurance" and "Indemnification" shall continue in full force and effect after said expiration date or early termination in relation to acts or omissions occurring prior to such dates during the term of the Agreement, and the obligations of CONTRACTOR to NVTA shall also continue after said expiration date or early termination in relation to the obligations prescribed by "Confidentiality," "Taxes," and "Access to Records/Retention)".
- (b) The term of this Agreement shall be to the date shown above with an option for two (2) one (1) year term subject to review and recommendation by NVTA, and the satisfactory negotiation of terms, including pricing structure.

2. **Scope of Services.** CONTRACTOR shall provide NVTa those services set forth in CONTRACTOR's proposal (**EXHIBIT A**), attached hereto and incorporated by reference herein. EXHIBIT A is provided solely to describe the services to be provided. Any terms contained in EXHIBIT A that add to, vary or conflict with the terms of this Agreement are null and void.

3. **Compensation.**

(a) Rates. In consideration of CONTRACTOR's fulfillment of the promised work, NVTa shall pay CONTRACTOR at the rate set forth in **EXHIBIT B**, attached hereto and incorporated by reference herein.

(b) Expenses. Unless explicitly agreed in writing, no direct expenses, including travel or other expenses, will be reimbursed by NVTa.

(c) Maximum Amount. Notwithstanding subparagraphs (a) and (b), the maximum payments under this Agreement shall be a total of **\$180,000** for professional services and expenses; provided, however, that such amounts shall not be construed as guaranteed sums, and compensation shall be based upon services actually rendered.

4. **Method of Payment.**

(a) Invoices. All payments for compensation shall be made only upon presentation by CONTRACTOR to NVTa of an itemized billing invoice in a form acceptable to the NVTa Manager of Finance which indicates, at a minimum, CONTRACTOR's name, address, Social Security or Taxpayer Identification Number, itemization of the hours worked or, where compensation is on a per-task basis, a description of the tasks completed during the billing period, the person(s) actually performing the services and the position(s) held by such person(s), and the approved hourly or task rate. CONTRACTOR shall submit invoices not more often than every 30 days to NVTa Accounts Payable at 625 Burnell Street, Napa, CA 94559 or electronically to ap@nvt.ca.gov, who after review and approval as to form and content, shall submit the invoice to the NVTa Director Administration, Finance and Policy no later than fifteen (15) calendar days following receipt.

(b) Legal status. So that NVTa may properly comply with its reporting obligations under federal and state laws pertaining to taxation, if CONTRACTOR is or becomes a corporation during the term of this Agreement, proof that such status is currently recognized by and complies with the laws of both the state of incorporation or organization and the State of California, if different, shall be maintained on file with the Secretary of NVTa's Board of Directors at all times during the term of this Agreement in a form satisfactory to the NVTa Manager of Finance. Such proof shall include, but need not be limited to, a copy of any annual or other periodic filings or registrations required by the state of origin or California, the current address for service of process on the corporation or limited liability partnership, and the name of any agent designated for service of process by CONTRACTOR within the State of California.

5. **Independent Contractor.** CONTRACTOR shall perform this Agreement as an independent contractor. CONTRACTOR and the officers, agents and employees of CONTRACTOR are not, and shall not be deemed, NVTA employees for any purpose, including workers' compensation and employee benefits. CONTRACTOR shall, at CONTRACTOR's own risk and expense, determine the method and manner by which duties imposed on CONTRACTOR by this Agreement shall be performed; provided, however, that NVTA may monitor the work performed by CONTRACTOR. NVTA shall not deduct or withhold any amounts whatsoever from the compensation paid to CONTRACTOR, including, but not limited to amounts required to be withheld for state and federal taxes. As between the parties to this Agreement, CONTRACTOR shall be solely responsible for all such payments.

6. **Specific Performance.** It is agreed that CONTRACTOR, including the agents or employees of CONTRACTOR, shall be the sole providers of the services required by this Agreement. Because the services to be performed by CONTRACTOR under the terms of this Agreement are of a special, unique, unusual, extraordinary, and intellectual or time-sensitive character which gives them a peculiar value, the loss of which cannot be reasonably or adequately compensated in damages in an action of law, NVTA, in addition to any other rights or remedies which NVTA may possess, shall be entitled to injunctive and other equitable relief to prevent a breach of this Agreement by CONTRACTOR.

7. **Insurance.** CONTRACTOR shall obtain and maintain in full force and effect throughout the term of this Agreement, and thereafter as to matters occurring during the term of this Agreement, the following insurance coverage:

(a) Workers' Compensation insurance. CONTRACTOR will provide workers' compensation insurance as required by law during the term of this Agreement, CONTRACTOR shall provide workers' compensation insurance for the performance of any of the CONTRACTOR's duties under this Agreement; including but not limited to, coverage for workers' compensation and employer's liability and a waiver of subrogation, and shall provide NVTA with certification of all such coverage's upon request by NVTA's Risk Manager.

(b) Liability insurance. CONTRACTOR shall obtain and maintain in full force and effect during the term of this Agreement the following liability insurance coverage's, issued by a company licensed (admitted) to transact business in the State of California and/or having a A.M. Best rating of A VII or better:

1. General Liability. Commercial general liability [CGL] insurance coverage (personal injury and property damage) of not less than ONE MILLION DOLLARS (\$1,000,000) combined single limit per occurrence, covering liability or claims for any personal injury, including death, to any person and/or damage to the property of any person arising from the acts or omissions of CONTRACTOR or any officer, agent, or employee of CONTRACTOR under this Agreement.

2. Professional Liability/Errors and Omissions. Professional liability/errors and omissions insurance for all activities of CONTRACTOR arising out of or in connection with this Agreement in an amount not less than ONE MILLION DOLLARS (\$1,000,000) per claim.

3. Comprehensive Automobile Liability Insurance. Comprehensive automobile liability insurance (Bodily Injury and Property Damage) on owned, hired, leased and non-owned vehicles used in conjunction with CONTRACTOR's business of not less than ONE MILLION DOLLARS (\$1,000,000) combined single limit per occurrence.

(c) Certificates. All insurance coverage's referenced in 7(b), above, shall be evidenced by one or more certificates of coverage or, with the consent of NVTA's Risk Manager, demonstrated by other evidence of coverage acceptable to NVTA's Risk Manager, which shall be filed by CONTRACTOR with NVTA's Deputy Executive Director prior to commencement of performance of any of CONTRACTOR's duties; shall be kept current during the term of this Agreement; shall provide that NVTA shall be given no less than thirty (30) days prior written notice of any non-renewal, cancellation, other termination, or material change, except that only ten (10) days prior written notice shall be required where the cause of non-renewal or cancellation is non-payment of premium; and shall provide that the inclusion of more than one insured shall not operate to impair the rights of one insured against another insured, the coverage afforded applying as though separate policies had been issued to each insured, but the inclusion of more than one insured shall not operate to increase the limits of the company's liability. For the commercial general liability insurance coverage referenced in 7(b)(1) and, where the vehicles are covered by a commercial policy rather than a personal policy, for the comprehensive automobile liability insurance coverage referenced in 7(b)(3) CONTRACTOR shall also file with the evidence of coverage an endorsement from the insurance provider naming NVTA, its officers, employees, agents and volunteers as additional insureds and waiving subrogation, and the certificate or other evidence of coverage shall provide that if the same policy applies to activities of CONTRACTOR not covered by this Agreement then the limits in the applicable certificate relating to the additional insured coverage of NVTA shall pertain only to liability for activities of CONTRACTOR under this Agreement, and that the insurance provided is primary coverage to NVTA with respect to any insurance or self-insurance programs maintained by NVTA. The additional insured endorsements for the general liability coverage shall use Insurance Services Office (ISO) Form No. CG 20 09 11 85 or CG 20 10 11 85, or equivalent, including (if used together) CG 2010 10 01 and CG 2037 10 01; but shall not use the following forms: CG 20 10 10 93 or 03 94. Upon request by NVTA's Risk Manager, CONTRACTOR shall provide or arrange for the insurer to provide within thirty (30) days of the request, certified copies of the actual insurance policies or relevant portions thereof.

(d) Deductibles/Retentions. Any deductibles or self-insured retentions shall be declared to, and be subject to approval by, NVTA's Risk Manager, which approval shall not be denied unless the NVTA's Risk Manager determines that the deductibles or self-insured retentions are unreasonably large in relation to compensation payable under this Agreement and the risks of liability associated with the activities required of CONTRACTOR by this Agreement. At the option of and upon request by NVTA's Risk Manager if it is determined that such deductibles or retentions are unreasonably high, either the insurer shall reduce or eliminate such deductibles or self-insurance retentions

as respects NVTA, its officers, employees, agents and volunteers or CONTRACTOR shall procure a bond guaranteeing payment of losses and related investigations, claims administration and defense expenses.

8. **Hold Harmless/Defense/Indemnification.** To the fullest extent permitted by law, CONTRACTOR shall hold harmless, defend at its own expense, and indemnify NVTA and the officers, agents, employees and volunteers of NVTA from and against any and all liability, claims, losses, damages or expenses, including reasonable attorney's fees, for personal injury (including death) or damage to property, arising from all acts or omissions of CONTRACTOR or its officers, agents, employees, volunteers, contractors and subcontractors in rendering services under this Agreement, excluding, however, such liability, claims, losses, damages or expenses arising from the sole negligence or willful acts of NVTA or its officers, agents, employees, volunteers, or other contractors or their subcontractors. Each party shall notify the other party immediately in writing of any claim or damage related to activities performed under this Agreement. The parties shall cooperate with each other in the investigation and disposition of any claim arising out of the activities under this Agreement.

9. **Employee Character and Fitness.** CONTRACTOR accepts responsibility for determining and approving the character and fitness of its employees (including volunteers, agents or representatives) to provide the services required of CONTRACTOR under this Agreement, including completion of a satisfactory criminal/background check and period rechecks to the extent permitted by law. Notwithstanding anything to the contrary in this Paragraph, CONTRACTOR, shall hold NVTA and its officers, agents and employees harmless from any liability for injuries or damages resulting from a breach of this provision or CONTRACTOR's actions in this regard.

10. **Termination for Cause.** If either party shall fail to fulfill in a timely and proper manner that party's obligations under this Agreement or otherwise breach this Agreement and fail to cure such failure or breach within 20 days of receipt of written notice from the other party describing the nature of the breach, the non-defaulting party may, in addition to any other remedies it may have, terminate this Agreement by giving 10 days written notice to the defaulting party in the manner set forth in Paragraph 13 (Notices). NVTA hereby authorizes the NVTA Executive Director to make all decisions and take all actions required under this Paragraph to terminate the Agreement on behalf of NVTA for cause.

11. **Termination for Convenience.** This Agreement may be terminated by NVTA for any reason and at any time by giving no less than 30 days written notice of such termination and specifying the effective date thereof. NVTA hereby authorizes the NVTA Executive Director to make all decisions and take all actions required under this Paragraph to terminate the Agreement on behalf of NVTA.

12. Disposition of, Title to and Payment for Work upon Expiration or Termination.

(a) Upon expiration of this Agreement or earlier termination of Agreement, all finished or unfinished documents and other materials, if any, and all rights therein shall become, at the option of NVTA, the property of and shall be promptly returned to NVTA, although CONTRACTOR may retain a copy of such work for its personal records only. Unless otherwise expressly provided in this Agreement, any copyrightable or patentable work created by CONTRACTOR under this Agreement shall be deemed a “work made for hire” for purposes of copyright or patent law and only NVTA shall be entitled to claim or apply for the copyright or patent thereof.

(b) CONTRACTOR shall be entitled to receive compensation for any satisfactory work completed prior to receipt of the notice of termination or commenced prior to receipt of the notice and completed satisfactorily prior to the effective date of the termination; except that CONTRACTOR shall not be relieved of liability to NVTA for damages sustained by NVTA by virtue of any breach of the Agreement by CONTRACTOR whether or not the Agreement expired or was otherwise terminated, and NVTA may withhold any payments not yet made to CONTRACTOR for purpose of setoff until such time as the exact amount of damages due to NVTA from CONTRACTOR is determined.

13. No Waiver. The waiver by either party of any breach or violation of any requirement of this Agreement shall not be deemed to be a waiver of any such breach in the future, or of the breach of any other requirement of this Agreement.

14. Notices. All notices required or authorized by this Agreement shall be in writing and shall be delivered in person or by deposit in the United States mail, by certified mail, postage prepaid, return receipt requested. Any mailed notice, demand, request, consent, approval or communication that either party desires to give the other party shall be addressed to the other party at the address set forth below. Either party may change its address by notifying the other party of the change of address. Any notice sent by mail in the manner prescribed by this paragraph shall be deemed to have been received on the date noted on the return receipt or five days following the date of deposit, whichever is earlier.

NVTA

Kate Miller
Executive Director
625 Burnell Street
Napa, CA. 94559

CONTRACTOR

Darius Anderson
Founder and CEO
1125K Street, Suite 1150
Sacramento, CA 95814

15. Compliance with NVTA Policies on Waste, Harassment, Drug/Alcohol-Free Workplace, and Computer Use. CONTRACTOR hereby agrees to comply, and require its employees and subcontractors to comply, with the following policies, copies of which are on file with the Board Secretary of NVTA and incorporated by reference herein. CONTRACTOR also agrees that it shall not engage in any activities, or permit

its officers, agents and employees to do so, during the performance of any of the services required under this Agreement, which would interfere with compliance or induce violation of these policies by NVTA employees or contractors.

(a) NVTA Policy for Maintaining a Harassment Free Work Environment effective November 18, 2015.

(b) NVTA Drug and Alcohol Policy adopted by resolution of the Board of Directors on November 18, 2015.

(c) Napa County Information Technology Use and Security Policy adopted by resolution of the Napa County Board of Supervisors on April 14, 2005. To this end, all employees and subcontractors of CONTRACTOR whose performance of services under this Agreement requires access to any portion of the NVTA computer network shall sign and have on file with NVTA prior to receiving such access the certification attached to said Policy.

(d) NVTA System Safety Program Plan adopted by resolution of the Board of Directors on November 18, 2015.

16. **Confidentiality.** Confidential information is defined as all information disclosed to CONTRACTOR which relates to NVTA's past, present, and future activities, as well as activities under this Agreement. CONTRACTOR shall hold all such information as CONTRACTOR may receive, if any, in trust and confidence, except with the prior written approval of NVTA, expressed through its Executive Director. Upon cancellation or expiration of this Agreement, CONTRACTOR shall return to NVTA all written and descriptive matter which contains any such confidential information, except that CONTRACTOR may retain for its files a copy of CONTRACTOR's work product if such product has been made available to the public by NVTA.

17. **No Assignments or Subcontracts.**

(a) A consideration of this Agreement is the personal reputation of CONTRACTOR; therefore, CONTRACTOR shall not assign any interest in this Agreement or subcontract any of the services CONTRACTOR is to perform hereunder without the prior written consent of NVTA, which shall not be unreasonably withheld. The inability of the assignee to provide personnel equivalent in experience, expertise, and numbers to those provided by CONTRACTOR, or to perform any of the remaining services required under this Agreement within the same time frame required of CONTRACTOR shall be deemed to be reasonable grounds for NVTA to withhold its consent to assignment. For purposes of this subparagraph, the consent of NVTA may be given by its Executive Director.

(b) Effect of Change in Status. If CONTRACTOR changes its status during the term of this Agreement from or to that of a corporation, limited liability partnership, limited liability company, general partnership, or sole proprietorship, such change in organizational status shall be viewed as an attempted assignment of this Agreement by

CONTRACTOR. Failure of CONTRACTOR to obtain approval of such assignment under this Paragraph shall be viewed as a material breach of this Agreement.

18. **Amendment/Modification.** Except as specifically provided herein, this Agreement may be modified or amended only in writing signed by both Parties. In particular, only NVT A, through its Board of Directors in the form of an amendment of this Agreement, may authorize extra and/or changed work beyond the scope of services prescribed by EXHIBIT A. Failure of CONTRACTOR to secure such authorization in writing in advance of performing any of the extra or changed work shall constitute a waiver of any and all rights to adjustment in the contract price or contract time and no compensation shall be paid for such extra work.

19. **Interpretation; Venue.**

(a) Interpretation. The headings used herein are for reference only. The terms of the Agreement are set out in the text under the headings. This Agreement shall be governed by the laws of the State of California without regard to the choice of law or conflicts.

(b) Venue. This Agreement is made in Napa County, California. The venue for any legal action in state court filed by either party to this Agreement for the purpose of interpreting or enforcing any provision of this Agreement shall be in the Superior Court of California, County of Napa, a unified court. The venue for any legal action in federal court filed by either party to this Agreement for the purpose of interpreting or enforcing any provision of this Agreement lying within the jurisdiction of the federal courts shall be the Northern District of California. The appropriate venue for arbitration, mediation or similar legal proceedings under this Agreement shall be Napa County, California; however, nothing in this sentence shall obligate either party to submit to mediation or arbitration any dispute arising under this Agreement.

20. **Compliance with Laws.** CONTRACTOR shall observe and comply with all currently applicable Federal, State and local laws, ordinances, and codes, and as amended from time to time. Such laws shall include, but not be limited to, the following, except where prohibited by law:

(a) Non-Discrimination. During the performance of this Agreement, CONTRACTOR and its subcontractor's shall not deny the benefits thereof to any person on the basis of sex, race, color, ancestry, religion or religious creed, national origin or ethnic group identification, sexual orientation, marital status, age (over 40), mental disability, physical disability or medical condition (including cancer, HIV and AIDS), nor shall they discriminate unlawfully against any employee or applicant for employment because of sex, race, color, ancestry, religion or religious creed, national origin or ethnic group identification, sexual orientation, marital status, age (over 40), mental disability, physical disability or medical condition (including cancer, HIV and AIDS), or use of family care leave. CONTRACTOR shall ensure that the evaluation and treatment of employees and applicants for employment are free of such discrimination or

harassment. In addition to the foregoing general obligations, CONTRACTOR shall comply with the provisions of the Fair Employment and Housing Act (Government Code section 12900, et seq.), the regulations promulgated there under (Title 2, California Code of Regulations, section 7285.0, et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (sections 11135-11139.5) and any state or local regulations adopted to implement any of the foregoing, as such statutes and regulations may be amended from time to time. To the extent this Agreement subcontracts to CONTRACTOR services or works required of NVTA by the State of California pursuant to Agreement between NVTA and the State, the applicable regulations of the Fair Employment and Housing Commission implementing Government Code section 12990 (a) through (f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations are expressly incorporated into this Agreement by reference and made a part hereof as if set forth in full, and CONTRACTOR and any of its subcontractor's shall give written notice of their obligations there under to labor organizations with which they have collective bargaining or other agreements.

(b) Documentation of Right to Work. CONTRACTOR agrees to abide by the requirements of the Immigration and Control Reform Act pertaining to assuring that all newly-hired employees of CONTRACTOR performing any services under this Agreement have a legal right to work in the United States of America, that all required documentation of such right to work is inspected, and that INS Form I-9 (as it may be amended from time to time) is completed and on file for each employee. CONTRACTOR shall make the required documentation available upon request to NVTA for inspection.

(c) Inclusion in Subcontracts. To the extent any of the services required of CONTRACTOR under this Agreement are subcontracted to a third party; CONTRACTOR shall include all of the provisions of this Section, and any applicable Federal in all such subcontracts as obligations of the subcontractor.

21. **Taxes.** CONTRACTOR agrees to file federal and state tax returns or applicable withholding documents and to pay all applicable taxes or make all required withholdings on amounts paid pursuant to this Agreement and shall be solely liable and responsible to make such withholdings and/or pay such taxes and other obligations including, without limitation, state and federal income and FICA taxes. CONTRACTOR agrees to indemnify and hold NVTA harmless from any liability it may incur to the United States or the State of California as a consequence of CONTRACTOR's failure to pay or withhold, when due, all such taxes and obligations. In the event that NVTA is audited for compliance regarding any withholding or other applicable taxes or amounts, CONTRACTOR agrees to furnish NVTA with proof of payment of taxes or withholdings on those earnings.

22. **Access to Records/Retention.** NVTA, any federal or state grantor agency funding all or part of the compensation payable hereunder, the State Controller, the

Comptroller General of the United States, or the duly authorized representatives of any of the above, shall have access to any books, documents, papers and records of CONTRACTOR which are directly pertinent to the subject matter of this Agreement for the purpose of making audit, examination, excerpts and transcriptions. Except where longer retention is required by any federal or state law, CONTRACTOR shall maintain all required records for at least seven (7) years after NVTa makes final payment for any other work authorized hereunder and all pending matters are closed, whichever is later.

23. **Authority to Contract.** CONTRACTOR and NVTa each hereby warrant that they are legally permitted and otherwise have the authority to enter into and perform this Agreement.

24. **Conflict of Interest.**

(a) Covenant of No Undisclosed Conflict. The parties to the Agreement acknowledge that they are aware of the provisions of Government Code section 1090, et seq., and section 87100, et seq., relating to conflict of interest of public officers and employees. CONTRACTOR hereby covenants that it presently has no interest not disclosed to NVTa and shall not acquire any interest, direct or indirect, which would conflict in any material manner or degree with the performance of its services or confidentiality obligation hereunder, except as such as NVTa may consent to in writing prior to the acquisition by CONTRACTOR of such conflict. CONTRACTOR further warrants that it is unaware of any financial or economic interest of any public officer or employee of NVTa relating to this Agreement. CONTRACTOR agrees that if such financial interest does exist at the inception of this Agreement, NVTa may terminate this Agreement immediately upon giving written notice without further obligation by NVTa to CONTRACTOR under this Agreement.

(b) Statements of Economic Interest. CONTRACTOR acknowledges and understands that NVTa has developed and approved a Conflict of Interest Code as required by state law which requires CONTRACTOR to file with the Elections Division of the Napa County Assessor-Clerk Recorder "assuming office", "annual", and "leaving office" Statements of Economic Interest as a "consultant", as defined in section 18701(a)(2) of Title 2 of the California Code of Regulations, unless the NVTa Executive Director has determined in writing that CONTRACTOR, although holding a "designated" position as a consultant, has been hired to perform a range of duties so limited in scope as to not be required to fully comply with such disclosure obligation. CONTRACTOR agrees to timely comply with all filing obligations for a consultant under NVTa's Conflict of Interest Code unless such a determination is on file on the filing dates for each of the required Statements of Economic Interest.

(c) Campaign Contribution Disclosure. CONTRACTOR has complied with the campaign contribution disclosure provisions of the California Levine Act (Government Code § 84308) and has completed the Levine Act Disclosure Statement attached hereto as Exhibit "C."

25. **Non-Solicitation of Employees.** Each party agrees not to solicit for employment the employees of the other party who were directly involved in the

performance of the services hereunder for the term of this Agreement and a period of six (6) months after termination of this Agreement except with the written permission of the other party, except that nothing in this Paragraph shall preclude NVTa from publishing or otherwise distributing applications and information regarding NVTa job openings where such publication or distribution is directed to the general public.

26. **Third Party Beneficiaries.** Nothing contained in this Agreement shall be construed to create any rights in third parties and the parties do not intend to create such rights.

27. **Attorney's Fees.** In the event that either party commences legal action of any kind or character to either enforce the provisions of this Agreement or to obtain damages for breach thereof, the prevailing party in such litigation shall be entitled to all costs and reasonable attorney's fees incurred in connection with such action.

28. **Severability.** If any provision of this Agreement, or any portion thereof, is found by any court of competent jurisdiction to be unenforceable or invalid for any reason, such provision shall be severable and shall not in any way impair the enforceability of any other provision of this Agreement.

29. **Entirety of Contract.** This Agreement constitutes the entire agreement between the parties relating to the subject of this Agreement and supersedes all previous agreements, promises, representations, understandings and negotiations, whether written or oral, among the parties with respect to the subject matter hereof.

30. **Extensions Authorized.** The Executive Director is delegated authority to execute amendments to extend the term of this Agreement, if needed from time to time.

31. **Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall constitute an original, and all of which taken together shall constitute one and the same instrument. Documents executed, scanned, and transmitted electronically and electronic signatures shall be deemed original signatures for purposes of this Agreement and all matters related thereto, with such scanned and electronic signatures having the same legal effect as original signatures.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, this Agreement was executed by the parties hereto as of the date first above written.

“NVT A”

“CONTRACTOR”
Platinum Advisors, LLC

By _____
Kate Miller, Executive Director

By _____
Darius Anderson, Founder and CEO

Approved as to Form	
By:	_____
	NVT A General Counsel
Date:	_____

EXHIBIT A

SCOPE OF WORK

CONTRACTOR shall provide NVTA with the following, but not as to limit to, services:

- A. Act as lobbyist to Napa Valley Transportation Authority (NVTA) including its Vine suite of transit services and the Napa Valley Transportation Authority-Tax Agency (NVTA-TA).
- B. Lobbyist will provide advice and interpretation on legislative and regulatory matters as they apply to NVTA and their respective operations, inclusive of Napa Vine and VineGo public transit systems. Such information may involve federal and state laws as well as state and local statutes and ordinances.
- C. Typical Duties (not exhaustive):
 - Assist in the development for advancing actions at the State level that are beneficial to NVTA, including drafting legislation, developing and managing strategies to achieve passage of legislation.
 - Represent and advocate on behalf NVTA in its dealings with relevant State agencies and related interest groups including but not limited to 1) California Legislature, 2) Governor's Office, 3) Individual Legislators and their staff members, 4) California Transportation Commission, 5) State Agencies such as the Business, Transportation, and Housing Agency, and subsidiary agencies (e.g. Department of Transportation), California Air Resources Board, Housing and Community Development, and other agencies as necessary.
 - Identify and evaluate the potential impact of proposed legislation, policies, and regulations on NVTA.
 - Arrange appointments with State legislators and State agency representatives.
 - Solicit input from State representatives on issues concerning NVTA and report it to the Board or staff as appropriate.
 - Maintain knowledge of issues concerning NVTA and Vine systems and be prepared to offer advice and advocacy support.
 - Meet with the Board of Directors or its individual members or staff members as needed.
 - Coordinate with legislative advocates for other public agencies such as the Self Help Counties Coalition, California Transit Association, League of California Cities, and California State Association of Counties, as necessary.
- D. Specific Duties:
 - Prepare monthly legislative updates to the NVTA Board that include state budget, and other legislative or regulatory activities that could affect the financial welfare or operations of the agency, and track legislation and regulations of interest.
 - Attend annual meeting at the beginning of each legislative session to review bills of interest and other issues.

- Provide input into NVTAs annual legislative program.
 - Assist drafting legislation on behalf of NVTAs.
 - Testify before legislative committees and/or regulatory bodies on behalf of NVTAs.
 - Advise NVTAs about state funding opportunities to help delivery NVTAs programs and high priority projects.
- E. Other:
- Related responsibilities as needed.

COMPLIANCE WITH GOVERNMENT CODE SECTION 7550. As required by Government Code section 7550, each document or report prepared by CONTRACTOR for or under the direction of NVTAs pursuant to this Agreement shall contain the numbers and dollar amounts of the Agreement and all subcontracts under the Agreement relating to the preparation of the document or written report. The Agreement and subcontract dollar amounts shall be contained in a separate section of the document or written report. If multiple documents or written reports are the subject of the Agreement or subcontracts, the disclosure section may also contain a statement indicating that the total contract amount represents compensation for multiple documents or written report.

EXHIBIT B

COST SHEET

DESCRTIPTION	MONTH	AMOUNT
STATE LEGISLATIVE ADVOCACY SERVICES as described in EXHIBIT A (Scope of Work) at a retaining rate of \$3,000 per month ; or \$36,000 per year (12 months)		
Year 1 December 1, 2022 through November 30, 2023	\$3,000	\$36,000
Year 2 December 1, 2023 through November 30, 2024	\$3,000	\$36,000
Year 3 December 1, 2024 through November 30, 2025	\$3,000	\$36,000
SUBTOTAL A (Year 1 - Year 3)		\$108,000
Option Year 1 (Year 4) December 1, 2025 through November 30, 2026*	\$3,000	\$36,000
Option Year 2 (Year 5) December 1, 2026 through November 30, 2027*	\$3,000	\$36,000
SUBTOTAL B (Option Year 1 + Year 2)		\$ 72,000
TOTAL CONTRACT VALUE (Subtotal A + B)		\$180,000

**see Section 1, Terms (a) and (b) of the Agreement*

The total amount to be paid to the CONTRACTOR for the scope of work defined under EXHIBIT A shall not exceed the amount shown per month and/or year; total maximum payable amount shown under EXHIBIT B of \$180,000.

Maximum payments under this Agreement shall not be construed as guaranteed sums.

Subject to Agreement, CONTRACTOR shall periodically invoice NVTA based on progress towards completion of each monthly task/deliverables listed.

CONTRACTOR must obtain approval for any services not described in EXHIBIT A from NVTA prior to performance.

EXHIBIT C

LEVINE ACT DISCLOSURE STATEMENT

California Government Code § 84308, commonly referred to as the "Levine Act," precludes an Officer of a local government agency from participating in the award of a contract if he or she receives any political contributions totaling more than \$250 in the 12 months preceding the pendency of the contract award, and for three months following the final decision, from the person or company awarded the contract. This prohibition applies to contributions to the Officer, or received by the Officer on behalf of any other Officer, or on behalf of any candidate for office or on behalf of any committee. The Levine Act also requires disclosure of such contributions by a party to be awarded a specified contract. Please refer to the attachment for the complete statutory language.

Current members of the NVTa Board of Directors are:

Liz Alessio	Mark Joseph	Chris Canning	Doug Weir	Paul Dohring
Gary Kraus	Alfredo Pedroza	Geoff Ellsworth	John F. Dunbar	Belia Ramos
Leon Garcia	Scott Sedgley	Joe Tagliaboschi		

1. Have you or your company, or any agent on behalf of you or your company, made any political contributions of more than \$250 to any NVTa Director(s) in the 12 months preceding the date of the issuance of this request for proposal or request for qualifications?

☐ YES ☒ NO

If yes, please identify the Director(s): _____

2. Do you or your company, or any agency on behalf of you or your company, anticipate or plan to make any political contributions of more than \$250 to any NVTa Director(s) in the three months following the award of the contract?

☐ YES ☒ NO

If yes, please identify the Director(s): _____

Answering yes to either of the two questions above does not preclude NVTa from awarding a contract to your firm. It does, however, preclude the identified Director(s) from participating in the contract award process for this contract.

10/17/22
DATE

Dan Ad
(SIGNATURE OF AUTHORIZED OFFICIAL)
DARIUS ANDERSON, FOUNDER & CEO
(TYPE OR WRITE APPROPRIATE NAME, TITLE)
PLATINUM ADVISORS LLC
(TYPE OR WRITE NAME OF COMPANY)

LOBBYING CERTIFICATION

The PROPOSER certifies, to the best of its knowledge and belief, that:

- (1) No Federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of a Federal department or agency, a Member of the U.S. Congress, an officer or employee of the U.S. Congress, or an employee of a Member of the U.S. Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification thereof.
- (2) If any funds other than Federally appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instruction, as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96).
- (3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

THE PROPOSER, PLATINUM ADVISORS CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF EACH STATEMENT OF ITS CERTIFICATION AND DISCLOSURE, IF ANY. IN ADDITION, THE PROPOSER OR PROPOSER UNDERSTANDS AND AGREES THAT THE PROVISIONS OF 31 U.S.C. §§ 3801 ET SEQ. APPLY TO THIS CERTIFICATION AND DISCLOSURE, IF ANY.

[Signature]
Official

Signature of the PROPOSERS Authorized

Darius Anderson, Founder Name and Title of the PROPOSER's
Authorized Official

10/17/22 Date



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Resolution No. 22-31 Setting the Regular Meeting Time, Place, and Schedule of the Napa Valley Transportation Authority (NVTA) Governing Board for Calendar Year (CY) 2023

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Resolution No. 22-31 (Attachment 1) setting the regular meeting time, place, and schedule of the NVTA Governing Board for Calendar Year (CY) 2023.

EXECUTIVE SUMMARY

The NVTA Governing Board meetings fall under the requirements of the State of California Brown Act and must establish a regular meeting time and place, and publish a notice of each meeting. Resolution No. 22-31 will set the regular meeting times, set the regular meeting place as the NVTA Board Room at 625 Burnell Street, Napa CA 94559, and set the meeting schedule for CY 2023.

FISCAL IMPACT

None



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Laura Sanderlin, Office Manager/Board Secretary
(707) 259-8633 / Email: lsanderlin@nvta.ca.gov
SUBJECT: Resolution No. 22-31 Setting the Regular Meeting Time, Place, and Schedule of the Napa Valley Transportation Authority (NVTA) Governing Board for Calendar Year (CY) 2023

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Resolution No. 22-31 (Attachment 1) setting the regular meeting time, place, and schedule of the NVTA Governing Board for Calendar Year (CY) 2023.

