

Napa Valley Transportation Authority

625 Burnell Street
Napa, CA 94559



Agenda - Final

Wednesday, November 17, 2021
1:00 PM

REFER TO COVID-19 SPECIAL NOTICE

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 virtually. To maximize public safety while still maintaining transparency, members of the public may observe and participate in the meeting from home. 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/UCrpiLcW9uRmA0EE6w-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. 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 **Meeting Minutes of October 20, 2021 (Laura Sanderlin) (Pages 8-12)**

Recommendation: Board action will approve the October 20, 2021 meeting minutes.

Estimated Time: 1:15 p.m.

Attachments: [Draft Minutes](#)

8.2 Resolution No. 21-29 Setting the Regular Meeting Time, Place, and Schedule of the Napa Valley Transportation Authority (NVRTA) Governing Board, the Technical Advisory Committee (TAC), the Paratransit Coordinating Council (PCC), the Citizen Advisory Committee (CAC), and the Active Transportation Advisory Committee (ATAC) for Calendar Year (CY) 2022 (Laura Sanderlin) (Pages 13-23)

Recommendation: Board action will approve setting the regular meeting time, place, and schedule for the NVRTA, TAC, PCC, CAC and ATAC for calendar year 2022.

Estimated Time: 1:15 p.m.

Attachments: [Staff Report](#)

8.3 AB 361 Requirements for Remote Public Meetings (Laura Sanderlin) (Pages 24-28)

Recommendation: That the Napa Valley Transportation Authority (NVRTA) Board approve Resolution 21-30 with its intent to continue remote teleconference meetings pursuant to Government Code section 54953 due to the Governor's Proclamation of State Emergency and state and local recommendations related to physical distancing due to the threat of COVID-19.

Estimated Time: 1:15 p.m.

Attachments: [Staff Report](#)

8.4 Agreement No. 21-49 with Avail Technologies for Maintenance of the Vine Computer Aided Dispatch/Automatic Vehicle Location (CAD/AVL) System (Rebecca Schenck) (pages 29-57)

Recommendation: That the Napa Valley Transportation Authority (NVRTA) Board authorize Agreement No. 21-49 with Avail Technologies for an amount not to exceed \$166,609.04 for the period August 1, 2021 to July 31, 2022.

Estimated Time: 1:15 p.m.

Attachments: [Staff Report](#)

8.5 Amendment #4 to Project Work Order No. E-14to NVTA Agreement No. 18-21 with GHD Inc. to Provide Professional Engineering Services for Design Plans, Specifications and Estimates (PS&E) Phase Services for the Soscol Junction Project (Sanjay Mishra) (Pages 58-63)

Recommendation: Board action will direct the Executive Director, or designee to execute and make minor modifications to Amendment #4 to Work Order No. E-14 to NVTA Agreement No. 18-21 with GHD Inc. for an amount not to exceed \$75,000 to provide additional services during the PS&E phase and engineering support during bid and construction. This additional scope constitutes design modifications necessary for alignment changes to avoiding impacts to the Suscol Creek, answering bid queries, providing design clarifications during bid, as-built drawings at project completion and other miscellaneous changes not included in the original scope.

Estimated Time: 1:15 p.m.

Attachments: [Staff Report](#)

8.6 Paratransit Coordinating Council (PCC) Member Appointments (Kathy Alexander) (Pages 64-69)

Recommendation: Board action will appoint Betty Rhodes and reappoint Tom Collette to the PCC.

Estimated Time: 1:15 p.m.

Attachments: [Staff Report](#)

9. REGULAR AGENDA ITEMS

9.1 Resolution No. 21-24 Amending the Fiscal Year (FY) 2020-21 Budget (Antonio Onorato) (Pages 70-78)

Recommendation: Board action will approve Resolution No. 21-24 amending the FY 2021-22 Budget and increase the appropriations limit to \$76,427,700 which includes remaining balances from FY 2020-21 and new capital investments.

Estimated Time: 1:30 p.m.

Attachments: [Staff Report](#)

9.2 2022 Federal and State Legislative Advocacy Program and Project Priorities and Legislative Update (Kate Miller) (Pages 79-101)

Recommendation: Board approval would (1) approve the 2022 Federal and State Legislative Advocacy Programs and Project Priorities, and (2) receive the Federal Legislative update from George Riccardo representing Platinum/K&L Gates, and (3) receive the State Legislative update from Steve Wallauch, Platinum Advisors.

Estimated Time: 1:45 p.m.

Attachments: [Staff Report](#)

9.3 Emergency Back-Up Power for the Socol Gateway Transit Center (SGTC) (Kate Miller) (Pages 102-105)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board receive a report and provide guidance to NVTA staff on an approach for selecting a back-up power source for the Socol Gateway Transit Center.

Estimated Time: 2:05 p.m.

Attachments: [Staff Report](#)

9.4 Proposed Changes to the Napa Valley Transportation Authority (NVTA) Organizational Chart (Laura Sanderlin) (Pages 106-109)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board approve the proposed changes to the NVTA organizational chart.

Estimated Time: 2:20 p.m.

Attachments: [Staff Report](#)

10. FUTURE AGENDA ITEMS

11. ADJOURNMENT

11.1 Approval of Next Regular Meeting Date of December 15, 2021 and Adjournment

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 12, 2021.

Laura Sanderlin (e-sign)
Laura M. Sanderlin, NVTA Board Secretary

Glossary of Acronyms

AB 32	Global Warming Solutions Act	GGRF	Greenhouse Gas Reduction Fund
ABAG	Association of Bay Area Governments	GTFS	General Transit Feed Specification
ADA	American with Disabilities Act	HBP	Highway Bridge Program
ATAC	Active Transportation Advisory Committee	HBRR	Highway Bridge Replacement and Rehabilitation Program
ATP	Active Transportation Program	HIP	Housing Incentive Program
BAAQMD	Bay Area Air Quality Management District	HOT	High Occupancy Toll
BART	Bay Area Rapid Transit District	HOV	High Occupancy Vehicle
BATA	Bay Area Toll Authority	HR3	High Risk Rural Roads
BRT	Bus Rapid Transit	HSIP	Highway Safety Improvement Program
BUILD	Better Utilizing Investments to Leverage Development	HTF	Highway Trust Fund
CAC	Citizen Advisory Committee	HUTA	Highway Users Tax Account
CAP	Climate Action Plan	IFB	Invitation for Bid
Caltrans	California Department of Transportation	ITIP	State Interregional Transportation Improvement Program
CASA	Committee to House the Bay Area	ITOC	Independent Taxpayer Oversight Committee
CEQA	California Environmental Quality Act	IS/MND	Initial Study/Mitigated Negative Declaration
CIP	Capital Investment Program	JARC	Job Access and Reverse Commute
CMA	Congestion Management Agency	LCTOP	Low Carbon Transit Operations Program
CMAQ	Congestion Mitigation and Air Quality Improvement Program	LIFT	Low-Income Flexible Transportation
CMP	Congestion Management Program	LOS	Level of Service
CalSTA	California State Transportation Agency	LS&R	Local Streets & Roads
CTP	Countywide Transportation Plan	MaaS	Mobility as a Service
COC	Communities of Concern	MAP 21	Moving Ahead for Progress in the 21 st Century Act
CTC	California Transportation Commission	MPO	Metropolitan Planning Organization
DAA	Design Alternative Analyst	MTC	Metropolitan Transportation Commission
DBB	Design-Bid-Build	MTS	Metropolitan Transportation System
DBF	Design-Build-Finance	ND	Negative Declaration
DBFOM	Design-Build-Finance-Operate-Maintain	NEPA	National Environmental Policy Act
DED	Draft Environmental Document	NOAH	Natural Occurring Affordable Housing
EIR	Environmental Impact Report	NOC	Notice of Completion
EJ	Environmental Justice	NOD	Notice of Determination
FAS	Federal Aid Secondary	NOP	Notice of Preparation
FAST	Fixing America's Surface Transportation Act	NVTA	Napa Valley Transportation Authority
FHWA	Federal Highway Administration	NVTA-TA	Napa Valley Transportation Authority-Tax Agency
FTA	Federal Transit Administration	OBAG	One Bay Area Grant
FY	Fiscal Year	PA&ED	Project Approval Environmental Document
GHG	Greenhouse Gas		

Glossary of Acronyms

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
PIR	Project Initiation Report	TAC	Technical Advisory Committee
PMS	Pavement Management System	TCM	Transportation Control Measure
Prop. 42	Statewide Initiative that requires a portion of gasoline sales tax revenues be designated to transportation purposes	TCRP	Traffic Congestion Relief Program
PSE	Plans, Specifications and Estimates	TDA	Transportation Development Act
PSR	Project Study Report	TDM	Transportation Demand Management Transportation Demand Model
PTA	Public Transportation Account	TE	Transportation Enhancement
RACC	Regional Agency Coordinating Committee	TEA	Transportation Enhancement Activities
RFP	Request for Proposal	TEA 21	Transportation Equity Act for the 21 st Century
RFQ	Request for Qualifications	TFCA	Transportation Fund for Clean Air
RHNA	Regional Housing Needs Allocation	TIGER	Transportation Investments Generation Economic Recovery
RM2	Regional Measure 2 (Bridge Toll)	TIP	Transportation Improvement Program
RM3	Regional Measure 3	TIRCP	Transit and Intercity Rail Capital Program
RMRP	Road Maintenance and Rehabilitation Program	TLC	Transportation for Livable Communities
ROW	Right of Way	TLU	Transportation and Land Use
RTEP	Regional Transit Expansion Program	TMP	Traffic Management Plan
RTIP	Regional Transportation Improvement Program	TMS	Transportation Management System
RTP	Regional Transportation Plan	TNC	Transportation Network Companies
SAFE	Service Authority for Freeways and Expressways	TOAH	Transit Oriented Affordable Housing
SAFETEA-LU	Safe, Accountable, Flexible, and Efficient Transportation Equity Act-A Legacy for Users	TOD	Transit-Oriented Development
SB 375	Sustainable Communities and Climate Protection Act 2008	TOS	Transportation Operations Systems
SB 1	The Road Repair and Accountability Act of 2017	TPA	Transit Priority Area
SCS	Sustainable Community Strategy	TPI	Transit Performance Initiative
SHA	State Highway Account	TPP	Transit Priority Project Areas
SHOPP	State Highway Operation and Protection Program	VHD	Vehicle Hours of Delay
SNTDM	Solano Napa Travel Demand Model	VMT	Vehicle Miles Traveled
SR	State Route		
SRTS	Safe Routes to School		

Napa Valley Transportation Authority

625 Burnell Street
Napa, CA 94559

Meeting Minutes NVTB Board of Directors

Wednesday, October 20, 2021

1:00 PM

REFER TO COVID-19 SPECIAL NOTICE

1. Call to Order

Chair Pedroza called the meeting to order at 1:26pm.

2. Roll Call

Roll call was confirmed at the preceding NVTB-TA meeting with two absences.

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

3. Adoption of the Agenda

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

Aye: 18 - Garcia, Canning, Pedroza, Dohring, Joseph, Dunbar, Dorman, Ramos, Alessio, and Kraus

Absent: 7 - Ellsworth, Sedgley, and Chouteau

4. Public Comment

None

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

ABAG Update

Director Ramos and Director Ramos provided an update of recent ABAG activities.

MTC Commissioner's Update

Chair Pedroza provided an update on recent MTC activities.

6. Director's Update

Director Miller reported:

- Staff member Sanjay Mishra's admission in CARL (California Academy for Regional Leaders) program
- September 20th Imola Park and Ride groundbreaking event recap
- October 4th community meeting for public input of State Route 29 in American Canyon project initiation document (PID) update
- Announcement of NVTA as new chair of MTC Partnership Board
- Vine Transit bus participation in Calistoga Tractor Parade on December 4th
- Federal advocacy firm selection
- Staffing update
- Transdev Bus driver staffing shortage
- NVTA staff recognition of Kathy Alexander and Rebecca Schenck

7. Caltrans' Update

Ricky Gao, of Caltrans, provided update.

8. PUBLIC HEARING (TIME CERTAIN 1:30 P.M.)

Alternate Director Chouteau joined the meeting.

Director Ramos left the meeting.

- 8.1 Public Hearing and Approval of Resolution No. 21-24 Amending the Fiscal Year (FY) 2020-21 Budget (Antonio Onorato) (Pages 9-19)

Attachments: [Staff Report](#)

Item 8.1 continued to the next regularly scheduled NVTA Board of Director's meeting.

9. CONSENT AGENDA ITEMS (9.1-9.7)

Motion MOVED by GARCIA, SECONDED by JOSEPH to APPROVE Consent Items 9.1-9.7. Motion carried by the following roll call vote:

Aye: 17 - Garcia, Canning, Pedroza, Dohring, Joseph, Dunbar, Dorman, Alessio, Kraus, and Chouteau

Absent: 8 - Ramos, Ellsworth, and Sedgley

- 9.1 Meeting Minutes of September 13, 2021 (Laura Sanderlin) (Pages 20-22)

Attachments: [Draft Minutes](#)

- 9.2 Annual Election of Chair and Vice Chair (Laura Sanderlin) (Pages 23-24)

Attachments: [Staff Report](#)

- 9.3** Citizens Advisory Committee (CAC) Member Appointments (Laura Sanderlin) (Pages 25-29)

Attachments: [Staff Report](#)

- 9.4** Easement Deeds to Pacific Gas and Electric (PG&E) on Parcel 057-250-037-000 (Rebecca Schenck) (Pages 30-37)

Attachments: [Staff Report](#)

- 9.5** Approval of Resolution No. 21-25 Adopting the Caltrans Local Assistance Procedures Manual (Alberto Esqueda) (Pages 38-42)

Attachments: [Staff Report](#)

- 9.6** Approval of Resolution No. 21-26 Authorizing the Executive Director to Execute Fund Transfer Agreements with the State of California Department of Transportation (Caltrans) for the Fiscal Year (FY) 2021-22 State Transportation Improvement Program (STIP) Planning, Programming and Monitoring (PPM) Program (Antonio Onorato) (Pages 43-52)

Attachments: [Staff Report](#)

- 9.7** Transportation Fund for Clean Air (TFCA) Program Manager Fund Project List for Fiscal Year Ending (FYE) 2022 (Diana Meehan) (Pages 53-65)

Attachments: [Staff Report](#)

10. REGULAR AGENDA ITEMS (10.1-10.7)

- 10.1** Award of Construction Contract for the Vine Bus Maintenance Facility, Sheehy Court Project (Sanjay Mishra) (Pages 66-80)

Attachments: [Staff Report](#)

Agenda item was presented by Director Miller. Questions were made by Director Dorman, Director Dunbar and Director Joseph. Comments were made by Chair Pedroza and Vice Chair Alessio.

Alternate Director Chouteau left the meeting.

Motion MOVED by DUNBAR, SECONDED by ALESSIO to APPROVE (1) Resolution 21-27 awarding a contract to ALTEN Construction pending approval of the Transportation Infrastructure Finance and Innovation Act (TIFIA) loan, (2) authorizing the Executive Director to enter and make modifications to Construction Agreement No. 21-46 and (3) not to exceed construction contingency amount of \$2,900,000. Motion was carried by the following roll call vote:

Aye: 16 - Garcia, Canning, Pedroza, Dohring, Joseph, Dunbar, Dorman, Alessio, and Kraus

Absent: 9 - Ramos, Ellsworth, Sedgley, and Chouteau

10.2 2022 Regional Transportation Improvement Program (RTIP) (Danielle Schmitz) (Pages 81-86)

Attachments: [Staff Report](#)

Questions were raised by Director Dorman and Director Joseph.

Motion MOVED by GARCIA, SECONDED by KRAUS to APPROVE (1) G-12 Delegation Authority to adjust project allocations (2) advancement of additional RTIP (3) LONP against Future RM3 Funds. Motion carried by the following roll call vote:

Aye: 16 - Garcia, Canning, Pedroza, Dohring, Joseph, Dunbar, Dorman, Alessio, and Kraus

Absent: 9 - Ramos, Ellsworth, Sedgley, and Chouteau

10.3 Purchase One El Dorado National 40' Axxess Bus (Rebecca Schenck) (Pages 87-106)

Attachments: [Staff Report](#)

Questions were made by Director Joseph, Director Garcia and Director Dohring. Comment made by Director Canning.

Motion MOVED by JOSEPH, SECONDED by KRAUS to APPROVE execution of purchase order 21-2014 to acquire one forty foot bus. Motion carried by the following roll call vote:

Aye: 16 - Garcia, Canning, Pedroza, Dohring, Joseph, Dunbar, Dorman, Alessio, and Kraus

Absent: 9 - Ramos, Ellsworth, Sedgley, and Chouteau

10.4 Vine Transit On-Demand Services No-Show Policy (Rebecca Schenck) (Pages 107-155)

Attachments: [Staff Report](#)

Chair Pedroza left the meeting.

Motion MOVED by ALESSIO, SECONDED by JOSEPH to APPROVE Item. 10.4 expanding the on-demand transit service no-show policy to include Director Dorman's AMENDMENTS. Motion carried by the following roll call vote:

Aye: 14 - Garcia, Canning, Dohring, Joseph, Dunbar, Dorman, Alessio, and Kraus

Absent: 11 - Pedroza, Ramos, Ellsworth, Sedgley, and Chouteau

10.5 Fiscal Vine Transit Update (Rebecca Schenck) (Pages 156-162)

Attachments: [Staff Report](#)

Information Only/No Action Taken

Chair Pedroza rejoined the meeting.

10.6 Federal and State Legislative Update (Kate Miller) (Pages 163-176)

Attachments: [Staff Report](#)

Information Only/No Action Taken

10.7 AB 361 Requirements for Remote Public Meetings (DeeAnne Gillick) (Pages 177-184)

Attachments: [Staff Report](#)

Motion MOVED by JOSEPH, SECONDED by ALESSIO to APPROVE Resolution 21-28 to continue remote teleconference meetings pursuant to Government Code section 54953. Motion carried by the following roll call vote:

Aye: 17 - Garcia, Canning, Pedroza, Dohring, Joseph, Dunbar, Dorman, Alessio, Kraus, and Chouteau

Absent: 8 - Ramos, Ellsworth, and Sedgley

11. FUTURE AGENDA ITEMS

None

CLOSED SESSION

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

Title: Executive Director

No reportable action.

12. ADJOURNMENT**12.1 Approval of Next Regular Meeting Date of November 17, 2021 and Adjournment**

Chair Pedroza adjourned the meeting at 3:21pm.

Laura Sanderlin, NVTA Board Secretary



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Setting the Regular Meeting Time, Place, and Schedule of the Napa Valley Transportation Authority (NVTA) Governing Board, the Technical Advisory Committee (TAC), the Paratransit Coordinating Council (PCC), the Citizen Advisory Committee (CAC), and the Active Transportation Advisory Committee (ATAC) for Calendar Year (CY) 2022.

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Resolution No. 21-29 setting the regular meeting time, place, and schedule of the NVTA Governing Board, the Technical Advisory Committee (TAC), the Paratransit Coordinating Council (PCC), the Citizen Advisory Committee (CAC), and the Active Transportation Advisory Committee (ATAC) for Calendar Year (CY) 2022.

EXECUTIVE SUMMARY

The NVTA Governing Board, TAC, PCC, CAC and ATAC meetings fall under the requirements of the State of California Brown Act, and therefore must establish a regular meeting date, time, and place, and publish notice of each meeting.

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. 21-29 Setting the Regular Meeting Time, Place, and Schedule of the Napa Valley Transportation Authority (NVTA) Governing Board, the Technical Advisory Committee (TAC), the Paratransit Coordinating Council (PCC), the Citizen Advisory Committee (CAC), and the Active Transportation Advisory Committee (ATAC) for Calendar Year (CY) 2022

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Resolution No. 21-29 (Attachment 1) setting the regular meeting time, place, and schedule of the NVTA Governing Board, the Technical Advisory Committee (TAC), the Paratransit Coordinating Council (PCC), the Citizen Advisory Committee (CAC), and the Active Transportation Advisory Committee (ATAC) for Calendar Year (CY) 2022.

COMMITTEE RECOMMENDATION

None

BACKGROUND

The NVTA Governing Board, TAC, PCC, CAC and ATAC 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. 21-29 (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 2022.

