

Napa Valley Transportation Authority

625 Burnell Street
Napa, CA 94559



Agenda - Final

Wednesday, June 20, 2018
1:30 PM

NVTA Conference Room

NVTA Board of Directors

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

This Agenda shall be made available upon request in alternate formats to persons with a disability. Persons requesting a disability-related modification or accommodation should contact Karrie Sanderlin, NVTA Board Secretary, at (707) 259-8633 during regular business hours, at least 48 hours prior to the time of the meeting.

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

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

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

9. CONSENT AGENDA ITEMS (9.1 - 9.5)

9.1 Meeting Minutes of May 16, 2018 (Karrie Sanderlin) (Pages 9-13)

Recommendation: Board action will approve the meeting minutes of May 16, 2018.

Estimated Time: 1:45 p.m.

Attachments: [Draft Minutes](#)

9.2 Resolution No. 18-14 Approving the Lifeline Transportation Program Cycle 5 Project Funds for Fiscal Year (FY) 2016-17 and Fiscal Year (FY) 2017-18 for the Imola Avenue Park and Ride Improvement Project (Shaveta Sharma) (Pages 14-30)

Recommendation: Board action will approve Resolution No. 18-14 approving the project submitted for Lifeline Transportation Program Cycle 5 funding.

Estimated Time: 1:45 p.m.

Attachments: [Staff Report](#)

**9.3 Americans with Disabilities Act (ADA) Self-Evaluation Plan
(Rebecca Schenck) (Pages 31-106)**

Recommendation: Board action will review and approve the Americans with Disabilities Act (ADA) Self-Evaluation Plan.

Estimated Time: 1:45 p.m.

Attachments: [Staff Report](#)

**9.4 Resolution No. 18-15 Authorizing the Submittal of the
Countywide Coordinated Claim to the Metropolitan
Transportation Commission (MTC) for the Allocation of Fiscal
Year 2018-19 Transportation Development Act Article 3 (TDA-3)
Pedestrian/Bicycle Project Funds to Claimants in Napa County
and Adopting the FY 2018-19 through FY 2020-21 (3-Year Cycle)
TDA-3 Program of Projects (Diana Meehan) (Pages 107-114)**

Recommendation: Board action will adopt Resolution No. 18-15 requesting the FY 2018-19 Transportation Development Act Article 3 (TDA-3) allocation for Pedestrian/Bicycle project funds in the amount of \$296,099 to the Metropolitan Transportation Commission (MTC) as part of the annual Countywide Claim and adopt the FY 2018-19 through FY 2020-21 Three-Year program of projects.

Estimated Time: 1:45 p.m.

Attachments: [Staff Report](#)

**9.5 Resolution No. 18-16 Authorizing the Executive Director to
Execute Agreements with the California Department of
Transportation for the Imola Avenue Complete Streets Corridor
Improvement Plan (Diana Meehan) (Pages 115-118)**

Recommendation: Board action will approve Resolution No. 18-16 authorizing agreements with the California Department of Transportation (Caltrans) for the Imola Avenue Complete Streets Corridor Improvement Plan.

Estimated Time: 1:45 p.m.

Attachments: [Staff Report](#)

10. REGULAR AGENDA ITEMS**10.1 Chair and Vice Chair Nominating Committee for Fiscal Year (FY) 2018-19 (Karrie Sanderlin) (pages 119-120)**

Recommendation: Board action will appoint three Board members to nominate a Chair and Vice Chair for FY 2018-19.

Estimated Time: 1:45 p.m.

Attachments: [Staff Report](#)

10.2 Amendment No. 11 to the Napa Valley Transportation Authority (NVTA) Joint Powers Agreement (Antonio Onorato) (Pages 121-148)

Recommendation: Board action will approve the proposed revisions to the NVTA Joint Powers Agreement (JPA) and direct staff to circulate it to its member jurisdictions for approval by their respective councils.

Estimated Time: 2:00 p.m.

Attachments: [Staff Report](#)

10.3 Standard & Poor's Global Ratings Services and Moody's Investor Services Assigns Credit Ratings to the Napa Valley Transportation Authority (Antonio Onorato) (Pages 149-172)

Recommendation: Information only. The Board will receive an overview of the credit rating assignments from Standard & Poor's Global Ratings Services and Moody's Investor Services.

Estimated Time: 2:15 p.m.

Attachments: [Staff Reort](#)

10.4 Napa Valley Transportation Authority (NVTA) Third Quarter Fiscal Year (FY) 2017-18 Financials, Budget Adjustment and 5-Year Forecast (Justin Paniagua) (Pages 173-178)

Recommendation: Information only. The Board will receive the agency's financial performance compared to budget for the third quarter period and 5-year forecast model.

Estimated Time: 2:30 p.m.

Attachments: [Staff Report](#)

10.5 Vine Transit Performance Data Update (Matthew Wilcox) (Pages 179-184)

Recommendation: Information only. The Board will receive the quarterly performance report.

Estimated Time: 2:45 p.m.

Attachments: [Staff Report](#)

10.6 Federal and State Legislative Updates and State Bill Matrix (Kate Miller) (Pages 185-199)

Recommendation: The Board will receive the monthly Federal and State Legislative updates, and approve board position recommendations for bills on the State Bill Matrix.

Estimated Time: 3:00 p.m.

Attachments: [Staff Report](#)

11. CLOSED SESSION

11.1 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) (Late Claim of Martha Carter)

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) (Claim of City of Vallejo)

Estimated Time: 3:15 p.m.

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

Title: Executive Director

Estimated Time: 3:30 p.m.

12. FUTURE AGENDA ITEMS**13. ADJOURNMENT****13.1 Approval of Next Meeting Date of July 18, 2018 and Adjournment**

Estimated Time: 4:00 p.m.

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. on Friday, June 15, 2018.

Karalyn Sanderlin (e-sign) June 13, 2018

Karalyn E. Sanderlin, NVTA Board Secretary

Glossary of Acronyms

AB 32	Global Warming Solutions Act	HIP	Housing Incentive Program
ABAG	Association of Bay Area Governments	HOT	High Occupancy Toll
ADA	American with Disabilities Act	HOV	High Occupancy Vehicle
ATAC	Active Transportation Advisory Committee	HR3	High Risk Rural Roads
ATP	Active Transportation Program	HSIP	Highway Safety Improvement Program
BAAQMD	Bay Area Air Quality Management District	HTF	Highway Trust Fund
BART	Bay Area Rapid Transit District	IFB	Invitation for Bid
BATA	Bay Area Toll Authority	ITIP	State Interregional Transportation Improvement Program
BRT	Bus Rapid Transit	IS/MND	Initial Study/Mitigated Negative Declaration
CAC	Citizen Advisory Committee	JARC	Job Access and Reverse Commute
CAP	Climate Action Plan	LIFT	Low-Income Flexible Transportation
Caltrans	California Department of Transportation	LOS	Level of Service
CEQA	California Environmental Quality Act	LS&R	Local Streets & Roads
CIP	Capital Investment Program	MAP 21	Moving Ahead for Progress in the 21 st Century Act
CMA	Congestion Management Agency	MPO	Metropolitan Planning Organization
CMAQ	Congestion Mitigation and Air Quality Improvement Program	MTC	Metropolitan Transportation Commission
CMP	Congestion Management Program	MTS	Metropolitan Transportation System
CTP	Countywide Transportation Plan	ND	Negative Declaration
COC	Communities of Concern	NEPA	National Environmental Policy Act
CTC	California Transportation Commission	NOAH	Natural Occurring Affordable Housing
DAA	Design Alternative Analyst	NOC	Notice of Completion
DBB	Design-Bid-Build	NOD	Notice of Determination
DBF	Design-Build-Finance	NOP	Notice of Preparation
DBFOM	Design-Build-Finance-Operate-Maintain	NVTA	Napa Valley Transportation Authority
DED	Draft Environmental Document	NVTA-TA	Napa Valley Transportation Authority-Tax Agency
EIR	Environmental Impact Report	OBAG	One Bay Area Grant
EJ	Environmental Justice	PA&ED	Project Approval Environmental Document
FAS	Federal Aid Secondary	P3 or PPP	Public-Private Partnership
FAST	Fixing America's Surface Transportation Act	PCC	Paratransit Coordination Council
FHWA	Federal Highway Administration	PCI	Pavement Condition Index
FTA	Federal Transit Administration	PCA	Priority Conservation Area
FY	Fiscal Year	PDA	Priority Development Areas
GHG	Greenhouse Gas	PID	Project Initiation Document
GTFS	General Transit Feed Specification	PMS	Pavement Management System
HBP	Highway Bridge Program		
HBRR	Highway Bridge Replacement and Rehabilitation Program		

Glossary of Acronyms

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

**Napa Valley Transportation
Authority
Meeting Minutes
NVTA Board of Directors**

625 Burnell Street
Napa, CA 94559

Wednesday, May 16, 2018

1:30 PM

NVTA Conference Room

1. Call to Order

Vice Chair Canning called the meeting to order at 1:40 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited at the preceding Napa Valley Transportation Authority-Tax Agency (NVTA-TA) meeting.

3. Roll Call

Leon Garcia
Alan Galbraith
James Barnes
Chris Canning
Jill Techel
Paul Dohring
Mark Joseph
John F. Dunbar
Doris Gentry
Kerri Dorman
Fran Rosenberg
Alfredo Pedroza
Belia Ramos

4. Adoption of the Agenda

Motion **MOVED** by BARNES, **SECONDED** by GALBRAITH to **APPROVE** adoption of the agenda.

Motion carried by the following vote:

Aye: 20 - Garcia, Galbraith, Barnes, Canning, Techel, Dohring, Joseph, Dunbar, Gentry, and Dorman

Absent: 4 - Pedroza, and Ramos

5. Public Comment

None

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

MTC Commissioners' Update

In Commissioner Pedroza's absence, Kate Miller, NVTA Executive Director, reported on recent MTC activities.

7. Executive Director's Update

Kate Miller, Executive Director

- Announced that NVTA was awarded a Caltrans Sustainable Communities Planning grant in the amount of \$250,000 for improvements on Imola Avenue. The City of Napa, the County of Napa, and NVTA have been working together along with Caltrans to evaluate complete streets improvements between Skyline Park on the east side to Foster Road on the west side.
- Reported that on Bike to Work Day NVTA hosted an energizer station at the foot of the Vine Trail on Soscol Avenue at Vallejo Street. This year, 790 adults and children participated in Napa County, including supervisors Alfredo Pedroza, Brad Wagenknecht, and Ryan Gregory.
- Announced that with support from the Napa Valley Vintners and BottleRock, NVTA will once again provide free rides on the Vine from Friday through Sunday of BottleRock weekend (May 25-27).
- Reported the meeting handout packet included a fact sheet (handout #3) showing all of the Bay Area projects that will be funded this year with Senate Bill 1 funding, including critical local roads projects in Napa County.

8. Caltrans' Update

Ahmad Rahimi, Caltrans, provided an update on the status of various projects located in the county.

9. CONSENT AGENDA ITEMS (9.1 - 9.5)

Motion **MOVED** by DOHRING, **SECONDED** by BARNES to **APPROVE** adoption of the agenda.

Motion carried by the following vote:"

Aye: 20 - Garcia, Galbraith, Barnes, Canning, Techel, Dohring, Joseph, Dunbar, Gentry, and Dorman

Absent: 4 - Pedroza, and Ramos

9.1 Meeting Minutes of April 18, 2018 (Karrie Sanderlin) (Pages 8-13)

Attachments: [Draft Minutes](#)

Board action approved the meeting minutes of April 18, 2018.

9.2 Resolution No. 18-13 Adopting the Napa Valley Transportation Authority's (NVTA's) Biennial Budget for Fiscal Years 2018-19 and 2019-20 (Justin Paniagua) (Pages 14-31)

Attachments: [Staff Report](#)

Board action approved Resolution No. 18-13 adopting NVTA's biennial budget for FY's 2018-19 and 2019-20.

9.3 Notice of Completion for the Soscol Gateway Transit Center Board Room Audiovisual Improvements (Herb Fredricksen) (Pages 32-35)

Attachments: [Staff Report](#)

Board action authorized the filing of the Notice of Completion with the Recorder-County Clerk for the Soscol Gateway Transit Center Board Room Audiovisual Improvements project.

- 9.4** Transportation Fund for Clean Air (TFCA) Program Manager Three-Year Projects List for Fiscal Year End (FYE) 2019 through 2021 (Diana Meehan) (Pages 36-64)

Attachments: [Staff Report](#)

Board action approved the TFCA Program Manager projects list for FYE 2019 through 2021 allocating \$594,227.

- 9.5** Membership into the National Joint Powers Alliance (Rebecca Schenck) (Pages 65-66)

Attachments: [Staff Report](#)

Board action approved NVTA's membership in the National Joint Powers Alliance (NJPA).

10. REGULAR AGENDA ITEMS

- 10.1** Vine Transit Bus Maintenance Facility Project 60% Design Update (Rebecca Schenck) (Pages 67-81)

Attachments: [Staff Report](#)

Information Only / No Action Taken

Staff provided an update on the 60% design of the Vine Transit Bus Maintenance Facility Project.

10.2 Other Post Employment Benefits (OPEB) (Antonio Onorato) (Pages 82-108)

Attachments: [Staff Report](#)

Staff reviewed several options for amending the Agency's OPEB benefits and recommended that the Board direct staff to seek actuarial evaluation for Proposed Benefit #3 (Attachment 1, page 90) for consideration for adoption by the Board at a future date.

Motion MOVED by GENTRY, SECONDED by DORMAN to APPROVE directing staff to seek actuarial evaluation for Proposed Benefit #3, as shown below (and Attachment 1, page 90), for consideration for adoption by the Board at a future date.

Authority pays % of \$500 cap (\$750 for dual coverage, i.e employee + spouse) based on Authority years of service as shown in the table below with no future increases.

Service	%
10	50%
11	55%
12	60%
13	65%
14	70%
15	75%
16	80%
17	85%
18	90%
19	95%
20	100%

PEMCHA minimum (\$128 in 2017) for individuals with less than 10 years of Authority service at retirement. Grandfathered retiree will receive no less than his current benefit.

Motion carried by the following vote:

Aye: 20 - Garcia, Galbraith, Barnes, Canning, Techel, Dohring, Joseph, Dunbar, Gentry, and Dorman

Absent: 4 - Pedroza, and Ramos

10.3 Federal and State Legislative Updates and State Bill Matrix (Kate Miller) (Pages 109-124)

Attachments: [Staff Report](#)

The Board received the monthly Federal and State Legislative updates and took the following action on the recommended proposed legislation included in the State Bill Matrix.

Motion MOVED by JOSEPH, SECONDED by GARCIA to APPROVE Support & Seek Amendments on AB 2581 (Grayson D). Motion carried by the following vote:

Aye: 20 - Garcia, Galbraith, Barnes, Canning, Techel, Dohring, Joseph, Dunbar, Gentry, and Dorman

Absent: 4 - Pedroza, and Ramos

11. FUTURE AGENDA ITEMS

None

12. ADJOURNMENT

12.1 Approval of Next Regular Meeting Date of June 20, 2018 at 1:30 p.m. and Adjournment

The next regular meeting will be held on Wednesday, June 20, 2018 at 1:30 p.m.

Vice Chair Canning adjourned the meeting at 2:48 p.m.

Karalyn E. Sanderlin, NVTA Board Secretary



NAPA VALLEY TRANSPORTATION AUTHORITY PCC Agenda Letter

TO: Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Shaveta Sharma, Transportation Program Planner
(707) 259-8287 / Email: ssharma@nvta.ca.gov
SUBJECT: Resolution No. 18-14 Approving the Lifeline Transportation Program Cycle 5 Project Funds for Fiscal Year (FY) 2016-17 and Fiscal Year (FY) 2017-18 for the Imola Avenue Park and Ride Improvement Project

RECOMMENDATION

That the Napa Valley Transportation Authority Board approve Resolution No. 18-14 approving the Lifeline Transportation Program Cycle 5 Project Funds for FY 2016-17 and FY 2017-18 for the Imola Park and Ride Improvement Project (Attachment 1)

COMMITTEE RECOMMENDATION

At the June 7, 2018 meeting, the Technical Advisory Committee (TAC) reviewed and recommend that the NVRTA Board of Directors approve the Lifeline Transportation Program Cycle 5 Program of Projects.

EXECUTIVE SUMMARY

A call for projects was issued April 5, 2018 wherein up to \$453,811 in federal and state funds were made available to public transit operators, non-profits, and other local government agencies through a competitive application and evaluation process. These funds are to be used to address transportation gaps or barriers identified in community-based transportation plans or other local planning efforts in low income neighborhoods.

NVRTA submitted the only application. This application is for the Imola Park and Ride improvements (Attachment 2) that are identified in the Vine Express Bus Study. The Imola Park and Ride Improvements address one of the four priority categories identified in the most recent Community Based Transportation Plan (CBTP) completed in 2015:

- Enhance Bus Service – Extend various bus routes and frequencies and capital amenities throughout the county system

PROCEDURAL REQUIREMENTS

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

FINANCIAL IMPACT

Is there a fiscal impact? No

BACKGROUND AND DISCUSSION

The Metropolitan Transportation Commission (MTC) makes funding available to improve mobility of low income communities through the Lifeline Program. The funds are distributed to counties on low income population formula and are administered by each congestion management agency. The Napa Valley Transportation Authority (NVTA) serves as the congestion management agency (CMA) for Napa County. All interested non-profit organizations and public agencies were invited to submit applications for funding.

The program is intended to fund projects included in community-based transportation plans or other planning efforts, including projects that: (1) are developed through a collaborative and inclusive planning process; (2) improve transportation choices; (3) address transportation gaps identified in the Community Based Transportation Program (CBTP) or other local planning efforts; and (4) focus on transportation needs specific to elderly and disabled residents of low income communities.

Specific project examples that were identified in the 2015 Community Based Transportation Plan and eligible for Lifeline funds include:

- Napa County Expansion of Class I Bicycle Facilities
- Install Traffic Calming Devices, Upgrade Sidewalk, Lighting, and Landscaping in Downtown St. Helena
- Widen Sidewalks on Main St. from First St. to Third St.
- New Bus Shelters and Bus Stop Amenities

Eligible Applicants:

Public agencies, county social service agencies, cities and counties, and non-profit organizations are eligible applicants. However, since State Transit Assistance (STA), and Federal Transit Administration (FTA) Section 5307 funds are all statutorily restricted to eligible public transit agencies, applicants must partner with NVTA to access the revenues.

Available Funding:

The fund sources and estimated amounts are:

Fund Source	Amount		Total
	FY 2017	FY 2018	
FTA Section 5307 Funds	\$74,438	\$75,960	\$150,398
STA	\$152,057	\$151,356	\$303,413
Total	\$226,495	\$227,316	\$453,811

Local Matching Fund Requirement:

The Lifeline Program requires a minimum match of 20% of the total project cost. Lifeline Transportation Program funds may cover a maximum of 80% of the total project cost.

Project Delivery Requirements:

For projects receiving FY 2017 funds, the project must be complete by August 2021, and August 2022 for FY 2018 funds.

Application/Scores:

Applications were due to NVT A no later than April 20, 2018 by 5:00 p.m. The evaluation staff consists of CMA staff and MTC identified local stakeholders. NVT A submitted the only Lifeline application. The funds will be used to make improvements on State Route 29 (SR-29) and Imola Avenue, northbound and southbound on/off ramps to serve Vine transit express bus services.

Below is the average score given by the five panel jury on the NVT A's application:

Applicant Name	Jurisdiction/Location	Project	Score
NVT A	Imola/SR-29 Intersection	Transit improvements to Imola Park and Ride facility	110/125

SUPPORTING DOCUMENTS

- Attachments (1) Resolution No. 18-14
(2) Imola Park and Ride Improvements Lifeline Application

RESOLUTION No. 18-14

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVTA)
APPROVING THE LIFELINE TRANSPORTATION
PROGRAM CYCLE 5 PROJECT FUNDS FOR FY 2016-17 AND FY 2017-18
FOR THE IMOLA AVENUE PARK AND RIDE IMPROVEMENT PROJECT**

WHEREAS, the Metropolitan Transportation Commission (MTC) has established a Lifeline Transportation Program to assist in funding projects that (1) are intended to result in improved mobility for low-income residents of the nine San Francisco Bay Area counties, (2) are developed through a collaborative and inclusive planning process and (3) are proposed to address transportation gaps and/or barriers identified through a substantive community-based transportation plan or are otherwise based on a documented assessment of needs; and

WHEREAS, MTC has adopted principles, pursuant to MTC Resolution No. 4309, to guide implementation of the Lifeline Transportation Program for the two year period from Fiscal Year 2016-17 and Fiscal Year 2017-18, and has designated the County Congestion Management Agency (or another countywide entity) in each of the nine bay area counties to help with recommending project selections and project administration; and

WHEREAS, NVTA has been designated by MTC to assist with the Lifeline Transportation Program in Napa County on behalf of MTC; and

WHEREAS, NVTA conducted a competitive call for projects for the Lifeline Transportation Program in Napa County; and

WHEREAS, NVTA submitted a project in response to the competitive call for projects; and

WHEREAS, NVTA has confirmed that NVTA's proposed project, described more fully on Attachment A to this Resolution, attached to and incorporated herein as though set forth at length, is consistent with the Lifeline Transportation Program goals as set out in MTC Resolution No. 4309; and

WHEREAS, NVTA, after review, recommends NVTA's proposed project, described more fully on Attachment A to this Resolution, attached to and incorporated herein as though set forth at length, be funded in part under the Lifeline Transportation Program; and

WHEREAS, NVTa agrees to meet project delivery and obligation deadlines, comply with funding conditions placed on the receipt of funds allocated to the Lifeline Transportation Program, provide for the required local matching funds, and satisfy all other conditions set forth in MTC Resolution No. 4309; and

WHEREAS, NVTa certifies that the project and purpose for which funds are being requested is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 1500 et seq.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et seq. and the applicable regulations thereunder; and

WHEREAS, there is no legal impediment to NVTa making the funding request; and

WHEREAS, there is no pending or threatened litigation which might in any way adversely affect the ability of NVTa to deliver the proposed project for which funds are being requested;

NOW THEREFORE BE IT RESOLVED, that NVTa requests that MTC program funds available under its Lifeline Transportation Program, in the amounts requested for which NVTa is eligible, for the project described in Attachment A of this Resolution;

BE IT FURTHER RESOLVED, that staff of NVTa shall forward a copy of this Resolution, and such other information as may be required, to MTC, and such other agencies as may be appropriate.

Passed and adopted this 20th day of June, 2018.

Peter G. White, NVTa Chair

Ayes

Nays:

Absent:

ATTEST:

Karalyn E. Sanderlin, NVTA Board Secretary

APPROVED:

DeeAnne Gillick, NVTA Legal Counsel

ATTACHMENT A
Lifeline Transportation Program Cycle 5 Projects

Project Name	Project Description	Lifeline Transportation Program Funding Amounts			Local Match Amount	Total Project Cost
		STA	5307	Total Lifeline Funding		
Imola Park and Ride	Transit improvements to an existing Park and Ride at SR29/Imola Ave	\$226,495	\$227,316	\$453,811	\$3,596,829	\$4,050,100
Total		\$226,495	\$227,316	\$453,811	\$3,596,829	\$4,050,100

Lifeline Transportation Program Cycle 5 Funding Application

A. GENERAL PROJECT INFORMATION

1. Project Sponsor

Name of the organization Napa Valley Transportation Agency (NVTA)
Contact person Shaveta Sharma
Address 625 Burnell Street
 Napa, CA 94559
Telephone number 707-259-8782
E-mail address ssharma@nvta.ca.gov
DUNS Number¹ 831725911

2. Other Partner Agencies

Agency	Contact Person	Address	Telephone
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3. Project Type: Check one. ☐ Operating ☒ Capital ☐ Both

For operating projects, please check one of the following: ☐ New ☐ Continuing

4. Project Name: Imola Avenue/SR 29 Express Bus Improvement

5. Brief Description of Project (50 words max.):

Rehabilitation of the Park and Ride facility; and bicycle and pedestrian facilities on State Route 29 (SR-29) and Imola Avenue; northbound and southbound on/off ramps to serve Vine Transit express buses. Improvements will allow Vine Route 29, which provides service to the Vallejo Ferry Terminal and the El Cerrito del Norte BART station, to operate on the corridor.

6. Budget Summary:

	Amount (\$)	% of Total Project Budget
Amount of Lifeline funding requested:	453,811	11%
Amount of local match proposed:	3,596,189	89%
Total project budget:	4,050,100	100%

¹ Provide your organization's nine-digit Dun & Bradstreet (D&B) Data Universal Numbering System (DUNS) Number. To search for your agency's DUNS Number or to request a DUNS Number via the Web, visit the D&B website: <http://fedgov.dnb.com/webform>. To request a DUNS Number by phone, contact the D&B Government Customer Response Center at 1-866-705-5711.

B. PROJECT ELIGIBILITY

Lifeline Eligibility

Does the project result in improved mobility for low-income residents of the Bay Area?

☒ Yes. *Continue.* ☐ No. *Stop. The project is not eligible to receive Lifeline funds.*

Does the project address a transportation gap and/or barrier identified in one of the following planning documents? (Additional details to be provided in question #3)

☒ Yes. *Continue.* ☐ No. *Stop. The project is not eligible to receive Lifeline funds.*

Check all that apply:

- ☐ Community-Based Transportation Plan (CBTP)
- ☐ Other substantive local planning effort involving focused outreach to low-income populations
- ☐ Countywide or regional welfare-to-work transportation plan
- ☐ Coordinated Public Transit-Human Services Transportation Plan
- ☒ Other documented assessment of need within the designated communities of concern
(Please specify: Express Bus Study and Countywide Transportation Plan)

Is the service open to the general public or open to a segment of the general public defined by age, disability, or low income?

☒ Yes. *Continue.* ☐ No. *Stop. The project is not eligible to receive Lifeline funds.*

Section 5307 Eligibility

Is the project designed to transport welfare recipients and eligible low income individuals to and from jobs and activities related to their employment, including transportation projects that facilitate the provision of public transportation services from urbanized areas and rural areas to suburban employment locations?

☒ Yes. *The project may be eligible to receive Section 5307 funds.*

☐ No. *The project is not eligible to receive Section 5307 funds, but may be eligible to receive STA funds.*

For “transportation services” projects: Is the project a “development” or “maintenance” project, as defined by the Federal Transit Administration (FTA)? *Check one.*

If one of the boxes below is checked, the project may be eligible to receive Section 5307 funds.

☐ **Development project** (New project that was not in service as of the date MAP-21 became effective October 1, 2012; includes projects that expand the service area or hours of operation for an existing service.)

☒ **Maintenance project** (Projects and services that received funding under the former FTA Section 5316 JARC program.)

Lifeline Transportation Program Cycle 5 Funding Application

State Transit Assistance (STA) Eligibility

Is the project for improving existing public transportation services (including community transit services) and encouraging regional transportation coordination?

☒ Yes. *The project may be eligible to receive STA funds.*

☐ No. *The project is not eligible to receive STA funds.*

C. CIVIL RIGHTS

1. **Civil Rights Policy:** The following question is not scored. If the response is satisfactory, the applicant is eligible for Lifeline funds; if the response is not satisfactory, the applicant is not eligible.

Describe the organization's policy regarding Civil Rights (based on Title VI of the Civil Rights Act) and for ensuring that benefits of the project are distributed equitably among low income and minority population groups in the project's service area. MTC requires compliance with applicable EEO requirements of Title VI.

The Napa Valley Transportation Authority (NVTa) is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color or national origin, as provided by Title VI of the Civil Rights Act of 1964, as amended. NVTa has a Title VI policy on file and approved by the Federal Transit Administration.

2. **Demographic Information:** The following question is for administrative purposes only and is not a factor in determining which projects are selected to receive an award. (Please contact your Lifeline Program Administrator for assistance if you do not have this demographic information readily available, or visit <http://factfinder2.census.gov>)

Does the proportion of minority people in the project's service area exceed 58 percent (i.e., the regional average minority population)?

☐ Yes ☒ No

D. PROJECT NARRATIVE

Please provide a narrative to describe the project addressing points #1-13 below:

Project Need/Goals and Objectives

1. Describe the unmet transportation need that the proposed project seeks to address and the relevant planning effort that documents the need. Describe how project activities will mitigate the transportation need. Capital or operations projects (sponsored by public transit operators or in partnership with non-profits or cities) that support and segment but are not traditional fixed route projects may be given extra points under this criteria. Describe the specific community this project will serve, and provide pertinent demographic data and/or maps.

Napa has three communities that are eligible to be designated by MTC as communities of concern. Napa has been deemed by the Public Policy Institute of California as second to San Francisco where poverty is driven by precipitous housing costs to income as assessed by the California Poverty Measure. Transportation costs are a key factor in all challenged communities in Napa because affordable housing near available jobs is scarce. Residents within certain demographic groups are at greater risk of unmet transportation needs within Napa County – these include older adults, those with physical or mental disabilities, and low-income households.

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The bike and pedestrian improvements incorporated with the project were identified in the Countywide Transportation Plan and the Park and Ride was identified in the Express Bus Study.

The improvements to service on Lifeline designated Route 29 will improve customer satisfaction as well as entice new riders with ease of use and shorter transit times.

2. What are the project's goals and objectives? Provide a baseline and post-implementation estimate of the number of service units that will be provided (e.g., one-way trips, vehicle loans, bus shelters, persons trained). Estimate the number of low-income persons that will be served by this project per day, per quarter and/or per year (as applicable).

The objective is to: (1) increase transit accessibility and emphasize multi-modal transportation for work related, recreational, medical, and social interaction, and (2) support ongoing and future efforts by improving public transportation for all communities in Napa County.

The construction of the proposed project will result in several improvements to existing service, such as reducing passenger travel times, enhancing the mobility of users with improved ADA compliant infrastructure to and from the proposed Park and Ride, and improving rider convenience by allowing for easier access to transit.

Community-Identified Priority

3. How does the project address a transportation gap and/or barrier identified in Community-Based Transportation Plan (CBTP) and/or other substantive local planning effort involving focused inclusive engagement to low-income populations? Indicate the name of the plan(s) and the page number where the relevant gap and/or barrier is identified. Indicate the priority given to the project in the plan. (For more information about CBTPs, visit <http://www.mtc.ca.gov/planning/cbtp/>.)

NVTA is an enthusiastic participant and member agency of the Metropolitan Transportation Commission (MTC) Lifeline Transportation Program. The Lifeline Transportation Program supports projects that address mobility and accessibility needs in low-income communities throughout the region. As the local partner in the Lifeline program, all Vine Transit services have been designated Lifeline routes. NVTA strives to come up with innovative ways to empower disadvantaged populations and further advance the agency's understanding and efforts to improve mobility to work options for older adults, the disabled and low-income persons. The Imola Park and Ride will result in the following improvements:

- Improving schedule adherence
- Reducing passenger travel times
- Enhancing the mobility of users with improved ADA compliant infrastructure
- Improving connectivity to transit with new pedestrian and bicycle improvements
- Substantially improving rider convenience
- Increasing ridership
- Increasing visibility of transit

How does the project address a gap and/or barrier identified in a countywide or regional welfare-to-work transportation plan, the Bay Area's 2017 Coordinated Public Transit-Human Services Transportation Plan (Coordinated Plan), and/or other documented assessment of needs within designated communities of concern? Indicate the name of the plan(s) and the page number where the

Lifeline Transportation Program Cycle 5 Funding Application

relevant need is identified. The Coordinated Plan is available at <http://www.mtc.ca.gov/planning/pths/>.

Per the Lifeline Transportation Program Cycle 4 Guidelines, Appendix 2 Evaluation Criteria, priority should be given to projects that directly address transportation gaps and/or barriers identified through a CBTP or other substantive local planning effort involving focused outreach to low-income populations; however, other projects may also be considered, such as those that address transportation needs identified in countywide or regional welfare-to-work transportation plans, the Coordinated Plan, or other documented assessment of needs within designated communities of concern. The bike and pedestrian improvements incorporated with the project were identified in the Countywide Transportation Plan and the Park and Ride was identified in the Express Bus Study.

The improvements to service on Lifeline designated Routes will improve customer satisfaction as well as entice new riders with ease of use and shorter transit times.

Per the Lifeline Transportation Program Cycle 5 Guidelines, Appendix 2 Evaluation Criteria, priority should be given to projects that directly address transportation gaps and/or barriers identified through a CBTP or other substantive local planning effort involving focused inclusive engagement to low-income populations; however, other projects may also be considered, such as those that address transportation needs identified in countywide or regional welfare-to-work transportation plans, the Coordinated Plan, or other documented assessment of needs within designated communities of concern.

4. Is the project located in the community in which the CBTP and/or other substantive local planning effort involving inclusive outreach to low-income populations was completed? If not, please include justification for applying the findings from the CBTP and/or other substantive local planning effort in another low-income area. For more information, visit <https://mtc.ca.gov/our-work/plans-projects/equity-accessibility/community-based-transportation-plans>

A map of communities of concern (CoC) is included in the Equity Analysis Report for Plan Bay Area 2040, which is available at: http://2040.planbayarea.org/sites/default/files/2017-07/Equity_Report_PBA%202040%20_7-2017.pdf

Yes, the project is documented in the Countywide Transit Plan and the Express Bus Study which identified unmet needs and outreach efforts of low-income and disadvantaged populations in the County.

Implementation Plan and Project Management Capacity

5. **For operating projects:** Provide an operational plan for delivering service, including a project schedule. For fixed route projects, include a route map.

For capital projects: Provide an implementation plan for completing a capital project, including a project schedule with key milestones and estimated completion date.

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Once the proposed improvements are constructed in accordance with the schedule below, it is a simple change operationally. NVTa will release a new schedule with faster travel times between Napa and all bus stops to the south. The Route 29 bus will now travel south from the Redwood Park and Ride and stay on SR-29 until it reaches the new Imola Park and Ride as opposed to travelling through downtown Napa to the Soscot Gateway Transit Center. The attached map shows Route 29's new path.

Phase-Milestone	Month/Year	
	Start Date	Completion Date
Environmental Document	07/18	5/19
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)	07/18	5/19
Final Design - Plans, Specs. & Estimates (PS&E)	05/19	09/19
Right-of-Way Activities /Acquisition (R/W)	N/A	N/A
Construction (Begin – Open for Use) / Acquisition / Operating Service (CON)	10/19	05/20

6. Describe any proposed use of innovative approaches that will be employed for this project and their potential impact on project success.