COMMITTEE RECOMMENDATION

None

BACKGROUND

The NVTA Governing Board meetings fall under the requirements of the State of California Brown Act and must establish a regular meeting time and place, and publish a notice of each meeting. Resolution No. 22-31 (Attachment 1) will set the regular meeting times, set the regular meeting place as the NVTA Board Room at 625 Burnell Street, Napa CA 94559, and set the meeting schedule for CY 2023.

The regular meeting time of the NVTA Governing Board will be 1:30 p.m., and the recommended regular meeting schedule for CY 2023 is as follows:

Wednesday, January 18
Wednesday, February 15
Wednesday, March 15
Wednesday, April 19
Wednesday, May 17
Wednesday, June 21
Wednesday, July 19
Wednesday, September 20
Wednesday, October 18
Wednesday, November 15
Wednesday, December 20

ALTERNATIVES

The Board may elect not to approve Resolution No. 22-31. In doing so, the Agency will fail to comply with the State of California Brown Act requirements.

STRATEGIC GOALS MET BY THIS PROPOSAL

Not applicable

ATTACHMENT

(1) Resolution No. 22-31

RESOLUTION No. 22-31

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVTa)
SETTING THE REGULAR MEETING TIME, PLACE, AND SCHEDULE
FOR THE GOVERNING BOARD
FOR CALENDAR YEAR (CY) 2023**

WHEREAS, the Napa Valley Transportation Authority (NVTa) Governing Board meetings fall under the requirements of the State of California Brown Act; and

WHEREAS, the NVTa Governing Board must establish a regular meeting time, place, and schedule, and publish notice of each meeting;

NOW, THEREFORE BE IT RESOLVED by the Governing Board of the Napa Valley Transportation Authority that:

1. The regular meeting dates for the Governing Board for calendar year 2023, as shown in Exhibit "A", sets the regular time at 1:30 p.m. and sets the regular meeting place as the JoAnn Busenbark Board Room at 625 Burnell Street, Napa, CA 94559.

Passed and Adopted this 16th Day of November 2022.

Liz Alessio, NVTa-TA Chair

Ayes:

Nays:

Absent:

///

///

ATTEST:

Laura Sanderlin, NVTA-TA Board Secretary

APPROVED:

Osman Mufti, NVTA-TA General Counsel

EXHIBIT “A”

NVTA Governing Board
Meeting Dates for CY 2023

Wednesday, January 18
Wednesday, February 15
Wednesday, March 15
Wednesday, April 19
Wednesday, May 17
Wednesday, June 21
Wednesday, July 19
Wednesday, September 20
Wednesday, October 18
Wednesday, November 15
Wednesday, December 20



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Resolution 22-32 Adopting the Napa Valley Transportation Authority (NVTA) Title VI Program Policy for Fiscal Years 2023-2025

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Resolution 22-32 (Attachment 1) adopting the NVTA Title VI Program Policy for Fiscal Years 2023-2025 (Attachment 2).

EXECUTIVE SUMMARY

The purpose of this policy is to establish guidelines to effectively monitor and ensure that the Napa Valley Transportation Authority (NVTA) is in compliance with all Federal Transit Administration (FTA) Title VI requirements and regulations in order to carry out the provisions of the Department of Transportation's (DOT) Title VI Regulations at 49 CFR Part 21.

Title VI prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives Federal funds. The policy outlines how the agency approaches public outreach and service provisions to Title VI protected populations.

FISCAL IMPACT

Is there a Fiscal Impact? No



November 16, 2022
NVRTA Agenda Item 8.5

Continued From: New
Action Requested: APPROVE

NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVRTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Libby Payan, Senior Program Planner/Administrator
(707) 259-8782 / Email: lpayan@nvta.ca.gov
SUBJECT: Resolution 22-32 Adopting the Napa Valley Transportation Authority (NVRTA) Title VI Program Policy for Fiscal Years (FY) 2023-2025

RECOMMENDATION

That the Napa Valley Transportation Authority (NVRTA) Board approve Resolution 22-32 (Attachment 1) adopting the NVRTA Title VI Program Policy for Fiscal Years 2023-2025 (Attachment 2).

COMMITTEE RECOMMENDATION

None

BACKGROUND

The Napa Valley Transportation Authority is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color or national origin, as provided by Title VI of the Civil Rights Act of 1964, as amended. Its objective is to:

- Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;
- Promote the full and fair participation of all affected populations in transportation decision-making;
- Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations;
- Ensure meaningful access to programs and activities by persons with limited English proficiency.

In this endeavor, staff has updated NVRTA's Title VI policies from fiscal year 2020-2022 to meet the requirements in the Infrastructure Investment Jobs Act (IIJA) more commonly known as the Bipartisan Infrastructure Law (BIL). The policies involved conducting a four-

factor Limited English Proficiency analysis, which was used in the development of a Public Participation Plan and Language Assistance Plan. In addition, public transit properties that receive federal funds are required to establish service standards that inform the agency when and how to best make service adjustments. Updated Service Standards were approved by the Board as part of NVTa's Short-Range Transit Plan (FY 2019-2029) and are included as part of the agency's overall Title VI Policies and Program.

The program will be subject to minor modifications based on Federal Transit Administration review and recommendations after the plan has been submitted to the Regional Civil Rights Officer.

The previously approved Title VI Program Policy Plan (covering Fiscal Years 2019-2022) included a Title VI Service Equity Analysis for the Local Vine January 2020 Service Revisions. Although NVTa had to make several service changes in response to the COVID-19 pandemic and fluctuating ridership patterns, those changes are exempt from requiring a Service Equity Analysis.

ALTERNATIVES

The Board could choose to not approve the Title VI Program Policy. In doing so, the Agency will fail to comply with Federal Transit Administration (FTA) Title VI requirements and regulations which could compromise receiving federal funding.

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal 1: Serve the transportation needs of the entire community regardless of age, income or ability.

The Title VI plan underscores the agency's commitment and provides guidelines to meet the transportation needs of the entire community, especially the agency's most vulnerable constituents.

ATTACHMENT(S)

- (1) Resolution No. 22-32
- (2) Napa Valley Transportation Authority Title VI Program Policy

RESOLUTION No. 22-32

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVTA)
ADOPTING THE REVISED NVTA TITLE VI PROGRAM
POLICY**

WHEREAS, the Napa Valley Transportation Authority (NVTA) is designated the countywide transportation planning agency responsible for Highway, Street and Road, transit, bicycle, and pedestrian planning and programming within Napa County; and

WHEREAS, Title VI of the Civil Rights Act of 1964 requires recipients of federal grants and other assistance to operate their programs and services without regard to, or discrimination based on, race, color or national origin; and

WHEREAS, the Federal Transit Administration (FTA) issued Circular FTA C 4702.1B, effective October 1, 2012, establishing requirements and guidelines for Title VI compliance; and

WHEREAS, the above-referenced Circular details required elements of a Title VI Program Report that each FTA grant recipient must submit to FTA every three (3) years to verify compliance with Title VI;

WHEREAS, NVTA's submitted an updated program report to FTA on November 27, 2019; and

WHEREAS, NVTA's Title VI Program was awarded concurrent status on July 28, 2022 by FTA, pending compliance with additional requirements; and

WHEREAS, NVTA has revised the Title VI Program Plan, in response to the Review Assessment to ensure NVTA's compliance with Title VI, for Board consideration and approval.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby adopts the NVTA Revised Title VI Program as set forth in the Title VI Program; and

BE IT FURTHER RESOLVED that the Board of Directors authorizes the Executive Director, or designee, to:

1. Include evidence of the Board's consideration and approval of the Title VI Program; and

2. Take any other steps necessary to give effect to this Resolution, including responding to any follow-up inquiries from the FTA.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Board of Directors of the Napa Valley Transportation Authority, at a regular meeting held on November 16, 2022, by the following vote:

Passed the 16th day of November, 2022.

Liz Alessio, NVTA Chair

Ayes

Nays:

Absent:

ATTEST:

Laura Sanderlin, NVTA Board Secretary

APPROVED:

Osman Mufti, NVTA Legal Counsel



TITLE VI PROGRAM POLICY

Liz Alessio, NVTA Chair

Date _____

NVTA Board Approved 11/16/2022

CONTENTS

TITLE VI PROGRAM MONITORING	3
PUBLIC INFORMATION REQUIREMENTS	4
LIMITED ENGLISH PROFICIENCY (LEP) FOUR FACTOR ANALYSIS AND LANGUAGE ASSISTANCE PLAN (LAP)	5
PUBLIC PARTICIPATION PLAN	5
COMPLAINTS OF DISCRIMINATION PROCEDURE.....	6
GENERAL REPORTING REQUIREMENTS	9
FACILITY SITE EQUITY ANALYSIS.....	9
SERVICE STANDARDS	10
RECORD KEEPING REQUIREMENTS.....	10
APPENDICES	11

TITLE VI PROGRAM POLICY

The Napa Valley Transportation Authority (NVTa) is committed to ensuring that no person is excluded from participation in, or denied benefits of its transit services on the basis of race, color or national origin, as protected by Title VI of the Civil Rights Act of 1964. If you believe you have been subjected to discrimination under Title VI, you may file a written complaint with Laura Sanderlin Civil Rights Officer, Napa Valley Transportation Authority, 625 Burnell Street, Napa CA, 94558; at (707) 259-8631, or by email to lsanderlin@nvta.ca.gov.

Purpose: The purpose of this policy is to establish guidelines to effectively monitor and ensure that the Napa Valley Transportation Authority (NVTa) is in compliance with all requirements and regulations to carry out the provisions of the Department of Transportation's (DOT) Title VI Regulations 49 CFR Part 21.

Policy: NVTa will ensure that their programs, policies, and activities all comply with the Department of Transportation's (DOT) Title VI regulations. NVTa is committed to creating and maintaining public transit service that is free of all forms of discrimination. The agency will take whatever preventive, corrective and disciplinary action necessary for behavior that violates this policy or the rights and privileges it is designed to protect.

TITLE VI PROGRAM MONITORING

The requirement to establish internal monitoring processes and methodologies is applicable to all recipients of Federal assistance. NVTa must monitor its service once per year, or when major service changes or fare increases are proposed, using the procedures outlined in this section.

a. Civil Rights Assurance

The assurances that are signed by NVTa's Executive Director, and attested by Legal Counsel, validate the level and quality of transit services and related benefits are provided in a manner consistent with Title VI. Program monitoring is conducted to ensure that NVTa complies with this assurance.

b. Monitoring Procedures

NVTa has a procedure to monitor the level and quality of transit service provided to minority communities with overall average services deployed throughout the system in order to affirm the services are distributed equitably and comply with Title VI.

This internal monitoring process was last formally utilized when NVTa deployed a major service change to the local City of Napa routes A-H in January 2020. The COVID-19 pandemic resulted in a number of changes to its transit service, however, most of the changes were temporary and resulted in decreasing frequencies and hours of operation as opposed to outright eliminating service. For example, Routes 10 and 11 were temporarily operating on a Saturday

schedule on weekdays.

c. Subrecipients

NVTA is also responsible for monitoring subrecipients for compliance with Title VI, and establishing a schedule of subrecipient Title VI program submissions. NVTA does not have any subrecipients and has not had any over the last three (3) years. In the event that the NVTA would have a subrecipient, the agency will establish a schedule for subrecipient submissions.

PUBLIC INFORMATION REQUIREMENTS

NVTA disseminates Title VI Program information to NVTA employees, contractors, subcontractors, and beneficiaries. NVTA makes these materials available to the general public by posting information at major transit hubs, on its website (which includes Title VI/Civil Rights complaints procedures), on all of public transit buses, at the Soscot Gateway Transit Center, the major transit hub in the system, and by publishing an annual Title VI Policy Statement in local newspapers. Specifically, the notice was placed on all of the NVTA owned buses and buildings and on the website at <https://vinetransit.com/title-vi/> as verified by the Civil Rights Officer and included as Appendix 9. The local newspapers that NVTA uses to publish information about public meetings and/or hearings, service changes, and proposed projects have significant circulations in the community. NVTA also publishes information in minority publications. Information about Title VI and NVTA's policies are also clearly stipulated in NVTA's postings for contracting and employment opportunities. Specifically:

- a. NVTA's Title VI Policy and any other related information is made available to the public upon request.

More detailed information regarding complaint procedures and Title VI civil rights is included in brochures and other materials distributed to the public by NVTA and are available on NVTA's websites (www.nvta.ca.gov and www.vinetransit.com).

- b. Multilingual Requirements: Where a significant number or portion of the population eligible to be serviced by NVTA needs service information in a language other than English, NVTA takes every reasonable step to provide information in appropriate languages. In cases where NVTA posts signs warning the general public about dangerous situations, information is posted in other languages when a significant number of the population in non-English speaking. NVTA's websites are also linked to the Google translator which can provide translation in over 70 languages.

LIMITED ENGLISH PROFICIENCY (LEP) FOUR FACTOR ANALYSIS AND LANGUAGE ASSISTANCE PLAN (LAP)

NVTA has developed a Language Assistance Plan based on its Four Factor Analysis consistent with the Federal Transit Administration's policy guidelines. The Plan guides

NVTA on all service-related planning and policy changes under consideration, NVTA staff has analyzed and conducted the four-factor framework provided in the Department of Transportation (DOT) Limited English Proficiency Guidance. NVTA's complete LAP plan based upon the LEP analysis is included as Appendix 1.

PUBLIC PARTICIPATION PLAN

The Public Participation Plan (Appendix 2) outlines the strategies NVTA uses to engage the public in the process of transportation decisions. While major service changes will require outreach and a public hearing consistent with this Public Participation Plan, a Title VI equity analysis, and Board approval, minor service changes, such as temporary schedule or route adjustments (with prior notice to riders), emergency changes made to respond to natural or man-made disasters or fiscal emergencies, or the creation, alteration, or elimination of special event service, can be authorized by NVTA's Executive Director. This plan is utilized to cultivate relationships with the community and encourage interaction with the minority of non-English speaking communities. Public Notices and general information are provided in English, Spanish and Filipino.

a. OPPORTUNITIES FOR PUBLIC COMMENT

NVTA routinely provides opportunities for public comment at its in-person, virtual, and hybrid public meetings, and continually strives to find new and innovative opportunities to solicit public comments and involve all segments of the population. Comments are accepted at any time by phone, fax, email, U.S. mail, in person, via teleconference or at any open meeting. An example of this:

- The public is notified of monthly NVTA Board and Committee meetings. The public is invited to attend these meetings (currently either in-person or virtually). Meeting announcements are posted on the website, at the NVTA offices, and at the meeting location if held at a location other than the NVTA offices. The public is invited to comment on general items or specific agenda items

b. ENGAGING TITLE VI PROTECTED GROUPS

NVTA realizes there are large segments of the population from whom input is rarely if ever received. In an effort to hear a truly representative voice of the public, NVTA makes all significant service-related planning and policy publications available in accessible formats.

c. PUBLIC OUTREACH

NVTA regularly posts on its website and physically posts on the buses and at all impacted stops all service change information to cultivate public relations.

d. STAFF ACCESSIBILITY

Staff is accessible in person, on the phone, by mail, by fax, teleconferencing, or by

email. Contact information is provided on the agency's website and on public notices.

e. PROVIDE SERVICE FOR THE DISABLED AND LEP

Upon advance notice, special accommodations are provided for public meetings. These services include translators, special assistance, and/or transportation.

COMPLAINTS OF DISCRIMINATION PROCEDURE

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by NVTa as to consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law. The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. Every effort is made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution.

Complaint Procedure

1. Any person who feels that he or she, individually, or as a member of any class of persons, on the basis of race, color, national origin, age, sex, disability, religion, or low-income status has been excluded from or denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance through NVTa may file a written complaint with the Civil Rights Officer. The complaint form (Appendix 3) may be found on the NVTa website by clicking the following links:

- <https://vinetransit.com/title-vi-complaint-form/> (online form)
- <https://vinetransdev.wpengine.com/wp-content/uploads/2020/09/Title-VI-Program-Policy-Appendix-3-TITLE-VI-Compliant-Form-20-22.pdf> (downloadable form)

It is also available as a hard copy from the NVTa office at 625 Burnell Street, Napa, CA 94559. A formal complaint must be filed within 180 days of the alleged occurrence.

2. In cases where the complainant is unable or incapable of providing a written statement, a verbal complaint may be made. The Civil Rights Officer will interview the complainant and if necessary assist the person in converting verbal complaints to writing. All complaints must, however, be signed by the complainant or his/her representative.
3. Complaints shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination.

4. NVTa will provide the complainant or his/her representative and any contractor (respondent) with a written acknowledgement that NVTa has received the complaint within five (5) working days of receipt.
5. A copy of the complaint will be forwarded to legal counsel for review.
6. The Civil Rights Officer will appoint one or more staff review officers, as appropriate, to evaluate and investigate the complaint.
7. The review officer(s) will determine if the complaint has investigative merit:
 - a. It was received within 180 days of the alleged occurrence.
 - b. It does not appear to be frivolous or trivial.
 - c. It involves NVTa or NVTa contractors and not another entity.
 - d. A complaint against a contractor involves a NVTa Federally Funded contract.
8. The complainant and contractor or other party to the complaint will be notified of the status of the complaint within ten (10) days of receipt of the complaint, *by registered mail*:
 - a. That the complaint will not be investigated and the reasons why the complaint does not have investigative merit.
 - b. That the complaint will be investigated and a request for additional information needed to assist the investigator.
9. The complainant or contractor must submit the requested information within 60 working days from the date of the original request. Failure of the complainant to submit additional information within the designated timeframe may be considered good cause for a determination of no investigative merit. Failure of the contractor to submit additional information within the designated timeframe may be considered good cause for a determination of noncompliance under the contract.
10. The review officer(s) and/or contractor must within 15 working days, supply the Executive Director with status report of their investigation and/or resolution of the complaint.
11. Within 60 working days of the receipt of the complaint, the Civil Rights Officer will prepare a written report for the Executive Director.
The report shall include:
 - a. A narrative description of the incident. Including persons or entities involved.
 - b. A statement of the issues raised by the complainant and the respondent's reply to each of the allegations.
 - c. Citations of relevant Federal, State and local laws, NVTa policy etc.
 - d. Description of the investigation, including list of the persons contacted and a summary of the interviews conducted.
 - e. A statement of the investigator's finding and recommendations for disposition.

12. The investigative report and findings of the complaint will be sent to legal counsel for review.
13. The Executive Director shall, based on the information before him or her and in consult with legal counsel, make a determination on the disposition of the complaint. Determination shall be made within ten (10) days from Executive Director's receipt of the investigator's report. Examples of disposition are as follows:
 - a. Complainant is found to have been discriminated against. NVTA or contractor is therefore noncompliant with Title VI regulations. Reasons for the determination will be listed. Remedial actions that NVTA or the contractor must take will be listed.
 - b. Complaint is found to be without merit. Reasons why will be listed.
14. Notice of the Executive Director's determination will be mailed to the complainant and contractor. Notice shall include information regarding appeal rights of complainant and instructions for initiating such an appeal. Example of a notice of appeal follows:
 - a. NVTA will only reconsider this determination, if new facts, not previously considered.
 - b. If the complainant is dissatisfied with the determination and/or resolution set forth by NVTA, the same complaint may be submitted to the Federal Transit Administration (FTA) for investigation. Complainants will be directed to contact Federal Transit Administration, Office of Civil Rights, San Francisco Federal Building 90, 7th Street, Suite 15-300 San Francisco, CA 94103. (415) 734-9490..
15. A copy of the complaint and NVTA's investigation report/letter of finding and Final Remedial Action Plan will be issued to FTA within ninety (90) days of the receipt of the complaint.
16. After receiving FTA's comments, briefings may be scheduled with all relevant parties to the complaint.
17. A summary of the complaint and its resolution would be included in the annual report to the FTA.

GENERAL REPORTING REQUIREMENTS

Title VI of the Civil Rights Act of 1964 (Title VI), states the following: "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial assistance."

The Department of Justice and the Department of Transportation regulations implementing Title VI, require Federal agencies to collect data and other information to enforce Title VI. In this regard the Napa Valley Transportation Authority (NVTA), as an applicant and/or recipient receiving Federal funding, hereby provides to FTA the following

information:

- There are no active lawsuits or complaints naming NVRTA nor were there any investigations, or lawsuits in the past three (3) years, which allege discrimination on the basis of race, color, or national origin with respect to service or other transit benefits.
- The NVRTA maintains a log of Title VI complaints received. The log includes the date the complaint was filed, a summary of the allegations (which included the basis of complaint), complaint status, and action(s) taken. There have been zero (0) formal complaints filed within the last three (3) years which alleged discrimination on the basis of race, color or national origin with respect to service or other transit benefits. There were two complaints that were initially categorized to be Title VI, but upon investigation they did not meet the appropriate Title VI thresholds. Appendix 6 presents a copy of the log and details of past complaints.
- There are currently no pending construction projects which would negatively impact minority communities being performed by NVRTA.

FACILITY SITE EQUITY ANALYSIS

NVRTA did not complete construction of any facilities during the current Title VI program, but NVRTA did acquire a site for use for a future new maintenance facility during the previous Title VI program cycle. NVRTA acquired two parcels within Napa County totaling 8.08 acres (APN 057-250-025 and APN 057-250-03). In addition, in February of 2020, NVRTA acquired an additional 2.40 acres (APN: 057-250-037), which will be used if NVRTA needs to expand its facilities in the future. All the properties were vacant and undeveloped so there was no displacement of persons from their residences or businesses. The property was acquired for fair market value and eminent domain was not necessary. Construction of the new maintenance facility commenced in January 2021 and the anticipated completion date is December 2023.

NVRTA completed a Real Estate Acquisition Management Plan (RAMP) in August 2016 so that the public had access to the process the NVRTA used for its real estate acquisition needs. NVRTA adhered to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the Uniform Act), applicable Federal Transit Authority (FTA) and California Transportation Commission (CTC) Guidelines

SERVICE STANDARDS

In order to insure compliance with the Title VI Program and to accomplish the goal of providing efficient and effective service to the residents of Napa County, NVRTA updated the agency's series of service standards that provide a framework for service allocation as well as measures to continually examine public transit service to ensure that they meet efficiency and effectiveness standards in accordance with stated objectives as part of the Chapter 3 of the agency's previous Short Range Transit Plan (FY 2016-2026) (Appendix 4).

Whenever major service changes are adopted, NVTa completes an equity analysis, which includes an analysis of adverse effects to ensure that the changes do not result in discrimination on the basis of race, color, or national origin. A major service change consists of a new transit route, new service on streets not previously used by any other route, aggregate change of 30 percent or more of the number of transit revenue hours, routing changes that alter 40 percent or more of a route's path.

Under FTA's Title VI Circular 4702.1B, transit providers that operate 50-or-more fixed routes in peak service and are located in an urbanized area (UZA) with a population of 200,000 or more, must perform a service equity analysis whenever they make a major service change. Temporary service changes in response to an emergency (such as the COVID-19 pandemic) do not rise to the level of a major service change, so a service equity analysis is not required. Since NVTa does not operate 50 or more fixed routes in peak service and no major changes have been made, no equity analysis has been conducted since the previous Title VI Program Policy was approved.

RECORD KEEPING REQUIREMENTS

The Civil Rights Officer shall ensure that all records relating to NVTa's compliance to Title VI are maintained for a minimum of seven (7) years.

Records must be available for compliance review audits.

Copies of the following material will be kept available by the Civil Rights Officer for dissemination to the public upon request:

- NVTa's Title VI policy
- Annual reports to FTA
- Audit report findings and recommendations
- Summaries of actions taken by NVTa to remedy audit findings
- Complaints received and a summary of their disposition
- Annual report to Executive Director regarding Title VI compliance

APPENDICES

- Appendix 1 NVT A Plan for Language Assistance Plan to Limited English Proficient (LEP) Populations
- Appendix 2 Public Participation Plan
- Appendix 3 Title VI Complaint Form
- Appendix 4 Systemwide Service Standards and Policies
- Appendix 5 Title VI Notice to the Public
- Appendix 6 List of Transit-Related Title VI Investigations, Complaints, and Lawsuits
- Appendix 7 Racial Breakdown of the Membership of Transit-Related Advisory Committees
- Appendix 8 NVT A Resolution 16-23 approving the NVT A Title VI Program Policy
- Appendix 9 Title VI Evidence of Website Posting



Language Assistance Plan to Limited English Proficient (LEP) Populations

November 2022

Also available in Spanish and Filipino

**Napa Valley Transportation Agency
625 Burnell Street
Napa, CA 94559
info@nvta.ca.gov
(707) 259-8631**

Para solicitar una copia en español del Plan de Servicios de Lenguaje para Poblaciones con Conocimiento Limitado del Inglés por favor llame al (707) 259-8631

Upang humiling ng isang kopya ng Language Assistance Plan in Filipino, pakitawagan (707) 259-8631

Language Assistance Plan for Napa Valley Transportation Authority (NVTa)

Introduction

The Napa Valley Transportation Authority (NVTa) serves as the congestion management agency and public transit provider for the jurisdictions in Napa County, and is one of the nine (9) Bay Area counties within the Metropolitan Transportation Commission (MTC) region. NVTa's service area includes a population of 112,600 residents, consisting mostly of smaller, rural communities and agricultural land. The service area is diverse, with large numbers of residents speaking a language other than English as their primary means of communication.

Individuals with a limited ability to read, write, speak or understand English are considered to be Limited English Proficient, or "LEP." In compliance with guidance and rules issued by the U.S. Department of Transportation, and Title VI of the Civil Rights Act of 1964, NVTa has taken reasonable steps to ensure that all persons have meaningful access to its programs, services, and information, at no additional cost. This includes the following plan for LEP persons within NVTa's jurisdiction.

A Language Assistance Plan starts with an assessment to identify LEP individuals who need assistance. NVTa also plans to conduct surveys with transit operators, dispatch, customer service and ticket sales staff, regarding frequency of contact with LEP individuals or groups. Once the assessment is complete, the Language Assistance Plan is drafted and adopted by the agency.

Implementation of the Language Assistance Plan includes the development of language assistance measures, staff training, notification measures to LEP individuals, and monitoring and updating of the plan on a yearly basis.

Purpose

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. One critical concern addressed by Title VI is the language barrier that Limited English Proficiency (LEP) persons face with respect to accessing information about and using transit service. Transit operators must ensure that this group has adequate access to the agency's programs and activities, including public participation opportunities.

Executive Order 13166, titled "Improving Access to Services for Persons with Limited English Proficiency," forbids funding recipients from "restrict(ing) an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program," or from "utilize(ing) criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects to individuals of a particular race, color, or national origin." FTA Circular 4702.1B was developed by the Federal Transit Administration (FTA) and details the administrative and reporting requirements for recipients of FTA financial assistance to comply with Title VI and related executive orders including on LEP.

The U.S. DOT’s FTA Office of Civil Rights’ publication “*Implementing the Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons – A Handbook for Public Transportation Providers*” was used in the preparation of this plan.

Contents

This plan contains:

- A. A needs assessment based on the four-factor analysis
- B. Language assistance measures
- C. Staff training plan
- D. Contractor training
- E. Methods for notifying LEP persons about available language assistance
- F. Methods for monitoring, evaluating and updating plan

A. LEP Needs Assessment – the Four-Factor Analysis

Determination of Need

In order to prepare this Plan, NVTa implemented the U.S. Department of Transportation’s four factor LEP analysis, which considers the following:

- 1. The Number and Proportion of LEP Persons Served or Encountered in the Eligible Service Population
- 2. The frequency with which LEP persons come in contact with NVTa programs, activities or services
- 3. The Importance to LEP Persons of NVTa’s Program, Activities and Services
- 4. The resources available to NVTa and overall cost to provide LEP assistance

Factor 1: Number and proportion of LEP persons served or encountered

NVTa used the American Community Survey (ACS) 5 Year survey data for 2016-2020 for Limited English Proficient (LEP) Populations in Napa County to estimate the number or proportion of LEP persons who might use or want to use NVTa’s services.

The American Community Survey (ACS) 5 Year survey data identifies people who speak English “less than very well” as Limited English Proficient persons. The survey data is broken down by the languages spoken at home, and by ability to speak English, for persons five (5) years of age and older. For Napa County, the ACS data indicates that approximately 34 percent of the residents identified as speaking a “language other than English”. For those whose primary language is categorized as “Spanish or Spanish Creole”, approximately half were identified as speaking English “less than very well”. The ACS study data also indicates that nearly 40% of people whose primary language is Asian and Pacific Islanders in Napa County speak English “less than very well”.

Table 1: Language Spoken at Home

	% of Specified Language Speakers	Speak English Less than “Very Well”
Population 5 Years and Over	131,730	
English Only	65.8%	N/A
Language other than English	34.2%	42.6%

Spanish	26.5%	45.6%
Other Indo-European languages	3.1%	26.1%
Asian and Pacific Islander languages	4.2%	36.1%
Other Language	0.4%	38.4%

- The ACS data above estimates the total population over the age of five in Napa County: 131,730
- The ACS data above estimates the total number of people who speak a language other than English in the NVTA Napa County service area is estimated to be: 45,103 or 34.2% of the population.
- The ACS data above estimates the total number of LEP persons (those who speak English less than “very well”) in Napa County is estimated to be:19,219 or 14.6% of the population.

Factor 2: Frequency of LEP populations’ contact with existing programs, activities, and services

Statistical data regarding individual requests from LEP persons will be tracked as resources permit; however, since several transit routes serve Napa County social service and non-profit agencies, it is likely that NVTA is providing services to many LEP individuals.

The main language spoken by LEP individuals within the NVTA service area is primarily Spanish and Filipino.

Factor 3: Importance to LEP population of programs, activities, and services

NVTA considers public transit to be an important and essential service for many residents, commuters, and visitors in the local service area. This includes local buses and buses servicing neighboring counties and the regional Bay Area Rapid Transit (BART) system, paratransit, and services for seniors. These services are used by people from all walks of life, including commuters, students, visitors, the elderly, and those with limited mobility.

There are a number of key interaction points with the bus system which could be problematic for LEP populations:

- NVTA’s websites- www.nvta.ca.gov and www.vinetransit.com
- Vine Transit’s customer service phone line
- Bus stop signage
- Printed schedules
- Fare payment
- Driver inquiries
- Onboard announcements
- Other printed materials

Ensuring that critical information at these interaction points is available in languages commonly spoken is crucial to providing equitable access to Vine Transit’s bus service for LEP populations.

While Customer Service personnel have access to translation services and the NVTa website has a tool allowing the website's content to be translated into more than 70 different languages, much of the critical information onboard buses and at the bus stops is not available in many of the languages identified in this document through the Census and customer surveys.

Opportunities for Improvement

Currently NVTa disseminates all information in English, with most critical information available in Spanish. Customer service personnel all speak English, with some speaking Spanish as well as Filipino.

With respect to other languages represented by fewer residents, NVTa currently meets basic requirements for access to information via website translation tool.

Despite the efforts to ensure access to information about its bus service among LEP populations, some key improvements can be made:

- Information in Spanish and Filipino and links for users about browser translation will be included on the new rehauled NVTa website, which is currently in Beta.
- Translate more printed information disseminated to the public into Filipino (currently only translated into Spanish).
- Advertise in more media outlets that target languages other than English, Spanish and Filipino.
- Translate information about fare payment and pass sales into more languages or use symbols to illustrate key ideas.
- Improve communication with targeted organizations such as Community-Based Organizations (CBOs) to ensure that more LEP individuals participate in outreach efforts.
- Always ask the CBO about the language needs of their group so that the right staff is available that for translation.
- Plan routine outreach with Filipino-American Association of American Canyon that serves the Filipino community in American Canyon
- Provide more bus rider presentations to various organizations, such as CBOs.
- Increase outreach/marketing efforts to include social media and traditional media (in various languages) so that higher LEP participation for outreach events focused on accessing information can be achieved. The placement of traditional media at bus stops and on buses may be especially critical toward improving information accessibility.

Factor 4: Resources available to NVTa and overall cost to provide LEP assistance

NVTa makes every reasonable effort to communicate with LEP persons about available transit services, including providing the funding for translation of current services and bilingual materials. In conjunction with NVTa's operator, NVTa will include training for all drivers on best practices for serving LEP individuals.

In addition to using a translation service, NVTa has Spanish and Filipino-speaking staff at the Soscol Gateway

Transit Center ticket office to better serve LEP individuals. NVTa has also translated key website pages into Spanish, Filipino and other languages.