The regular meeting time of the NVTA Governing Board will be 1:00 p.m., and the recommended regular meeting schedule for CY 2022 is as follows:

Wednesday, January 19
Wednesday, February 16
Wednesday, March 16
Wednesday, April 20
Wednesday, May 18
Wednesday, June 15
Wednesday, July 20
Wednesday, September 21
Wednesday, October 19
Wednesday, November 16
Wednesday, December 21

The regular meeting time for the Technical Advisory Committee (TAC) will be 2:00 p.m., and the recommended regular meeting schedule for CY 2022 is as follows:

Thursday, January 6
Thursday, February 3
Thursday, March 3
Thursday, April 7
Thursday May 5
Thursday, June 2
Thursday, July 7
Thursday, September 1
Thursday, October 6
Thursday, November 3
Thursday, December 1

The regular meeting time for the Paratransit Coordinating Council (PCC) will be 10:00 a.m. and the recommended regular meeting schedule for CY 2022 is as follows:

Thursday, January 6
Thursday, March 3
Thursday May 5
Thursday, July 7
Thursday, September 1
Thursday, November 3

The regular meeting time for the Citizen Advisory Committee (CAC) will be 5:00 p.m. and the recommended regular meeting schedule for CY 2022 is as follows:

Wednesday, January 5
Wednesday, March 2
Wednesday, May 4
Wednesday, July 6
Wednesday, September 7
Wednesday, November 2

The regular meeting time for the Active Transportation Advisory Committee (ATAC) will be 5:30 p.m. and the recommended regular meeting schedule for CY 2022 is as follows:

Monday, January 24
Monday, March 28
Monday, May 23
Monday, July 25
Monday, September 26
Monday, November 28

ALTERNATIVES

The Board may elect not to approve Resolution No. 21-29. 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. 21-29

RESOLUTION No. 21-29

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVTA)
SETTING THE REGULAR MEETING TIME, PLACE, AND SCHEDULE FOR
THE GOVERNING BOARD, THE TECHNICAL ADVISORY COMMITTEE (TAC),
THE PARATRANSIT COORDINATING COUNCIL (PCC),
THE CITIZEN ADVISORY COMMITTEE (CAC), AND
THE ACTIVE TRANSPORTATION ADVISORY COMMITTEE (ATAC)
FOR CALENDAR YEAR (CY) 2022**

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

WHEREAS, the NVTA Governing Board and Committees 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 2022, as shown in Exhibit "A", sets the regular time at 1:00 p.m. and sets the regular meeting place as the JoAnn Busenbark Board Room at 625 Burnell Street, Napa, CA 94559.
2. The regular meeting dates for the Technical Advisory Committee (TAC) for calendar year 2022, as shown in Exhibit "B", sets the regular time at 2:00 p.m. and sets the regular meeting place as the JoAnn Busenbark Board Room at 625 Burnell Street, Napa, CA 94559.
3. The regular meeting dates for the Paratransit Coordinating Council (PCC) for calendar year 2022, as shown in Exhibit "C", sets the regular time at 10:00 a.m. and sets the regular meeting place as the JoAnn Busenbark Board Room at 625 Burnell Street, Napa, CA 94559.
4. The regular meeting dates for the Citizen Advisory Committee (CAC) for calendar year 2022, as shown in Exhibit "D", sets the regular time at 5:00 p.m. and sets the regular meeting place as the JoAnn Busenbark Board Room at 625 Burnell Street, Napa, CA 94559.

5. The regular meeting dates for the Active Transportation Advisory Committee (ATAC) for calendar year 2022, as shown in Exhibit “E”, sets the regular time at 5:30 p.m. and sets the regular meeting place as the Board Room at 625 Burnell Street, Napa, CA 94559.

Passed and Adopted this 17th Day of November 2021.

Alfredo Pedroza, NVTa Chair

Ayes:

Nays:

Absent:

ATTEST:

Laura M. Sanderlin, NVTa Board Secretary

APPROVED:

DeeAnne Gillick, NVTa Legal Counsel

EXHIBIT “A”

NVTA Governing Board
Meeting Dates for CY 2022

Wednesday, January 19
Wednesday, February 16
Wednesday, March 16
Wednesday, April 20
Wednesday, May 18
Wednesday, June 15
Wednesday, July 20
Wednesday, September 21
Wednesday, October 19
Wednesday, November 16
Wednesday, December 21

EXHIBIT “B”

NVTA Technical Advisory Committee (TAC)
Meeting Dates for CY 2022

Thursday, January 6
Thursday, February 3
Thursday, March 3
Thursday, April 7
Thursday May 5
Thursday, June 2
Thursday, July 7
Thursday, September 1
Thursday, October 6
Thursday, November 3
Thursday, December 1

EXHIBIT “C”

NVTA Paratransit Coordinating Council (PCC)
Meeting Dates for CY 2022

Thursday, January 6

Thursday, March 3

Thursday May 5

Thursday, July 7

Thursday, September 1

Thursday, November 3

EXHIBIT “D”

NVTA Citizen Advisory Committee (CAC)
Meeting Dates for CY 2022

Wednesday, January 5

Wednesday, March 2

Wednesday, May 4

Wednesday, July 6

Wednesday, September 7

Wednesday, November 2

EXHIBIT “E”

NVTA Active Transportation Advisory Committee (ATAC)
Meeting Dates for CY 2022

Monday, January 24

Monday, March 28

Monday, May 23

Monday, July 25

Monday, September 26

Monday, November 28



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 holding the next NVRTA meeting via teleconference should the existing emergency declaration continue, permitting relaxed remote meeting allowances in accordance with AB 361.

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.

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 in order to help minimize the spread and transmission of COVID-19 be permitted to do so.

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 (NVRTA) Board approve holding the next NVRTA meeting via teleconference should the existing emergency declaration continue, permitting relaxed remote meeting allowances in accordance with AB 361.

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.

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 in order to help minimize the spread and transmission of COVID-19 be permitted to do so.

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 confirms that said conditions continue to exist that warrant remote only meetings pursuant to the provisions of paragraph Government Code section 54953, subdivision (e)(3). Staff recommends the Board consider extending 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.

ATTACHMENTS

(1) Resolution 21-30

RESOLUTION No. 21-30

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVTa)
MAKING FINDINGS REAUTHORIZING REMOTE TELECONFERENCE MEETINGS
AND DECLARING ITS INTENT TO CONTINUE REMOTE TELECONFERENCE
MEETINGS 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 in effect; and

WHEREAS, California Department of Public Health and the federal Centers for Disease Control and Prevention caution that the Delta variant of COVID- 19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>); and

WHEREAS, on September 27, 2021, the Napa County Executive Officer and Public Health Officer jointly recommended social distancing measures and that all boards and commissions continue meeting remotely, in whole or in part, in order to help minimize the spread and transmission of COVID-19; and

WHEREAS, due to the seriousness of the current pandemic situation, the Napa County Executive Officer and Public Health Officer has required that all unvaccinated persons wear facial coverings indoors, and recommend that all persons, regardless of vaccination status, wear facial coverings indoors; and

WHEREAS, the Board found on October 20, 2021 pursuant to Resolution 21-28 that the COVID-19 emergency has caused, and will continue to cause, conditions of peril to the safety of persons that are likely to be beyond the control of services, personnel, equipment, and facilities of NVTa, and found that meeting in person for meetings of all NVTa legislative bodies would present imminent risks to the health or safety of attendees, and thus the Board invoked the provisions of AB 361 to allow for remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, the Board of Directors does hereby find that emergency conditions persist within the County of Napa due to the COVID-19 emergency, the state of emergency continues to directly impact the ability of the members to meet safely in person, and the Governor's state of emergency proclamation, state regulations and local recommendations related to social distancing continue.

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 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. 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 remote only teleconference meetings.

4. 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 remote only 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 17, 2021, by the following vote:

Alfredo Pedroza, NVTa Chair

Ayes:

Nays:

Absent:

ATTEST:

Laura Sanderlin, NVTa Board Secretary

APPROVED:

DeeAnne Gillick, NVTa Legal Counsel



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Agreement No. 21-49 with Avail Technologies for Maintenance of the Vine Computer Aided Dispatch/Automatic Vehicle Location (CAD/AVL) System

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board authorize amending the Maintenance Support Agreement with Avail Technologies for an amount not to exceed \$166,609.04 for the period August 1, 2021 to July 31, 2022.

EXECUTIVE SUMMARY

Avail Technologies has been NVTA's CAD/AVL contractor since 2014. The existing Maintenance Support Agreement with Avail Technologies expired on July 31, 2021. The new CAD/AVL provider, GMV Syncromatics, has yet to complete the installation of their system so NVTA needs Avail technologies to maintain the existing CAD/AVL system through at least January 31, 2022. This amendment allows Avail to continue support on a quarterly basis. If the new GMV Syncromatics CAD/AVL system is installed and fully operational by January 31, 2022, then the cost of the Agreement No. 21-49 is reduced to \$103,937.22 since the last two quarters of support will not be needed. The amendment will be terminated after two quarters.

FISCAL IMPACT

Period of Support	Quarterly Payments
August 1, 2021 - October 31, 2021	\$51,968.61
November 1, 2021 - January 31, 2022	\$51,968.61
February 1, 2022 - April 30, 2022	\$31,335.91
May 1, 2022 - July 31, 2022	\$31,335.91

Funding Source: Transportation Development Act (TDA) Funds



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVRTA 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: Agreement No. 21-49 with Avail Technologies for Maintenance of the Vine Computer Aided Dispatch/Automatic Vehicle Location (CAD/AVL) System

RECOMMENDATION

That the Napa Valley Transportation Authority (NVRTA) Board authorize Agreement No. 21-49 with Avail Technologies (Attachment 1) for an amount not to exceed \$166,609.04 for the period August 1, 2021 to July 31, 2022.

COMMITTEE RECOMMENDATION

None

BACKGROUND

A fully functioning CAD/AVL system is essential to the Vine public transportation service. A CAD/AVL System allows the location of buses to be tracked and for dispatchers and the public to see the location of the buses in real-time, and integrates a number of other systems such as head signs and cameras, necessary to operate a transit system. NVRTA first purchased a CAD/AVL system in November of 2014 in a joint procurement with Petaluma Transit and Solano County Transit (Soltrans). Only two proposals were received in 2014 and the selection committee recommended the Avail Technologies System. Avail Technologies installed its system on Vine buses in 2015 at a cost of \$2,980,200. Shortly after the installation, NVRTA entered into a Maintenance Support Agreement with Avail Technologies to maintain and service the system. The existing Maintenance Support Agreement expired on July 31, 2021 and NVRTA needs to extend it since the new GMV Syncromatics CAD/AVL system is not fully installed.

NVTA **partnered with** Petaluma Transit and Santa Rosa City Bus on RFP 2020-08, which was released on December 18, 2020. Because of the complexity of modern CAD/AVL systems the agencies also partnered in a Request for Information (RFI) process to establish requirements and vet any potential drawbacks of prospective systems. Only vendors that submitted information packets during the RFI process were invited to submit RFPs. The agencies received five (5) responses. The reviewers collectively rated GMV Syncromatics higher in all areas. NVTA staff ranked GMV Syncromatics the highest and the NVTA Board approved a contract with the firm on March 17, 2021. GMV and NVTA have been working on the transition and the first four pilot buses started operating on the GMV system the first week of November. The rest of the fleet is expected to transition to the GMV system by the end of December 2021, which will enable NVTA to terminate the Avail maintenance contract after the second quarter on January 31, 2022.

ALTERNATIVES

The NVTA Board could decide not to approve Amendment #1 to the Maintenance Support Agreement and Avail would turn off their system. NVTA would not be able to track its buses or validate the service hours completed by TransDev until the new GMV Syncromatics CAD/AVL system was installed

STRATEGIC GOALS MET BY THIS PROPOSAL

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

The CAD/AVL system greatly improves the Vine system's predictability, supports more efficient operations and monitoring.

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

The CAD/AVL systems monitors vehicles performances. Monitoring bus performance reduces emissions caused by poor performing vehicles.

Goal 6– Prioritize the maintenance and rehabilitation of the existing system

The CAD/AVL systems monitors vehicles performances and reduces breakdowns.

ATTACHMENT

(1) Agreement No. 21-49 with Avail Technologies

1 SUPPORT, WARRANTY, & LICENSE AGREEMENT

THIS SUPPORT WARRANTY & LICENSE AGREEMENT “(AGREEMENT)” is made and entered into effective as of **August 1, 2021** (the “Effective Date”), by and between Avail Technologies, Inc., a Pennsylvania corporation located at 1960 Old Gatesburg Road, Suite 200, State College, PA 16803, hereinafter called “AVAIL”, and Napa Valley Transit Authority (NVT A), located at 625 Burnell Street, Napa, CA 94559, hereinafter “PROPERTY”, collectively referred to as the “PARTIES.”

WHEREAS, Avail is the owner of the Software (as defined below) which is licensed to PROPERTY under and pursuant to the terms of this Agreement and all referenced Exhibits; and

WHEREAS, PROPERTY, desires to obtain a license to use the Software solely in its business operations on the terms and conditions set forth in this Agreement; and

WHEREAS, AVAIL has licensed to the PROPERTY certain systems as specified in **Section 2** of this document and PROPERTY wishes to have AVAIL perform maintenance services on the software and associated hardware of the licensed systems pursuant to the terms and conditions of the Agreement.

NOW, THEREFORE, the PROPERTY and AVAIL, in consideration of the mutual covenants, promises, and representations contained herein, the sufficiency of which is hereby acknowledged, the PARTIES hereto agree as follows:

1.1 DESCRIPTION AND TERM

1.1.1 SYSTEMS COVERED

The materials covered in this Agreement are the Hardware and Software required for deployment of AVAIL’s Enterprise Transit Management Software (ETMS), as set forth in **Section 1.11**.

1.1.2 SITES

625 Burnell Street, Napa, CA 94559

1.1.3 TERM

This Agreement shall commence on the Effective Date and will remain in force until the completion of the Term, unless earlier terminated as set forth in **Section 3.2**. The Term will automatically renew for successive periods of twelve (12) months (each, a “Renewal Term”, and the Term and Renewal Term are collectively, the “Term”). Any renewal of term shall be agreed to in writing by the PARTIES at least sixty (60) days prior to the expiration of the current term.

1.2 DEFINITIONS

1.2.1 DOCUMENTATION

“Documentation” shall mean the documentation to which the Software must conform as set forth in the original Project Contract;

1.2.2 ERROR

"Error" shall mean a material and reproducible failure of the Software to function in conformity with the Documentation.

1.2.3 ADDITIONAL SERVICES

"Additional Services" shall mean any service that is not covered by this agreement.

1.2.4 HOSTED SUPPORT

"Hosted Support" (as elected under services in **Section 1.13.1**) shall mean AVAIL will house, implement, maintain and backup the customer fixed-end system on AVAIL owned (or leased) equipment for the duration of the term.

1.2.5 ANNIVERSARY

"Anniversary" shall mean the beginning date of the term and the annual occurrence of that date for the duration of the term.

1.2.6 PROJECT CONTRACT

"Contract" shall mean the original Intelligent Transportation System Project Contract entered into between Avail and PROPERTY

1.2.7 BUG FIXES

"Bug Fixes" shall mean any corrections or upgrades to the Software as development occurs over time.

1.2.8 PURCHASED FEATURE ENHANCEMENTS

"Purchased Feature Enhancements" shall mean any software features developed beyond the documentation for the original Project Contract when and where this system was purchased by PROPERTY.

1.2.9 NEW FEATURE PURCHASES

"New Feature Purchases" are features above and beyond the scope of the original Project Contract that existed and were not purchased at that time OR new features developed after the completion of the original Project Contract.

1.3 PROPERTY SUPPORT PLANS

PROPERTY has elected the level of support set forth in **Section 1.13.1**

1.4 AVAIL RESPONSIBILITIES

During the term of this Agreement, AVAIL shall provide the following support measures ("Support Services")

1.4.1 STANDARD LEVEL OF SUPPORT

The Standard Level of Support of which there are two problem resolution standards (See **Section 1.13.1**):

1.4.1.1 GENERAL PROVISION:

- A. Telephone hot line access for problem and error reporting and response of diagnostic services;
- B. Ability to initiate support requests via e-mail to support@Availtec.com; and
- C. Ability to initiate support requests via Avail Customer Support Portal by visiting <https://www.availtecportal.com>.
- D. AVAIL shall staff their Call Center during regular business hours see **Section 1.13.1**. In case of a support call, AVAIL will want to collect the pertinent information as soon as practical. In the event that AVAIL cannot answer the initial call, a voicemail service shall be operative as a backup system;

1.4.1.2 ROUTINE CARE

- A. AVAIL shall respond to the call as stated in **Section 1.13.1**;
- B. The problem will be entered into the AVAIL tracking system, entering the Caller's Name, Property Locaton and Contact Phone Number;
- C. AVAIL shall keep PROPERTY advised of a plan for resolution of the error as soon as practical; and
- D. If the error occurs after AVAIL business hours, the Caller shall still leave a voice message with the same information as listed above.

1.4.1.3 URGENT CARE

- A. AVAIL will respond to a call as stated in **Section 1.13.2**;
- B. Upon receipt of the call, the Support Team will immediately begin to assess the error and begin the process of resolving the problem. Resolution shall be conveyed to PROPERTY as soon as practical;
- C. The error will be entered into the AVAIL tracking system; and
- D. On-site response for requests for remedial support and diagnostic repair services in response to a problem submitted to Avail shall be pursuant to **Section 1.13.2** of this Agreement.

1.4.1.4 SYSTEM SELF-DIAGNOSTICS AND SELF-HEALING CAPABILITIES

- A. Through the use of the sophisticated Software monitoring system, the system will notify the operations staff of potential system degradation and alerts the on-call staff via message 24 hours / 7 days a week.
- B. Through these same techniques, the system has the capability to self-heal processes that have stalled or failed.

1.5 PROPERTY RESPONSIBILITIES

PROPERTY shall give AVAIL, their full cooperation to facilitate proper and prompt performance of the Support Services and any Additional Services that the PARTIES agree. PROPERTY shall provide:

- A. A key technical contact that shall be familiar with the System and/or Software to provide adequate information and feedback in order to facilitate problem reporting and resolution;
- B. The key technical contact will be aware of the terms and conditions under which AVAIL Systems provides after hours support:
 - I. Promptly notify AVAIL of any error in the System;
 - II. Provide sufficient information for AVAIL to effectively diagnose errors including a detailed description of the issue in text format, an explanation of what the user was doing when the issue occurred, any error messages that the system returned, screen shot images of the error, the current status of the system, a determination if the system is functional, and a state retrieval, if requested;
 - III. Permit AVAIL to take such reasonable steps as AVAIL shall consider necessary to remedy any errors;
 - IV. Allow AVAIL prompt and reasonable access to:
 - a. The Software and Intelligent Transit System (ITS) Server through a Virtual Private Network (VPN) in case of primary server hardware failure and access to other 3rd party systems such as the communications network provider.
 - b. PROPERTY's physical sites, at the locations specified in **Section 1.1.2**.
 - V. Provide a reasonably safe and secure work environment at the site(s) for AVAIL's authorized personnel performing Support Services and Additional Services on-site.
 - VI. PROPERTY shall not permit any person other than authorized AVAIL personnel to make corrections or in any way modify the Software. Any work, repair, replacement, remedial support, emergency support, or correction necessary will be in violation of this provision shall be considered Additional Services.

1.6 SOFTWARE MAINTENANCE

AVAIL shall notify and make available to the PROPERTY all Purchased Feature Enhancement and Bug Fixes to the software for the current software license. The nature and extent of the elements to be included or covered in any Enhancement, or Bug Fix shall be determined solely by AVAIL.

Purchased Feature Enhancements and Bug Fixes will be made available to the PROPERTY at no additional charge other than the costs for additional hardware, configuration, integration, testing, travel and lodging and per diem, provided they are current in their payment of the fees set forth in **Section 4**.

In the event the PROPERTY has elected not to pay the Maintenance and Support Fees, they may obtain updates of a Purchased Feature Enhancements and Bug Fixes by paying the aggregate annual

Maintenance and Support Fees which would otherwise have been due from the date of discontinued Maintenance and Support Services to the date such Purchased Feature Enhancement or Bug Fixes becomes generally available.