Adding new in-line stops on SR-29 southbound and northbound off-ramps is a new and innovative approach for NVTa's Vine service. This change will eliminate most of the local circulation that is currently required to serve stops outside of the freeway right-of-way and make the travel time on the Route 29 significantly closer to car travel times.

7. Is the project ready to be implemented? What, if any, major issues need to be resolved prior to implementation? When are the outstanding issues expected to be resolved?

NVTa is ready to move forward with the Imola Avenue/SR 29 Express Bus Improvement. Staff has drafted a scope of work for an Environmental and Design and Engineering and is ready to issue an RFP to NVTa's pre-qualified list of consultants. In addition, NVTa has been in discussion with Caltrans about using part of Right-of-Way for the project and submitted a Standard Encroachment Permit Application in March. The project will utilize the Permit Engineering Evaluation Report (PEER) review process, which means Caltrans staff are secured for this project.

8. Describe and provide evidence of your organization's ability to provide and manage the proposed project. Identify previous experience in providing and coordinating transportation or related services for low-income persons. Describe key personnel assigned to this project, and their qualifications.

Lifeline Transportation Program Cycle 5 Funding Application

As the County's public transit provider, NVTa has the economic and human resource available to implement this project. As the County's mobility manager, NVTa has implemented other similar projects under the Lifeline Transportation Program and Federal Transit Administration programs.

9. Indicate whether your organization has been or is a current recipient of state or federal transportation funding. If your organization has previously received Lifeline funding, please indicate project name and grant cycle and briefly describe project progress/outcomes including the most recent service utilization rate.

Yes, NVTa has received Lifeline Transportation Program's in past Cycles. Those projects include:

Cycle 1: Installation of Bus Shelters and Seating

Cycle 2: Rolling Stock Acquisition

Operating Assistance for Napa Shuttle, FLEX ride, and VINE
Express Operating, Assistance for VINE Route 11
Agricultural Workers Vanpool Program operating assistance

Cycle 3: ADA Bus Stop upgrades

Replacement Buses for American Canyon
Napa Valley College Northbound Shelter
Operating Assistance for New VINE Routes
Rolling Stock- 3 New paratransit vehicles

Cycle 4: Installation of CAD/AVL

Operating Assistance for New Vine Routes

Coordination and Program Outreach

10. Describe how the project will be coordinated with the community, public and/or private transportation providers, social service agencies, and private non-profit organizations serving low-income populations.

The Vine system services key employment and education hubs. Access to training and education as well as the need to access employment for livelihood was identified by most of Napa's disadvantaged residents as part of the last Community Based Transportation Plan. The Plan identified obstacles and challenges to these communities because of limited transportation. In particular, within Napa County's low-income populations, and populations that have physical and mental disabilities have been found to be at particular risk of being unable to access training, education, and employment opportunities due to transportation limitations.

There is improved convenience for transit customers and improved visibility of transit services through the construction of the new Park and Ride and associated bicycle and pedestrian access along the Imola corridor.

11. Identify project stakeholders and describe how project sponsor will continue to involve and inform key stakeholders throughout the project. Describe plans to market the project, and ways to promote public awareness of the program.

Project updates will be presented during the Board of Director's meeting, Paratransit Coordinating Council meetings, Active Transportation Advisory Committee, and Citizens Advisory Committee meetings. As the construction date nears, marketing and public outreach efforts will occur to inform the public of this project construction.

Cost-Effectiveness and Performance Indicators

12. Demonstrate how the proposed project is the most appropriate way in which to address the identified transportation need, and is a cost effective approach. Identify performance measures to track the effectiveness of the project in meeting the identified goals. At a minimum, performance measures for service-related projects would include: documentation of new "units" of service provided with the funding (e.g., number of trips, service hours, workshops held, car loans provided), cost per unit of service (e.g., cost per trip), and a quantitative summary of service delivery procedures employed for the project. For capital-related projects, milestones and reports on the status of project delivery should be identified.

Number of Trips and Cost per Trip - Add a trip in the morning and evening peak. Operating costs will be reduced by \$40,000 as a result of this project, which is the equivalent of one trip from the City of Napa to El Cerrito del Norte BART Station. The cost savings will allow NVRTA to increase headways on the Route 29 during peak periods to 30 - 45 minutes from the current 76 minutes.

Running Times - Planned improvements on the corridor will allow NVRTA to increase service with the same number of vehicles and drivers. This improvement alone is likely to reduce running times by 30 minutes.

Service Hours - Currently, the Route 29 has 36.8 daily revenue vehicle hours, the hours will remain relatively consistent as the running times are reduced by 30 minutes on each trip, and two additional trips per day are added.

Ridership - The Route 29 for FY 16-17 has an average weekday ridership of 257 passengers per day. Annualized ridership for FY 2016-17 is 65,652. Based on the express bus study, NVRTA anticipates that the increased frequency and reduced running times will result in a 10-15% increase in ridership on the Route 29. This percentage increase equates to a daily ridership of 283-296 riders once the project is complete.

Capital Milestones - Completion of environmental documents and final design as well as the Notice to Proceed to contractor to start construction are all key milestones that will be tracked to insure the project stays on target

Lifeline Transportation Program Cycle 5 Funding Application

13. Describe a plan for ongoing monitoring and evaluation of the service, and steps to ensure that original goals are achieved.

NVTA will report quarterly performance indicators to the NVTA board of Directors. In addition, annually NVTA will compare the performance indicators outlined above against the performance standards in NVTA's Short-Range Transit Plan. If NVTA is not meeting its performance standards, it will take corrective actions to remedy the issue.

E. BUDGET

F. Project Budget/Sustainability

1. Provide a detailed line-item budget describing each cost item including start-up, administration, operating and capital expenses, and evaluation in the format provided below. If the project is a multi-year project, detailed budget information must be provided for all years. Please show all sources of revenue, including anticipated fare box revenue.

The budget should be in the following format:

REVENUE	Year 1	Year 2	Year 3	TOTAL
Lifeline Program Funds	\$285,000	\$168,811		\$ 453,811
[Other Source of Funds]	\$3,596,289			\$ 3,596,289
[Other Source of Funds]				\$ -
TOTAL REVENUE	\$ 3,881,289	\$ 168,811	\$ -	\$ 4,050,100
EXPENDITURES ¹	Year 1	Year 2	Year 3	TOTAL
Operating Expenses (list by category)	\$500,000	\$3,550,100		\$ 4,050,100
Capital Expenses (list by category)				\$ -
[Other Expense Category]				\$ -
[Other Expense Category]				\$ -
TOTAL EXPENSES	\$ 500,000	\$ 3,550,100	\$ -	\$ 4,050,100

¹ If the project includes indirect expenses, the applicant must have a federally approved indirect cost rate. and please note that SamTrans will require \$6,000 in administrative fees to be budgeted in your project cost for passing through funds.

Clearly specify the source of the required matching funds. Include letter(s) of commitment from all agencies contributing towards the match. If the project is multi-year, please provide letters of commitment for all years.

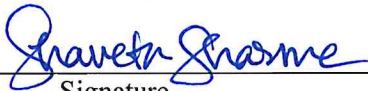
2. Describe efforts to identify potential funding sources for sustaining the service beyond the grant period if needed.

Transportation Development Act Funds, State Transit Assistance Funds

G. STATE AND FEDERAL COMPLIANCE

By signing the application, the signatory affirms that: 1) the statements contained in the application are true and complete to the best of their knowledge; and 2) the applicant is prepared to comply with any and all laws, statutes, ordinances, rules, regulations or requirements of the federal, state, or local government, and any agency thereof, which are related to or in any manner affect the performance of the proposed project, including, but not limited to, Transportation Development Act (TDA) statutes and regulations, 49 U.S.C. Section 5307, FTA Circular C 9030.1E, the most current FTA Master Agreement, and the most current Certifications and Assurances for FTA Assistance Programs.

For further information, see the Lifeline Transportation Program Cycle 5 Guidelines (MTC Resolution No. 4309), available at https://mtc.ca.gov/sites/default/files/Lifeline_Transportation_Program_Cycle_5_Guidelines.pdf

	<u>4/20/2018</u>
Signature	Date
<hr/>	
SHAVETA SHARMA	
Printed Name	



NAPA VALLEY TRANSPORTATION AUTHORITY Board Agenda Letter

TO: Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Rebecca Schenck, Transportation Programs Planner
(707) 259-8636 / Email: rschenck@nvta.ca.gov
SUBJECT: Americans with Disabilities (ADA) Self-Evaluation Plan

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board review and approve the Americans with Disabilities Act (ADA) Self-Evaluation Plan (Attachment 1).

COMMITTEE RECOMMENDATION

The Paratransit Coordinating Council reviewed the ADA Self-Evaluation Plan at their May 3, 2018 meeting and recommend that the NVTA Board approve the plan.

EXECUTIVE SUMMARY

Under Title II of the Americans with Disabilities Act, NVTA is required to complete a Self-Evaluation of its policies and practices. This ensures that NVTA does not discriminate against people with disabilities that utilize the agency's programs, services, and activities.

PROCEDURAL REQUIREMENTS

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

FINANCIAL IMPACT

Is there a fiscal impact? No

BACKGROUND AND DISCUSSION

The Americans with Disabilities Act (ADA), signed into law on July 26, 1990, is a comprehensive formulation of the rights of people with disabilities. Title II of the ADA regulations prohibits public entities from discriminating against or excluding people from programs, services, or activities on the basis of disability. Title II applies to all entities receiving federal financial assistance. The provisions of Title II fall into four broad areas:

- 1) Nondiscriminatory employment practices
- 2) General nondiscrimination in programs and activities – through reasonable modifications in policies practices or procedures
- 3) Equally effective communications – through the provision of auxiliary aids and services
- 4) Program and facility accessibility – through nonstructural or architectural modifications

Title II requires public entities to conduct a self-evaluation of policies and practices to ensure that entities do not discriminate against people with disabilities through their programs, services and activities. This is the first Self-Evaluation Plan completed by NVTAs.

ADA Liaison Officer

As a requirement of receiving federal aid, each local agency shall designate an Americans with Disability Act (ADA) Liaison Officer, who coordinates the efforts of the administering agency compliance. The purpose of this requirement is to ensure that when the public deals with state and local government agencies, they are easily able to identify a person who is familiar with the requirements of the ADA and who can communicate these requirements to other individuals in the agency.

NVTAs has selected Rebecca Schenck as the authority ADA Compliance Coordinator. Only public entities with fifty or more employees are required to designate an ADA coordinator, but in order to ensure that Title II nondiscrimination, accessibility and other requirements are met, NVTAs found it useful to designate an ADA Compliance Coordinator even though it has less than 50 employees.

Grievance Procedure

NVTAs is not required to establish a grievance procedure under Federal Law because it has less than 50 employees. Nevertheless, NVTAs already has a grievance procedure established under its Title VI Plan that was modified to meet the Title II requirement. The procedure is outline in detail in Attachment 1.

Self-Evaluation

A comprehensive review of NVTA's current policies and practices, including communication and employment was completed through a self-evaluation. The self-evaluation

- 1) Identifies any policies or practices that do not comply with the Title II requirements; and
- 2) Modifies policies and practices to bring them in compliance.

The results of the self-evaluation include a list of needed changes to NVTA's physical assets such as the areas surrounding NVTA owned bus shelters and the trailer at the Jackson Street Maintenance Yard along with changes to policies and programs. Attachment 1 contains all of the results of the Self-Evaluation Plan.

Facility	Barrier Removal Modification
Soscol Gateway Transit Center, 625 Burnell Street Napa, CA 94559	Install power-assisted or automatic door openers at the Board Room entrance. Install signs that have raised letters, Grade II Braille and that meet all other requirements for space signage on the exterior doors leading to the Board Room and NVTA offices. Move Burnell Street signs at facility entrance "Buses Only" and "No Unauthorized Vehicles" to a height greater than 80 inches. Install a soap dispenser in the Board Room public restroom that can be used with one fist.
Jackson Street Mobile Office and Transit Yard	Three questionnaires were completed for this facility 1 Mobile Office, 2) Main Entrance and Transit Yard, and 3) Maintenance Bays
Mobile Office	Ramps and Doorways into offices ADA compliant.
Main Entrance and Transit Yard	Add railings to ramps more than 6 feet long. Remodel ramp to front door so there is a 5-foot landing at every 30-foot horizontal length of ramp and so the ramp rise is no more than 30 inches between landings. Install a sign reading "Van Accessible" at the van space. Adjust Front Door closer so it takes longer than 3 seconds to close.
Maintenance Bays	While there is an obstructions within 18 inch on the pull side of the door next to the handle at the maintenance facility, it is a building support and cannot be moved.
Bus Shelter - 3197 Laurel St. Napa	Change position of bracket on trash can or install a smaller trash can to allow for 36 inch clearance behind the shelter.
Bus Shelter - Jefferson-Vintage High	Change position of bracket on trash can to allow for 36 inch clearance behind the shelter.
Bus Shelter - 494 Soscol Avenue	Replace 5 ft. by 5 ft. and 17 ½ ft. by 9 1/2 ft. concrete pads.
Bus Shelter - 3694 Jefferson St.	Replace 4 ft. by 3 1/2 ft. cracked concrete square. Replace sidewalk since there is a 1 1/2 inch height difference with the curb.
Bus Shelter - 3238 Browns Valley	Replace 5 ft. by 9 ft., 5 ft. by 5 1/2ft and 9 ½ ft. by 5 ft. concrete pads. Eliminate curb separation.

SUPPORTING DOCUMENTS

Attachments: (1) Americans with Disabilities Act Self-Evaluation Plan, 2018



American with Disabilities Act Self-Evaluation Plan, 2018



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Chapter 1: Background

The American with Disabilities Act (ADA) signed into law on July 26, 1990 is a comprehensive formulation of the rights of people with disabilities. Title II of the ADA regulations prohibits public entities from discriminating against or excluding people from programs services or activities on the basis of disability. Title II applies to all entities receiving federal financial assistance. The provisions of Title II fall into four broad areas:

- 1) Nondiscriminatory employment practices
- 2) General nondiscrimination in programs and activities – though reasonable modifications in policies practices or procedures
- 3) Equally effective communications – through the provision of auxiliary aids and services
- 4) Program and facilities accessibility – through nonstructural or architectural modifications

Title II requires public entities to conduct a self-evaluation of policies and practices to assure that entities do not discriminate against people with disabilities in their programs, services and activities. This document is the first Self-Evaluation Plan completed by NVTA.

Chapter 2: ADA Compliance Coordinator

As part of receiving federal aid, each local agency shall designate an Americans with Disability Act (ADA) Liaison Officer, who coordinates the efforts of the administering agency to comply with 49 CFR 27. The purpose of this requirement is to ensure that when the public deals with state and local government agencies, they are easily able to identify a person who is familiar with the requirements of the ADA and who can communicate these requirements to other individuals in the agency. The NVTA has selected Rebecca Schenck as the authority ADA Compliance Coordinator and will be providing proper public notice. A copy of that public notice is included as Appendix D. The role of the ADA Compliance Coordinator includes:

- 1) Coordinating Overall ADA Compliance
- 2) Involving People with Disabilities and Interested Parties in the Compliance Process
- 3) Conducting the Self-Evaluation
- 4) Investigating Grievances

Only public entities with fifty or more employees are required to designate an ADA coordinator, but in order to ensure that Title II nondiscrimination, accessibility and other requirements are met, NVTA found it useful to designate an ADA Compliance Coordinator even though it has less than 50 employees.

Chapter 3: Noticing ADA Requirements

All public entities, regardless of size, must provide information to applicants, participants, beneficiaries, employees and other interested parties regarding the rights and protections afforded by Title II, including information on how the Title II requirements apply to particular programs, services and activities. The notice provided in Appendix D will serve as this notice as well. This notice will be posted at the time of the adoption of the Self Evaluation Plan as well as on an ongoing basis. Newspaper advertisements will be placed within one month of the Plan's proposed adoption in the Napa Valley Register. It will also be read on the radio to fulfill the alternative formats requirements. It will be posted on both the NVTA.ca.gov and the Ridethevine.com websites in perpetuity so that all customers and the public at large are made aware of the agency's ADA policies. NVTA will also post this notice at the ticket office at the Soscol Gateway Transit Center where many customer come to purchase transit passes and take public transportation.

Chapter 4: Grievance Procedure

The Napa Valley Transportation Authority is not required to establish a grievance procedure under Federal Law because it has less than 50 employees. That being said, NVTa already has a grievance procedure established under its Title VI Plan that was modified to meet this requirement. The new grievance procedure is as follows:

1. Any person who feels that he or she, individually, or as a member of any class of persons, on the basis of race, color, national origin, age, sex, disability, religion, or low-income status has been excluded from or denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance through NVTa may file a written complaint with the ADA Coordinator. The complaint form (Appendix B) may be found on the NVTa website by clicking the following link: www.nvta.ca.gov or is available in hard copy at NVTa. A formal complaint must be filed within 180 days of the alleged occurrence.
2. In cases where the complainant is unable or incapable of providing a written statement, a verbal complaint may be made. The ADA Compliance Coordinator will interview the complainant and if necessary assist the person in converting verbal complaints to writing. All complaints must, however, be signed by the complainant or his/her representative.
3. Complaints shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination.
4. NVTa will provide the complainant or his/her representative and any contractor (respondent) with a written acknowledgement that NVTa has received the complaint within five (5) working days of receipt.
5. The ADA Compliance Coordinator will appoint one or more staff review officers, as appropriate, to evaluate and investigate the complaint.
6. The review officer(s) will determine if the complaint has investigative merit:
 - a. It was received within 180 days of the alleged occurrence.
 - b. It does not appear to be frivolous or trivial.
 - c. It involves NVTa or NVTa contractors and not another entity.
 - d. A complaint against a contractor involves a NVTa Federally Funded contract.
7. The complainant and contractor or other party to the complaint will be notified of the status of the complaint within ten (10) days of receipt of the complaint, *by registered mail*:
 - a. That the complaint will not be investigated and the reasons why the complaint does not have investigative merit.
 - b. That the complaint will be investigated and a request for additional information needed to assist the investigator.
8. The complainant or contractor must submit the requested information within 60 working days from the date of the original request. Failure of the complainant to submit additional information within the designated timeframe may be considered good cause for a determination of no investigative merit. Failure of the contractor to submit additional

information within the designated timeframe may be considered good cause for a determination of noncompliance under the contract.

9. The review officer(s) and/or contractor must within 15 working days, supply the Executive Director with status report of their investigation and/or resolution of the complaint.
10. Within 60 working days of the receipt of the complaint, the ADA Compliance Coordinator will prepare a written report for the Executive Director.
The report shall include:
 - a. A narrative description of the incident. Including persons or entities involved.
 - b. A statement of the issues raised by the complainant and the respondent's reply to each of the allegations.
 - c. Citations of relevant Federal, State and local laws, NVTA policy etc.
 - d. Description of the investigation, including list of the persons contacted and a summary of the interviews conducted.
 - e. A statement of the investigator's finding and recommendations for disposition.
11. The investigative report and findings of the complaint will be sent to legal counsel for review.
12. The Executive Director shall, based on the information before him or her and in consult with legal counsel, make a determination on the disposition of the complaint. Determination shall be made within ten (10) days from Executive Director's receipt of the investigator's report. Examples of disposition are as follows:
 - a. Complainant is found to have been discriminated against. NVTA or contractor is therefore noncompliant with Title II regulations. Reasons for the determination will be listed. Remedial actions that NVTA or the contractor must take will be listed.
 - b. Complaint is found to be without merit. Reasons why will be listed.
13. Notice of the Executive Director's determination will be mailed to the complainant and contractor. Notice shall include information regarding appeal rights of complainant to the NVTA Board of Directors and instructions for initiating such an appeal with fifteen (15) calendar days. Example of a notice of appeal follows:
 - a. NVTA will reconsider this determination, if new facts arise that were not previously considered.

Chapter 5: Self-Evaluation Process

1.1 Introduction

All public entities, regardless of size, must conduct a self-evaluation. The self-evaluation is a comprehensive review of the NVTAs current policies and practices, including communication and employment. Through the self-evaluation, NVTAs must:

- 1) Identify any policies or practices that do not comply with the Title II requirements; and
- 2) Modify policies and practices to bring them in compliance.

The regulations require that NVTAs provide an opportunity for people with disabilities and other interested individuals or organizations to review and comment on the self-evaluation. Therefore, NVTAs took this self-evaluation plan to its Paratransit Coordinating Council for review and comment at their May 3, 2018 meeting. The Paratransit Coordinating Council (PCC) serves in an advisory capacity to the NVTAs Board of Directors on the transportation issues of persons with special needs, including elderly, disabled, and those of low income. The PCC membership included nine (9) voting members, representing the following categories:

- (1) Consumer/user 60 years of age or older
- (1) Consumer/user persons with disabilities
- (1) Social services provider for seniors
- (2) Social services providers for persons with disabilities
- (1) Social services provider for persons of limited means.
- (2) Members of the public residing within an urbanized area
- (1) Member of the public residing within a nonurbanized area

Representatives of no more than two separately contracted transportation service providers may be included as ex-officio, advisory, non-voting members. Members may represent more than one of the above categories.

1.2 General Nondiscrimination Provisions

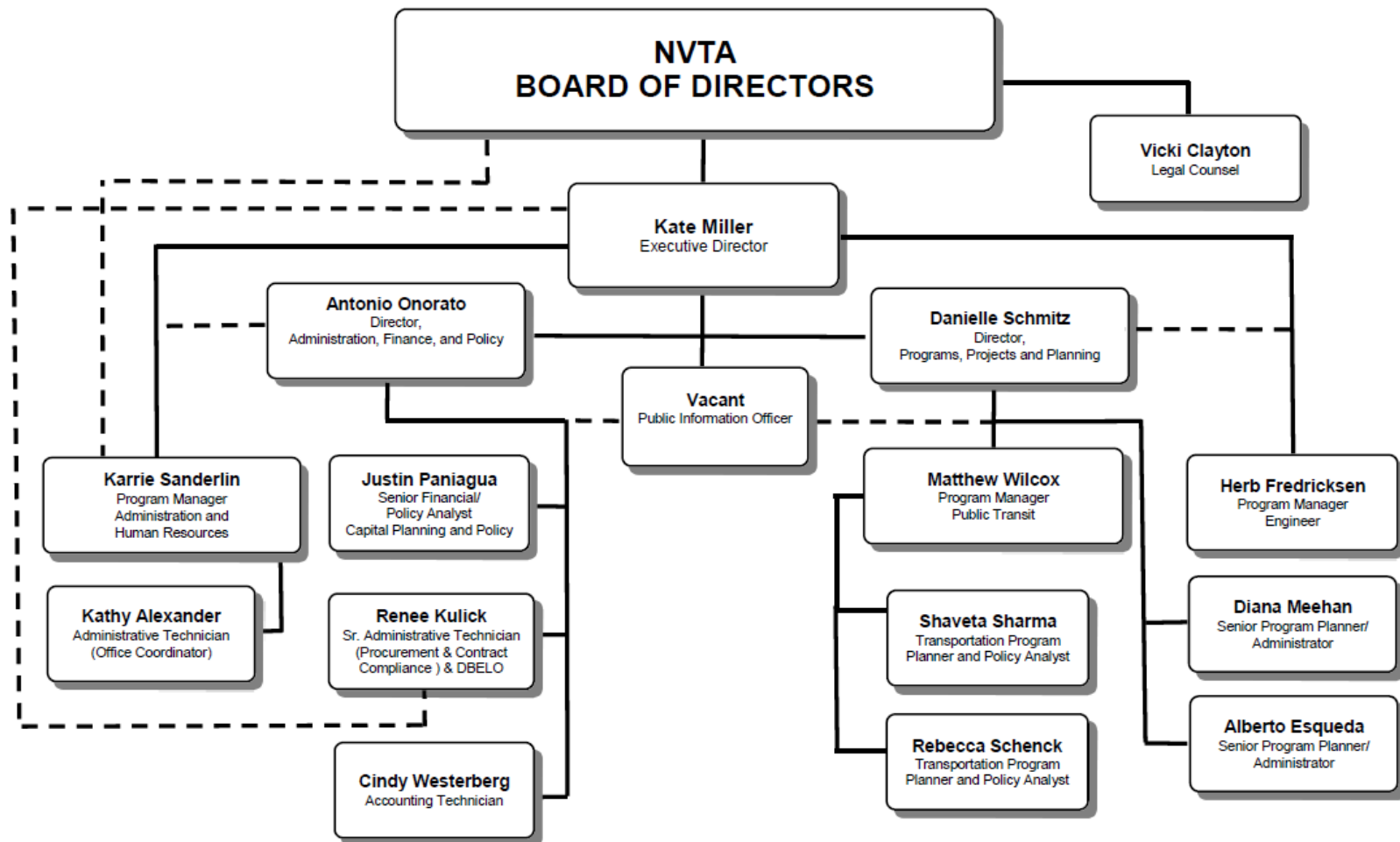
The self-evaluation must include a thorough review of both the formal written policies and the actual operating practices of each program, service of activity in relation to the general prohibitions against discrimination contained in Title II.

The following page contains the organizational chart of the NVTAs. There are two main departments at NVTAs 1) Administration, Finance and Policy, and 2) Programs, Projects and Planning. The Directors of both of these departments have filled out the ADA Self-Evaluation Plan Questionnaire (See Appendix A). Since the Title II regulations also apply to all contractual relationships, and NVTAs has a major contractual relationship with Transdev Services Inc. to operate its public transit service, this contract will be covered

under a second questionnaire completed by the Programs, Projects and Planning Director. That department oversees the contract with Transdev Services Inc. Note, Transdev Services Inc. is already required to comply with Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132) in its existing contract with NVTa.

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NVTA Organizational Chart



Approved: 7/19/2017
Updated: 04/2018

5.3 Program and Facility Accessibility

The ADA prohibits public entities from denying people with disabilities equal opportunity to participate in programs and activities because facilities are inaccessible. This does not mean, however, that all buildings must be made fully architecturally accessible. The requirement is that a public entity operate each program so that when viewed in its entirety, the program is readily accessible to and usable by people with disabilities. Therefore, NVTa conducted a facility access review. This review identified physical obstacles or barriers to the participation of people with disabilities. The following is a list of the facilities owned or leased by NVTa:

- 1) Soscol Gateway Transit Center, 625 Burnell Street Napa, CA 94559
- 2) Yountville Park and Ride Lot
- 3) Jackson Street Mobile Office and Transit Yard
- 4) Redwood Park N Ride
- 5) Bus Shelter - Coombs St. and Elm St.
- 6) Bus Shelter - 3197 Laurel St. Napa
- 7) Bus Shelter - Jefferson-Vintage High
- 8) Bus Shelter - 575 Third St (Fairgrounds)
- 9) Bus Shelter - Napa High - 2475 Jefferson St.
- 10) Bus Shelter - 494 Soscol Avenue
- 11) Bus Shelter - 3694 Jefferson St.
- 12) Bus Shelter - 1745 Imola Ave
- 13) Bus Shelter - East Avenue-Alta Heights Elementary
- 14) Bus Shelter - 3238 Browns Valley
- 15) Bus Shelter - Soscol Ave and Pueblo St.

NVTa staff using the facilities checklist provided in Appendix E surveyed each of these 15 facilities. All of the bus shelters, items 5 through 15, are included in one checklist. This review will be completed every five years or when NVTa receives complaints.

1.4 Summary of Facility Checklist Findings

NVTa plans to address the inaccessible facilities as identified with the Facility Checklist as follows:

Facility	Barrier Removal Modification
Soscol Gateway Transit Center, 625 Burnell Street Napa, CA 94559	Install power-assisted or automatic door openers at the Board Room entrance. Install signs that have raised letters, Grade II Braille and that meet all other requirements for space signage on the exterior doors leading to the Board Room and NVTa offices. Move Burnell Street signs at facility entrance "Buses Only" and "No Unauthorized Vehicles" to a height greater than 80 inches. Install a soap dispenser in the Board Room public restroom that can be used with one fist.
Yountville Park and Ride Lot	Facility was complete in 2017 and is ADA Compliant

Jackson Street Mobile Office and Transit Yard	Three questionnaires were completed for this facility 1 Mobile Office, 2) Main Entrance and Transit Yard, and 3) Maintenance Bays
Mobile Office	Ramps and Doorways into offices ADA compliant.
Main Entrance and Transit Yard	Add railings to ramps more than 6 feet long. Remodel ramp to front door so there is a 5-foot landing at every 30-foot horizontal length of ramp and so the ramp rise is no more than 30 inches between landings. Install a sign reading "Van Accessible" at the van space. Adjust Front Door closer so it takes longer than 3 seconds to close.
Maintenance Bays	While there is an obstructions within 18in on the pull side of the door next to the handle at the maintenance facility, it is a building support and cannot be moved.
Redwood Park N Ride	Facility was complete in 2010 and is ADA Compliant
Bus Shelter - Coombs St. and Elm St.	ADA Compliant
Bus Shelter - 3197 Laurel St. Napa	Change position of bracket on trashcan or install a smaller trashcan to allow for 36in clearance behind the shelter.
Bus Shelter - Jefferson-Vintage High	Change position of bracket on trash can to allow for 36in clearance behind the shelter.
Bus Shelter - 575 Third St (Fairgrounds)	ADA Compliant
Bus Shelter - Napa High - 2475 Jefferson St.	ADA Compliant
Bus Shelter - 494 Soscol Avenue	Replace 5ft by 5ft and 17 1/2ft by 9 1/2 ft. concrete pads.
Bus Shelter - 3694 Jefferson St.	Replace 4ft by 3 1/2 ft. cracked concrete square. Replace sidewalk since there is a 1 1/2 in height difference with the curb.
Bus Shelter - 1745 Imola Ave	ADA Compliant
Bus Shelter - East Avenue - Alta Heights Elementary	ADA Compliant
Bus Shelter - 3238 Browns Valley	Replace 5ft by 9ft, 5 ft by 5 1/2ft and 9 1/2ft by 5ft concrete pads. Eliminate curb separation.
Bus Shelter - Soscol Ave and Pueblo St.	ADA Compliant

Note that NVRTA purchased property and is designing a new Maintenance Facility to replace the old facility at Jackson Street. The new facility will be ADA Compliant.

1.5 Employment Review

NVTA Policies and Procedures Manual Chapter 3: Personnel Policies addresses the employment regulations covered in Title II of the ADA which prohibits all public entities, regardless of the number of employees, from discrimination against qualified individuals with disabilities in employment. Relevant excerpts of Chapter 3 are provided as Appendix F

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Chapter 6: Implementing Modifications

The results of the Self-Evaluation must lead to modifications to policies and practices, development of communication capacities as well as program access solutions both nonstructural and structural.

2.1 Modifying Policies and Practices

Policies and practices identified as exclusionary or discriminatory need to be modified as soon as possible. The answers to the two ADA Self-Evaluation Plan Questionnaires completed by the Projects, Programs and Planning Department and the Administration, Finance and Policy Department are organized into general policies and practices and communication access assessment.

2.1.1 General Policies and Practices

The questionnaire indicates that the Projects, Program and Planning Department needs to notify all contractors of its responsibility for providing contracted services in a nondiscriminatory manner and add the required assurances in Title II of the ADA to all contracts. Therefore, the department will include Title II clauses in all future contracts and any contract renewals.

2.1.2 Communication Access Assessment

The answers to the questionnaire shed light on the fact that while NVTA does have access to a Telecommunication Device for the Deaf (TDD) that staff are not trained to use it. As a follow-up to this plan, the ADA Compliance Coordinator will train NVTA transit staff as well as contractors in the customer service office on TDD. NVTA departments comply with all other communication requirements.

2.2 Future Policies and Practices

In order to ensure that future policies and practices comply with the nondiscrimination requirements of Title II, NVTA will take the following steps:

- 1) Update its Policies, Practices and Procedures Manual annually
- 2) Continue to include nondiscrimination requirements in contracts
- 3) Include nondiscrimination requirements in all requests for proposals and requests for qualifications

2.3 Creating Program and Facility Access

The ADA standard is that the program, when viewed in its entirety, must be readily accessible to and usable by people with a disability. With this in mind, NVTA looked for access solutions both nonstructural and structural for each program or service identified as inaccessible. The nonstructural solutions include adding Title II assurances in all NVTA contracts as well as training staff on how to use the NVTA TDD service. The structural changes outlined in detail in Section 5.4 include ADA

improvements to the Soscot Gateway Transit Center, the building of a new Maintenance Facility and improvements to several bus shelters owned by NVTB.

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Chapter 7: Transition Plan

The Napa Valley Transportation Authority is not required to complete a Transition Plan under Federal Law because it has less than 50 employees

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Appendix

Appendix A: ADA Self Evaluation Questionnaires

**Appendix B: Napa Valley Transportation Authority ADA
Disability Access or Title 24 Accessibility Complaint
Form**

Appendix C: Public Meeting Minutes

Appendix D: ADA Coordinator Public Notice

Appendix E: Facility Checklist

**Appendix F: Excerpts NVRTA Policies and Procedures
Manual Chapter 3: Personnel Policies**

Appendix A: Completed ADA Self Evaluation Questionnaires

SELF-EVALUATION QUESTIONNAIRES: 2018 (Napa Valley Transportation Authority)

Department: **Projects, Programs and Planning**

Worksheet Completed by: **Danielle Schmitz**

SECTION I. GENERAL POLICIES AND PRACTICES

Description of Department: Briefly describe the function(s) of the department and the various programs, activities or services offered to the public by the department.

The department is in charge of all transportation planning, programming and project activities for the Agency. The department also oversees the day-to-day operations of the Vine Transit system. The department develops the countywide long-range transportation plan as well as other specific transportation plans and studies. The department oversees the programming of federal, state and regional funding for various transportation programs. The department also oversees countywide transportation demand management programs.

List all the facilities or other locations where the departmental programs, activities or services operate or are offered on a regular or incidental basis. (Use additional sheets if necessary.)

INTERNAL PROGRAM OPERATIONS

A. Equal Opportunity to Participate and Benefit

A public entity may not deny a qualified individual with a disability an opportunity to participate in and benefit from any program.

A public entity may not afford an opportunity that is not equal to or not as effective as that provided to others.

A public entity may not impose eligibility criteria for participation in programs that screen out people with disabilities either directly or indirectly, unless such criteria are necessary for the provision of the program's activities.