NVTa works with many advocacy groups serving LEP individuals to gain insight regarding their needs and concerns about local transit services. This includes Napa County Department of Health and Human Services, Community Action Napa Valley, Puertas Abiertas, and UpValley Family Services. NVTa is continually exploring options for the best methods of delivering information and meeting the transit needs of all LEP persons and Napa County residents. NVTa continues to expand community outreach efforts agency-wide.

A. Language Assistance Measures

Language measures currently used and planned to be used by the NVTa transit system to address the needs of LEP persons include the following:

- Translating vital documents in the following language(s): Spanish and Filipino.
- Translating key website pages
- Coordination of Oral and Written Translation Services
- Communication with LEP advocacy groups about transit services
- Increased use of signage with graphic visual images and pictograms to promote universal understanding
- Posting of bilingual notices informing LEP persons of available services
- Other (description of services): training new residents on how to use transit system
- NVTa provides bilingual (Spanish speaking) staff at public hearings and neighborhood meetings.
- The Customer Service staff for both telephone and in person assistance includes bilingual (Spanish speaking) staff.
- All public timetables include a note in Spanish on how to use the language line to get transit information.
- System maps and riders guides are printed in both English and Spanish.

B. Staff Training

To ensure effective implementation of this plan, NVTa will schedule orientations for new staff and annual training for all employees whose position requires regular contact with the public. Training will include a review of this plan and how to handle verbal requests for transit service in a language other than English.

C. Contractor Training

To ensure effective implementation of this plan, Vine Transit's contractor will schedule orientations for new employees and semi-annual training for all employees whose position requires regular contact with the public. Training will include a review of this plan and how to handle verbal requests for transit service in a language other than English.

D. Notice to LEP Persons about Available Language Assistance

NVTa will notify LEP individuals about the language assistance services available to them without cost by using the following methods:

- Brochures

- Sending information to local organizations serving LEP populations
- Website notices
- Including contact information for translation requests on all printed materials
- Posting of bilingual flyers at libraries, churches, schools, cultural and community centers
- Audio programs and radio ads
- Participation in local community events

Translated documents include ad cards, direct mailers, bus stop signs, customer brochures, meeting notices, and other customer outreach materials like construction-related notices and information pieces. Most translation is into Spanish, which covers the majority of NVTa's customer base. Additional "Safe Harbor" languages are translated as resources allow and circumstances dictate.

NVTa needs additional services to provide more meaningful access to LEP groups. The following are recommendations that can be implemented:

- Provide complaint forms in multiple languages.
- Include Spanish translations on the categories listed the online comment form, which is via the HappyFox software
- Increased use of universal pictograms or other symbols at bus stops or on buses.
- Increased translations of documents.
- Conduct more language-specific outreach beyond focus groups associated with the development of this plan
- Provide a short survey regarding LEP needs on buses in various languages for LEP individuals who cannot make it to outreach meetings, where these individuals can voice their concerns and opinions directly to NVTa.

E. Monitoring, Evaluating and Updating Plan

NVTa staff will review this plan annually, including:

- Assessing the sufficiency of staff training and budget for language assistance,
- Reviewing current sources for assistance to ensure continuing availability, and
- Reviewing any complaints, comments and suggestions from LEP persons, or agencies serving LEP populations, received during the past year.

Annual plan revisions will be approved by the agency's Executive Director and dated accordingly.

F. Dissemination of Plan

This plan is available on the NVTa website's at www.nvta.ca.gov and www.vinetransit.com

This plan is also available at no cost in English, Spanish, or Filipino upon request by telephone, fax, U.S. Postal Service mail, e-mail, or in person at the NVTa's office.

G. Contact Information

Questions or comments about this plan may be submitted to:

Napa Valley Transportation Agency ATTN: Civil Rights Officer
625 Burnell Street

Napa, CA 94559
(707) 259-8631
(707) 259-8638

Published: 11/2022



Title VI/Environmental Justice/Public Participation Plan

November 2022

Also available in Spanish and Filipino

**Napa Valley Transportation Authority (NVRTA)
625 Burnell Street
Napa, CA 94559**

Table of Contents

EXECUTIVE SUMMARY	1
1. INTRODUCTION.....	2
A. PURPOSE OF THE PUBLIC PARTICIPATION PLAN.....	2
B. SUMMARY OF PLAN DEVELOPMENT	2
2. NAPA COUNTY PROFILE	2
A. COMMUNITIES	2
B. DEMOGRAPHICS.....	3
E. TRADITIONALLY UNDERSERVED COMMUNITIES	5
3. OPPORTUNITIES AND CHALLENGES FOR PUBLIC PARTICIPATION	6
A. INTRODUCTION	6
B. TARGET POPULATION AND NEEDS.....	6
C. PARTNERSHIPS WITH COMMUNITY BASED ORGANIZATIONS (CBOS).....	7
D. TRANSLATION AND INTERPRETIVE SERVICES	7
4. PUBLIC PARTICIPATION STRATEGIES.....	7
A. INTRODUCTION	7
B. EXISTING NVTA OUTREACH.....	8
C. RECOMMENDED STRATEGIES	8
5. PERFORMANCE METRICS AND GOALS	9
A. MONITORING AND RECORDING	9
B. PUBLIC PARTICIPATION OUTCOMES	10

EXECUTIVE SUMMARY

The mission of the Napa Valley Transportation Authority (NVTa) is to ensure the development of an efficient, effective and equitable transportation system for the residents, businesses and visitors to the Napa region, through a coordinated inter-jurisdictional decision making process. In order to carry out its mission to its fullest potential, NVTa solicits and receives input from all of its stakeholders, regardless of race, language or socioeconomic status.

Multicultural outreach and environmental justice initiatives are founded on the recognition of a community's cultural and economic diversity, as well as the awareness that some groups have not always enjoyed equal access to information, services, or other resources. Recent U.S. Census reports¹ indicate that Napa County fares better than many parts of the state: average rates of poverty in Napa County are below state averages and median income is higher than the state median across all categories (households, families, married-couple families and nonfamily households). However, these assessments cannot take into account the many cultural and economic challenges with which some individuals and groups are faced. As in other parts of California, the ethnic composition of Napa County is changing. Once predominantly Caucasian, the population of Hispanic or Latino residents has grown considerably in the last decade. Populations of Asian, African-American, Indo-European, Pacific Islander and Middle-Eastern people have also grown.

This Title VI Public Participation Plan (PPP) aims to identify communities that have been traditionally underserved by NVTa and determine the most effective ways to encourage the participation of these communities. The PPP is designed to be a living document that will be updated yearly to incorporate new data, methods, and outcomes, as identified through local outreach activities and best practices in the field. The NVTa will work with community partners to identify and implement strategies that remove barriers to access and participation for diverse community members.

¹ U.S. Census, 2020: American Communities Survey 5-Year Estimates



1. INTRODUCTION

NVTA serves as the congestion management agency and public transit provider for the jurisdictions within Napa County, one of the nine Bay Area counties within Metropolitan Transportation Commission (MTC) region. According to the 2020 American Community Survey 5-Year Estimates, approximately 138,572 people reside on the roughly 740 square miles of land in Napa County. Land types include a mixture of smaller, rural communities and agricultural land. NVTA provides services to a diverse group of stakeholders, with a mixture of English and non-English speakers from a variety of cultural and socioeconomic backgrounds. The NVTA makes every reasonable effort to address the needs of all stakeholders by providing equal access and opportunities for ongoing involvement and participation in its operations.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origins in programs and activities receiving federal financial assistance. Under federal regulations, transit operators must take reasonable steps to ensure persons have access to their activities and programs. Public participation opportunities, already provided to the public in English, should also be made accessible to persons who have a limited ability to speak, write, read, or understand English.

A. PURPOSE OF THE PUBLIC PARTICIPATION PLAN

This Plan attempts to identify all minority, low-income, and Limited English Proficient (LEP) populations located within the NVTA service area. The Plan describes existing outreach methods that are used to communicate NVTA programs and services to the public. It also addresses strategies that can be applied to increase the involvement of traditionally underrepresented or underserved groups in order to develop more inclusive plans for the future.

B. SUMMARY OF PLAN DEVELOPMENT

To assist in the preparation of this report, NVTA thoroughly reviewed its previous Title VI Plans to help facilitate an understanding of how inclusivity was previously and currently incorporated in the planning process, both before the COVID-19 pandemic and during when more of the planning process and outreach shifted to a virtual environment. This effort also included an attempt to thoroughly account for all minority and low-income populations served by NVTA through the use of updated American Community Survey data. As described in the 2022 Language Assistance Plan developed by NVTA, the agency plans to conduct training with operations, customer service, and dispatch staff in the future.

2. NAPA COUNTY PROFILE

A. COMMUNITIES

NVTA serves all of Napa County. This includes connections to portions of Solano County (Fairfield, Suisun, and Vallejo) and the Bay Area Rapid Transit (BART) Station in the City of El Cerrito. According to the 2020 American Community Survey 5-Year Estimates for Napa County, the total population was estimated to be 138,572 residents. The City of Napa has the largest population, followed by the cities of American Canyon, St. Helena, Calistoga and Yountville as shown below.

City of Napa	78,294
--------------	--------



American Canyon	20,256
St. Helena	6,049
Calistoga	5,346
Yountville	3,001
Total Incorporated Population	112,946

In addition to the five incorporated cities and town listed above, there are several unincorporated communities within Napa County whose residents also depend on NVTa to meet their many and diverse transportation needs. Their total population was estimated to be 25,626:

Aetna Springs	Los Carneros
Angwin	Moskowite Corner
Berryessa Highlands	Mt. Veeder
Capell Valley	Oakville
Chiles Valley	Pope Valley
Circle Oaks	Rutherford
Deer Park	Silverado Resort
Dry Creek	Soda Canyon
Gordon Valley	Spanish Flat
Lokoya	Vichy Springs

B. DEMOGRAPHICS

NVTa reviewed updated Census maps and data for Napa County in order to establish context for this PPP. According to the data available, the majority of Napa County residents identify themselves as Caucasian. A significant percentage of the local population identified as Hispanic or Latino, with a smaller number of respondents identifying as Asian, African American, or more than one race. According to a study², “immigrants are contributing to very rapid demographic change in Napa County, particularly in the urban areas in southern Napa County and Calistoga. This demographic shift is most evident in the student and young working-adult populations.” Approximately 34% of Napa County residents identify themselves as Hispanic or Latino, and another 7.6% identify as Asian. Small enclaves of ethnically and culturally-diverse groups, such as Sikhs, Filipinos, and Native Americans live within NVTa’s service area, in addition to a significant population of year-round agricultural workers. Given the predominance of undocumented immigrants working in agricultural labor as well as the use of contract firms based outside of Napa County, these numbers may underestimate the actual number of minority populations residing and working in Napa County.

² “Profiles of Immigrants in Napa County”, Migration Policy Institute, May 2012, <https://www.immigrationresearch.org/system/files/Napa-Profile.pdf>

A breakdown of the racial demographics in Napa County, as measured during the 2020 American Community Survey 5-Year Estimates, are shown in **Table 1** below:

Table 1: Racial Demographics in Napa County

Total Population	138,572	
One Race	128,572	93.0%
White	98,614	71.2%
Black or African American	2,862	2.1%
American Indian or Alaska Native	961	0.7%
Asian	10,485	7.6%
Native Hawaiian or Other Pacific	261	0.2%
Two or more Races	9,742	7.0%
Hispanic or Latino (of any race)	47,300	34.1%

(Source: US Census, 2020 American Community Survey 5-Year Estimates, Napa County Table DP05)

Outside of the Napa County service area, Hispanic or Latino peoples comprise approximately 28% of the population in the Solano County cities of Fairfield and Suisun.

C. LANGUAGE

In Napa County, approximately 85% of the population speaks English “very well” according to U.S. Census standards. This figure includes both native English speakers and speakers of multiple languages. Of the total population, 35% of all people speak a language other than English. Approximately half of those people, or 17%, are considered to speak English “less than very well.” These communities are the focus of this study. **Table 2** shows a numerical breakdown of languages spoken at home in Napa County.

Table 2: Language Spoken at Home in Napa County for the Population 5 Years and Over

Speak English Very Well	85%
Speak English Less Than Very Well	15%
Speak only English	66%
Speak a language other than English	34%
Spanish or Spanish Creole	27%
Other Indo-European languages	5%
Asian and Pacific Island languages	16%
Other languages	3%

(Source: US Census Bureau, 2020 American Community Survey 5 Year Estimates, Napa County, Table C16001)

Please see the NVTAs 2022 Language Assistance Plan for Limited English Proficient (LEP) Populations for more information.

D. ECONOMIC CHARACTERISTICS

According to the California Employment Development Department, there was an average labor force of 72,408, employment of 69,142 and an unemployment rate of 4.6% in Napa County in the years 2016-2020 (the same time period as the 2020 ACS 5 Year Estimates). Of these workers, 1.0% were identified as relying on public transportation to commute to work. This figure is below the state’s average of 5.2%, and may represent an opportunity for NVTAs to increase its transit ridership.

There are approximately 48,484 households in Napa County. An analysis of income per household is presented in **Table 3**.

Table 3: Household Income in Napa County

Total Households	48,484	
Less than \$10,000	1,600	3.30%
\$10,000 to \$14,999	1,309	2.70%
\$15,000 to \$24,999	2,521	5.20%
\$25,000 to \$34,999	2,958	6.10%
\$35,000 to \$49,999	4,654	9.60%
\$50,000 to \$74,999	6,982	14.40%
\$75,000 to \$99,999	5,770	11.90%
\$100,000 to \$149,999	9,018	18.60%
\$150,000 to \$199,999	5,721	11.80%
\$200,000 or more	7,951	16.40%

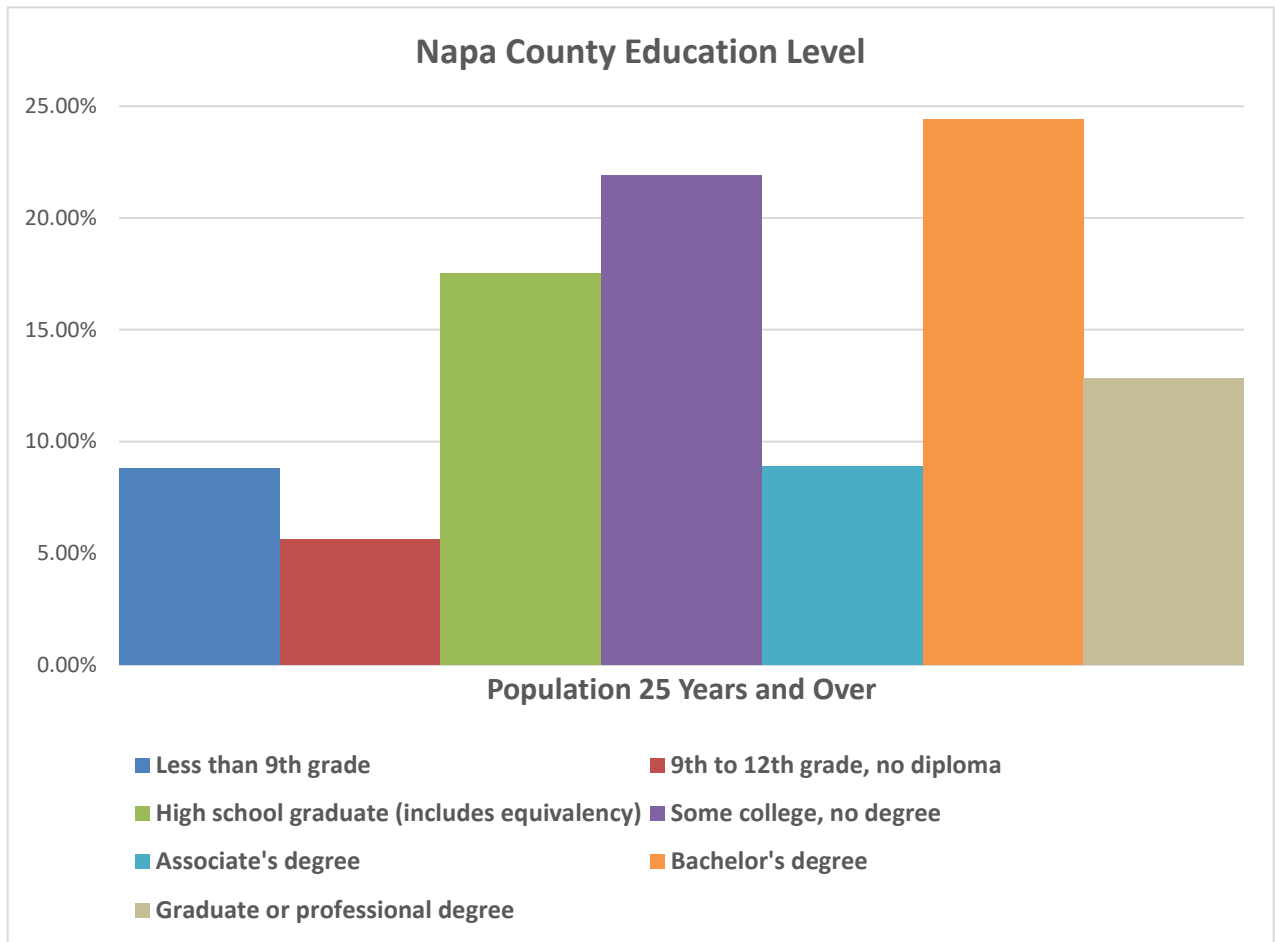
(Source: US Census Bureau, American Community Survey 2016-2020, Napa County)

Napa County has a household average (mean) income of \$129,566, which is \$17,944 higher than the state household average of \$111,622. Also, the rate of poverty, i.e. the percentage of total families with an income below thresholds that vary by family size and composition, is 7.5%. This figure is below the California average of 12.6% of all families.

E. TRADITIONALLY UNDERSERVED COMMUNITIES

To determine which communities qualify for consideration as low-income and minority populations, NVTa analyzed U.S. Census Data and established partnerships with local community-based organizations and city and county agencies that serve these populations. NVTa acknowledges that sub-groups exist within traditionally underrepresented ethnic and income groups (e.g. individuals who are mentally or physically handicapped or homeless, etc.) and makes a reasonable effort to serve those sub-groups, as resources and staff permit. Agricultural laborers in Napa County are reported to have lower levels of formal education, as well as limited English proficiency and other cultural and socio-economic barriers that may prohibit access to information and services. **Figure 1** shows the education level of Napa County workers using the five year estimates 2016-2020 ACS data.

Figure 1: Napa County Education Level



Source: 2016 – 2020 ACS Data: Table S1501

3. OPPORTUNITIES AND CHALLENGES FOR PUBLIC PARTICIPATION

A. INTRODUCTION

The NVTA faces a wide range of socio-economic challenges and ethnicity-based differences in meeting the needs of Napa County residents and visitors classified under Title VI regulations. Napa County's unique agricultural heritage and reputation attract people from every part of the world. Napa County is becoming more ethnically diverse and beginning to more closely reflect regional population patterns. Many people in Napa County are employed in the wine and hospitality industries, including many agricultural laborers. The interconnections that exist between industries in Napa County, such as between the wine and hospitality industries, also extend to, and have economic impacts on, other businesses and residents of Napa County. The wine industry continues to use an increasing amount of contract labor from third parties outside Napa, which is not reflected in the U.S. Census Bureau statistics for the area or their estimates for reliance on public transportation by this segment of the population.

B. TARGET POPULATION AND NEEDS

Vineyard workers in Napa County have been identified as predominantly Hispanic or Latino and relatively young. Along with their extended families, these laborers represent a growing audience for the NVTA's Title VI community outreach efforts. Farmworker Housing Centers, churches, schools and

community organizations serving the local Hispanic or Latino community, are provided with copies of translated NVTa materials and information on how to access Spanish-speaking staff or translators. Ongoing outreach to other ethnically, culturally or economically-disadvantaged groups throughout Napa County is maintained through regular contact with representatives from community based organizations (CBOs) and local agencies that serve these populations. Specific methods used for outreach to LEP individuals are also outlined in NVTa's 2022 Plan for Language Assistance.

Several current studies³ indicate that the average age of employees outside of agriculture, both in and out of Napa County, is shifting to relatively older workers. This is particularly true for many hospitality industry employees. Napa County has a significant senior population, many of whom live on fixed incomes and have limited access to transportation due to economic, geographic, or physical limitations. The 65 and older population is the most rapidly growing population in Napa County, with the latest statistics indicating that 28% of Napa County residents are age 60 and above.

C. PARTNERSHIPS WITH COMMUNITY BASED ORGANIZATIONS (CBOs)

NVTa has identified and maintains contact with a network of representatives from local Community Based Organizations (CBOs), non-profit, faith-based and volunteer groups, health care, legal aid and social service agencies, educators and administrators. The agency relies on these groups to provide input and feedback on their programs and services, as well as to disseminate information to the populations served by or involved with these groups and organizations. Enhanced outreach to these groups includes regular distribution of bilingual (Spanish and English) collateral materials with current route and scheduling information, as well as updates on new programs and services provided by telephone, email, website links and social media posts.

D. TRANSLATION AND INTERPRETIVE SERVICES

NVTa continues to enhance its efforts to provide equal access to low-income, minority and LEP populations. This is accomplished by translating website pages; distributing route schedules, reports and other agency materials in multiple languages; and making translation services more widely available at public venues and community events.

³ "The Labor Market in Napa County, California: Opportunities and Challenges for the Wine Industry", IMPACT Napa Conference, North Bay Business Journal, August 29, 2013, <http://www.northbaybusinessjournal.com/wp-content/uploads/Robert-Eyler-economics-presentation-for-Impact-Napa-2013.pdf>; "Economic Opportunity and Workforce Development in Napa County", Prepared for the Napa County Workforce Investment Board, September 2010, www.napaworkforce.org/portals/3/downloads/report/NapaEconRpt10.pdf; "Profiles of Immigrants in Napa County", Migration Policy Institute, May 2012, www.migrationpolicy.org/pubs/napa-profile



4. PUBLIC PARTICIPATION STRATEGIES

A. INTRODUCTION

Effective public participation strategies utilize a variety of methods to engage the greatest number of people. NVTA continually strives to meet this strategic objective with existing staff and other resources. The COVID-19 pandemic and the subsequent shelter-in-place orders required NVTA to reassess its methods to engage the public. Following the strategies of other public agencies and workplaces, a majority of public participation opportunities shifted to an online platform. Despite having a virtual platform space to host online engagement, the amount of outreach during Fiscal Years 2019-2020 through 2021-2022 decreased in comparison to the previous three years. During the pandemic, many projects and plans were either postponed or eliminated, thus decreasing the amount of outreach required.

As the pandemic and its restrictions unwind, NVTA expects there will be future opportunities for more in-person, online and hybrid outreach. With this in mind, the following factors will guide NVTA staff in the design and implementation of public participation strategies:

- Size and/or scale of the plan or project (regional or county-wide, neighborhood level, etc.)
- Level of potential impacts, including social, economic and environmental impacts

C. EXISTING NVTA OUTREACH HISTORY OF PUBLIC OUTREACH AND INVOLVEMENT ACTIVITIES

NVTA has and will continue to use a broad array of communication tools and resources to reach out to Napa County residents, businesses, CBOs, service agencies, neighborhood and community groups, visitors, commuters and other potential transit-users groups, all of which have the potential to include Title VI-qualifying communities. Some of the tools and methods used by NVTA to effectively disseminate information to Title VI groups and the larger community include:

- Implementing the language assistance measures outlined in the 2022 NVTA Plan for LEP Populations
- Translation of NVTA key website pages, documents and reports
 - Google Translate was offered for translations on both NVTA's website and the Vine Transit website
- Making translators available at public meetings and events (both in-person and virtual)
 - NVTA strives to bring a Spanish-speaking employee to events targeting Spanish-speaking audiences and two members of the NVTA Board of Directors are fluent Spanish speakers who offered translation as necessary at Board meetings.
- Using translation services for responses to individual public requests and service inquiries
- Including contact information for translation requests on all printed material
- Use of local bilingual radio, television and newspaper advertising
 - NVTA advertised in a Voz Bilingual newspaper for large public meetings pre-pandemic
- Distribution of translated or bilingual collateral materials to local CBOs and community agencies
- Use of social media tools and resources
 - NVTA has active Facebook, Instagram, NextDoor and Twitter accounts

- Participation in local community events (both in-person and virtual)
- Hosting of public meetings at appropriate community venues

NVTA kept a summary of these outreach activities during the last planning period from 2020 through and 2022 and will continue to do so.

D. RECOMMENDED STRATEGIES

Pursuant to Title VI regulatory guidance, NVTA will continue to take reasonable steps to provide meaningful access to underserved populations identified within their service area. This includes ongoing efforts to improve access and opportunities for involvement in the identification of social, economic, and environmental impacts of proposed transportation decisions and programs. All public participation activities normally provided in English will continue to be made available to low-income, minority and LEP populations, using the methods and tools deemed most effective for reaching those audiences, including:

- Continued implementation of the 2022 NVTA Plan for LEP Populations and training for NVTA operations, driver and customer service staff on key plan components
- Expanded use of local and regional bilingual radio, television and newspaper advertising
- Continued use of translators and translated materials
- Expansion and continued use of the NVTA's contact database of CBO and other community-focused organizations to maintain open communication, provide input and receive feedback
- Increased use of graphic signage and visually enhanced materials
- Increased use of website applications, posting of website notices and links to information
- Continued posting and distribution to local CBOs, churches, schools, libraries, cultural and community centers and service agency representatives of bilingual flyers, postcards and brochures
- Increased participation in community events
- Continued hosting of public meetings (both in-person and virtual)

NVTA also plans to distribute copies of the agency's Public Participation Plan in English, Spanish and Filipino. In addition, NVTA will draft and implement project-specific public participation plans for any major projects or initiatives conducted by the agency. These plans will take into account the audiences affected by the project or initiative, their communication needs, as well as the strategies listed above.

5. PERFORMANCE METRICS AND GOALS

A. MONITORING AND RECORDING

NVTA is committed to accountability and transparency throughout its operations. NVTA staff will continue to monitor and track public participation methods and make the results of those efforts available for review. Complaints, comments, and suggestions from Title VI individuals or groups will be monitored and tracked by designated NVTA staff.

NVTA has collected some existing information about the reach and effectiveness of its current methods and will continue to expand and use that information to improve access, programs and services. Some of the measurable objectives that the NVTA currently tracks or will implement as resources permit, include:

- Regular updates to contacts in the community partners database and outreach to low-income, minority and LEP individuals
 - NVTA currently communicates, collaborates, and coordinates with a host of social service organizations in Napa County including:
 - Molly's Angels, non-profit volunteers, Napa CA
 - Adult Day Services, day program center in Napa CA
 - Napa Valley Support Services, day program center & employer, Napa CA
 - Davila Dialysis, Napa CA
 - Napa Valley Dialysis Center, Napa CA
 - PSI, work center for disabled individuals, Napa CA
 - CARE, support network for Queen of the Valley Hospital, Napa CA
 - Napa Valley Family Services, Napa CA
 - Napa Valley Community Housing, Napa CA
 - Vine Village, day program, Napa CA
 - Napa Valley Volunteer Center, Napa CA
 - Clinic Ole & Sister Mary Ann's, low income medical clinic, Napa & Calistoga, CA
 - St. Helena Hospital, Deer Park CA
 - Napa Senior Center, Napa CA
 - Golden Living Center, nursing home, Napa CA
 - Napa Nursing Center, nursing home, Napa CA
 - American Cancer Society, Napa CA
 - North Bay Regional Center (NBRC), Napa CA
 - Napa County HHSA, Napa CA
 - Department of Rehabilitation, Napa CA
 - Napa Valley Unified School District, Napa CA
 - Napa Valley Low Vision Support Group, Napa CA
 - Women's Center of St. Helena, St. Helena CA
 - Aldea, family services, Napa CA
 - Napa County Public Authority, In-Home Supportive Services, Napa CA
 - Napa Valley College, adaptive PE classes, Napa CA
 - Healthy Aging Populations Initiative (HAPI)
 - Rianda House, St. Helena, CA
- Tracking the number and percentage of comments or feedback received in languages other than English. NVTA tracks all inquiries, comments, and complaints. NVTA offers physical comment cards in English and Spanish and an online comment form (via the HappyFox software) that can be submitted in any language.
 - 337 total online comment submissions via HappyFox in FY 2019-2020. Of those, six were written in and responded to in Spanish
 - 161 submissions in FY 2020-2021. Of those, two were written and responded to in Spanish
 - 194 submissions in FY 2021-2022. Of those, five were written and responded to in Spanish
- Tracking the number and type of Title VI public complaints that the NVTA staff receive via phone, email, HappyFox and in-person visits

B. PUBLIC PARTICIPATION OUTCOMES

The Title VI Public Participation Plan is designed to identify opportunities for greater community involvement through implementation of thoughtful outreach methods and all tools available. These strategies will be applied with the goal of engaging the greatest possible number of residents and



visitors, based on available resources and recognition of the unique characteristics, strengths and challenges of the Napa County transportation service area.

As NVRTA increases its efforts to solicit involvement from these Title VI-qualifying communities, the agency hopes to see increased engagement from diverse community members. Ongoing engagement and participation will foster a two-way dialogue between transit providers and transit users, leading to improved efficiency and service. NVRTA will be able to better serve its customers and its customers will realize greater benefits from the use of NVRTA's services.



APPENDIX 3



TITLE VI Compliant Form

(Also available in Spanish and Filipino languages)

Title VI of the Civil Rights Act of 1964 states "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Title 42 U.S.C. Section 2000d

Please provide the following information necessary in order to process your complaint. A formal complaint must be filed within 180 days of the occurrence of the alleged discriminatory act. Assistance is available upon request. Please contact NVRTA at (707) 259-8631.

Complete this form and return to:

Civil Rights Officer
Napa Valley Transportation Authority
625 Burnell Street
Napa, CA 94559

Complainant's Name:

Address:

City:

State:

Zip Code:

Telephone (Home):

(Work):

Person(s) discriminated against (if other than complainant)

Name:

Address:

City:

State:

Zip Code:

Telephone (Home):

(Work):

What is the discrimination based on?

☐ Race/Color

☐ National Origin



Date of the alleged discrimination:

Location:

Agency or person that who was responsible for alleged discrimination:

Describe the alleged Discrimination. Explain what happened and whom you believe was responsible (for additional space, attach additional sheets of paper to

this form.

List names and contact information of persons who may have knowledge of the alleged discrimination.

How can this complaint be resolved? How can the problem be corrected?

Please sign and date. The complaint will not be accepted if it is has not been signed. You may attach any written materials or other supporting information that you think is relevant to your complaint.

Signature

Date

APPENDIX 4



Systemwide Title VI Service Standards and Policies

In preparation for the Title VI update, the Napa Valley Transportation Authority is required to adopt and then apply Vine Transit's Systemwide Service Standards and Policies to fixed route service. Some of these standards and policies already exist; some need updating, and some need creating. This document establishes standards to be used in the 2022 Title VI Plan and will supersede those previously adopted. The required Title IV standards are:

- System-wide Service Standards
 - a. Vehicle Load
 - b. Vehicle Headways
 - c. On-time Performance
 - d. Service Availability
- System-wide Service Policies
 - a. Vehicle Assignment
 - b. Transit Amenities

Systemwide Service Standards

Vehicle Load Factor is described as follows by FTA Circular 4702.1B:

Vehicle load can be expressed as the ratio of passengers to the total number of seats on a vehicle. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees. A vehicle load standard is generally expressed in terms of peak and off-peak times.

Vine Calculates vehicle load factor based on the following performance measures & standards:

- 1) Fixed Route:** Less than 1.5 in peak for local service, less than or equal to 1.0 in off peak for local service. All commuter services should be equal to or less than 1.0 during all times of day.
- 2) Paratransit:** Never exceed 1.0
- 3) Community Shuttles:** Less than 1.5 in peak for local service, less than or equal to 1.0 in off peak.

Vehicle Load Factor is monitored regularly and used to determine whether additional capacity needs to be added to specific trips or routes based on changing demand patterns. However, since the onset of the COVID-19 pandemic, vehicle load factors have remained low.

Vehicle Headway is described as follows by FTA Circular 4702.1B:

Vehicle headway is the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Vehicle headways are measured in minutes (e.g., every 15 minutes). Headways and frequency of service are general indications of the level of service provided along a route. Vehicle headway is one component of the amount of travel time expended by a passenger to reach his/her destination.