As soon as practical, AVAIL will provide the PROPERTY with information relating to any Software New Features during the term of this Agreement. New Feature Purchase shall be negotiated and agreed to in writing, between the PARTIES, prior to any work beginning on the requested task. All reasonable efforts shall be made by the PROPERTY to provide AVAIL access to the individual Software server through the VPN process. Any New Feature Purchases, Purchased Feature Enhancement and Bug Fixes provided shall be governed by all of the terms and provisions of this Agreement.

Upon notification, the PROPERTY shall have six (6) months from receipt of such notice to authorize AVAIL to deliver the product, provided they are current in their payment for Support, Warranty and License Fees. All New Feature Purchases, Purchased Feature Enhancements, or Bug Fixes provided, shall be considered Software for purposes of this Agreement.

AVAIL agrees to provide to the PROPERTY the elected level of support as defined in **Section 1.13.1** for the Software and any subsequent upgrades during the full term of this Agreement (including all renewals) through the Term or any subsequent extension of Maintenance and Support Services; provided that the PROPERTY has paid the applicable Support, Warranty, and License Fees hereunder as and when they become due. AVAIL agrees that its failure to continue to provide such support shall constitute a material breach of this Agreement.

AVAIL agrees to provide to the PROPERTY the Level of Support as stated in **Section 1.13.1** for the Software and any subsequent upgrades during the full term of this Agreement (including all renewals) through the end of this AGREEMENT or any subsequent extension; provided that the PROPERTY has paid the applicable Support Fees hereunder as and when they become due. AVAIL agrees that its failure to continue to provide such support shall constitute a material breach of this Agreement.

1.7 MAINTENANCE AND SUPPORT SERVICES

- A. The PROPERTY shall pay the Support, Warranty, and License Fees set forth, and the PROPERTY will receive technical support for the Term;
- B. Provided the PROPERTY has paid the applicable Support, Warranty, and License Fees, AVAIL shall support the Hardware and Software as set forth in this AGREEMENT;
- C. Corrections - For a period of Twelve (12) months following the release of a Purchased Feature Enhancement upgrade, AVAIL will use reasonable efforts to support any previous Release of that Software program. AVAIL shall advise the PROPERTY as soon as practical, of the intention to discontinue support services of any version of AVAIL software currently in use by the PROPERTY. AVAIL shall also maintain this requirement for the subcontractors they use for this Project;
- D. AVAIL shall have no obligation to correct problems which are traced to any PROPERTY errors, modifications, enhancements, software or hardware.
- E. In the event that AVAIL provides any Additional Services requested by PROPERTY, AVAIL shall invoice for such Additional Services based upon its then-current time and material rates.

PROPERTY shall pay all charges for such Additional Services within thirty (30) days from the date of invoice. Charges for Additional Services may include fees for labor, materials, hardware components, shipping, software, documentation, and/or other products or services and associated expenses, including reasonable travel expenses incurred by AVAIL when providing Additional Services at PROPERTY's request.

- F. Additional Support, Warranty, and License, which shall follow the completion of this AGREEMENT pursuant to **Section 1.1.3**, may be extended for an agreed upon timeframe by the PARTIES. The cost will be at AVAIL's then-current standard Support, Warranty, and License Fees for as long as AVAIL offers such support. The intent is to make payment of the applicable fees in advance of each anniversary. If PROPERTY purchases Support, Warranty, and License for any copy of the Software, it must purchase Support, Warranty and License for all licenses of such Software unless PROPERTY has discontinued the use of certain licenses within the Avail Suite of purchased and installed modules.

1.8 TRAVEL EXPENSES

PROPERTY will reimburse the AVAIL for any reasonable out-of-pocket expenses deemed appropriate and as approved in writing by PROPERTY's staff assigned to this project, including airfare, travel to and from PROPERTY's site, lodging, meals and shipping, as may be necessary in connection with the duties performed under this Agreement by AVAIL. Appropriate expenses shall be limited to those incurred on site visits associated with the performance of this Agreement which shall receive prior written approval from PROPERTY. AVAIL shall submit requests for reimbursement to PROPERTY. Such requests shall be accompanied by documentation substantiating the expense. Invoices for these expenses shall be presented to PROPERTY by AVAIL within fifteen (15) days of the end of the month. PROPERTY will pay these charges within thirty (30) days of the date of the invoice.

1.9 MAINTENANCE AND SUPPORT

- A. AVAIL represents to PROPERTY that all services provided hereunder will be performed in a workmanlike manner.
- B. This Agreement includes the Software and Hardware listed below for the entire Term. If during the duration of this Agreement, any software or hardware were to become obsolete, AVAIL agrees to work with PROPERTY to provide a replacement device and to ensure its downward compatibility with the rest of the deployed system.

1.10 SYSTEM SUPPORT

AVAIL will provide remote and, if necessary, on-site system support as per **Section 1.10.2(B)**, for the Term specified in this Agreement, for all software initially provided by AVAIL for sustaining the accepted system configuration.

1.10.1 PHONE AND REMOTE DIAGNOSTIC SYSTEM SUPPORT

AVAIL will provide consultation to PROPERTY's Key Technical Contact to:

- A. Facilitate remote troubleshooting and solution implementation;

- B. Acquire and review data logs for problem identification via remote access line;
- C. Provide problem analysis and possible resolution;
- D. PROPERTY must maintain remote access capability for AVAIL to diagnose reported software and systems problems. Remote access will be via a VPN connection;
- E. AVAIL can, at PROPERTY's request, assist in arranging for service and support of non-warranted components (i.e. LAN interface to the Communications system and Installation / Removal services). AVAIL will not be responsible for the service call or system repair costs. Such costs will be billed to PROPERTY.

1.10.2 EXCEPTIONS

- A. If it is determined by AVAIL that a hardware or software problem was not due to an AVAIL installed component, PROPERTY will be responsible for all engineering and technical support, time and material costs. All labor will be charged at AVAIL's prevailing rates;
- B. On-site support is not included in the Agreement but is available on a time and material basis. However, AVAIL will provide remote support to PROPERTY without additional charge

1.11 MAINTENANCE AND SUPPORT COMPONENTS

1.11.1 SOFTWARE LICENSES

Item – Description	Qty
Operations <ul style="list-style-type: none"> • Communications • Decision Support • Detours • Dispatch • Pullout Management • Special Events • Yard Management • Vehicle Systems (VHM) • Business Intelligence • NTD Reporting 	Site
Planning & Scheduling <ul style="list-style-type: none"> • Build & Deploy • Geographic Tools • GTFS • Public Messages • Scheduling • Transit Planning • Business Intelligence • NTD Reporting 	Site

myAvail RTPI solution – Web, Mobile Web, SMS, iPhone App, Android App, Alerts, Subscription, Public Service Announcements, site license, internet application	Site
DataPoint	Site

1.11.2 HOSTING SERVICES & LICENSING

Item – Description	Qty
Hosting Services – Azure cloud-hosting for central system software	Site
Hosting Services – Azure cloud-hosting for VoIP	0

Changes in the fleet composition (quantity of connected devices across fleet, supervisors and other users) of PROPERTY will be assessed as devices/users are added/removed. Connected devices will be evaluated semi-annually as the fleet is expanded by PROPERTY and additional fees may be assessed by Avail.

1.11.3 HARDWARE

1.11.3.1 COVERED EQUIPMENT

Item – Description	Qty
Vehicle Logic Unit –IEB/IVU	45
MDT – Vector 9000, mSlate, 10” display	65
RCU/CCM	45
Powefilter	45
PA Amplifier	45
Sunrise Next Stop Sign	45
InfoDev APC System	45
Cradlepoint IBR900 Modems	61
Sierra Wireless RV50 Modems	8
Fleetwatch Wayside Signage	0
Bus-in-a-Box (BIB)	0
Maintenance Test Station (MTS)	0

1.11.3.2 COMMUNICATIONS

Item – Description	Qty
AVL Cellular Data	64
Sign Cellular Data	0
Public Wi-Fi Cellular Data	48

Changes in the fleet composition and cellular data needs of PROPERTY will be assessed as vehicles are added/removed. Data usage will be evaluated semi-annually as the fleet and data usage is expanded by PROPERTY and additional data fees may be assessed by Avail to cover usage.

1.11.4 THIRD-PARTY

1.11.4.1 COVERED THIRD-PARTY SOFTWARE

Item – Description	Qty

1.11.4.2 COVERED THIRD-PARTY HARDWARE

Item – Description	Qty

Products deemed defective will be repaired at no additional cost for parts, material and labor. Products will be replaced, instead of repaired, at AVAIL discretion.

1.11.5 SYSTEM MAINTENANCE

- A. PROPERTY is responsible for equipment replacement as required for all installed equipment including:
 - I. In-vehicle equipment;
 - II. Wireless modem;
 - III. Wireless LAN;
 - IV. Wayside Sign Component modules
- B. System Maintenance includes removal of equipment, replacement with a spare, initial triage diagnostics and shipping to a designated repair point. Any item returned to AVAIL must follow AVAIL's RMA procedures;
 - I. PROPERTY is responsible for shipping cost to AVAIL or designated repair point. AVAIL will return ship at AVAIL's expense.

1.11.5.1 EXCEPTIONS:

- A. Non-technical hardware items such as batteries, racks, cables, connectors, mounts, handsets, speakers, antennas, sign audio buttons, KVM switches, network switches, memory storage media, panels and punch blocks are wear items and are not covered beyond the Vehicle Installation Support;
- B. AVAIL is not responsible for:

- I. Hardware and Software that are not used and serviced according to the training and instructions provided by AVAIL;
- II. Products that have been altered, repaired or modified without prior consent from AVAIL;
 - a. Products damaged by any third-party equipment or intervention, force of nature or other conditions not In AVAIL's control;
 - b. Products damaged due to negligence or abuse.
 - c. Cost, loss or damages resulting from the use of AVAIL supplied products, including but not limited to, loss of time, inconvenience and loss of production;
 - d. Shipping and shipping related costs of products mailed to AVAIL;
 - e. Costs associated with parts, materials and labor provided by PROPERTY's Maintenance personnel.
- C. AVAIL may evaluate items not covered under Maintenance and Support and an assessment will be provided to PROPERTY. If PROPERTY agrees with the assessment, they will be charged for the labor to complete the evaluation, shipping and shipping related costs, parts and materials used and repair labor. If PROPERTY elects not to repair the item, only the labor required for the assessment will be charged. All labor is charged at AVAIL's prevailing rates for the required skill level.

1.11.5.2 *TIME AND MATERIAL CHARGES FOR NON-SUPPORTED HARDWARE REPAIRS OR SUPPORT*

- A. To maintain system support coverage, all systems hardware must be returned to AVAIL for repair or approved for repair by AVAIL at a specified repair facility;
- B. Any returned unit may be repaired or replaced at the sole discretion of AVAIL;
- C. AVAIL will charge a minimum of one (1) hour for each issue or return with subsequent increments billed at one-quarter (1/4) hour intervals at AVAIL's prevailing rate charges (Please refer to **Section 1.13.1**);
- D. Charges for non-supported repair / replacement or support will include the prevailing Preferred Customer rates (subjected to periodic updates).
- E. Travel and associated travel labor costs for on-site work (if required) are not included and will be invoiced to PROPERTY at travel costs shall be pursuant to **Section 1.8** of this Agreement. An estimate of on-site costs will be provided prior to any travel expenses being incurred.

1.11.5.3 *INSTALLATION*

Vehicle Installations 90 – Days

1.11.5.4 *SYSTEM MAINTENANCE LOGGING*

All system maintenance or repair information, whether Hardware or Software, is collected and recorded via CRM Case Logs entry, RMA Tracking for Hardware and configuration management tools for Software.

1.12 LIMITS OF MAINTENANCE & SUPPORT PLAN

The maintenance and support set forth in this agreement is a limited maintenance and support plan. The hardware and software included under the initial installation, new feature purchases, purchased feature enhancements or bug fixes, are subject to the representations, warranties, indemnifications, limitations and disclaimers set forth in the Agreement.

1.13 AVAILABLE CUSTOMER SUPPORT PLANS

1.13.1 MAINTENANCE AND SUPPORT PLAN

Plan	Description
Standard Business and Extended Hours <input checked="" type="checkbox"/>	<ul style="list-style-type: none">• Routine Care and Urgent Care are provided during standard business hours.• If needed for a non-covered item, Time and Material charge mechanism must be in place <u>before</u> work will commence• Urgent Care response 24/7 access to the Avail Support Team which includes Standard Business Hours Support and all NON-business hours of coverage to support Urgent Care needs.• A customer support line to contact the on-duty support engineer at Avail.• The continuation of Urgent Care resolution after Standard Business Hours.
Hosted System <input checked="" type="checkbox"/>	<ul style="list-style-type: none">• Includes all features of Standard Business Hour Support and Extended Hours Support• Avail operates and maintains the fixed end computer system in our dedicated data center operation• Avail connects to your high-speed communications interface provider• Avail maintains system backup services and operational system redundancy• Includes system hardware maintenance and software release maintenance and upgrades• Avail provides the staff for operation and maintenance of the computer system at the hosted location

PROBLEM RESOLUTION STANDARDS

PRIORITY	DEFINITION
Low	A nuisance issue which is not causing a significant impact on system performance or interfering with the work of the customer.
Medium	A support ticket that does not have a significant impact on system performance or interfering with the work of the customer.
High	A support ticket that has a significant impact on the system performance and/or which has a significant impact on the customer and/or is public facing.
Critical	System outage

Priority Level	Normal Business Hours		Outside Business Hours	
	Response Time	Resolution Time	Response Time	Resolution Time
Critical	15 minutes	2 hours	1 hour	4 hours
High	2 hours	1 business day	4 hours	1 business day
Medium	1 business day	5 business days	1 business day	5 business days
Low	1 business day	10 business days	1 business day	10 business days

1.14 REPORTING PROCESS

- C. **Critical or Urgent issues such as an outage should be reported via phone to 814-234-3394 x1050**
 - I. Outside normal business hours (7 am to 8 pm Eastern Time)
 - a. 814-234-3394 x1050, then press 1
- D. RMA Requests, Low/Medium priority issues can be submitted via customer portal, email or phone.
 - I. Portal - <https://www.availtecportal.com>
 - II. Email – support@availtec.com
 - III. Phone – 814-234-3394 x1050
- E. If no answer at the Call Center, be sure to leave caller name, property name and contact phone number, description of problem;

1.15 STANDARD BUSINESS HOURS

- A. Monday through Friday;
- B. 7:30 AM to 7:30 PM EST;
- C. The following national holidays are excluded.

January 1 st	Presidents Day
Memorial Day	July 4 th
Labor Day	Thanksgiving Day
Friday Immediately after Thanksgiving	Christmas Eve -Dec. 24 th
Christmas Day – Dec. 25 th	

NOTE: If the Holiday falls on a **Saturday**, AVAIL is closed on the **preceding Friday**.

NOTE: If a Holiday falls on a **Sunday**, AVAIL is closed on the **following Monday**

1.16 WORKFLOW

Upon receipt of an issue, AVAIL support staff will begin documentation of the issue. The documentation shall record all pertinent information that has been received either by telephone or email. Following completion of the gathering of information regarding the problem, AVAIL support staff will categorize the issue and communicate the target action back to PROPERTY contact.

Once a problem has been identified, AVAIL support staff will work with AVAIL or third-party engineering staff to determine an appropriate solution timeframe. Once the solution has been tested and proven viable, AVAIL support staff will contact PROPERTY to make arrangements for implementation. In the event the solution cannot be tested and implemented within the timeframe that was initially communicated to

PROPERTY, AVAIL support staff will attempt to implement a workaround for PROPERTY while pursuing resolution. In all cases, AVAIL will attempt to minimize the amount of time necessary to resolve the issue.

If AVAIL personnel cannot recreate the problem in the lab configuration, additional information may be required from PROPERTY. This may include but is not limited to screen shots in .bmp or .jpg format and/or retrieval of files from the affected software.

AVAIL will endeavor to resolve any system problems remotely through use of a Virtual Private Network (VPN). If both parties deem it necessary to travel to PROPERTY premises to resolve the problem, the on-site engineering /technical support services are included in this Agreement. The cost for the travel and living expenses shall be agreed upon in advance between the PARTIES. The engineering / technical support services rendered will be billed to PROPERTY if it is determined while on site that the problem resolution was not due to AVAIL's inability to re-create and resolve the problem remotely.

2 SOFTWARE

2.1 LICENSE TO USE SOFTWARE

2.1.1 DESCRIPTION

In consideration of the licenses set forth in the Agreement, and subject to termination as provided **Section 1.13.2**, Avail grants to Property a nonexclusive, nontransferable site license for authorized Property employees (users) and vehicles (as provided in **Section 2.1.2** below) to use the Avail Enterprise Transit Management Software (ETMS).

THE SOFTWARE IS COPYRIGHTED AND LICENSED (NOT SOLD). AVAIL DOES NOT SELL OR TRANSFER TITLE TO, OR ANY OWNERSHIP INTEREST IN, THE SOFTWARE OR DOCUMENTATION TO PROPERTY. PROPERTY'S LICENSE OF THE SOFTWARE WILL NOT COMMENCE UNTIL PROPERTY HAS EXECUTED THIS AGREEMENT AND AN AUTHORIZED REPRESENTATIVE OF AVAIL HAS RECEIVED, APPROVED AND EXECUTED A COPY OF IT AS EXECUTED BY PROPERTY.

2.1.2 SCOPE OF PERMITTED USE

Pursuant to **Section 1.11** – PROPERTY agrees that it may allow its designated employees or computers (Users) access to the software and may manage all authorized vehicles in the Software.

2.1.3 SCOPE OF LICENSE RIGHTS; RESTRICTIONS

- A. The license granted to PROPERTY under this Agreement entitles PROPERTY to use, and PROPERTY agrees to use, the Software and Documentation solely as set forth in this **Section 2.1.3 (A)(I)** through **Section 2.1.3 (A) (IV)**:
 - I Store, install and access the Software, in machine readable form, through an internal network using those computers and software specified in the Agreement, or access the Software via the Internet, but in either case only for use by the PROPERTY site's authorized and designated users and only for the purpose of serving the internal needs of the business of PROPERTY;

- II In support of PROPERTY's authorized use of the Software, store the Software's machine-readable instructions or data in, transmit it through, and display it on machines associated with the computer(s) specified in this Agreement;
 - III Make two (2) copies of the Software in machine-readable, object code form, for nonproductive backup purposes only, provided that and,
 - IV Use the Documentation solely to assist PROPERTY in its authorized use of the Software.
- B. The license granted to PROPERTY under this Agreement does not grant to PROPERTY the right to;
- I Copy (except as expressly permitted in **Section 2.1.3 (A)(III)** above), change, disassemble, decompile, reverse engineer, sublicense, assign, timeshare, sell, give away, loan, rent, lease, transfer (electronically or otherwise), display, disclose, or provide any third party with access to or use of, the Software; directly or indirectly create or attempt to create software that emulates the Software; prepare derivative works of the Software: or separate the components of the Software;
 - II Copy or provide any third party with access to or use of any of the Documentation without the prior written consent of Avail;
 - III Transfer any of PROPERTY's rights or obligations under this Agreement without the express, advance, written consent of an officer of Avail, and then only if:
 - i. PROPERTY keeps no copies of the Software or Documentation;
 - ii. PROPERTY transfers PROPERTY's entire rights and obligations under this Agreement in or to the Software and Documentation; and,
 - iii. The transferee agrees in writing to the terms and conditions of this Agreement, after which time PROPERTY will no longer have the right to use the Software. Any attempted transfer or assignment of any of PROPERTY's rights or obligations under this Agreement shall be null and void unless it is in full compliance with this **Section 2.1.3 (B)(III)**;
 - IV Remove any proprietary or copyright legend from any material contained in or on the Software or the Documentation.
 - V Publish or disclose to any third party any reports or the results of any benchmark tests run on the Software or its components; or,
 - VI Use any trademarks or service marks of Avail.

2.1.4 LIMITED WARRANTY AND LIMITATION OF WARRANTIES

- A. Subject to the conditions and limitations set forth herein, Avail warrants for a period set forth in **Section 1.1.3** immediately following the System Acceptance of the Software (the "Term") that the Software will substantially conform in all material respects to the documentation set forth in the Project Contract. Subject to the provisions and limitations set forth herein, Avail will correct any such nonconforming Software if PROPERTY has notified Avail of such nonconformity in writing within the Term. Avail shall not be obligated to correct, cure or otherwise remedy any such

nonconformity in the Software if PROPERTY has not reported to Avail the existence and nature of such nonconformity within the Term, and such nonconformity cannot be verified.