1. Are there any circumstances in which the participation of a person with a disability in departmental programs would be restricted or excluded?

_____ Yes X No

If yes, please describe:

2. Are any of these exclusions or restrictions necessary to the operation of the programs or to the safety of the participants who do not have disabilities?

_____ Yes ☒ No

If yes, please describe:

B. Reasonable Program Modification

Public entities are required to make reasonable modification to policies or practices in order to avoid discrimination toward people with disabilities. A modification is not required, however, if it would fundamentally alter the nature of the program or activity.

3. Are staff aware that it may be necessary to modify departmental program policies or practices to enable people with disabilities to participate in and benefit from the programs?

☒ Yes _____ No

4. Is the public informed that the department is prepared to make reasonable modifications?

☒ Yes _____ No

5. Does the department have a formal or informal process for responding to requests for modification?

☒ Yes _____ No

6. Does the department have a process for determining whether a policy or practice modification would fundamentally alter the nature of the program?

☒ Yes _____ No

C. Surcharges and Additional Requirements

Public entities may not impose extra charges upon people with disabilities to cover the costs of effective communication, program modifications, or access features, and may not impose any additional requirements or burdens on people with disabilities that they do not require of all other participants in the program.

7. Are there any circumstances in which a person with a disability would be asked to pay a fee or meet any other requirement not imposed on other departmental program participants?

_____ Yes ☒ No

If yes, please describe:

D. Integrated Settings and Separate Programs

Promoting integration is a fundamental principle of the ADA and public entities are required to provide programs and activities in the most integrated settings appropriate to the needs of people with disabilities.

Separate program or activities are permitted only when necessary to ensure equal opportunity. When separate programs are provided, qualified people with disabilities still cannot be excluded from participating in regular programs if they choose to do so.

8. Does the department provide any separate activities for people with disabilities?

☒ Yes ☐ No

If yes, please describe: Both our ADA Paratransit service VineGo and our Taxi Script Program are options for the disabled. All people with disabilities have the option of riding our regular Vine bus service as well.

9. Are there any circumstances in which a person with a disability would be prohibited from participating in regular (non-separate) activities because of the provision of separate activities?

☐ Yes ☒ No

If yes, please describe:

EXTERNAL RELATIONSHIPS

A. Contracting with External Organizations

When a public entity contracts with another organization to provide programs and services to the entity's constituents, the public entity retains responsibility for ensuring that the contractor provides the services and activities in a nondiscriminatory manner consistent with the requirements of Title II of the ADA.

List any contractors who provide services, benefits, or activities on behalf of departmental programs (attach a separate sheet, if necessary).

10. Has the department notified each contractor of its responsibility for providing contracted services in a nondiscriminatory manner and has the department required assurances from contractors of their fulfillment of Title II of the ADA nondiscrimination and access requirements?

☒ Yes ☒ No

If so please describe both the notification process and the process by which the entity will ensure compliance? Yes, so the NVTa contract with TransDev, the operator of the Vine Bus Service and ADA Paratransit services, but not other contractors.

B. Procurement Contracts

In selecting procurement contractors, a public entity may not discriminate on the basis of disability.

11. Are there any circumstances in which a consideration related to disability would influence the choice of a procurement contractor?

_____ Yes ☒ No

If so, please explain

SECTION II. COMMUNICATION ACCESS ASSESSMENT COMMUNICATION ACCESS

A. Visual Communication

Information that is communicated visually—such as through printed materials or visual displays—must be made accessible to people with visual and cognitive disabilities through auxiliary aids and services.

12. Do departmental programs involve information that is communicated visually?

☒ Yes _____ No

In the chart below, list each type of information that is communicated visually. Consider all aspects of departmental programs, including outreach, advertising, public meetings or hearings, and communication with the general public, applicants and participants. Examples may include brochures, forms, handbooks, agendas, visual displays, etc.

For each type of information, place a check (✓) below the auxiliary aids or services currently available to people with visual disabilities. Place an "X" below any additional aids or services that may be necessary to provide effective communication of the information. (More than one auxiliary aid or service may be needed for each.)

	Committee/Board Reports	Marketing Materials	Program Forms
Large Print	✓	✓	✓
Braille			
Audio Tape			
Readers			
Computers			
Pictorial Signage			
Other			

B. Aural/Oral Communication

(Note: "Aural" refers to information that is heard; "oral" refers to spoken information.)

Programs that communicate information aurally to applicants or participants or that require an applicant participant to use oral communication must make that information accessible to people having hearing or speech disabilities by providing auxiliary aids or services.

13. Do departmental programs involve information that is communicated verbally?

_____ Yes X No

In the chart below, list each type of information that is communicated aurally/orally. Consider all communication involved in all aspects of departmental programs, including outreach, advertising, public meetings or hearings, and communication with the general public, applicants and participants.

For each type of information, place a check (✓) below the auxiliary aids or services currently available to people with hearing or speech disabilities. Place an "X" below any additional aids or services that may be necessary to provide effective communication of the information. (More than one auxiliary aid or service may be needed for each.)

Type of Information

	Public Meetings	Type of Information	Type of Information
Sign Language Interpreters	✓ (with advance notice)		
Telecommunication Devices for the Deaf (TDDs)	✓ (with advance notice)		
Paper and Pen	✓		
Real-time Captioning			
Caption Decoder			
Other			

TELECOMMUNICATIONS

A. Telephone Communication

When a public entity communicates with the public by telephone, Title II of the ADA requires that TDDs or equally effective means be used to communicate with people who have hearing or speech disabilities. Public entities should use TDDs wherever telephone communication is a substantial part of a program's

operation.

14. Does the department communicate regularly with the public over the telephone?

☒ Yes ☐ No

15. Are telephone communications ever lengthy, complex, or technical?

☒ Yes ☐ No

16. Does the department have a TDD, or access to a TDD?

☒ Yes ☐ No

17. If yes, has the staff been trained in the use of the TDD?

☐ Yes ☒ No

B. Telephone Emergency Services

If the program provides telephone access to emergency services, the regulations require that direct access be provided to individuals who use TDDs; relying on a relay service is not acceptable.

18. Does the department provide telephone access to emergency services?

☐ Yes ☒ No

19. If so, does the program provide direct TDD access to the emergency telephone number(s)?

☐ Yes ☒ No

OTHER COMMUNICATION

A. Emergency Warning and Evacuation

Emergency evacuation procedures for the program, service, or activity must ensure that people with disabilities are made aware of emergencies and are aware of exit procedures.

20. Is there a means of assuring that people with hearing disabilities are made aware of an activated alarm?

☒ Yes ☐ No

If yes, please describe:

21. Is there an established emergency evacuation procedure that addresses the needs of individuals with disabilities?

☒ Yes ☐ No

B. Access Information

ADA Title II regulation require that public entities ensure that people with disabilities can obtain information about the availability and location of accessible programs, services, activities, and facilities. Information regarding the location of accessible entrances, program sites, TDDs, and other access features can be provided in a number of ways, such as in handbooks and listings.

22. Explain how the departmental programs, services, or activities provide access information to program applications, participants, and the general public.
23. Describe the types of reasonable accommodation which citizens/employees have requested to gain access to your departmental programs/services.

C. Website

24. Does your department have a website?

☒ Yes ☐ No

25. What is your department's website? What information is provided on this site? Please describe briefly what information is provided: www.nvta.ca.gov and www.ridethevine.com The NVTA website provides general information about our Agency and different programs and projects the Agency is working on. The Ride the Vine website provides information on our transit services and programs.

26. Does your department's website include information about accessibility of facilities (parking, bathrooms, assistive listening devices, etc.) where programs or services are offered? (Only answer if you answered "yes" to 24.

☒ Yes ☐ No

In so, please describe briefly what information is provided about accessible features:

27. Does your department ensure that its website is usable by individuals with disabilities, including those who use speaking browsers?

☒ Yes ☐ No

28. Are the documents provided on your website for downloading accessible to persons with visual disabilities?

☒ Yes ☐ No

Thank you for completing this survey

SELF-EVALUATION QUESTIONNAIRES: 2018 (Napa Valley Transportation Authority)

Department: Administration and Finance

Worksheet Completed by: Antonio Onorato

SECTION I. GENERAL POLICIES AND PRACTICES

Description of Department: Briefly describe the function(s) of the department and the various programs, activities or services offered to the public by the department.

The Administration and Finance department assumes responsibility for the day-to-day fiscal activities involving budget, accounting, finance, programming and grant activities, administration and management of Napa Valley Transportation Authority (NVRTA) and Napa Valley Transportation Authority-Tax Agency (NVRTA-TA), including accounts payable, accounts receivable, cash management, payroll, and budget administration. The department prepares financial statements and reports; revenue projections and cost estimates; cost/benefit analyses, and has the overall responsibility of programming of federal, state and regional transportation funds and securing funds for capital projects and operations. The department also conducts complex analyses, produces the Annual Report and the Overall Work Plan (OWP) for the agency, and oversees facilities operations and asset management, including office administration, oversight of communications, website, and social media platforms.

List all the facilities or other locations where the departmental programs, activities or services operate or are offered on a regular or incidental basis. (Use additional sheets if necessary.)

INTERNAL PROGRAM OPERATIONS

A. Equal Opportunity to Participate and Benefit

A public entity may not deny a qualified individual with a disability an opportunity to participate in and benefit from any program.

A public entity may not afford an opportunity that is not equal to or not as effective as that provided to others.

A public entity may not impose eligibility criteria for participation in programs that screen out people with disabilities either directly or indirectly, unless such criteria are necessary for the provision of the program's activities.

1. Are there any circumstances in which the participation of a person with a disability in departmental programs would be restricted or excluded?

_____ Yes ☒ No

If yes, please describe:

2. Are any of these exclusions or restrictions necessary to the operation of the programs or to the safety of the participants who do not have disabilities?

_____ Yes _____ No

If yes, please describe:

B. Reasonable Program Modification

Public entities are required to make reasonable modification to policies or practices in order to avoid discrimination toward people with disabilities. A modification is not required, however, if it would fundamentally alter the nature of the program or activity.

3. Are staff aware that it may be necessary to modify departmental program policies or practices to enable people with disabilities to participate in and benefit from the programs?

☒ Yes _____ No

4. Is the public informed that the department is prepared to make reasonable modifications?

☒ Yes _____ No

5. Does the department have a formal or informal process for responding to requests for modification?

☒ Yes _____ No

6. Does the department have a process for determining whether a policy or practice modification would fundamentally alter the nature of the program?

☒ Yes _____ No

C. Surcharges and Additional Requirements

Public entities may not impose extra charges upon people with disabilities to cover the costs of effective communication, program modifications, or access features, and may not impose any additional requirements or burdens on people with disabilities that they do not require of all other participants in the program.

7. Are there any circumstances in which a person with a disability would be asked to pay a fee or meet any other requirement not imposed on other departmental program participants?

_____ Yes ☒ No

If yes, please describe:

D. Integrated Settings and Separate Programs

Promoting integration is a fundamental principle of the ADA and public entities are required to provide programs and activities in the most integrated settings appropriate to the needs of people with disabilities.

Separate program or activities are permitted only when necessary to ensure equal opportunity. When separate programs are provided, qualified people with disabilities still cannot be excluded from participating in regular programs if they choose to do so.

8. Does the department provide any separate activities for people with disabilities?

_____ Yes ☒ No

If yes, please describe:

9. Are there any circumstances in which a person with a disability would be prohibited from participating in regular (non-separate) activities because of the provision of separate activities?

_____ Yes ☒ No

If yes, please describe:

EXTERNAL RELATIONSHIPS

A. Contracting with External Organizations

When a public entity contracts with another organization to provide programs and services to the entity's

constituents, the public entity retains responsibility for ensuring that the contractor provides the services and activities in a nondiscriminatory manner consistent with the requirements of Title II of the ADA.

List any contractors who provide services, benefits, or activities on behalf of departmental programs (attach a separate sheet, if necessary).

10. Has the department notified each contractor of its responsibility for providing contracted services in a nondiscriminatory manner and has the department required assurances from contractors of their fulfillment of Title II of the ADA nondiscrimination and access requirements?

☒ Yes _____ No

If so please describe both the notification process and the process by which the entity will ensure compliance?

B. Procurement Contracts

In selecting procurement contractors, a public entity may not discriminate on the basis of disability.

11. Are there any circumstances in which a consideration related to disability would influence the choice of a procurement contractor?

_____ Yes ☒ No
If so, please explain

SECTION II. COMMUNICATION ACCESS ASSESSMENT COMMUNICATION ACCESS

A. Visual Communication

Information that is communicated visually—such as through printed materials or visual displays—must be made accessible to people with visual and cognitive disabilities through auxiliary aids and services.

12. Do departmental programs involve information that is communicated visually?

☒ Yes _____ No

In the chart below, list each type of information that is communicated visually. Consider all aspects of departmental programs, including outreach, advertising, public meetings or hearings, and communication with the general public, applicants and participants. Examples may include brochures, forms, handbooks, agendas, visual displays, etc.

For each type of information, place a check (✓) below the auxiliary aids or services currently available to people with visual disabilities. Place an "X" below any additional aids or services that may be necessary to provide effective communication of the information. (More than one auxiliary aid or service may be needed for each.)

	Type of Information	Type of Information	Type of Information
Large Print			
Braille			
Audio Tape			
Readers			
Computers			
Pictorial Signage			
Other			

B. Aural/Oral Communication

(Note: "Aural" refers to information that is heard; "oral" refers to spoken information.)

Programs that communicate information aurally to applicants or participants or that require an applicant participant to use oral communication must make that information accessible to people having hearing or speech disabilities by providing auxiliary aids or services.

13. Do departmental programs involve information that is communicated verbally?

☒ Yes ☐ No

In the chart below, list each type of information that is communicated aurally/orally. Consider all communication involved in all aspects of departmental programs, including outreach, advertising, public meetings or hearings, and communication with the general public, applicants and participants.

For each type of information, place a check (✓) below the auxiliary aids or services currently available to people with hearing or speech disabilities. Place an "X" below any additional aids or services that may be necessary to provide effective communication of the information. (More than one auxiliary aid or service may be needed for each.)

Type of Information

	Type of Information	Type of Information	Type of Information
Sign Language Interpreters			
Telecommunication Devices for the Deaf (TDDs)			
Paper and Pen			
Real-time Captioning			
Caption Decoder			
Other			

TELECOMMUNICATIONS

A. Telephone Communication

When a public entity communicates with the public by telephone, Title II of the ADA requires that TDDs or equally effective means be used to communicate with people who have hearing or speech disabilities. Public entities should use TDDs wherever telephone communication is a substantial part of a program's operation.

14. Does the department communicate regularly with the public over the telephone?

_____ Yes _____ No

15. Are telephone communications ever lengthy, complex, or technical?

_____ Yes _____ No

16. Does the department have a TDD, or access to a TDD?

_____ Yes _____ No

17. If yes, has the staff been trained in the use of the TDD?

_____ Yes _____ No

B. Telephone Emergency Services

If the program provides telephone access to emergency services, the regulations require that direct access be provided to individuals who use TDDs; relying on a relay service is not acceptable.

18. Does the department provide telephone access to emergency services?

_____ Yes _____ No

19. If so, does the program provide direct TDD access to the emergency telephone number(s)?

_____ Yes _____ No

OTHER COMMUNICATION

A. Emergency Warning and Evacuation

Emergency evacuation procedures for the program, service, or activity must ensure that people with disabilities are made aware of emergencies and are aware of exit procedures.

20. Is there a means of assuring that people with hearing disabilities are made aware of an activated alarm?

_____ Yes _____ No

If yes, please describe:

21. Is there an established emergency evacuation procedure that addresses the needs of individuals with disabilities?

_____ Yes _____ No

B. Access Information

ADA Title II regulation require that public entities ensure that people with disabilities can obtain information about the availability and location of accessible programs, services, activities, and facilities. Information regarding the location of accessible entrances, program sites, TDDs, and other access features can be provided in a number of ways, such as in handbooks and listings.

22. Explain how the departmental programs, services, or activities provide access information to program applications, participants, and the general public.
23. Describe the types of reasonable accommodation which citizens/employees have requested to gain access to your departmental programs/services.

C. Website

24. Does your department have a website?

☒ Yes ☐ No

25. What is your department's website? What information is provided on this site? Please describe briefly what information is provided: www.vinetransit.com; www.nvta.ca.gov

26. Does your department's website include information about accessibility of facilities (parking, bathrooms, assistive listening devices, etc.) where programs or services are offered? (Only answer if you answered "yes" to 24.

☒ Yes ☐ No

In so, please describe briefly what information is provided about accessible features:

27. Does your department ensure that its website is usable by individuals with disabilities, including those who use speaking browsers?

☒ Yes ☐ No

28. Are the documents provided on your website for downloading accessible to persons with visual disabilities?

☒ Yes ☐ No

Thank you for completing this survey

Appendix B: Napa Valley Transportation Authority ADA Disability Access or Title



24 Accessibility Complaint Form

Grievance Procedure Form

This Grievance Procedure form is established to meet the requirements of the Americans with Disabilities Act. It may be used by anyone who wished to file a complaint alleging discrimination on the basis of disability in employment practices and plies or the provision of services activities, programs or benefits by the Napa Valley Transportation Authority, Assistance is available upon request. Please contact NVTA at (707) 259-8631.

Complete this form and return to:

ADA Coordinator
Napa Valley Transportation Authority
625 Burnell Street
Napa, CA 94559

Complainant's Name:

Address: City:

State: Zip Code:

Telephone (Home): (Work):

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

Name:

Address: City:

State: Zip Code:
Telephone (Home): (Work):

What is the discrimination based on?

- ☐ Race/Color ☐ National Origin ☐ Sex ☐ Disability
☐ Low Income ☐ Limited English Proficiency

Date of the alleged discrimination: Location:

Agency or person that who was responsible for alleged discrimination:

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

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

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

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

Signature

Date

Appendix C: Public Meeting Minutes

Will include minutes from PCC meeting and NVTA Board Meeting when Self-Evaluation Plan Adopted.

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Appendix D: ADA Coordinator Public Notice

The Napa Valley Transportation Authority (NVTA) does not discriminate on the basis of disability in admission, access to, or operation of its programs, services and activities. The NVTA does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990.

Questions, concerns, complaints, or requests for additional information regarding the ADA can be forward to NVTA's designated ADA Compliance Coordinator.

Rebecca Schenck
Transportation Program Planner
625 Burnell Street
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Individuals who need auxiliary aids for effective communication in programs and services of NVTA are invited to make their needs and preferences known to the ADA Compliance Coordinator.

This notice is available in large print, on audio tape and in Braille, from the ADA Compliance Coordinator.

Appendix E: Facility Checklist

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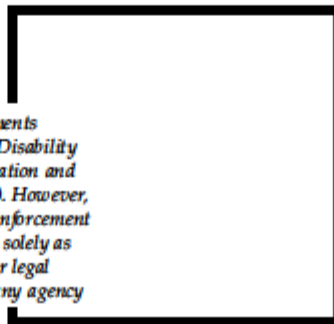
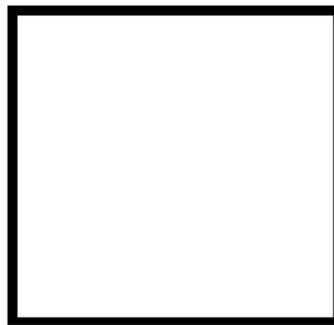
Checklist for Existing Facilities version 2.1



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The Americans with Disabilities Act Checklist for Readily Achievable Barrier Removal

August 1995

Checklist for Existing Facilities version 2.1

Introduction

Title III of the **Americans with Disabilities Act** requires public accommodations to provide goods and services to people with disabilities on an equal basis with the rest of the general public. The goal is to afford every individual the opportunity to benefit from our country's businesses and services, and to afford our businesses and services the opportunity to benefit from the patronage of all Americans.

The regulations require that architectural and communication barriers that are structural must be removed in public areas of **existing facilities** when their removal is **readily achievable**—in other words, easily accomplished and able to be carried out without much difficulty or expense. **Public accommodations** that must meet the barrier removal requirement include a broad range of establishments (both for-profit and nonprofit)—such as hotels, restaurants, theaters, museums, retail stores, private schools, banks, doctors' offices, and other places that serve the public. People who own, lease, lease out, or operate places of public accommodation in existing buildings are responsible for complying with the barrier removal requirement.

The removal of barriers can often be achieved by making simple changes to the physical environment. However, the regulations do not define exactly how much effort and expense are required for a facility to meet its obligation. This judgment must be made on a case-by-case basis, taking into consideration such factors as the size, type, and overall financial resources of the facility, and the nature and cost of the access improvements needed. These factors are described in more detail in the ADA regulations issued by the Department of Justice.

The process of determining what changes are readily achievable is not a one-time effort; access should be re-evaluated annually. Barrier removal that might be difficult to carry out now may be readily achievable later. Tax incentives are available to help absorb costs over several years.

Purpose of This Checklist

This checklist will help you identify accessibility problems and solutions in existing facilities in order to meet your obligations under the ADA.

The goal of the survey process is to plan how to make an existing facility more usable for people with disabilities. The Department of Justice (DOJ) recommends the development of an Implementation Plan, specifying what improvements you will make to remove barriers and when each solution will be carried out: "...Such a plan...could serve as evidence of a good faith effort to comply...."

Technical Requirements

This checklist details some of the requirements found in the ADA Standards for Accessible Design (Standards). The ADA Accessibility Guidelines (ADAAG), when adopted by DOJ, became the Standards. The Standards are part of the Department of Justice Title III Regulations, 28 CFR Part 36 (*Nondiscrimination on the basis of disability... Final Rule*). Section 36.304 of this regulation, which covers barrier removal, should be reviewed before this survey is conducted.

However, keep in mind that full compliance with the Standards is required only for new construction and alterations. The requirements are presented here as a guide to help you determine what may be readily achievable barrier removal for existing facilities. The Standards should be followed for all barrier removal unless doing so is not readily achievable. If complying with the Standards is not readily achievable, you may undertake a modification that does not fully comply, as long as it poses no health or safety risk.

In addition to the technical specifications, each item has a scoping provision, which can be found under Section 4.1 in the Standards. This section clarifies when access is required and what the exceptions may be.

Each state has its own regulations regarding accessibility. To ensure compliance with all codes, know your state and local codes and use the more stringent technical requirement for every modification you make; that is, the requirement that provides greater access for individuals with disabilities. The barrier removal requirement for existing facilities is new under the ADA and supersedes less stringent local or state codes.

What This Checklist is Not

This checklist does not cover all of the requirements of the Standards; therefore, it is **not** for facilities undergoing new construction or alterations. In addition, it does not attempt to illustrate all possible barriers or propose all possible barrier removal solutions. The Standards should be consulted for guidance in situations not covered here.

The Title III regulation covers more than barrier removal, but this checklist does **not** cover Title III's requirements for nondiscriminatory policies and practices and for the provision of auxiliary communication aids and services. The communication features covered are those that are **structural** in nature.

Priorities

This checklist is based on the four priorities recommended by the Title III regulations for planning readily achievable barrier removal projects:

- Priority 1: Accessible **approach and entrance**
- Priority 2: Access to **goods and services**
- Priority 3: Access to **rest rooms**
- Priority 4: Any **other measures** necessary


Note that the references to ADAAG throughout the checklist refer to the Standards for Accessible Design.

How to Use This Checklist

✓ **Get Organized:** Establish a time frame for completing the survey. Determine how many copies of the checklist you will need to survey the whole facility. Decide who will conduct the survey. It is strongly recommended that you invite two or three additional people, including people with various disabilities and accessibility expertise, to assist in identifying barriers, developing solutions for removing these barriers, and setting priorities for implementing improvements.

✓ **Obtain Floor Plans:** It is very helpful to have the building floor plans with you while you survey. If plans are not available, use graph paper to sketch the layout of all interior and exterior spaces used by your organization. Make notes on the sketch or plan while you are surveying.

✓ **Conduct the Survey:** Bring copies of this checklist, a clipboard, a pencil or pen, and a flexible steel

tape measure. With three people surveying, one person numbers key items on the floor plan to match with the field notes, taken by a second person, while the third takes measurements. **Be sure to record all dimensions!** As a reminder, questions that require a dimension to be measured and recorded are marked with the ruler symbol.  Think about each space from the perspective of people with physical, hearing, visual, and cognitive disabilities, noting areas that need improvement.

✓ **Summarize Barriers and Solutions:** List barriers found and ideas for their removal. Consider the solutions listed beside each question, and add your own ideas. Consult with building contractors and equipment suppliers to estimate the costs for making the proposed modifications.

✓ **Make Decisions and Set Priorities:** Review the summary with decision makers and advisors. Decide which solutions will best eliminate barriers at a reasonable cost. Prioritize the items you decide upon and make a timeline for carrying them out. Where the removal of barriers is not readily achievable, you must consider whether there are **alternative methods** for providing access that *are* readily achievable.

✓ **Maintain Documentation:** Keep your survey, notes, summary, record of work completed, and plans for alternative methods on file.

✓ **Make Changes:** Implement changes as planned. Always refer directly to the Standards and your state and local codes for complete technical requirements before making any access improvement. References to the applicable sections of the Standards are listed at the beginning of each group of questions. If you need help understanding the federal, state, or local requirements, contact your Disability and Business Technical Assistance Center.

✓ **Follow Up:** Review your Implementation Plan each year to re-evaluate whether more improvements have become readily achievable.

To obtain a copy of the Title III regulations and the Standards or other technical information, call the U.S. Dept. of Justice ADA Information Line at (800) 514-0301 Voice, (202) 514-0381 TDD, or (800) 514-0383 TDD. For questions about ADAAG, contact the Architectural and Transportation Barriers Compliance Board at (800) USA-ABLE.

QUESTIONS

POSSIBLE SOLUTIONS

Priority

1 Accessible Approach/Entrance

People with disabilities should be able to arrive on the site, approach the building, and enter as freely as everyone else. At least one route of travel should be safe and accessible for everyone, including people with disabilities.

Route of Travel (ADAAG 4.3, 4.4, 4.5, 4.7)

Is there a route of travel that does not require the use of stairs?

Yes No


☐ ☐

- ☐ Add a ramp if the route of travel is interrupted by stairs.
- ☐ Add an alternative route on level ground.

Is the route of travel stable, firm and slip-resistant?

☐ ☐


- ☐ Repair uneven paving.
- ☐ Fill small bumps and breaks with beveled patches.
- ☐ Replace gravel with hard top.

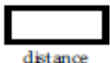
 Is the route at least 36 inches wide?

☐ ☐

width

- ☐ Change or move landscaping, furnishings, or other features that narrow the route of travel.
- ☐ Widen route.

 Can all objects protruding into the circulation paths be detected by a person with a visual disability using a cane?

☐ ☐

distance from wall/height

- ☐ Move or remove protruding objects.
- ☐ Add a cane-detectable base that extends to the ground.
- ☐ Place a cane-detectable object on the ground underneath as a warning barrier.


In order to be detected using a cane, an object must be within 27 inches of the ground. Objects hanging or mounted overhead must be higher than 80 inches to provide clear head room. It is not necessary to remove objects that protrude less than 4 inches from the wall.

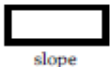
Do curbs on the route have curb cuts at drives, parking, and drop-offs?

☐ ☐

- ☐ Install curb cut.
- ☐ Add small ramp up to curb.

Ramps (ADAAG 4.8)





 Are the slopes of ramps no greater than 1:12?

☐ ☐

slope

Slope is given as a ratio of the height to the length. 1:12 means for every 12 inches along the base of the ramp, the height increases one inch. For a 1:12 maximum slope, **at least** one foot of ramp length is needed for each inch of height.








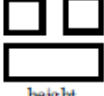





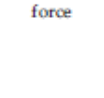



- ☐ Lengthen ramp to decrease slope.
- ☐ Relocate ramp.
- ☐ If available space is limited, reconfigure ramp to include switchbacks.

QUESTIONS		POSSIBLE SOLUTIONS										
Ramps, continued Do all ramps longer than 6 feet have railings on both sides?		<input type="checkbox"/> Add railings.										
Are railings sturdy, and between 34 and 38 inches high?		<input type="checkbox"/> Adjust height of railing if not between 30 and 38 inches. <input type="checkbox"/> Secure handrails in fixtures.										
Is the width between railings or curbs at least 36 inches?		<input type="checkbox"/> Relocate the railings. <input type="checkbox"/> Widen the ramp.										
Are ramps non-slip?		<input type="checkbox"/> Add non-slip surface material.										
Is there a 5-foot-long level landing at every 30-foot horizontal length of ramp, at the top and bottom of ramps and at switchbacks?		<input type="checkbox"/> Remodel or relocate ramp.										
Does the ramp rise no more than 30 inches between landings?		<input type="checkbox"/> Remodel or relocate ramp.										
Parking and Drop-Off Areas (ADAAG 4.6) Are an adequate number of accessible parking spaces available (8 feet wide for car plus 5-foot access aisle)? For guidance in determining the appropriate number to designate, the table below gives the ADAAG requirements for new construction and alterations (for lots with more than 100 spaces, refer to ADAAG): <table><tr><th>Total spaces</th><th>Accessible</th></tr><tr><td>1 to 25</td><td>1 space</td></tr><tr><td>26 to 50</td><td>2 spaces</td></tr><tr><td>51 to 75</td><td>3 spaces</td></tr><tr><td>76 to 100</td><td>4 spaces</td></tr></table>		Total spaces	Accessible	1 to 25	1 space	26 to 50	2 spaces	51 to 75	3 spaces	76 to 100	4 spaces	<input type="checkbox"/> Reconfigure a reasonable number of spaces by repainting stripes.
Total spaces	Accessible											
1 to 25	1 space											
26 to 50	2 spaces											
51 to 75	3 spaces											
76 to 100	4 spaces											
Are 8-foot-wide spaces, with minimum 8-foot-wide access aisles, and 98 inches of vertical clearance, available for lift-equipped vans? At least one of every 8 accessible spaces must be van-accessible (with a minimum of one van-accessible space in all cases).		<input type="checkbox"/> Reconfigure to provide van-accessible space(s).										

QUESTIONS		POSSIBLE SOLUTIONS
Parking and Drop-Off Areas, continued Are the access aisles part of the accessible route to the accessible entrance? Are the accessible spaces closest to the accessible entrance? Are accessible spaces marked with the International Symbol of Accessibility? Are there signs reading "Van Accessible" at van spaces? Is there an enforcement procedure to ensure that accessible parking is used only by those who need it?		<input type="checkbox"/> Add curb ramps. <input type="checkbox"/> Reconstruct sidewalk. <input type="checkbox"/> Reconfigure spaces. <input type="checkbox"/> Add signs, placed so that they are not obstructed by cars. <input type="checkbox"/> Implement a policy to check periodically for violators and report them to the proper authorities.
Entrance (ADAAG 4.13, 4.14, 4.5) If there are stairs at the main entrance, is there also a ramp or lift, or is there an alternative accessible entrance? Do not use a service entrance as the accessible entrance unless there is no other option. Do all inaccessible entrances have signs indicating the location of the nearest accessible entrance? Can the alternate accessible entrance be used independently?		<input type="checkbox"/> If it is not possible to make the main entrance accessible, create a dignified alternate accessible entrance. If parking is provided, make sure there is accessible parking near all accessible entrances. <input type="checkbox"/> Install signs before inaccessible entrances so that people do not have to retrace the approach. <input type="checkbox"/> Eliminate as much as possible the need for assistance—to answer a doorbell, to operate a lift, or to put down a temporary ramp, for example.
 Does the entrance door have at least 32 inches clear opening (for a double door, at least one 32-inch leaf)?	 clear opening	<input type="checkbox"/> Widen the door to 32 inches clear. <input type="checkbox"/> If technically infeasible, widen to 31-3/8 inches minimum. <input type="checkbox"/> Install offset (swing-clear) hinges.
 Is there at least 18 inches of clear wall space on the pull side of the door, next to the handle? A person using a wheelchair or crutches needs this space to get close enough to open the door.	 clear space	<input type="checkbox"/> Remove or relocate furnishings, partitions, or other obstructions. <input type="checkbox"/> Move door. <input type="checkbox"/> Add power-assisted or automatic door opener.

QUESTIONS

POSSIBLE SOLUTIONS

		Yes	No	
	Entrance, continued			
	Is the threshold edge 1/4-inch high or less, or if beveled edge, no more than 3/4-inch high?			<input type="checkbox"/> If there is a single step with a rise of 6 inches or less, add a short ramp. <input type="checkbox"/> If there is a threshold greater than 3/4-inch high, remove it or modify it to be a ramp.
	If provided, are carpeting or mats a maximum of 1/2-inch high?			<input type="checkbox"/> Replace or remove mats.
	Are edges securely installed to minimize tripping hazards?			<input type="checkbox"/> Secure carpeting or mats at edges.
	Is the door handle no higher than 48 inches and operable with a closed fist?			<input type="checkbox"/> Lower handle. <input type="checkbox"/> Replace inaccessible knob with a lever or loop handle. <input type="checkbox"/> Retrofit with an add-on lever extension.
	The "closed fist" test for handles and controls: Try opening the door or operating the control using only one hand, held in a fist. If you can do it, so can a person who has limited use of his or her hands.			
	Can doors be opened without too much force (exterior doors reserved; maximum is 5 lbf for interior doors)?			<input type="checkbox"/> Adjust the door closers and oil the hinges. <input type="checkbox"/> Install power-assisted or automatic door openers. <input type="checkbox"/> Install lighter doors.
	You can use an inexpensive force meter or a fish scale to measure the force required to open a door. Attach the hook end to the doorknob or handle. Pull on the ring end until the door opens, and read off the amount of force required. If you do not have a force meter or a fish scale, you will need to judge subjectively whether the door is easy enough to open.			
	If the door has a closer, does it take at least 3 seconds to close?			<input type="checkbox"/> Adjust door closer.

QUESTIONS

POSSIBLE SOLUTIONS

Priority

2 Access to Goods and Services

Ideally, the layout of the building should allow people with disabilities to obtain materials or services without assistance.

Horizontal Circulation (ADAAG 4.3)


Does the accessible entrance provide direct access to the main floor, lobby, or elevator?

Yes No


☐ ☐

Are all public spaces on an accessible route of travel?

☐ ☐


 Is the accessible route to all public spaces at least 36 inches wide?

☐ ☐
width


 Is there a 5-foot circle or a T-shaped space for a person using a wheelchair to reverse direction?