Vine Routes N, S, W, E and on-demand bus stop-to-stop service provide local transit service to the residents of the City of Napa. Route S and E operate as a one way loop creating a coverage based system ensuring that most riders and residents are within walking distance of fixed route transit. Route W operates bi-directionally in a loop creating faster travel options for riders. Route N operates as an out-and-back route covering high-demand origins and destinations on the North side of the City. The City of Napa on-demand service operates within a defined service area allowing riders to make a trip between any two existing bus stops, as long as the origin and destination bus stops are not already part of a fixed route. On weekdays Routes N operates on half hourly headways on both weekdays and Saturdays. Routes S and W run every forty-five minutes on both weekdays and Saturdays. The on-demand service doesn't operate on headways. Routes N, S, W and E do not operate on Sundays.

Vine intercity Routes 10 and 11 operates between the communities in the County of Napa as well as the City of Vallejo. The Route 10 runs from the City of Calistoga in northern Napa County to the Napa Valley College (NVC) campus in the south part of the City of Napa. The Route 11 runs from the Redwood Park and Ride Lot in the northern part of the City of Napa to the City of Vallejo serving the Vallejo Ferry Terminal, the Vallejo Transit Center in downtown, and Kaiser Vallejo. These routes intersect in the City of Napa along the main corridors of Soscol Avenue and Trancas Street. Each service runs on hourly headways, but Route 10 and 11 schedules are staggered in order to operate at a minimum of half hour frequencies between Napa Valley College and Redwood Park and Ride during peak periods. Service is provided Sunday through Saturday with more limited service on the weekends.

Routes 29 and 21 are commuter routes that operate exclusively on weekdays. Route 29 operates from the City of Napa, through American Canyon, to the El Cerrito Del Norte BART Station. Route 21 operates from the City of Napa downtown Transit Center to the Napa Valley College, Fairfield Transit Center and the Suisun Train Depot, connecting passengers to the Amtrak Capitol Corridor. Route 29 operates throughout the morning, takes a mid-day break, then resumes service in the early afternoon through early evening. Route 21 operates nearly hourly.

On-Time Performance is described as follows by FTA Circular 4702.1B:

On-time performance is a measure of runs completed as scheduled. This criterion first must define what is considered to be “on time.” For example, a transit provider may consider it acceptable if a vehicle completes a scheduled run between zero and five minutes late in comparison to the established schedule. On-time performance can be measured against route origins and destinations only, or against origins and destinations as well as specified time points along the route. Some transit providers set an on-time performance standard that prohibits vehicles from running early (i.e., ahead of schedule) while others allow vehicles to run early within a specified window of time (e.g., up to five minutes ahead of schedule). An acceptable level of performance must be defined (expressed as a percentage). The percentage of runs completed system-wide or on a particular route or line within the standard must be calculated and measured against the level of performance for the system.

Vine Transit defines a bus as late if it departs the “time point” five (5) or more minutes later than the published time. Buses are considered early if they depart from a published time point more than 1 minute prior to the scheduled departure.

Current Standard: Vine Transit has an adopted on-time performance goal of 90 percent. On-time performance is tracked and included within quarterly performance reports to the Vine Transit’s Board of Directors.

Service Availability is described as follows by FTA Circular 4702.1B:

Service availability is a general measure of the distribution of routes within a transit provider’s service area. For example, a transit provider might set a service standard to distribute routes such that a specified percentage of all residents in the service area are within a one-quarter mile walk of bus service or a one-half mile walk of rail service. A standard might also indicate the maximum distance between stops or stations. These measures related to coverage and stop/station distances might also vary by population density.

Vine Transit determines transit service availability by mapping all active bus stops within the system and then calculating the population that resides within three-quarter mile radii of those stops. This information is then compared to the total service area population.

Systemwide Service Policies

The FTA requires fixed-route transit providers to develop a policy for each of the following service indicators. The following policies differ from service standards in that they are not based on meeting a quantitative threshold, but rather qualitative evaluation results.

Vehicle Assignment is described as follows by FTA Circular 4702.1B:

Vehicle assignment refers to the process by which transit vehicles are placed into service in depots and on routes throughout the transit provider’s system. Policies for vehicle assignment may be

based on the age of the vehicle, where age would be a proxy for condition. For example, a transit provider could set a policy to assign vehicles to depots so that the age of the vehicles at each depot does not exceed the system-wide average. The policy could also be based on the type of vehicle. For example, a transit provider may set a policy to assign vehicles with more capacity to routes with higher ridership and/or during peak periods.

Vine Transit currently has four (4) general types of fixed-route buses in the fleet, all of which are maintained to the same strict standards:

- 28-foot medium-duty transit buses
- 30-foot heavy-duty transit buses
- 35-foot heavy-duty transit buses
- 40-foot heavy-duty transit buses

Proposed Policy: All buses have the same level of amenities (i.e. air conditioning, wheelchair lifts, automated stop announcements, bike racks) available to riders. Buses are not assigned to specific communities within Vine Transit's service area based on vehicle age, but rather to serve specific routes that call for vehicles of differing lengths based street limitations and ridership. Many of the routes serve multiple communities with diverse populations. Given Vine Transit's strict standards with respect to maintenance, age does not serve as a viable proxy for diminished quality.

Transit Amenities are described as follows by FTA Circular 4702.1B:

Transit amenities refer to items of comfort, convenience, and safety that are available to the general riding public. Fixed-route transit providers must set a policy to ensure equitable distribution of transit amenities across the system. Policies in this area address how these amenities are distributed within a transit system, and the manner of their distribution determines whether transit users have equal access to these amenities. This...is not intended to impact funding decisions for transit amenities. Rather, this...applies after a transit provider has decided to fund an amenity.

Proposed Policy: Transit amenities are distributed on a system-wide basis. Transit amenities include shelters, benches, and real time signage. The location of transit amenities is determined by factors such as ridership, individual requests, staff recommendations, and vendor preference (in the case of shelters which feature advertisements).

Napa County Short Range Transit Plan



Chapter 3: Goals, Objectives, & Standards

Process for Establishing, Reviewing, and Updating Goals, Objectives, and Standards

NVTA reviews its goals, objectives, and standards every four years in conjunction with updating the Short Range Transit Plan. Goals and objectives as stated in the short-range transit plan provide the agency with a concrete and consistent direction of operating and improving upon its transit services. NVTA reviews performance on a quarterly and annual basis as defined by its Performance Monitoring and Corrective Action plan. This review allows planning staff address routes with poor performance and make a plan to correct inefficiencies.

Napa Valley Transportation Authority Goals

NVTA staff has developed the following goals:

1. Provide high-quality transit services.
2. Operate safe, comfortable, and reliable services.
3. Efficiently use NVTA resources.
4. Be a forward-thinking organization meeting the needs of an evolving and diverse community.

Napa Valley Transportation Authority Objectives

The sixteen objectives below were developed to support the achievement of the goals stated in the previous section. NVRTA has elected to present them as a group, rather than listing specific objectives under each goal recognizing that each objective can correlate to multiple goals. NVRTA’s objectives for planning, funding, and delivery of Vine services as part of a multi-modal transportation system in the County of Napa are:

- Objective 1:** Provide transit services that are cost-efficient.
- Objective 2:** Provide transit services that are reliable.
- Objective 3:** Provide transit services that are safe and secure.
- Objective 4:** Provide transit services that are convenient.
- Objective 5:** Provide transit services that are comfortable.
- Objective 6:** Provide transit services that are an attractive option for individuals who have other transportation mode options available to them.
- Objective 7:** Design service to better coordinate with other operators inside and outside of Napa County
- Objective 8:** Deploy all services in the most efficient manner possible.
- Objective 9:** Maintain fleet and facilities in a constant state of good repair.
- Objective 10:** Strive to replace fleet vehicles at the end of their useful life.
- Objective 11:** Attempt to utilize alternative fuel vehicles where financially and operationally feasible.
- Objective 12:** Monitor financial and performance data on a monthly, quarterly, and annual basis.
- Objective 13:** Ensure compliance with all local, state, and federal regulations.
- Objective 14:** Ensure the consideration of transit needs in all local land use decisions.
- Objective 15:** Promote partnerships with other organizations to support common interests and goals.
- Objective 16:** Promote public participation in service planning decisions.

Napa Valley Transportation Authority Measures and Performance Standards

The following tables will outline what goals NVRTA’s measures and performance standards fall under and their related objective or objectives. The performance standards consist of both qualitative and quantitative definitions of acceptable performance. Performance as it relates to the KPIs outlined in Section 2 will be monitored as defined by NVRTA’s Performance Monitoring and Corrective Action Plan (Appendix B).

1.1.1 Goal 1 – Provide High Quality Transit Services

In order to meet the mobility needs of the residents of Napa County, NVRTA strives to implement the highest quality transit services possible. The measures and performance standards ensure that NVRTA can monitor and responded to any deficiencies that may be the outcome of poor quality of service.

Table 3-1: Goal 1 Performance Measures & Standards

Measure	Standard	Objective
Total Ridership	Fixed Route: Should be within 2% of regional trends Paratransit: Growth should not lead to denials Community Shuttles: Growth should not lead to excessive wait times	2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16
Passengers per Revenue Vehicle Hour	Local Service: Greater than 8 on weekdays and 7 on weekends Express: Greater than 5 Regional: Greater than 12 on weekdays and 10 on weekends Paratransit: Greater than 2.0 on weekdays and 1.5 on weekends On Demand: Greater than 4.0 on weekdays and 3 on weekends	2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16
Load factor	Fixed Route: Less than 1.5 in peak for local service, less than or equal to 1.0 in off peak for local service. All commuter services should be equal to or less than 1.0 during all times of day. Paratransit: Never exceed 1.0 Community Shuttles: Less than 1.5 in peak for local service, less than or equal to 1.0 in off peak.	2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16
Percent Missed Trips per Trip Miles	Fixed Route: Less than .01% Paratransit: 0% Community Shuttles: Less than .01%	2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16
Scheduled On-Time Arrivals	Fixed Route: Equal or greater than 90% on-time Paratransit: Equal or greater than 97% on-time Community Shuttles: 90% of service will arrive within 15 minutes of request for service.	2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16
Passenger Injuries	All Modes: ⁹⁰ Less than 1 per 100,000 passenger trips	2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16

Measure	Standard	Objectives
Preventable Accidents	All Modes: Less than 1 per 100,000 revenue miles	
Complaints	Fixed Route: Less than 1 per 100,000 revenue miles Paratransit: No more than 1 complaint for every 600 passenger trips. Community Shuttles: Less than 1 per 5,000 revenue miles	2, 3, 4
Percent of Trips Denied	Paratransit: 0%	2
Cleanliness of Buses	Interiors and exteriors cleaned daily	
Proximity to Service	Fixed Route: 95% of dwelling units in areas having six or more units per acre to be located with 1/4 mile of a stop, all major destinations to be within 1/8 of a mile of a stop. Paratransit: Service will be available to all qualifying residents of Napa County with residences, destinations, or the ability to find alternate means to come within 3/4 of a mile from Vine fixed route service.	
Frequency of Service	Fixed Route: Frequency of service should never be more than one bus per hour for local and intercity buses. Commuter service frequency should never be more than one bus per one and half hours. System average should be 45 minutes or less.	
Percentage of ADA Accessible Stops	100% of all new stops shall be ADA accessible, existing stops should be made accessible to the greatest extent possible.	
Bus Stop Amenities	Stops which average 50 or more riders a day should have a shelter installed if feasible.	
Trip length	Paratransit: Trips should not exceed 1.25 times that of an equivalent trip on fixed route transit.	

1.1.2 Goal 2 – Operate Safe, Reliable, and Comfortable Service

Safe, reliable, and comfortable service are NVTa’s top priorities. Promoting safe habits for drivers and delivering service people want to use benefits the agency as well as the community.

Table 3-2: Goal 2 Performance Measures & Standards

Measure	Standard	Objectives
Average Age of Fleet by Vehicle Type	Fixed Route: Average age should not exceed 12 years. Paratransit: Average age should not exceed 4 years. Community Shuttles: Average age should not exceed 4 years.	1, 2, 3, 4
Average Mileage of Fleet by Vehicle Type	Fixed Route: Average should not exceed 500,000 miles. Paratransit: Average should not exceed 100,000 miles. Community Shuttles: Average should not exceed 100,000 miles.	1, 2, 3, 4
Scheduled On-Time Arrivals	Fixed Route: Equal or greater than 90% on-time Paratransit: Equal or greater than 97% on-time Community Shuttles: 90% of service will arrive within 30 minutes of request for service.	
Passenger Injuries	All Modes: Less than 1 per 100,000 passenger trips	
Preventable Accidents	All Modes: Less than 1 per 100,000 revenue miles	
Complaints	Fixed Route: Less than 1 per 100,000 revenue miles Paratransit: No more than 1 complaint for every 600 passenger trips. Community Shuttles: Less than 1 per 5,000 revenue miles	2, 3, 4
Percent of Trips Denied	Paratransit: 0%	2
Cleanliness of Buses	All Modes: Interiors and exteriors cleaned daily	
Percent Missed Trips per Trip Miles	Fixed Route: Less than .01% Paratransit: 0% Community Shuttles: Less than .01%	2, 3, 4
Preventative Maintenance Work Completed On-Time	Greater than 99%	1, 2, 3, 4
Vehicle Service Miles Between Road Calls	Greater than 25,000 miles	1, 2, 3, 4
Load factor	Fixed Route: Less than 1.5 in peak for local service, less than or equal to 1.0 in off peak for local service. All commuter services should be equal to or less than 1.0 during all times of day. Paratransit: Never exceed 1.0 Community Shuttles: Less than 1.5 in peak for local service, less than or equal to 1.0 in off peak.	2, 3, 4
Frequency of Service	Fixed Route: Frequency of service should never be more than one bus per hour for local and intercity buses. Commuter service frequency should never be more than one bus per one and half hours. System average should be 45 minutes or less.	1, 2, 3, 4

Measure	Standard	Objectives
Percentage of ADA Accessible Stops	100% of all new stops shall be ADA accessible, existing stops should be made accessible to the greatest extend possible	2, 3
Bus Stop Amenities	Stops which average 50 or more riders a day should have a shelter installed if feasible.	
Trip length	Paratransit: Trips should not exceed 1.25 times that of an equivalent trip on fixed route transit.	

1.1.3 Goal 3 – Efficiently Use NVRTA Resources

NVRTA strives to use its resources in an efficient and responsible manner. Ensuring needs are met and budgets are not overrun are two of NVRTA’s top financial goals.

Table 3-3: Goal 3 Performance Measures & Standards

Measure	Standard	Objectives
Total Ridership	Fixed Route: Within 2% of regional trends Paratransit: Growth should not lead to denials Community Shuttles: Growth should not lead to excessive wait times	2, 3, 4, 5, 6
Passengers per Revenue Vehicle Hour	Local Service: Greater than 8 on weekdays and 7 on weekends Express: Greater than 5 Regional: Greater than 12 on weekdays and 10 on weekends Paratransit: Greater than 2.0 on weekdays and 1.5 on weekends On Demand: Greater than 4.0 on weekdays and 3 on weekends	2, 3, 4, 5, 6
Subsidy per Passenger	Local Service: Less than or equal to \$6.50 Express: Less than or equal to \$12.00 Regional: Less than or equal to \$6.00 On Demand: Less than or equal to \$15.00	5
	Paratransit: At or less than \$40 Community Shuttles: At or less than \$17	
Farebox Recovery Ratio	Fixed Route: Meet or exceed 15%. Paratransit: Meet or exceed 10%. Community Shuttles: Meet or exceed 10%.	1, 6, 7
Load factor	Fixed Route: Less than 1.5 in peak for local service, less than or equal to 1.0 in off peak for local service. All commuter services should be equal to or less than 1.0 during all times of day. Paratransit: Never exceed 1.0 Community Shuttles: Less than 1.5 in peak for local service, less than or equal to 1.0 in off peak.	2, 3, 4, 5
Percent Missed Trips per Trip Miles	Fixed Route: Less than .01% Paratransit: 0% Community Shuttles: Less than .01%	2, 3, 4, 5
Scheduled On-Time Arrivals	Fixed Route: Equal or greater than 90% on-time Paratransit: Equal or greater than 97% on-time Community Shuttles: 90% of service will arrive within 15 minutes of request for service.	2
Complaints	Fixed Route: Less than 1 per 100,000 revenue miles Paratransit: No more than 1 complaint for every 600 passenger trips. Community Shuttles: Less than 1 per 5,000 revenue miles	2, 3, 4, 5, 6
Percent of Trips Denied	Paratransit: 0%	2, 3
Stop Spacing	Stops should be spaced no closer than 1/4 of a mile and no further than 1/3 of a mile unless infrastructure constraints are present.	1, 4
Proximity to Service	Fixed Route: 95% of dwelling units in areas having six or more units per acre to be located with 1/4 mile of a stop, all major destinations to be within 1/8 of a mile of a stop. Paratransit: Service will be available to all qualifying residents of Napa County with residences, destinations, or the ability to find alternate means to come within 3/4 of a mile from Vine fixed route service.	1, 2, 3
Frequency of Service	Fixed Route: Frequency of service should never be more than one bus per hour for local and intercity buses. Commuter service frequency should never be more than one bus per one and half hours. System average should be 45 minutes or less.	1, 2, 4

1.1.4 Goal 4 – Be a Forward Think Organization Meeting the Needs of an Evolving and Diverse Community

NVTA is always looking for new and useful technology that will make operating the system more efficient as well as attract new riders. By listening to the needs and wants of the community as well as introducing useful tools to the system NVTA will be able to create a strong and vibrant transit system.

Table 3-4: Goal 4 Performance Measures & Standards

Measure	Standard	Objecti
Stop Spacing	Stops should be spaced no closer than 1/4 of a mile and no further than 1/3 of a mile in urban areas. Stops located in rural areas will be evaluated on a case by case basis to ensure that ADA accessibility requirements are met and there is a clear and present demand.	1, 4
Proximity to Service	Fixed Route: 95% of dwelling units in areas having six or more units per acre to be located with 1/4 mile of a stop, all major destinations to be within 1/8 of a mile of a stop. Paratransit: Service will be available to all qualifying residents of Napa County with residences, destinations, or the ability to find alternate means to come within 3/4 of a mile from Vine fixed route service.	1, 2, 3
Frequency of Service	Fixed Route: Frequency of service should never be more than one bus per hour for local and intercity buses. Commuter service frequency should never be more than one bus per one and half hours. System average should be 45 minutes or less.	1, 2, 4
Percentage of ADA Accessible Stops	100% of all new stops shall be ADA accessible, existing stops should be made accessible to the greatest extend possible	2, 3,
Bus Stop Amenities	Stops which average 50 or more riders a day should have a shelter installed if feasible.	3
Average Age of Fleet by Vehicle Type	Fixed Route: Average age should not exceed 12 years. Paratransit: Average age should not exceed 4 years. Community Shuttles: Average age should not exceed 4 years.	1, 2, 3
Average Mileage of Fleet by Vehicle Type	Fixed Route: Average should not exceed 500,000 miles. Paratransit: Average should not exceed 100,000 miles. Community Shuttles: Average should not exceed 100,000 miles.	1, 2, 3
Total Ridership	Fixed Route: Be within 2% of regional trends Paratransit: Growth should not lead to denials Community Shuttles: Growth should not lead to excessive wait times	2, 3, 4,
Passengers per Revenue Vehicle Hour	Local Service: Greater than 8 on weekdays and 7 on weekends Express: Greater than 5 Regional: Greater than 12 on weekdays and 10 and weekends Paratransit: Greater than 2.0 on weekdays and 1.5 on weekends On Demand: Greater than 4.0 on weekdays and 3 on weekends	2, 3, 4,
Maintain an up-to-date list of stakeholders	Contact individuals and organizations yearly to ensure information is up-to-date on contact list.	1
Implement Public Outreach in Accordance with the Title VI Public Participation Plan	Complete check-list of required processes in accordance with Title VI Public Participation Plan prior to an outreach event.	
Land Use Coordination	Comment on all design referrals with obvious transit nexus. Ensure participation on any TAC for major local land use projects	1

APPENDIX 5

Title VI Notice to the Public

The Napa Valley Transportation Authority (Vine Transit) grants all citizens equal access to its transportation services in Napa County. NVTA and Vine Transit is committed to a policy of nondiscrimination in the conduct of its business, including its responsibilities under Title VI of the Civil Rights Act of 1964 which provides that no person shall, on the grounds of race, color or national origin, be excluded from participation, be denied the benefits of, or be subjected to discrimination under its program of transit services delivery. To request additional information on NVTA's Title VI obligations contact at 707-259-8631 or at the 'ContactUs' tab on www.ridethevine.com.

A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590

If information is needed in another language, contact 707-259-8631

Title VI Complaint Procedures

If you believe that you have received discriminatory treatment based on race, color or national origin with regard to transit services delivery, you have the right to file a Title VI complaint with the Authority's Civil Rights Administrator. Federal and State laws require complaints to be filed within one-hundred and eighty (180) calendar days of the last alleged incident. You may download a complaint form by visiting www.nvta.ca.gov or www.vinetransit.com. You may also call customer service and ask for a Title VI complaint form to be mailed to you. You may also submit a written statement that contains all the information listed below. Complaints should be mailed or delivered to:

Napa Valley Transportation Authority
Civil Rights Officer
625 Burnell St.
Napa, CA 94559

All complaints should include the following information:

1. Name, address, and telephone number of the complainant.
2. The basis of the complaint; (e.g, race, color, or national origin).
3. The date(s) on which the alleged discriminatory event occurred.
4. The nature of the incident that led the complainant to feel discrimination was a factor.
5. Names, addresses and telephone numbers of persons who may have knowledge of the event.
6. Other agencies or courts where complaint may have been filed and a contact name.

Declaración de la política

La Autoridad de tránsito de Napa Valley Transportation Authority (Vine Transit) otorga a todos los ciudadanos igual acceso a sus servicios de transporte en Napa Valley Transportation Authority. Vine Transit está comprometida con una política de no discriminación al llevar a cabo sus negocios, incluso sus responsabilidades bajo el Título VI de la Ley de Derechos

Civiles de 1964, la cual establece que ninguna persona deberá, con base en su raza, color de piel o país de origen, ser excluida de participar, que se le nieguen, beneficios o estar sujeta a discriminación bajo su programa de prestación de servicios de tránsito. Para solicitar información adicional sobre las obligaciones del Título VI de NVTA, comuníquese al 707-259-8631 o en la pestaña "Contáctenos" www.ridethevine.com

Un demandante puede presentar una queja directamente ante la Administración Federal de Tránsito al presentar una queja ante la Oficina de Derechos Civiles,

Atención: Title VI Program Coordinator, East Building, 5th Floor-TCR,
1200 New Jersey Ave., SE, Washington, DC 20590

Si necesita la información en otro idioma, comuníquese llamando al 707-259-8631

Procedimientos de cumplimiento del Título VI

Si considera que ha sido tratado de forma discriminatoria con base en la raza, el color de piel o el país de origen en relación con la prestación de los servicios de tránsito, tiene derecho a presentar una queja del Título VI ante el Administrador de Derechos Civiles de la Autoridad. Las leyes federales y estatales requieren que las quejas se presenten en un plazo de ciento ochenta (180) días calendario del supuesto incidente. Puede descargar una queja al visitar www.nvta.ca.gov o www.vinetransit.com. También puede llamar a servicios al cliente y pedir que le envíen por correo un formulario de quejas del Título VI.

También puede enviar una declaración por escrito que contenga toda la información que se indica a continuación. Las quejas se deben enviar por correo o entregarlas en:

Napa Valley Transportation Authority
Civil Rights Officer
625 Burnell St.
Napa, CA 94559

Todas las quejas deben incluir la información siguiente:

1. Nombre, dirección y número de teléfono del demandante
2. El fundamento de la queja (p. ej. raza, color de la piel o país de origen).
3. La fecha en la que ocurrió el supuesto suceso de discriminación.
4. La naturaleza del incidente que causó que el demandante considerara que la discriminación era un factor.
5. Nombres, direcciones y números de teléfono de las personas que podrían tener conocimiento del suceso.
6. Otras agencias o tribunales en donde el demandante podría haber presentado la queja y un nombre de contacto.

Pahayag ng Patakarang

Pinagkakalooban ng Central Contra Costa Transit Authority (County Connection) ang lahat ng mamamayan ng pantay-pantay na akses sa mga serbisyo nito ng transportasyon sa Central Contra Costa. Dedikado ang Vine Transit sa patakarang walang-diskriminasyon sa pagpapatakbo ng negosyo nito, kabilang ang mga responsibilidad nito sa ilalim ng Title VI ng Civil Rights Act of 1964 na nagsasaad na dapat ay walang tao, na hindi pahihintulutan sa pakikilahok, pagkakaitan ng mga benepisyo, o sasailalim ng diskriminasyon sa ilalim ng programa nito sa paghahatid ng mga serbisyong transportasyon dahil sa kanyang lahi, kulay o bansang pinagmulan. Upang humiling ng karagdagang impormasyon tungkol sa mga obligasyon sa Title VI ng NVTa sa 707-259-8631 o sa tab na 'Makipag-ugnay sa Amin' sa www.ridethevine.com

Ang isang nagrereklamo ay maaaring direktang maghain ng reklamo sa Federal Transit Administration sa pamamagitan ng paghahain ng reklamo sa Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590
Kung kinakailangan ang impormasyon sa iba pang wika, makipag-ugnayan sa 707-259-8631.

Mga Pamamaraan ng Reklamo ukol sa Title VI

Kung naniniwala kang nakatanggap ka ng pakikitungong may-diskriminasyon batay sa lahi, kulay o bansang pinagmulan kaugnay sa paghahatid ng mga serbisyong transportasyon, may karapatan kang maghain ng reklamo sa Title VI sa Civil Rights Administrator ng Authority. Hinihingi ng mga batas na Pederal at Pang-estado na ihain ang mga reklamo sa loob ng isangdaan at walumpung (180) araw sa kalendaryo mula sa sinasabing insidente. Maaari mong i-download ang form para sa paghain ng reklamo sa pamamagitan ng pagbisita sa www.nvta.ca.gov o www.vinetransit.com . Maaari ka ring tumawag sa customer service at hilinging mapadalhan ka sa koreo ng form ng reklamo sa Title VI. Maaari mo ring isumite ang isang nakasulat na pahayag na naglalaman ng lahat ng impormasyong nakalista sa ibaba. Dapat ipakoreo o ipahatid ang mga reklamo sa:

Napa Valley Transportation Authority
Civil Rights Officer
625 Burnell St.
Napa, CA 94559

Dapat kasama sa lahat ng reklamo ang mga sumusunod na impormasyon:

1. Pangalan, address, at numero ng telepono ng nagrereklamo.
2. Ang batayan ng reklamo; (hal., lahi, kulay, o bansang pinagmulan).
3. Ang (mga) petsa kung kailan nangyari ang sinasabing pangyayaring may diskriminasyon.
4. Ang uri ng insidente na nagbigay-daan upang maramdaman ng nagrereklamo na isang salik ang diskriminasyon.
5. Mga pangalan, address at numero ng telepono ng mga taong maaaring may alam sa pangyayari.
6. Iba pang ahensiya o hukuman kung saan maaaring inihain ang reklamo at pangalan ng nakaugnayan.



List of Transit-Related Title VI Investigations, Complaints and Lawsuits

In order to comply with the requirements of Circular 4702.1B, FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations conducted by the entities other than FTA; lawsuits; and complaints naming the recipient. This list shall include the date that the investigation, lawsuit, or complaint was filed; summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to, the investigation, lawsuit, or complaint.

Napa Valley Transportation Authority has not received any Title VI Investigations or Lawsuits since the submission of its last Title VI Program. The NVRTA did receive two complaints in 2014 as outlined below. No complaints were received in 2015 or 2016. Below is the list used for tracking these incidents:

Title VI Investigations, Lawsuits and Complaints

	Date (Month, Day, Year)	Summary (Include basis of complaint: race, color, or national origin)	Status	Action Taken
Investigations				
1.	N/A			
Lawsuits				
1.	N/A			
Complaints				



APPENDIX 7

Racial Breakdown of the Membership of Transit-Related Advisory Committees

	Paratransit Coordinating Council(PCC)	Citizens Advisory Committee (CAC)	Active Transportation Advisory Committee (ATAC)
Approved Membership Positions	9	19	11
Filled Membership Positions	6	14	10
Members Completing Survey	3	9	3
American Indian/Alaskan Native			
Black or African American (Non- Hispanic Origin)		1	
White or Caucasian	2	7	3
Hispanic (Mexican, Puerto Rican, Cuban, Central or South African or other Spanish Origin)	1	1	
Asian/Pacific Islander		1	

Outreach Efforts to Encourage Participation

NVTA values the ethic and cultural diversity of the public it serves in Napa County. Accordingly, when committee vacancies occur, NVTA will ensure that effective efforts are made to encourage the participation of minorities on such committees.

NVTA will utilize a number of strategies to promote meaningful participation by underrepresented groups, including targeted outreach. Methods may include, but are not limited to, one or more of the following:

- Paid and free notices in the local media, especially those ethically, culturally-based for the targeted group NVTA is trying to reach. This effort includes print, electronic and social media.
- Translating notices into the native language of the targeted group.
- Posting the vacancy on NVTA's website.
- Outreach to civic, cultural or human services organizations known to serve the



targeted group informing them of the opportunity and need and enlisting their help.

- Notifying the municipalities within the county of the vacancy and underrepresentation.
- Placing informational signs on the Vine buses, bus stops/shelters, Customer service, NVRTA office, and other facilities.

RESOLUTION No. 22-XX

A RESOLUTION OF THE NAPA VALLEY TRANSPORTATION AUTHORITY (NVTA) ADOPTING THE REVISED NVTA TITLE VI PROGRAM POLICY

WHEREAS, the Napa Valley Transportation Authority (NVTA) is designated the countywide transportation planning agency responsible for Highway, Street and Road, transit, bicycle, and pedestrian planning and programming within Napa County; and

WHEREAS, Title VI of the Civil Rights Act of 1964 requires recipients of federal grants and other assistance to operate their programs and services without regard to, or discrimination based on, race, color or national origin; and

WHEREAS, the Federal Transit Administration (FTA) issued Circular FTA C 4702.1B, effective October 1, 2012, establishing requirements and guidelines for Title VI compliance; and

WHEREAS, the above-referenced Circular details required elements of a Title VI Program Report that each FTA grant recipient must submit to FTA every three (3) years to verify compliance with Title VI;

WHEREAS, NVTA's submitted an updated program report to FTA on November 27, 2019;and

WHEREAS, NVTA's Title VI Program was awarded Concur status on July 28, 2022 by FTA, pending compliance with additional requirements; and

WHEREAS, NVTA has revised the Title VI Program Plan, in response to the Review Assessment to ensure NVTA's compliance with Title VI, for Board consideration and approval.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby adopts the NVTA Revised Title VI Program as set forth in the Title VI Program; and

BE IT FURTHER RESOLVED that the Board of Directors authorizes the Executive Director, or designee, to:

2. Include evidence of the Board's consideration and approval of the Title VI Program; and
3. Take any other steps necessary to give effect to this Resolution, including responding to any follow-up inquiries from the FTA.
- 4.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Board of Directors of the Napa Valley Transportation Authority, at a regular meeting held on November 16, 2022, by the following vote:

Passed the 16th day of November, 2022.

Liz Alessio, NVTA Chair

Ayes

Nays:

Absent:

ATTEST:

Laura Sanderlin, NVTA Board Secretary

APPROVED:

Osman, NVTA Legal Counsel



Published on *VINE TRANSIT* (www.vinetransit.com)

[Home](#) > [Printer-friendly](#) > [Title VI](#)

Title VI Notice to Public

Title VI Notice to Public

The Napa Valley Transportation Authority is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color or national origin, as provided by Title VI of the Civil Rights Act of 1964, as amended. It's objective to:

- Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;
- Promote the full and fair participation of all affected populations in transportation decision making;
- Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations;
- Ensure meaningful access to programs and activities by persons with limited English proficiency.

The Napa Valley Transportation Authority is committed to a policy of non-discrimination in the conduct of its business, including its Title VI responsibilities and to the delivery of equitable and accessible transportation services. Any person who believes that he or she has been subjected to discrimination under Title VI on the basis of race, color or national origin may file a Title VI complaint with Napa Valley Transportation Authority. Any such complaint must be in writing and submitted to the Napa Valley Transportation Authority within one hundred eighty (180) days following the date of the alleged discrimination.

There are several ways to file a complaint. Complaints may be filed in writing and mailed to Manager of Human Resources and Administration, Napa Valley Transportation Authority, 625 Burnell St., Napa, CA 94559-3420. A copy of the Title VI Complaint Form is available by calling (707) 259-8631 or [download the form](#) ^[1]. You can also fill out an [online](#) ^[2] Title VI complaint form. We encourage use of the Title VI Complaint Form.

To fill-out an online complaint form, [click here](#) ^[2].