- B. The limited warranty set forth in **Section 2.1.3 (A)** above does not apply to any Software that has been repaired or modified by persons other than Avail or its authorized agents, or that has been installed by PROPERTY or any of its independent contractors other than Avail. The foregoing warranty is conditioned upon the proper use of the Software in accordance with the terms and conditions of this Agreement and with Avail's User Manual and any other written instructions provided by Avail to PROPERTY, and in an operating environment in compliance with the documentation and requirements as set forth in this Agreement. Avail makes no warranty that the operation of the Software will be uninterrupted or error free, or that all Software defects will be corrected.
- C. Avail makes no warranty that the Software will operate with all applications, utilities, or other memory resident programs.
- D. Avail shall not be responsible for any obsolescence of the Software for any reason. Furthermore, Avail assumes no responsibility for the use of superseded, outdated or uncorrected versions of the Software.

2.1.5 PROPRIETARY PROTECTION AND RESTRICTIONS

- A. PROPERTY acknowledges and agrees that the Software and Documentation is the sole property of Avail and contains copyrighted, confidential and trade secret information, and that as between Avail and PROPERTY, Avail shall have the sole and exclusive ownership of all right, title and interest in and to the Software and Documentation, (including ownership of all trade secrets, confidential information and copyrights pertaining thereto), subject only to the rights and privileges expressly granted to PROPERTY herein by Avail. PROPERTY must and will keep the Software and Documentation free and clear of all claims, liens and encumbrances of any nature whatsoever. PROPERTY will keep the Software and Documentation in confidence and will take all reasonable measures necessary to protect and maintain the confidential and proprietary character of the Software and Documentation. Furthermore, PROPERTY will indemnify and hold Avail harmless from and against all losses and damages resulting from any unauthorized or improper disclosure, dissemination or use of the Software as a result, in whole or in part, of PROPERTY's action or inaction.
- B. PROPERTY hereby authorizes Avail to enter PROPERTY's premises in order to inspect the Software in any reasonable manner during regular business hours to verify Property's compliance with the terms of this Agreement. PROPERTY will cooperate fully with Avail and promptly provide Avail and its agents with full access to its facilities, and will engage in no acts or omissions to hinder or delay Avail's access to Property's premises and computers or the inspection thereof.
- C. PROPERTY acknowledges that, in the event of PROPERTY's breach of any of the provisions of this Agreement, Avail will not have an adequate remedy in money or damages. Avail shall therefore be entitled to obtain an injunction against such breach from any court of competent jurisdiction immediately upon request. Avail's right to obtain injunctive relief shall not limit its right to seek further remedies.

2.1.6 AGREEMENT SERVICES

2.1.6.1 TRADITIONAL & WARRANTY & SUPPORT PLAN

To Ensure System Reliability

- A. *Includes standard phone, email, and remote debugging support*
- ~~B. *24 hours of remote training annually*~~
- C. *Access to training documents and video library*

2.1.6.2 SOFTWARE UPGRADES

To keep your software current with the latest features

- ~~A. *Includes software updates to latest release*~~
- ~~B. *Includes training on new features and reports*~~

2.1.6.3 FOLLOW-UP ADOPTION SUPPORT TRAINING (FAST)

And finally, our exclusive **Follow-on Adoption Support Training (FAST)** to ensure your software is being adopted for maximum return on your technology investment

- A. *Includes invitation to our Quarterly Webinars*
- ~~B. *Includes annual onsite assessments*~~
- ~~C. *Includes invitation to Annual FAST user conference*~~

3 GENERAL TERMS

3.1 LIMITATION OF LIABILITY

- A. Except with respect to the obligations of Avail, in no event shall Avail's liability for any reason and upon any cause of action under the software license agreement exceed the maintenance and support fees paid by PROPERTY to Avail;
- B. Aside from the provisions listed in the Agreement Avail shall not be liable for any loss of profits, any incidental, special, exemplary or consequential damages; or any claims or demands brought against property or any third party.
- C. The PARTIES shall not rely upon and shall not grant any means of remedy arising from any statement, representation, maintenance and support or understanding of any person other than as expressly set out in this agreement.
- D. EXCEPT FOR ANY LIABILITY ARISING UNDER **SECTION 2.1.5**, THE CUMULATIVE LIABILITY OF AVAIL TO PROPERTY FOR ALL CLAIMS RELATING TO THE SOFTWARE AND THIS AGREEMENT, INCLUDING ANY CAUSE OF ACTION SOUNDING IN CONTRACT, TORT OR STRICT LIABILITY, SHALL NOT EXCEED THE TOTAL AMOUNT OF ALL LICENSE FEES PAID TO AVAIL HEREUNDER. THIS LIMITATION OF

LIABILITY IS INTENDED TO APPLY WITHOUT REGARD TO WHETHER OTHER PROVISIONS OF THIS AGREEMENT HAVE BEEN BREACHED OR HAVE PROVEN INEFFECTIVE. AVAIL SHALL HAVE NO LIABILITY FOR LOSS OF DATA OR DOCUMENTATION, IT BEING UNDERSTOOD THAT PROPERTY IS RESPONSIBLE FOR REASONABLE BACKUP PRECAUTIONS.

- E. IN NO EVENT SHALL AVAIL BE LIABLE FOR ANY LOSS OF PROFITS; ANY INCIDENTAL, SPECIAL, EXEMPLARY OR CONSEQUENTIAL DAMAGES; OR ANY CLAIMS OR DEMANDS BROUGHT AGAINST PROPERTY OR ANY THIRD PARTY, EVEN IF AVAIL HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH CLAIMS OR DEMANDS. THIS LIMITATION UPON DAMAGES AND CLAIMS IS INTENDED TO APPLY WITHOUT REGARD TO WHETHER OTHER PROVISIONS OF THIS AGREEMENT HAVE BEEN BREACHED OR HAVE PROVEN INEFFECTIVE.
- F. Avail and PROPERTY do not rely on and shall have no remedy arising from any statement, representation, warranty or understanding (whether negligently or innocently made) of any person (whether party to this Agreement or not) other than as expressly set out in this Agreement.

3.2 TERMINATION

- A. Notwithstanding the foregoing, all provisions here of relating to confidentiality, proprietary rights, nondisclosure, indemnity and limitations of liability shall survive the termination of this agreement. In the event of termination under this paragraph, PROPERTY will not be entitled to any refund of any portion of the fees paid to Avail under this agreement, unless Avail:
 - I. Materially breaches this agreement and fails to cure such breach within thirty (30) days after notice from PROPERTY;
 - II. Delivers a notice that the software has been declared obsolete or withdrawn from sale;
 - III. Otherwise discontinues providing standard level of support for the myAvail software suite:
 - a. Avail shall refund to PROPERTY an amount equal to the aggregate support charges paid by PROPERTY for the time during which the standard level of support services was not provided to PROPERTY.

3.3 INDEMNITY

If a third-party claims that the Software or Documentation infringes any patent, copyright, trade secret, or any similar intellectual property right, Avail will defend PROPERTY against such claim at Avail's expense and will pay all damages that a court finally awards, provided that PROPERTY promptly notifies Avail in writing of the claim, cooperates fully with Avail in the defense of any such claims, and allows Avail to control the defense thereof and/or any related settlement negotiations. If such a claim is made or appears possible, Avail will, at its option and expense, either: (i) procure for PROPERTY the right to continue using the Software and/or Documentation; (ii) replace or modify the Software or Documentation so that it becomes non-infringing; or, (iii) if it is not possible or in Avail's sole discretion is not economically feasible for Avail to so procure such right or so replace or modify the Software, require the return of the Software and upon such return repay to PROPERTY the unused portion of the applicable license fee amortized over a 3 year period from the Effective Date and any annual technical support fees paid by PROPERTY for the

remainder of the then current Term for such technical support services. However, Avail shall have no obligation for any claim based on PROPERTY's modification of the Software or Documentation or its combination, operation or use with any product, data or apparatus not specified or provided by Avail. THIS PARAGRAPH STATES AVAIL'S ENTIRE OBLIGATION TO PROPERTY WITH RESPECT TO ANY CLAIM OF INFRINGEMENT.

3.4 EXPORT AND GOVERNMENT USE RESTRICTIONS

PROPERTY agrees that it will not export or re-export the Software, any part thereof, (the foregoing is referred to as the "Restricted Components"), to any country, person or entity subject to United States export restrictions. Furthermore, PROPERTY agrees to comply with all of the export and re-export restrictions and regulations imposed by the governments of the United States and/or any country to which the Software is shipped. Use, duplication or disclosure by the government is subject to restrictions as set forth in DFARS 252.227-7013 or the Commercial Computer Software - Restricted Rights at 48 CFR 52.227-19. The terms of this Section shall survive the termination or expiration of this Agreement.

3.5 INCORPORATION OF OTHER SOFTWARE

The Software may incorporate material or components which are owned by third parties and which are used by agreement between Avail and such third parties. PROPERTY acknowledges and agrees that any third-party owner of such materials or components is a direct and intended third party beneficiary of this Agreement who may enforce this Agreement directly against PROPERTY.

3.6 ASSIGNMENT

This Agreement shall be binding upon and shall inure to the benefit of and be enforceable by the PARTIES and their respective successors and permitted assigns. Except as otherwise provided herein, this Agreement may not be assigned by PROPERTY without the prior written consent of Avail and upon payment of an assignment fee.

3.7 SEVERABILITY

Should any one or more of the provisions of this Agreement be determined to be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions hereof shall not in any way be adversely affected or impaired thereby. The Party shall endeavor to replace the invalid, illegal or unenforceable provisions with valid provisions the economic effect of which comes as close as practicable to that of the unenforceable provisions.

3.8 NO THIRD-PARTY RIGHTS

Except as otherwise expressly provided herein, the representations, warranties, covenants and agreements contained in this Agreement are for the sole benefit of the PARTIES and their respective successors and permitted assigns, and they shall not be construed as conferring any rights on any other persons.

3.9 CONFIDENTIALITY

- A. "Confidential Information" is hereby designated as "trade secrets" and is defined as the following:
 - I. Any information or data in the form of specifications, technical information or otherwise furnished to PROPERTY under this Agreement;
 - II. The business or technical information of AVAIL, including but not limited to any information relating to AVAIL's product plans, designs, costs, finances, marketing plans, business opportunities, personnel, research, development or know-how; and
 - III. Any other information reasonably and appropriately designated in writing by AVAIL as "trade secret" which, under the circumstances taken as a whole, would reasonably be deemed to be confidential under applicable law.
- B. Confidential information shall not include information that
 - I. Is in or enters the public domain without PROPERTY's breach of the Agreement;
 - II. PROPERTY receives from a third party without restriction on disclosure and without breach of a nondisclosure obligation; or
 - III. PROPERTY develops independently, which it can prove with clear and convincing written evidence.
- C. PROPERTY agrees, to take all measures reasonably required to maintain the confidentiality of all confidential information in its possession or control, which will in no event be less than the measures the PROPERTY uses to maintain the confidentiality of its own information of equal importance. PROPERTY further agrees to only use Confidential Information disclosed in connection with this Agreement solely to exercise its rights and perform its obligations under the Agreement.
- D. PROPERTY agrees to inform its employees of their confidentiality obligations regarding the Licensed Program and any other Confidential Information of AVAIL. PROPERTY further agrees to ensure that contract employees (including temporary employees) of PROPERTY agree to confidentiality obligations similar to those of this Agreement.
- E. In the event of a third-party challenge to the Confidential Information, AVAIL shall provide the PROPERTY with any evidence deemed necessary to successfully defend the legal challenge and establish that the Confidential Information meets the criteria.

4 PRICING & PAYMENT TERMS (CONFIDENTIAL & PROPRIETARY)

PROPERTY will be invoiced one month prior to the start of the next anniversary date. Payment is due thirty (30) days from invoice date.

Period of Support	Quarterly Payment	Quarterly Payment (w/ reduction of 4 vehicles)
August 1, 2021 - October 31, 2021	\$ 52,593.61	\$ 51,968.61
November 1, 2021 - January 31, 2022	\$ 52,593.61	\$ 51,968.61
February 1, 2022 - April 30, 2022	\$ 31,960.91	\$ 31,335.91
May 1, 2022 - July 31, 2022	\$ 31,960.91	\$ 31,335.91
Total Price	\$169,109.04	\$166,609.04
Election		X

***By executing this agreement, NVTa is committing to a support term of no less than August 1,2021-January 31,2022, additional quarterly or monthly options may be considered optional.

4.1.1 MONTHLY PRICING (CONFIDENTIAL & PROPRIETARY)

Should Napa still need Avail support, warranty, licensing services post-July 31, 2022, Napa commits to the pricing shown billed on a monthly basis. Payment is due thirty (30) days from invoice date. Invoice date will be one month prior to next support start date ie August 1,2022 milestone will be issued July 1, 2022.

Monthly Payment On-Going after July 31, 2022	\$ 16,206.28
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5 ENTIRE AGREEMENT

This Agreement constitutes the entire agreement among the PARTIES relating to the subject matter hereof, and supersedes all prior and contemporaneous negotiations, writings, agreements, warranties, guarantees, whether written or oral, express or implied, relating to the subject matter of this Agreement. The PARTIES may, by mutual written agreement and in no other manner, modify or amend the terms of this Agreement. The failure or delay of any Party at any time or times to require the performance of any provision of this Agreement shall in no manner affect its right to enforce that provision. No single or partial waiver by any Party of any condition of this Agreement, or the breach of any term, agreement or covenant of, or the inaccuracy of any representation or warranty in, this Agreement, whether by conduct or otherwise, in any one or more instances, shall be construed or deemed to be a further or continuing waiver of any such condition, breach or inaccuracy or a waiver of any other condition, breach or inaccuracy.

IN WITNESS **WHEREOF**, the PARTIES have executed this Agreement effective as of the date first above written.

AVAIL:

AVAIL Technologies, Inc.



Signature: _____

Name: Kerry Couch

Title: Chief Financial Officer

Date: September 28, 2021

PROPERTY:

Napa Valley Transit Authority (NVTA)

Signature: _____

Name: Kate Miller

Title: Executive Director

Date: _____

ATTACHMENT A – AZURE HOSTING SCOPE

Avail partners with Microsoft Azure because our deployment model for updates, bug tracking, feature rollouts is through Microsoft's DevOps, where we can 'automatically' push updates, patches, and bug-fixes, with a click of a button. Avail has adopted highly agile DevOps practices when it comes to development and maintenance of software. Azure allows us to make



changes and updates in a prompt time without there being a lag. It comes with integrated tools for tracking, fixing, and deploying new features and fixes in the Microsoft Azure platform.

5.1 AGENCY INVOLVEMENT

Despite being a hosted services customer, there are IT tasks that remain the responsibility of your property. These responsibilities include dispatcher workstations, wireless access points or another other auxiliary hardware housed on-site that supports the use of the system. Please reference your Maintenance and Support Agreement for specific responsibilities and equipment coverages. The general responsibilities include:

- ✓ Ensuring the availability of sufficient internet bandwidth.
- ✓ Maintaining the Operating System on your workstations.
 - Apply security patches as they are published.
 - Update the operating system after approval by Avail.
- ✓ Maintain the workstation hardware.
 - Equipment under warranty.
 - Report all hardware issues to Avail.
 - Allow access to the equipment by an Avail authorized service person.
 - Install replacement equipment if provided by Avail.
 - If Avail Support and Maintenance Agreement excludes the workstations
 - Maintain and replace hardware as needed.

5.1.1 DESKTOP SPECIFICATIONS

The **myAvail** suite of software can run on most modern desktop PCs and laptops. Avail recommends the following specifications for a computer.

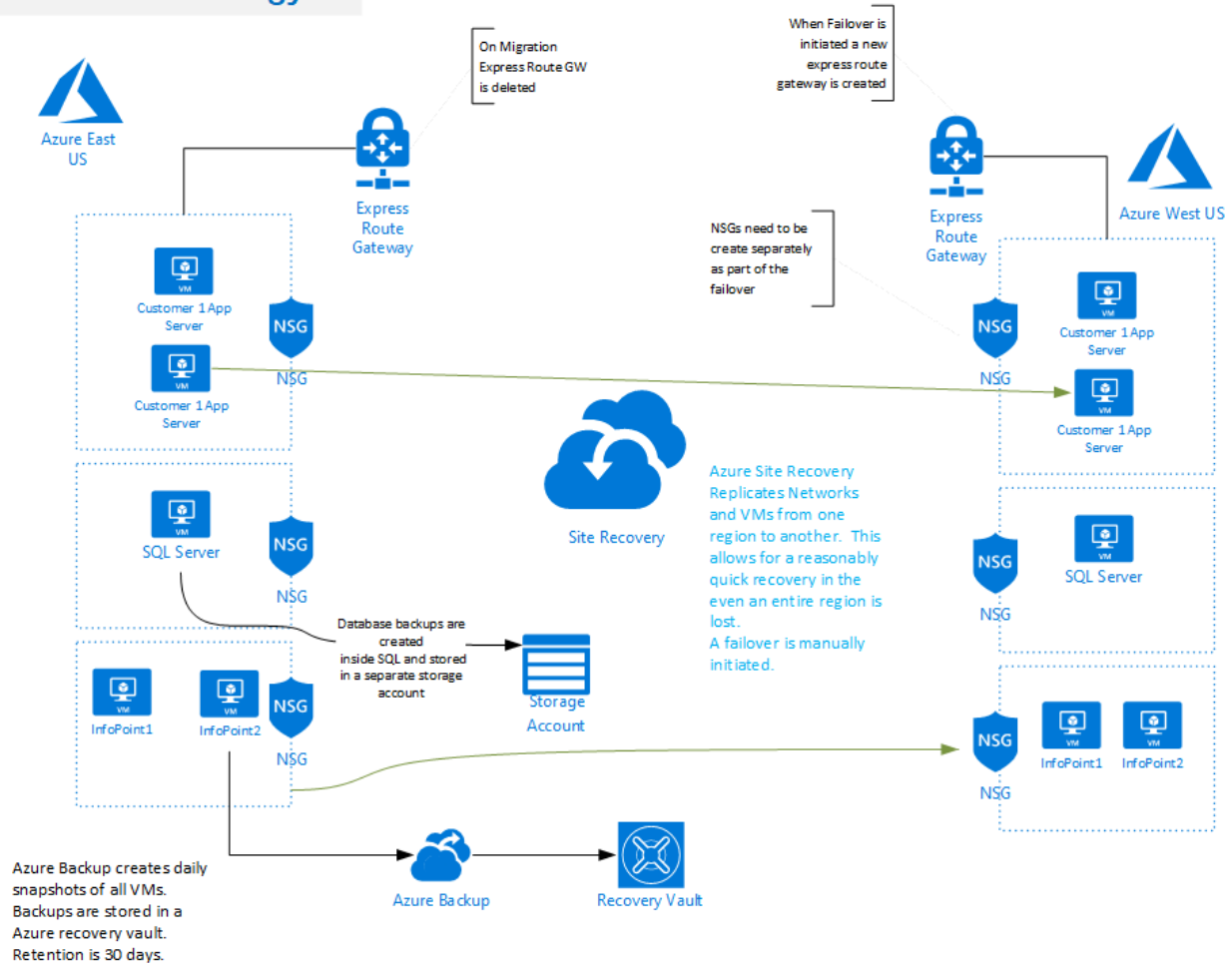
Dell OptiPlex 7050 (or equivalent)

- ✓ Quad Core CPU
- ✓ 8 GB of Ram
- ✓ 128 GB Hard Drive
- ✓ Windows 10
- ✓ Dedicated Graphics Card Recommended

5.1.2 DISASTER RECOVERY AND BACKUP

Avail utilizes several of the robust Microsoft Azure disaster recovery tools in our system to ensure that your data is safe, protected, and highly available. We begin by backing up your databases to secure redundant cloud storage daily. SQL server logs are backed up to the same storage hourly. Secondly, each VM in your system is backed daily using the Azure Cloud Backup Service. Each backup is encrypted and stored in an Azure Recovery Services Vault. The Azure Recovery Vault keeps the last two active backups as snapshots in hot storage so that your system can be restored in a matter of minutes without having to copy data to from cold to hot storage. Avail maintains 30 days of full backups for all VMs in the system. The third layer of protection we employ protects against a region outage in the Azure platform. Avail uses the Azure Site Recovery feature to replicate the environment from one region to another, normally on the other side of the country. This replication allows Avail deal with both planned and unplanned outages as they arise. The replication feature also has the additional benefit of being able to spin up a test system that exactly matches your deployed system in an isolated environment.