☐ ☐
width


Doors (ADAAG 4.13)

 Do doors into public spaces have at least a 32-inch clear opening?


☐ ☐
clear opening

 On the pull side of doors, next to the handle, is there at least 18 inches of clear wall space so that a person using a wheelchair or crutches can get near to open the door?


☐ ☐
clear space

 Can doors be opened without too much force (5 lbf maximum for interior doors)?

☐ ☐
force

 Are door handles 48 inches high or less and operable with a closed fist?

☐ ☐
height

 Are all threshold edges 1/4-inch high or less, or if beveled edge, no more than 3/4-inch high?

☐ ☐
height

- ☐ Add ramps or lifts.
- ☐ Make another entrance accessible.

- ☐ Provide access to all public spaces along an accessible route of travel.

- ☐ Move furnishings such as tables, chairs, display racks, vending machines, and counters to make more room.

- ☐ Rearrange furnishings, displays, and equipment.

- ☐ Install offset (swing-clear) hinges.
- ☐ Widen doors.





- ☐ Reverse the door swing if it is safe to do so.
- ☐ Move or remove obstructing partitions.














- ☐ Adjust or replace closers.
- ☐ Install lighter doors.
- ☐ Install power-assisted or automatic door openers.


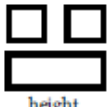







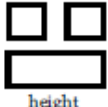

- ☐ Lower handles.
- ☐ Replace inaccessible knobs or latches with lever or loop handles.
- ☐ Retrofit with add-on levers.
- ☐ Install power-assisted or automatic door openers.

- ☐ If there is a threshold greater than 3/4-inch high, remove it or modify it to be a ramp.
- ☐ If between 1/4- and 3/4-inch high, add bevels to both sides.

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QUESTIONS		POSSIBLE SOLUTIONS	
Rooms and Spaces (ADAAG 4.2, 4.4, 4.5)  Are all aisles and pathways to materials and services at least 36 inches wide?		Yes No <input type="checkbox"/> <input type="checkbox"/> <div style="border: 1px solid black; width: 60px; height: 20px; margin: 5px auto;"></div> width	<input type="checkbox"/> Rearrange furnishings and fixtures to clear aisles.
 Is there a 5-foot circle or T-shaped space for turning a wheelchair completely?		Yes No <input type="checkbox"/> <input type="checkbox"/> <div style="border: 1px solid black; width: 60px; height: 20px; margin: 5px auto;"></div> width	<input type="checkbox"/> Rearrange furnishings to clear more room.
Is carpeting low-pile, tightly woven, and securely attached along edges?		Yes No <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> Secure edges on all sides. <input type="checkbox"/> Replace carpeting.
 In circulation paths through public areas, are all obstacles cane-detectable (located within 27 inches of the floor or higher than 80 inches, or protruding less than 4 inches from the wall)?		Yes No <input type="checkbox"/> <input type="checkbox"/> <div style="border: 1px solid black; width: 60px; height: 20px; margin: 5px auto;"></div> height/ protrusion	<input type="checkbox"/> Remove obstacles. <input type="checkbox"/> Install furnishings, planters, or other cane-detectable barriers underneath.
Emergency Egress (ADAAG 4.28) If emergency systems are provided, do they have both flashing lights and audible signals?		Yes No <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> Install visible and audible alarms. <input type="checkbox"/> Provide portable devices.
Signage for Goods and Services (ADAAG 4.30) Different requirements apply to different types of signs.			
 If provided, do signs and room numbers designating permanent rooms and spaces where goods and services are provided comply with the appropriate requirements for such signage?		Yes No <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> Provide signs that have raised letters, Grade II Braille, and that meet all other requirements for permanent room or space signage. (See ADAAG 4.1.3(16) and 4.30.)
<ul style="list-style-type: none"> • Signs mounted with centerline 60 inches from floor. <div style="float: right;"> Y N <input type="checkbox"/> <input type="checkbox"/> <div style="border: 1px solid black; width: 60px; height: 20px; margin: 5px auto;"></div> height </div> • Mounted on wall adjacent to latch side of door, or as close as possible. <div style="float: right;"> <input type="checkbox"/> <input type="checkbox"/> </div> • Raised characters, sized between 5/8 and 2 inches high, with high contrast (for room numbers, rest rooms, exits). <div style="float: right;"> <input type="checkbox"/> <input type="checkbox"/> <div style="border: 1px solid black; width: 60px; height: 20px; margin: 5px auto;"></div> character height </div> • Brailled text of the same information. <div style="float: right;"> <input type="checkbox"/> <input type="checkbox"/> </div> • If pictogram is used, it must be accompanied by raised characters and braille. <div style="float: right;"> <input type="checkbox"/> <input type="checkbox"/> </div> 			

QUESTIONS	POSSIBLE SOLUTIONS
<p>Directional and Informational Signage The following questions apply to directional and informational signs that fall under Priority 2.</p> <p> If mounted above 80 inches, do they have letters at least 3 inches high, with high contrast, and non-glare finish?</p> <p>Do directional and informational signs comply with legibility requirements? (Building directories or temporary signs need not comply.)</p>	<p>Yes No</p> <p> letter height</p> <p></p> <p><input type="checkbox"/> Review requirements and replace signs as needed, meeting the requirements for character size, contrast, and finish.</p> <p><input type="checkbox"/> Review requirements and replace signs as needed.</p>
<p>Controls (ADAAG 4.27)  Are all controls that are available for use by the public (including electrical, mechanical, cabinet, game, and self-service controls) located at an accessible height?</p> <p>Reach ranges: The maximum height for a side reach is 54 inches; for a forward reach, 48 inches. The minimum reachable height is 15 inches for a front approach and 9 inches for a side approach.</p> <p>Are they operable with a closed fist?</p> <p>Seats, Tables, and Counters (ADAAG 4.2, 4.32, 7.2)  Are the aisles between fixed seating (other than assembly area seating) at least 36 inches wide?</p> <p>Are the spaces for wheelchair seating distributed throughout?</p> <p> Are the tops of tables or counters between 28 and 34 inches high?</p> <p> Are knee spaces at accessible tables at least 27 inches high, 30 inches wide, and 19 inches deep?</p>	<p> height</p> <p></p> <p> width</p> <p></p> <p> height</p> <p> height / width / depth</p> <p><input type="checkbox"/> Relocate controls.</p> <p><input type="checkbox"/> Replace controls.</p> <p><input type="checkbox"/> Rearrange chairs or tables to provide 36-inch aisles.</p> <p><input type="checkbox"/> Rearrange tables to allow room for wheelchairs in seating areas throughout the area.</p> <p><input type="checkbox"/> Remove some fixed seating.</p> <p><input type="checkbox"/> Lower part or all of high surface.</p> <p><input type="checkbox"/> Provide auxiliary table or counter.</p> <p><input type="checkbox"/> Replace or raise tables.</p>

QUESTIONS		POSSIBLE SOLUTIONS
Seats, Tables, and Counters, continued  At each type of cashier counter, is there a portion of the main counter that is no more than 36 inches high?	Yes No  height	<input type="checkbox"/> Provide a lower auxiliary counter or folding shelf. <input type="checkbox"/> Arrange the counter and surrounding furnishings to create a space to hand items back and forth. <input type="checkbox"/> Lower section of counter. <input type="checkbox"/> Arrange the counter and surrounding furnishings to create a space to pass items.
	 Is there a portion of food-ordering counters that is no more than 36 inches high, or is there space at the side for passing items to customers who have difficulty reaching over a high counter?	
Vertical Circulation (ADAAG 4.1.3(5), 4.3) Are there ramps, lifts, or elevators to all public levels?		<input type="checkbox"/> Install ramps or lifts. <input type="checkbox"/> Modify a service elevator. <input type="checkbox"/> Relocate goods or services to an accessible area.
On each level, if there are stairs between the entrance and/or elevator and essential public areas, is there an accessible alternate route?		<input type="checkbox"/> Post clear signs directing people along an accessible route to ramps, lifts, or elevators.
Stairs (ADAAG 4.9) The following questions apply to stairs connecting levels <i>not</i> serviced by an elevator, ramp, or lift.		
Do treads have a non-slip surface?		<input type="checkbox"/> Add non-slip surface to treads.
Do stairs have continuous rails on both sides, with extensions beyond the top and bottom stairs?		<input type="checkbox"/> Add or replace handrails if possible within existing floor plan.
Elevators (ADAAG 4.10) Are there both visible and verbal or audible door opening/closing and floor indicators (one tone = up, two tones = down)?		<input type="checkbox"/> Install visible and verbal or audible signals.
 Are the call buttons in the hallway no higher than 42 inches?	 height	<input type="checkbox"/> Lower call buttons. <input type="checkbox"/> Provide a permanently attached reach stick.
Do the controls inside the cab have raised and braille lettering?		<input type="checkbox"/> Install raised lettering and braille next to buttons.

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11

QUESTIONS

POSSIBLE SOLUTIONS


Doorways and Passages, continued


Are pictograms or symbols used to identify rest rooms, and, if used, are raised characters and braille included below them?

Yes No


☐ ☐

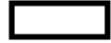
- ☐ If symbols are used, add supplementary verbal signage with raised characters and braille below pictogram symbol.

 Is the doorway at least 32 inches clear?


☐ ☐

clear width


- ☐ Install offset (swing-clear) hinges.
- ☐ Widen the doorway.

 Are doors equipped with accessible handles (operable with a closed fist), 48 inches high or less?


☐ ☐

height


- ☐ Lower handles.
- ☐ Replace knobs or latches with lever or loop handles.
- ☐ Add lever extensions.
- ☐ Install power-assisted or automatic door openers.

 Can doors be opened easily (5 lbf maximum force)?

☐ ☐

force


- ☐ Adjust or replace closers.
- ☐ Install lighter doors.
- ☐ Install power-assisted or automatic door openers.


 Does the entry configuration provide adequate maneuvering space for a person using a wheelchair?

☐ ☐

clear width

- ☐ Rearrange furnishings such as chairs and trash cans.
- ☐ Remove inner door if there is a vestibule with two doors.
- ☐ Move or remove obstructing partitions.

A person in a wheelchair needs 36 inches of clear width for forward movement, and a 5-foot diameter or T-shaped clear space to make turns. A minimum distance of 48 inches clear of the door swing is needed between the two doors of an entry vestibule.

 Is there a 36-inch-wide path to all fixtures?

☐ ☐

width


- ☐ Remove obstructions.


Stalls (ADAAG 4.17)

Is the stall door operable with a closed fist, inside and out?












☐ ☐






- ☐ Replace inaccessible knobs with lever or loop handles.
- ☐ Add lever extensions.

 Is there a wheelchair-accessible stall that has an area of at least 5 feet by 5 feet, clear of the door swing, OR is there a stall that is less accessible but that provides greater access than a typical stall (either 36 by 69 inches or 48 by 69 inches)?

☐ ☐

length/
width

- ☐ Move or remove partitions.
- ☐ Reverse the door swing if it is safe to do so.

QUESTIONS		POSSIBLE SOLUTIONS
Stalls, continued In the accessible stall, are there grab bars behind and on the side wall nearest to the toilet?		<input type="checkbox"/> Add grab bars. <input type="checkbox"/> Add raised seat.
 Is the toilet seat 17 to 19 inches high?	Yes No <input type="checkbox"/> <input type="checkbox"/>  height	
Lavatories (ADAAG 4.19, 4.24)  Does one lavatory have a 30-inch-wide by 48-inch-deep clear space in front? A maximum of 19 inches of the required depth may be under the lavatory.		<input type="checkbox"/> Rearrange furnishings. <input type="checkbox"/> Replace lavatory. <input type="checkbox"/> Remove or alter cabinetry to provide space underneath. <input type="checkbox"/> Make sure hot pipes are covered. <input type="checkbox"/> Move a partition or wall. <input type="checkbox"/> Adjust or replace lavatory. <input type="checkbox"/> Adjust or replace lavatory. <input type="checkbox"/> Replace with paddle handles. <input type="checkbox"/> Lower dispensers. <input type="checkbox"/> Replace with or provide additional accessible dispensers. <input type="checkbox"/> Lower or tilt down the mirror. <input type="checkbox"/> Add a larger mirror anywhere in the room.
 Is the lavatory rim no higher than 34 inches?	Yes No <input type="checkbox"/> <input type="checkbox"/>  height	
 Is there at least 29 inches from the floor to the bottom of the lavatory apron (excluding pipes)?	Yes No <input type="checkbox"/> <input type="checkbox"/>  height	
Can the faucet be operated with one closed fist?	Yes No <input type="checkbox"/> <input type="checkbox"/>	
Are soap and other dispensers and hand dryers within reach ranges (see page 7) and usable with one closed fist?	Yes No <input type="checkbox"/> <input type="checkbox"/>	
 Is the mirror mounted with the bottom edge of the reflecting surface 40 inches high or lower?	Yes No <input type="checkbox"/> <input type="checkbox"/>  height	
Priority 4 Additional Access <i>Note that this priority is for items not required for basic access in the first three priorities.</i> When amenities such as drinking fountains and public telephones are provided, they should also be accessible to people with disabilities.		
 Drinking Fountains (ADAAG 4.15) Is there at least one fountain with clear floor space of at least 30 by 48 inches in front?	Yes No <input type="checkbox"/> <input type="checkbox"/>  clear space	

QUESTIONS		POSSIBLE SOLUTIONS
<p>Drinking Fountains, continued</p> <p> Is there one fountain with its spout no higher than 36 inches from the ground, and another with a standard height spout (or a single "hi-lo" fountain)?</p> <p>Are controls mounted on the front or on the side near the front edge, and operable with one closed fist?</p> <p> Is each water fountain cane-detectable (located within 27 inches of the floor or protruding into the circulation space less than 4 inches from the wall)?</p>		<p>Yes No</p> <p><input type="checkbox"/> <input type="checkbox"/> height</p> <p><input type="checkbox"/> <input type="checkbox"/> height / protrusion</p> <p><input type="checkbox"/> Provide cup dispensers for fountains with spouts that are too high.</p> <p><input type="checkbox"/> Provide accessible cooler.</p> <p><input type="checkbox"/> Replace the controls.</p> <p><input type="checkbox"/> Place a planter or other cane-detectable barrier on each side at floor level.</p>
<p>Telephones (ADAAG 4.31)</p> <p> If pay or public use phones are provided, is there clear floor space of at least 30 by 48 inches in front of at least one?</p> <p> Is the highest operable part of the phone no higher than 48 inches (up to 54 inches if a side approach is possible)?</p> <p> Does the phone protrude no more than 4 inches into the circulation space?</p> <p>Does the phone have push-button controls?</p> <p>Is the phone hearing-aid compatible?</p> <p>Is the phone adapted with volume control?</p> <p>Is the phone with volume control identified with appropriate signage?</p> <p>If there are four or more public phones in the building, is one of the phones equipped with a text telephone (TT or TDD)?</p> <p>Is the location of the text telephone identified by accessible signage bearing the International TDD Symbol?</p>		<p><input type="checkbox"/> Move furnishings.</p> <p><input type="checkbox"/> Replace booth with open station.</p> <p><input type="checkbox"/> Lower telephone.</p> <p><input type="checkbox"/> Place a cane-detectable barrier on each side at floor level.</p> <p><input type="checkbox"/> Contact phone company to install push-buttons.</p> <p><input type="checkbox"/> Have phone replaced with a hearing-aid compatible one.</p> <p><input type="checkbox"/> Have volume control added.</p> <p><input type="checkbox"/> Add signage.</p> <p><input type="checkbox"/> Install a text telephone.</p> <p><input type="checkbox"/> Have a portable TT available.</p> <p><input type="checkbox"/> Provide a shelf and outlet next to phone.</p> <p><input type="checkbox"/> Add signage.</p>

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Appendix F: Excerpts NVTB Policies and Procedures Manual Chapter 3: Personnel Policies

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NVTA
POLICIES, PRACTICES AND PROCEDURES MANUAL

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CHAPTER 4 STANDARDS OF CONDUCTS

Section 4.1. Equal Employment Opportunity

4.1.1 Statement of Policy

The Napa Valley Transportation Authority is an equal opportunity employer. The Agency does not discriminate against qualified applicants or employees with respect to any terms or conditions of employment based on an applicant's or employee's race, color, national origin, ancestry, religion, physical disability, mental disability, medical condition, marital status, domestic partner status, sex (including pregnancy, childbirth and related medical conditions), gender (including gender identity), age (over 40), sexual orientation, political affiliation, veteran's status, or any other characteristic protected by federal, state or local law.

The Agency subscribes to all federal and state laws that are intended to protect the right and opportunity of all persons to seek, obtain and hold employment without discrimination or abridgment because of the foregoing characteristics.

4.1.2 Employee, Supervisor and Management Responsibilities

All employees are charged with the responsibility of furthering equal employment opportunity by identifying and reporting incidents of discrimination. Agency managers and supervisors are further required to ensure that principles of equal employment opportunity and non-discrimination are followed with regard to recruitment, hiring, placement, promotion, transfer, demotion, layoff, termination, pay and other forms of compensation, training and general treatment of employees during employment.

In any instance where an employee believes that this policy has been violated, that employee is encouraged to consult with the Agency's Executive Director, or if the alleged violator is the Executive Director, the Chair of the Board with the assurance that no reprisals (retaliation) or otherwise adverse action will be taken against the employee.

Section 4.2. Anti-Harassment/Discrimination Policy

4.2.1 Statement of Policy

The Agency is committed to providing a work environment free from harassment and discrimination as defined by this policy. Agency policy prohibits discrimination, sexual harassment and harassment because of race, color, national origin, ancestry, religion, physical disability, mental disability, medical condition, marital status, domestic partner status, sex (including pregnancy, childbirth and related medical conditions), gender (including gender identity), age (over 40), sexual orientation, political affiliation, veteran's status, or any other characteristic protected by federal and state law. All such harassment and discrimination is prohibited. Persons protected from harassment and discrimination under this policy includes job applicants, employees and independent contractors. Applicants, employees or independent contractors are protected from harassment that is perpetrated by Agency officials, managers, supervisors, employees, and by

non-employees when the harassment occurs in the course of Agency work. Employees who violate this policy will be subject to disciplinary action, up to and including termination.

4.2.2 Definitions

A. “Discrimination”

For purposes of this policy, discrimination may occur by either:

1. Treating members of a protected class less favorably because of their membership in that class. The protected groups are based upon race, age, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, sexual orientation, gender or self-identified gender.
 - a) “Sex” is defined as including, but not limited to pregnancy, childbirth, or medical conditions related to such pregnancy, as well as one’s gender (see California Government Code, section 12926(p)).
 - b) “Gender” is defined as including a person’s sex, gender identity and gender related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth (see California Penal Code, section 422.56).
2. Having a policy or practice that has a disproportionately adverse impact on protect class members.

B. “Harassment”

Conduct which constitutes harassment in violation of this policy includes, but is not limited to:

1. Making or using derogatory comments, slurs, jokes or epithets which are related to an individual’s race, religion, gender, self-identified gender, sex, or is of a sexual nature, or are based on any other identified protected category, as set forth in section 4.2.2.A.1. above, or are otherwise deemed inappropriate.
2. Assaulting, touching, impeding or blocking movement, making derogatory gestures, or any physical interference with normal work movement which is motivated or related to an individual’s protected status as set forth in section 4.2.2.A.1, above.
3. Displaying derogatory posters, letters, poems, graffiti, cartoons or drawings that involve or relate to an individual’s protected status as set forth in section 4.2.2.A.1, above.
4. Sexual harassment as defined in section 4.2.2.C, below.
5. Retaliation against an employee, or person who provides services to NVTa pursuant to a contract or other covered individual who:

- a) Files or responds to a bona fide complaint of harassment or discrimination; or
- b) Acts as a witness or otherwise cooperates in the investigation of a harassment or discrimination complaint; or
- c) Serves as an investigator in processing complaints of harassment or discrimination.

C. Sexual Harassment"

1. For purpose of this policy, sexual harassment is any behavior that includes unwelcome sexual advances and other verbal or physical conduct of a sexual nature when:
 - a) Submission to, or rejection of, such conduct is used as the basis for employment decisions that influence or affect an individual's career (such as promotions, salary, employment conditions or other aspects of a career development); or
 - b) Such conduct unreasonably interferes with an individual's job performance;
 - c) Creates an intimidating, hostile or offensive work environment.
2. All of the conduct described in 4.2.2.B. (1)-(3), above, when it is of a sexual nature; or
3. Deliberate, repeated or unwelcome sexual advances, offering employment benefits in exchange for sexual favors or making or threatening reprisals after a negative response to sexual advances.

Sexual harassment can occur between employees of the opposite or same sex. It is prohibited for males to sexually harass females or other males, and for females to sexually harass males or other females.

4.2.3 Zero Tolerance

The Agency maintains a zero tolerance stance regarding violations of this policy. This means that serious cases of employee harassment, discrimination or retaliation related to a complaint made pursuant to this policy will lead to recommendations for immediate dismissal by the Executive Director.

Conduct of the nature prohibited by this policy will be considered misconduct and will subject an offending employee to disciplinary action even if the conduct does not rise to the level of legally actionable harassment, discrimination or retaliation.

4.2.4 Complaint and Investigation Procedure

Employees and contractors should not wait until a situation becomes severe or pervasive or impairs their work performance before reporting harassment or discrimination. The Agency's goal is to prevent harassment and, if it does occur, to stop it at the earliest opportunity.

If the employee believes that he/she has been harassed or discriminated under this policy, or if the employee believes he/she has witnessed harassment or discrimination, the employee should inform his/her supervisor, Human Resources, or the Executive Director of the Agency as soon as possible after the incident. The complaint should include details of the incident or incidents, names of the individuals involved and names of any witnesses. Supervisors or management employees who are aware or have been notified of any alleged incident of harassment or discrimination must immediately refer all such complaints or reports to Human Resources and to the Executive Director.

If the Executive Director is the harasser, the employee can report the harassment/discrimination to the chairman of the Board of Directors.

If the employee does not feel comfortable reporting the incident to his/her supervisor, Human Resources or the Executive Director, he/she may report the incident to any other supervisory or management employee, or the chair of the Board of Directors.

Whenever the Agency is made aware of a complaint or report of harassment/discrimination under this policy, the Agency will conduct an immediate, thorough and objective investigation of the situation. Cooperation with such investigations is required of all employees.

If the Agency determines that harassment/discrimination prohibited by this policy has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined by the Agency to have engaged in prohibited harassment/discrimination will be subject to appropriate disciplinary action, up to and including termination.

In addition to the foregoing methods of complaint, an applicant, employee or contractor may choose to file a harassment/discrimination complaint with the California Department of Fair Employment and Housing at <http://www.dfeh.ca.gov> or the federal Equal Employment Opportunity Commission at <http://www.eeoc.gov/>.

4.2.5 Prohibition on Retaliation

The Agency strictly prohibits retaliation against any applicant, employee or contractor who complains of harassment or discrimination or participates in any manner in an investigation into workplace harassment/discrimination. Examples of retaliation prohibited by this policy include the following:

- Disciplining a complainant or rejecting a complainant for employment because it is believed the allegation of harassment is untrue or the allegation of harassment/discrimination is not supported by subsequent findings of an investigation;
- Subjecting complainants or witnesses to materially adverse employment decisions because of their participation in a workplace harassment/discrimination complaint or investigation;

- Ostracizing or demonstrating hostility to a complainant or witnesses because of their participation in a workplace harassment/discrimination complaint or investigation.

If the Agency finds that any employee, including a supervisor or manager, has engaged in retaliation, he or she shall be subject to disciplinary action, up to and including discharge.

4.2.6 Prevention

Prevention is the best method for avoiding harassment, discrimination and retaliation. Supervisory and managerial employees are charged with the responsibility of taking steps to prevent harassment/discrimination and retaliation from occurring in the workplace. Failure to take appropriate action to prevent and/or correct harassment/discrimination or retaliation shall be deemed a violation of this policy and shall subject the offender to disciplinary action up to and including discharge. If the Executive Director is the harasser, the employee can report the harassment/discrimination to the Chair of the Board of Directors who will investigate the complaint in the same manner that the Executive Director would investigate complaints filed by other employees. If the employee does not feel comfortable reporting the incident to his/her supervisor, or the Executive Director, he/she may report the incident to any other supervisory, management employee or Human Resources.

Section 4.3. Mutual Respect and Courtesy Rule

It is the Agency's philosophy and practice to treat one another with respect and courtesy. Employees who violate this policy will be subject to disciplinary action, up to and including termination.

Section 4.4. Reasonable Accommodation

4.4.1 Statement of Policy

In furtherance of the Agency's policy to provide equal employment opportunity, the Agency will provide reasonable accommodation to allow people with physical or mental disabilities to apply for employment and perform their jobs.

4.4.2 Conditions Covered By This Policy

A. Disability

The term "disability" means:

1. A physical or mental disorder or condition that limits one or more of the major life activities of such individual; or
2. A record of disorder or condition; or
3. Being regarded as having such a disorder or condition.

B. Conditions Excluded

Individuals who currently use drugs illegally are not protected by the disability laws and do not have rights to reasonable accommodation. This includes people who

use prescription drugs illegally. However, persons who no longer use drugs illegally and have either successfully completed a supervised drug rehabilitation program, or are currently participating in a supervised rehabilitation program, or desire to voluntarily enter and participate in such a program do have protection as provided under applicable disability laws.

4.4.3 Examples of Reasonable Accommodation

Each request for an accommodation will be evaluated on a case-by-case basis. Reasonable accommodation may include:

- Making existing facilities used by employees readily accessible to and usable by individuals with disabilities;
- Job restructuring or modified work schedules;
- Acquisition or modification of equipment or devices;
- The provision of qualified readers or interpreters;
- Appropriate adjustment or modifications of examinations, training materials or policies; and/or
- Reassignment to a vacant position.

4.4.4 Requests for Reasonable Accommodation

To request reasonable accommodation under this policy, an applicant or employee must submit a written statement to the Human Resource Department which indicates the general nature of the physical or mental disability and identifies his or her abilities and functional limitations with respect to the job limitations of the disability. The statement should also request reasonable accommodation because of the limitation(s) caused by the disability. The applicant or employee shall assist the Agency in determining if and what reasonable accommodation might be provided by identifying:

1. Any special methods, skills or procedures which would enable him or her to perform tasks or functions that he or she otherwise might not be able to perform because of his or her disability;
2. The potential accommodations the Agency might make that would enable him or her to perform the essential functions of the job, properly and safely, including special equipment, changes in the physical layout of the job or other accommodation; and
3. Any equipment aids or services that the applicant or employee is willing to provide and utilize that the Agency is not required to provide.

If the applicant or employee requires secretarial or other assistance in preparing the request due to his or her disability, such assistance will be provided upon request.

4.4.5 Medical Information

An applicant or employee who identifies himself or herself as having a disability and who requests reasonable accommodation will be required to provide documentation, including medical documentation, sufficient to establish the existence of the physical or mental disorder or condition, the limitations caused by the condition, and the need for accommodation.

Any information obtained regarding the medical condition of the applicant or employee will be collected and maintained on separate forms, in separate medical files, and treated as a confidential record. Such confidential information may be released as follows:

1. To inform the supervisors and managers of the disabled employee regarding any restrictions on the work or duties of the employee or accommodations necessary;
2. To inform first aid and safety personnel, when appropriate, if the disability may require emergency treatment;
3. To respond to requests from governmental officials investigating compliance with the disability laws; and
4. To workers' compensation offices and second injury funds as required by law or for insurance purposes under certain conditions for those who establish, sponsor or administer health or life insurance benefit plans.

4.4.6 The Interactive Process

The Interactive Process can begin in a number of ways. However, unless the disability or the need for accommodation is obvious, it is the responsibility of the employee to inform the supervisor or the Human Resource Department that an accommodation is needed in order to perform the essential job functions. However, the duty to provide a reasonable accommodation may arise even when no request is made, e.g., when the supervisor, Executive Director, or Human Resources becomes aware of the disability, whether or not there is a request by the employee for a reasonable accommodation. Once the need for reasonable accommodation is known, the Agency, by and through the employee's supervisor, or Executive Director, and Human Resources department, will engage in the Interactive Process, which includes, but is not limited to:

1. Review of the essential functions of the position;
2. Engagement in an interactive dialogue with the employee to ascertain the precise job related limitations imposed by the employee's disability and how those limitation would be overcome with reasonable accommodation;
3. In consultation with the employee, identification of the potential reasonable accommodations and assess the effectiveness each would have in enabling the employee to perform the essential functions of the position;

4. Consideration of the preference of the employee to be accommodated regarding an alternative employment reassignment; and
5. Selection and implementation of the reasonable accommodation most appropriate for the Agency in collaboration with the employee's input.

4.4.7 Miscellaneous Guidelines

1. Reasonable accommodation does not negate requirements for good job performance, successful completion of assigned training, adherence to generally accepted standards of behavior and adherence to supervisory instructions.
2. An employee with a disability who is reassigned to a vacant, lower classified position as an accommodation will receive the lower salary of that position.
3. If the essential job functions and/or duties of a position occupied by an employee with a disability are expanded, revised or modified, the conditions and procedures stated shall apply to any evaluation of the employee's ability to perform the essential functions of the changed, revised or modified position and the Agency's determination whether reasonable accommodation can be provided.
4. An employee who has a question regarding the application of the policy and procedure should contact the Executive Director.

Section 4.5. Appearance, Conduct and Hygiene

4.5.1 Statement of Policy

Agency employees often come into contact with the public, which judges the quality of the Agency service by the appearance and behavior of its employees and has the right to expect appropriate clothing, neat appearance, good manners, and service. Therefore, Agency employees will be expected to adhere to the following guidelines.

4.5.2 Guidelines on Appearance, Conduct and Hygiene

1. All employees are expected to exercise good hygiene and be well groomed.
2. All employees having long hair or wearing a moustache or beard must keep them clean, trimmed, combed, and otherwise groomed so as not to interfere with worker safety. Those employees who normally do not wear a beard or moustache and who normally shave must keep themselves clean shaven.
3. Employees must dress in a manner that is professional, functional, and affords them safety from unnecessary risk of injury. Office employees should not wear shorts, sweat pants, tank tops, shabby denims, or suggestive or inappropriate clothing.

4. When, on occasion, employees have to deal with discourteous persons, it is especially important for them to maintain their friendly attitude. Continuing courtesy on the part of employees will do much to promote an excellent relationship between the Agency and the community.

Section 4.6. Attendance and Punctuality

4.6.1 Statement of Policy

In order to offer high quality service, the Agency's operations must be appropriately staffed. Absenteeism and tardiness cause undue burdens on co-workers and impede the service the Agency provides to the community. Therefore, regular attendance and punctuality are job requirements for all employees of the Agency.

4.6.2 Reporting Requirements

1. Employees are expected to report to work on time and ready for duty at the time prescribed.
2. Employees may not leave work without prior supervisory approval during working hours or prior to the end of a scheduled work time.
3. Employees who foresee the need to be absent, tardy or leave early from work should notify their supervisor/Department Head, Human Resources, the Administrative Assistant and the Executive Director of the anticipated absence as far in advance as practicable and obtain approval for such absence.
4. An employee who will be absent or late to work must notify their supervisor/Department Head, Human Resources, the Administrative Assistant and Executive Director prior to the start of the employee's shift. This process must be repeated daily unless the employee is on an approved leave of absence. An employee must keep their supervisor/Department Head, Human Resources, and Executive Director informed of when he or she plans to return to work. An employee who does not return to work from a leave of absence on the approved date shall be deemed absent without leave (AWOL) and shall be subject to automatic resignation.
5. An employee who is physically unable to provide notice of an absence prior to the start of the employee's work day must provide notice as soon as practicably possible.
6. Absences, including tardiness, must be accurately reported on time sheets in 15 minute increments. Employees who are tardy will not be paid for the time they are absent.

4.6.3 Discipline

Failure to provide a supervisor with advance notice of an absence or late arrival for work, frequent or prolonged absenteeism or tardiness, or falsification of time records may result in disciplinary action up to and including discharge.

Employee absences which are protected by law (e.g., military leave, workers compensation leave, family medical leave, "kin care" leave, pregnancy disability and other approved disability leaves, witness or jury duty leave, voting leave, court appearances for crime victims, and leave for certain school activities) will not be counted in determining whether the employee is meeting job requirements for attendance.

Section 4.7. Secondary Employment

4.7.1 Statement of Policy

The Agency expects its employees to devote full attention to their Agency responsibilities during regularly scheduled work hours. The Agency will not tolerate any secondary employment, which interferes in any way with the performance of duties for the Agency including, but not limited to, the following:

1. Actual conflict in hours of employment;
2. Being tired or unfit for duty because of outside employment;
3. Where the secondary employment creates an actual or apparent conflict of interest in regard to Agency employment.

4.7.2 Notification and Approval

Employees must notify the Agency of all secondary employment. Any employee who engages in after or before hours work at a secondary job must accomplish the following:

1. Receive the written permission of the Executive Director prior to accepting secondary employment. In the case of the Executive Director, he/she must receive authorization from the Board of Directors;
2. When requested by the Executive Director, obtain from the secondary employer a waiver of liability for the Agency;
3. It is incumbent on the employee to make it clear to the secondary employer that he, the employee, is not performing any duties as a representative of NVTa;
4. Once approval is granted by the Executive Director, immediately notify the ED if the secondary employment poses an actual or potential conflict with regards to the employee's Agency employment.

Section 4.8. Causes for Discipline

4.8.1 Statement of Policy

The purpose of this policy is to establish standards of conduct and work performance for employees that are consistent with the efficient and effective delivery of public services. When conduct or job performance does not meet these standards, the Agency will endeavor to provide employees with a reasonable opportunity to correct the deficiency in the Agency's sole judgment.