This section outlines the Title VI complaint procedures related to providing programs, services, and benefits. However, it does not deny the complainant the right to file a formal complaint(s) with any other federal, state, or local agencies or seek private counsel for complaints alleging discrimination, intimidation, or retaliation of any kind that is prohibited by law.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs receiving federal financial assistance.

GENERAL

Any person who believes that he or she, individually, or as a member of any specific class of persons, has been subjected- to discrimination on the basis of race, color, or national origin as noted below may file a written complaint with the Napa Valley Transportation Authority, Director of Civil Rights, 625 Burnell St., Napa, CA 94559-3420.

Complainants have the right to complain directly to the appropriate federal agency. Every effort will be made to obtain early resolution of complaints. The option of informal meeting(s) between the affected parties and the Director of Civil Rights may be utilized for resolutions.

PROCEDURE

NVTA has in place a Title VI Complaint Procedure, which outlines a process for local disposition of Title VI complaints and is consistent with guidelines found in the Federal Transit Administration Circular 4702.1A, dated May 13, 2007.

The complaint procedure must meet the following requirements outlined below:

1. **Submission of Complaint:** Any person who feels that he or she, individually, or as a member of any class of persons, on the basis of race, color, national origin, age, sex, disability, religion, or low-income status has been excluded from or denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance through NVTA may file a written complaint with the Director of Civil Rights. Such complaint must be in writing and signed by complainant(s).
 - a. In cases where Complainant is unable or incapable of providing a written statement, a verbal complaint may be made. The Director of Civil Rights will interview the Complainant and assist the person in converting verbal complaints to writing. All complaints must, however, be signed by the Complainant or his/her representative.
 - b. Include the date of the alleged act of discrimination date when the Complainants became aware of the alleged act of discrimination; or the date on which that conduct was discontinued or the latest instance of conduct.
 - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complaint.
 - d. Federal and state law requires complaints be filed within 180 calendar days of the alleged incident.
2. **Referral to Review:** Upon receipt of the Complaint, the Director of Civil Rights in consultation with NVTA's Legal Counsel will determine its jurisdiction, acceptability, need for additional information, as well as assign the complaint to a Specialist to evaluate and investigate the merit of the complaint. The Specialist shall complete their review no later than 45 calendar days after the date NVTA received the Complaint. If more time is required, the Deputy Executive Director shall notify the Complainant of the estimated time-frame for completing the review.

3. **Upon completion of the review:** The Specialist shall make a recommendation regarding the merit of the Complaint and whether remedial actions are available to provide redress. Additionally, the staff may recommend improvements to NVTA's processes relative to Title VI and environmental justice, as appropriate. The Specialist shall forward their recommendation to the Director of Civil Rights for their concurrence. If the Director of Civil Rights concurs, he shall issue NVTA's written response to the Complainant.

A complaint must meet the following criteria for acceptance:

- a. The Complaint must be filed within 180 days of alleged occurrence;
- b. The allegation must involve a covered basis such as race, color or national origin.
- c. The allegation must involve a NVTA service of a Federal-aid recipient, sub-recipient or contractor.

A complaint may be dismissed for the following reasons:

- a. The Complainant requests the withdrawal of the complaint.
- b. The Complainant fails to respond to repeated requests for additional information needed to process the complaint.
- c. The Complainant cannot be located after reasonable attempts.

4. **Documentation:** The investigative report and its findings will be reviewed by the Executive Director and in some cases the investigative report and findings will be reviewed by NVTA's Legal Counsel. The report will be modified as needed. The Executive Director and Legal Counsel will make a determination on the disposition of the complaint. Dispositions will be as follows:

In the event NVTA is in noncompliance with Title VI regulations remedial actions will be listed.

5. **Notice of determination:** A Notice of Determination will be mailed to the Complainant. Notice shall include information regarding appeal rights of Complainant and instructions for initiating such an appeal. Notice of Appeals are as follows:

- a. NVTA will reconsider this determination, if new facts, come to light.
- b. If Complainant is dissatisfied with the determination and/or resolution set forth by NVTA, the same complainant may be submitted to FTA for investigation. Complainant shall be advised to contact the Federal Transit Administration.

6. **Request for Reconsideration:** If the Complainant disagrees with the Executive Director's response, he or she may request reconsideration by submitting the request, in writing, to the Executive Director within 10 calendar days after receipt of the Executive Director's response. The request for reconsideration shall be sufficiently

detailed to contain any items the Complainant feels were not fully understood by the Executive Director. The Executive Director will notify the Complainant of his/her decision either to accept or reject the request for reconsideration within 10 calendar days. In cases where the Executive Director agrees to reconsider, the matter shall be returned to the Director of Civil Rights to reevaluate in accordance with Paragraph 2, above.

7. **Appeal:** If the request for reconsideration is denied, the Complainant may appeal the Executive Director's response to the Complaint by submitting a written appeal to NVTA's Board of Directors no later than 10 calendar days after receipt of the Executive Director's written decision rejecting reconsideration.
8. **Submission of Complaint to the Federal Transit Administration:** If the Complainant is dissatisfied with NVTA's resolution of the Complaint, he or she may also submit a complaint to the Federal Transit Administration for investigation. In accordance with Chapter IX, Complaints, of FTA Circular 4702.1A, such a complaint must be submitted within 180 calendar days after the date of the alleged discrimination. Chapter IX of the FTA Circular 4702.1A, which outlines the complaint process to the Federal Transit Administration, may be obtained by requesting a copy from NVTA at (707) 259-8631.

LIMITED ENGLISH PROFICIENCY POLICY STATEMENT AND AVAILABLE RESOURCES

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance. Title VI and its implementing regulations require that FTA recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP).

To that end, NVTA provides translation and interpretation services free of charge upon request by calling (707) 259-8631.

You may also download a complaint form from FTA's website. Go to www.fta.dot.gov/civilrights [3] for more information.

For more information regarding Title VI or need further language assistance, please contact Vine Transit by E-mail at [Contact Us](#) [4] or call (707) 259-8631.

To fill-out an online complaint form, [click here](#) [2].

Directory Menu

- [About Us](#)

Title VI Notice to Public

Page 5 of 6

- [Contact Us](#)
- [Routes, Services, and Schedules](#)
- [Notices and Service Alerts](#)
- [Discrimination Complaints](#)
- [FAQ](#)
- [Advertising with the Vine](#)
- [Enhanced Mobility](#)
- [NVTa](#)
- [Careers with the Vine](#)
- [Staff Login](#)

QuickLinks

- [City of American Canyon](#)
- [City of Calistoga](#)
- [City of Napa](#)
- [City of St. Helena](#)
- [Town of Yountville](#)
- [County of Napa](#)
- [Soltrans](#)
- [Fairfield and Suisun Transit](#)
- [Sonoma County Transit](#)
- [San Francisco Bay Ferry](#)
- [Bay Area Air Quality Management District](#)
- [Caltrans District IV](#)
- [Metropolitan Transportation Commission](#)
- [Caltrans](#)
- [Federal Transit Administration](#)
- [Capitol Corridor](#)
- [Sonoma County Transit](#)
- [San Francisco Bay Ferry](#)
- [BART](#)

Contact

625 Burnell Street
Napa, CA 94559-3420
[Click here for Driving Direction](#)

1-800-696-6443

Email: info@nvta.ca.gov

Source URL: <https://ridethevine.com/title-vi-notice-public>

Links:

- [1] http://www.ridethevine.com/sites/default/files/Title%20VI%20Complaint%20Form_0.pdf
- [2] <http://www.ridethevine.com/title-vi-complaint-form>
- [3] http://www.fta.dot.gov/civilrights/title6/civil_rights_5104
- [4] <https://ridethevine.com/contact-us>



NAPA VALLEY TRANSPORTATION AUTHORITY

COVER MEMO

SUBJECT

State Route 37 (SR 37) Memorandum of Understanding (MOU) Amendment No. 1 adding Sonoma Marin Area Rail Transit (SMART).

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVRTA) Board approve Amendment No. 1 (Attachment 1) to the Resilient State Route 37 Memorandum of Understanding (MOU), adding Sonoma Marin Area Rail Transit (SMART) as a partner on the project.

EXECUTIVE SUMMARY

NVRTA is a member of the SR 37 Policy Board, which is made up of the four North Bay Area County Transportation Agencies (CTAs). The NVRTA Board approved the State Route 37 SR 37 MOU in 2019, which culminated the partnership with the Metropolitan Transportation Commission (MTC) and the California Department of Transportation (Caltrans). Since 2019, as the Resilient SR 37 suite of projects has evolved, the project team thought it was important to recognize multimodal solutions for the corridor by including SMART as part of the project team. Although SMART has been involved as a periphery stakeholder, Amendment No. 1 formalizes the agency's involvement on the Executive Steering Committee and Project Leadership Team.

FISCAL IMPACT

Is there a Fiscal Impact? No



November 16, 2022
NVRTA Agenda Item 8.6

Continued From: New
Action Requested: APPROVE

NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVRTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Danielle Schmitz, Director Capital Development and Planning
(707) 259-5968 / Email: dschmitz@nvta.ca.gov
SUBJECT: State Route 37 (SR 37) Memorandum of Understanding (MOU)
Amendment No. 1 adding Sonoma Marin Area Rail Transit (SMART).

RECOMMENDATION

That the Napa Valley Transportation Authority (NVRTA) Board approve Amendment No. 1 (Attachment 1) to the Resilient State Route 37 Memorandum of Understanding (MOU), adding Sonoma Marin Area Rail Transit (SMART) as a partner on the project.

COMMITTEE RECOMMENDATION

None

BACKGROUND

The Resilient SR 37 MOU Amendment No. 1 expands on the work NVRTA has been involved in to date on the SR 37 corridor. In particular, it further defines the roles and responsibilities of the partner agencies in delivering the near and long-term improvements for a majority of the 20-mile corridor, including efforts to mitigate long-term sea level vulnerability of a number of low-lying areas throughout the corridor, and providing multimodal solutions.

Amendment No. 1 adds the Sonoma Marin Area Rail Transit (SMART) to the MOU. SMART is the owner of the railroad corridor that is adjacent to portions of SR 37, including running parallel in Segment A and in the proximity of Segments B and C. The addition of SMART to the Resilient State Route 37 Program underscores the collective agencies' commitment to a multimodal transportation solutions on the corridor.

The MOU would organize the delivery of the SR 37 Program by Segment (as described below):

-
1. BATA, Caltrans, SMART, SCTA and TAM are assigned to and have purview over Segment A (US 101 to SR 121);
 2. BATA, Caltrans, SCTA, SMART, STA and NVTa are assigned to and have purview over Segment B (Sears Point to Mare Island Bridge); and
 3. BATA, Caltrans, SMART and STA are assigned to and have purview over Segment C (Mare Island Bridge to I-80).

The SR 37 Policy Committee, Executive Steering Committee (ESC) and the Project Leadership Team (PLT) will continue to perform the same roles and responsibilities; however, certain oversight, technical work, responsibilities, and actions for specific segments and/or focus in the corridor have been assigned to specific agencies.

ALTERNATIVES

The Board could choose to not approve the amendment and SMART would not be added to the MOU which may jeopardize certain multimodal funding opportunities for the SR 37 program of projects.

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal 5: Minimize the energy and other resources to move people and goods.

Goals 6: Prioritize the maintenance and rehabilitation of the existing system.

SR 37 is a vital transportation corridor in the North Bay and functions as an important emergency evacuation route. It provides a critical east-west freight connection between two major trade corridors and runs through the ecologically rich San Pablo Baylands. Climate change-fueled storms periodically flood the route and, by 2050, portions of SR 37 are projected to be permanently inundated due to the impacts of sea level rise.

ATTACHMENT(S)

- (1) Amendment No. 1 Resilient SR 37 MOU

ADDING SMART TO
MEMORANDUM OF UNDERSTANDING
for
THE RESILIENT STATE ROUTE 37 PROGRAM

Original edits approved at 9/8 ESC
Discussed at Policy Committee.
Several Clerical Edits
Need Confirmation on MTC vs BAIFA and Tolling Language.

Tentative dates for approval:

MTC Ops Committee on 12/9
NVTA Board 11/19
SCTA Board 12/12
STA Board on 12/14
TAM Board 12/15
SMART Board 12/21
Caltrans D4 – No Board approval needed.

Formatted: Centered

Formatted: Centered

BATAMTC/Caltrans/STA/SCTA/TAM/NVTA
Memorandum of Understanding
Resilient SR 37 Program
Amendment No. 1

Formatted: Spanish (Spain)

Formatted: Spanish (Spain)

AMENDMENT NO. 1

MEMORANDUM OF UNDERSTANDING
for
THE RESILIENT STATE ROUTE 37 PROGRAM
between

BAY AREA TOLL AUTHORITYMETROPOLITAN TRANSPORTATION COMMISSION
CALIFORNIA DEPARTMENT OF TRANSPORTATION
SOLANO TRANSPORTATION AUTHORITY
SONOMA COUNTY TRANSPORTATION AUTHORITY
TRANSPORTATION AUTHORITY OF MARIN
NAPA VALLEY TRANSPORTATION AUTHORITY
SONOMA MARIN AREA RAIL TRANSIT

This Memorandum of Understanding (MOU) is entered into and effective as of the last date written below between the Bay Area Toll Authority Metropolitan Transportation Commission (“BATAMTC”), the California Department of Transportation District 4 (“Caltrans”), the Sonoma Marin Area Rail Transit District (SMART), the Solano Transportation Authority (“STA”), the Sonoma County Transportation Authority (“SCTA”), Transportation Authority of Marin (“TAM”) and Napa Valley Transportation Authority (“NVTA”) (referred to herein collectively as the “Parties” or individually as a “Party”), to cooperatively determine their mutual responsibilities in delivering the Resilient State Route 37 Program (“Program”).

Recitals

1. The Resilient SR 37 Program aims to address resiliency of transportation infrastructure to sea level rise and flooding, traffic congestion, and opportunities for ecological enhancements, transit, multimodal use and public access along the SR 37 corridor from I-80 to US 101. The Program includes near- and longer-term improvements for a majority of the 20-mile corridor, including the long-term sea level rise vulnerability of a number of low-lying areas throughout the corridor.
2. The SR 37 Policy Committee, Executive Steering Committee (“ESC”) and the Project Leadership Team (“PLT”) currently have varying roles and responsibilities in the development and delivery of the Program. The SR 37 Policy Committee, composed of Executive Directors and Board Members representing BATAMTC, Caltrans, STA, SCTA, TAM, and NVTA, provides policy oversight and dispute resolution to the respective staffs. The Executive Directors of BATAMTC, Caltrans, STA, SCTA, TAM, and NVTA serve on the ESC to provide strategic direction to the Policy Committee and PLT. The Directors and their staffs of BATAMTC, Caltrans, STA, SCTA, TAM, and NVTA participate in the PLT to vet technical, policy, and other related project issues and elevate them as appropriate to the ESC.

BATAMTC/Caltrans/STA/SCTA/TAM/NVTA
Memorandum of Understanding
Resilient SR 37 Program
Amendment No. 1

Formatted: Spanish (Spain)

Formatted: Spanish (Spain)

3. The BATAMTC, Caltrans, STA, SCTA, TAM and NVTA completed a SR 37 Transportation and Sea Level Rise Corridor Improvement Plan that identified Segment B between and including Sears Point to the Mare Island Bridge (referred to herein as the “Segment B”) as the highest priority. On November 2, 2017, the SR 37 Policy Committee confirmed that Segment B is the priority segment. Subsequently, BATAMTC, STA, SCTA, TAM and NVTA prepared a Project Initiation Document (PID) for Segment B improvements and submitted it to Caltrans for review and approval. Caltrans approved this PID on December 28, 2018.
4. On November 8, 2018 the SR 37 Policy Committee unanimously approved a funding plan and authorized the applicable sponsor(s) to submit Initial Project Reports to the Metropolitan Transportation Commission for funding consideration under Regional Measure 3, as follows: \$15 million to STA for Segment C-Fairgrounds Interchange, \$20 million to SCTA for Interim Segment B Environmental and Design Phases, \$4 million to SCTA for Environmental Phase for SR 37/121 improvements, \$3 million to TAM for Segment A levee study, and \$58 million to SCTA and TAM for Ultimate Segment A and Segment B improvements.
5. The Parties wish to organize the delivery of the SR 37 Program wherein:
 - a. BATAMTC, Caltrans, SMART, SCTA and TAM is assigned to and have purview over Segment A (US 101 to SR121);
 - b. BATAMTC, Caltrans, SCTA, SMART, STA and NVTA is assigned to and have purview over Segment B (Sears Point to Mare Island Bridge); and
 - c. BATAMTC, Caltrans, SMART and STA is assigned to and have purview over Segment C (Mare Island Bridge to I-80).

The SR 37 Policy Committee, ESC and PLT continue to perform the same roles and responsibilities except for the technical work, discussions, actions and decisions of the individual Party would be targeted and applicable to the project segment for which that Party is assigned.

6. The Parties commit to continue to make progress on the delivery of the priority Segment B interim and ultimate projects, while also performing feasibility studies, environmental studies, PIDs, and related studies with the goal of coordinating the longer-term delivery of the SR 37 Program.
7. A Party intends to seek ~~legislation to amend Section 30910 of the Streets & Highway Code for tolling authority between the~~ Sears Point ~~and -Mare Island Bridge to become a State-owned bridge, joining the toll bridge financial enterprise administered by BATA.~~
8. The Parties acknowledge the likely need for funding above and beyond ~~tolling -bridge enterprise funding administered by BATA,~~ and as such, intend to develop a financing

BATAMTC/Caltrans/STA/SCTA/TAM/NVTA
Memorandum of Understanding
Resilient SR 37 Program
Amendment No. 1

Formatted: Spanish (Spain)

Formatted: Spanish (Spain)

and funding plan consisting of other traditional and untraditional funding sources to deliver the Program.

9. The Parties wish to work cooperatively to deliver the Program by exploring alternative project delivery methods (including, but not limited to, Design Build contracts), early environmental enhancements, and traditional and non-traditional funding and partnerships.

Formatted: Font: (Default) Times New Roman

Formatted: Indent: Left: 0.5", No bullets or numbering

9-10. This amendment No. 1 adds SMART to the MOU. SMART is the owner of the railroad corridor that is adjacent to portions of SR37, including running parallel in Segment A and in the proximity of Segments B and C. The addition of SMART to the Resilient State Route 37 Program is a commitment to the multi-modal nature of the Program beyond bus transit and carpooling.

I. Term

The term of this MOU shall commence when fully executed, and unless amended earlier, shall terminate at a date agreed upon by the Parties.

II. SR 37 Program Delivery Organization

A. Executive Steering Committee (ESC)

1. Role

The ESC shall guide the identification, development, funding plan and implementation of projects to improve State Route 37. The ESC will select a Chairperson. The Chairperson will rotate between the members every two years. The Chairperson shall preside over the meetings of the ESC and shall perform all other duties incident to the position or as assigned to her or him by the ESC.

2. Members

- a. Executive Director, BATAMTC (or designee)
- b. District 4 Director, Caltrans (or designee)
- c. Executive Director, STA (or designee)
- d. Executive Director, SCTA (or designee)
- e. Executive Director, TAM (or designee)
- f. Executive Director, NVTA (or designee)
- g. General Manager, SMART (or designee)

3. Assignment

- a. Segment A: BATAMTC, Caltrans, SMART, SCTA, TAM
- b. Segment B: BATAMTC, Caltrans, SMART, SCTA, STA, NVTA
- c. Segment C: BATAMTC, Caltrans, SMART, STA

Formatted: French (France)

Formatted: French (France)

BATAMTC/Caltrans/STA/SCTA/TAM/NVTA
Memorandum of Understanding
Resilient SR 37 Program
Amendment No. 1

Formatted: Spanish (Spain)

Formatted: Spanish (Spain)

4. Responsibilities

- a. Approve implementation and funding plan(s), which may include one or more projects.
- b. Define agency roles and responsibilities for individual projects, including project managers.
- c. Approve the scope, schedule, budget and funding plan for individual projects within funding levels approved by the BATAMTC or other funding agencies, as applicable.
- d. Oversee overall project progress and reporting of project status, risk assessments, costs and schedule.
- e. Advise the BATAMTC on contract matters.
- f. Review and approve project staffing plans.

5. Decision-making

The ESC will endeavor to make decisions on a consensus basis. To ensure public accountability, transparency and public disclosure, the decisions will be documented.

6. Meetings

Regular meetings of the ESC shall be held quarterly as otherwise determined by the ESC. Notice shall include an agenda of items on which the ESC will take action. Each member of the ESC has the right to place a matter on the ESC's agenda for consideration. Meetings to be rotated between BATAMTC, Caltrans, STA, SCTA, NVTA, TAM offices or at a location determined by the ESC.

B. Corridor Director of the ESC

1. The Corridor Director serves as staff to the ESC, represents all ESC members and works directly with member agency Executive Directors and their staffs.
 - a. BATAMTC will select, with the ESC, and employ the Corridor Director.
 - b. BATAMTC reserves the right to make decisions regarding hiring, promotion, termination, compensation, and removal of the Corridor Director, in consultation with the ESC.
 - c. The Corridor Director may serve the SR37 Corridor Policy Committee in a similar capacity.
2. Responsibilities
The Corridor Director shall work with the Project Leadership Team, collaborate and provide direction to the project managers, as appropriate, to
 - a. Develop a implementation plan(s) and funding plan(s), including delivery methods
 - b. Develop the scope, schedule, budget and funding plan for individual projects.

BATAMTC/Caltrans/STA/SCTA/TAM/NVTA
Memorandum of Understanding
Resilient SR 37 Program
Amendment No. 1

Formatted: Spanish (Spain)

Formatted: Spanish (Spain)

- c. Report regularly to the ESC on project status, risks assessments, change, costs and schedule.
- d. Develop project staffing plans.
- e. Prepare agendas for ESC meetings.
- f. Deliver progress reports to and consult with the SR 37 Corridor Policy Committee.
- g. Deliver progress reports to ESC and Policy Committee.
- h. Provide oversight and direction to project managers.

The Corridor Director will also advise the SR37 Corridor Policy Committee on the SR 37 program.

C. Project Leadership Team

1. Role

The ESC hereby establishes a Project Leadership Team (PLT) that shall assist the ESC in the performance of its duties. The members of the PLT shall advise the Corridor Director on matters that are to be brought before the ESC.

2. Members

- a. Deputy Executive Director, Operations, BATAMTC (or designee)
- b. Chief Deputy Director, Caltrans District 4 (or designee)
- c. ~~Deputy Executive Director~~/Director of Projects, STA (or designee)
- d. ~~Director of Projects and Programming~~Deputy Executive Director, SCTA (or designee)
- e. Principal Project Delivery Manager, TAM (or designee)
- f. Director of Programs, Projects and Planning, NVTA (or designee)
- ~~f.g.~~ Chief Engineer, SMART (or designee)

3. Assignment

- a. Segment A: BATAMTC, Caltrans, SMART, SCTA, TAM
- b. Segment B: BATAMTC, Caltrans, SMART, SCTA, STA, NVTA
- c. Segment C: BATAMTC, Caltrans, SMART, STA

Formatted: French (France)

Formatted: French (France)

4. Responsibilities

The PLT shall assist the Corridor Director and ESC in the performance of their duties for their assigned segments by

- a. Developing a implementation plan(s) and funding plan(s)
- b. Developing the scope, schedule, budget and funding plan for individual projects.
- c. Reviewing cost estimates, risk assessments, and cash flow requirements.
- d. Reviewing project status, scope and budgets, expenditures, staffing and contractor services to anticipate, identify, evaluate, and report to the Corridor Director concerning any project issues.

~~BATAMTC~~/Caltrans/STA/SCTA/TAM/NVTA
Memorandum of Understanding
Resilient SR 37 Program
Amendment No. 1

Formatted: Spanish (Spain)

Formatted: Spanish (Spain)

- e. Developing project staffing plans and structures.
- f. Preparing other project related reports for ESC review.
- g. Performing such other assignments as appropriate.

5. Meetings

The PLT will meet on an as-needed basis as determined necessary by the members or by the Corridor Director.

III. GENERAL

A. Integration Clause

This Agreement constitutes the complete and entire understanding among the Committee Members.

B. Amendments

This Agreement may be amended in writing from time to time upon agreement of the Committee Members.

C. Counter Parts

This Agreement may be executed in counterparts, each one of which will be an original or the equivalent thereof.

D. Miscellaneous

This Agreement is intended solely as a guide to the obligations, intentions and policies of the Committee Members. It does not constitute an authorization for funding a project nor does it constitute a legally binding agreement amongst the Agencies.

IN WITNESS WHEREOF, the Parties hereto have agreed to this Agreement on the date opposite their respective names.

Alfredo Pedroza ~~Jake Mackenzie~~

_____/_____
Date

Chair

Metropolitan Transportation Commission ~~Bay Area Toll Authority~~

BATAMTC/Caltrans/STA/SCTA/TAM/NVTA
Memorandum of Understanding
Resilient SR 37 Program
Amendment No. 1

Formatted: Spanish (Spain)

Formatted: Spanish (Spain)

Tony Tavares
District 4 Director
Caltrans

Date

Harry Price
Chair
Solano Transportation Authority

Date

Chris Rogers
Chair
Sonoma County Transportation Authority

Date

Stephanie Moulton-Peters
Chair
Transportation Authority of Marin

Date

Liz Alessio
Chair
Napa Valley Transportation Authority

Date

David Rabbitt
Chair
Sonoma Marin Area Rail Transit

Date



November 16, 2022
NVTA Agenda Item 8.7

Continued From: New
Action Requested: APPROVE

NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Amendment to Cultural Resources Monitoring and Treatment Agreement for the St. Helena to Calistoga Napa Valley Vine Trail Project

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board authorize the Executive Director to execute and make minor modifications to Amendment 1 with Middletown Rancheria Agreement No. 22-C10 for Cultural Resources Monitoring and Treatment Services (Attachment 1) in an amount not to exceed \$59,386 which brings the total contract amount to \$104,000.

EXECUTIVE SUMMARY

NVTA staff is managing and delivering the St. Helena to Calistoga Napa Valley Vine Trail Project but additional oversight and expertise is required for cultural and resource monitoring and treatment. Middletown's work is focused on ground disturbing activities. On March 16, 2022, the NVTA Board approved a contract with Middletown Rancheria for an amount not to exceed \$60,000. NVTA entered into contract with Middletown Rancheria for \$44,614 in June of 2022 and kept a 20% contingency. Middletown Rancheria started performing monitoring and treatment services on July 5, 2022. The work that Middletown Rancheria is being tasked to complete is more involved than originally anticipated so additional resources need to be provided to complete the monitoring on the project.

FISCAL IMPACT

Yes. Of the additional \$59,386, the Vine Trail budget already included a 15,386. The additional \$44,000 in monitoring costs will come out of the project's construction contingency budget. With Amendment #1 to the Middletown Rancheria Agreement and the change orders issued to date to Ghilotti Construction, the current project contingency is \$858,369. In addition, NVTA has sent a claims letter to PG&E trying to recoup a portion of these costs that resulted from PG&E's Napa Bundle gas line replacement project not being completed before the start of Vine Trail construction as original agreed.



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA Board of Directors

FROM: Kate Miller, Executive Director

REPORT BY: Rebecca Schenck, Program Manager – Public Transit
(707) 259-8636 / Email: rschenck@nvta.ca.gov

SUBJECT: Amendment to Cultural Resources Monitoring and Treatment Agreement for the St Helena to Calistoga Napa Valley Vine Trail Project

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board authorize the Executive Director to execute and make minor modifications to Amendment 1 with Middletown Rancheria Agreement No. 22-C10 for Cultural Resources Monitoring and Treatment Services (Attachment 1) in an amount not to exceed \$59,386 which brings the total contract amount to \$104,000.

COMMITTEE RECOMMENDATION

None

BACKGROUND

NVTA consulted with Middletown Rancheria throughout the development of the Vine Trail Project starting in November 2019 when NVTA notified the tribe consistent with Assembly Bill 52 (AB 52), which amends the California Environmental Quality Act (CEQA) and pursuant to Public Resources Code § 21080.3.1, by sending a letter that served as formal notification of consultation under AB 52. Middletown Rancheria responded to the letter and NVTA met with them for formal consultant and has been working with the tribe ever since on the CEQA document, Post Review Discovery and Monitoring Plan and federal permitting. In order to receive the permit from the US Army Corps of Engineers, NVTA agreed to contract directly with Middletown Rancheria as opposed to Middletown being a subcontractor to Sequoia. The Middletown Rancheria original Agreement was for

\$44,614.25 The Board Item authorization in March of 2022 included contingency in the amount of \$15,385.75 to cover costs associated with any unexpected findings and subsequent treatment for a total of \$60,000.

Middletown Rancheria in conjunction with the Paleowest, the project archaeologist, have notified NVTa and its partnering agencies of 11 archaeological discoveries in the sections of the trail from Calistoga through Bothe Napa Valley State Park. The findings have consisted mostly of pre-contact lithic scatters and flaked stone artifacts. In addition, Middletown had to do 10 days of monitoring while NVTa's contractor Ghilotti potholed for the exact location of a gas line that were not in the original scope. Therefore, Middletown will need Amendment #1 with an additional up to 52 days of monitoring to complete the project. This will bring the total cost of the contract to \$104,000.

ALTERNATIVES

Not amend the Cultural Resources Monitoring and Treatment Agreement with Middletown Rancheria and stop have a Native American monitor onsite during ground disturbance. This will result in non-compliance with the permit requirements for the Napa Valley Vine Trail St Helena to Calistoga.

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal 5: Minimize the energy and other resources required to move people and goods.

The construction of the Napa Valley Vine Trail Calistoga to St. Helena segment will reduce mobile emissions.

Goal 3: Use taxpayer dollars efficiently.

Hiring consultants for a short term with expertise in a variety of fields is more economically viable than hiring full time employees with the qualifications needed to perform cultural resource monitoring

ATTACHMENTS

- (1) Amendment #1 Cultural Resources Monitoring and Treatment Agreement No. 22-C10 Middletown Rancheria

**FIRST AMENDMENT TO
CULTURAL RESOURCES MONITORING AND TREATMENT AGREEMENT**

THIS FIRST AMENDMENT TO THE CULTURAL RESOURCES TREATMENT AND MONITORING AGREEMENT herein after referred to as “Agreement” is made and entered into as of the last date signed below between the Middletown Rancheria of Pomo Indians of California, a sovereign government and federally recognized Indian tribe (“Tribe”), and Napa Valley Transportation Authority, a joint powers agency under the laws of the State of California, hereinafter referred to as “NVTa” (each a “Party” and collectively the “Parties”);

RECITALS

WHEREAS, in June 2022 the NVTa entered into Agreement with the Tribe to protect its Cultural Resources by monitoring the grading and ground disturbance activities during the construction of the Napa Valley Vine Trail project, St Helena to Calistoga, hereinafter referred to as “Project”;

WHEREAS, the Tribe requires to perform additional monitoring services and hours due to unforeseen ground disturbance activities during the construction of the Project; and

WHEREAS, the NVTa agrees to the additional monitoring services and hours to be performed by the Tribe at a cost to NVTa in the amount of \$59,385.75 as summarized in Exhibit D-1 attached.

TERMS

NOW, THEREFORE, the Parties agree to amend the Agreement as follows:

1. Item 5 Baseline Compensation Rates (Exhibit D) of the Agreement for the total amount of \$44,614.25 is amended to include the additional monitoring hours and performance cost in the amount of \$59,385.75 (Exhibit D-1), bringing the total baseline amount of the Agreement to \$104,000.
2. Except as set forth above, the terms and conditions of the Agreement, as amended in the First Amendment, shall remain in full force and effect as previously approved.

IN WITNESS WHEREOF, this Agreement was executed by the parties hereto as of the date first above written.

NAPA VALLEY TRANSPORTATION
AUTHORITY

MIDDLETOWN RANCHERIA

By _____
Kate Miller, Executive Director

By _____
James Rivera, Vice-Chairperson

Exhibit D-1(rev)

Amendment Cost Proposal										
	Labor									
	Project Manager	Native American Ethnographer/ Archaeologist, or Cultural Advisor	Project Coordinator	Field Operations Coordinator	Lead Cultural Resources Monitor	Native American Monitor	GIS/Data Analyst	Administration/ Accounting	Other Indirect Costs	TOTAL FEE
Hourly Rates	\$200.00	\$150.00	\$125.00	\$125.00	\$95.00	\$95.00	\$100.00	\$50.00		
1. Project Kickoff Meeting										\$0.00
2. Monitoring Ground Disturbance	10					471	20	20		\$49,744.78
3. Mileage (1)									\$1,895	\$1,895.00
4. Discovery of Human Remains and Cultural Resources (2)										
5. Indirect Costs (15%)										\$7,745.97
TOTAL										\$59,385.75
Footnotes										
(1) 0.58.5 effective January 1, 2022, but subject to change										
(2) An amendment will be made for the additional hours required for the discovery of Human Remains and and/or cultural resources										



NAPA VALLEY TRANSPORTATION AUTHORITY

COVER MEMO

SUBJECT

2023 Federal and State Legislative Advocacy Program and Project Priorities and Federal and State Legislative Update

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve the 2023 Federal and State Legislative Advocacy Program (Attachment 1) and receive the federal and state legislative update.