DR Methodology



5.2 COMPLETION SCOPE

5.2.1 AVAIL RESPONSIBILITIES

- 1) Avail will work the NVTa to develop a project schedule and timeline agreeable to both parties
- 2) Avail shall deploy the desired technologies following a similar Systems Engineering approach as we have done with NVTa on our previous ITS deployments, with an assigned team, project schedule, regular status calls, etc.
- 3) Avail will setup the new myAvail backend on the Azure Cloud-Hosted environment
- 4) myAvail data will be ported from the existing servers to the new environment
- 5) Avail will test system configurations in myAvail with data in the new environment
- 6) Avail will have a team on-site to support the backend upgrade and the vehicle configuration changes.

- 7) Configure existing cellular vehicles to communicate with the cellular network that is connected to the new cloud-hosted backend.

5.2.2 NVTa RESPONSIBILITIES

- 1) Attend scheduled meetings
- 2) Assign primary point of contact
- 3) Work with Avail IT to build an IPSEC tunnel to Avail's Azure environment for bulk vehicle updates.
- 4) Coordinate communication with cellular account representatives
- 5) Attend myAvail training

5.2.3 COMPLETION REQUIREMENTS

- 1) Hosting go-live and vehicles connect to the new backend
- 2) Old server equipment can be fully decommissioned



NAPA VALLEY TRANSPORTATION AUTHORITY

COVER MEMO

SUBJECT

Amendment #4 to Project Work Order No. E-14 to NVTA Agreement No. 18-21 with GHD Inc. for Professional Engineering services for Design Plans, Specifications and Estimates (PS&E) Phase Services the Soscol Junction Project.

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board direct the Executive Director, or designee to execute and make minor modifications to Amendment #4 to Work Order No. E-14 to NVTA Agreement No. 18-21 with GHD Inc. for an amount not to exceed \$75,000 to provide additional services during the PS&E phase and engineering support during bid and construction.

EXECUTIVE SUMMARY

NVTA Board authorized the PS&E work and GHD contract for a not to exceed amount of \$3,119,299 in April 2020. GHD **has** exhausted the approved amount of \$3,119,299 as of Amendment #3. This additional scope includes design modifications for alignment changes to avoid impacts to Suscol Creek, engineering support to respond to bid queries, other minor design changes, and to provide as-built drawings upon project completion.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes, \$75,000
Is it currently budgeted?	Yes
Where is it budgeted?	Caltrans (PS&E phase) - \$300,000 is being transferred from Caltrans to NVTA (a part of the total allocation of \$1,700,000 for PS&E).



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVRTA Board of Directors

FROM: Kate Miller, Executive Director

REPORT BY: Sanjay Mishra, Program Manager-Engineering & Projects
(707) 259-5951 / Email: smishra@nvta.ca.gov

SUBJECT: Amendment #4 to Project Work Order No. E-14 to NVRTA Agreement No. 18-21 with GHD Inc. to provide Professional Engineering services for Design Plans, Specifications and Estimates (PS&E) Phase Services the Soscol Junction Project

RECOMMENDATION

That the Napa Valley Transportation Authority (NVRTA) Board direct the Executive Director, or designee to execute and make minor modifications to Amendment #4 to Work Order No. E-14 to NVRTA Agreement No. 18-21 with GHD Inc. for an amount not to exceed \$75,000 to provide additional services during the PS&E phase and engineering support during bid and construction.

COMMITTEE RECOMMENDATION

None

BACKGROUND

The Soscol Junction Project will provide safety, access, and operational improvements for traffic, pedestrian and bicycle operations at Soscol Junction in Napa County. This project is located at the intersection of State Route (SR) 29 and SR 221, near the City of Napa, in Napa County. It ranges from postmile (PM) R6.04 to R6.48, along SR 29 and PM 0.00 to 0.12, along SR 221. The project will replace the current at-grade, signal controlled intersection with a grade separated interchange. It will consist of elevating SR 29 above SR 221 with an undercrossing structure and constructing three ramps. The northbound SR 29 to northbound SR 221 movement will be satisfied by the SR 29/SR 221 bypass, an existing feature to remain from the current configuration. Flanking the undercrossing will be two, modern, single lane-multilane hybrid roundabouts. The

southernmost roundabout contains a right turn bypass at the southbound SR 29 off-ramp approach.

The Project Approval and Environmental Document (PA&ED) phase of the project is complete and a single build alternative is being pursued. Caltrans published the Draft Environmental Document "State Route 29/State Route 221 Soscol Junction Improvement Project - Initial Study with Proposed Mitigated Negative Declaration / Environmental Assessment with Finding of No Significant Impact" and received public comments. Caltrans signed the Final Environmental Document (FED) on February 2020.

NVTA has been working with Caltrans on the Soscol Junction Project for PA&ED phase and hired GHD to help conceptualize the current build (roundabout and bridge for SR 29) option. NVTA negotiated and agreed to split the PS&E tasks between the Consultant and Caltrans. This significantly improved the overall cost of the phase since Caltrans agreed to waive the oversight and review fee and because it creates an additional incentive for Caltrans to support the project.

Caltrans' scope of work completes the structures PS&E and environmental permitting, landscaping and erosion control PS&E, develop special provisions, complete material recommendations, advertise, award, and administer the for the Construction phase. Caltrans is also responsible for hazmat testing and design support etc. for a total amount of \$1,700,000.

GHD Inc.'s scope of work completes the PS&E phase services for a not to exceed amount of \$3,119,299. This work is fully funded by Regional Transportation Improvement Program (RTIP 19/20 and 20/21).

To date, NVTA has amended the agreement as follows:

- Amendment #1 issued February 2021 for additional services to be performed under Tasks 2 & 3 in the amount of \$60,195.58; new Work Order total \$2,772,629.58.
- Amendment #2 issued August 2021 for additional services needed for Tasks 2 and 3 A-D in the amount of \$150,000; new Work Order total \$2,922,629.58.
- Amendment #3 issued Oct 2021 for additional services to be performed under Tasks 1, 2 & 3 in the amount of \$196,669.42; new Work Order total \$3,119,299.

This amendment, Amendment #4, will authorize GHD to provide additional design modifications necessary for alignment changes to avoid impacts to the Suscol Creek, respond to bid queries and design clarifications during bid, and provide as-built drawings at project completion as well as other minor modificaiton not included in the original scope.

The construction fund allocation was approved by the California Transportation Commission (CTC) at its Oct 2021 meeting. To comply with the conditions of CTC allocation, the project must award the construction contract within six month of the fund allocation or no later than April of 2022.

ALTERNATIVES

The board could decide not to approve the additional work and staff would either need to proceed with a request for proposal to identify another design team or terminate the contract and not proceed with the project. This alternative option would very likely delay the project beyond the current timeline to bid and award construction and the \$20 million in Solutions for Congested Corridor grant funds for construction would be lost.

STRATEGIC GOALS MET BY THIS PROPOSAL

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

The project will improve the intersection to make it more accessible to bicyclists and pedestrians.

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

The project will improve intersection safety for all modes.

ATTACHMENT

(1) Draft Amendment #4 to Project Work Order No. E-14

AMENDMENT #4

**PROJECT WORK ORDER NO. E-14
ON-CALL A/E & PROJECT DELIVERY SERVICES**

PROJECT NAME: DESIGN PLANS, SPECIFICATIONS AND ESTIMATES (PS&E) PHASE
SERVICES FOR THE SOSCOL JUNCTION PROJECT

PROJECT MANAGER: Sanjay Mishra, PE, QSD, TE, Program Manager – Engineer,
smishra@nvta.ca.gov, T 707.259.5951

CONSULTANT DESIGNATED TEAM MEMBERS:

- Prime-Consultant: GHD COMPANY, Staff; and
- Sub-Consultants: WRECO and Y&C, Staff as described in EXHIBIT A of the Project Work Order.

SCOPE OF SERVICE: Professional services and the delivery of design plans, specifications and estimates (PS&E) for the Soscol Junction Project (RFP #2020-02) as described in the scope of services of the Project Work Order (April 2020) in EXHIBIT A, EXHIBIT A-1 (Amendment #1 - Feb 2021), EXHIBIT A-2 (Amendment #2 - Aug 2021), EXHIBIT A-3 (Amendment #3 - Oct 2021) for the Soscol Junction Project.

- **WHEREAS THE BUDGET AND PROJECT NTE AMOUNT OF \$3,119,299.00 HAS BEEN EXHAUSTED;**
- **WHEREAS NVTA REQUIRES CONTINUED DESIGN SERVICES UNDER TASK 3 OF THE PROJECT WORK ORDER AS DESCRIBED IN EXHIBIT A-3 OF AMENDMENT #3 TO COMPLETE THE PROJECT;**
- **WHEREAS CONTRACTOR IS ABLE TO PROVIDE THE CONTINUED SERVICES AT AN ADDITIONAL COST TO NVTA IN THE AMOUNT OF \$75,000; AND**
- **WHEREAS PROJECT WORK ORDER IS HEREBY AMENDED TO INCLUDE THE ADDITIONAL SERVICE PERFORMANCE BY THE CONTRACTOR AS SET FORTH IN EXHIBIT A-3 AT THE ADDITIONAL AMOUNT OF \$75,000 AND THE AGREEMENT NOT-TO-EXCEED TOTAL AMOUNT OF THE PROJECT IS AMENDED TO \$3,194,299.00.**

START DATE: APRIL 15, 2020 COMPLETION DATE: JUNE 30, 2023

NOT-TO-EXCEED AMOUNT FOR THIS PROJECT: \$3,119,299.00 (A#3)

NEW NTE AMOUNT FOR THIS PROJECT: \$3,194,299.00

CHARGE NUMBER FOR PAYMENT: 8309000 52310 CMA_PLANS_PRGRAMS RTIP STATE 83010

TERMS AND CONDITIONS: This Amendment No. 4 to Project Work Order is issued and entered into as of the last date written below in accordance with the terms and conditions set forth in the Master Agreement with CONTRACTOR dated MAY 15, 2018, which terms are hereby incorporated and made part of to the Project Work Order.

NVTA

By: _____
KATE MILLER, Executive Director Date

Approved as to Form	
By:	_____
	NVTA General Counsel
Date:	_____

Contractor
GHD COMPANY

By: _____
KAMESH VEDULA, PE, TE Date
Principle-in-Charge

AMENDMENT #4

EXHIBIT B-4

FEE SCHEDULE

(Revised)

DESCRIPTION	AMOUNT
TASK 1 Project Kick-Off & Review of Existing Documents	\$ 14,775.00
TASK 2 Project Management	\$ 349,213.10
TASK 3 Design Plans, Specifications & Estimates (PS&E)	\$2,389,437.48
OTHER Ready to List PS&E Package, PS&E Package Revisions - Bid Period, and Bid Support	<u>\$ 421,669.42</u>
SUBTOTAL	<u>\$3,175,095.00</u>
Other Direct Expenses	<u>\$ 19,204.00</u>
TOTAL NOT TO EXCEED	<u>\$3,194,299.00</u>

The total amount to be paid to the CONTRACTOR for the scope of work as defined under EXHIBITs A, A-1, A-2, A-3, and this Amendment shall not exceed \$3,194,299.00.

Subject to Agreement, CONTRACTOR shall periodically invoice NVTa based on progress towards completion of tasks/deliverables listed above, amounts not to exceed tasks/deliverable totals.



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Paratransit Coordinating Council (PCC) Member Appointment and Reappointment

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve the appointments of Tom Collette and Betty Rhodes to the Paratransit Coordinating Council (PCC).

EXECUTIVE SUMMARY

The PCC was formed by NVTA to serve in an advisory capacity to the Board on the transportation issues of persons with special needs, including elderly, disabled, and those of low income.

This action will reappoint Tom Collette and appoint Betty Rhodes, a new member, to the PCC. There are three (3) additional vacancies on the committee and NVTA staff is actively recruiting to fill these positions. These include a representative from a social services provider for persons with disabilities a member of the public residing in an urbanized area and a member of the public residing in a non-urbanized area.

FISCAL IMPACT

None



November 17, 2021
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: Kathy Alexander, Administrative Technician
(707) 259-8627 / Email: kalexander@nvta.ca.gov
SUBJECT: Paratransit Coordinating Council (PCC) Member Appointment and Reappointment

RECOMMENDATION

That the Napa Valley Transportation Authority (NVRTA) Board approve the appointment of Betty Rhodes, and reappointment of Tom Collette to the Paratransit Coordinating Council (PCC).

COMMITTEE RECOMMENDATION

None

BACKGROUND

The PCC was formed by NVRTA to serve in an advisory capacity to the Board on the transportation issues of persons with special needs, including elderly, disabled, and those of low income.

The PCC by-laws, last approved by the NVRTA Board in March 2021, state that the PCC shall advise the Board of Directors and the Metropolitan Transportation Commission (MTC) regarding setting priorities for transportation services, review and make recommendations regarding the submission of claims for certain Transportation Development Act (TDA) and Federal Transit Administration (FTA) funds and allocations consistent with its priorities, and address coordination of paratransit services within Napa County.

The appointment of the above members will fulfill the following representatives listed in Table 1.

Table 1. PCC Member List

Member	Original appointment date	Most recent appointment	Term end date	Category Represented
Doug Weir	10/20/1999	1/20/2021	1/20/2024	Consumer/user persons with disabilities (1)
Beth Kahiga	9/1/2003	1/20/2021	1/20/2024	Social services providers for persons with disabilities (1 of 2)
Julie Spencer	9/19/2014	1/20/2021	1/20/2024	Social services provider for seniors (1)
Tom Collette*	10/17/2018	11/17/2021	11/30/2024	Consumer/user 60 years of age or older (1)
Lisa DeRose-Hernandez	1/20/2021	1/20/2021	1/20/2024	Social services provider for persons of limited means (1)
Betty Rhodes*	11/17/2021	11/17/2021	11/30/2024	Member of the public residing within an urbanized area (1 of 2)
Vacant				Social services providers for persons with disabilities (2 of 2)
Vacant				Member of the public residing within an urbanized area (2 of 2)
Vacant				Member of the public residing within a non-urbanized area (1)

*Pending Board Approval on November 17, 2021

ALTERNATIVES

The Board could decide not to appoint these individuals to the PCC resulting in vacancies and lack of representation for various interests.

STRATEGIC GOALS MET BY THIS PROPOSAL

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

The PCC is comprised of members from the community representing various interests in Napa Valley. The purpose of the PCC is to advise the board (via NVTa staff) on transportation issues of persons with special needs.

ATTACHMENT

(1) PCC Application: Betty Rhodes (Redacted)

Napa Valley Transportation Authority
625 Burnell St
Napa, CA 94559
Tel. (707) 259-8631 / Fax (707) 259-8638
www.nvta.ca.gov
www.ridethevine.com

RECEIVED

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NYTA

PARATRANSIT COORDINATING COUNCIL APPOINTMENT APPLICATION

Complete applications should be submitted to the above address,
Attention: Secretary of the Board

This application may be subject to disclosure under the Public Records Act

I am applying as a representative of the following: (Check all that apply)			
<input type="checkbox"/> Public transit consumer/user 60 or older			
<input type="checkbox"/> Public transit consumer/user with disability			
<input checked="" type="checkbox"/> Member of the public residing in non-urbanized area <i>Am sure</i>			
<input type="checkbox"/> Member of the public residing in urbanized area			
<input type="checkbox"/> Social service provider for persons of limited means. List agency: _____			
<input type="checkbox"/> Social service provider for persons with disabilities. List agency: _____			
<input type="checkbox"/> Social service provider for seniors. List agency: _____			
Applicant Information			
Name:	Rhodes	Betty	R.
	<i>Last</i>	<i>First</i>	<i>M.I.</i>
Date:	Nov. 5, 2021		
Mailing Address	[REDACTED]		
	<i>Street Address</i>	<i>Apartment/Unit #</i>	
City	Napa	State	Ca.
		Zip	[REDACTED]
Phone:	[REDACTED]	E-mail Address:	[REDACTED]
Current Occupation (within the last twelve (12) months)			
Education/Experience			
(a resume may be attached containing this and any other information that would be helpful in evaluating your application)			
Community Participation			
(nature of activity and community location)			

Other Boards/Commissions/Committees on which you serve/have served

Napa County Commission on Aging
Senior Advisory Commission for Napa Senior Center
Board Member, Molly's Angels
Paratransit Coordinating Council (2009, during short term of Senior Shuttle)

Please share your experience or observations regarding public transit

I see the need for special transportation for elders and disabled seniors, who are unable to handle the regular bus system, particularly in the Napa area, and travel to the hospital in St. Helena

Please share your experience working with special needs populations

Please explain your reasons for wishing to serve, and in your opinion, how you feel you could contribute.

I'm very much interested in making travel an easy task for seniors and handicapped folks, who are unable to handle getting to and from our bus stops.

As an older driver, I feel very grateful that I am still able to drive myself. I would be devastated if I could no longer get to my doctor, or buy my groceries, or go to the Senior Center to have lunch, join in classes. I've seen too many cases of isolated men and women, who become terribly depressed after having to stay in their homes, who have outlived their friends and family.

I believe that it's a very serious state for our many seniors and elders who reside in our County.

References

Please list three individuals familiar with your background

Full Name: **Heather Stanford** Relationship: **Friend**

Company: Phone: [REDACTED]

Address:

Full Name: **Naomi Dreskin-Anderson** Relationship: **Friend**

Company: Phone: [REDACTED]

Address:

Full Name: **Terri Restelli Deits** Relationship: **Friend**

Company: Phone: [REDACTED]

Address:

Name and Occupation of spouse within the last 12 months, if married (for Conflict of Interest purposes):

Deceased

Disclaimer and Signature

PLEASE NOTE THAT APPOINTEES MAY BE REQUIRED BY STATE LAW AND NVTA CONFLICT OF INTEREST CODE TO FILE FINANCIAL DISCLOSURE STATEMENTS

Signature:



Date:

Nov. 5, 2021



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Amend the Fiscal Year (FY) 2021-22 Budget which increases the Appropriations Limit to \$76,427,700 and rolls over remaining Balances from Fiscal Year (FY) 2020-21 and New Capital Investments.

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVRTA) Board:

- (1) Amend the FY 2021-22 Budget and increase the appropriations limit to \$76,427,700; and
- (2) Approve Resolution No. 21-24 adopting the budget appropriation in the amount of \$76,427,700

EXECUTIVE SUMMARY

The NVRTA conducted a public hearing on October 20, 2021 to increase the FY 2021-22 budget and increase the appropriation. Legal counsel rendered the vote invalid as her interpretation of the 4/5ths vote required for budget approval and changes was not met. A 4/5ths weighted board action will remedy this issue and approve necessary changes to the budget.

FISCAL IMPACT

There is \$61,074,800 in additional appropriation increasing the budget to \$76,427,700. However, the increase in the appropriation is primarily due to adding remaining balances that will be carried over to the current fiscal year previous fiscal year and reaffirming the maintenance facility construction budget.



NAPA VALLEY TRANSPORTATION AUTHORITY Board Agenda Memo

TO: Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Antonio Onorato, Director - Administration, Finance and Policy
(707) 259-8779 / Email: aonorato@nvta.ca.gov
SUBJECT: Resolution No. 21-24 Amending the Fiscal Year (FY) 2021-22 Budget

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTa) Board:

- (1) Amend the FY 2021-22 Budget and increase the appropriations limit to \$76,427,700; and
- (2) Approve Resolution 21-24 (Attachment 2) amending the FY 2021-22 budget to increase the appropriation limit to \$76,427,700, which included remaining balances from FY 2020-21 and new capital investments.