4.8.2 Standards of Conduct

The standards set forth below are intended to provide employees with notice of what is expected of them and provide examples that may lead to disciplinary action, up to and including discharge. This list is not meant to be exhaustive or all inclusive, but rather it is a set of examples of unacceptable behavior for which disciplinary action could result

1. Poor performance; unsatisfactory work quality or quantity;
2. Neglect of duty, including sleeping on the job;
3. Insubordination;
4. Excessive absenteeism or tardiness;
5. Unexcused absences, failing to properly report absences, or leaving work early without permission;
6. Failure to keep supervisor aware of employee's whereabouts during duty time when availability may be required;
7. Misuse of or damage to Agency tools, vehicles, equipment or other property;
8. Moving violations or accidents in an Agency vehicle;
9. Violation of safety rules or practices;
10. Falsifying, altering or making a material omission on employment, medical, financial, payroll, timekeeping, or other Agency records;
11. Performing non-Agency work during work hours;
12. Dishonesty;
13. Special treatment or favoritism of one customer over another;
14. Use, possession, sale or being under the influence of alcoholic beverages or illegal drugs during work hours or on Agency premises (including vehicles) or other violation of the drug and alcohol policy;
15. Violation of the anti-harassment or discrimination policies;
16. Fighting, engaging in violent or threatening behavior or other conduct in violation of the Agency's workplace violence policy;
17. Discourteous treatment of the public or other employees, as defined by the Mutual Respect and Courtesy Rule (Section 4.3);
18. Conviction of a crime that reflects unfitness for the employee's position or unfitness to work around the Agency's employees, property or the public;
19. Other failure of good behavior during or outside of duty hours which is of such a nature that it causes discredit to the Agency and his or her employment; and

20. Other violation of Agency policies or rules.

Section 4.9. Discipline

4.9.1 Statement of Policy

The purpose of this policy is to establish procedures for the discipline of employees; *except Section 4.8 shall not apply to At Will or temporary employees.* When the job performance or the conduct of a probationary or permanent employee falls below standards set by the Agency, including the Standards of Conduct set forth in Section 4.7, then depending on the severity of the misconduct or performance problem, the Agency may take disciplinary action, up to and including discharge.

4.9.2 Progressive Discipline

The Agency will endeavor to afford the employee with an opportunity to improve when dealing with performance or conduct problems. Different types of discipline may be utilized as determined appropriate in the sole discretion of the Agency and discipline need not adhere to a sequential order of progressive discipline. Types of discipline may include: verbal or written warnings, written reprimands, suspension without pay, demotion and discharge.

A. Suspension without Pay

For more severe violations or continued, uncorrected performance or misconduct problems, an employee may be suspended without pay. Where suspension without pay is recommended for a permanent employee, the employee will have the right to a Skelly meeting and a post-disciplinary appeal.

B. Demotion

The Agency may impose a demotion to a position having a lower salary range for disciplinary purposes. A disciplinary demotion may be utilized for continued, uncorrected performance deficiencies. Where demotion is recommended for a permanent employee, the employee will have the right to a Skelly meeting and a post-disciplinary appeal.

C. Discharge

Discharge will be considered for severe violations, failure to respond appropriately to prior performance improvement plans, and/or multiple disciplinary infractions in a short period of time. Where misconduct is severe and egregious, immediate discharge may be imposed. Where discharge has been recommended for a permanent employee, the employee will have the right to a Skelly meeting and a post-disciplinary appeal. The discharge will be documented in the personnel file.

4.9.3 Administrative Leave

In cases involving alleged severe employee misconduct, or where the presence of the employee may interfere with the investigation into the employee's alleged misconduct, or where the interests of public or workplace health and safety or the Agency's business operations may be jeopardized by the employee's presence, the Executive Director may place the employee on paid administrative leave

pending an investigation into the circumstances. During such administrative leave, the employee will be required to be available by telephone to the Agency during regular business hours and to promptly respond to requests for information by the Agency. The employee should not enter Agency premises during administrative leave without permission by the Executive Director.

4.9.4 Procedures for Disciplinary Action of a Permanent Employee

Where discipline of a permanent employee involves disciplinary actions that result in loss of salary or change in employment status (such as suspension without pay or demotion or discharge), the following provisions shall apply:

A. Notice of Proposed Discipline

The employee's supervisor shall inform the employee in writing of the proposed disciplinary action, which shall not be effective until at least five days from the date the notice of proposed action is served on the employee. This notice shall include a copy of the charges and the reasons for the proposed disciplinary action. This notice shall also include a copy of all relevant documents upon which the proposed disciplinary action is based. The notice shall advise the employee of his/her right to respond to the proposed action either in writing or to hold a meeting to respond (Skelly meeting). Notice may be served on the employee by either U.S. mail or personal delivery. Notice by U.S. mail shall be deemed served five days after deposit with the U.S. postal service.

B. Skelly Meeting

The employee may request a meeting to respond to the proposed disciplinary action. The meeting shall be held with the appropriate manager. Following the meeting or employee's written response, the ED or manager shall determine whether to proceed, modify, or set aside the proposed disciplinary action.

C. Notice of Discipline

The employee shall be informed in writing of the final disciplinary action. A copy of the Notice of Discipline shall be placed in the employee's personnel file. This notice shall include a copy of the charges, the reasons for disciplinary action, and provide the effective date of the action. This notice shall also include a copy of all relevant documents upon which the disciplinary action is based. The notice shall advise the employee of his/her right to appeal the disciplinary action. Notice may be served on the employee by either U.S. mail or personal delivery. Notice by U.S. mail shall be deemed served five days after the date of deposit with the U.S. postal service.

D. Right to Appeal

Within five days of service of the Notice of Disciplinary Action, a permanent employee may request to appeal the disciplinary action in writing to the ED. An employee may only appeal a disciplinary action that results in loss of salary or change in employment status. The ED, or ED's designee, shall serve as the hearing officer for the disciplinary appeal. The hearing officer shall make findings based upon the written statement of the charges and upon information presented

at the hearing, both oral and in writing. The hearing officer shall determine whether there is just cause for the discipline and whether the discipline is appropriate. The hearing officer may approve, modify, or withdraw the disciplinary action. The hearing officer shall notify the manager of his/her determination in writing. The hearing officer's decision is final and binding.



NAPA VALLEY TRANSPORTATION AUTHORITY Board Agenda Letter

TO: Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Diana Meehan, Senior Program Planner/Administrator
(707) 259-8327 / Email: dmeehan@nvta.ca.gov
SUBJECT: Resolution No. 18-15 Authorizing the Submittal of the Countywide Coordinated Claim to the Metropolitan Transportation Commission (MTC) for the Allocation of Fiscal Year 2018-19 Transportation Development Act Article 3 (TDA-3) Pedestrian/Bicycle Project Funds to Claimants in Napa County and Adopting the FY 2018-19 through FY 2020-21 (3-Year Cycle) TDA-3 Program of Projects

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Resolution No. 18-15 (Attachment 1) requesting the FY 2018-19 Transportation Development Act Article 3 (TDA-3) allocation for Pedestrian/Bicycle project funds in the amount of \$296,099 to the Metropolitan Transportation Commission (MTC) as part of the annual Countywide Claim and adopt the FY 2018-19 through FY 2020-21 Three-Year program of projects.

COMMITTEE RECOMMENDATION

At their June 7th meeting the Technical Advisory Committee (TAC) recommended that the NVTA Board of Directors approve TDA 3 FY 2018-19 through FY 2020-21 Three-Year project list shown in Resolution 18-15.

At their May 21st meeting the Active Transportation Advisory Committee (ATAC) recommended that the NVTA Board of Directors approve the FY 2018-19 through FY 2020-21 Three-Year TDA 3 project list shown in Resolution 18-15.

EXECUTIVE SUMMARY

The NVTA Board opened a call for projects for the FY 2018-19 through FY 2020-21 Three-Year TDA-3 Program at their April meeting, with applications due on May 11, 2018. Five (5) project applications were received from three jurisdictions, one from the City of Calistoga, two from the City of St. Helena and two from the City of American Canyon.

The ATAC met on May 21, 2018 to finalize their recommendations to the NVTA Board. The TAC met on June 7, 2018 to finalize their recommendations to the NVTA.

PROCEDURAL REQUIREMENTS

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

FINANCIAL IMPACT

Is there a fiscal impact? No, the funds will be passed through to project sponsors and will not be retained by NVTA.

CEQA REQUIREMENTS

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (California Environmental Quality Act (CEQA) Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The TDA-3 program is for bicycle and pedestrian projects funded by approximately 2% of the ¼ cent statewide sales tax. This generates roughly \$160,000 per year for Napa County jurisdictions. Priority is given to capital projects. Planning is a permissible activity under TDA-3 revenues but the funds can only be used for comprehensive planning activities every 5 years per jurisdiction. Unallocated funds are rolled over for programming to projects in Napa County in future years. The Metropolitan Transportation Commission accepts project applications annually. Projects must be completed within two (2) years plus the fiscal year of allocation.

A call for projects for a three-year program was issued on April 18, 2018. Applications were due on May 11, 2018. Five (5) applications were received totaling \$599,099 dollars. All project requests can be fully funded under the recommended three-year programming cycle as shown in Attachment 2.

The FY 2018-19 revenue estimate (Attachment 3) is \$321,758. NVTA revenue estimate for the FYs 2019-20 and 2020-21 is \$160,000 annually bringing the total estimate for the three-year cycle to \$641,758. Fund estimates will be reconciled each year when MTC revenue estimates are received. Additional projects may be considered if funding is significantly higher; conversely, if revenues result lower than estimated then projects will be reduced proportionately or rolled over to future years.

The ATAC met on May 21, 2018 to finalize their recommendations to the NVTA Board. The TAC met on June 7, 2018 to finalize their recommendations to the NVTA Board.

After reviewing all project submittals and ATAC's project recommendations, the TAC approved the list of projects included in Attachment A on Resolution No. 18-15 (Attachment 1) and in Attachment 2 below. Staff recommends that the Board approve the recommended three-year program project list and adopt Resolution No. 18-15 TDA-3 FY 2018-19 Countywide Claim

SUPPORTING DOCUMENTS

Attachments: (1) Resolution No. 18-15
 (2) TDA-3 Three-Year Program List of Projects
 (3) TDA-3 Revenue Estimate

RESOLUTION No.18-15

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVTA)
AUTHORIZING THE SUBMITTAL OF
COUNTYWIDE COORDINATED CLAIM TO THE
METROPOLITAN TRANSPORTATION COMMISSION (MTC)
FOR THE ALLOCATION OF FISCAL YEAR 2018-19
TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 (TDA-3)
PEDESTRIAN/BICYCLE PROJECT FUNDS TO CLAIMANTS IN NAPA COUNTY**

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 4108, which delineates procedures and criteria for submission of requests for the allocation of TDA Article 3 funds; and

WHEREAS, MTC Resolution No. 4108 requires that requests from eligible claimants for the allocation of TDA Article 3 funds be submitted as part of a single, countywide coordinated claim, composed of certain required documents; and

WHEREAS, the **Napa Valley Transportation Authority** has undertaken a process in compliance with MTC Resolution No. 4108 for consideration of project proposals submitted by eligible claimants of TDA Article 3 funds in **Napa County**, and a prioritized list of projects, included as Attachment A of this resolution, was developed as a result of this process; and

WHEREAS, each claimant in **Napa County** whose project or projects have been prioritized for inclusion in the fiscal year **2018-19** TDA Article 3 countywide coordinated claim, has forwarded to the **Napa Valley Transportation Authority** a certified copy of its governing body resolution for submittal to MTC requesting an allocation of TDA Article 3 funds;

NOW THEREFORE BE IT RESOLVED, that the **Napa Valley Transportation Authority** approves the prioritized list of projects included as Attachment A to this resolution;

BE IT FURTHER RESOLVED that the **Napa Valley Transportation Authority** approves the submittal to MTC, of the **Napa County** fiscal year **2018-19** TDA Article 3 countywide, coordinated claim, composed of the following required documents:

- A. transmittal letter
- B. a certified copy of this resolution, including Attachment A;
- C. one copy of the governing body resolution and required attachments, for each claimant whose project or projects are the subject of the coordinated claim;
- D. a description of the process for public and staff review of all proposed projects submitted by eligible claimants for prioritization and inclusion in the countywide, coordinated claim;

Passed and Adopted the 20th day of June 2018.

Peter G. White, NVTa Chair

Ayes:

Nays:

Absent:

ATTEST:

Karalyn E. Sanderlin, NVTa Board Secretary

APPROVED:

DeeAnne Gillick, NVTa Legal Counsel

ATTACHMENT A

Re: Submittal of Countywide Coordinated Claim to the Metropolitan Transportation Commission for the Allocation of **Fiscal Year (FY) 2018-19** TDA Article 3 Pedestrian/Bicycle Project Funds to Claimants in **Napa County**

Prioritized List of Projects (FY 2018-19)

	Short Title Description of Project	TDA Article 3 Amount	Total Project Cost
1.	City of American Canyon-Donaldson Way Bike/Ped Project	\$ 221,099	\$ 500,000
2.	City of St. Helena-Hunt Ave. Sidewalk Gap Closure	\$ 75,000	\$225,000
	TOTALS	\$ 296,099	\$725,000

ATTACHMENT 2
NVTA Agenda Item 9.4
June 20, 2018

Project Sponsor	Project Description	3-Year Amount Requested	NVTA Programming by Year				Notes
			FY 2018-19	FY 2019-20	FY 2020-21	Staff Recommendation	
Amount rolled over from prior year			Included	\$25,659	-		
Fund Estimate		\$641,758	\$321,758	\$160,000	\$160,000		
Total Available for Programming			\$321,758	\$185,659	\$160,000		
City of American Canyon	Donaldson Way Sidewalk Gap Closure Project	\$221,099	221,099			Fully fund	Received TDA-3 funds in prior cycle \$127,652; Environmental complete; Resolution of local support; Project construction complete Sept. 2018- Change of scope from original application-Class II to Class III
City of American Canyon	Eucalyptus Dr. sidewalk Gap Closure	53,000		53,000		Fully fund	Environmental complete; Resolution of local support
City of Calistoga	Bike/Ped Bridge over Napa River at Pioneer Park	200,000		82,659	117,341	Fully fund	Resolution of local support; Environmental expected April 2019;
City of St. Helena	Hunt Avenue Sidewalk Gap Closure	\$75,000	75,000			Fully fund	Project in Pedestrian Plan; Serves senior and low income; Resolution of local support June 2018
City of St. Helena	Pratt and Elmhurst Crosswalk Improvements on Main St/SR29	\$50,000		50,000		Fully fund	Resolution of local support June 2018 Pedestrian Plan program category-crossing improvements
Total Project Request		\$599,099	\$296,099	\$185,659	\$117,341		
Balance		\$42,659	25,659	0	42,659		

ATTACHMENT 3
NVTA Agenda Item 9.4
June 20, 2018

FY 2018-19 FUND ESTIMATE					<i>Attachment A</i>					
TRANSPORTATION DEVELOPMENT ACT FUNDS					<i>Res No. 4322</i>					
NAPA COUNTY					<i>Page 5 of 20</i>					
					<i>2/28/2018</i>					
FY2017-18 TDA Revenue Estimate					FY2018-19 TDA Revenue Estimate					
<i>FY2017-18 Generation Estimate Adjustment</i>					<i>FY2018-19 County Auditor's Generation Estimate</i>					
1. Original County Auditor Estimate (Feb, 17)			8,638,000		13. County Auditor Estimate				9,623,888	
2. Revised Estimate (Feb, 18)			9,253,739		<i>FY2018-19 Planning and Administration Charges</i>					
3. Revenue Adjustment (Lines 2-1)				615,739	14. MTC Administration (0.5% of Line 13)				48,119	
<i>FY2017-18 Planning and Administration Charges Adjustment</i>					15. County Administration (0.5% of Line 13)				48,119	
4. MTC Administration (0.5% of Line 3)			3,079		16. MTC Planning (3.0% of Line 13)				288,717	
5. County Administration (Up to 0.5% of Line 3) ¹			3,079		17. Total Charges (Lines 14+15+16)				384,955	
6. MTC Planning (3.0% of Line 3)			18,472		18. TDA Generations Less Charges (Lines 13-17)				9,238,933	
7. Total Charges (Lines 4+5+6)				24,630	<i>FY2018-19 TDA Apportionment By Article</i>					
8. Adjusted Generations Less Charges (Lines 3-7)				591,109	19. Article 3.0 (2.0% of Line 18)				184,779	
<i>FY2017-18 TDA Adjustment By Article</i>					20. Funds Remaining (Lines 18-19)				9,054,154	
9. Article 3 Adjustment (2.0% of line 8)			11,822		21. Article 4.5 (5.0% of Line 20)				452,708	
10. Funds Remaining (Lines 8-9)				579,287	22. TDA Article 4 (Lines 20-21)				8,601,446	
11. Article 4.5 Adjustment (5.0% of Line 10)			28,964							
12. Article 4 Adjustment (Lines 10-11)				550,323						
TDA APPORTIONMENT BY JURISDICTION										
Column	A	B	C=Sum(A:B)	D	E	F	G	H=Sum(C:G)	I	J=Sum(H:I)
	6/30/2017	FY2016-17	6/30/2017	FY2016-18	FY2017-18	FY2017-18	FY2017-18	6/30/2018	FY2018-19	FY2018-19
Apportionment Jurisdictions	Balance (w/o interest)	Interest	Balance (w/ interest)²	Outstanding Commitments³	Transfers/ Refunds	Original Estimate	Revenue Adjustment	Projected Carryover	Revenue Estimate	Available for Allocation
Article 3	279,373	2,272	281,646	(322,338)	0	165,850	11,822	136,979	184,779	321,758
Article 4.5	14,607	0	14,608	(419,941)	0	406,332	28,964	29,963	452,708	482,671
SUBTOTAL	293,981	2,272	296,253	(742,279)	0	572,182	40,786	166,942	637,487	804,429
Article 4/8										
NVTA ³	5,326,768	14,465	5,341,233	(10,064,673)	456,002	7,720,298	550,323	4,003,183	8,601,446	12,604,629
SUBTOTAL	5,326,768	14,465	5,341,233	(10,064,673)	456,002	7,720,298	550,323	4,003,183	8,601,446	12,604,629
GRAND TOTAL	\$5,620,749	\$16,738	\$5,637,487	(\$10,806,952)	\$456,002	\$8,292,480	\$591,109	\$4,170,125	\$9,238,933	\$13,409,058

1. Balance as of 6/30/17 is from MTC FY2016-17 Audit, and it contains both funds available for allocation and funds that have been allocated but not disbursed.

2. The outstanding commitments figure includes all unpaid allocations as of 6/30/17, and FY2017-18 allocations as of 1/31/18.

3. NVTA is authorized to claim 100% of the apportionment to Napa County.



NAPA VALLEY TRANSPORTATION AUTHORITY Board Agenda Letter

TO: Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Diana Meehan, Senior Program Planner/Administrator
(707) 259-8327 / Email: dmeehan@nvta.ca.gov
SUBJECT: Resolution No. 18-16 Authorizing the Executive Director to Execute Agreements with the California Department of Transportation for the Imola Avenue Complete Streets Corridor Improvement Plan

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTa) Board approve Resolution No. 18-16 (Attachment 1) for FY 2018-19 Caltrans Sustainable Communities Planning Grant funds and local match funds in the amount of \$282,390 and authorize the Executive Director, or designee to execute all Restricted Grant Agreements and any amendments thereto with the Caltrans Department of Transportation

COMMITTEE RECOMMENDATION

None

EXECUTIVE SUMMARY

NVTa staff submitted a grant application in February for the Imola Avenue Corridor Complete Streets Improvement Plan. Staff was notified in May that the application was successful in receiving award under the 2018-19 Caltrans Sustainable Communities Grant Program. As a condition of award, a resolution of local support for the project is required along with commitment of local matching funds for the project.

PROCEDURAL REQUIREMENTS

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

FINANCIAL IMPACT

Is there a fiscal impact? Yes, an 11.47% match requirement in the amount of \$32,390.

Is it budgeted? Yes

Where is it budgeted? CMA Planning Funds

Future fiscal impact? No

Consequences if not approved? NVTA will not receive Grant funds for the Imola Avenue Complete Streets Corridor Improvement Plan

CEQA REQUIREMENTS

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (California Environmental Quality Act (CEQA) Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The Imola Avenue Corridor has been long-identified as a corridor in need of significant multi-modal improvements, but work has not been completed due to lack of funding for a detailed corridor improvement plan.

There are several jurisdictions and stakeholders along the corridor, including Caltrans, the City of Napa, County of Napa, Napa State Hospital, Napa Valley College. In 2014, NVTA staff in cooperation with jurisdiction staff, elected officials and Caltrans walked the corridor to identify needs and potential improvements. The project is listed in the Countywide Transportation Plan, Vision 2040, Moving Napa Forward.

The Imola Avenue Complete Streets Corridor Improvement Plan will provide the framework and recommendations for the transformation of a crucial east/west transportation corridor from a vehicle-centric arterial to a Complete Streets Multimodal corridor which serves low-income communities, multiple schools, employment centers and retail.

The project objectives are to achieve significant increases in multimodal transportation access, improved mobility, and connectivity along the corridor to schools, retail nodes, residential neighborhoods, and open space by developing safer, complete streets infrastructure improvements. The plan will integrate local planning objectives with focus on enhancing public health, safety and security through cooperative planning and development for functional improvement of the built transportation environment along the corridor.

NVTA will issue an RFP in late summer to on-call planning and engineering contractors for the plan which will begin in October once the grant funds become available. The plan process is expected to take approximately 18 months to complete. Staff will provide the board with periodic updates on the plan throughout the process.

SUPPORTING DOCUMENTS

Attachments: (1) Resolution No. 18-16

RESOLUTION No. 18-16

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVTA)
AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AGREEMENTS WITH
THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE IMOLA
AVENUE COMPLETE STREETS CORRIDOR IMPROVEMENT PLAN**

WHEREAS, the Napa Valley Transportation Authority (NVTA) is eligible to receive Federal and/or State funding for certain transportation planning related plans, through the California Department of Transportation; and

WHEREAS, NVTA was awarded grant funds to support a complete streets corridor improvement plan for Imola Avenue in the City and County of Napa; and

WHEREAS, a Restricted Grant Agreement is needed to be executed with the California Department of Transportation before such funds can be claimed through the Transportation Planning Grant Programs; and

WHEREAS, NVTA requested \$250,000 in grant funds from Caltrans and will use \$32,391 in required matching funds for consultant services needed to develop the plan and a strategy for community involvement; and

WHEREAS, the NVTA Board of Directors wishes to delegate authorization to execute these agreements and any amendments thereto;

NOW THEREFORE BE IT RESOLVED by the Governing Board of the Napa Valley Transportation Authority, authorize the Executive Director, or designee to execute all Restricted Grant Agreements and any amendments thereto with the Caltrans Department of Transportation.

Passed and Adopted this 20th Day of June 2018

Peter G. White, NVTA Chair

Ayes:

Nays:

Absent:

ATTEST:

Karalyn E. Sanderlin, NVTA Board Secretary

APPROVED:

Deanne Gillick, NVTA General Counsel



NAPA VALLEY TRANSPORTATION AUTHORITY Board Agenda Letter

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Karrie Sanderlin, Program Manager – Administration & Human Resources
(707) 259-8633 / Email: ksanderlin@nvta.ca.gov
SUBJECT: Chair and Vice Chair Nominating Committee for Fiscal Year (FY) 2016-17

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) appoint three Board members to nominate a Chair and Vice Chair for FY 2018-19.

COMMITTEE RECOMMENDATION

None

EXECUTIVE SUMMARY

The term for the Chair White and Vice Chair Canning will end in June of this year. Under Board bylaws a nominating subcommittee for the next Chair and Vice Chair is required.

PROCEDURAL REQUIREMENTS

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

FISCAL IMPACT

Is there a Fiscal Impact? No

CEQA REQUIREMENTS

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (California Environmental Quality Act (CEQA) Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The NVTA bylaws, which were amended in April 2014, require that a Chair and Vice-Chair be elected for a two-year term with an annual vote of approval from among the Members of the NVTA Board at their annual meeting or until their successors are elected and qualified.

The term for the Chair White and Vice Chair Canning will end in June of this year. Under NVTA bylaws a nominating subcommittee for the next Chair and Vice Chair is required.

SUPPORTING DOCUMENTS

None



NAPA VALLEY TRANSPORTATION AUTHORITY Board Agenda Letter

TO: Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Antonio Onorato, Director of Administration, Finance and Policy
(707) 259-8779 / Email: aonorato@nvta.ca.gov
SUBJECT: Amendment No. 11 to the Napa Valley Transportation Authority Joint Powers Authority

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board accept the proposed revisions to the NVTA Joint Power Agreement (JPA) (Attachment 1) and direct staff to circulate to its member jurisdictions for approval by their respective councils and board.

COMMITTEE RECOMMENDATION

None

EXECUTIVE SUMMARY

NVTA is exploring the use of alternative financing mechanisms to fund large capital projects such as the Vine Transit Maintenance Facility. The agency's Joint Powers Agreement allows NVTA "to incur debts, liabilities and obligations" but does not satisfy lending agents' requirements associated with JPA membership. The recommended modifications in Attachment 1 are necessary to satisfy conditions of financing from financial institutions to underwrite debt obligations and receive proceeds.

PROCEDURAL REQUIREMENTS

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

FISCAL IMPACT

Is there a fiscal impact? Not for this action. The modified language will satisfy requirements from financial institutions to underwrite debt commitments.

Consequences if not approved: NVTA would need to defer, delay, or cancel large projects if financing options are restricted.

CEQA REQUIREMENTS

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (California Environmental Quality Act (CEQA) Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

As NVTA administers and oversees the delivery of large capital projects, the need to assemble funds from sources other than grants has compelled staff to seek alternative funding options. The agency has been in consultation with the California State Infrastructure Bank (IBank) to borrow funds to construct the Vine Transit Maintenance Facility. A review of NVTA's JPA by the IBank's attorney's raised several questions regarding the longevity of the agency and associated debt payment if a member withdrew from the JPA or if the agency disbanded altogether.

Although "Section 5. Powers" of NVTA's joint powers agreement provides a general framework of the agency's approved powers which allows for the issuance of debt and other financial obligations, it does not address how financial obligations are assumed if the agency ceased to exist. NVTA's attorney has drafted language in the JPA that mandates all member agencies remain in the JPA throughout a project's financing term. The language alleviates the IBank's concerns about the membership termination provisions in the JPA. Clarification language has been added to "Recitals" (page 1); "Terms" (page 2); Section 8, Section 11; and Section 12. A few non-substantive changes to correct the JPA are also being proposed.

It should be noted that other financial institutions have the same requirements for underwriting financing instruments such as loans, bond issuances, State Transportation Improvement Program (STIP) advances, or other types of indebtedness where the lead agency assumes the financial risk of the obligation.

The IBank underscored that the additional language does not create a financial burden upon a member agency, but merely ensures that the JPA would exist through the financing term of a project. Section 8.5.1 states "The debts, liabilities, and obligations of NVTA shall be solely the obligation of NVTA and not the debts, liabilities, and obligations of the Member Jurisdictions..." The first few words of the statement will be eliminated to

strengthen the statement and provide the members additional assurances that the financial obligations are solely the responsibility of NVTA.

NVTA staff met and vetted the draft agreement with the City Managers and the County Executive Officer and received their concurrence on the recommended revisions.

SUPPORTING DOCUMENTS

Attachment: (1) Proposed Amendment 11 to Joint Powers Agreement for the Napa Valley Transportation Authority

AMENDMENT NO. ~~40~~11
TO THE JOINT POWERS AGREEMENT
FOR THE
NAPA ~~COUNTY TRANSPORTATION AND PLANNING AGENCY~~ VALLEY
TRANSPORTATION AUTHORITY

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

THIS AMENDMENT NO. ~~40~~11 TO THE JOINT POWERS AGREEMENT OF THE NAPA ~~VALLEY TRANSPORTATION AUTHORITY~~ COUNTY TRANSPORTATION AND PLANNING AGENCY (the “Agreement”) is entered into as of the effective date determined under (4), below, by and between the COUNTY OF NAPA, CITY OF AMERICAN CANYON, CITY OF NAPA, TOWN OF YOUNTVILLE, CITY OF ST. HELENA, and CITY OF CALISTOGA (“Member Jurisdictions”);

RECITALS

WHEREAS, the Napa ~~County Transportation and Planning Agency (the “NCTPA”)~~ Valley Transportation Authority (“NVTA”) is a joint powers agency created by the Member Jurisdictions to provide coordinated transportation planning and transportation services, among other duties, within the County of Napa; and

WHEREAS, the Member Jurisdictions desire to amend the Agreement to update its provisions, including but not limited to change-changing the provisions regarding withdrawal of Member Jurisdictions and termination of the Joint Powers Agreement name of the agency in order to reflect requirements for bonding, debt, and financing and to better reflect the duties and purpose of the agency:

TERMS

NOW, THEREFORE, THE MEMBER JURISDICTIONS agree as follows:

1. The foregoing Recitals are true and correct.
2. The terms of the Agreement are hereby amended to read in full as set forth in Attachment “A”, attached hereto and incorporated by reference herein.
3. By approving ~~this~~ Amendment No. ~~40~~11 and authorizing execution thereof, each Member Jurisdiction hereby reconfirms its prior election to exempt Napa County from the congestion management requirements of Chapter 2.6 of Division 1 of Title 7 of the California Government Code as permitted by Government Code section 65088.3.

4. The name of NCTPA is hereby changed to the Napa Valley Transportation Authority, a Joint Powers Agency. The provisions of the Joint Powers Agreement related to withdrawal of a Member Jurisdiction or termination of the Joint Powers Agreement are hereby amended as reflected in Exhibit A attached hereto.

5. ~~This~~ Amendment No. 40-11 and the attached provisions of Attachment "A" shall become effective on the date the documents have been ratified by all of the Member Jurisdictions. This Amendment may be signed in counterparts by the parties hereto and shall be valid and binding as if fully executed all on one copy.

IN WITNESS WHEREOF, this Amendment No. 40-11 to the Joint Powers Agreement creating the Napa ~~County Transportation and Planning Agency~~Valley Transportation Authority was executed by the Member Jurisdictions through their duly authorized representatives as noted below:

COUNTY OF NAPA

By: _____
ALFREDO PEDROZA, Chair
Napa County Board of Supervisors

Date: _____

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

APPROVED AS TO FORM:
MINH TRAN
Napa County Counsel

By: _____

By: _____

CITY OF AMERICAN CANYON

By: _____
LEON GARCIA, Mayor

Date: _____

ATTEST:
~~DANA SHIGLEY~~ JASON HOLLEYSUELLEN JOHNSTON
American Canyon City Clerk

APPROVED AS TO FORM:
WILLIAM ROSS
American Canyon City Attorney

By: _____

By: _____

CITY OF NAPA

By: _____
JILL TECHEL, Mayor

Date: _____

ATTEST:
DOROTHY ROBERTS
Napa City Clerk

APPROVED AS TO FORM:
MICHAEL BARRETT
Napa City Attorney

By: _____

By: _____

TOWN OF YOUNTVILLE

By: _____
JOHN F. DUNBAR, Mayor

Date: _____

ATTEST:
MICHELLE DAHME
Yountville Town Administrator/Town Clerk

APPROVED AS TO FORM:
MICHAEL COBDEN
Yountville Town Attorney

By: _____

By: _____

CITY OF ST. HELENA

By: _____
ALAN GALBRAITH, Mayor

Date: _____

ATTEST:
CINDY ~~BLACK~~ TZAFPOPOULOS
St. Helena City Clerk

APPROVED AS TO FORM:
THOMAS B. BROWN
St. Helena City Attorney


By: _____

By: _____

CITY OF CALISTOGA

By: _____
CHRIS CANNING, Mayor

Date: _____

ATTEST:
KATHY FLAMSON
Calistoga City Clerk 

APPROVED AS TO FORM:
MICHELLE KENYON
Calistoga City Attorney

By: _____

By: _____

ATTACHMENT “A”

NAPA VALLEY TRANSPORTATION AUTHORITY, A JOINT POWERS AGENCY JOINT EXERCISE OF POWERS AGREEMENT

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NAPA VALLEY TRANSPORTATION AUTHORITY, A JOINT POWERS AGENCY
JOINT EXERCISE OF POWERS AGREEMENT

SECTION 1. FORMATION

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

SECTION 2. PURPOSE

- 2.1 General.** NVTA is formed to serve as the countywide transportation planning body for the incorporated and unincorporated areas within Napa County, and as an advisory body for countywide deliberations on land-use, demographics, economic development, community development, and environmental issues, which purposes shall include conducting in a coordinated and more simplified way countywide:

(a) Transportation policy development and planning activities, including those relating to transit on both a short-term and long-term basis and within an intermodal policy framework; improving transit services; providing coordinated and more competitive input to the region's transportation planning and funding programs; and performing such other transportation related duties and responsibilities as the Member Jurisdictions may delegate to NVTA by this Agreement or amendment thereto; and

(b) Advisory deliberations on land-use, demographics, economic development, community development, and environmental issues. Any such deliberations may result in advisory recommendations only, and such recommendations shall not be binding on any Member Jurisdiction.

- 2.2 Chapter 2.6 Compliance Not Included in Purpose.** It is the intention of the Member Jurisdictions in executing the Agreement to exempt Napa County and the Member Jurisdictions from the requirements of Chapter 2.6 of Division 1 of Title 7 (commencing with Government Code section 65088) pertaining to congestion management planning, as permitted by Government Code section 65088.3. For

this reason, compliance with Chapter 2.6 shall not be deemed to be a purpose of NVTA.

- 2.3 Abandoned Vehicle Abatement Authority.** The name of NVTA shall supersede and replace CMA and NCTPA as the service authority for the abatement of abandoned vehicles (AVAA) for Napa County and the Member Jurisdictions pursuant to Vehicle Code section 9250 et seq. and 22710 seq. All resolutions, authorizations, funds, imposition of service fees, and responsibilities of the CMA or NCTPA in its capacity as the service authority shall be deemed to be ratified and assumed by and remain thereafter as the resolutions, authorizations, funds, imposition of service fees, and responsibilities of NVTA as AVAA on and after the effective date of Amendment No. 4 of the Agreement until such time as modified or terminated by the NVTA Board.
- 2.4 Preparation of County Transportation Plan.** The purposes of NVTA shall include delegation by the County of Napa to NVTA of the County's authority under Government Code section 66531 to prepare and submit to the Metropolitan Transportation Commission (MTC) a county transportation plan for the incorporated and unincorporated territory of Napa County which shall include consideration of the planning factors included in Section 134 of the federal Intermodal Surface Transportation Efficiency Act of 1991, as such may be amended from time to time.
- 2.5 Exercise of Common and Additional Powers.** The purposes of NVTA shall include establishment of NVTA as an independent joint powers entity to enable the Member Jurisdictions not only to exercise jointly the common powers of the Member Jurisdictions set forth in Section 2.1 but also to exercise such additional powers as are conferred by Section 5 of this Agreement or by the Government Code upon all joint powers agencies.