EXECUTIVE SUMMARY

Each year, NVTA adopts an annual legislative advocacy program which provides NVTA staff direction on advocacy and project priorities in preparation for the upcoming Federal and State legislative sessions.

The Federal and State Legislative Updates will be provided by George Riccardo of K&L Gates Associates and Steve Wallach of Platinum Advisors respectively.

FISCAL IMPACT

None



NAPA VALLEY TRANSPORTATION AUTHORITY Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Kate Miller, Executive Director
(707) 259-8634 / Email: kmiller@nvta.ca.gov
SUBJECT: 2023 Federal and State Legislative Advocacy Program and Project
Priorities and Federal and State Legislative Update

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve the 2023 Federal and State Legislative Advocacy Program (Attachment 1) and receive the federal and state legislative update.

COMMITTEE RECOMMENDATION

None

BACKGROUND

Each year the NVTA Board approves the Federal and State Legislative Programs and Project Priorities to establish direction and to authorize staff to advocate for various policy principles and projects.

Attachment 1 is the proposed 2023 Programs and Projects list. Attachment 2 is the marked-up version showing the changes from the 2022 Legislative Program and Project Priorities. A summary of the changes are included in Table 1 below.

Table 1: Summary of Legislative Agenda Changes

Item	Reason
Federal Legislative Advocacy Program	
Updated Surface Transportation Authorization language and added the inflation Reduction Act of 2022.	Language was updated to include two major funding bills – the transportation authorization law, the Bipartisan Infrastructure Law (BIL) also known as the Infrastructure Investments and Jobs Act (IIJA), and the Inflation

	Reduction Act of 2022 which includes funding for clean fuels.
Eliminated efforts to expand competitive grant programs	There are sufficient federal competitive grant programs and staff time has been consumed pursuing funds under existing programs.
Refined language to increase funding for FTA programs.	Cleaned up language to define specific grant programs.
Eliminated responding to rulemaking, circulars, and other administrative actions on federal transportation authorization language.	Redundant language
State Legislative Advocacy Program	
Added language to include addressing the "Transit Fiscal Cliff".	The Metropolitan Transportation Commission (MTC) and the state's other large Metropolitan Planning Organizations around the state are seeking 5-year gap funding to address the fiscal cliff resulting from the persistent ridership slumps caused by the pandemic and changes in commuting patterns.
Language clean-up to address changes in efforts	Funding is already available for zero emission fleet transitions, but more is needed. Added the word "expand" to reflect this need. Eliminated language specific to SB 1077 as it was not necessary. Cleaned up language associated with new housing developments. Added more specificity about various concepts (i.e. commuter benefits, resiliency).
Included the words "eliminate farebox recovery requirements" to TDA language.	The governor has suspended the farebox recovery requirement during the pandemic. This frees up the agency to adjust fare requirements to optimize fare pricing and encourage new riders.
Power interruptions	Expanded language to include all energy disruptions and grid security.
Tolling and resiliency	Narrowed focus on tolling and added resiliency separately (see note above)
Transit coordination and connectivity.	Eliminated language as this effort is being addressed more appropriately by MTC and Bay Area transit properties.
Added relief from California Highway Patrol (CHP) or other entity that require public transit vehicle inspections while vehicles are in revenue service.	The CHP has suddenly started pulling public transit vehicles in for inspection at the I-80 Truck Scales which is causing delays and missed connections for riders.

Regional and Local Advocacy Program	
Added Regional/Local Measures and Ordinances	Added language to support NVTA efforts to reform Measure T and to support regional transportation and housing measures.

FEDERAL LEGISLATIVE UPDATE

Attachment 3 is K&L Gate's October Federal Legislative Update. In summary, Congress adjourned and will not return until after the Midterm Elections. Transportation Secretary Buttigieg and Ukrainian Minister of Infrastructure signed a joint statement to create a task force for near term infrastructure needs and rebuilding Ukraine's infrastructure in the future. The White House announced an Action Plan emerging from the Accelerating Infrastructure Summit which in part is intended to streamline processes to accelerate federally-funded infrastructure projects. The DOT also released "Promising Practices for Meaningful Public Involvement in Transportation Decision-Making" to enhance public involvement for transportation projects.

Secretary Buttigieg announced the DOT's Build America Bureau has extended the Transportation Infrastructure Finance and Innovation Act (TIFIA) program which now offers low interest rate loans for up to 49% (up from 33%) of the project cost for infrastructure projects. The Federal Highway Administration (FHWA) released new guidance to help states address roadway safety and aid in developing Vulnerable Road User Safety Assessments. FHWA also announced Gloria Shepherd, as its new Executive Director. Ms. Shepherd has previously served in executive level positions with the Maryland State Highway Administration and the New York Department of Transportation and holds the distinction of being the first woman and the first African American to hold this position. FHWA also announced the first block grant funding and competitive program funding from the Bipartisan Infrastructure Law and provided links for additional information on these programs.

STATE LEGISLATIVE UPDATE

Governor Newsom announced a special session to address fuel prices with the goal of imposing a tax on excess profits. The special session allows for an accelerated hearing process and while there is a supermajority of democrats in both houses, the proposal who require a 2/3rds vote and it's questionable that it would garner that level of support.

As reported to the Board last month, the Governor announced that the COVID state of emergency will end on February 28th. AB 2449 allows some flexibility for Brown Act sanctioned meetings and NVTA General Counsel, Osman Mufti is providing the Board with an update at its November meeting.

There is still much concern about state revenues which are significantly lower than projected revenues and while state's reserve will stave off any immediate challenges, the cause of the reduced revenue – tech layoffs and stock declines – persists.

The Bill Matrix has not been included as part of today's legislative update since there have been no changes.

ALTERNATIVES

The Board may elect not to approve the 2023 Federal and State Legislative Advocacy Programs and Project Priorities and instead, staff would request direction from the board on each individual issue or advocacy opportunity as they emerge. Depending on the deadlines for letters, grant applications, policy, and statutory changes, some opportunities to comment may be lost since the board meets just once a month.

STRATEGIC GOALS MET BY THIS PROPOSAL

The Legislative Agenda meets all of the strategic goals by supporting legislative advocacy for projects, regulatory and statutory reform, however, its impact has greater influence on three specific goals; meeting the needs of the entire community (Goal 1), improving system safety (Goal 2), and supporting Napa County's economic vitality by ensuring staff has the leverage to advocate on behalf of NVTa's priorities.

ATTACHMENT(S)

- (1) 2023 Federal and State Legislative Advocacy Programs and Project Priorities (clean)
- (2) Federal and State Legislative Advocacy Programs and Project Priorities (2022 Advocacy Program redlined)
- (3) October 31, 2022 Federal Legislative Update (Platinum/K&L Gates)
- (4) October 2022 State Legislative Update (Platinum Advisors)

2021 Federal and State Legislative Advocacy Program and Project Priorities

Federal Legislative Advocacy Program

- Revenues
 - Support efforts to implement the Bipartisan Infrastructure Law (BIL) (also known as Infrastructure Investments and Jobs Act) (and the Inflation Reduction Act of 2022.
 - Support efforts to stabilize and increase revenues that flow to the Highway Trust Fund.
 - Advocate for grant programs that fund clean fuel technologies and other emerging technologies.
 - Advocate for increased appropriations for the New Starts and Small Starts program, as well as establishing a robust set aside for Small Starts projects in rural areas.
 - Advocate for increased appropriations for the Department of Transportation's (DOT) Rebuilding American Infrastructure and Sustainability and Equity (RAISE) program (formerly BUILD and TIGER).
 - Advocate for increased appropriations for Federal Transit Administration (FTA) Bus and Bus Facilities funds and Low and No Emission Vehicle Deployment program (FTA §5339 B and C).
 - Support efforts that ensure continued protection of transportation programs subject to across-the-board cuts through budget sequestration.
 - Support efforts to address the National Environmental Policy Act (NEPA) reciprocity language to align the statute of limitation to file a claim to be consistent with the 30-day statute of limitation in the California Environmental Quality Act (CEQA), or at a minimum, to align it with existing NEPA statute of limitations for highway and transit projects which is set a 150 days.
 - Support increased funding for advanced/emerging technologies pilot and demonstration programs.
 - Streamline Federal Emergency Management Agency (FEMA) reimbursement processes.
 - Reform the Federal Aviation Administration's Fuel Tax Policy (79 Federal Register 66282) that requires sales taxes generated on aviation fuel to be spent at the airport.

State Legislative Advocacy Program

- Revenues
 - Support efforts to stimulate the economy, including aid to transportation and local government programs, and subsidies for families in response to the Coronavirus Pandemic.
 - Work closely with state legislators and agencies to maximize AB 32 Cap and Trade revenues for transportation projects, specifically expanding eligibility to include travel demand management program and traffic congestion relief, grow the transit program, and identify measures to advance funds.
 - Support statewide efforts to address the “Transit Fiscal Cliff” using Cap and Trade or other revenues while preserving existing funding opportunities.
 - Support efforts to lower the 2/3rds voting threshold for local transportation sales tax measures.
 - Expand efforts that stabilize funding for transportation programs to address fleet transition from traditional fuels to cleaner fuels in response to Governor Newsom’s Executive Order N-79-20 requiring all vehicles to be zero emission by 2035.
 - Support new funding innovations such as user-based fees (e.g. tolls, parking fees, and other congestion pricing mechanisms) that reduce congestion and stabilize and or generate new revenues for transportation.
 - Protect transportation funds from being diverted for other purposes or conditioned for housing production.
 - Advocate for formulas that maximize local and regional control of state transportation funds.
 - Support efforts that encourage housing development in priority development areas and honor existing growth boundaries, preserving agriculture and open space to reduce vehicle miles traveled.
 - Identify and advocate for measures that would preserve and grow local streets and road revenues.
 - Sponsor and support legislation that would condition the sale of excess property in Napa County owned by the California Department of Transportation to be used for highway transportation projects in Napa County as identified by NVTAs Countywide Transportation Plan.
 - Support consistent interpretation of the Transportation Development Act (TDA) which guides both TDA and State Transit Assistance (STA) specific to qualifying revenues and eligible recipients and support TDA reform that would eliminate farebox recovery requirements and benefit the Vine Transit system.
 - Support efforts to create new funding for Bay Area regional corridor operations, transit connectivity and transit priority on Bay Area highways.

- Support efforts to identify new revenues to implement complete streets programs, safe routes to schools, and bicycle and pedestrian safety projects.
- Support efforts by Caltrans to set-aside State Highway Operations and Protection Program (SHOPP) Funds for Active Transportation Projects on the State Highway System.
- Project Delivery
 - Support efforts to streamline project delivery requirements and reduce costs for delivering projects, including efforts that streamline CEQA processes.
 - Support efforts to expand local and regional authority to support innovative project contract and delivery.
- Environment and Resiliency
 - Support regulatory and legislative efforts to encourage van pools, transit use, and alternative commute options.
 - Support programs that assist employers in meeting the SB 1128 commuter-benefit requirements.
 - Support resiliency programs intended to minimize natural disasters that impact transportation infrastructure.
 - Support efforts that would maximize energy security and minimize energy disruptions in order to sustain electric vehicle fleet operations especially during disasters.
- Congestion Relief
 - Support efforts to establish and maintain HOV lanes on State Highways.
 - Support efforts that allow Express Bus and Regional Routes to operate on highway shoulders.
 - Support Caltrans efforts to expand traveler information and other solutions that reduce congestion and increase throughput.
 - Support transit priority on freeways and highways.
- Safety
 - Support State efforts to implement Vision Zero statewide.
 - Support efforts to implement automated speed enforcement.
- Statutory and Regulatory Changes
 - Support legislation and policies that would allow tolling to reduce vehicle miles traveled, encourage transit use and ridesharing.
 - Support efforts that streamline administrative oversight of grants, regulatory compliance, and reporting.
 - Pursue administrative, regulatory or statutory exemption for public transit buses from truck safety inspections by California Highway Patrol or other entity while buses are in revenue service.

Regional/Local Measures/Ordinance Advocacy Programs

- Napa Countywide Transportation Sales Tax Ordinance
 - Lead efforts and advocate to modify the countywide ½ cent sales tax transportation ordinance (Measure T):
 - To seek a 30-year extension
 - To allow debt issuance to advance projects, improve pavement management scores, and provide seed funding for major in-county projects.
- Regional Transportation and Housing Measures
 - Advocate for regional transportation and housing measures and other efforts led by the Metropolitan Transportation Commission that benefit Napa County.

Project Priorities

- Improvements to State Route 29 and parallel routes, included in the Comprehensive Multimodal Corridor Plan, including improvements to key intersections such as Soscol Avenue (SR 29/SR121/SR12), Carneros (SR 221/SR 29/SR12), Airport (SR 29/SR 12), improvements on SR 29 in American Canyon between Napa Junction and American Canyon Road, and parallel routes along the corridor
- Napa Valley Forward Infrastructure and Travel Demand Management Programs
- Congestion relief projects and sea level rise mitigation on State Route 37 including Resilient SR 37 access to public lands
- Projects located in the County's Priority Development Areas, Priority Conservation Areas, and Priority Production Areas
- Technology projects that increase transit operating efficiencies and reduce emissions
- Technology projects that improve highway and local street and road operations, including autonomous vehicle infrastructure
- Projects included in the Countywide Transportation Plan and Plan Bay Area for NVRTA and Napa's jurisdictions
- Pedestrian and Bicycle Infrastructure, Wayfinding, and Safety, included in the Countywide Bicycle and Pedestrian Plans
- Improvements included in the Imola Complete Streets Corridor Plan
- Rapid Bus corridor improvements on major corridors including project in NVRTA's 2017 Express Bus Plan
- Upgrades to Soscol Gateway Transit Center and park and ride facilities
- Major Corridor Management, Operations and Control Center Projects
- Vine bus fleet electrification and regional charging network
- Countywide electric vehicle charging network
- Safe and accessible routes and infrastructure to transit and schools
- Sonoma Marin Area Rail Transit expansion to Suisun Amtrak/Capital Corridor Station and Vallejo Ferry Terminal
-

2021 Federal and State Legislative Advocacy Program and Project Priorities

Federal Legislative Advocacy Program

- Revenues

- Support efforts to implement the Bipartisan Infrastructure Law (BIL) (also known as Infrastructure Investments and Jobs Act) ~~(and other legislation related to infrastructure and surface transportation authorization)~~ and the Inflation Reduction Act of 2022.
- Support efforts to stabilize and increase revenues that flow to the Highway Trust Fund.
- ~~○ Support efforts to expand competitive grant programs.~~
- Advocate for grant programs that fund clean fuel technologies and other emerging technologies, including the FTA Low and No Emission Vehicle Deployment program.
- Advocate for increased appropriations for the New Starts and Small Starts program, as well as establishing a robust set aside for Small Starts projects in rural areas.
- Advocate for increased appropriations for the Department of Transportation's (DOT) Rebuilding American Infrastructure and Sustainability and Equity (RAISE) program (formerly BUILD and TIGER).
- Advocate for increased appropriations for Federal Transit Administration (FTA) Bus and Bus Facilities funds and Low and No Emission Vehicle Deployment program (FTA §5339 B and C).
- Support efforts that ensure continued protection of transportation programs subject to across-the-board cuts through budget sequestration.
- ~~○ Respond to Federal Transit Administration's and Federal Highway Administration's implementation of Fixing America's Surface Transportation Act (FAST) or successor legislation, as rulemakings, circulars, and other administrative actions are issued.~~
- Support efforts to address the National Environmental Policy Act (NEPA) reciprocity language to align the statute of limitation to file a claim to be consistent with the 30-day statute of limitation in the California Environmental Quality Act (CEQA), or at a minimum, to align it with existing NEPA statute of limitations for highway and transit projects which is set a 150 days.
- Support increased funding for advanced/emerging technologies pilot and demonstration programs.

- Streamline Federal Emergency Management Agency (FEMA) reimbursement processes.
- Reform the Federal Aviation Administration's Fuel Tax Policy (79 Federal Register 66282) that requires sales taxes generated on aviation fuel to be spent at the airport.

State Legislative Advocacy Program

- Revenues

- Support efforts to stimulate the economy, including aid to transportation and local government programs, and subsidies for families in response to the Coronavirus Pandemic.
- Work closely with state legislators and agencies to maximize AB 32 Cap and Trade revenues for transportation projects, specifically expanding eligibility to include travel demand management program and traffic congestion relief, grow the transit program, and identify measures to advance funds.
- Support statewide efforts to address the “Transit Fiscal Cliff” using Cap and Trade or other revenues while preserving existing funding opportunities.
- ~~Support efforts that allow direct investments in transit infrastructure projects eligible for Cap & Trade offsets.~~
- Support efforts to lower the 2/3rds voting threshold for local transportation sales tax measures.
- ~~Support~~ Expand efforts that stabilize funding for transportation programs to address fleet transition from traditional fuels to cleaner fuels in response to Governor Newsom’s Executive Order N-79-20 requiring all vehicles to be zero emission by 2035.
- Support new funding innovations such as user-based fees (e.g. tolls, parking fees, and other congestion pricing mechanisms) that reduce congestion and stabilize and or generate new revenues for transportation, such as voluntary mileage-based program (that might arise from SB 1077 or other).
- Protect transportation funds from being diverted for other purposes or conditioned for housing production.
- ~~Support efforts to fund affordable housing and mechanisms that encourage housing development in priority development areas and honor existing growth boundaries, preserving agriculture and open space to reduce vehicle miles traveled. redevelopment projects that support priority development areas and honor existing urban growth boundaries, preserving agricultural lands and open space.~~
- Advocate for formulas that maximize local and regional control of state transportation funds.
- Support efforts ~~to fund affordable housing and mechanisms that encourage housing development in priority development areas and honor existing growth boundaries, preserving agriculture and open space to reduce vehicle miles traveled. redevelopment projects that support priority development areas and honor existing urban growth boundaries, preserving agricultural lands and open space.~~
- Identify and advocate for measures that would preserve and grow local streets and road revenues.
- Sponsor and support legislation that would condition the sale of excess property in Napa County owned by the California Department of Transportation to be used for highway transportation projects in Napa County as identified by NVTAs Countywide Transportation Plan.

- Support consistent interpretation of the Transportation Development Act (TDA) which guides both TDA and State Transit Assistance (STA) specific to qualifying revenues and eligible recipients and support TDA reform that would eliminate farebox recovery requirements and benefit the Vine Transit system.
- Support efforts to create new funding for Bay Area regional corridor operations, transit connectivity and transit priority on Bay Area highways.
- Support efforts to identify new revenues to implement complete streets programs, safe routes to schools, and bicycle and pedestrian safety projects.
- Support efforts by Caltrans to set-aside State Highway Operations and Protection Program (SHOPP) Funds for Active Transportation Projects on the State Highway System.
- Project Delivery
 - Support efforts to streamline project delivery requirements and reduce costs for delivering projects, including efforts that streamline CEQA processes.
 - Support efforts to expand local and regional authority to support innovative project contract and delivery.
- Environment and Resiliency
 - Support regulatory and legislative efforts to encourage van pools, transit use, and alternative commute options.
 - Support programs that assist employers in meeting the SB 1128 commuter-requirementsbenefit requirements.
 - Support resiliency programs intended to minimize natural disasters that impact transportation infrastructure.
 - Support efforts that would maximize energy security and minimize ~~public safety power shutoff (PSPS)energy disruptions and other power outages~~ in order to sustain electric vehicle fleet operations especially during disasters.
- Congestion Relief
 - Support efforts to establish and maintain HOV lanes on State Highways.
 - Support efforts that allow Express Bus and Regional Routes to operate on highway shoulders.
 - Support Caltrans efforts to expand traveler information and other solutions that reduce congestion and increase throughput.
 - Support transit priority on freeways and highways.
- Safety
 - Support State efforts to implement Vision Zero statewide.
 - Support efforts to implement automated speed enforcement.
- Statutory and Regulatory Changes

- Support legislation and policies that would allow tolling ~~on the State Route 37 corridor~~ to reduce vehicle miles traveled, encourage transit use and ridesharing, ~~and to fund improvements that will mitigate longer term sea-level rise.~~
- —
- ~~Support efforts to identify solutions for improving transit coordination and connectivity as well as corridor operations at the regional and local level.~~
- —
- ~~Support legislation to exempt public transit vehicles from state and local truck route ordinances.~~
- Support efforts that streamline administrative oversight of grants, regulatory compliance, and reporting.
- Pursue administrative, regulatory or statutory exemption for public transit buses from truck safety inspections by California Highway Patrol or other entity while buses are in revenue service.

Regional/Local Measures/Ordinance Advocacy Programs

- Napa Countywide Transportation Sales Tax Ordinance
 - Lead efforts and advocate to modify the countywide ½ cent sales tax transportation ordinance (Measure T):
 - To seek a 30-year extension
 - To allow debt issuance to advance projects, improve pavement management scores, and provide seed funding for major in-county projects.
- Regional Transportation and Housing Measures
 - Advocate for regional transportation and housing measures and other efforts led by the Metropolitan Transportation Commission that benefit Napa County.

Project Priorities

- Improvements to State Route 29 and parallel routes, included in the Comprehensive Multi-~~Modal~~-modal Corridor Plan, including improvements to key intersections such as Soscol Avenue (SR 29/SR121/SR12), Carneros (SR 221/SR 29/SR12), Airport (SR 29/SR 12), improvements on SR 29 in American Canyon between Napa Junction and American Canyon Road, and parallel routes along the corridor.
- Napa Valley Forward Infrastructure and Travel Demand Management Programs
- Congestion relief projects and sea level rise mitigation on State Route 37 including Resilient SR 37 access to public lands.
- Projects located in the County's ~~two~~ Priority Development Areas, Priority Conservation Areas, and Priority Production Areas
- Technology projects that increase transit operating efficiencies and reduce emissions.
- Technology projects that improve highway and local street and road operations, including autonomous vehicle infrastructure.
- Projects included in the Countywide Transportation Plan and Plan Bay Area for NVRTA and Napa's jurisdictions.
- Pedestrian and Bicycle Infrastructure, Wayfinding, and Safety, included in the Countywide Bicycle and Pedestrian Plans.
- Improvements included in the Imola Complete Streets Corridor Plan.
- Rapid Bus corridor improvements on major corridors including project in NVRTA's 2017 Express Bus Plan
- Upgrades to Soscol Gateway Transit Center and park and ride facilities
- Major Corridor Management, Operations and Control Center Projects
- Vine bus fleet electrification and regional charging network
- Countywide electric vehicle charging network
- Safe and accessible routes and infrastructure to transit and schools
- Sonoma Marin Area Rail Transit expansion to Suisun Amtrak/Capital Corridor Station and Vallejo Ferry Terminal.
- ~~Vallejo Ferry operational improvements/service frequencies.~~

MEMO

TO: Kate Miller, Executive Director
Napa Valley Transportation Authority (NVTa)

FROM: George Riccardo, K&L Gates
Jess Aune, Platinum Advisors

DATE: October 31, 2022

RE: October Monthly Report

State of Play and Congressional Update

Congress adjourned at the end of September, and Members headed home to campaign in the final month leading up to the Midterm Elections. The only piece of legislation that moved forward this month was the National Defense Authorization Act (NDAA). Senator Reed and Senator Inhofe held a pro forma session to begin debate on the NDAA. The NDAA and a spending bill are the only legislation that Congress must pass before they adjourn for the end of the year, so legislators may attempt to attach their priorities to the NDAA to reach final passage. Some legislation that will likely be included in the final version of the NDAA includes reauthorizations of the State Department, Coast Guard, and Intelligence agencies as well as the Water Resource Development Act. The Senate version of the NDAA includes \$846.9 billion, which is \$45 billion more than President Biden requested, to fund the military as well as defense programs at the Pentagon, Energy Department, and other agencies.

Congress is scheduled to return on November 14th for a lame duck session. Besides the NDAA and legislation to fund the government, the outcome of the midterm elections will determine what else is considered during this session. Over the past several weeks, Republican candidates have been gaining momentum and many competitive races have become much tighter. During the final weeks of the campaign, we are seeing conservative super political action committees (PACs) invest in more traditional blue districts in New York, Rhode Island and California that President Biden won by significant numbers with the hopes of capitalizing on a potential late surge of support. The Senate battleground consists of close races in Arizona, Pennsylvania, Wisconsin, New Hampshire, North Carolina, Nevada, Georgia and Ohio. Republicans need to just pick up 1 seat, but are defending open seats in Wisconsin, Pennsylvania and North Carolina. Democrats have a relatively favorable map, but are defending increasingly close races in Arizona, Nevada and New Hampshire while Georgia has remained incredibly close with Sen. Warnock maintaining a slight edge over Walker.

If the gavel of power changes hands, Democratic Leadership and Committee Chairs will want to proceed with as many of their legislative priorities as possible knowing they will not have another opportunity for at least two years. If power changes hands in the

Senate, they will likely focus the majority of their time on confirming judicial nominees and administrative appointments with the knowledge that this will be increasingly challenging in a Republican controlled Senate.

Pending Legislation of Interest

S.3011 - State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act

Sponsor: Senator John Cornyn (R-TX)

Cosponsors: 11

Status: Passed Senate

Summary: This bill allows states, tribes, territories, and localities to use certain COVID-19 relief funds for new categories of spending, including for natural disasters and infrastructure projects. Specifically, recipients may use funds for emergency relief from natural disasters and associated negative economic impacts of natural disasters. In addition, recipients may use a portion of their COVID-19 relief funds for designated infrastructure projects, such as nationally significant freight and highway projects. Furthermore, the bill allows recipients to expend COVID-19 relief funds on these types of infrastructure projects until September 30, 2026.

Outlook: The House companion ([H.R.5735](#)) has been introduced and is gaining cosponsors, though there has not been any movement.

Department of Transportation (DOT) Updates

Commerce Secretary Gina Raimondo, Transportation Secretary Pete Buttigieg, and Ukrainian Minister of Infrastructure Oleksandr Kubrakov [announced](#) that they have signed a joint statement of intent to create a U.S.-Ukraine Infrastructure Task Force focused on Ukraine's critical war-time needs and future post-conflict infrastructure reconstruction. This announcement reinforces the United States' support for Ukraine and ironclad commitment to Ukraine's independence and territorial sovereignty. The U.S.-Ukraine Infrastructure Task Force envisions an inaugural working-level meeting in the coming months and will enhance joint efforts to facilitate U.S. private sector involvement and implement the best of American and Ukrainian innovation in Ukraine's reconstruction.

At the White House Accelerating Infrastructure Summit, the Administration and outside organizations [announced new efforts](#) and an Action Plan to accelerate the rebuilding of our infrastructure. Among the highlights: the FHWA will expand its Every Day Counts program to include all types of surface transportation; the Department of Commerce and the Bureau of Indian Affairs are teaming up to accelerate environmental permitting for more rapid delivery of high-speed internet projects on Tribal lands; the American Society of Civil Engineers is supporting the effort to deliver construction projects at a faster pace; the American Road and Transportation Builders Association's Construction Forum has issued guidance for parties on design-build projects; the National Park Service is developing and distributing electronic Project Management Manuals; the

American Council of Engineering Companies Research Institute is releasing a landmark study on modernizing the design-build process; and the DOT will launch a Project Delivery Center of Excellence at the Volpe Center to support and educate transportation infrastructure project managers in states.

The DOT [released](#) its Promising Practices for Meaningful Public Involvement in Transportation Decision-Making document, a first-of-its-kind guide for DOT funding recipients and partners that conduct public involvement in the transportation space. To identify obstacles to the full representation of all affected communities, the Department collected information from multiple sources, including transportation stakeholders and communities, to identify obstacles to inclusion in the transportation decision-making process and how to address them. Challenges identified include the use of one-size-fits-all strategies and the lack of accountability for acting on community inputs. The guide provides promising practices and concrete examples of what constitutes meaningful public involvement to help address these barriers to inclusion in transportation decision-making.

Earlier this month, Secretary Pete Buttigieg [announced](#) that the DOT's Build America Bureau will offer low-cost and flexible financing for transit and Transit-oriented Development projects at the maximum level authorized under law. DOT's Transportation Infrastructure Finance and Innovation Act (TIFIA) program is designed to help project sponsors reduce costs and speed the delivery of infrastructure projects. This new initiative (TIFIA 49) authorizes borrowing up to 49% of eligible project costs for projects that meet certain eligibility requirements, helping more projects get off the ground. With few exceptions, TIFIA loans have historically been capped at 33% of eligible project costs. To date, the DOT has closed more than \$38.4 billion in TIFIA financings, supporting more than \$132 billion in infrastructure investment across the country.

The DOT has [released](#) information about its Thriving Communities Program, an effort to ensure that local governments have the tools needed to access federal funding for projects serving their communities. The release calls for Letters of Interest from community leaders seeking support from the program, as well as a Notice of Funding Opportunity for capacity builders. The program will provide two years of intensive technical assistance to under-resourced and disadvantaged communities to build upon their existing expertise to identify, develop, and deliver transportation and community revitalization activities. Capacity builders funded through Thriving Communities will help selected communities in a variety of activities from preparing application materials or predevelopment activities to deploying innovative community engagement, workforce development, and clean technology strategies. There is no cost for communities to receive support through the program.

The DOT also [announced](#) that its Build America Bureau has provided a low-interest loan totaling \$75 million to the Santa Barbara County Local Transportation Authority to construct a 7.5-mile extension of the High Occupancy Vehicle lanes on US 101 in Santa Barbara County, California. The \$456 million project also includes rebuilding

interchanges at Sheffield Drive and Cabrillo Boulevard, sound wall installation, and creek crossing improvements. The interchange improvements will enhance safety for automobile drivers, freight carriers, bicyclists, and pedestrians.

Federal Highway Administration (FHWA)

FHWA has [announced new guidance](#) to help states address the crisis of roadway deaths across our nation. Vulnerable road users, such as pedestrians, cyclists, and people who use wheelchairs, accounted for approximately 20% of the 42,915 people who were killed in motor vehicle crashes in 2021, an increase of 13% over 2020. The guidance released will provide additional clarity for states as they develop their Vulnerable Road User Safety Assessment, a new safety approach established to assess the safety performance of individual states, identify areas of high risk to vulnerable road users, and determine what safety improvements will mitigate these safety risks.

FHWA [announced](#) \$7.1 million for 25 state departments of transportation involved in FHWA's Climate Challenge. FHWA launched the Climate Challenge Initiative earlier this year to quantify the impacts of sustainable pavements and to demonstrate ways to reduce greenhouse gas emissions in highway projects using sustainable construction materials. The new funding is being announced as part of the Federal Buy Clean Initiative to promote the use of American-made, lower-carbon construction materials. The Climate Challenge Initiative provides funding, training, and technical assistance to help state departments of transportation and other public sector stakeholders explore the use of Life Cycle Assessments (LCAs) and Environmental Product Declarations (EPDs). Together LCAs and EPDs illustrate the environmental impacts of pavement materials and products, including quantifying greenhouse gas emissions.

Additionally this month, the FHWA [announced](#) Gloria Shepherd as its new Executive Director, the eleventh person to hold this position since FHWA's founding in 1971. Shepherd brings over 23 years of extensive and varied experience with FHWA, in which she has produced a track record of success and a proven ability to produce results, develop effective national partnerships and coalitions, and open doors through her mentorship for future leaders within DOT. When she assumes her new role as Executive Director, she will be the first woman and the first African American in FHWA's history to do so. Before joining FHWA, she served in executive level positions with the Maryland State Highway Administration and the New York Department of Transportation.

The FHWA announced that it has [released](#) \$59.9 billion in FY23 apportionments for 12 formula programs to support investment in critical infrastructure, including roads, bridges and tunnels, carbon emission reduction, and safety improvements utilizing funding from the Bipartisan Infrastructure Law (BIL). The Bridge Formula Program supported repairs on over 2,400 bridges. The Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation Formula Program has funded over \$200 million of projects in 21 States. The Highway Safety Improvement Program

supported improvements on over 5,300 projects, including a total of 155 roundabout projects throughout the country. The National Highway Performance Program has funded more than 6,000 projects. Federal-aid Highway Program funds are authorized periodically by Congress in multi-year laws to assist the States.