COMMITTEE RECOMMENDATION

None

BACKGROUND AND DISCUSSION

NVTa conducted a public hearing on October 20, 2021 to increase the FY 2021-22 budget and increase the appropriation. Legal counsel found issues with the vote count and rendered the vote invalid. Current legal counsel's interpretation of the 4/5ths vote differs from prior legal counsel's interpretation in that her opinion is based on 4/5ths of the weighted vote and not the vote of those voting board members attending the meeting. Since both members of the City of Napa were not present, the 4/5ths voting requirement was not met in accordance with the new interpretation. The proposed action addresses current legal counsel's concerns.

The JPA statute and related government codes explains the rules applicable to JPAs and why the County law related to budget approvals applies to NVTa, which requires a 4/5 vote for budget approvals and amendments. Counsel's interpretation is that the 4/5ths vote applies to the weighted voting rule of the JPA as it pertains to budget approvals or amendments.

The JPA determines the member composition in §4.3.1(d) and then sets the voting power of the members in §4.3.1(e). All matters concerning powers of the Board is by the weighted voting formula, except to those matters set forth in §5.2(r) relating to acting as a countywide advisory deliberative body related to land use, demographics, economic development, community development and environmental issues.

According to the JPA voting formula the total weighted votes is 24 votes, and each member of the City of Napa casts 5 votes. One member representing the City of Napa was absent and an alternate was not available, so it was not possible to meet the 4/5 vote requirement of the Board to approve the amendment.

ATTACHMENTS

- (1) Resolution No. 21-24
- (2) FY 2021 Carryover Balances and FY 22 Budget

RESOLUTION No. 21-24

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVRTA)
AMENDING THE FY 2021-22 BUDGET TO
INCREASE APPROPRIATIONS BY \$61,074,800**

WHEREAS, the Napa Valley Transportation Authority (NVRTA) is designated the countywide transportation planning agency responsible for Highway, Streets and Roads, transit planning and programming, capital development, and project delivery within Napa County, and

WHEREAS, on an routine basis, the Board reviews and approves a budget for all transit services including fixed route, deviated route, paratransit, and other mobility services as well as NVRTA administration and planning, and

WHEREAS, the bi-annual budget was front loaded in the first year with the expectation that unused balances will rollover in the successive year; and

WHEREAS, the NVRTA Board of Directors has approved an operating budget for fiscal year 2020-21 with \$13,434,900 in operating revenues and \$15,362,800 in total operating expenditures, resulting in a \$1,927,900 budgeted deficit for the year; and

WHEREAS, the NVRTA Board of Directors has approved a capital budget for fiscal year 2020-21 at \$9,789,200; and,

WHEREAS, the NVRTA Board of Directors has approved Resolution 21-05 adopting a capital budget for the Vine Bus Maintenance Facility for \$37,747,000; and,

WHEREAS, Since then, NVRTA has received federal stimulus funds for transit operation and recovery efforts which will eliminate the budgeted deficit of \$1,927,900 for fiscal year 2021-22; and

WHEREAS, several capital projects are entering the next phase of project delivery; and

WHEREAS, the amended FY 2021-22 budget will now be \$26,344,000 in operating revenues and \$26,344,000 in operating expenditure; and

WHEREAS, the modified FY 2021-22 capital budget will now be \$50,083,706 in capital revenues and \$50,083,706 in capital expenses which includes a budget of \$35,474,000 for the Bus Maintenance Facility; and

WHEREAS, several contracts and projects are carryovers subsequent to the original adoption of the bi-annual budget, and

WHEREAS, the funding is available to NVTa, but an additional appropriation request is needed for the use of funds.

NOW, THEREFORE, BE IT RESOLVED, that the Napa Valley Transportation and Authority amend the FY 2021-22 Budget and increase the appropriation of \$10,981,100 for operations to \$26,344,000 and \$50,083,700 for capital projects for a total budget of \$76,427,700.

BE IT FURTHER RESOLVED, that the Napa Valley Transportation and Authority authorizes the Executive Director or designee to take all necessary actions to secure indicated Federal, State, Regional, and Local resources, and to execute contracts with Member Agencies or funding entities as necessary.

Passed and Adopted the 17th day of November, 2021.

Alfredo Pedroza, NVTa Chair

Ayes:

Nays:

Absent:

ATTEST:

Laura Sanderlin, NVTa Board Secretary

APPROVED:

DeeAnne Gillick, NVTa Legal Counsel

Budgets - Consolidated CMA, Public Transit, TFCA

	FY21 - Approved Budget	FY21- Actuals (unaudited)	Carryover	FY22 - Approved Budget	FY22 New Budget
Revenues					
Transportation Development Act	4,926,600	4,869,408	1,804,941	6,170,800	7,975,741
State Funds (ie Caltrans)	10,947,000	5,139,020	2,639,532	2,120,000	4,759,532
Federal Funds- FTA/FHWA	10,147,400	5,559,049	5,022,887	3,191,900	8,214,787
Other-Governmental Agencies	1,635,300	533,558	2,136,140	656,300	2,792,440
Interest	98,500	73,641	-	99,800	84,800
Farebox	1,948,300	887,173	1,500,000	816,700	2,316,700
Charges for Services-Amcan	52,900	23,000	(53,100)	53,100	-
Charges for Service-Yountville	30,500	38,971	(31,300)	31,300	-
Charges for Services-St Helena	30,000	34,883	(30,000)	30,000	-
Charges for Services-Callistoga	65,000	38,125	(65,000)	65,000	-
Intrafund Transfers-In	200,000	318,140	-	200,000	200,000
Total Revenues	30,081,500	17,514,968	12,924,100	13,434,900	26,344,000
Expenses					
Salaries and Wages	1,770,900	1,738,997	126,900	1,905,900	2,032,800
Extra Help	200,000	4,728	-	200,000	200,000
401A Employer Contribution	24,500	17,470	-	24,500	24,500
Cell Phone Allowance	9,000	5,959	-	9,000	9,000
Medicare	42,300	23,650	-	42,300	42,300
Employee Insurance-Premiums	322,000	303,977	-	325,000	325,000
Workers Compensation	7,900	5,172	-	7,900	7,900
Retirement	151,800	337,562	185,800	168,000	353,800
Other Post Employment Benefits	39,000	41,000	2,000	40,000	42,000
Other Employee Benefits	3,700	4,025	-	53,700	53,700
Total for: Salaries and Benefits	2,622,000	2,484,657	314,700	2,776,300	3,091,000
Administration Services	5,000	2,429	-	5,000	5,000
Accounting/Auditing Services	84,900	101,842	-	84,900	84,900
Information Technology Service	145,000	124,880	36,200	150,000	186,200
ITS-Communication Services	25,000	22,786	-	25,800	25,800
Legal Services	56,000	140,214	45,000	56,000	101,000
Temporary/Contract Help	-	-	-	-	-
Consulting Services	17,357,200	4,944,127	9,637,300	1,019,400	10,656,700
Waste Disposal Services	18,900	11,922	-	19,100	19,100
Security Services	8,000	13,405	11,700	8,000	19,700
Landscaping Services	7,500	9,875	6,000	7,500	13,500
Purchased Transportation	8,648,400	7,726,002	465,900	9,082,800	9,548,700
Maintenance-Equipment	120,000	104,693	-	120,000	120,000
Maintenance-Buildings/Improvm	100,000	131,667	-	100,000	100,000
Maintenance-Software	115,500	139,934	40,000	115,500	155,500
Maintenance-Vehicles	57,000	104,566	-	57,000	57,000
Rents and Leases - Equipment	7,000	6,399	-	7,000	7,000
Rents and Leases - Bldg/Land	8,000	-	-	8,000	8,000
Insurance - Premiums	75,000	456,960	385,300	75,000	460,300
Communications/Telephone	25,000	18,985	2,100	25,000	27,100
Advertising/Marketing	104,500	69,720	-	114,500	114,500
Printing & Binding	31,000	44,450	-	31,000	31,000
Bank Charges	15,000	4,153	3,700	15,000	18,700
Publications & Legal Notices	8,000	17,194	700	8,000	8,700
Training/Conference Expenses	25,000	4,599	-	25,000	25,000
	15,000	233	-	15,000	15,000
Office Supplies	25,000	99,082	52,600	25,000	77,600
Freight/Postage	3,000	3,888	-	3,000	3,000
Books/Media/Periodicals/Subscr	6,000	10,826	-	6,000	6,000
Memberships/Certifications	50,000	70,722	-	50,000	50,000
Utilities - Electric	31,000	31,090	-	31,000	31,000
Utilities - Water	25,000	17,803	-	25,000	25,000
Fuel	946,000	824,488	(20,000)	1,021,000	1,001,000
Operations Contingency	-	-	-	-	-
Fuel Contingency	-	-	-	-	-
Total for: Services and Supplies	28,147,900	15,258,936	10,666,500	12,335,500	23,002,000
Intrafund Transfers Out (Allocated Labor)	246,500	318,140	-	251,000	251,000
Total for: Other Expenses	246,500	318,140	-	251,000	251,000
Total Expenditures	31,016,400	18,061,732	10,981,200	15,362,800	26,344,000
Net Change in Operations	(934,900)	(546,764)	1,942,900	(1,927,900)	-
Depreciation Expense	3,062,000	2,576,209	-	3,062,000	3,062,000

Budgets - Capital Projects

	FY21 - Draft Budget	FY21- Actuals	Carryover	FY22 - Draft Budget	FY22 New Budget
Revenues					
Sales and Use Tax - Capital	7,156,739	465,998	-	-	7,156,733
Federal-Other Funding	30,078,078	-	-	-	30,078,078
Other-Governmental Agencies	8,301,613	143,926	-	-	12,848,889
Total Revenues	45,536,430	609,924	-	-	50,083,700
Expenses					
Construction in Progress	38,947,230	412,292	-	-	48,399,700
Equipment	6,589,200	144,166	-	-	1,684,000
Capital Outlay Offset	-	-	-	-	-
Intrafund Transfers Out	-	-	-	-	-
Total for: Other Expenses	45,536,430	556,458	-	-	50,083,700
Total Expenditures	45,536,430	556,458	-	-	50,083,700
Net Surplus (Deficit)	-	53,466	645	-	-
Consolidated Budget	79,614,830	21,194,399	10,981,200	18,424,800	79,489,700

Budget Inputs - CMA & TFCA

		FY21 - Approved Budget	FY21- Actuals (unaudited)	Carryover	FY22 - Approved Budget	FY22 New Budget
Revenues						
41400	Transportation Development Act	\$1,746,100	\$1,746,100	\$0	\$2,865,100	\$2,865,100
43790	State Funds (ie Caltrans)	8,997,000	4,084,848	3,000,000	70,000	3,070,000
43890	Federal Funds- FTA/FHWA	6,936,200	899,264	3,537,100	790,000	4,327,100
43950	Other Org/Governmental Agencies	1,379,000	232,946	2,000,000	400,000	2,400,000
45100	Interest	20,000	16,569	-	20,000	20,000
46800	Local Contributions & Membership Fees/ TFCA Revenues	1,494,300	525,031	1,500,000	250,000	1,750,000
49900	Intrafund Transfers-In (Transit Timesheets & Overhead)	200,000	318,140	-	200,000	200,000
Total Revenues		\$20,772,600	\$7,822,898	\$10,037,100	\$4,595,100	\$14,632,200
Expenses						
51100	Salaries and Wages	1,770,900	1,738,997	126,900	1,905,900	2,032,800
51110	Extra Help	200,000	4,728	-	200,000	200,000
51200	457 Employer Contribution	24,500	17,470	-	24,500	24,500
51205	Cell Phone Allowance	9,000	5,959	-	9,000	9,000
51300	Medicare/Employer Taxes	42,300	23,650	-	42,300	42,300
51400	Employee Insurance-Premiums	322,000	303,977	-	325,000	325,000
51405	Workers Compensation	7,900	5,172	-	7,900	7,900
51410	Unemployment Compensation	50,900	2,117	-	-	-
51600	Retirement	151,800	337,562	185,800	168,000	353,800
51605	Other Post Employment Benefits	39,000	41,000	2,000	40,000	42,000
51990	Other Employee Benefits	3,700	4,025	-	53,700	53,700
Total for: Salaries and Benefits		\$2,622,000	\$2,484,657	\$314,700	\$2,776,300	\$3,091,000
52100	Administration Services	5,000	2,429	-	5,000	5,000
52125	Accounting/Auditing Services	70,000	99,192	-	70,000	70,000
52130	Information Technology Service	145,000	88,665	-	150,000	150,000
52131	ITS-Communication Services	25,000	22,786	-	25,800	25,800
52140	Legal Services	55,000	140,214	45,000	55,000	100,000
52150	Temporary/Contract Help	-	-	-	-	-
52310	Consulting Services	17,357,200	4,944,127	9,637,300	1,019,400	10,656,700
52325	Waste Disposal Services	3,900	2,464	-	4,100	4,100
52335	Security Services	8,000	1,700	-	8,000	8,000
52340	Landscaping Services	7,500	3,900	-	7,500	7,500
52360	Construction Services	-	-	-	-	-
52490	Purchased Transportation	-	-	-	-	-
52500	Maintenance-Equipment	25,000	9,150	-	25,000	25,000
52505	Maintenance-Buildings/Improvem	75,000	123,784	-	75,000	75,000
52515	Maintenance-Software	50,000	63,619	-	50,000	50,000
52520	Maintenance-Vehicles	2,000	38,936	-	2,000	2,000
52600	Rents and Leases - Equipment	7,000	6,399	-	7,000	7,000
52605	Rents and Leases - Bldg/Land	-	-	-	-	-
52705	Insurance - Premiums	60,000	56,701	-	60,000	60,000
52800	Communications/Telephone	15,000	6,878	-	15,000	15,000
52810	Advertising/Marketing	40,000	7,913	-	40,000	40,000
52820	Printing & Binding	15,000	25,644	-	15,000	15,000
52825	Bank Charges	15,000	428	-	15,000	15,000
52830	Publications & Legal Notices	8,000	16,501	-	8,000	8,000
52900	Training/Conference Expenses	25,000	4,599	-	25,000	25,000
52905	Business Travel/Mileage	15,000	233	-	15,000	15,000
53100	Office Supplies	25,000	98,465	40,100	25,000	65,100
53110	Freight/Postage	3,000	3,888	-	3,000	3,000
53115	Books/Media/Periodicals/Subscr	6,000	10,826	-	6,000	6,000
53120	Memberships/Certifications	50,000	70,722	-	50,000	50,000
53205	Utilities - Electric	25,000	27,189	-	25,000	25,000
53220	Utilities - Water	12,000	10,276	-	12,000	12,000
53250	Fuel	1,000	102	-	1,000	1,000
	Operations Contingency	-	-	-	-	-
	Fuel Contingency	-	-	-	-	-
Total for: Services and Supplies		\$18,150,600	\$5,887,730	\$9,722,400	\$1,818,800	\$11,541,200
Total Expenditures		\$20,772,600	\$8,372,387	\$10,037,100	\$4,595,100	\$14,632,200
Net Change in Operations		-	(549,489)	-	-	-

Budget Inputs - Consolidated: Vine Transit Services

		FY21 - Approved Budget	FY21- Actuals (unaudited)	Carryover	FY22 - Approved Budget	FY22 New Budget
Revenues						
41400	Transportation Development Act	3,180,500	3,123,308	1,804,941	3,305,700	5,110,641
43790	State Transit Assistance	1,950,000	1,054,172	(360,468)	2,050,000	1,689,532
43890	Federal Funds- FTA	3,211,200	4,659,785	1,485,787	2,401,900	3,887,687
43950	Other-Governmental Agencies	256,300	300,612	136,140	256,300	392,440
45100	Interest	78,500	57,072	(15,000)	79,800	64,800
46800	Farebox	454,000	362,142	-	566,700	566,700
46810	Charges for Services-Amcan	52,900	23,000	(53,100)	53,100	-
46820	Charges for Service-Yountville	30,500	38,971	(31,300)	31,300	-
46825	Charges for Services-St Helena	30,000	34,883	(30,000)	30,000	-
46830	Charges for Services-Calistoga	65,000	38,125	(65,000)	65,000	-
Total Revenues		9,308,900	9,692,070	2,872,000	8,839,800	11,711,800
Expenses						
52125	Accounting/Auditing Services	14,900	2,650	-	14,900	14,900
52130	Information Technology Service	-	36,215	36,200	-	36,200
52140	Legal Services	1,000	-	-	1,000	1,000
52325	Waste Disposal Services	15,000	9,458	-	15,000	15,000
52335	Security Services	-	11,705	11,700	-	11,700
52340	Landscaping Services	-	5,975	6,000	-	6,000
52490	Purchased Transportation	8,648,400	7,726,002	465,900	9,082,800	9,548,700
52500	Maintenance-Equipment	95,000	95,543	-	95,000	95,000
52505	Maintenance-Buildings/Improvem	25,000	7,883	-	25,000	25,000
52515	Maintenance-Software	65,500	76,315	40,000	65,500	105,500
52520	Maintenance-Vehicles	55,000	65,630	-	55,000	55,000
52605	Rents and Leases	8,000	-	-	8,000	8,000
52705	Insurance - Premiums	15,000	400,259	385,300	15,000	400,300
52800	Communications/Telephone	10,000	12,107	2,100	10,000	12,100
52810	Advertising/Marketing	64,500	61,807	-	74,500	74,500
52820	Printing & Binding	16,000	18,806	-	16,000	16,000
52825	Bank Charges	-	3,725	3,700	-	3,700
52830	Publications & Legal Notices	-	693	700	-	700
53100	Office Supplies	-	617	12,500	-	12,500
53205	Utilities - Electric	6,000	3,901	-	6,000	6,000
53220	Utilities - Water	13,000	7,528	-	13,000	13,000
53250	Fuel	945,000	824,386	(20,000)	1,020,000	1,000,000
Total for: Services and Supplies		9,997,300	9,371,205	944,100	10,516,700	11,460,800
57900	Intrafund Transfers Out (Allocated Labor)	246,500	318,140	-	251,000	251,000
Total for: Other Expenses		246,500	318,140	-	251,000	251,000
Total Expenses		10,243,800	9,689,345	944,100	10,767,700	11,711,800
Net Change in Operations						
		(934,900)	2,725	1,927,900	(1,927,900)	-
54600	Depreciation Expense	3,062,000	2,576,209	-	3,062,000	3,062,000

Budget Inputs - Capital Projects

		FY21 - Approved Budget	FY21- Actuals (unaudited)	Carryover	FY22 - Approved Budget	FY22 New Budget
Revenues						
41410	Transportation Dev Act Funds	7,156,739	465,998	-	-	7,156,733
43890	Federal-Other Funding	30,078,078	-		-	30,078,078
43950	Other-Governmental Agencies	8,301,613	143,926		-	12,848,889
Total Revenues		45,536,430	609,924	-	-	50,083,700
Expenses						
55200	Construction in Progress	38,947,230	412,292	-	-	48,399,700
55400	Equipment	6,589,200	144,166	-	-	1,684,000
55900	Capital Outlay Offset	-	-	-	-	-
57900	Intrafund Transfers Out	-	-	-	-	-
Total for: Other Expenses		45,536,430	556,458	-	-	50,083,700
Total Expenditures		45,536,430	556,458	-	-	50,083,700
Net Surplus (Deficit)		-	53,466	-	-	-



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

2022 Federal and State Legislative Advocacy Program and Federal and State Legislative Update

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVRTA) Board approve the 2022 Federal and State Legislative Advocacy Program and receive the Federal Legislative Update from George Riccardo of Platinum/K&L Gates and the State Legislative Update from Steve Wallauch, Platinum Associates.

EXECUTIVE SUMMARY

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

NVRTA's Federal and State Legislative Advocates will provide the board with an update on activities and an overview of what might be anticipated in the 2022 Federal and State legislative sessions.

FISCAL IMPACT

None



November 17, 2021
NVTA Agenda Item 9.2

Continued From: New
Action Requested: APPROVE

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: 2022 Federal and State Legislative Advocacy Program and Project
Priorities and Legislative Update

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board (1) approve the 2022 Federal and State Legislative Advocacy Programs and Project Priorities (Attachment 1), and (2) receive the Federal Legislative update from George Riccardo representing Platinum/K&L Gates (Attachment 2), and (3) receive the State Legislative update from Steve Wallauch, Platinum Advisors (Attachment 3).

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 principals and projects.

Attachment 1 is the proposed 2022 Programs and Projects list showing the changes from 2021. A summary of the changes are included in Table 1 below.