SECTION 3. ASSUMPTION OF CMA AND NCTPA CONTRACTS

- 3.1 Assumption of CMA and NCTPA Contracts.** All contracts entered into by the agency in the name of CMA or in the name of NCTPA, which are in effect as of the effective date of Amendment No. 10 of this Agreement, shall be assigned to and assumed in the name of NVTA on and after that date and all references therein to "CMA," "Congestion Management Agency," "Napa County Congestion Management Agency," "NCTPA," or "Napa County Transportation and Planning Authority" shall be deemed to refer to NVTA.
- 3.2 Delegation of Contract Responsibilities of CMA Manager or NCTPA Manager.** All references in any CMA or NCTPA contracts assumed by NVTA under Section 3.1 delegating contract responsibilities to the CMA Manager or to the NCTPA Manager shall be deemed to refer, on and after the effective dates respectively of Amendment No. 4 of the Agreement and Amendment No. 10 of the Agreement, to the Executive Director of NVTA.

SECTION 4. ORGANIZATION

- 4.1 **Composition.** NVTa shall be composed of the Member Jurisdictions, to-wit: the County of Napa, the Cities of American Canyon, Napa, St. Helena, and Calistoga, and the Town of Yountville.
- 4.2 **Principal Office.** The principal office of NVTa shall be established by resolution of the NVTa Board.
- 4.3 **Governing Board.** The powers of NVTa shall be vested in its governing board (hereinafter referred to as “NVTa Board”).
- 4.3.1 **Appointment, Replacement and Voting Power of NVTa Board Members (“Members”).**

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

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

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

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

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

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

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

<u>Appointing Entity</u>	<u>Voting Power</u>
City of American Canyon	4 (each Member has two votes)
City of Calistoga	2 (each Member has one vote)
City of Napa	10 (each Member has five votes)
City of St. Helena	2 (each Member has one vote)
Town of Yountville	2 (each Member has one vote)
County of Napa	4 (each Member has 2 votes)
NVTB Board (nominated by Paratransit Coordinating Council)	0 (non-voting)

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

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

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

4.4 Advisory Committees.

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

4.4.2 Active Transportation Advisory Committee. The Active Transportation Advisory Committee (ATAC) shall be appointed by and serve in an advisory capacity to the NVTB Board on matters of bicycling and pedestrian issues. By-laws and amendments thereto for the ~~ATACBAG~~ shall be approved by the NVTB Board.

4.4.3 Paratransit Coordinating Council (PCC). The Paratransit Coordinating Council (PCC) shall be an advisory committee to the NVTB Board ~~and~~ and serve as the social services transportation advisory council for Napa County provided for under Public Utilities Code section 99238. The PCC shall serve as the primary means of advice to the NVTB Board regarding, and representation of, the special transportation interests of the disabled and elderly, in order to carry out the intent of the State Legislature expressed in Public Utilities Code section 99238(d) to avoid duplicative transit advisory councils whenever possible. By-laws and amendments thereto for the PCC shall be approved by the NVTB Board.

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

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

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

SECTION 5. POWERS

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

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

- (a) To sue and be sued in its own name;
- (b) To incur debts, liabilities and obligations;
- (c) To employ agents, employees and to contract with third parties for goods and services, including but not limited to the services of engineers, planners, attorneys, accountants, fiscal agents (including auditors, controllers, and treasurers), and providers of transit services;
- (d) To acquire, improve, hold, lease and dispose of real and personal property of all types;
- (e) To undertake the acquisition of real property through the exercise of eminent domain in furtherance of transportation and transit related projects in accordance with State and Federal laws;
- (f) To enact an ordinance for the purpose of adopting the California Uniform Construction Cost Accounting Act procedures and establishing an alternative method of procuring small construction contracts pursuant to California Public Contracts Code sections 22000, *et seq.*, as amended from time to time.
- (g) To make and enter into any contracts with any of the Member Jurisdictions for goods, services, equipment, or real property;

(h) To assume contracts made by any Member Jurisdiction or made pursuant to joint powers agreement between any of the Member Jurisdictions;

(i) To apply for and accept grants, donations^[OA1], advances and contributions;

(j) To make plans and conduct studies;

(k) To coordinate efforts with local, regional, state and federal agencies having jurisdiction over matters pertaining to transportation (including roads) and transit;

(l) To engage in all activities necessary for NVTa to act as the Abandoned Vehicle Abatement Authority for Napa County;

(m) To operate, directly or by contract with any person or entity including any Member Jurisdiction, any transit and paratransit services within Napa County in whole or in part and, if so, to submit any corresponding claims for funds or reimbursement under the Transportation Development Act (TDA), Section 29530 et seq. of the Government Code, as such may be amended from time to time;

(n) To act as the overall program manager within Napa County for the purpose of receiving and reallocating the county's proportionate share of vehicle registration fees collected by the Bay Area Air Quality Management District (BAAQMD) under AB 434 (Chapter 807, Statutes of 1991, set forth in Health and Safety Code section 44241 et seq.);

(o) To act as, exercise the powers conferred upon, and fulfill the responsibilities of the Consolidated Transportation Service Agency (CTSA) for Napa County as that term is defined in Public Utilities Code section 99204.5 as amended from time to time, if and when appointed as CTSA by the MTC, such appointment being deemed to supersede the appointment of the County of Napa as CTSA;

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

(q) To apply for, expend and allocate all funds related to Transportation Development Act Article Three purposes, as set forth in Public Utilities Code section 99234, et seq., as amended from time to time.

(r) To act as a countywide advisory deliberative body on issues of land-use, demographics, economic development, community development, and environmental issues. Any such deliberations may result in advisory

recommendations only, and such recommendations shall not be binding on any Member Jurisdiction.

SECTION 6. PERSONNEL AND ADMINISTRATION

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

6.2 Executive Director.

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

6.2.2 Filings with Secretary of State. In addition to any other duties assigned to the Executive Director or otherwise required by law, the Executive Director is hereby authorized to and shall be responsible for filing on behalf of NVTa and the NVTa Board all notices required by Government Code sections 6503.5 and 53051. ~~Notwithstanding the foregoing, unless and until an Executive Director is appointed, such filings are authorized to and shall be made by the Napa County Director of Public Works~~^[SK2].

6.3 Treasurer.

6.3.1 General. The Napa County Treasurer-Tax Collector shall serve as the NVTa Treasurer and in that capacity shall be the depository and have custody of ~~all of~~^{[OA3][VC4]} the funds of NVTa, from whatever source, and shall perform the functions described in Government Code section 6505.5 (a) through (e). Notwithstanding the foregoing, the NVTa Board may retain a certified public accountant to serve as NVTa Treasurer in lieu of the Napa County Treasurer-Tax Collector.

6.3.2 Bond. The NVTa Treasurer shall post an official bond in an amount to be fixed by the NVTa Board. The cost of such bond shall be a charge against

NVTA funds, except that if the NVTA Treasurer is the Napa County Treasurer-Tax Collector, the cost of the bond to be borne by NVTA shall be that amount which is in excess of the cost of the official bond posted by the Napa County Treasurer-Tax Collector for functions unrelated to NVTA.

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

6.4 Auditor-Controller.

6.4.1 General. The Napa County Auditor-Controller shall serve as the auditor-controller of NVTA and shall be responsible for drawing warrants to pay demands against NVTA when the demands have been approved by the NVTA Board or, upon delegation by the NVTA Board, by the Executive Director, or ~~the Deputy Executive Director~~ designee when ^[OA5] acting as purchasing agent for NVTA.

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

6.4.3 Compensation. Pursuant to Government Code section 6505.5, the Napa County Board of Supervisors shall determine the charges to be made against the NVTA for the services performed by the Napa County Auditor-Controller for NVTA, which shall constitute a charge against the funds of NVTA.

SECTION 7. DUTIES AND RESPONSIBILITIES

7.1 Limitations. The authority of NVTA shall be limited to those powers enumerated in Section 5 or as otherwise provided for herein.

7.2 Coordination of Transportation Systems. NVTA shall facilitate the coordination of transportation systems operated by or on behalf of the Member Jurisdictions with Napa County and adjacent counties.

- 7.3 Coordination of Transportation and Land Use Management.** NVTa shall develop and implement programs and policies for the coordination of transportation and related land use management by the Member Jurisdictions. Such programs may include, but shall not be limited to, providing analysis of the impacts of land use decisions by the Member Jurisdictions on regional transportation systems and the costs associated with mitigating those impacts. In carrying out this responsibility, NVTa shall review and comment on all discretionary projects related to transportation under consideration by any of the Member Jurisdictions and may review and comment on such discretionary projects under consideration by any other public entity which are submitted to NVTa for review and comment.
- 7.4 Countywide Transportation Plans.** NVTa shall develop, adopt, implement, update as necessary, and submit to MTC a county transportation plan under Government Code section 66531 for the incorporated and unincorporated territory of Napa County which shall include consideration of the planning factors included in Section 134 of the federal Intermodal Surface Transportation Efficiency Act of 1991, as such may be amended from time to time.
- 7.5 Submission of Funding Applications and Claims.** NVTa may submit applications and funding claims for transportation related purposes to local government, MTC, the State of California, the Federal Government and other entities supporting transportation.
- 7.6 Intermodal Policies and Programs.** NVTa may consider and adopt policies and programs for all modes of transportation including but not limited to, transit, paratransit, streets and roads, bicycle and pedestrian facilities, airports, marinas, harbors, and railroads.
- 7.7 Transportation Development Act (TDA) Claims for Transit and Paratransit Services.** If NVTa operates directly or by contract with any person or entity including any Member Jurisdiction the operation of any transit and paratransit services within Napa County in whole or in part, NVTa shall be deemed authorized by this Agreement to submit any corresponding claims for funds or reimbursement under the Transportation Development Act (TDA), Section 29530 et seq. of the Government Code, as such may be amended from time to time.
- 7.8 Consolidated Transit Services Agency.** If, in the future and with the consent of all of the Member Jurisdictions and MTC, NVTa is appointed in place of the Napa County Board of Supervisors as the consolidated transportation service agency (CTSA) for Napa County as that term is defined in Public Utilities Code section 99204.5, as such may be amended from time to time, then and only then may NVTa make claims pursuant to the procedure set forth in Article 7 of Chapter 3 of Title 21 of the California Code of Regulations, commencing with 6680.

- 7.9 **Overall Program Manager (AB 434).** NVTA shall act as the overall program manager within Napa County for the purpose of receiving and reallocating the county's proportionate share of vehicle registration fees collected by the Bay Area Air Quality Management District (BAAQMD) under AB 434 (Chapter 807, Statutes of 1991, set forth in Health and Safety Code section 44241 et seq.).
- 7.10 **Deliberative Body.** NVTA shall act as the countywide deliberative body for discussions of inter-jurisdictional issues relating to land use, infrastructure, the economy and economic development, community development, and environmental issues. No subject may be deliberated unless a majority of votes, as determined by Section 4.3.1 (f) (2) of this Agreement, of the Board has approved such deliberations. The NVTA may adopt decisions on such matters, but its decisions shall constitute recommendations to the Member Jurisdictions only, and shall have no binding effect. Final decision making on all matters affecting Member Jurisdictions shall remain with the governing body of each Member, except as provided by Sections 5.2 (a) through (p) inclusive, of this Joint Powers Agreement, state or federal law, and applicable regulations.
- 7.11 **Other Duties and Responsibilities.** NVTA shall carry out such other duties and responsibilities as the Member Jurisdictions, by unanimous approval expressed through amendment of this Agreement or resolutions of their respective governing boards, may delegate to NVTA.

SECTION 8. FINANCE

- 8.1 **Fiscal Year.** The fiscal year for NVTA shall begin on July 1 and end on June 30.
- 8.2 **Budget.** A budget for NVTA shall be adopted by the NVTA Board for each fiscal year prior to June 30 of the preceding fiscal year. The budget shall include sufficient detail to constitute an operating guideline. It shall also include the anticipated sources of funds and the anticipated expenditures to be made for the operations of NVTA. Approval of the budget by the NVTA Board shall constitute authority for the Executive Director to expend funds for the purposes outlined in the approved budget, subject to the availability of funds on hand as determined by the NVTA Auditor-Controller and subject to the constraints imposed upon general law counties pertaining to execution of contracts by purchasing agents. Nothing in this Section 8.2 shall be construed to limit the power of the NVTA Board to modify the budget in whatever manner it deems appropriate and to instruct the Executive Director accordingly.
- 8.3 **Revenues.**
- 8.3.1 **General.** Unless otherwise agreed by the Member Jurisdictions by amendment of this Agreement, the total expenditures in the annual planning budget shall be paid for with revenues derived from funds paid directly to NVTA by persons or entities, public or private, other than the Member

Jurisdictions and from contributions from the Member Jurisdictions (in money or, upon approval by the NVTB Board, in kind) based on the relative populations of the Member Jurisdictions. In determining said population ratios the latest population statistics by the State Department of Finance shall be used.

8.3.2 Approval Required for Member Jurisdiction Contributions.

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

8.3.3 Transportation Funds.

In order to carry out the transportation duties and responsibilities of this Agreement, NVTB shall be empowered to claim all TDA funds under Articles 4, 4.5 and/or 8 of Chapter 4 of the Public Utilities Code apportioned within Napa County by the Metropolitan Transportation Commission (~~MTC~~). All TDA funds will be used for purposes allowed under TDA regulations with the exception of those funds for streets and roads, Section 99400(a) of the Public Utilities Code. All TDA funds claimed by NVTB shall be used at the sole discretion of the NVTB Board of Directors only for transportation^[OA6], transit, ~~and~~ paratransit services and capital improvements. TDA funds apportioned or allocated under Section 99233.3 are not subject to this agreement. Member Jurisdictions endorse a single apportionment by MTC under Sections 99233.8 and 99233.9 of the Public Utilities Code to the NVTB on behalf of the jurisdictions of Napa County. If apportionment under Sections 99233.8 and 99233.9 of the Public Utilities Code are made to any Member Jurisdiction the NVTB is authorized to claim all such apportionments for transit purposes without further action by the Member Jurisdiction. Funds available pursuant to Section 99313.6, excluding funds apportioned or allocated under Section 99314.3, shall be claimed solely by the NVTB for transit purposes. No Member Jurisdiction shall claim funds apportioned or allocated under Section 99313.6, excluding funds apportioned or allocated under Section 99314.3.

8.3.4 Standards For Use of TDA Funds.

Every ~~two~~^[VC7]-years, the NVTB will prepare and adopt a Short Range Transit Plan ("~~Plan~~SRTP"). As warranted, at the discretion of the NVTB Board, the ~~Plan~~SRTP may be updated annually. The NVTB Board will adopt the ~~Plan~~SRTP and any updated ~~Plan~~SRTP. The ~~Plan~~SRTP shall provide the basis for evaluating what services are necessary and where services will be provided.

8.4 Accountability.

8.4.1 Accountable to Member Jurisdictions.

NVTB shall be strictly accountable to the Member Jurisdictions for all receipts and disbursements of NVTB.

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

8.4.3 Annual Financial Audit. The NVTA Board shall cause an annual financial^[OA8]^[VC9] audit^[OA10] to be prepared and filed to the extent required by Government Code section 6505.

8.5 Debts, Liabilities and Obligations.

8.5.1 General.

(a) Obligation and Assignment of Debt. ~~Except as provided in Section 8.4.2~~ ~~Except as provided in Section 8.4.2, the~~ ~~The~~ debts, liabilities, and obligations of NVTA shall be solely the obligation of NVTA and not the debts, liabilities, and obligations of the Member Jurisdictions or their respective officers or employees. However, nothing in this Agreement shall prevent any Member Jurisdiction from separately contracting for, or assuming responsibility for, specific debts, liabilities, or obligations of NVTA, provided that both the NVTA Board and that Member Jurisdiction give prior approval of such contract or assumption.

(b) Advance Notice of Debts. NVTA will provide notice to the NVTA Board of Directors at their next regular or special meeting prior to submission of a formal application for long term debt where debt payments are expected to exceed one year. This notice provision shall not apply to applications for or extensions to lines of credit.

[OA11]

8.5.2 Liability.

(a) Primary Liability. If liability is imposed upon NVTA by a court of competent jurisdiction by reason of negligent or willful acts or omissions of NVTA or any of its officers, employees, agents, volunteers, or contractors, any resulting monetary judgment against NVTA shall be paid first from the discretionary funds of NVTA or, if the liability arose from the actions of a contractor, contribution shall be sought from the contractor.

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

cost of such coverage, whether obtained directly by NVTA or as any increased in the contract price for services obtained under contract, shall be a charge against NVTA funds.

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

SECTION 9. RULES OF CONDUCT

9.1 **Bylaws.** The NVTA Board may from time to time adopt bylaws for the conduct of the affairs of NVTA and the NVTA Board, provided such Rules of Conduct are not inconsistent with this Agreement.

9.2 **Quorum.** A majority of the voting power and seven (7) of the twelve (12) voting members (or their alternates) of the NVTA Board shall constitute a quorum for the transaction of business at any meeting of the NVTA Board. Notwithstanding the foregoing, if a quorum is present at the commencement of the meeting, the affirmative vote of a majority of the voting power of the NVTA Board shall constitute the act of the NVTA Board even if, at the time of such vote, less than seven voting members (or their alternates) are present.

9.3 **Adjournment of Meetings.** Any meeting of the NVTA Board, whether or not a quorum is present, may be adjourned ~~from time to time~~ by a vote of the majority of the voting members (or their alternates) present or, if no voting members or their alternates are present, may be adjourned by the person appointed to serve as Clerk or Secretary of the NVTA Board.

9.4 **Brown Act.** All meetings of the NVTA Board shall comply with the requirements of the Ralph M. Brown Act (Government Code section 54950 et seq.).

SECTION 10. NOTICES

10.1 **Method.** All notices which any Member Jurisdiction or NVTA may wish to give in connection with this Agreement shall be in writing and served by personal delivery during business hours at the principal office of the Member Jurisdiction or NVTA to an officer or person apparently in charge of that office, or by deposit in the United States mail, postage prepaid, and addressed to the Member Jurisdiction or NVTA at its principal office or to such other address as the Member Jurisdiction or NVTA may designate from time to time by written notice to NVTA and each of the parties.

Service of notice shall be deemed complete on the day of personal delivery (or 24 hours after such delivery for notice of special meetings) or three (3) days after mailing if deposited in the United States mail.

- 10.2 Addresses for Notice.** Until changed by written notice to NVTa and the Member Jurisdictions, notices under this Agreement shall be delivered to the following addresses:

NVTa:	Executive Director Napa Valley Transportation Authority 625 Burnell Street Napa, California 94559- 3420
COUNTY OF NAPA:	Clerk of the Board of Supervisors County Administration Building 1195 Third Street, Room 310 Napa, California 94559
CITY OF AMERICAN CANYON:	American Canyon City Clerk 4381 Broadway Street, Suite 201 American Canyon, California 94503
CITY OF NAPA:	Napa City Clerk 955 School Street Napa, California 94559
TOWN OF YOUNTVILLE:	Yountville Town Clerk 6550 Yount Street Yountville, California 94599
CITY OF ST. HELENA:	St. Helena City Clerk 1480 Main Street St. Helena, California 94574
CITY OF CALISTOGA:	Calistoga City Clerk 1232 Washington Street Calistoga, California 94515

SECTION 11. ASSIGNMENT, WITHDRAWAL AND TERMINATION

- 11.1 Assignment.** This Agreement shall be binding upon and inure to the benefit of the permitted successors and assigns of the Member Jurisdictions, except that no Member Jurisdiction shall assign any of its rights under this Agreement except to a duly-formed public entity organized and existing under the laws of the State of California and then only when approved by amendment of this Agreement.

11.2 Withdrawal. A Member Jurisdiction may withdraw from NVTA without the consent of the other Member Jurisdictions by giving no less than ninety (90) days prior written notice to the NVTA Board. A Member Jurisdiction may withdraw from NVTA at any time with the written consent of all of the other Member Jurisdictions contained in an amendment of this Agreement. A Member Jurisdiction electing to withdraw prior to termination of the Agreement pursuant to Section 11.3 shall not be entitled to share in the distribution of assets provided for in Section 11.3. This provision shall not be effective and no Member Jurisdiction may withdraw from NVTA until all bonds or other instruments of indebtedness issued or entered into by the Authority NVTA, if any, have been paid in full.

11.3 Termination. The Agreement shall continue in effect until terminated. The Agreement may be terminated at any time and NVTA dissolved with the written consent of the majority of the then-existing Member Jurisdictions representing a majority of the votes on the NVTA Board. Such consent shall be expressed in duly-authorized resolutions of the Member Jurisdictions. This provision shall not be effective so long as any bonds or other indebtedness of the Authority NVTA are outstanding and unpaid, or funds are not otherwise set aside for the payment or redemption thereof in accordance with the terms of the bonds or other indebtedness and the documentation relating thereto.

11.4 Disposition of Assets. In the event of termination of the Agreement and dissolution of NVTA, any remaining assets of NVTA shall be sold or, if sale is prohibited under the terms of original acquisition, returned to or otherwise disposed of at the direction of the party or persons from whom they were obtained. After all liabilities, encumbrances and liens have been paid, the proceeds of such sales shall be allocated proportionately to the Member Jurisdictions based upon their respective populations as determined by the latest California State Department of Finance population figures. Notwithstanding the foregoing, in accordance with Government Code section 6512, any funds remaining at the time of termination which were contributed by the Member Jurisdictions shall be returned to the Member Jurisdictions in proportion to the contributions made.

SECTION 12. AMENDMENTS

12.1 Method of Amendment. Amendments to this Agreement shall be made only with the written consent of all then-existing Member Jurisdictions without regard to voting power on the NVTA Board. So long as any bonds or other indebtedness of the Authority NVTA are outstanding and unpaid, or funds are not otherwise set aside for the payment or redemption thereof in accordance with the terms of the bonds or other indebtedness and the documentation relating thereto, this Joint Powers Agreement shall not be amended, modified or otherwise revised, changed or rescinded, unless the NVTA and Member Jurisdictions have first complied with (i) the procedures required to amend any indenture for existing Bonds, or (ii) the terms of other indebtedness, as applicable.

SECTION 13. WAIVER

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

SECTION 14. SEVERABILITY

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

SECTION 15. SECTION HEADINGS

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

SECTION 16. APPLICABLE LAW AND VENUE

- 16.1 Applicable Law.** The rights, obligations, duties and liabilities of NVTa and of the Member Jurisdictions under this Agreement shall be interpreted in accordance with and governed by the law of the State of California.
- 16.2 Venue for Disputes.** Venue for any action filed by any Member Jurisdiction under state law to enforce this Agreement or any provision thereof shall be in the courts of Napa County. Venue for any action filed by any Member Jurisdiction under federal law or as a federal action shall be in the federal courts for the Northern District of California.

SECTION 17. NO RIGHTS CREATED IN THIRD PARTIES

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

SECTION 18. ENTIRE AGREEMENT

- 18.1 Integrated Agreement.** The terms and provisions of this Agreement constitute the full and entire agreement between the Member Jurisdictions with respect to the matters covered herein. This Agreement supersedes any and all other

communications, representations, proposals, understandings or agreements, either written or oral, between the Member Jurisdictions with respect to such subject matter, including any prior agreement or amendment thereto relating to the CMA.



NAPA VALLEY TRANSPORTATION AUTHORITY Board Agenda Letter

TO: Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Antonio Onorato, Director of Administration, Finance and Policy
(707) 259-8779 / Email: aonorato@nvta.ca.gov
SUBJECT: Standard & Poor's Global Ratings Services and Moody's Investor Services Assigns Credit Ratings to the Napa Valley Transportation Authority

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board will receive an overview of the credit rating assignments of A- from Standard & Poor's (Attachment 1) and A2 from Moody's (Attachment 2).

COMMITTEE RECOMMENDATION

None

EXECUTIVE SUMMARY

NVTA was recently evaluated for its credit worthiness from the industries two largest credit reporting firms - Moody's Investor Services and Standard & Poor's (S&P) Global Ratings. The agency has earned an investment grade, stable outlook credit rating from each organization. NVTA applied for its first ratings as part of its process to move forward in obtaining debt financing to expedite the delivery of large capital projects.

PROCEDURAL REQUIREMENTS

1. Staff Report
2. Public Comments

FISCAL IMPACT

Is there a fiscal impact? Not at this time. An investment grade rating could potentially save NVRTA millions of dollars per year in interest payments.

CEQA REQUIREMENTS

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (California Environmental Quality Act (CEQA) Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Credit ratings are forward-looking opinions about credit risk. The ratings express the agency's opinion about the ability and willingness of an issuer, such as a corporation or government, to meet its financial obligations in full and on time. Credit ratings can also speak to the credit quality of an individual debt issue such as a municipal bond and the relative likelihood that the issue may default.

Ratings are provided by organizations such as Standard and Poor's, Moody's, and Fitch, commonly called credit rating agencies, which specialize in evaluating credit risk. Each agency applies its own methodology in measuring creditworthiness and uses a specific rating scale to publish its ratings opinions. Table 1 provides a ratings matrix and explanation of rating assignments from Moody's and S&P.

Table 1: Credit Rating and Description

Moody's	S&P	Rating description	
Long-term	Long-term		
Aaa	AAA	Prime	Investment-grade. Extremely strong capacity to meet financial commitments.
Aa1	AA+	High grade	
Aa2	AA		
Aa3	AA-		
A1	A+	Upper medium grade	Investment-grade. Strong capacity to meet financial commitments, but susceptible to adversity.
A2	A		
A3	A-		
Baa1	BBB+	Lower medium grade	Investment grade. Adequate capacity to meet its financial commitments, but adverse economic conditions are more likely to lead to a weakened capacity.
Baa2	BBB		
Baa3	BBB-		

Ratings below B are non-investment grade and not displayed.

Moody's Assigns Rating of "A2", outlook stable

Moody's cited NVRTA's strong history of support from the State of California, financial flexibility, insignificant pension/OPEB liabilities, and strength of the local economy as

factors for the strong rating. The firm specified NVTA strong socioeconomic factors of the service area, its healthy financial position bolstered by fiscal policies, no debt burden, and the ability to draw upon Local Transportation Fund (LTF) revenues among its credit strengths. Moody's credit report also indicated that NVTA's "stable outlook is based on the expectation that the State will maintain its support for local transit, the local and regional economies will continue to perform positively...." Challenges for the agency is its (small) size compared to other transit properties, high level of dependency on subsidies, and low liquidity when excluding the line of credit.

Standard and Poor Assigns Rating of "A-", outlook stable

NVTA joined twelve (12) other domestic mass transit operators to be rated by the firm. As S&P stated, "...our enterprise risk profile on the authority comprises results in an enterprise risk profile score of extremely strong, the highest level possible." The firm issued its report citing the following factors:

- Very low industry risk,
- Extremely strong economic fundamentals,
- Extremely strong market position,
- Strong management and governance,
- Very strong liquidity,
- Low debt burden
- Transparent reporting

S&P stated the agency's available capacity to carry debt and low farebox collection may hinder growth, but future financial forecast shows improvements in these areas as long as other economic factors remain on their current trajectory.

The strong ratings demonstrates NVTA's financial stability and high standing among hundreds of governments in California, particularly for a small government agency. The agency continuously monitors and implements best financial practices, pre-funding of post-employment benefits trust, setting aside designated reserves, and maintaining very low or no debt. All of these factors have been validated by two respected sources. The ratings will allow NVTA to seek financing for large capital projects at the lowest interest rate possible potentially saving millions of dollars of interest payments over the lifetime of the loan saving taxpayer dollars.

SUPPORTING DOCUMENTS

Attachment: (1) S&P Global Ratings Report for NVTA
(2) Moody's Rating Action and Credit Opinion



One California Street,
31st Floor
San Francisco, CA
94111-5432
tel 415 371-5000
reference no.: 1516982

May 30, 2018

Napa Valley Transportation Authority
625 Burnell Street
Napa, CA 94559
Attention: Mr Antonio Onorato, Director of Admin, Finance, & Policy

Re: *Napa Valley Transportation Authority, California, Issuer Credit Rating*

Dear Mr. Onorato:

Pursuant to your request for an S&P Global Ratings rating on the above-referenced entity, S&P Global Ratings has assigned a rating of "A-". S&P Global Ratings views the outlook for this rating as stable. A copy of the rationale supporting the rating is enclosed.

This letter constitutes S&P Global Ratings' permission for you to disseminate the above-assigned ratings to interested parties in accordance with applicable laws and regulations. However, permission for such dissemination (other than to professional advisors bound by appropriate confidentiality arrangements) will become effective only after we have released the rating on standardandpoors.com. Any dissemination on any Website by you or your agents shall include the full analysis for the rating, including any updates, where applicable.

To maintain the rating, S&P Global Ratings must receive all relevant financial and other information, including notice of material changes to financial and other information provided to us and in relevant documents, as soon as such information is available. Relevant financial and other information includes, but is not limited to, information about direct bank loans and debt and debt-like instruments issued to, or entered into with, financial institutions, insurance companies and/or other entities, whether or not disclosure of such information would be required under S.E.C. Rule 15c2-12. You understand that S&P Global Ratings relies on you and your agents and advisors for the accuracy, timeliness and completeness of the information submitted in connection with the rating and the continued flow of material information as part of the surveillance process. Please send all information via electronic delivery to pubfin_statelocalgovt@spglobal.com. If SEC rule 17g-5 is applicable, you may post such information on the appropriate website. For any information not available in electronic format or posted on the applicable website,

Please send hard copies to:

S&P Global Ratings
Public Finance Department
55 Water Street
New York, NY 10041-0003

The rating is subject to the Terms and Conditions, if any, attached to the Engagement Letter applicable to the rating. In the absence of such Engagement Letter and Terms and Conditions, the rating is subject to the attached Terms and Conditions. The applicable Terms and Conditions are incorporated herein by reference.

S&P Global Ratings is pleased to have the opportunity to provide its rating opinion. For more information please visit our website at www.standardandpoors.com. If you have any questions, please contact us. Thank you for choosing S&P Global Ratings.

Sincerely yours,

S&P Global Ratings
a division of Standard & Poor's Financial Services LLC

cg
enclosures

S&P Global Ratings
Terms and Conditions Applicable To Public Finance Credit Ratings

General. The credit ratings and other views of S&P Global Ratings are statements of opinion and not statements of fact. Credit ratings and other views of S&P Global Ratings are not recommendations to purchase, hold, or sell any securities and do not comment on market price, marketability, investor preference or suitability of any security. While S&P Global Ratings bases its credit ratings and other views on information provided by issuers and their agents and advisors, and other information from sources it believes to be reliable, S&P Global Ratings does not perform an audit, and undertakes no duty of due diligence or independent verification, of any information it receives. Such information and S&P Global Ratings' opinions should not be relied upon in making any investment decision. S&P Global Ratings does not act as a "fiduciary" or an investment advisor. S&P Global Ratings neither recommends nor will recommend how an issuer can or should achieve a particular credit rating outcome nor provides or will provide consulting, advisory, financial or structuring advice. Unless otherwise indicated, the term "issuer" means both the issuer and the obligor if the obligor is not the issuer.

All Credit Rating Actions in S&P Global Ratings' Sole Discretion. S&P Global Ratings may assign, raise, lower, suspend, place on CreditWatch, or withdraw a credit rating, and assign or revise an Outlook, at any time, in S&P Global Ratings' sole discretion. S&P Global Ratings may take any of the foregoing actions notwithstanding any request for a confidential or private credit rating or a withdrawal of a credit rating, or termination of a credit rating engagement. S&P Global Ratings will not convert a public credit rating to a confidential or private credit rating, or a private credit rating to a confidential credit rating.

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Credit Profile

ICR

Long Term Rating

A-/Stable

New

Rationale

S&P Global Ratings assigned its 'a-' stand-alone credit profile (SACP) and 'A-' issuer credit rating (ICR) to the Napa Valley Transportation Authority, Calif. (NVTa, or the authority). The outlook is stable.

The ratings reflect our view of the authority's:

- Very low industry risk, with low cyclical volatility of earnings during economic cycles, and very low competition;
- Extremely strong economic fundamentals, stemming from good population growth and very strong employment growth in Napa County, along with strong county per capita personal income;
- Extremely strong market position with very strong ridership growth of more than 45% in fiscal years 2012 to 2017, despite a 5.6% decline in fiscal 2017 alone, and NVTa's status as a virtual monopoly in the county as a public transit provider;
- Strong management and governance;
- Very strong liquidity, with total available resources—including unrestricted cash, undrawn line of credit, and carry-over balances of the authority's share of unspent sales tax distributions held at the county—at \$12.4 million, or 331 days' cash, as of fiscal 2017; and
- Low debt burden, although it is anticipated to rise to moderate levels by fiscal 2019 with a \$15.2 million borrowing in fiscal 2019.

Partly offsetting the above strengths, in our view, is our view of the authority's:

- Somewhat volatile historical and projected net revenue available for debt service, as calculated by S&P Global Ratings, and weak debt service coverage (DSC) at less than 1x in fiscal 2017, although DSC is forecast to improve to more than 1x in fiscal 2019;
- Weak financial flexibility, with an overall authority farebox recovery ratio per our calculations of 9.1% in fiscal 2017, with a moderately high debt service carrying charge—debt service as a percentage of combined debt service and operating expenses—of 16.0%.

NVTa serves as the congestion management agency for Napa County, and is tasked with programming state and federal funds for local projects. NVTa is also responsible for the county's regional transportation planning, working

closely with its local, regional, state, and federal partners to improve the county's roads, highways, and bicycle and pedestrian facilities. NVRTA also manages a transit system known as Vine Transit system, which served more than 1 million passengers annually in fiscal years 2016 and 2017, providing local fixed-route service in Napa, door-to-door paratransit and community shuttles, and regional express bus service throughout the Valley to key transportation hubs. Within the county, the transit system serves the cities of Napa, American Canyon, St. Helena, Yountville, and Calistoga. NVRTA is the only mass transit service provider in Napa County.

The authority's transit system, and the mass transit industry as a whole, is mature and has historically demonstrated only minor cyclicalities (including ridership trends), so we characterize the cyclicalities and volatility of operating earnings as low risk. We also characterize competition and the threat of substitute products or services as very low risk. Given the above, we consider the authority's industry risk very low.