Additionally, the FHWA [announced](#) the first round of grants from the Bipartisan Infrastructure Law's competitive Bridge Investment Program. These early planning grants, going to 23 projects in 23 states, will help fund early phases of project development to create a pipeline of bridge construction projects. In total, the BIL's Bridge Investment Program will make the single largest dedicated investment in bridges – \$12.5 billion over five years, with nearly \$2.4 billion available in Fiscal Year 2022 – since the construction of the interstate highway system. Planning grants under the Bridge Investment Program are available for projects in the early phases of project development, where eligible activities include planning, feasibility analysis, and revenue forecasting.

FHWA has also [opened](#) applications for local governments to access a total of \$1 billion over five years from the new National Culvert Removal, Replacement and Restoration-Culvert Aquatic Organism Passage Program. This grant program builds on the over \$2 billion eligible to support fish passage under the BIL and will specifically help communities remove and repair culverts found under roads that can prevent fish passage and are especially problematic for coastal and Tribal communities for whom thriving fish populations are critical to the regional economy and way of life. Tribes, state, and local governments will be able to apply for a portion of the \$196 million of FY22 funding currently available through this program.

Federal Transit Administration (FTA)

More than two dozen American Indian Tribes and Alaska Native communities will see an improvement in their transit thanks to \$8.6 million in grants [awarded](#) by the FTA. The competitive grants under FTA's Tribal Transit Program come on top of more than \$35 million in formula funding for Tribal Transit each year. The BIL includes nearly \$46 million in competitive funding over five years for Tribal Transit, an increase of nearly 83 percent. FTA's Tribal Transit Program supports public transportation for federally recognized American Indian Tribes and Alaska Native Villages, groups, or communities. The funding is vital to help Tribes meet the needs of their citizens, including elders, people with disabilities, and youth in rural areas.

Additionally, the FTA [announced](#) it will provide \$600 million this year from the Bipartisan Infrastructure Law to replace aging railcars, improving reliability, safety, and accessibility on the nation's rail transit systems. Eligible transit agencies and states can apply through the Notice of Funding Opportunity for the FY22 and FY23 Rail Vehicle Replacement Program for funds to replace vehicles on subway systems, commuter rail, and light rail systems.

National Highway Traffic Safety Administration (NHTSA)

NHTSA announced that Kia America [has issued](#) a new recall for certain Model Year 2008-2009 Kia Sportage vehicles due to a continued risk of fire and strongly urges owners of these vehicles to park their cars outside and away from homes and other structures until their vehicles have been repaired. An engine compartment fire originating from around the Hydraulic Electronic Control Unit may occur while the vehicle is parked or being driven. These vehicles were previously recalled in 2016, and owners will need to have their vehicles repaired again under this new recall. The recall repair is under development. Owner notification letters are expected to be mailed December 22, 2022.

Federal Aviation Administration (FAA)

The FAA [issued guidance](#) on how to become an FAA-recognized community-based organization for recreational drone flying. Under federal law, recreational drone flyers must follow the safety guidelines of a FAA-recognized community-based organization. The FAA's guidance, Advisory Circular 91-57C, provides a comprehensive list of recommended safety guidelines that applicants may consider using in their application. Organizations that meet the legal definition of a community-based organization may apply for FAA recognition through the FAA's DroneZone website. The updated guidance also provides information on applying for recreational flying fixed sites, hosting sponsored events and educational use requirements.

Department of Labor (DOL)

The DOL published a [Notice of Proposed Rulemaking](#) (NPRM) to help employers and workers determine whether a worker is an employee or an independent contractor under the Fair Labor Standards Act (FLSA). The proposed rule would provide guidance on classifying workers and seeks to combat employee misclassification. The NPRM proposes a framework more consistent with longstanding judicial precedent on which employers have relied to classify workers as employees or independent contractors under the FLSA. The department believes the new rule would preserve essential worker rights and provide consistency for regulated entities. Before publication of the proposed rulemaking, the DOL's Wage and Hour Division considered feedback shared by stakeholders in forums during the summer of 2022 and will now solicit comments on the proposed rule from interested parties.

PLATINUM | ADVISORS

November 1, 2022

TO: Kate Miller, Executive Director
Napa Valley Transportation Authority

FR: Steve Wallauch
Platinum Advisors

RE: Legislative Update

December Special: December may be a little busier than normal. With gas prices in California remaining much higher than the national average, Governor Newsom announced that he will call a special session to address fuel prices with the goal of imposing an excess profits tax on oil companies. This special session is expected to begin when the legislature convenes in December. This action was spurred by a Consumer Watchdog report that found western fuel producers generated per gallon profits ranging from 79 cent to \$1 during the second quarter of this year.

While the 2023-24 legislative session will begin at the same time, a special session provides for an accelerated legislative hearing process, and for legislation approved with a majority vote to take affect 90 days after the close of a special session. Democrat caucuses in both houses will undoubtedly have a super majority in December, but it is uncertain if there will be 2/3 support for an excess profits tax.

COVID Emergency Sunset: Governor Newsom announced that the COVID 19 State of Emergency will end on February 28, 2023. This long lead time for the sunset is intended to provide the healthcare system flexibility to address any surge in cases over the peak holiday travel window. The advanced notice also provides local governments time to adjust and transition back to in-person public hearings. The existing Brown Act process requires a statewide health emergency to be in place in order to hold "remote" governing board meetings.

AB 2449 was recently signed by the Governor that allows for some flexibility for governing board members to participate remotely. This bill allows, until January 1, 2026, members of a legislative body of a local agency to use teleconferencing without noticing their teleconference locations. Using the remote participation option would also require the local agency to allow for remote public participation. These conditions require that at least a quorum is present at a single publicly accessible location, requires the member participating remotely to provide description of the emergency circumstances that require remote participation, and limits any single member from using the remote option for more than 3 consecutive months, or 20% of the regular meetings.

Fiscal Outlook: Since passage of the budget in June, total revenues received by the state are \$4.7 billion below projections. While this shortfall can be easily covered by reserves, it is still too early to know if this trend will continue to grow. There was hope for strong October tax payments, which is the deadline to pay extension returns. The month started strong by setting a single day collection day record for October of \$905 million. However, significant returns over the month did not materialize, due to tech layoffs, stock declines, and weak IPOs. The LAO's mid-year fiscal outlook report will be released in November, and it is expected to forecast that 2022-23 revenues will be below budget act projections.

Clean Fleets: The California Air Resources Board (CARB) held on October 27th the first of two hearings to review the proposed Advanced Clean Fleets Rule (ACF). This rule would require both public and private fleets to transition to zero emission vehicles (ZEVs). The second and final hearing on this proposed rule is expected to be scheduled for Spring 2023.

The ACF Rule would apply to fleets performing drayage operations, those owned by State, local and, federal government agencies, and high priority fleets. High priority fleets are entities with \$50 million or more in gross annual revenue and that own, operate, or control at least one vehicle with a gross vehicle weight rating (GVWR) greater than 8,500 pounds, or are entities that own, operate, or control a total of 50 or more vehicles with a GVWR greater than 8,500 pounds.

At the hearing on the 27th a letter signed by 36 legislators was submitted to the Board. This letter urged CARB to accelerate the transition to zero emission trucks. The legislators urged CARB to advance the 100% transition deadline from 2040 to 2036. In addition, they urged CARB to reduce the high priority fleet threshold from 50 vehicle fleets to 10 vehicles. After several hours of public comment, the Board directed staff to consider several changes outlined below. The next steps will include reopening the proceedings to allow for a 15-day comment period. The 15-day comment period will likely be preceded by additional workshops to review these changes before returning the proposed rule to the Board for adoption next spring.

- Revisit the process to allow for more time for infrastructure exemptions to address potential utility delays.
- Discuss the proposal to reduce the high priority fleet size threshold to below 50. There clearly not consensus from the Board to reduce the threshold to 10.
- Add flexibility for public fleets to use same compliance options as commercial fleets
- More time for smallest public fleets to comply with the transition deadlines.
- Enhance criteria used for determining ZEV unavailability, such as duty cycle demands and supply.
- Improve access to mutual aid/emergency vehicle exemptions



NAPA VALLEY TRANSPORTATION AUTHORITY

COVER MEMO

SUBJECT

Resolution 22-33 to adopt the Metropolitan Transportation Commission (MTC) Multi-Jurisdictional Hazard Mitigation Plan

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board adopt Resolution 22-33, the 2021 MTC Multi-Jurisdictional Hazard Mitigation Plan, which will allow NVTA to apply for a number of funding opportunities such as Federal Emergency Management Agency (FEMA) Hazard Mitigation Assistance Grants.

EXECUTIVE SUMMARY

NVTA partnered with MTC in developing a local Multi-Jurisdictional Hazard Mitigation Plan (MJHMP). The plan assesses risks posed by hazards and develops a mitigation action plan for reducing the risks in the nine-county San Francisco Bay Area.

At its September 28, 2022 meeting, the MTC Commissioners approved MTC Resolution No. 4538, approving the MJHMP. FEMA and the California Office of Emergency Services (Cal OES) require NVTA's governing board to adopt the plan as well in order to be eligible for funding.

FISCAL IMPACT

No direct fiscal impact, but the action will make NVTA eligible for numerous funding opportunities.



NAPA VALLEY TRANSPORTATION AUTHORITY Board Agenda Memo

TO: Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Libby Payan, Senior Program Planner/Administrator
(707) 259-8782 / Email: lpayan@nvta.ca.gov
SUBJECT: Resolution 22-33 to adopt the Metropolitan Transportation
Commission (MTC) Multi-Jurisdictional Hazard Mitigation Plan

RECOMMENDATION

That the Napa Valley Transportation Authority (NVRTA) Board adopt Resolution 22-33, the 2021 MTC Multi-Jurisdictional Hazard Mitigation Plan, which will allow NVRTA to apply for a number of funding opportunities such as Federal Emergency Management Agency (FEMA) Hazard Mitigation Assistance Grants.

COMMITTEE RECOMMENDATION

None

BACKGROUND

As defined in Title 44 of the Code of Federal Regulations (CFR), Subpart M, Section 206.401, hazard mitigation is “any action taken to reduce or eliminate the long-term risk to human life and property from natural hazards.” As such, hazard mitigation is any work to minimize the impacts of any type of hazard event before it occurs. Hazard mitigation aims to reduce losses from future disasters. It is a process that identifies, and profiles hazards, analyzes the people and facilities at risk, and develops mitigation actions to reduce or eliminate hazard risk. The implementation of the mitigation actions—which include short and long-term strategies that may involve planning, policy changes, programs, projects, and other activities—is the end result of this process.

Over the past two decades, local hazard mitigation planning has been driven by a federal law, known as the Disaster Mitigation Act of 2000 (DMA 2000). On October 30, 2000, Congress passed the DMA 2000 (Public Law 106-390), which amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (Title 42 of the United

States Code Section 5121 et seq.) by repealing the act's previous mitigation planning section (409) and replacing it with a new mitigation planning section (322). This new section emphasized the need for state, tribal, and local entities to closely coordinate mitigation planning and implementation efforts. This new section also provided the legal basis for the Federal Emergency Management Agency's (FEMA's) mitigation plan requirements for the Hazard Mitigation Assistance grant programs.

In 2021, MTC developed a local Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) to fulfill the planning process requirements for MTC and eight partner transit agencies who needed a FEMA-approved plan. The participating agencies were Alameda-Contra Costa Transit District (AC Transit), Central Contra Costa Transit Authority (CCCTA), Marin County Transit District (Marin Transit), MTC, Napa Valley Transportation Authority (NVTa), Santa Rosa CityBus, Solano County Transit (SolTrans), Western Contra Costa Transit Authority (WestCAT), and San Francisco Bay Area Water Emergency Transportation Authority (WETA). NVTa will be eligible to apply for Hazard Mitigation Assistance grant programs upon resolution adoption and final approval by FEMA and the California Office of Emergency Services (Cal OES)

The mitigation actions in the appendices of the plan help achieve the goals of the MJHMP. In general, the recommended mitigation actions include education and awareness, structure and infrastructure projects, preparedness and response, and local plans and regulations. The actions address every hazard profiled in the plan and are based on the plan's risk assessment as well as lessons learned from recent disasters. The actions were developed using FEMA success stories and best management practices, FEMA job aids, local and regional plans and reports, and input from planning committee members, stakeholder groups, and sustainability practitioners. NVTa was an active participant throughout the process, including representation on the MJHMP Planning Committee.

ALTERNATIVES

The Board could decide not to approve Resolution 22-33, thus making NVTa ineligible to apply for numerous funding opportunities

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal 2 – Improve system safety in order to support all modes and serve all users.

Goal 6: Prioritize the maintenance and rehabilitation of the existing system.

The Vine Transit system could be adversely affected by future hazards or disasters. By approving the MJHMP, NVTa would be eligible to apply for funds that could assist in mitigating those adverse effects. This could improve system safety and ensure the maintenance and rehabilitation of the existing system occurs.

ATTACHMENT(S)

- (1) 2021 Metropolitan Transportation Commission Multi-Jurisdictional Hazard Mitigation Plan – <https://www.nvta.ca.gov/sites/default/files/Napa%20Short-Range%20Transit%20Plan%202023-2028.pdf>
- (2) Resolution 22-33

RESOLUTION No. 22-33

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVTa)
ADOPTING THE METROPOLITAN TRANSPORTATION COMMISSION'S 2021
MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN TO ENABLE NVTa TO
APPLY FOR HAZARD MITIGATION ASSISTANCE GRANT PROGRAMS**

WHEREAS, the Metropolitan Transportation Commission ("MTC") is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code § 66500 et seq.; and

WHEREAS, the Bay Area is subject to various earthquake-related hazards such as ground shaking, liquefaction, land sliding, fault surface rupture, and tsunamis; and

WHEREAS, the Bay Area is subject to various weather-related hazards including wildfires, floods, and landslides; and

WHEREAS, MTC recognizes that disasters do not recognize city, county, or special district boundaries; and

WHEREAS, MTC seeks to maintain and enhance both a disaster-resistant San Francisco Bay Area region by reducing the potential loss of life, property damage, and environmental degradation from natural disasters, while accelerating economic recovery from those disasters; and

WHEREAS, MTC is committed to increasing the disaster resistance of the infrastructure, health, housing, economy, government services, education, environment, and land use systems in the San Francisco Bay Area as a whole; and

WHEREAS, the Federal Disaster Mitigation Act of 2000 requires all cities, counties, and special districts to have adopted a local hazard mitigation plan to receive disaster mitigation funding from FEMA; and

WHEREAS, the Federal Disaster Mitigation Act of 2000 requires that the local hazard mitigation plan be updated at least once every five years; and

WHEREAS, MTC has developed, in partnership with NVTa, which did not previously have a hazard mitigation plan, the 2021 MTC Multi-Jurisdictional Hazard Mitigation Plan, which is attached here to as Attachment 1 and incorporated herein by reference; and

WHEREAS, upon adoption of the 2021 MTC Multi-Jurisdictional Hazard Mitigation Plan, NVTa will be eligible to receive disaster mitigation funding from FEMA;

NOW, THEREFORE, BE IT RESOLVED that the Napa Valley Transportation Authority adopts the 2021 MTC Multi-Jurisdictional Hazard Mitigation Plan, as set forth in this resolution and attached hereto;

BE IT FURTHER RESOLVED that NVTA commits to continuing to partner with MTC on the actions of the Plan; and

BE IT FURTHER RESOLVED that the NVTA Board of Directors delegates to the Executive Director the authority to approve any revisions to the 2021 MTC Multi-Jurisdictional Hazard Mitigation Plan necessitated by the Federal Emergency Management Agency (FEMA) or California Office of Emergency Services (Cal OES); and

BE IT FURTHER RESOLVED that NVTA staff shall forward a copy of this resolution, and such other information as may required, to MTC.

Passed the 16th day of November, 2022.

Liz Alessio, NVTA Chair

Ayes

Nays:

Absent:

ATTEST:

Laura Sanderlin, NVTA Board Secretary

APPROVED:

Osman, NVTA Legal Counsel



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Measure T 6.67% Equivalent Fund Certification

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Resolution 22-34 certifying NVTA 6.67% Equivalent Fund spending for Fiscal Years 2018-19 through 2021-22.

EXECUTIVE SUMMARY

In order to meet Measure T 6.67% Equivalent Fund reporting requirements, NVTA staff is asking the Board to certify the qualifying NVTA funds expended on Class I Bicycle Facilities. NVTA expended \$5,772,359.46 of eligible revenues St. Helena to Calistoga Vine Trail Project.

FISCAL IMPACT

Is there a fiscal impact? No



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA-TA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Victoria Ortiz, Assistant Planner/Analyst
(707) 259-8235 / Email: vortiz@nvta.ca.gov
SUBJECT: Measure T 6.67% Equivalent Fund Certification

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Resolution 22-34 certifying Napa Valley Transportation Authority (NVTA) 6.67% Equivalent Fund spending for Fiscal Years 2018-19 through 2021-22.

COMMITTEE RECOMMENDATION

None

BACKGROUND

On November 6, 2012, the voters in Napa County approved Measure T, the Napa Countywide Road Maintenance Act. Measure T is a ½-cent sales tax expected to generate over \$400 million over a 25-year period that began on July 1, 2018. Measure T is for the rehabilitation of local streets and roads. As part of the Ordinance, all agencies must collectively commit non-Measure T funds towards Class I Bicycle Facilities equivalent to 6.67% of the estimated total revenue of Measure T. Qualifying funding sources for 6.67% Equivalent Fund projects must be from either local general funds or formula specific funds.

Currently, 6.67% Equivalent Fund projects are committed on the 5-year project list, which agencies update every 2 years. These projects reflect future spending committed by the jurisdictions, but do not show current spending on qualifying Equivalent Fund projects. To ensure compliance with the 6.67% Equivalent Funds requirement, the NVTA-TA updated the Measure T Policies and Procedures in March 2022 to include an annual self-certification of funds spent. Funds certified during this certification cycle will include Fiscal Year 2019-2022. Future reporting cycles will certify funds on a 1-year cycle.

The table below provides a summary of the 6.67% Equivalent Fund expenditures spent by the Napa Valley Transportation Authority and the sources of funding.

Table 1. NVTa Equivalent Fund Spending

Vine Trail Equivalent Fund Spending	
Transportation Development Act 3	\$ 89,928
NVTa- General Fund	\$ 26,450
NVTa- General Fund	\$ 100,000
One Bay Area Grant 2	\$ 2,917,000
Transportation Development Act	\$ 140,000
Transportation Fund for Clean Air	\$ 217,077
Additional Transportation Development Act	\$ 2,000,000
NVTa Staff time-General Fund	\$ 281,904.46
Total	\$ 5,772,359.46

ATTACHMENT(S)

- (1) Resolution 22-34 certifying Measure T 6.67% Equivalent Funds spent by NVTa

RESOLUTION No. 22-34

**A RESOLUTION OF NAPA VALLEY TRANSPORTATION AUTHORITY
APPROVING CERTIFICATION OF 6.67% EQUIVALENT FUND EXPENDITURES
UNDER THE MEASURE T PROGRAM**

WHEREAS, on November 6, 2012 the voters of Napa County passed the Napa Countywide Road Maintenance Act, also known as Measure T, which imposes a half cent transaction and use (sales) tax to provide supplemental funding for road maintenance as detailed in the Measure T Expenditure Plan; and

WHEREAS, the Napa Valley Transportation Authority is the designated agency that administers and oversees the Measure T revenues; and

WHEREAS, the Napa Valley Transportation Authority is an eligible recipient of Measure T funds; and

WHEREAS, the tax proceeds will be used to pay for the projects outlined in the Measure T Expenditure Plan allocated to the County of Napa and the cities and town within Napa County ("Local Agencies") as set forth in Measure T; and

WHEREAS, under the Measure T Expenditure Plan, Measure T funds are provided to the Local Agencies to be used for streets and roads projects as defined in the Measure; and

WHEREAS, the Napa Valley Transportation Authority shall determine and certify to NVTA-TA the annual spending towards qualifying Class I Bicycle Facilities, consistent with the criteria set forth in Section 3 B of Ordinance No. 2012-01, including a memorandum detailing the supporting financial documentation and the methodology utilized to calculate the total spending and funding source; and

WHEREAS, that amount set forth in Exhibit "A" will be deemed the "6.67% Equivalent Fund Spending for Class I Bicycle Facilities" of the Napa Valley Transportation Authority, which must be certified annually throughout the term of the Measure from qualifying local and formula funds of the Napa Valley Transportation Authority and

WHEREAS, by January 31st each calendar year, the Napa Valley Transportation Authority must certify to and provide NVTA-TA a copy of supporting documentation as well as a Resolution approved by the governing body of the Napa Valley Transportation Authority, including backup documentation, demonstrating that the Equivalent Fund Class I Bicycle Facilities spending occurred during the prior fiscal year; and;

WHEREAS, Measure T project(s) will comply with the requirements under the California Environmental Quality Act (California Code Sections 21000 *et seq.*; as implemented through California Regulations Title 14, Chapter 3, Sections 15000 *et seq.*);

NOW, THEREFORE, BE IT RESOLVED

1. The Napa Valley Transportation Authority hereby certifies the Equivalent Fund Class I Bicycle Facilities expenditures for Fiscal Years 2018-19 through 2021-22 in Exhibit A.

Passed and adopted this 16th day of November, 2022.

Liz Alessio, Chair

Ayes:

Nays:

Absent:

ATTEST:

Laura Sanderlin, Board Secretary

APPROVED:

Osman Mufti, Legal Counsel

Exhibit "A"

Vine Trail Equivalent Fund Spending	
Transportation Development Act 3	\$ 89,928
NVTA- General Fund	\$ 26,450
NVTA- General Fund	\$ 100,000
One Bay Area Grant 2	\$ 2,917,000
Transportation Development Act	\$ 140,000
Transportation Fund for Clean Air	\$ 217,077
Additional Transportation Development Act	\$ 2,000,000
NVTA Staff time-General Fund	\$ 281,904.46
Total	\$ 5,772,359.46



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Fiscal Year (FY) 2022-23 Q1 Financial Update and Executive Director Delegated Authority Actions

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVRTA) Board receive the FY 2022-23 Q1 Update and Executive Director Delegated Authority actions.

EXECUTIVE SUMMARY

This report provides NVRTA's financial position as of the end of September 2022 and delegated authority expenditure authorizations signed to date in the current fiscal year.

FISCAL IMPACT

None



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Roxanna Moradi, Senior Financial Analyst
(707) 259-8781 / Email: rmoradi@nvta.ca.gov
SUBJECT: FY 2022-23 Q1 Financial Update and Executive Director Delegated Authority Actions

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board receive the FY 2022-23 Q1 Update and Executive Director Delegated Authority actions.

COMMITTEE RECOMMENDATION

None

BACKGROUND

NVTA's financial records are composed of three (3) funds; the Planning Fund also known as the Congestion Management Agency (CMA) or the General Fund, the Transit Fund, and a fiduciary fund – the Transportation for Clean Air (TFCA). TFCA is a pass-through fund that does not contribute to the agency financial performance and is not included in the financial information presented.

FINANCIAL PERFORMANCE – Q1 FY 2022-23

Congestion Management Agency - Budget vs. Actuals

The General Fund or Planning Fund (CMA) recognized \$3,135,669 in revenues, or approximately 11% of budget by Q1. Revenues included Transportation Development Act (TDA) fund advances for planning, a refund from the California Transit Indemnity Pool for \$530,579, One Bay Area Grant (OBAG) reimbursement for Q1, and various other

reimbursements such as TFCA administration, special projects, Measure T admin costs, and public transit funds chargebacks for staff time.

Revenues are below budget due to a lag in reimbursements. For example, project reimbursements for the Vine Trail from Caltrans will be received in the next quarter. Revenues and reimbursements will eventually true up by the end of the fiscal year.

Table 1: CMA/Planning/General Fund – Q1 FY 2023.

	Budget	Actuals	% Variance
Revenues			
TDA	3,972,200	2,305,290	58%
Federal	9,533,600	-	0%
State	4,031,300	-	0%
Other Governmental Agencies	11,695,000	756,572	6%
Interfund Transfers-In	251,000	51,750	21%
Local Contributions/Interest	280,000	22,057	8%
Total Revenues	\$ 29,763,100	\$ 3,135,669	11%
Expenses			
Salaries and Benefits	3,517,700	615,595	17%
Consulting	25,392,000	1,300,754	5%
Operating	853,400	199,791	23%
Total Expenses	\$ 29,763,100	\$ 2,116,140	7%
Surplus/(Deficit)	\$ -	\$ 1,019,529	

Planning fund expenses totaled \$2,116,140, by end of Q1, or 7% of the expense budget. Personnel expenses totaled \$615,595, or 17%. This is primarily due to vacant positions in the beginning of the fiscal year prior filling the two open positions: Program Manager – Engineer and Principal Engineer.

By the end of Q1, consulting services accounted for \$1,300,754 in expenses, or 5% of the line item's budget. The main costs were related to projects including: \$1,229,468 for the Vine Trail, \$20,269 for SR29 Improvements in American Canyon, and \$21,566 for Soscol Junction. The Vine Trail alone accounted for about 95% of the consulting expense line item. Total operating expenditures for the first quarter were \$199,791 and are trending as expected.

Public Transit (Transit Fund) - Budget vs. Actuals

Transit operating revenues were \$2,432,809 by the end of Q1. The fund has received about 33% of the annual Transportation Development Act (TDA) operating advances for

transit. Farebox at Q1 totaled nearly \$247,896, or 33% and includes fares collected through the Vine website, ticket office, fareboxes, and jurisdictions' contributions. Farebox contributions were waived in FY2022 in lieu of receiving federal stimulus funding. Other revenues include Regional Measure 2.

Overall, total expenses in the Public Transit fund by the end of Q1 were \$3,027,368, or 17% of the expense budget. The primary expense categories were purchased transportation at \$2,608,509 and fuel at \$259,992. Vehicle Maintenance is at 85% of the budget already expended due to an engine rebuilds for Vine's aging diesel fleet.

Table 2: Public Transit Fund Q1 FY 2023.

	Budget	Actuals	% Variance
Revenues			
TDA	5,795,500	1,929,495	33%
Federal	5,298,600	42,593	1%
State	2,310,000		0%
Other Governmental Agencies	349,100	212,825	61%
Farebox	810,500	247,896	31%
Total Revenues	\$ 14,563,700	\$ 2,432,809	17%
Expenses			
Purchased Transportation	11,690,700	2,608,509	22%
Fuel	1,584,400	259,992	16%
Vehicle Maintenance	45,000	38,065	85%
Operations	992,600	69,052	7%
Interfund Transfers-Out	251,000	51,750	21%
Total Expenses	\$ 14,563,700	\$ 3,027,368	21%
Surplus/(Deficit)	\$ -	\$ (594,559)	

Capital Projects and Purchases

The agency's capital projects are well underway. The tables and descriptions below outline the expenditures and reimbursements in relationship to budget for the agency's capital projects.

Table 3: Bus Maintenance Facility – Q1 FY 2023

Bus Maintenance Facility	Budget	Actuals	% Var
Revenues	\$ 22,700,000	\$ 2,235,322	10%
Expenses	\$ 22,560,000	\$ 3,137,935	14%
Q1 Activity	\$ 140,000	\$ (902,613)	

The Bus Maintenance Facility received two Transportation Infrastructure Finance and Innovation Act (TIFIA) loan disbursements from the Build America Bureau. These disbursements are made on a reimbursement basis. The expenses in Q1 are July and August construction invoices from Alten Construction, construction management services, solar consulting services, and utility set up invoices.

Table 4: Imola Park and Ride – Q1 FY 2023

Imola Park and Ride	Budget	Actuals	% Var
Revenues	\$ 1,000,000	\$ 210,734	21%
Expenses	\$ 1,000,000	\$ 257,851	26%
Q1 Activity	\$ -	\$ (47,117)	

The Imola Park and Ride revenues include Low Carbon Transit Operations Program (LCTOP). Expenses as of Q1 are comprised of July construction and engineering services from OC Jones and Park Engineering. Punch list items are underway with transit service commencing in late October.

Table 5: Zero Emission Bus Procurements – Q1 FY 2023

ZEBs	Budget	Actuals	% Var
Revenues	\$ 2,860,000	\$ -	0%
Expenses	\$ 2,860,000	\$ 646,639	23%
Q1 Activity	\$ -	\$ (646,639)	

The Zero Emission Bus procurement includes progress payments for the purchase of two Proterra electric buses. Final payments are in process and delivery occurred on September 13, 2022, but the buses are not yet in service. The last Build Your Dream (BYD) bus will be delivered in December 2022.

LTF-TDA Outlook

NVTA regularly participates in sales tax meetings with HdL Companies for a comprehensive analysis on revenue generations and to obtain sales tax projections for planning purposes for TDA as well as for Measure T. The last meeting included a review of receipts from the months of April through June 2022 (FY22 Q4). Compared to Q4 FY 2021, Q4 FY 2022, Measure T sales tax receipts were up by 13% once adjusted for inflation. All economic sectors saw growth, except for a negligible decline of 0.2% in

Discount Department Stores. Most of the growth is attributed to hotels and fueling stations.

Despite the pandemic, sales tax collections have increased by 20%. All sectors had positive gains at the state level compared to the same period in 2021 including hotels/motels (up by 113%), general merchandise (up by 40%), and fueling stations (up by 36%) which saw the most gains. The outlook for general sales tax generations in the County is positive. The Statewide Economic Census projections for sales tax generation indicates flat growth of about 1% in FY 2024 followed by modest resurgence from 2.9% to 3.4% starting in FY 2025 through FY 2028. High fuel prices and the resurgence of international tourism are the most significant indicators influencing these forecasts.

Executive Director Delegated Authority Actions

The Board currently authorizes the Executive Director up to \$69,452 in delegated authority for any single purchase and up to \$212,500 for construction expenses. Table 6 presents delegated authority actions.

Table 6: Delegated Authority Matrix for Q1 FY 2023.

QUARTERLY DELEGATED AUTHORITY SMALL CLAIMS REPORT (\$5K > 69.4K)							
CONTRACT No.	VENDOR	DESCRIPTION	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
P22-2017	COASTSIDE	BUS SHELTER INSTALLATION, IMOLA PNR	\$ 8,000				\$ 8,000
P22-2018	ADVANCED TRAFFIC	INTERSECTION TRAFFIC SIGNAL PRIORITY	\$ 37,975				\$ 37,975
22-C06	OUTFRONT	SR29 BILLBOARD ADVERTISEMENT (RT29 XPRESS)	\$ 52,320				\$ 52,320
22C-09	ALKAR	HR RECRUITMENT SERVICES	\$ 8,880				\$ 8,880
22-C26	PALEO WEST	ARCHEOLOGICAL SVCS, VINE TRAIL STH-CAL	\$ 18,936				\$ 18,936
22-C27	HERE	ON-DEMAND SHUTTLE API INTEGRATION	\$ 60,000				\$ 60,000
22-C29	STA	SOLANO-NAPA ACTIVITY-BASED MODEL	\$ 16,000				\$ 16,000
TOTAL			\$ 202,111	\$ -	\$ -	\$ -	\$ 202,111

ALTERNATIVES

None

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal 3: Use taxpayer dollars efficiently.

The quarterly financial update is a way to monitor agency activities and forecast future economic conditions to inform management decisions.

ATTACHMENT(S)

None



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Vine Transit Update

STAFF RECOMMENDATION

That the NVTA Board receive the first quarter FY 2022-23 Vine Transit update and schedule changes.

EXECUTIVE SUMMARY

This report summarizes the Vine's operational performance during the first quarter for Fiscal Year (FY) 2022-23, covering the period of July 1 to September 30, 2022. The board memo compares the first quarter of FY 2023 (July – September) to both the first quarter of FY 2020 and to the previous quarter (April -June) to highlight the differences between the same quarter prior to COVID-19 pandemic and to the previous quarter.

FISCAL IMPACT

Is there a Fiscal Impact? No



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Rebecca Schenck, Program Manager – Public Transit
(707) 259-8636 / Email: rschenck@nvta.ca.gov
SUBJECT: Vine Transit Update

RECOMMENDATION

That the NVTA Board receive the first quarter FY 2022-23 Vine Transit update and schedule changes.

COMMITTEE RECOMMENDATION

None

BACKGROUND

New Schedule (October 30, 2022)

With the completion of the Imola Park & Ride, NVTA has made service changes that commenced on Sunday, October 30. These changes include:

- Re-routing Routes 29 and 11X to serve Imola Park & Ride instead of the Soscol Gateway Transit Center to reduce travel times
- Eliminating the first Route S trip that had previously departed at 5:15am. Presently, the first Route S trip departs from the Soscol Gateway Transit Center at 6:00am
- Decreased the frequency of Route W on the weekends to reduce the amount of drivers needed in response to driver shortages

Future Service Changes

Staff is considering creating a new stop along Route 11 that will serve the Napa-Vallejo Flea market in American Canyon on Sundays pending suitable route structure and available drivers .