Attachment 2 is the Federal Legislative Update, which George Riccardo of Platinum/K&L Gates will present and Attachment 3 is the State Legislative Update, which Steve Wallauch, Platinum Associates, will present.

Subsequent to receiving the federal report from Platinum/K&L Gates, the House passed the roughly \$1 trillion Infrastructure Investment and Jobs Act (IIJA), teeing it up to go to the President's desk for signature. Attachments 4 and 5 are the Metropolitan Transportation Commission's (MTC) summary of the IIJA and comparison to the Funding America's Surface Transportation (FAST) Act, the expiring Surface Transportation Authorization legislation.

Table 1: Summary of Legislative Agenda Changes

Item	Reason
Federal Legislative Advocacy Program	
Eliminated stimulus bill language and updated Surface Transportation Authorization language.	Addressed as part of new Infrastructure Investment and Jobs Act.
Changed BUILD grant program to Rebuilding American Infrastructure and Sustainability and Equity (RAISE) program.	The BUILD Grant program is now RAISE.
Delete "Support efforts to educate the next Administration on the need for increased investment in transportation infrastructure".	Redundant to other efforts
Added reforming Federal Aviation (FAA) Administration's fuel tax policy.	The FAA policy requires that sales tax generations on aviation fuel be spent at airports. This is potentially in conflict with local ordinances.
State Legislative Advocacy Program	
Housing and redevelopment	Consolidated housing and redevelopment into one effort as they are related.
Added "Transit Priority" to transit connectivity and to congestion relief.	Transit Priority is one of the primary focuses of the Blue Ribbon Task Force Action Plan
Added bicycle and pedestrian safety improvements associated with complete street efforts and Vision Zero on State Highways.	Vision Zero and bike and pedestrian safety was a key tenet in NVTa's Advancing Mobility 2045. In addition, speed enforcement was also added to the matrix since speed is the primary reason for auto-related injury and fatalities.
SHOPP funds for Active Transportation	The State has recently begun prioritizing SHOPP funds for active transportation improvements (e.g. \$5 million in SHOPP funds will make active transportation improvements on the Imola Corridor).
Changed SB 1339 to SB 1128	Updated legislation associated with regional commuter benefits.

Tolling legislation on SR 37	The SR 37 Policy committee, of which NVTa has three representatives, is working with state legislators on tolling legislation.
Streamlining administrative oversight of grants, regulatory compliance and reporting.	The objective is reduce paperwork and other requirements associated with grant oversight by reducing redundancies and streamlining reporting tools.
Added Napa Valley Forward Intersection and Travel Demand projects	The projects are a partnership with MTC and include intersection improvements along SR 29 (north of Yountville) and Travel Demand programs focused on Vintners and Hospitality.
Remove Transit Maintenance Facility	The Maintenance Facility is fully funded other than improvements associated with the solar panels. This is now included as part of bus electrification which is a separate project.

ALTERNATIVES

The Board may elect not to approve the 2022 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.

ATTACHMENTS

- (1) 2022 Federal and State Legislative Advocacy Programs and Project Priorities
- (2) October 2021 Federal Legislative Update (Platinum/K&L Gates)
- (3) October 29, 2021 State Legislative Update (Platinum Advisors)
- (4) MTC's IIAJ Summary
- (5) MTC's IIAJ/FAST Act Comparison

2021 Federal and State Legislative Advocacy Program and Project Priorities

Federal Legislative Advocacy Program

- Revenues

- ~~○ Support efforts to pass federal stimulus bill(s) with a robust transit element, funding for state and local governments, and other measures that would help working families and the local economy in response to the COVID-19 Pandemic.~~
- ~~○ Support efforts to implement the Infrastructure Investments and Jobs Act (and other legislation related to infrastructure and surface transportation authorization).~~
- ~~○ Support efforts to pass a surface transportation authorization legislation that grows the programs established and sustained in the Fixing America's Surface Transportation (FAST) Act that expired this year.~~
- 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, 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) Better Utilizing Investments to Leverage Development (BUILD) Transportation (formerly TIGER) program.~~
- ~~○ 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 (FTA §5339 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 efforts to educate the next Administration on the need for increased investment in transportation infrastructure.~~
- 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 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 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.
- ~~○ Protect existing formulas that maximize local and regional control of state transportation funds~~
- ~~○ Advocate for formulas that maximize local and regional control of state transportation funds.~~
- ~~○ Support efforts to identify new revenues and mechanisms to implement redevelopment projects and support priority development areas.~~
- ~~○ Support efforts that encourage and fund affordable housing programs that honor existing urban growth boundaries, preserving agricultural lands and open space areas.~~
- ~~○ Support efforts to fund affordable housing and mechanisms that encourage 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 benefit the Vine Transit system.
 - Support efforts to create new funding for Bay Area regional corridor operations, and 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 enter into public-private partnerships for transportation improvement projects.~~
 - 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 ~~1339~~ 1128 requirements.
 - Support programs intended to minimize natural disasters that impact transportation infrastructure.
 - Support efforts that would minimize public safety power shutoff (PSPS) 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 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 efforts that allow local jurisdictions to set speed limits based on other criteria consistent with Vision Zero principles in addition to the 85th percentile speed criterion.~~
- 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.
- ~~Support efforts that ease compliance for small operators, and provide financial assistance for infrastructure investments and vehicle purchases associated with to the California Air Resources Board's Innovative Clean Transit Rule.~~
- ~~Support Regional Housing Needs Allocation reform that expands the definition of acceptable dwelling units.~~

Project Priorities

- Improvements to State Route 29 and parallel routes, included in the Comprehensive Multi-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
- ~~Transit Maintenance Facility~~
- 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 NVTa 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 NVTa's 2017 Express Bus Plan
- Upgrades to Soscol Gateway Transit Center
- 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.

Platinum/K&L Gates

Monthly Federal Legislative Update - October

October was a busy month for negotiations on the President's Build Back Better (BBB) agenda, as members of both the House and Senate Democratic Caucuses are looking to finalize a bill that would encompass most of the President's economic priorities. Originally, the President had framed this package at a topline spending of \$3.5 trillion, however due to push back from House and Senate moderates, the total topline number was reduced. On Thursday, October 28, the Biden administration released its new framework for a spending package set at \$1.75 trillion. A draft text of the new legislation was released later that same day. Although not finalized, the framework and text were released in an attempt to appease House Progressives and create an opportunity to pass the Infrastructure Investment and Jobs Act (IIJA) prior to President Biden attending the G20 summit in Rome. The House Progressives, whose voting base represents enough Members to undermine passage of any bill, demanded that either the BBB would need to pass prior to a vote on the IIJA, or that both bills would need to move together. Therefore, no votes were held on either bill and the path forward remains uncertain. There is a possibility that both bills receive a vote in early November.

In October, both the House and Senate voted to send a bill including a short-term increase of the debt limit to the President's desk, just days before the Treasury Department was said to be at risk of running out of borrowing authority. The move pushed a key legislative deadline to December 3, which is the current date on which government funding and surface transportation programs are set to expire.

The Senate Appropriations Committee's released its annual Transportation, Housing, and Urban Developments (THUD) draft appropriation proposal for fiscal year 2022 this month. The bill includes \$90.5 billion in total budgetary resources for the Department of Transportation (DOT) and \$29.1 billion in net discretionary budget authority. The bill mostly reflects Democrat priorities and is far from a deal with Senate Republicans, according to Vice Chairman Richard Shelby (R-AL). Highlights from the bill are outlined below:

- \$1.9 billion for the RAISE grant program, formerly known as BUILD and TIGER.
- \$300 million to improve the climate resiliency of transportation infrastructure (new).
- \$50 million program for local safety planning and "Vision Zero" improvements (new)
- \$603 million for the Airport Improvement Program.
- \$220 million for the Federal-State Partnership for State of Good Repair.
- \$552 million for the Consolidated Rail Infrastructure and Safety Improvement program.
- \$240 million for the Port Infrastructure Development program.

Additionally, the Federal team is continuing to monitor S. 3011, the State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act, which passed the Senate on Thursday, October 19. The bill would allow for \$105 billion of the unused state and local government aid provided by the American Recovery Plan to be utilized for a variety of transportation infrastructure projects. The bill was sponsored by Senator John Cornyn (R-TX) and included a bipartisan group of cosponsors. The House has yet to take a formal position on this bill.



October 29, 2021

TO: Kate Miller, Executive Director
Napa Valley Transportation Authority

FR: Steve Wallauch
Platinum Advisors

RE: Legislative Update

Governor Gavin Newsom wrapped up his signings and vetoes of legislation October 9, prior to the deadline of October 10 at midnight, possibly keeping the day clear to celebrate his October 10 birthday. In total, the Governor acted on 836 bills (not including resolutions) during 2021, signing 770 (92%) and vetoing 66, or about 8%. For a history of gubernatorial signings and vetoes, the Senate Office of Research has updated their annual document, which can be found at: sor.senate.ca.gov.

Overall, the 2022 session was a success for transit operators statewide. This included budget trailer bills that provided fiscal relief for transit operators by extending through the 2022-23 fiscal year the hold harmless and penalty waivers in Transportation Development Act (TDA) law, thereby making it easier to meet farebox and efficiency requirements. This trailer bill also extended the flexibility to use the SB 1 State of Good Repair funds for operations through 2022-23. The Administration proposed and the legislature approved significant long-term changes to TDA law regarding the operating cost calculation to include such expenses as public safety contracts, pension costs, and the cost of providing ADA paratransit service. Finally, the budget included specific appropriations for public transit operators for Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project (HVIP) rebates and zero emission vehicles and funding for infrastructure.

While an agreement on over \$1 billion in additional transit invest failed to materialize this year, the commencement of negotiations to resolve this impasse and the forecast of continued budget surpluses will bring another successful session next year. With negotiations resuming over the transportation funding package, it is expected that legislation appropriating transportation funds will be enacted when they reconvene in January.

Another Special Election: San Francisco Mayor London Breed has selected Assemblyman David Chiu to be the City's next City Attorney. With this appointment, Assemblyman Chiu is expected to resign from his Assembly seat on October 31st. Governor Newsom will then have 14 days to declare a special election to fill this vacancy, and the special election must occur within 126-140 days after the Governor calls for the

special election. This will likely occur between March 22 and April 12th. It's looking to be a crowded ballot, so if a runoff is needed then that election will likely be combined with the June 7th primary election. With the special election occurring during an election year, it will require all candidates to run in both special and general elections.

The departure of Assemblyman Chiu leaves in limbo two measures we have been closely following. This includes AB 550 that would create a pilot program to test the use automated speed enforcement systems. The other bill is AB 629 that aimed to enact numerous changes to improve transit coordination and regional oversight of transit operations in the Bay Area. While Assemblywoman Laura Friedman is expected to reintroduce AB 550, it is unclear if another legislator will introduce the Bay Area transit coordination measure.

Fiscal Outlook: The Legislative Analyst's Office (LAO) released its fiscal outlook report, and the future remains bright. The LAO's projections estimate another healthy budget surplus in the range of \$5-\$25 billion in the coming budget year. As usual, the LAO tempers this outlook by stressing income volatility, particularly with respect to the stock market and capital gains, is always a risk. However, the Department of Finance's monthly revenue reports already show that revenue through September is already \$7.57 billion above projections.

2022 Statewide Initiative on Local Land Use: With about 12 months before the next general election, the number of potential initiatives on the ballot is increasing. Among those initiatives, pending signature gathering and certification by the Secretary of State, is a local land use measure filed, in part, in response to the Legislature's recent passage of SB 9 and SB 10, impacting local control of land use.

The 2022 ballot initiative on local land use would allow charter and general law cities and counties to retain local affairs over state laws related to zoning. This would mean that if voters were to enact a local law conflicting with state law, the local law would prevail.

Under this measure, any local laws that currently conflicts with state law would immediately become enforceable. So rather than follow state law, cities and counties could enact local laws that conflict with state law and the local laws would prevail. Some exceptions, to both general law and charter cities and counties, would be land use in the areas of coastal zones; siting of a power plant that could generate more than 50 megawatts of electricity; and development of water, communication, or transportation infrastructure projects.

Lastly, this proposal prohibits the State from modifying the way it appropriates state funding as a result of the measure. The state would not be able to deny nor provide a preference in appropriating state funding to communities with zoning laws that conflict or conform with state law.

Clean California Grants: Caltrans has held two public workshops on the development of guidelines for the Clean California Local Grant Program. The draft guidelines and the

recorded workshops are available at <https://cleancalifornia.dot.ca.gov/local-grants/workshops-milestones>. While a third workshop is not scheduled, Caltrans is expected to schedule a workshop or allow for comments on the final guidelines. For now, the timeline estimates for the call for projects being released in December and the application deadline in February.

This program will provide approximately \$296 million as part of a two-year program to beautify and improve streets and roads, tribal lands, parks, pathways, and transit centers. Local governments and transit districts are eligible to apply for these funds. The maximum grant amount is set at \$5 million and 50% of the awards must benefit or be located in underserved communities.

TIRCP 2022 Cycle: While at least \$1 billion in additional funds for the Transit and Intercity Rail Capital Program (TIRCP) are pending legislative negotiations, CalSTA is proceeding with the development of the guidelines for the 2022 award cycle, also known as Round 5. The base amount of TIRCP funding for this round is estimated to total \$500-\$600 million. Additional information can be found [on the calsta.ca.gov website](https://www.calsta.ca.gov).

The 2022 TIRCP grant cycle will program projects starting with the 2022-23 fiscal year and ending with the 2026-27 fiscal year. The formal guidelines were released on September 30th, and workshops have been scheduled for November 2nd focusing on large project applications, and on November 3rd focusing on rural and small applications. The deadline to submit comments is November 10th and the planned release of the call for projects is November 19th. CalSTA will once again provide opportunities to meet and discuss specific projects in December and January if needed. The application deadline is set for March 3, 2022.

CTC SB 1 Programs: In addition to the CalSTA and Caltrans workshops, the California Transportation Commission (CTC) has scheduled a series of workshops on the development of the SB 1 funded programs administered by the Commission. This includes updating the guidelines for the Local Partnership Program (LPP), Solutions for Congested Corridors Program (SCCP), and the Trade Corridor Enhancement Program (TCEP). The next round of workshops is set for November 8th for LPP, November 10th for TCEP, and November 18th for the SCCP. Additional workshops are also scheduled for December.

Infrastructure Investment and Jobs Act Summary October 28, 2021

As early as this week, Congress is expected to pass the *Infrastructure Investment and Jobs Act*, or IIJA ([H.R. 3684](#)), a roughly \$1 trillion transportation, water, broadband and electric grid infrastructure bill that's intended to deliver on a portion of President Biden's jobs, climate and equity agenda. It is widely expected that the IIJA will be supplemented by a "Build Back Better" spending package expected to be slightly below \$2 trillion. A summary of the infrastructure bill follows.

The IIJA would invest nearly \$1 trillion in transportation, water, broadband, and power infrastructure as well as resilience investments. Of this amount, approximately \$550 billion would be *new* spending (the nearly \$1 trillion dollar amount reflects the cost to also maintain existing spending levels for certain infrastructure, including surface transportation and water). Total spending amounts by infrastructure category are detailed in the chart below.

Infrastructure Investment and Jobs Act Spending Categories
(\$ in Billions)

Infrastructure Category	Funding Amount
Surface Transportation	\$639
<i>FAST Act Reauthorization</i>	<i>\$477</i>
<i>IIJ Act Stimulus (supplemental spending)</i>	<i>\$157</i>
<i>Electric & Low Emission School Buses</i>	<i>\$5</i>
Airports	\$25
Ports and Waterways	\$17
Water Infrastructure	\$91
Broadband	\$65
Power Infrastructure	\$65
Resilience, Western Water Storage and Environmental Remediation	\$71
Transportation Total	\$681
Other Infrastructure Total	\$292
Total	\$973

Source: MTC analysis of [H.R. 3684](#), Eno Transportation Weekly and White House Fact Sheet

Transportation - \$681 billion

Transportation infrastructure is by far the largest component of the infrastructure bill. Regarding surface transportation, the bill combines a roughly \$475 billion five-year surface transportation reauthorization—a 56 percent increase above Congress's last five-year transportation bill, the Fixing America's Surface Transportation (FAST) Act—with approximately \$157 billion in supplemental one-time stimulus funding to be distributed to more than two dozen grant programs over five years. We estimate that the bill would provide about \$4.5 billion in "guaranteed" funding for the Bay Area via the highway and transit formula funds that MTC distributes. We

also expect Bay Area projects to receive a share of the state's \$4.25 billion in bridge repair funds and dedicated resources for zero emission vehicle charging and resilience projects. Attachment A provides a more detailed overview of the surface transportation provisions of the bill.

The most unprecedented element of the deal is in the scale of new discretionary grants that would be administered by the U.S. Department of Transportation (USDOT); the bill would authorize approximately \$140 billion in competitive grant funding that could help fund Bay Area surface transportation priorities). See page 3 of Attachment A for additional details on the discretionary grants.

The bill would also provide funding for airports, ports and waterways, as shown in the chart on Page 1.

Water Infrastructure

Water infrastructure would be funded at approximately \$91 billion and—similar to surface transportation—includes a reauthorization of drinking and wastewater funding (\$36 billion) and provides supplemental one-time stimulus funding to targeted programs. Nearly \$53 billion would be distributed through the existing drinking water and clean water state revolving loan funds (\$26.4 billion each) which provide grants to states for loans supporting water infrastructure and water quality improvement projects. An additional \$15 billion would be available for lead pipe replacement (to be administered through drinking water state revolving loan funds) and \$10 billion to address emerging pollutants. The remaining funding would be distributed through various other programs.

Broadband/High-Speed Internet

The IIJA provides \$65 billion to help build out broadband infrastructure, assist states with developing and implementing digital equity plans, and to subsidize the cost of Internet service for low-income households. Of the funding, \$42.5 billion would be reserved for a U.S. Department of Commerce broadband buildout grant program for states. Each state would receive a minimum of \$100 million; remaining grant funding would be determined via a formula based on each state's proportionate number of underserved and high-cost locations. Another significant component of the broadband proposal is a \$30/month voucher low-income families may use for Internet service (\$14.2 billion cost). This subsidy builds on the existing Emergency Broadband Benefit established during the pandemic, removing any sunset date for the benefit and expanding eligibility to more low-income households. An estimated 10.6 million Californians would be eligible for the benefit, according to a [White House fact sheet](#).

Power Infrastructure and Clean Energy

The IIJA includes \$65 billion to upgrade power infrastructure and increase energy efficiency, creates a new Grid Deployment Authority, and invests in clean energy research and technology. Investments of interest include: \$5 billion in grants to states, grid operators, and other entities to harden the electric grid against extreme weather events, \$5 billion for demonstration projects aimed at hardening and enhancing grid resilience, \$3 billion for the [Smart Grid Investment Matching Grant Program](#) with expanded eligibilities to include improvements that increase flexibility in responding to natural disasters and fluctuating demand, \$8 billion to establish at least four regional clean hydrogen hubs, \$550 million for the Energy [Efficiency and](#)

Conservation Block Grant Program to support state and local governments in investing in energy efficiency and conservation projects and \$225 million for a Department of Energy competitive grant program for states or regional partnerships to update their building energy codes.

Resilience, Western Water Storage, Environmental Remediation

The bill would provide about \$71 billion for resilience, western water storage and remediation, including funding for wildfire resilience, flood mitigation, and ecosystem restoration. Regarding wildfires, the bill includes \$3.3 billion for wildfire risk reduction efforts, including controlled burns, community wildfire defense grants, and funds to boost federal firefighter salaries. The bill would additionally provide \$2 billion for federal ecological restoration projects to support fuel reduction. Other investments of interest:

- \$3.5 billion to supplement the Weatherization Assistance Program that reduces energy costs for low-income households¹
- \$1 billion is provided for the Federal Emergency Management Administration (FEMA)’s Building Resilient Infrastructure and Communities (BRIC) grants
- \$1 billion for a new grant program for states and local governments to develop and implement cybersecurity plans
- \$24 million for San Francisco Bay restoration (funds will go to EPA) and \$132 million for the National Estuary Program, of which **an estimated \$4.5 million would come directly to the San Francisco Estuary Partnership** over five years (\$900,000/year). This would more than double the Partnership’s current annual federal funding of approximately \$700,000.
- \$17 billion for Army Corps of Engineers flood mitigation and waterways management planning and projects, including \$11.6 billion for construction (intended to support both unfunded projects in the Army Corps pipeline and new construction).²
- More than \$8 billion for water storage, recycling, and ecosystem restoration intended to help make California and other western states more resilient to drought
- \$1.2 billion over five years for brownfield remediation
- \$3.5 billion for superfund remediation

¹ Weatherization funding could also be categorized under “power infrastructure and clean energy” funding.