The authority, with a catchment area population of 142,417 as of 2016, has had good population and employment growth in recent years. Population growth from 2011 to 2016 was about 3.2%, while employment growth during the same period was 15.4%. Per capita personal income levels are very strong, in our view, at 134% of the national average. Population and employment growth in 2016 alone were 0.3% and 0.8%, respectively. Given these factors, we view the authority's economic fundamentals as extremely strong.

The authority has a monopolistic business position given a lack of competition in its service area. Ridership grew a very strong 45.0% to 1.15 million during the 2012-2017 period, although it dipped 5.6% in fiscal 2017. Declining ridership is not unique to NVRTA and is due to a number of factors, including increased car ownership as a result of favorable financing, relatively low gasoline prices, free and plentiful parking, and competition from transportation network companies such as Uber and Lyft. The authority transitioned to Automated Passenger Counter technology for its fixed-route system to count passengers, previously relying on fareboxes to complete the task. Management reports that this change led to a 30% increase in counts, confirming that the prior methodology was undercounting passengers. Farebox revenue was still being collected as normal, and management has provided us with an updated history of ridership better reflecting actual counts. NVRTA plans to counter the recent ridership softness with express bus service, adding more frequent, direct service on popular routes and adding bus-only lanes in some areas. The authority projects another small ridership decline, of 2.5%, in fiscal 2018 before 1.6% growth in fiscal 2019 to 1.14 million passengers.

In terms of management and governance, the authority is required to submit a Short-Range Transit Plan (SRTP) to the Bay Area transportation planning organization, Metropolitan Transportation Commission (MTC). The SRTP is transit specific and addresses NVRTA's operating and service plan for the next 10 years. The SRTP documents the authority's transit assets, capital and operating costs, ridership, and programs for the past three fiscal years and provides forecasts for the next 10 years. The plan is very comprehensive and has specific operational and financial goals. As Napa County's Congestion Management Agency and public transit services provider, NVRTA commissions several strategic planning documents--most significantly a 25-year Countywide Transportation Plan, Napa County Community Based Transportation Plan, and a Vine Transit Express Bus Corridor Study. The authority monitors its risk through several policies, such as a cash reserve policy, various insurance policies, and budgetary reporting requirements that provide structure for day-to-day operations. As with many transit agencies, the authority employs performance benchmarks to

evaluate operations and has generally exceeded internal standards. Senior management is experienced with an executive director who has more than 30 years of transportation industry experience. We view the authority's management and governance as satisfactory per application of our "Management And Governance Credit Factors For Corporate Entities And Insurers" criteria (published Nov. 13, 2012 on RatingsDirect). On conversion of our assessment to a six-point scale under the mass transit criteria, our view of management and governance is strong.

In summary, our analysis of the four factors that our enterprise risk profile on the authority comprises results in an enterprise risk profile score of extremely strong, the highest level possible.

The authority produces financial and operational reports quarterly, which we believe shows good, transparent reporting. The authority also is prudent in terms of financial policies, in our opinion, including maintaining a reserve policy of 25% of net position. Cash balances are monitored daily and reported quarterly. While NVTA lacks a formal debt management policy, this is mainly because it has not historically had debt other than a \$5 million line of credit over the past two years. The authority does maintain a long-term financial forecast and a long-term capital plan, and updates both frequently. Given these factors, we view its financial policies as satisfactory.

The authority has a variety of funding sources for its operations, and accounts for its finances mainly within two funds: its government/planning fund and its transit fund. Money in the governmental fund is available, if needed, for the transit fund, and vice versa. In audited fiscal 2017 (ended Sept. 30), total operating and nonoperating revenue for the two funds was \$15.7 million. This includes farebox revenue of \$1.2 million, transportation development act funds (TDA) of \$8.4 million consisting of the authority's share of a quarter-cent statewide sales tax, federal transit assistance of \$3.0 million, federal highway allocation of \$1.1 million, and miscellaneous revenue. Operating revenue is largely consistent from year to year but nonoperating subsidies have been somewhat volatile, depending on the timing of grants and other allocations.

TDA funds (the authority's largest revenue source) that are not spent within the fiscal year they are drawn must either be returned to the Napa County Local Transportation Fund (LTF; trust account for TDA) or designated as advances for a specific project. Funds returned to the LTF become available to NVTA again in the subsequent fiscal year. The LTF is not a fund under the control of NVTA; it is administered by the MTC through the Napa County auditor-controller. NVTA began fiscal 2017 with a balance of \$8.1 million in the LTF. During fiscal 2017, additions to the LTF included NVTA's share of the quarter-cent statewide sales tax of \$8.4 million, \$2.7 million in unspent TDA funds from fiscal 2016 returned to the LTF, and interest of about \$39,000. During the same year, disbursements of TDA funds for various transportation purposes, in accordance with allocation instructions from the MTC, totaled \$13.6 million, leaving an ending balance of \$5.7 million available for use in fiscal 2018. By law, LTF allocations are considered earned only when spent for operations by the transit system. Given this treatment of the authority's share of TDA revenue, we have made an adjustment in our calculation of revenue whereby TDA sales tax receipts attributed to a certain fiscal year are included in revenue for that specific fiscal year, and other activity related to allocations and returned, unused allocations is disregarded. The authority's current practice is to have excess revenue returned to the LTF each year; during fiscal years 2013 to 2017 an average of \$1.9 million was returned each year, and the averaging ending balance in the LTF fund was \$10.0 million--most recently \$5.7 million in fiscal 2017, as indicated above. Ending balances in the LTF are fully available to the authority for any transportation-related purposes in future fiscal years.

For purposes of calculating DSC, given that our focus is on the ability of recurring revenue to cover recurring operating expenses and debt service, S&P Global Ratings is including only the recurring TDA sales tax receipts as revenue, while we include ending balances in our liquidity calculations below.

Examining net revenue results including the adjustments indicated above, we calculate DSC of 0.6x based on 2017 results. Included in our calculation of operating expenses in fiscal 2017 is a downward adjustment of operating expenses of \$797,000 that was a one-time cost related to the Napa Valley Vine Trail project. Based on the authority's multiyear financial forecast as of May 2018, we calculate DSC at 0.4x in fiscal 2018 and 1.05x in fiscal 2019. In our view, DSC of less than 1x is weak, but we note that the authority's forecast is conservative, in our view, in terms of its assumptions. Thus, actual results could exceed forecasts, subject to the performance of other revenue and overall operating costs.

NVTA's unrestricted cash position was \$2.7 million, or 72 days' cash, as of audited fiscal 2017, up from \$2.4 million, or 67 days of operating expenses, in fiscal 2016. Cash balances have been relatively stable historically, and management projects about \$1.7 million to \$2.7 million in unrestricted cash in fiscal years 2018 and 2019. Management aims to have 25% of net position in cash reserves. In our view, NVTA has satisfactory access to external liquidity if needed and has entered into a \$5 million revolving credit facility with the Bank of Marin, which is currently fully repaid. It also typically carries a positive unused balance in the LTF from year to year, as mentioned earlier. Including unrestricted cash, undrawn line of credit, and LTF ending balances in fiscal 2017, total liquidity was \$12.4 million in fiscal 2017, equal to 331 days' cash. Excluding the LTF ending balance, total liquidity was \$6.7 million, equal to 178 days' cash. Given these factors, we view the authority's liquidity position as very strong.

NVTA's overall financial operations perform at a deficit prior to nonoperating subsidies, as is typical for U.S. transit systems. According to our calculations the system as a whole (combined funds) operated at a farebox recovery ratio of 9.1% in fiscal 2017, which we consider low. This means that the authority relies heavily on external funding to provide funding for operating costs, relative to rated peers. According to management, for the transit fund alone a farebox recovery ratio of 18.4% for the fixed-route system was achieved in fiscal 2017 (above the statutory 15.0% minimum required). NVTA's fare policy imposes a fare analysis every three years. NVTA last increased passenger fares in January 2015, by 10 cents to \$1.60 per adult fare, and will likely increase rates in 2019, by 15 cents per adult fare to \$1.75. NVTA had a moderately high debt service carrying charge of 15.7% as of fiscal 2017. NVTA has demonstrated an ability to adjust routes and frequency during the past several years to aid in its financial position. Given these factors, we view NVTA's financial flexibility as weak.

NVTA plans to borrow \$15.2 million in 2019 to partly fund a Vine Transit Bus Maintenance Facility. No other borrowing is planned over the next five years and NVTA had around \$991,000 in debt outstanding (draw on line of credit) as of fiscal 2017 (although debt outstanding is currently zero). The maintenance facility is NVTA's most significant ongoing project, with a total budget of \$36 million. We believe that pension and OPEB risks are manageable for NVTA. Debt to revenue in fiscal 2017 was 0.06x, rising to 1.03x in fiscal 2018 and 0.94x in fiscal 2019. Debt to net revenue was 0.64x in fiscal 2017, rising to 36x in fiscal 2018 and 15x in fiscal 2019. We view NVTA's debt burden as low but likely to grow to more moderate levels once the borrowing occurs.

In summary, our analysis of the five factors that constitute the authority's financial risk profile results in a financial risk

profile score of strong, the third-highest level possible.

Our view of the authority's extremely strong enterprise risk profile and strong financial risk profile results in an indicative SACP of 'aa-', per our mass transit enterprise ratings criteria. We are assigning an SACP of 'a-' rather than 'aa-' because of our view of the authority's weak DSC in fiscal 2017 and forecast weak DSC for 2018. Based on comparisons with similarly rated peers, we did not apply one notch of flexibility in arriving at the final SACP. Given our view that the authority is not a government-related entity (GRE; per our criteria), our ICR on the authority is also 'A-'.

Outlook

The stable outlook reflects our expectation that the authority will maintain very strong liquidity, set fares, and manage expenses to maintain adequate financial metrics as projected in 2019, despite softness in ridership in recent years.

Upside scenario

We could raise the rating over our two-year outlook period if the authority's DSC improves to adequate levels that we believe will be sustained, as a result of either ridership growth, improved expense management, or sustained, improved nonoperating revenue and subsidies.

Downside scenario

We could lower the rating over the next two years if the authority's key financial metrics such as liquidity suffers a material decline, or if ridership continues a trend of weakening.

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Rating Action: Moody's assigns A2 Issuer Rating to Napa Valley Transportation Authority (CA); Outlook Stable

30 Apr 2018

New York, April 30, 2018 -- Moody's Investors Service has assigned an Issuer Rating of A2 to the Napa Valley Transportation Authority (CA). The Issuer Rating represents the rating that we would assign to bonds secured by the revenues of the authority's transit enterprise, including farebox revenues and state and federal operating subsidies. The authority has no bonded debt outstanding, but expects to borrow \$15 million through a loan from the California Infrastructure Bank to fund part of the costs of a new bus maintenance and storage facility. The outlook is stable.

RATINGS RATIONALE

The A2 rating reflects the strength of the local and regional economies, a strong history of support from the State of California (Aa3 stable) for local transit, the financial flexibility provided by the ability to draw upon additional state funding as needed, and insignificant pension and OPEB liabilities attributable to transit operations. These strengths are offset, in part, by the small size of the transit system, the risks of federal operating support for transit, above-average debt levels assuming execution of the planned loan, and weak liquidity in the transit fund when excluding an existing line of credit.

RATING OUTLOOK

The outlook on the rating is stable based on the expectation that the state will maintain its support for local transit, the local and regional economies will continue to perform positively, and the authority will implement regular fare increases to maintain farebox recovery near current levels.

FACTORS THAT COULD LEAD TO AN UPGRADE

Significant growth in system utilization associated with an increase in farebox recovery

FACTORS THAT COULD LEAD TO A DOWNGRADE

Decrease in federal or state support for local transit operations

Erosion of liquidity due to delays in the receipt of state or federal grants, or inability to renew the line of credit

LEGAL SECURITY

The issuer rating represents the rating that we would assign to bonds secured by the revenues of the authority's transit enterprise, including farebox revenues and state and federal operating subsidies.

PROFILE

The authority is the regional transportation planning agency for Napa County; its responsibilities include the programming of federal and state funding for highway, transit and other transportation purposes. The authority is also the sole provider of transit services for Napa County, primarily fixed-route bus service.

METHODOLOGY

The principal methodology used in this rating was Mass Transit Enterprises Methodology published in December 2017. Please see the Rating Methodologies page on www.moody.com for a copy of this methodology.

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CREDIT OPINION

30 April 2018

Rate this Research



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Napa Valley Transportation Authority

Update following assignment of Issuer Rating

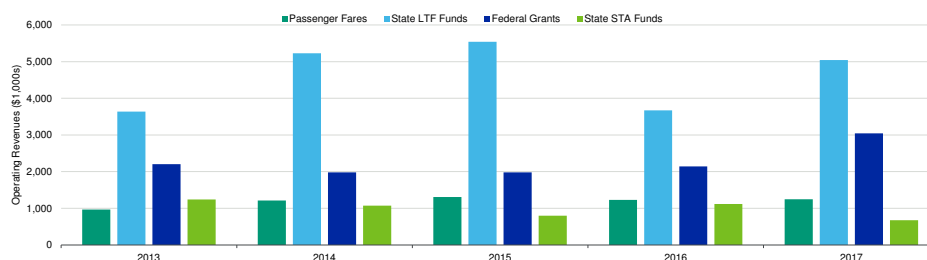
Summary

The credit quality of the Napa Valley Transportation Authority's transit enterprise benefits from the strength of the local and regional economies, a strong history of support from the [State of California](#) (Aa3 stable) for local transit, the financial flexibility provided by the ability to draw upon additional state funding as needed, and insignificant pension and OPEB liabilities attributable to transit operations. These strengths are offset, in part, by the small size of the transit system, the risks of federal operating support for transit, above-average debt levels assuming execution of a planned loan, and weak liquidity in the transit fund when excluding an existing line of credit.

On April 26, Moody's Investors Service assigned an Issuer Rating of A2 to the authority. The Issuer Rating represents the rating that we would assign to bonds secured by the revenues of the authority's transit enterprise, including farebox revenues and state and federal operating subsidies. The authority has no bonded debt outstanding, but expects to borrow \$15 million through a loan from the California Infrastructure Bank to fund part of the costs of a new bus maintenance and storage facility.

Exhibit 1

Transit operations are highly dependent on state and federal subsidies



Source: NVTA audited financial statements.

Credit strengths

- » Strong local economy which appears to have recovered from the fires of 2017, and integration with the large and diverse Bay Area economy
- » Demonstrated trend of state support for local transit
- » Financial flexibility based on ability to draw upon additional state LTF funding as needed

- » Insignificant pension and OPEB liabilities in the transit fund due to contracting out operations

Credit challenges

- » Small, bus-only system characterized by low utilization and farebox recovery
- » High level of dependence on state and federal operating subsidies
- » Above-average debt levels assuming the execution of the planned \$15 million loan for construction of a bus storage and maintenance facility
- » Weak liquidity in the transit fund when excluding an existing line of credit

Rating outlook

The outlook on the rating is stable based on the expectation that the state will maintain its support for local transit, the local and regional economies will continue to perform positively, and the authority will implement regular fare increases to maintain farebox recovery near current levels.

Factors that could lead to an upgrade

- » Significant growth in system utilization associated with an increase in farebox recovery

Factors that could lead to a downgrade

- » Decrease in federal or state support for local transit operations
- » Erosion of liquidity due to delays in the receipt of state or federal grants, or inability to renew the line of credit

Key indicators

Exhibit 2

Fiscal Year	2013	2014	2015	2016	2017
Annual Ridership (000)	724	932	937	1,216	1,148
Utilization (Trips/Population)	5	7	7	9	8
Farebox Recovery Ratio	9.5%	15.2%	13.5%	12.9%	11.7%
Fixed Costs as a % of Operating Expenditures	0.0%	0.0%	0.0%	0.0%	0.0%
Net Debt/Revenues	0.00	0.00	0.00	0.12	0.09
3-Year Average Annual Debt Service Coverage by Net Revenues (GAAP) (x)	N/A	N/A	N/A	N/A	N/A
Days Cash on Hand (incl. Lines of Credit)	104	80	211	138	158

Source: Napa Valley Transportation Authority; Moody's calculations.

Profile

The authority is the regional transportation planning agency for Napa County; its responsibilities include the programming of federal and state funding for highway, transit and other transportation purposes. The authority also provides transit services, primarily fixed-route bus service.

Detailed credit considerations

Size and Market Position

The authority is the sole provider of transit services in Napa County (2017 population 142,408). The county's economy is famously concentrated in wine production and tourism, but the county is also well integrated into the large and diverse San Francisco Bay Area economy. Growth in employment has been positive, with county unemployment rates below state and US levels. Income levels are

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above average--county per capita personal income in 2016 was \$65,805, 134% of the US average and 117% of the state average. The fires in late 2017 disrupted the tourism industry, but, by all indications, tourism has fully recovered and rebuilding of damaged property is having a positive economic impact.

The authority's transit operations include fixed-route bus services, on-demand door-to-door shuttle services, and paratransit. Its fixed route bus services include: local bus routes in the City of Napa (2017 population 80,628); limited local bus routes in the City of American Canyon; longer-distance bus routes connecting the City of Napa with the Cities of St Helena and Calistoga in the northern part of the county via highway 29; and commuter express routes to Fairfield and Suisun City in Solano County, the Vallejo Ferry Terminal, and the El Cerrito del Norte BART station. All transit services are provided through a private contractor.

Total ridership has generally shown positive growth, but part of this growth was attributable to a change from a farebox-based counting system to automatic passenger counters. Authority staff believe that there had been significant undercounting with the prior counting system. A 5.6% decrease in total ridership in fiscal 2017 was driven largely by the strong economy and low gas prices, echoing the experience of other transit systems across the country. For fiscal 2017, total ridership was 1,148,042, including 1,047,676 for bus, 76,672 for shuttles, and 23,603 for paratransit. Overall utilization (trips/population) at 8.1 is low compared to large urban systems, but typical for a low density, exurban system.

Financial Flexibility and Metrics

Farebox recovery at 12% in FY 2017, is low compared to large urban transit systems but comparable to small bus-only systems in less dense, exurban areas. As a result the authority's transit operations are highly dependent on operating subsidies. The primary operating subsidies are the State of California Local Transportation Fund (LTF) allocations (52.6% of gross revenues in fiscal 2017), federal operating grants (26.6%), and State of California State Transit Assistance (5.9%). Beginning July 1, 2018, the authority will be receiving proceeds of a ½-cent county-wide sales tax (Measure T), but this revenue is earmarked primarily for road rehabilitation and will not be available for transit purposes.

State LTF allocations derive from a ¼-cent sales tax collected in the county by the state and allocated to the authority to support transit planning and services. LTF funds not spent within the fiscal year or designated as advances for a specific project, must be returned to the Local Transportation Fund, a fund held by Napa County and administered by the Bay Area's Metropolitan Transportation Commission, but remain available to the authority for capital and operating purposes in the fiscal year following their return. Returns of LTF funds averaged \$1.47 million in fiscal years 2015-17. Since the transit fund records as revenues only the LTF funds spent, financial operations are narrowly balanced as evidenced by small operating margins—5.7% in fiscal 2015, -9.7% in 2016, and -1.8% in 2017. But the ability of the authority to draw upon additional LTF funds as needed represents a significant source of financial flexibility.

LIQUIDITY

Liquidity in the transit fund is very narrow at year end due to the timing of the receipt of operating grants. Liquidity is supplemented by a \$5 million line of credit which the authority draws upon for cash flow purposes as needed. At the end of fiscal 2017, the transit fund had an outstanding balance due on the line credit of \$990,799. Cash on hand after the draw on the line of credit was 21 days. Cash on hand, including the remaining balance available on the line of credit, was 158 days. As of April 23, 2018, there was no outstanding balance due on the line of credit.

Debt and Legal Covenants

DEBT STRUCTURE

The authority has no bonded debt outstanding. Debt outstanding for the transit fund in recent fiscal years was limited to balances due on the authority's line of credit of \$1 million in fiscal 2016 and \$990,799 in fiscal 2017. The authority is planning to borrow \$15 million through a loan from the California Infrastructure Bank to fund part of the costs of a new bus maintenance and storage facility. The loan is expected to have a term of 30 years and be secured by revenues of the transit fund, including state and federal operating subsidies.

DEBT-RELATED DERIVATIVES

The authority has no debt-related derivatives.

PENSIONS AND OPEB

All bus operations are contracted out to a private company. Direct authority personnel costs, and consequently pension and OPEB liabilities, attributable to the transit fund are not significant.

Management and Governance

The authority was established in 1991 as the county's congestion management agency under a joint powers agreement among the county; the cities of American Canyon, Calistoga, Napa and St Helena; and the Town of Yountville. The agreement was amended in 1998 to authorize the provision of public transit services. The authority is governed by a board of directors made up of elected officials from the member agencies and a non-voting representative of the Paratransit Coordinating Council. The authority's transit operations are accounted for in the transit fund (an enterprise fund). The authority's planning and administrative activities are accounted for in the separate planning fund (a governmental fund).

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NAPA VALLEY TRANSPORTATION AUTHORITY Board Agenda Letter

TO: Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Justin Paniagua, Senior Finance/Policy Analyst
(707) 259-8781 / Email: jpaniagua@nvta.ca.gov
SUBJECT: Napa Valley Transportation Authority (NVRTA) Third Quarter Fiscal Year (FY) 2017-18 Financial Statements, 5-Year Forecast and Delegated Authority Matrix

RECOMMENDATION

That the Napa Valley Transportation Authority (NVRTA) Board receive the financial performance compared to budget (Attachment 1) for the third quarter of FY 2017-18 and 5-year financial forecast.

COMMITTEE RECOMMENDATION

None

EXECUTIVE SUMMARY

This report provides NVRTA's third quarter update on its financial performance and long-term budget forecast over the next five (5) years. Attachment 1 summarizes the financial performance and includes detailed financial information assessing the agency's performance to budget.

PROCEDURAL REQUIREMENTS

1. Staff Report
2. Public Comment

FINANCIAL IMPACT

Is there a fiscal impact? No

CEQA REQUIREMENTS

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (California Environmental Quality Act (CEQA) Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

NVTA is composed of four (4) funds: the Planning fund also known as the Congestion Management Agency (CMA) or the General Fund; the Transit Fund; and two (2) fiduciary funds: the Transportation for Clean Air (TFCA) and the Abandoned Vehicle Abatement Authority (AVAA). Fiduciary funds do not contribute to the agency financial performance and are included for informational purposes only.

Financial Performance:*Congestion Management Agency - Budget vs. Actuals*

The General Fund (CMA) recognized \$243,881 in revenues for the quarter. Fiscal year-to-date, the CMA has recognized approximately 87% of its total budgeted revenues. The main source was NVTA's third quarter (Q3) CMA Planning Grant invoice for \$103,193. Other revenues are salary charge backs to the Public Transit fund, interest, and refunds.

Planning fund expenses totaled \$1,299,140. Fiscal year-to-date, approximately 43% of the fiscal year budget has been expended. Personnel costs were \$469,467 for Q3 and 66% of salaries and benefits have been expended to date. Agency administration and consulting services accounted for \$829,673 in expenses. By the end of the quarter 31.5% of the administration and consulting budget was expended.

Public Transit (Transit Fund) - Budget vs. Actuals

Transit operating revenues were \$1,257,938 for the quarter. The fund has received a majority of the annual Transportation Development Act (TDA) operating allocation for the fiscal year.

Overall, operating expenses in the Public Transit fund totaled \$2,586,053. The primary expense categories were purchased transportation at \$2,215,072 and fuel at \$216,102. Total public transit expenditures to date amount to 68% of the fiscal year budget. Fuel cost for the fiscal year to date is on average \$2.66 per gallon, an increase of 20% over the previous fiscal year.

Capital Purchases

In the third quarter, NVTA did not make any capital purchases.

5-Year Forecast:

Staff has updated the 5-year forecast to include the recently approved FY 2018-19 and FY 2019-20 biennial budget.

Note that the information summarized in this memo and contained in the attached report has not been audited and should be used for informational purposes only.

Executive Director Delegated Authority

The Board authorizes the Executive Director up to \$49,999 in delegated authority for any single purchase and up to \$175,000 for construction expenses. Staff provides quarterly updates on delegated authority expenses over \$5,000. Table 1 presents delegated authority expenditures as of May 31, 2018.

Table 1: Executive Director Delegated Authority

QUARTERLY DELEGATED AUTHORITY SMALL CLAIMS REPORT (> \$5K - 50K)							FY 17-18
CONTR/ PO NO.	VENDOR	DESCRIPTION	QTR 1 JUL-SEP	QTR 2 OCT-DEC	QTR 3 JAN-MAR	QTR 4 APR-JUN	TOTAL \$
-	PG&E	TRUE-UP		\$12.4			\$12.4
-	TUITAHI	LANDSCAPING (TRANSDEV)		\$8.8			\$8.8
-	PG&E	SHEEHY COURT		\$5.0			\$5.0
-	CTA	2018 MEMBERSHIP		\$7.4			\$7.4
1801	KBA	PHOTO COPY EQUIP & MAINT			\$25.7		\$25.7
1805	C&J	NVTA/BOARD RM PAINT			\$28.2		\$28.2
1806	STA	SVSC			\$24.0		\$24.0
1807	ABBEY	TRAVEL DEMAND MODELING			\$9.6		\$9.6
181002	SAMCLAR	BOARD RM CARPET			\$15.2		\$15.2
-	MACKEY	BOARD RM FURNITURE			\$33.6		\$33.6
181003	CDWG	INSURANCE			\$13.9		\$13.9
181006	PENINSULAR	VAR. Adobe CLOUD SOFTWARE SUBSCRIPTIONS (15 Users)				\$29.9	\$29.9
181008	UTA	WINDOW SHADES				\$15.8	\$15.8
1838	PITNEY BOWES	APCs (3 ea)				\$7.5	\$7.5
		POSTAL METER LEASE (5 YRS)					
TOTAL			\$ -	\$33.6	\$150.2	\$53	\$237.0

SUPPORTING DOCUMENTS

Attachment: (1) Fiscal Year 2017-18 Third Quarter Financial Statements and 5-Year Forecast

vision: 83010 & 83000 - NVTA-CMA

											5 Year Forecast				
		Adopted Budget	Budget Adjustments	Adjusted Budget	Q1 Actuals	Q2 Actuals	Q3 Actuals	YTD Total	Budget vs Actual	Percent of Budget	FY 2018-19 Budget	FY 2019-20 Budget	FY 2020-21	FY 2021-22	FY 2022-23
Revenues															
41400	Sales and Use Tax	1,926,700	-	1,926,700	1,363,350	363,350	-	1,726,700	200,000	89.62%	6,094,231	2,481,900	6,714,600	2,608,800	6,928,700
41410	Sales and Use Tax - Capital									0.00%					
43790	State-Other Funding	69,000	-	69,000	-	-	65,406	65,406	3,594	94.79%	319,000	69,000	69,000	69,000	69,000
43890	Federal-Other Funding	700,000	-	700,000	271,015	325,793	103,193	700,000	-	100.00%	2,374,000	790,000	805,800	821,900	838,300
43910	County of Napa	-	-	-	-	-	-	-	-	0.00%	-	-	-	-	-
43950	Other-Governmental Agencies	10,000	-	10,000	-	-	-	-	10,000	0.00%	203,000	289,000	294,800	300,700	306,700
45100	Interest	5,000	-	5,000	4,345	6,290	4,990	15,626	(10,626)	312.51%	20,000	20,000	20,400	20,800	21,200
46800	Charges for Services	160,000	-	160,000	515	500	14,373	15,388	144,612	9.62%	-	-	-	-	-
47150	Other Grants	-	-	-	-	-	-	-	-	0.00%	-	-	-	-	-
49900	Intrafund Revenue	204,000	-	204,000	56,748	53,826	55,919	166,493	37,507	81.61%	243,500	253,500	258,600	263,800	269,100
Total Revenues		3,074,700	-	3,074,700	1,695,973	749,759	243,881	2,689,612	385,088	87.48%	9,253,731	3,903,400	8,163,200	4,085,000	8,433,000
Expenses															
51100	Salaries and Wages	1,482,142	25,000	1,507,142	185,443	409,323	344,626	939,391	567,751	62.33%	1,552,700	1,614,400	1,662,800	1,712,700	1,764,100
51110	Extra Help	-	-	-	2,487	-	-	2,487	(2,487)	0.00%	5,000	5,000	5,000	5,000	5,000
51115	Overtime	-	-	-	-	-	-	-	-	0.00%	-	-	-	-	-
51200	457(b) Employer Contribution	18,000	-	18,000	4,682	850	13,420	18,952	(952)	105.29%	24,500	24,500	24,500	24,500	24,500
51205	Cell Phone Allowance	1,800	-	1,800	500	625	750	1,875	(75)	104.17%	3,000	3,000	3,100	3,200	3,300
51300	Medicare	17,000	-	17,000	3,764	5,810	4,835	14,408	2,592	84.75%	18,000	18,000	18,500	19,100	19,700
51400	Employee Insurance-Premiums	186,000	-	186,000	63,155	67,630	75,792	206,577	(20,577)	111.06%	300,000	321,600	331,200	341,100	351,300
51405	Workers Compensation	14,400	-	14,400	-	-	1,081	1,081	13,319	7.51%	14,400	14,400	14,800	15,200	15,700
51410	Unemployment Compensation	-	-	-	90	120	2,415	2,625	(2,625)	0.00%	-	-	-	-	-
51600	Retirement	154,358	-	154,358	32,597	31,235	26,549	90,382	63,976	58.55%	166,000	180,000	185,400	191,000	196,700
51605	Other Post Employment Benefits	31,000	-	31,000	-	-	-	-	31,000	0.00%	25,000	25,000	25,800	26,600	27,400
51990	Other Employee Benefits	3,000	-	3,000	-	-	-	-	3,000	0.00%	3,000	3,000	3,200	3,400	3,600
Total for: Salaries and Benefits		1,907,700	25,000	1,932,700	292,718	515,592	469,467	1,277,778	654,922	66.11%	2,111,600	2,208,900	2,274,300	2,341,800	2,411,300
52100	Administration Services	10,000	-	10,000	215	263	1,426	1,903	8,097	19.03%	10,000	10,000	10,200	10,400	10,600
52125	Accounting/Auditing Services	76,000	-	76,000	2,249	30,943	31,036	64,227	11,773	84.51%	76,000	76,000	77,500	79,100	80,700
52130	Information Technology Service	89,000	-	89,000	18,250	18,250	18,250	54,750	34,250	61.52%	68,290	70,400	71,800	73,200	74,700
52131	ITS-Communication Services	-	4,000	4,000	4,922	4,922	4,922	14,766	(10,766)	0.00%	21,741	22,400	22,800	23,300	23,800
52140	Legal Services	50,000	-	50,000	6,652	14,683	-	21,335	28,665	42.67%	75,000	75,000	76,500	78,000	79,600
52310	Consulting Services	277,000	2,840,863	3,117,863	29,567	119,430	556,509	705,506	2,412,357	22.63%	6,382,100	926,300	5,105,700	944,800	5,207,800
52325	Waste Disposal Services	-	-	-	276	553	1,636	2,465	(2,465)	0.00%	3,500	3,700	3,800	3,900	4,000
52360	Construction Services	-	65,000	65,000	9,012	11,301	19,045	39,358	25,642	60.55%	-	-	-	-	-
52335	Security Services	12,000	-	12,000	-	-	1,700	1,700	10,300	14.17%	12,000	12,000	12,000	12,000	12,000
52340	Landscaping Services	4,000	-	4,000	975	650	1,300	2,925	1,075	73.13%	5,000	5,200	5,300	5,400	5,500
52500	Maintenance-Equipment	10,000	-	10,000	1,644	6,031	11,389	19,063	(9,063)	0.00%	25,000	25,000	25,500	26,000	26,500
52505	Maintenance-Buildings/Improvem	41,000	274,000	315,000	10,841	15,966	58,208	85,016	229,984	26.99%	70,000	75,000	76,500	78,000	79,600
52515	Maintenance-Software	72,000	-	72,000	4,666	19,100	18,210	41,976	30,024	58.30%	50,000	50,000	51,000	52,000	53,000
52520	Maintenance-Vehicles	2,000	-	2,000	-	-	-	-	2,000	0.00%	2,000	2,000	2,000	2,000	2,000
52600	Rents and Leases - Equipment	8,000	-	8,000	1,061	1,463	2,919	5,442	2,558	68.03%	7,000	7,000	7,100	7,200	7,300
52705	Insurance - Premiums	65,000	-	65,000	639	639	20,483	21,760	43,240	33.48%	60,000	60,000	61,200	62,400	63,600
52800	Communications/Telephone	10,000	-	10,000	1,238	1,711	2,307	5,256	4,744	52.56%	7,500	7,500	7,700	7,900	8,100
52810	Advertising/Marketing	40,000	-	40,000	3,052	57,622	25,546	86,219	(46,219)	215.55%	55,000	55,000	56,100	57,200	58,300
52820	Printing & Binding	20,000	-	20,000	1,844	2,397	8,561	12,803	7,197	64.01%	15,000	15,000	15,300	15,600	15,900
52825	Bank Charges	12,000	-	12,000	282	500	226	1,008	10,992	8.40%	10,000	10,000	10,200	10,400	10,600
52830	Publications & Legal Notices	10,000	-	10,000	718	4,747	7,931	13,396	(3,396)	133.96%	15,000	15,000	15,300	15,600	15,900
52900	Training/Conference Expenses	50,000	-	50,000	3,531	7,231	7,423	18,185	31,815	36.37%	40,000	40,000	40,800	41,600	42,400
52905	Business Travel/Mileage	20,000	-	20,000	1,931	2,903	3,069	7,903	12,097	39.51%	15,000	15,000	15,300	15,600	15,900
53100	Office Supplies	20,000	-	20,000	12,841	4,008	5,964	22,812	(2,812)	114.06%	35,000	35,000	35,700	36,400	37,100
53110	Freight/Postage	3,000	-	3,000	-	17	235	252	2,748	8.41%	3,000	3,000	3,100	3,200	3,300
53115	Books/Media/Periodicals/Subscr	7,000	-	7,000	3,513	110	(1,788)	1,835	5,165	26.22%	6,000	6,000	6,100	6,200	6,300
53120	Memberships/Certifications	36,000	-	36,000	3,115	9,115	19,556	31,786	4,214	88.29%	35,000	35,000	35,700	36,400	37,100
53205	Utilities - Electric	8,000	-	8,000	2,177	13,074	2,106	17,358	(9,358)	216.97%	25,000	25,000	25,500	26,000	26,500
53220	Utilities - Water	14,000	-	14,000	2,982	2,747	1,322	7,051	6,949	50.36%	12,000	12,000	12,200	12,400	12,600
53250	Fuel	1,000	-	1,000	146	236	181	563	437	56.32%	1,000	1,000	1,000	1,000	1,000
Total for: Services and Supplies		967,000	3,183,863	4,150,863	128,338	350,611	829,673	1,308,621	2,842,242	31.53%	7,142,131	1,694,500	5,888,900	1,743,200	6,021,700
54315	Interest on Debt	-	-	-	-	-	-	-	-	0.00%	-	-	-	-	-
Total for: Other Expenses		-	-	-	-	-	-	-	-	0.00%	-	-	-	-	-
Total Expenditures		2,874,700	3,208,863	6,083,563	421,056	866,203	1,299,140	2,586,399	3,497,164	42.51%	9,253,731	3,903,400	8,163,200	4,085,000	8,433,000
Net Surplus (Deficit)		200,000	(3,208,863)	(3,008,863)	1,274,917	(116,444)	(1,055,259)	103,214			-	-	-	-	-
54600	Depreciation Expense	30,000	-	30,000	-	-	-	-	30,000	0.00%	-	-	-	-	-



NAPA VALLEY TRANSPORTATION AUTHORITY Board Agenda Letter

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Matthew Wilcox, Program Manager - Public Transit
(707) 259-8635 / Email: mwilcox@nvta.ca.gov
SUBJECT: Fiscal Year (FY) 2017-18 Third Quarter Vine Transit Operational Summary Report

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board receive a report summarizing Vine Transit performance statistics and an overview of NVTA's current transit projects for the third quarter of FY 2017-18.