Electric Bus Update

Four of the five electric Build Your Dreams (BYD) buses are currently in Napa. The fifth bus remains at the BYD manufacturing facility in Lancaster, CA where the manufacturer is waiting for parts to be delivered to modify the driver barrier to accommodate the farebox. Those parts are expected to arrive on November 21, 2022, and staff estimates that the fifth bus will arrive in Napa by the end of the year.

Two BYD electric buses are now in service in Yountville (The Bee Bus) and St. Helena (The Butterfly Bus) serving as the local shuttles. The Yountville Bee Bus operates for free year-round (thanks to generous contributions from the Town of Yountville) and the St. Helena shuttle is operating for free until the end of the year (December 31, 2022) to promote and encourage residents and visitors to try transit. Typically the St. Helena Shuttle fare is \$1. Fare collection will resume on the St. Helena shuttle beginning January 2, 2023. There was a two week break where the Butterfly Bus did not operate in St. Helena due to some concerns about access to certain streets in St. Helena, but the Butterfly Bus returned on October 24th. The remaining three BYD buses will be utilized in the City of Napa on Route N and on-demand service as soon as the new driver barrier is installed.

In addition to the five BYDs, two Proterra electric buses were delivered to Napa in September. Drivers, maintenance, and other Transdev employees received training on the new buses in October. These buses will operate on Route 11X in 2023.

Two electric chargers are currently available at the maintenance yard in the City of Napa and Town of Yountville. The St. Helena charger will be ready for use once a new electrical panel is installed. Two additional chargers will be installed on City of American Canyon property pending direction from City staff on the location of the chargers. These chargers will work with the two Proterra electric buses.

Vine Transit Performance

The Tables 1-4 compare ridership across different services in the first quarter of Fiscal Year 2022-23 (July 2022 to September 2022) with the same period in Fiscal Year 2019-2020 (July 2019 to September 2019) to gain an understanding of where current Vine ridership stands in relationship to ridership numbers prior to the COVID-19 Pandemic. First Quarter FY 2020 was the last time that ridership was not impacted by COVID-19. Table 1 shows that the eight fixed routes in the City of Napa in the first quarter of FY 2020 carried 84,108 riders compared to the 30,087 riders on the four fixed routes available in FY 2023, a decrease of 64.23%. The on-demand service operating in the City of Napa served 4,605 riders during the first quarter of FY 2023 so the overall decrease in ridership in the City of Napa was 58.75%.

Table 1: City of Napa - Comparing Q1 of FY20 & FY23

	Q1 FY 20	Q1 FY 23	% Difference	Numerical Difference
Napa Local On-Demand	0	4,605	0.00%	4,605
Fixed Route	84,108	30,087	-64.23%	-54,021
Total	84,108	34,692	-58.75%	-49,416

Overall, Table 2 shows that the regional routes have recovered faster than the local City of Napa routes. There was a 45.66% drop in ridership on the regional routes from FY 20 to FY 23. The Route 10 is performing the best at only 10.43% below pre pandemic ridership levels. The fact that the revenue hours and the type of service remain relatively unchanged on the regional routes over the three-year period has helped these routes recover more quickly.

Table 2: Routes 10, 11, 11X, 21 and 29 Ridership – Comparing Q1 of FY20 & FY23

	FY 19/20	FY 22/23	% Difference	Numerical Difference
Route 10	43,352	38,832	-10.43%	-4,520
Route 11	50,010	29,861	-40.29%	-20,149
Route 11X	1,528	0	0.00%	-1,528
Route 21	1,582	1,082	-31.60%	-500
Route 29	8,845	3,782	-57.24%	-5,063
Total	15,987	8,688	-45.66%	-7,299

Table 3 shows that ridership recovery on the community shuttle varies greatly by community. American Canyon Transit FY 2023 ridership is 22.07% below that in FY 2020. Meanwhile the Yountville ridership in FY 2023 is 70.88% down from FY 2020. Part of the reason that Yountville ridership remains so low is that until November 1, 2022 there was no service to the Yountville Veterans Home.

Table 3: Community Shuttles– Comparing Q1 of FY20 & FY23

	FY 19/20	FY 22/23	% Difference	Numerical Difference
Calistoga Shuttle	7,504	3,994	-46.78%	-3,510
St. Helena Shuttle	3,568	1,544	-56.73%	-2,024
Yountville Trolley	4,492	1,308	-70.88%	-3,184
American Canyon Transit	5,745	4,477	-22.07%	-1,268
Total	21,309	11,323	-46.86%	-9,986

VineGo Ridership, as shown in Table 4, also remains low at 58.85% below prepandemic levels. It makes sense that VineGo ridership has been slow to return given that those eligible for VineGo tend to be the most vulnerable to COVID-19.

Table 4: VineGo Ridership – Comparing Q1 of FY20 & FY23

	FY 19/20	FY 22/23	% Difference	Numerical Difference
VineGo	6,783	2,793	-58.82%	-3,990

While Vine ridership has not rebounded to pre-pandemic levels, there is still a reason to be optimistic as the system is showing year over year system ridership gains in each successive year from the original ridership slump that occurred in the 3rd quarter of FY 2020-21. Ridership gains, however, have not been consistent among all routes.

Tables 5- 7, compare the fourth quarter of FY 2021-22 (April 2022 – June 2022) to the first quarter of FY 2022-23 to provide additional context on ridership. City of Napa Ridership, Table 5, shows an overall increase of 7.25% in ridership in the City of Napa. Route E experienced the largest ridership decline because the bulk of its ridership is students traveling to and from Camille Creek High School, and most of the first quarter of Fiscal Year 2022-23 (July – September) occurred during the summer break. This results in a precipitous ridership decline when compared to the fourth quarter (April – June) of the last fiscal year.

Table 5 City of Napa Ridership – Comparing Q4 of FY22 & Q1 of FY23

	Q4 FY 22	Q1 FY 23	% Difference	Numerical Difference
Napa Local On-Demand	4,572	4,605	0.72%	33
Route N	15,519	16,229	4.58%	710
Route S	4,204	4,074	-3.09%	-130
Route W	7,042	8,940	26.95%	1,898
Route E	1,011	844	-16.52%	-167
Total	32,348	34,692	7.25%	2,344

Ridership slightly increased overall compared to the prior quarter on all regional and express routes by 4.08% as seen in Table 6, however, the overall increase is solely from Route 10. All other routes (11, 11X, 21 and 29) experienced slight declines. Staff will monitor the ridership on these routes over the next quarter of the fiscal year to see if any trends emerge.

Table 6: Routes 10, 11, 11x, 21 & 29 Ridership – Comparing Q4 of FY22 & Q1 of FY23

	Q4 FY 22	Q1 FY 23	% Difference	Numerical Difference
Route 10	33,273	38,832	16.71%	5,559
Route 11	30,839	29,861	-3.17%	-978
Route 11X	1,213	1,082	-10.80%	-131
Route 21	4,114	3,782	-8.07%	-332
Route 29	9,581	8,688	-9.32%	-893
Total	79,020	82,245	4.08%	3,225

For the community shuttles, ridership slightly increased on almost all services compared to the fourth quarter of the previous fiscal year as seen in Table 7 with the exception of American Canyon Transit. The slight decrease in ridership is most likely caused by students not needing transportation to and from school during summer break.

Table 7: Community Shuttles– Comparing Q4 of FY22 & Q1 of FY23

	Q4 FY 22	Q1 FY 23	% Difference	Numerical Difference
Calistoga Shuttle	3,688	3,994	8.30%	306
St. Helena Shuttle	1,392	1,544	10.92%	152
Yountville Trolley	1,130	1,308	15.75%	178
American Canyon Transit	4,879	4,477	-8.24%	-402
Total	11,089	11,323	2.11%	234

VineGo ridership increased by 15.13% when compared to the previous quarter of the current fiscal year as seen in Table 8. NVTa has been experiencing an uptick in VineGo applications and renewals over the last 4-6 months. Staff expects these higher ridership figures to continue as long as senior programs and activities around the Valley remain open.

Table 8: VineGo Ridership – Comparing Q4 of FY22 & Q1 of FY23

	Q4 FY 22	Q1 FY 23	% Difference	Numerical Difference
VineGo	2,426	2,793	15.13%	367

Finally, Table 9 shows the on-time performance for Vinefixed route services. NVTa's acceptable threshold for on-time performance is 90% (using the following thresholds: 0 minute early and 5 minutes late). Given the shortage of drivers and associated system challenges, most routes are showing tolerable levels of on-time performance with the exception of Route W Loops 1 and 2. Staff believes the low on-time performance is due to a data error in the backend scheduling program. Some changes were made to Route

W Loop 2 to potentially remedy this error, however, that did not improve the on-time performance. Staff is anticipating the new schedules that went into effect on October 30 will assist in fixing the timing errors.

Table 9: On-Time Performance for Q1 of FY23

	On-Time	Early	Late
Route N	66.78%	6.58%	26.64%
Route S	73.06%	7.91%	19.03%
Route W (Loop 1)	50.11%	34.06%	15.83%
Route W (Loop 2)	Schedule Data not Accurate	Schedule Data not Accurate	Schedule Data not Accurate
Route E	88.89%	0.00%	11.11%
Route 10	62.01%	13.83%	24.16%
Route 11	63.52%	9.85%	26.63%
Route 11X	59.82%	13.05%	29.65%
Route 21	62.91%	18.22%	18.87%
Route 29	47.48%	12.94%	39.57%

ATTACHMENT(S)

None



NAPA VALLEY TRANSPORTATION AUTHORITY

COVER MEMO

SUBJECT

Napa Valley Transportation Authority's (NVTA) Fiscal Year 2023-2028 Short Range Transit Plan (SRTP)

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve the FY2023 – FY2028 Short Range Transit Plan (SRTP) (Attachment 1) and allow staff to make minor modifications to the document.

EXECUTIVE SUMMARY

All transit agencies in the Bay Area are required to submit a Short Range Transit Plan (SRTP) to the Metropolitan Transportation Commission (MTC) to comply with Federal Transit Administration (FTA) and Caltrans' requirements every three years. Since the COVID-19 pandemic has significantly impacted transit operations, ridership and revenues, the SRTP was reimagined and shortened to a five-year planning horizon with a focus on financial and service planning.

FISCAL IMPACT

None



NAPA VALLEY TRANSPORTATION AUTHORITY Board Agenda Memo

TO: Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Libby Payan, Senior Program Planner/Administrator
(707) 259-8782 / Email: lpayan@nvta.ca.gov
SUBJECT: Napa Valley Transportation Authority's (NVRTA) Fiscal Year 2023-2028
Short Range Transit Plan (SRTP)

RECOMMENDATION

That the Napa Valley Transportation Authority (NVRTA) Board approve the FY2023 – FY2028 Short Range Transit Plan (SRTP) (Attachment 1) and allow staff to make minor modifications to the document.

COMMITTEE RECOMMENDATION

The Citizen Advisory Committee (CAC) recommended Board approval at its November 2, 2022 meeting.

Staff also presented the SRTP to the Paratransit Coordinating Council (PCC) at its November 3, 2022 meeting, however, a quorum was not present and no action was taken.

BACKGROUND

All transit agencies in the Bay Area are required to submit a Short Range Transit Plan (SRTP) to the Metropolitan Transportation Commission (MTC) to comply with Federal Transit Administration (FTA) and Caltrans' requirements every three years. In the past, the SRTP provided a vision to deploy transit services over a 10-year planning horizon. The plan demonstrated that proposed services can be funded with anticipated revenues over the 10-year SRTP planning period and included Vine's Capital Improvement Plan. The last SRTP, which was approved at the November 2020 Board meeting, covered the time period of 2019 – 2029.

The COVID-19 pandemic has significantly impacted transit operations, ridership, and revenues. The decrease in ridership, changes in travel patterns, and uncertainties in

farebox revenues have created enormous planning and operational challenges for Bay Area transit operators. While federal relief funds provided a significant stop gap, it is anticipated that these funds will be exhausted within the next two fiscal years for most transit operators. In light of this current crisis, the SRTP was reimagined and restructured for Fiscal Year 2022-2023 to help plan and navigate through the continued uncertainties. The revised approach narrows the scope to a five-year planning horizon with a focus on financial and service planning. In another departure from past practice, all transit operators will be required to prepare a SRTP to facilitate a regional understanding of transit priorities and plans which entails scenario planning focusing on how service plans might be adapted under different revenue scenarios.

This new SRTP approach has four main purposes:

- 1) To serve as a management and policy document for the transit operator, as well as a means of providing FTA and MTC with information necessary to meet regional fund programming and planning requirements
- 2) To understand the status and outlook of transit service in the Bay Area, both by operator and regionally
- 3) To understand the impacts of varying levels of funding on transit service
- 4) To develop actionable information to support funding advocacy, including the ability to articulate service benefits and tradeoffs at different funding levels

Central to this new SRTP approach is gaining an understanding of how service plans might be adapted under different revenue constraints. Accordingly, this SRTP asks operators to consider and make projections of service levels under three scenarios:

- 1) **Robust Recovery:** There is adequate funding to return overall revenue to 100% of pre-pandemic levels, with escalation. This would not assume proportionate recovery across all revenue sources
- 2) **Revenue Recovery, with Fewer Riders:** Federal relief funds are eventually exhausted, although other funds recover to pre-pandemic levels. However, farebox revenue remains stagnant (20% - 50% below pre-pandemic levels, depending on current status) for the next five years
- 3) **Some Progress:** Federal relief funds are eventually exhausted and the total revenue available to the agency is 15% below pre-pandemic levels for the next five years

NVTA's draft SRTP was due to MTC on September 30, 2022. MTC staff reviewed the SRTP and provided comments on October 28, 2022 that are now incorporated into the plan. Their comments included:

- Adding in a disclaimer statement regarding the funding of the document

-
- Providing more information on the performance of the on-demand service during the pandemic
 - Comparing current on-demand service hours & ridership to fixed route
 - Provide more context on staffing levels now and what they are anticipated to be in the near future

The Citizen's Advisory Committee's comments from their November 2 meeting included:

- Adding later evening service on Route 29 for riders who may be traveling to or from the Oakland or San Francisco Airports via BART in the growth scenario
- In the growth scenario, mention that increasing frequencies on Route 10 is preferred over reinstating route 10X
- Put more emphasis on the shortage of drivers and how that affects the scenario planning

The Paratransit Coordinating Council did not have a quorum so no action could be taken to recommend the plan, however, the members present provided positive feedback and that they felt the plan made sense.

Staff incorporated MTC's and CAC's feedback into the SRTP, and will add any comments or suggestions provided by the board. After that, staff will submit the final version to MTC before the December 31, 2022 deadline.

ALTERNATIVES

The Board may choose not to approve the SRTP, which would leave the agency in non-compliance with Metropolitan Transportation Commission (MTC) Agreement No. 17-14 which could affect operating revenues.

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal 1: Serve the transportation needs of the entire community regardless of age, income or ability.

The SRTP is a tool used by NVTa to support efforts to provide affordable transportation solutions to ensure access to jobs, education, goods, and services to all members of the community.

Goal 3: Use taxpayer dollars efficiently

The SRTP requires that the agency optimize transit service and capital investments by applying goals and performance metrics, and limits expenditures to projected revenues.

ATTACHMENT(S)

- (1) Draft Short Range Transit Plan - [Link to the SRTP](#)



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Napa Valley Transportation Authority (NVTA) and Vine Transit Marketing Overview

STAFF RECOMMENDATION

Information only. Staff will provide an overview of various marketing efforts to promote Vine Transit, V-Commute, and other agency activities and programs.

EXECUTIVE SUMMARY

VTA and Vine Transit staff use a variety of communication methods to relay information about bus routes, timetables, and fares; encourage bus ridership; and keep residents, workers, and visitors aware of various NVTA capital projects or travel demand management programs. Marketing methods include digital communications, media relations, community relations, and business-to-consumer (B2C).

FISCAL IMPACT

None



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Valerie Walston, Marketing and Information Specialist
(707) 253-4599 / Email: vwalston@nvta.ca.gov
SUBJECT: Napa Valley Transportation Authority (NVTA) and Vine Transit
Marketing Overview

RECOMMENDATION

Information only. Staff will provide an overview of various marketing efforts to promote Vine Transit, V-Commute, and other agency activities and programs.

COMMITTEE RECOMMENDATION

None

BACKGROUND

At its September 21, 2022 meeting, the Board requested that staff provide the Board with a briefing on marketing activities and approaches. Staff uses a variety of communication methods to disseminate messages, information, and community updates. Staff prioritizes “earned” (free) communication opportunities such as newspaper articles, social media posts, and public events.

Staff has focused on four effective, tested communication and marketing tactics:

1. Digital Communications

NVTA uses the following digital tools to share information and engage with the public:

- a. NVTA / Vine Transit Websites
 - i. Project websites (V-Commute, Commute 37)
 - ii. Happy Fox (website comment platform)

- iii. Rider Alerts
- b. Social Media (Facebook, Instagram, Twitter, Nextdoor)
 - i. Metrics:

Table 1. Social Media Metrics

	NVTA	Vine Transit
Facebook Followers	499	8,441
Instagram Followers	305	1,225
Twitter Followers	348	256
Nextdoor Metrics	62,765 members; 36,412 households; 137 neighborhoods	

Staff regularly monitors social media to answer community questions and to assess content performance.

Since Vine Transit performs better on Meta platforms, one of the strategies used is to post original content on Vine pages and share them from NVTA's Facebook and Instagram accounts (when content is relevant to both agencies).

NVTA staff regularly share information from agency partners such as Caltrans District 4, the Metropolitan Transportation Commission (MTC), local jurisdictions, and other North Bay transportation and transit agencies. Similarly, when warranted, staff requests agencies share NVTA content as well.

2. Media Relations

Media relations is a backbone of communications. NVTA staff have established relationships with North Bay news outlets and reporters. When the Agency has news or information of a larger scale or regional impact, staff includes Greater Bay Area news outlets, such as SF Gate, the Chronicle, and Bay Area TV and radio.

Staff also monitors local letters to the editor and responds accordingly to the authors.

3. Community Relations

Community relations is one of the oldest communication tools. It begins with the remarkably basic tactic of word-of-mouth. Although it might be seen as the least sophisticated tactic, in a small area like Napa Valley, word-of-mouth has the potential to have a measurable impact.

Another great way to spread agency messages is by participating in community events. Public events like Earth Day, Bike-to-Work Day, Napa Valley College's Open House, and other tabling events provide the opportunity to talk to event

goers and hand out promotional items known as “swag.” The swag is important because items should be useful to the event goer and serve as a reminder of the message or information provided to them. Wearable (hats, umbrellas, etc) and usable (grocery bags) swag also advertise to others who view the logos at other locations around the Valley.

4. Business-to-Consumer

In the final prong to marketing Vine Transit and NVTa, staff look to traditional business-to-consumer (B2C) marketing tactics.

B2C allows staff to step around traditional communications tools like advertising and media relations and go directly to businesses and the people who work for them.

For example, for NVTa programs like V-Commute, staff can go directly to major employers in Napa County to let their human resources departments know what commute options are available to their employees. NVTa uses this tactic in partnership with the other North Bay transportation agencies when promoting commute 37 to North Bay employers.

Vine Transit’s core target audience is the existing Vine rider. These are people who already enjoy the benefits of public transit, so they don’t necessarily need another reason to ride. For this audience, it’s important to provide regular updates on the routes they ride, the times they can ride them, and the stops where they board and disembark. To reach this audience, we place signs at the stops and onboard the buses and rider alerts on the Vine website, apps, and social media platforms.

Staff also creates a number of publications for Vine Transit. The most notable of these are the Vine bus schedules. This includes Vine’s local and regional routes, as well as the Yountville Bee and the St. Helena Shuttle. We also produce information on how to ride the bus and use specialized programs like VineGo and Taxi Scrip. NVTa provides these publications to businesses around the Valley and at events the agency attends.

On occasion, paid advertisements are considered for NVTa and Vine Transit programs which supports driving the agency’s messaging to a larger audience. In addition to the social boosts noted earlier, staff will consider elements like print ads, digital banners, and the billboard on Highway 29 which has been leased for several years to promote the Route 29 to BART.

All Vine Transit and NVTa information, news, and marketing is in both English and Spanish. The agency is also required by federal transportation agencies to provide certain materials in Filipino (Tagalog).

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal #1: Serve the transportation needs of the entire community regardless of age, income, or ability.

Marketing Vine Transit keeps current and future riders aware of various transportation options for people with various needs. Similarly, marketing NVTa programs alerts workers, residents, and visitors to plan and assess their transportation needs and options.

Goal #3: Use taxpayer dollars efficiently.

Promoting the agency's many programs through marketing and outreach, ensures that a larger number of community members and visitors are aware of these programs and are more likely to use them. By prioritizing earned communications opportunities over paid options, NVTa is serving as a good steward of taxpayer dollars.

ATTACHMENT(S)

None



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Brown Act Updates and Future Board Meetings

STAFF RECOMMENDATION

Information only. General counsel will review the three options available to Board members to participate in Board Meetings after February 28, 2023 when the Governor's executive order suspending certain elements of the Brown Act expires. Staff is requesting direction on how the Board wishes to conduct meetings after February 28, 2023 when the changes go into effect.

EXECUTIVE SUMMARY

On October 17, 2022, the Governor announced that the COVID-19 State of Emergency will expire on February 28, 2023. As a result, the Board will no longer be able to avail itself to the options under the AB 361 provisions, Government Code § 54953(e)(1), of the Brown Act.

Following the expiration of the State of Emergency on February 28, 2023, Board members will have the option to participate in meetings: 1) In person, 2) via the "pre-covid" teleconference rules, or 3) Other options subject to AB 2449 requirements. Identifying a Board meeting standard will aid staff in meeting planning.

FISCAL IMPACT

None



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Laura Sanderlin / Board Secretary
(707) 259-8633 / Email: lsanderlin@nvta.ca.gov
SUBJECT: Brown Act Updates and Future Board Meetings

RECOMMENDATION

General counsel will review the three options available to Board members to participate in Board Meetings after February 28, 2023 when the Governor's executive order suspending certain elements of the Brown Act expires. Staff is requesting direction on how the Board wishes to conduct meetings after February 28, 2023 when the changes go into effect.

COMMITTEE RECOMMENDATION

None

BACKGROUND

From March 2020 until September 2021, the Board conducted its board meetings under the Governor's Executive Order issued in connection with the COVID-19 pandemic. The Executive Order modified certain requirements of the Brown Act. The Governor's Executive Order was subsequently codified with slight modifications by the legislature through the passage of AB 361 in September of 2021 which formally amended the Brown Act to allow continued flexibility for public meetings following the expiration of the Governor's Executive Order.

Following the expiration of the State of Emergency on February 28, 2023, Board members will have the option to participate in Board meetings in the following ways: 1) In person only, 2) via the "pre-covid" teleconference rules, or 3) Other options subject of AB 2449, requirements

The three meeting options are discussed in detail in a Memorandum from Sloan, Sakai, Yeung & Wong LLP, Legal Counsel (Attachment 1).

To simplify and streamline future board meetings, staff is requesting the board identify a meeting standard. This will aid staff in scheduling and securing adequate technical and staffing resources.

ALTERNATIVES

None. The Board must meet in accordance with the Brown Act in order to continue to conduct NVTa business. Failure to conduct meetings in accordance with the Brown Act would invalidate any action taken by the Board.

ATTACHMENT(S)

- (1) Memorandum from General Counsel

Memorandum

To: Napa Valley Transportation Authority, Board of Directors

From: Osman I. Mufti, General Counsel

Date: October 31, 2022

Re: AB 2449 Brown Act Updates and Options for Future Board Meetings

Background

From March 2020 until September 2021, the Board conducted its board meetings under the Governor's Executive Orders issued in connection with the COVID 19 pandemic. The Executive Orders modified certain requirements of the Brown Act. Specifically, the Executive Orders did the following:

- Waived the requirement that notice of each teleconference location be provided for those members of the Board participating in the meeting;
- Waived the requirement that each teleconference location be accessible to the public;
- Waived the requirement that members of the public be able to address the Board at each teleconference location;
- Waived the requirement that local agencies post agendas at all teleconference locations; and
- Waived the requirement that at least a quorum of the Board participate from locations within the boundaries of the territory over which they exercise jurisdiction.

The Governor's Executive Orders were subsequently codified with slight modifications by the legislature through the passage of AB 361 in September of 2021 which formally amended the Brown Act to allow continued flexibility for public meetings following the expiration of the Governor's Executive Orders. Similar to the Executive Order, AB 361 provided the same modified requirements listed above with some additional requirements which are as follows:

- Agencies cannot require that written comments be submitted in advance of a meeting, agencies may only close the comment period at the same time it is closed during the meeting.
- Agencies must clearly advertise the means by which the public can observe the meeting and offer comment during the meeting via either a call in or internet- based option, the public must be given an opportunity for the public to comment directly.

- In the event of a disruption in broadcasting the meeting, the legislative body shall take no further action until meeting access is restored to the public.

The provisions of AB 361 regarding remote meetings required one of the following criteria be met and that the Board adopt a Resolution affirming the criteria have been met every 30 days:

(A) **The local agency is holding a meeting during a proclaimed state of emergency**, and state or local officials have imposed or recommended measures to promote social distancing; or

(B) **The local agency is holding a meeting during a proclaimed state of emergency** for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or

(C) **The local agency is holding a meeting during a proclaimed state of emergency** and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

A prerequisite to holding the meetings is that there be a proclaimed state of emergency. Accordingly, as permitted by AB 361, the Board has continued to meet via a hybrid remote meeting format with some Board members participating remotely and some in person. The Governor's COVID-19 State of Emergency has been in effect since March 2020.

On October 17, 2022, the Governor announced that the COVID-19 State of Emergency will expire on **February 28, 2023**. As a result, the Board will no longer be able to avail itself to the options under the AB 361 provisions, Government Code § 54953(e)(1), of the Brown Act.

Options for Future Meetings

Following the expiration of the State of Emergency on February 28, 2023, Board meetings will need to be conducted in one the following ways: 1) either in person only, 2) via the "pre-covid" teleconference rules, or 3) in accordance with the newly enacted legislation providing a hybrid option in limited circumstances, AB 2449, effective January 1, 2023.

The following is a summary of the three meeting options:

1. In Person.

Board meetings may be conducted in person only with a requirement that a quorum of Board members be present in person and the meeting be held in a publicly accessible location and open to the public to attend.

2. Teleconference Rules.

The teleconference rules of the Brown Act, Government Code § 54953(b), permit the Board to meet via teleconference from different locations that are advertised on the meeting agenda. The term “teleconference” is defined as “a meeting of individuals in different locations, connected by electronic means, through either audio or video, or both.” The meeting must comply with the following specific requirements:

- A. At least a quorum of the Board must participate from teleconferencing locations within the Board’s jurisdiction (Napa County).
- B. Each teleconference location must be identified in the meeting agenda.
- C. Agendas must be physically posted at each teleconference location.
- D. Each teleconference location must be accessible to the public.
- E. The agenda must provide an opportunity for public comment at each teleconference location.
- F. All votes must be via rollcall.

3. AB 2449 Amendments to the Brown Act, “hybrid” option.

On September 13, 2022, the Governor signed Assembly Bill 2449 into law and it becomes effective on January 1, 2023. It provides new rules concerning remote access to and Board member attendance under the Brown Act.

Government Code § 54953(f) provides a new alternative for abbreviated teleconferencing procedures for calendar year 2023 that do not require there be a proclaimed State of Emergency. Under this provision the Board may hold virtual, remote public meetings under the following circumstances.

- A. At least a quorum of Board members participate in person from a single physical public location identified on the meeting agenda and within the Board’s jurisdiction, Napa County.
- B. If a quorum of the Board is present in person, a Board member who is not physically present may request virtual attendance at the Board meeting under two circumstances:
 - 1) For “just cause”.

Specifically, a Board member has “just cause” for remote participation when:

- a. There is a childcare or caregiving need (for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner) that requires participation remotely. Government Code § 54953(j)(2)(A).
- b. A contagious illness prevents the member from attending the meeting in person. Government Code § 54953(j)(2)(B).
- c. There is a need related to a defined physical or mental disability that is not otherwise accommodated for. Government Code § 54953(j)(2)(C).
- d. Traveling while on official business of the legislative body or another state or local agency. Government Code § 54953(j)(2)(D).

A Board member is limited to two virtual attendances based on “just cause” per calendar year. Government Code § 54953(f)(2)(A)(i).

Notification Procedures for “just cause”

In order for a Board member to attend remotely for “just cause,” a Board member must i) notify NVTa at their earliest opportunity of their need for such participation, and ii) provide a general description of the circumstances justifying their virtual attendance. Government Code § 54953(f)(2)(A)(i).

Board members are permitted to make their notification as late as the start of the regular meeting of the Board. Under such circumstances the Board would not need to take action to allow the Board member to attend virtually.

2) Due to “emergency circumstances”.

“Emergency circumstances” are defined as “a physical or family medical emergency that prevents a member from attending the meeting in person.” Government Code § 54953(j)(1). Board members are not required to disclose any medical diagnosis or disability, or any personal medical information that is already exempt from existing law. Government Code § 54953(f)(2)(A)(ii).

Notification Procedures for “emergency circumstances”

A Board member must make a request to the entire Board to allow the member to attend remotely due to an emergency circumstance and must provide a general description of the circumstance justifying such attendance. Government Code § 54953(f)(2)(A)(ii). The request must be made “as soon as possible” and must be made for each meeting in which they seek to participate remotely.

If the request does not allow for adequate time to be placed on the agenda as an action item, then the Board may take action at the beginning of the meeting. Unlike a “just cause” request, a request due to an “emergency circumstance” requires that the Board take action and approve the remote attendance at the beginning of the meeting.

C. Additional requirements under AB 2449

In addition to making a request for “just cause” or an “emergency circumstance” for remote appearance, the following requirements apply:

- 1) Before any action is taken during the meeting the Board member participating remotely must publicly disclose whether any other individuals 18 years or older are present in the room at the remote location with the member, and the general nature of the member’s relationship with any such individual. Government Code § 54953(f)(2)(B).
- 2) The Board member participating remotely must participate through both audio and visual technology. Government Code § 54953(f)(2)(C).
- 3) A Board member’s participation cannot be for more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year. If the Board meets fewer than 10 times per calendar year, a member’s participation from a remote location cannot be for more than two meetings. Government Code § 54953 (f)(3).

Based on the aforementioned requirements of AB 2449, in order for Board members to participate, NVTa must provide a two-way audio-visual manner for participation (i.e. Zoom). The agendas will need to provide how the public may attend the meeting electronically or telephonically. If the meeting broadcast is disrupted, the Board is prohibited from taking action on agenda items until public access is restored.

D. Timeline.

AB 2449 is effective January 1, 2023. The legislation further articulates sunset dates for the AB 361 rules the Board has been operating under since September of 2021. Rules under AB 361 are scheduled to expire on January 1, 2024. As discussed above, AB 361 is only applicable if there is a proclaimed state of emergency, accordingly, upon the expiration of the state of emergency on February 28, 2023, conducting a meeting under AB 361 rules is no longer an option.

AB 2449 and the rules above pertaining to “just cause” and “emergency circumstances” will sunset on January 1, 2026. At such time, unless further legislation amending the Brown Act is passed. The Board’s options for meeting will be the two options that existed pre-COVID-19, that is traditional meetings in person or via traditional teleconference rules (discussed in option 2 above).

E. Administrative Burden related to meetings conducted pursuant to AB 2449.

Assuming hybrid participation under AB 2449 occurs, staff will need to:

- i. Confirm ahead of each meeting that there will be a quorum of Board members in attendance in person.
- ii. Make arrangements for the meeting to allow for remote participation.
- iii. Monitor and maintain a record of which Board member requests to appear remotely pursuant to AB 2449 and how many times such member has appeared remotely in order to ensure compliance with the limitations related to remote attendance (2 times in a calendar year for “just cause” and no more than 3 consecutive months for “emergency circumstances” or more than 2 meetings if the Board meets fewer than 10 times in a calendar year.
- iv. Monitor the reason for the request, “just cause” or “emergency circumstances”.
- v. Monitor and record the action taken by the Board to approve the request.
- vi. All votes will need to be taken via rollcall.
- vii. If there is a disruption in the meeting broadcast or the ability to receive call in or internet based public comment, no further action can be taken until the issue is resolved by staff.