² Based on external infrastructure bill analyses, staff attributed Army Corps funding to the “resilience” category, though a portion of the \$17 billion most likely accounts for a significant amount of the “ports and waterways” funding listed in the chart on Page 1.

**Summary of Surface Transportation Provisions
of the Infrastructure Investment and Jobs Act**

DRAFT

October 28, 2021

This writeup provides highlights of the transportation aspects of the Investment and Jobs (IIJA) Act (IIJA), with a focus on Bay Area impacts.

Investment and Jobs Act vs. FAST Act Comparison Chart

	FAST Act (FY 2016-2020)	IIJ Act (FY 2022-2026) (Senate passed)	% Increase
Surface Transportation Authorization ⁱ	\$ 305 billion	\$ 477 billion	56%
One-time General Fund advance appropriation) ⁱⁱ	-	\$ 157 billion	N/A
Total	\$ 305 billion	\$ 634 billion	108%

Bay Area Highway and Transit Formula Funding Increase

The IIJA would substantially boost the Bay Area transit formula resources that MTC distributes, and the Bay Area would receive a lesser but not insignificant boost in flexible highway funds. Initial estimates are below and are subject to change.

Bay Area Transit

The IIJA would provide the Bay Area \$3.4 billion in transit formula funds over five years vs. the \$2.3 billion in Federal Transit Administration (FTA) formula funds over the FAST Act period. This increase would be a result of both a big boost in the federal transit formula funding from the Highway Trust Fund (HTF)—a big win for the long-term as it would be very unusual for HTF-funded federal transit (and highway) program funding levels to fall below this new baseline after five years at this funding level—and because of additional one-time supplemental stimulus funding to the Section 5337 State of Good Repair program, which we advocated for along with our large transit system partners across the country.

Bay Area Transit Formula Fund Estimate

	FAST Act (FY 2016-2020)¹	IIJ Act (FY 2022-2026)²	5-Year Funding Increase
State of Good Repair	\$1.1 billion	\$1.7 billion	\$0.7 billion
Urbanized Area	\$1.1 billion	\$1.5 billion	\$0.4 billion
Other	\$0.1 billion	\$0.2 billion	\$0.1 billion
Total	\$2.3 billion	\$3.4 billion	\$1.1 billion

Note: Sums may not total due to rounding.

1. Amounts include FAST Act authorized funding plus Federal Transit Administration (FTA) supplemental appropriations from FY 2018, FY 2019 and FY 2020.

2. Amounts reflect IIJ transportation authorization and supplemental advance appropriations.

Attachment A

Page 2 of 5

Bay Area Flexible Highway, Climate and Bike/Ped Formula Funding

The IIJA would increase five-year funding totals for flexible highway program funding in the Bay Area from \$0.8 billion to \$1.1 billion. Note that much of this increase is due to the new, highly flexible Carbon Reduction formula program, which the Senate funded at the expense of increasing the Congestion Mitigation and Air Quality Improvement (CMAQ) Program. Like CMAQ, the Carbon Reduction Program has broad eligibilities including public transit, high occupancy vehicle projects and congestion pricing. See chart below:

Bay Area Highway Formula Fund Estimate

	FAST Act (FY 2016-2020)*	IIJ Act (FY 2022-2026)	5-Year Funding Increase
Surface Transportation Program	\$473 million	\$603 million	\$130 million
CMAQ	\$367 million	\$368 million	\$1 million
Transportation Alternatives Program ¹	\$38 million	\$70 million	\$32 million
Carbon Reduction Program (<i>new</i>)	-	\$71 million	\$71 million
Total	\$878 million	\$1.1 billion	\$234 million

1. Amount reflects only those program funds suballocated to the Bay Area for the regional ATP program; does not include the Bay Area's share of the states "any area" funds

Encouragingly, metropolitan planning resources that come directly to MTC would increase as well, with the Metropolitan Planning program increasing by about 30 percent overall compared to FAST Act levels (FAST Act FY 2016-2020 vs. proposed FY 2022-2026 funding).

California Funding for Bridges, Resilience and Electric Vehicle Charging Infrastructure

The State of California would receive a **much larger** increase in formula funds (proportionately and dollar amount) compared to the suballocated formula programs, including five-year totals of approximately \$4.2 billion from a flexible new bridge repair formula program (\$27.5 billion nationwide) and approximately \$380 million for electric vehicle charging infrastructure. Additionally, California would receive over the five year timeframe roughly \$2.6 billion in funding that could be used for resilience-focused investments, \$630 million from a new resilience-focused formula program for states and up to \$1.9 billion of the state's anticipated \$12.8 billion in National Highway Performance Program (NHPP) highway funding (highway and bridge resilience would be newly eligible for up to 15 percent of NHPP funding). We expect there will be legislation at the state level to implement these new programs, providing an opportunity to advocate for an approach that maximizes funding for the Bay Area.

Additionally, California's Trade Corridors Enhancements Program and "any area" Active Transportation Program would both be expected grow in accordance with the funding increases proposed for the federal freight formula program and federal Transportation Alternatives Program since state law directs these federal funds to these programs.

Opportunity for Bay Area Projects to Compete for more than \$100 billion in Discretionary Grants

Bay Area projects (large and small) could also receive substantial direct federal investment via funding for existing and new discretionary grant programs. In addition to huge dollar amounts,

the focus of the grant programs reflects many of the Plan Bay Area 2050 priorities and in general the selection criteria are Bay Area/large metro-friendly (ex: points for national and regional economic benefits). Grant programs of interest are listed below.

We have identified approximately \$140 billion in grant funding that could fund Bay Area priority projects. Of this, roughly \$100 billion is “guaranteed” funding—i.e., grants are either funded from the Highway Trust Fund (HTF) or one-time supplemental general fund stimulus (upfront stimulus)—while the approximately \$40 billion in non-stimulus general fund authorizations (GF) are much less certain as they are subject to annual appropriations. Of note, the IJA authorizes tens of billions of dollars for additional grants for programs that are either targeted to non-Bay Area geographies or target projects that typically fall outside the scope of Plan Bay Area 2050 investment priorities (such as wildlife crossings).

Transit, Bridge, Climate, Rail, Safety, and Priority Project Discretionary Grant Programs

(Note: National five-year totals. Fund sources listed to provide indication as to level of certainty that the funding will be made available.)

Highway and Bridge

- Bridge Investment Program - \$15.8 billion for a new bridge program
 - \$9.2 billion in upfront stimulus funding, plus \$3.3 billion guaranteed from the reauthorization (HTF) and \$3.3 billion in general funds subject to annual appropriations
 - Program would provide multi-year grants for major bridge improvements, like full funding grant agreements for bridges. BATA bridges and Golden Gate Bridge could apply. Smaller projects could be funded too.
- Charging and Fueling Infrastructure Grants (alternative fuel vehicles) - \$2.5 billion (HTF)
- Rural Surface Transportation Grant Program - \$2 billion (HTF)
 - Grants for highway and bridge improvement, freight and safety projects in urbanized areas less than 200,000 in population. Travel demand management projects are also eligible.
 - States, regional transportation planning organizations, local governments, and multijurisdictional groups may apply.

Transit and Intercity Passenger Rail

- Capital Investment Grants - \$23 billion
 - \$8 billion in one-time upfront stimulus funding plus \$15 billion subject to appropriation (vs. \$12 billion in the FAST Act).
 - Program funds transit modernization and expansion projects
- Federal-State Partnership for Intercity Passenger Rail – \$43.5 billion total; Up to \$19.5 billion eligible to be spent outside of the Northeast Corridor.
 - \$36 billion in upfront funding, of which at least \$12 billion may be spent outside the Northeast Corridor; \$7.5 billion in additional funds subject to annual appropriations, of which not less than \$3.4 billion must be spent outside the Northeast Corridor)
 - Expanded eligibilities to allow program to fund new and expanded intercity rail (e.g., California High Speed Rail), in addition to the program’s historic focus on Amtrak and other intercity rail service’s state of good repair

- Consolidated Rail Infrastructure and Safety Improvements (CRISI) - \$10 billion
 - \$5 billion in upfront stimulus funding and \$5 billion subject to annual appropriations
 - Program funds rail safety, efficiency and reliability improvements. Examples of eligible projects include capital projects to reduce congestion and facilitate ridership growth and highway-rail grade crossing improvements.
- Railroad Crossing Elimination Program - \$5.5 billion
 - New program funded at \$3 billion in upfront stimulus funding and \$2.5 billion subject to annual appropriations
 - Supplements the longstanding Rail-Highway Grade Crossing program funding that is distributed to states via formula, funded through the HTF at \$1.2 billion (FAST Act funded the program at \$1.1 billion).
- Low- and Zero-Emission Bus Program (transit) – \$5.6 billion
 - \$375 million guaranteed from the reauthorization (HTF) and \$5.25 billion in upfront stimulus
- ADA Accessibility Improvements for Legacy Rail Systems - \$1.75 billion (upfront stimulus) (*new program*)
- Competitive Grants for Rail Vehicle Replacement - \$1.5 billion (HTF)
- Electric or Low-Emission Ferry Program - \$500 million
 - \$250 million in upfront stimulus funding, plus \$250 million subject to annual appropriations

Multimodal Mobility, Economy, Safety, and Climate Programs

- National Infrastructure Project Assistance - \$15 billion
 - \$5 billion in upfront stimulus funding and \$10 billion subject to annual appropriations
 - Program would provide multiyear grant agreements for large projects
 - Multimodal eligibility, including for integrated intercity and commuter rail projects, as advocated by MTC and national partners
- Local and Regional Project Assistance - \$15 billion
 - \$7.5 billion in upfront stimulus funding plus \$7.5 billion subject to annual appropriations
 - Authorizes RAISE (BUILD/TIGER)
- INFRA (multimodal freight program) - \$8 billion
 - \$4.8 billion from the HTF and \$3.2 billion in upfront stimulus appropriations
- Safe Streets and Roads for All - \$6 billion
 - \$5 billion in one-time upfront stimulus funding, \$1 billion subject to annual appropriations
 - Grants for local jurisdictions and metropolitan planning organizations to develop and implement Vision Zero safety plans
- Port Infrastructure Development Program - \$2.25 billion in upfront stimulus
 - Existing program to fund projects that improve safety, efficiency, or reliability of goods moving into and out of ports. IIJA funds may also be used for port resiliency, greenhouse gas emissions reductions, and air quality improvements.
- PROTECT resilience grants - \$1.4 billion (HTF)
 - States, locals, metropolitan planning organizations, and other transportation authorities may apply.
- Reconnecting Communities - \$1 billion
 - \$500 million from the HTF, \$500 million in upfront stimulus

- Grants may fund planning and construction to remove or retrofit highways and restore community connectivity
- SMART (Strengthening Mobility and Revolutionizing Transportation Grant Program) - \$1 billion
 - \$500 million in upfront stimulus; \$500 million subject to annual appropriations
 - Eligible projects include automated and connected vehicle infrastructure deployment, transit signal prioritization, and other technology-related transportation system improvements
- Intelligent Transportation Systems Program - \$550 million (HTF)
 - Existing grant program funded at 10 percent more per year than under the FAST Act.
- Reduce Truck Emissions at Port Facilities - \$400 million
 - \$250 million from the HTF; \$150 million in upfront stimulus
 - New grant program to fund projects that reduce idling and emissions from port facilities, including port electrification projects.
- Congestion Relief Program - \$250 million (HTF)
 - New flexible major metro congestion reduction program. Eligibilities are broad and allow for congestion pricing on existing Interstate highways

Notes: FTA ferry program could receive an additional \$1.25 billion over five years, subject to inclusion in a technical corrections bill, and Capital Corridor projects could benefit from IIJA's historic investments in Amtrak.

ⁱ Transportation authorization bill funding reflects both Highway Trust Fund (HTF) amounts—which are essentially “guaranteed”—in addition to those funding amounts authorized but subject to the uncertainty of the annual appropriations process. The FAST Act's \$305 billion price tag reflected \$282 in HTF proceeds and only \$23 billion in general funds while the IIJA would provide \$383 billion in HTF funding, with \$94 billion subject to annual appropriations.

ⁱⁱ Chart does not yet reflect the FY 2018 through FY 2020 Highway Improvement Program and Transit Infrastructure Grants, which supplemented highway and transit funding.



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Emergency Back-Up Power for the Soscol Gateway Transit Center

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board receive a report and provide guidance to NVTA staff on an approach for selecting a backup power source for the Soscol Gateway Transit Center.

EXECUTIVE SUMMARY

The Soscol Gateway Transit Center (SGTC) houses all of the NVTA administrative staff, Customer Service Office and is the hub of the Vine transit system. The SGTC has lost power as a result of the Tubbs Fire (2017), Kincade (2019) and Glass Fire (2020) and has been subject to prolonged power outages as part of Public Safety Power Shutoffs. Without power, NVTA staff cannot operate or provide service for Vine customers effectively. NVTA staff is proposing to purchase a backup generator to remedy this problem.

Staff presented this item at the August 18, 2021 board meeting recommending approval of a roughly \$200,000 contract with Mel Electric to install a diesel-powered generator. The Board directed staff to investigate clean-fuel options and generator leasing options. Alternative fuel and lease options are available but are significantly more expensive and have inherent challenges, such as needed real estate to accommodate system size. A detailed discussion on the pros and cons of each option are included on the Attachment 1.

FISCAL IMPACT

Is there a fiscal impact? Not for this item.



NAPA VALLEY TRANSPORTATION AUTHORITY Board Agenda Memo

TO: Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Kate Miller, Executive Director
(707) 259-8834 / Email: kmiller@nvta.ca.gov
SUBJECT: Emergency Back-Up Power for the Soscol Gateway Transit Center (SGTC)

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board receive a report and provide guidance to NVTA staff on an approach for selecting a back-up power source for the Soscol Gateway Transit Center.

COMMITTEE RECOMMENDATION

None

BACKGROUND AND DISCUSSION

When the Soscol Gateway Transit Center building was completed in 2013, fires were not seen as an annual threat, and Pacific Gas & Electric's Public Service Power Shutoffs (PSPS) were not a regular occurrence. The number of prolonged power outages have limited the ability of NVTA staff to complete their work both on-site at the SGTC and remotely since when the power goes out the NVTA servers are also impacted.

To prepare for future power outages, NVTA staff researched generator options for the SGTC and with the help of TransDev staff did site tours and requested three quotes for a generator to be installed. Quotes were received from Schafer Electric, Mel Electric Inc. and Napa Electric. The lowest quote was Mel Electric Inc. at a total cost of \$198,376.47. Staff estimates that this cost has likely increased since the August board meeting and since the Mel Electric bid has already expired, staff would need to go out for a competitive bidding process before proceeding with this lower cost option.

At the August 19th NVTA Board meeting, the board directed staff to pursue other options including clean fuel options and leasing options to provide emergency backup power options to the transit center.

Attachment 1 summarizes various options, compares costs, and relative emissions for the Board's consideration.

ALTERNATIVES

This is an information item only.

STRATEGIC GOALS MET BY THIS PROPOSAL

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

A well-functioning system is essential for adequately providing transportation for individuals with mobility challenges, community members who have limited financial resources, or members of the community who choose to take transit. To provide transit service, NVTa needs to have power to run the lights, servers, and computers.

ATTACHMENT

(1) Summary of SGTC Emergency Backup Power

Summary of Emergency Back-Up Power Options for the Soscol Gateway Transit Center

Option	Description	Estimated Direct Cost	Annual Operating Cost*	Annual Emissions*	Pros/Cons
Purchase Diesel Generator	Install permanent generator	\$200,000	Less than \$5,000	2.7 tons of CO	Most cost effective approach. Would require using some outside property at the SGTC but no floor space inside. High emissions.
Lease generator	Long term lease	\$7,000/month (\$38,700 for 6 months – during fire season)	Less than \$5,000	> 2.7 tons of CO	Difficult to locate during emergency power outages so would likely require long term lease to ensure availability. Difficult to transport. At risk of vandalism (would need to be parked in SGTC parking lot). Long term costs are high. It has the highest emissions – 2.7 tons based on nominal use plus transportation.
Existing solar panel system switched off grid.	Use the existing panels but install a switching device to use solar power to charge battery backup system for use when power is down.	\$1,275,000	No hourly costs. Modest O&M for batteries.	zero	Very expensive. Battery storage would consume scarce internal office space or an additional structure would need to be constructed in the parking lot.
New separate solar panel system	Construct canopies over parking lot exclusively to charge battery backup system for use when power is down.	\$1,070,000	No hourly costs. Panel cleaning - \$4,000 a year plus modest O & M.	zero	Very expensive. Would reduce parking capacity at the SGTC for solar panel canopies. Battery storage would consume scarce internal office space or an additional structure would need to be constructed in the parking lot.

*Assumes that the system will operate 3 days a year at 18 hours per day.



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Proposed Changes to the NVTA Organizational Chart

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve two the restated positions by modifying the Principle Planner/Special Projects position to Engineer/Special Projects and retitle Marketing and Communications Officer to Marketing and Information Specialist.

EXECUTIVE SUMMARY

The proposal would retitle two positions; Principle Planner/Special Project to Engineering/Special Projects (with flexibility to maintain Principle Level or Associate or Senior Engineer based on applications received) and Marketing and Communications Officer to Marketing and Information Specialist. The proposed changes are intended to draw applicants better suited for the current and future needs of the agency.

FISCAL IMPACT

Is there a Fiscal Impact? The new positions will have comparable salary levels as the current positions and be within the board approved salary ranges.



NAPA VALLEY TRANSPORTATION AUTHORITY Board Agenda Letter

TO: Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Laura Sanderlin, Board Secretary/Office Manager
(707) 259-8633 / Email: lsanderlin@nvta.ca.gov
SUBJECT: Proposed Changes to the Napa Valley Transportation Authority
(NVTA) Organizational Chart

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve two the restated positions by modifying the Principal Planner/Special Projects position to Engineer/Special Projects and retitle Marketing and Communications Officer to Marketing and Information Specialist.

COMMITTEE RECOMMENDATION

None

BACKGROUND AND DISCUSSION

At the September 18, 2019 NVTA Board meeting, the proposed Principal Planner position, job classification and salary range was approved to be added to the NVTA job organizational structure to accommodate the then Principle.

At the May 19, 2021 NVTA Board meeting, the Principal Planner position was approved to be filled with a temporary, Retired Annuitant under the title of Construction Manager. This filled an urgent need as there were impending projects requiring management. The Retired Annuitant resigned effective October 29, 2021 and the position is currently vacant. To fulfill the needs of the agency and ensure successful recruitment, the position should be reinstated to its original classification of Principal /Special Projects and retitled to Engineer/Special Projects. It should be noted that the agency will continue to recruit for a full time position but will consider fulfilling the vacancy temporarily if necessary. In addition, the ultimate salary level and title could range from Associate Engineer to Principal Engineer depending on the applicant pool.

External market factors have been a challenge to the recruitment and retention of qualified candidates. NVTA needs to remain competitive in the market on recruiting and retaining employees; therefore, staff is requesting that the Board approve the following actions:

- re-title one Principal Planner/Special Projects to Engineer/Special Projects and,
- re-title Marketing and Communications Officer to Marketing and Information Specialist

The proposed organizational chart refines two titles, which correspond with the organizational changes listed above. Including the Executive Director, NVTA has sixteen full time employees; two positions are currently vacant. The proposal will not add any additional positions.

ALTERNATIVES

The board could reject the proposed changes and retain the currently adopted organizational chart.

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal 1 – Serve the transportation needs of the entire community regardless of age, income, or ability – these changes will allocate staff resources in the areas of growing interests and concern.

Goal 3 – Use taxpayer dollars efficiently – these changes will allocate staff time in areas of their expertise therefore, staff time will be used more efficiently.

ATTACHMENT

(1) Proposed Organizational Chart

Proposed NVTa Organizational Chart