COMMITTEE RECOMMENDATION

None

EXECUTIVE SUMMARY

This report summarizes the Vine's operational performance during the third quarter of FY 2017-18 and provides a year to date summary of the Ride the Vine app.

PROCEDURAL REQUIREMENTS

1. Staff Report
2. Public Comments

FISCAL IMPACT

Is there a Fiscal Impact? None

CEQA REQUIREMENTS

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (California Environmental Quality Act (CEQA) Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The Vine continues to experience a downward trend in ridership. Fixed route ridership for the third quarter of FY 2017-18 is down 5.4% (13,431 riders) as compared to the third quarter of FY 2016-17. This is the same decrease experienced in the second quarter. The community shuttles ridership has also dropped. Down 2.3% (431 riders) which is an improvement over last quarter which experienced an 8% decrease. ADA paratransit ridership also decrease by 2.36% (153) riders. The following sections provide a route by route and service by service breakdown of ridership.

Routes 1 – 8**Figure 1: Total Rides for Routes 1-8**

	FY 16/17	FY 17/18	% Differnce	Total Rides
Route 1	5,091	3,314	-34.9%	-1,777
Route 2	15,093	13,288	-12.0%	-1,805
Route 3	16,907	15,193	-10.1%	-1,714
Route 4	14,346	12,415	-13.5%	-1,931
Route 5	14,010	13,904	-0.8%	-106
Route 6	9,073	10,467	15.4%	1,394
Route 7	6,305	4,878	-22.6%	-1,427
Route 8	26,801	23,166	-13.6%	-3,635
Total	107,626	96,625	-10.2%	-11,001

Figure 2: Difference in Rides by Month for Second Quarter for Routes 1-8

	Percent Change			Numerical Change		
	January	February	March	January	February	March
Route 1	-33%	-32%	-39%	-532	-534	-711
Route 2	-1%	-6%	-25%	-28	-260	-1,517
Route 3	-3%	-8%	-17%	-144	-415	-1,155
Route 4	-12%	-7%	-20%	-531	-304	-1,096
Route 5	4%	10%	-13%	187	404	-697
Route 6	23%	27%	0%	655	736	3
Route 7	-15%	-13%	-37%	-309	-250	-868
Route 8	-10%	-9%	-20%	-867	-731	-2,037
Total	-5%	-4%	-19%	-1,569	-1,354	-8,078

The month by month data (Figure 2) provides more insight into the recent decline in ridership. Decreases in ridership were not bad in January and February at 5% and 4% respectively. However, March experienced a steep decline dropping by 19%. There is no conclusive evidence as to why this occurred. At the time of this report NVRTA staff reviewed April's data and found that ridership only decrease 2% in that month which would indicate the large drop in March was an anomaly.

Regional Routes 10, 11, 21, and 29

Figure 3: Total Rides for Routes 10, 11, 21, 25, and 29

	FY 16/17	FY 17/18	% Difference	Total Rides
Route 10	56,134	54,388	-3.1%	-1,746
Route 11	63,466	62,893	-0.9%	-573
Route 21	5,261	5,492	4.4%	231
Route 29	16,995	16,653	-2.0%	-342
Total	141,856	139,426	-1.7%	-2,430

Figure 4: Difference in Rides by Month for Second Quarter for Routes 10, 11, 21, and 29

	Percent Change			Numerical Change		
	January	February	March	January	February	March
Route 10	-1%	2%	-9%	-258	381	-1,869
Route 11	2%	5%	-8%	345	1,077	-1,995
Route 21	2%	12%	1%	28	188	15
Route 29	10%	3%	-15%	511	176	-1,029
Total	1%	4%	-9%	626	1,822	-4,878

Once again regional service has seen less of a decrease in ridership as compared to local service. January and February experienced an increase overall; however, March saw a large decrease just the same as the local service. April's figure show only a 1.2% decrease for the month which means ridership could be back on track at remaining level or increasing.

Community Shuttles

Figure 5: Total Rides for Community Shuttles

	FY 16/17	FY 17/18	% Difference	Total Rides
Calistoga Shuttle	4,177	4,527	8.4%	350
St. Helena Shuttle	4,154	4,606	10.9%	452
Yountville Trolley	4,916	3,849	-21.7%	-1,067
American Canyon Transit	5,478	5,312	-3.0%	-166
Total	18,725	18,294	-2.3%	-431

Figure 6: Difference in Rides by Month for Second Quarter for Community Shuttles

	Percent Change			Numerical Change		
	January	February	March	January	February	March
Calistoga Shuttle	17%	1%	8%	212	15	123
St. Helena Shuttle	3%	28%	4%	46	342	64
Yountville Trolley	-27%	-26%	-13%	-414	-411	-242
American Canyon Transit	-1%	46%	-31%	-18	613	-761
Total	-3%	10%	-11%	-174	559	-816

The community shuttles saw a down, up, down pattern in ridership during the three months of the quarter. Both Calistoga and St. Helena were able to sustain growth throughout the quarter. Yountville was consistently down for all three months while American Canyon experienced more variability. The Yountville Trolley has seen a decline year over year since September of 2017. Weekdays have been the consistently down since then, with Saturdays and Sundays being more variable showing increases one month and decreases the next. At this time NVTA staff is unsure of what is causing the decline but is investigating further.

ADA Paratransit (VineGo)

Figure 7: Total Rides for ADA Paratransit (VineGo)

	FY 16/17	FY 17/18	% Difference	Total Rides
VineGo	5,774	5,621	-2.6%	-153

Figure 8: Difference in Rides by Month for Second Quarter for ADA Paratransit (VineGo)

	Percent Change			Numerical Change		
	January	February	March	January	February	March
VineGo	6%	-8%	-6%	111	-143	-121

VineGo experienced an overall decrease in ridership during the third quarter despite having an increase in January. The decrease in ridership aligns with the decrease in applicants for the program which saw 33% less applicants than last fiscal year.

Ride the Vine App

Figure 9: Ride the Vine App Operational Summary Report

Summary Report Third Quarter FY 17/18	Calistoga	St. Helena	Yountville	American Canyon
Requested Trips	3,328	1,435	2,692	1,997
Requested Trips Completed	2,738	1,289	2,396	1,824
Requested Trips Canceled	590	146	296	173
Pickups Performed	2,639	1,204	1,665	1,646
Drop-Offs Performed	2,738	1,289	2,396	1,842
# of Flagdowns	99	86	739	179
# of Passengers for Requested Trips	4,025	1,521	3,517	2,475
# of Passengers for Completed Trips	3,149	1,356	3,111	2,257
# of Wheelchairs for Completed Trips	3	27	12	29
# of Bicycles for Completed Trips	8	2	3	5
# of Passengers for Canceled Trips	876	165	406	218
Average Response Time (Request Time to Pick Up)	0:16:19	0:11:39	0:10:37	0:20:54
Average Ride Time (Pick Up to Drop Off)	0:08:18	0:06:27	0:08:23	0:10:08
# of Accounts	2,225	868	1,295	903
# of Active Accounts	1,011	362	613	411

Key Performance Indicators

NVRTA staff reviews the following key performance indicators (KPIs) on a quarterly basis: total ridership, passengers per revenue mile, subsidy per passenger, farebox recovery, and on-time performance. These KPIs were most recently adopted by the Board in the FY 2016-2026 Short Range Transit Plan (SRTP). Performance is measured on a systemwide level however often times NVTA staff will apply the KPIs on a route by route basis as was done in the Technical Analysis portion of the Comprehensive Operational Analysis (COA).

Figure 10: Key Performance Indicator Standards and Actuals

	Standard	Actual	Met
Total Ridership	Fixed Route: Increase over previous Fiscal Year	-5.4%	
	Shuttles: Growth should no lead to excessive waits	---	✓
	Paratransit: Growth should not lead to denials	---	✓
Passenger per Revenue Hour	Fixed Route: Greater than 80% of the system average*	11 of 13 routes	
	Shuttles: Greater than 4.0	4.75	✓
	Paratransit: Greater than 2.0	2.1	✓
Subsidy per Passenger	Fixed Route: At or less than \$6.50	\$6.01	✓
	Shuttles: At or less than \$15.00	\$13.74	✓
	Paratransit: At or less than \$40.00	\$40.88	
Farebox Recovery Ratio	Fixed Route: Meet or exceed 15%	14.7%	
	Shuttles: Meet or exceed 10%	13.4%	✓
	Paratransit: Meet or exceed 10%	6.3%	
On-time Performance	Fixed Route: Equal or greater than 90% on-time	76.2%	
	Shuttles: 90% of service arrives within 30 minutes	91.1%	✓
	Paratransit: Equal or greater than 97%	97.6%	✓

*Measured on a route by route basis

SUPPORTING DOCUMENTS

None



NAPA VALLEY TRANSPORTATION AUTHORITY Board Agenda Letter

TO: Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Kate Miller, Executive Director
(707) 259-8634 / Email: kmiller@nvta.ca.gov
SUBJECT: Federal and State Legislative Updates and State Bill Matrix

RECOMMENDATION

That the Napa Valley Transportation Authority (NVRTA) Board receive the monthly Federal and State Legislative updates, and the State Bill Matrix.

COMMITTEE RECOMMENDATION

None

EXECUTIVE SUMMARY

The Board will receive the Federal Transportation Legislative update (Attachment 1) provided by Van Scoyoc Associates, the State Legislative update (Attachment 2), and the State Bill Matrix (Attachment 3).

PROCEDURAL REQUIREMENTS

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

FISCAL IMPACT

Is there a Fiscal Impact? No

SUPPORTING DOCUMENTS

- Attachments:
- (1) June 1, 2018 Federal Legislative Update (Van Scoyoc Associates)
 - (2) June 4, 2018 State Legislative Update (Platinum Advisors)
 - (3) June 4, 2018 State Bill Matrix (Platinum Advisors)



TO: Kate Miller, NVTA
FROM: Steve Palmer, Channon Hanna, and David Haines
DATE: June 1, 2018
SUBJECT: Federal Legislative Update

The following is a summary of federal legislative activities related to transportation, housing, and environmental issues over the last month.

Legislative Action

FTA and HUD Nominations. On May 15, the Senate Banking, Housing, and Urban Affairs Committee held a markup on several nominations, including the Honorable Thelma Drake, to Administrator of the Federal Transit Administration (FTA), and Seth Appleton, to be Assistant Secretary of Housing and Urban Development (HUD) for Policy Development and Research.

FY 2019 THUD Appropriations. On May 16, the Transportation, Housing and Urban Development (THUD) Appropriations Subcommittee held a markup of the FY 2019 THUD appropriations bill. On May 23, the full Appropriations Committee held a markup of the FY 2019 THUD appropriations bill. The House Appropriations Committee approved its version of the FY 2019 THUD bill on May 23.

Transportation Security. On May 16, the House Homeland Security Committee held a markup for the following transportation security bills:

- H.R. 5730, the Transportation Security Technology Innovation Reform Act of 2018; and
- H.R. 5766, the Securing Public Areas of Transportation Facilities Act of 2018.

Homeless Veterans' Reintegration Programs Reauthorization. On May 21, the House passed H.R. 4451, the Homeless Veterans' Reintegration Programs Reauthorization Act of 2018. The bill passed 377-1. The legislation extends through FY 2022 the Department of Labor's homeless veterans reintegration programs and the homeless women veterans and homeless veterans with children reintegration grant program. Upon passage in the House, the bill was referred the Senate Committee on Veterans' Affairs for further consideration.

Transportation Bills and Nominations. On May 22, the Senate Commerce, Science, and Transportation Committee held a markup to consider the following bills and nominations:

- S. 2848, Fighting Opioid Abuse in Transportation Act;
- S. 2844, Surface Transportation Board Information Security Improvement Act;
- S. 1092, Interstate Transport Act of 2017;
- Nomination of Joseph Grueters, to be a Director on the Amtrak Board of Directors;
- Nomination of Heidi King, to be Administrator of the National Highway Traffic Safety Administration; and
- Nomination of Jennifer Homendy, to be a Member of the National Transportation Safety Board.

Tribal HUD-VASH Act of 2017. On May 23, the Senate passed by voice vote S. 1333, the Tribal HUD-VASH Act of 2017. The bill directs HUD to use at least 5% of the amounts made available for rental assistance under the low-income housing assistance program to carry out a rental assistance and support housing program, in conjunction with the VA, for the benefit of Indian veterans who are homeless or at risk of homelessness and residing in or near an Indian area. Upon passage in the Senate, the bill was referred to the House Financial Services Committee for further consideration.

HUD Nomination. On May 23, the Senate confirmed Brian Montgomery to be an Assistant Secretary at Department of Housing and Urban Development by a final vote of 74-23.

Congressional Hearings

DHS FY 2019 Budget Request. On May 8, The Senate Appropriations Committee's Subcommittee on Homeland Security held a hearing to review the Department of Homeland Security's (DHS's) FY 2019 budget request. DHS Secretary Kirstjen Nielsen was the lone witness at the hearing.

Policy Implications of Electric and Conventional Vehicles. On May 8, the House Energy and Commerce Committee's Subcommittee on the Environment held a hearing on the policy implications of electric and conventional vehicles. Witnesses included representatives from the Alliance of Automobile Manufacturers, Electric Drive Transportation Association, Renewable Fuels Association, American Petroleum Institute, Automobile Club of Southern California, Union of Concerned Scientists, National Association of Convenience Stores and Society of Gasoline Marketers of America, and Edison Electric Institute.

Integration of Drones in the Airspace. On May 8, the Senate Committee on Commerce, Science, and Transportation's Subcommittee on Aviation Operations, Safety, and Security held a hearing to review efforts to integrate unmanned aircraft systems into the national airspace system without compromising safety. Witness included representatives from the Federal Aviation Administration (FAA), the Association for

Unmanned Vehicle Systems International, the Helicopter Associations International, and Burlington Northern/Santa Fe Railway Company.

EPA FY 2019 Budget Request. On May 16, the Senate Appropriations Committee's Subcommittee on Interior, Environment, and Related Agencies held a hearing to review the Environmental Protection Agency's (EPA's) FY 2019 budget request. Witness included EPA Administrator Scott Pruitt and EPA Chief Financial Officer Holly Greaves.

Transportation Nominations. On May 16, the Senate Committee on Commerce, Science, and Transportation held a hearing to consider the following nominations:

- Joseph Gruters, to be Director of the Amtrak Board of Directors;
- Heidi King, to be Administrator of the National Highway Traffic Safety Administration (NHTSA); and
- Jennifer Homendy, to be a Member of the National Transportation Safety (NTSB).

Community Development Block Grant-Disaster Recovery Program. On May 17, the House Financial Services Committee's Subcommittee on Oversight and Investigations held a hearing to review testimony from stakeholders on challenges that exist in the Community Development Block Grant Disaster Recovery Program's (DCBG-DR) design. Witnesses included representatives from the City of Houston (Texas), Harris County (Texas), Texas General Land Office, Urban Institute, and Enterprise Community Partners.

Overview of Homelessness in America. On May 17, the House Financial Services Committee's Subcommittee on Housing and Insurance held a hearing to examine the state of homelessness in America, including current efforts to combat homelessness as well as any innovative solutions that Congress should consider eradicating homelessness. Witnesses included representatives from Los Angeles Homeless Services Authority, Star House, The Salvation Army, and National Alliance to End Homelessness.

Impact of Autonomous Vehicles on Insurance. On May 23, the House Financial Services Committee's Subcommittee on Housing and Insurance held a hearing on the development of the autonomous vehicle and its effect on insurance. Witnesses discussed how insurance companies assess the evolving technologies of auto manufacturers and technology companies and how the role, price and provision of insurance might change as autonomous vehicles become more prevalent. Witnesses included representatives from Marsh & McLennan, State Farm, and American Family Mutual Insurance Company.

Executive Branch

Contracts for Federal-aid Highway Construction. On May 2, the Federal Highway Administration (FHWA) announced that the Indefinite Delivery and Indefinite Quantity (ID/IQ) method of contracting for low-cost construction contracts in the Federal-aid highway program will be allowed, without prior FHWA approval, under certain circumstances.

FY 2018 FTA Apportionment Tables. On May 8, FTA posted online apportionment information covering \$13.4 billion in FY 2018 funding to support public transportation nationwide. The funding, which represents an increase of eight percent over 2017 levels, includes formula and competitive funding for FTA grant recipients.

National Terrorism Advisory System Bulletin. On May 9, DHS reissued the National Terrorism Advisory System (NTAS) Bulletin pertaining to the terror threat in the United States. DHS Secretary Nielsen determined it is necessary to extend the NTAS Bulletin at this time.

Highway Design Standards. On May 11, FHWA posted a request for comments on a proposed revision to design standards and standard specifications that applies to new construction, reconstruction, and resurfacing projects on the National Highway System. The proposed rule would incorporate by reference the latest versions of design standards and standard specifications previously adopted and would remove outdated standards. Use of the updated standards will be required for all NHS projects authorized to proceed with design activities on or after the effective date of the final rule. Comments are due on June 11, 2018.

HUD Withdrawal of Local Government Assessment Tool. On May 23, HUD announced the withdrawal of the Local Government Assessment Tool developed by HUD for use by local governments that receive Community Development Block Grants, HOME Investment Partnerships Program, Emergency Solutions Grants, or Housing Opportunities for Persons With AIDS formula funding from HUD when conducting and submitting their own Assessment of Fair Housing (AFH) under the Affirmatively Furthering Fair Housing (AFFH) regulations. Following the withdrawal of the Local Government Assessment Tool, HUD will review the Assessment Tool and its function under the AFFH regulations with the goal to make it less burdensome and more helpful in creating impactful fair housing goals. Comments on improvement to the AFH Tool for Local Governments are due by July 23, 2018.

NoFo Pilot Program for Transit-Oriented Development Planning. On May 24, FTA announced the availability of \$25.79 million of funding under the Pilot Program for Transit-Oriented Development Planning. Funds will be awarded competitively to support comprehensive planning associated with new fixed guideway and core capacity improvement projects. Proposals must be received by July 23, 2018.

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June 4, 2018

TO: Kate Miller, Executive Director
Napa Valley Transportation Authority

FR: Steve Wallauch
Platinum Advisors

RE: Legislative Update

SB 1 Repeal: The repeal of SB 1 by a proposed Constitutional amendment initiative is moving toward the ballot. The deadline to submit at least 585,407 signatures was May 21st. The proponents have submitted their signatures and the raw count by counties totals almost 940,000 signatures.

At this point each county must conduct a random sampling of signatures to verify that sufficient signatures are valid. The deadline for the random sampling is June 25th. If the random sampling verification results in less than 95% valid rate then the initiative fails to qualify. If the sampling represents between 95%-110% of the required number of signatures, then the Secretary of State will require counties to verify every signature, known as a "full check." If the number of signatures represents more than 110% of the required signatures then the initiative qualifies without the full check requirement.

According to the Secretary of State's website an initiative that meets the signature requirements becomes eligible for the next ballot 131 days prior to next general election. For the SB 1 repeal initiative that 131 day deadline is June 28th in order to be placed on the November 2018 ballot. If a full check is required, the time required to verify each signature may push the SB 1 repeal initiative to the November 2020 ballot. While the Secretary of State's office regularly updates the progress on the random sampling, it is currently too early to tell if a full check will be required.

To keep track of the verification process, check out:

<http://www.sos.ca.gov/elections/ballot-measures/initiative-and-referendum-status/initiatives-and-referenda-pending-signature-verification/>

The Gig is Up: A recent California Supreme Court decision will have a significant impact on the "gig economy." In the *Dynamex Operations West v. Superior Court*, the State Supreme Court threw out the 30-year old test used to determine if a worker is an employee or an independent contractor.

The former *Broello* test used multiple factors to determine whether a worker qualifies as an independent contractor. The State Supreme Court replaced the *Borello* test with a more simplified ABC Test. While the ABC Test simpler, its application is much broader

and will result in many more workers being unable to be classified as an independent contractor. The potential impact to the gig economy will likely result in legislative action. Although no bills have been introduced yet, an effort will likely spring forward during the final month of session.

Budget: After the release of the May Revision on May 11th, budget subcommittees met multiple times per week to examine changes to the governor's proposals and to prioritize their own budgets. On May 22nd, the Senate Budget Committee adopted all of the Senate Subcommittee reports, and on May 26th the Assembly Budget Committee completed its work. The Budget Conference Committee convened last week to begin resolving differences between the two houses. Assembly member Phil Ting – San Francisco – will chair the committee this year. Members of the committee are:

- Senator Holly Mitchell, co-chair – D – Los Angeles
- Senator John Moorlach – R – Costa Mesa
- Senator Jim Nielsen – R – Red Bluff
- Senator Richard Roth – D – Riverside
- Senator Nancy Skinner – D – Berkeley
- Assembly member Joaquin Arambula – D – Fresno
- Assembly member Richard Bloom – D – Santa Monica
- Assembly member Rocky Chavez – R – Oceanside
- Assembly member Jay Obernolte – R – Big Bear Lake

As in prior years, both the Senate and Assembly Budgets use the higher revenue estimates provided by the Legislative Analyst's Office, which provides an additional \$2.6 billion to spend. While the Governor usually wins the spending level argument, the Budget Conference Committee, and Senate and Assembly leadership will work out the details with the Governor prior to sending the negotiated budget to him by midnight on June 15th.

Legislative Analyst's Office Takes on the May Revision: In their first run through the Governor's May Revision, the Legislative Analyst's Office (LAO) examined revenues, the economy, and the Administration's housing proposals. The LAO is estimating generally higher revenues as compared to the May Revision which has not been unusual under this administration.

The LAO is anticipating continued economic expansion through 2022 and a moderate stock market decline in 2019 with a gradual rebound. They are estimating that revenues will run \$2.6 billion above the Administration's projections in 2016-17 through 2018-19. In terms of the personal income tax, the tightening labor market is expected to increase wages, and capital gains will increase in correlation to the stock market, dropping in 2019. Growth in corporate profits and changes to federal law will increase revenues from the corporation tax.

The LAO assumes only one economic scenario in their projections - continued moderate economic growth. Both the LAO and Department of Finance assume moderate growth over the next year, however, the LAO assumes higher wage and salary growth in 2018 and 2019. California's low unemployment rate makes it likely that wages and prices will

rise. Higher prices could lead to the Federal Reserve increasing interest rates, slowing growth.

The LAO notes that the governor's proposal to fully fund the rainy day fund at \$13.8 million and increase discretionary reserves to \$3.2 billion would help the State through a mild recession without drastic spending reductions. They believe that K-12 school and community college spending will likely be lower than budgeted as average daily attendance is likely to decline or stay flat. Medi-Cal estimates seem higher than necessary due to the Administration's scoring of deferred claims at \$682.3 million in additional costs. New federal requirements will force the State to repay disputed claims while the department works on them, however, much of the costs will be repaid.

State Transit Assistance (STA): With fuel prices expected to rise, the forecast for STA revenue was boosted in the May Revise. Funds allocated to transit operators through the STA formula are expected to increase by \$109 million in 2018-19, for a total allocation of \$768 million. In addition, the forecast for diesel sales tax revenue allocated to commuter and intercity rail operators increased from \$35.8 million to \$42.9 million. The following chart summarizes the May Revise adjustments for various transit related programs.

Governor's 2018-19 Budget ▪ Revised Funding Estimates						
Source	Gov's Budget	May Revise	Change	Gov's Budget	May Revise	Change
STA						
Fiscal Year	2017-18			2018-19		
Base (2.375%)	\$180,680	\$185,431	\$4,751	\$178,338	\$212,871	\$34,533
Gas Tax Swap (1.75%)	\$126,955	\$129,986	\$3,031	\$125,229	\$150,204	\$24,975
SB 1 (3.5%)	\$175,137	\$181,360	\$6,223	\$250,458	\$300,409	\$49,951
STA SGR (TIF)	\$105,000	\$105,000	\$0	\$105,000	\$105,000	\$0
Total	\$587,772	\$601,777	\$14,005	\$659,025	\$768,484	\$109,459
INTERCITY & COMMUTER RAIL						
Base (2.375%)*	\$180,680	\$185,431	\$4,751	\$178,338	\$212,871	\$34,533
SB 1 (0.5%)	\$25,020	\$25,908	\$888	\$35,780	\$42,915	\$7,135
Total	\$205,700	\$211,339	\$5,639	\$214,118	\$255,786	\$41,668
LCTOP						
Cap & Trade (5.0%)	\$135,000	\$141,250	\$6,250	\$114,100	\$114,100	\$0
Total	\$135,000	\$141,250	\$6,250	\$114,100	\$114,100	\$0
TIRCP**						
Cap & Trade (10.0%)	\$270,000	\$282,500	\$12,500	\$228,200	\$228,200	\$0
SB 1 (TIF)	\$245,000	\$245,000	\$0	\$245,000	\$245,000	\$0
Total	\$515,000	\$527,500	\$12,500	\$473,200	\$473,200	\$0

* Funds also used for other Caltrans purposes

**Funds included as part of five-year programming cycle

Cap & Trade: The May Revise did not make any significant changes the Governor's Cap & Trade expenditure plan, other than the funding for the Forrest Carbon Plan. While the negotiations continue between the legislature and administration on Cap & Trade spending priorities, the Assembly added \$80 million to the Truck and Bus program. The Assembly expenditure plan would use \$30 million for demonstration programs, and \$50

million for pilot projects. The following chart compares the expenditure plans from the Governor, Senate and Assembly.

2018-19 Cap and Trade Expenditure Plan	(In Millions)		
	Governor	Assembly	Senate
AB 617 Community Air Protection	\$250	\$250	\$310
Technical Assistance to Community Groups	5	5	5
Clean Vehicle Rebate Project	175	175	150
Clean Truck Buses and Off Road Freight Equipment	160	150	160
Demonstration Projects	0	30	0
Pilot Projects	0	50	0
Enhanced Fleet Modernization	100	100	100
Low Carbon Fuel Production	25	0	5
Ag Diesel Engine Replacement and Upgrades	102	85	102
Ag Energy Efficiency	34	34	34
Healthy Soils	5	5	0
Renewable Energy	4	4	4
Healthy and Resilient Forests	160	160	203
Prescribed Fire and Fuel Reduction	27	27	27
Regional Forest Health Projects	20	20	20
Local Fire Response	25	25	25
Methane Reduction	99	99	99
Waste Diversion	20	40	20
Transformative Climate Communities	25	25	80
California Integrated Climate Investment Program	20	20	5
Energy Corps	6	6	10
CA Climate Change Technology and Solutions Initiative	35	35	55
Low income weatherization	0	20	30
State Water Efficiency and Enhancement Program	0	5	0
Urban Forestry	0	20	0
Urban Greening	0	60	5
Wetlands	0	20	0
Coastal Adaptation	0	6	0
Natural Lands Adaptation	0	20	0
Ports	0	50	0
Local Government Sharing Best Practices (BEACON)	0	1	0
Workforce development and training	0.4	0	0.4
Totals	\$1,297	\$1,547	\$1,449

Subcommittee Actions: The following is summary of transportation related items adopted by the Senate and Assembly Budget Subcommittees.

- **SB 1 Local Expenditures:** Senate budget includes budget trailer bill language that would allow cities or counties to borrow from internal funds to advance projects and reimburse themselves with future SB 1 allocations. The Assembly adopted placeholder language for the same purpose

- **Indirect Cost Rate:** Senate and Assembly adopted a compromise to the Self-Help Counties Coalition's proposal exempt Self-Help counties from Caltrans' indirect cost charges. The compromise would cap at 10% the rate Caltrans can charge Self-Help counties for indirect costs. This cap would sunset in three years.

Caltrans Staffing: The May Revise updates the funding needs for Capital Outlay Support (COS) needs at Caltrans by augmenting the COS budget by \$203 million in order to hire an additional 872 engineers. Caltrans claims it will be hiring 100 engineers a month in the coming year in order to meet the demands of SB 1 projects. However, the Legislative Analyst's Office (LAO) is not convinced.

LAO continues to express concerns that the COS program is overstaffed because the LAO believes that the budget development methodology contains incentives to request more staff than needed. The LAO is also concerned that this augmentation includes overtime funding for existing positions, not new positions. In addition, the LAO also raises the issue of increasing the amount of work that can be contracted out.

Based on the concerns expressed by the LAO, the Senate and Assembly Budget Subcommittees took no action on this augmentation request. This will provide additional time to review the details and reach an agreement as part of the Budget Conference Committee process.



June 4, 2018

Existing Positions

Bills	Subject	Status	Client - Position
<u>AB 1</u> (Frazier D) Transportation funding.	AB 1 was Assemblyman Frazier's renewed effort to address the funding shortfall facing our transportation infrastructure. With the passage of SB1, this bill be will likely be used for another issue if it is moved forward.	ASSEMBLY TRANS DEAD	SUPPORT
<u>AB 399</u> (Grayson D) Autonomous vehicles: Contra Costa Transportation Authority: pilot project.	Last year, legislation was enacted to authorize the Contra Costa Transportation Authority to conduct a pilot project testing the use of autonomous vehicles on streets that are open to the public, but located within a private business park. AB 399 extends the sunset date on the authority for the pilot project to operate according to existing law, prior to the requirement to then comply with regulations being developed by the DMV. Currently, this pilot program must comply with the DMV regulations within 180 days of the operative date of the regulations. AB 399 extends this "phase-in" period to 12 months.	ASSEMBLY 2 YEAR DEAD	SUPPORT
<u>AB 1454</u> (Bloom D) Transportation projects: lease agreements.	AB 1454 was amended to remove the language that deletes the sunset date on the authority for Caltrans and regional transportation agencies to enter into public private partnerships. As amended, the bill merely states that it is the intent of the Legislature to reestablish the public-private partnership process. AB 1454 has also not been set for hearing, and will not be moving forward.	ASSEMBLY RULES COMMITTEE – DEAD	SUPPORT

<u>AB 1759</u> (McCarty D) Public trust lands: City of Sacramento.	<p>AB 1759 has been gutted and amended to deal with a state tides land issue in the City of Sacramento.</p> <p>As introduced the bill would withhold a city's or county's share of local street and road maintenance funds if that city or county fails to meet its minimum housing production goals as certified by the Department of Housing and Community Development.</p>	SENATE RULES	WATCH
<u>AB 1866</u> (Fong R) Transportation funding.	<p>This new measure makes numerous changes to transportation funding programs. These changes largely reflect the transportation funding proposal pushed by the Assembly Republican Caucus last year.</p>	ASSEMBLY TRANS	WATCH
<u>AB 1901</u> (Oberholte R) California Environmental Quality Act: exemption: roadway projects.	<p>This bill would extend to January 1, 2023, an existing CEQA exemption for counties or cities with a population of less than 100,000. The existing program provides a limited exemption from CEQA for maintenance projects within the existing right-of-way if specified conditions are met.</p>	SENATE EQ	SUPPORT
<u>AB 2851</u> (Grayson D) Regional transportation plans: traffic signal optimization plans.	<p>The Assembly Appropriations Committee amended AB 2851 to delete the appropriation of Cap & Trade funds, and would make it permissive for cities within the Bay Area to develop a traffic signal optimization plan.</p> <p>Specifically, the bill would authorize each city within the jurisdiction of the Metropolitan Transportation Commission (MTC) to develop and implement a traffic signal optimization plan. In addition, the amendments direct Caltrans to ensure its traffic signals within these cities are adjusted and maintained in accordance with the plan.</p>	SENATE RULES	SUPPORT & SEEK AMENDMENTS

<p><u>AB 3124</u> (Bloom D) Vehicles: length limitations: buses: bicycle transportation devices.</p>	<p>AB 3124 makes a small change with a big impact. This measure amends existing law to authorize an operator to equip a 60-foot articulated transit bus or trolley with a front-mounted bicycle rack that extends up to 40 inches from the front body of the bus when fully deployed and limits the handlebars of a bicycle that is being transported on such a rack from extending more than 46 inches from the front of the bus.</p>	<p>Signed Into law Chapter 22, Statutes of 2018</p>	<p>SUPPORT</p>
<p><u>AB 3201</u> (Daly D) California Clean Truck, Bus, and Off- Road Vehicle and Equipment Technology Program.</p>	<p>The California Transit Association (CTA) is sponsoring AB 3201 in an effort to secure a funding stream to transition to zero emission transit buses.</p> <p>AB 3201 as currently drafted would amend the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program (Program) to require CARB to establish a funding program for large-scale deployments that meet current and future regulatory obligations. The bill would also clarify that infrastructure needs are also an eligible expense. While the content of AB 3201 will evolve, the intent of this bill is to create a dedicated funding stream to assist transit operators in transitioning to zero emission fleets.</p>	<p>ASSEMBLY APPR Held on Suspense -- DEAD</p>	<p>SUPPORT</p>
<p><u>ACA 4</u> (Aguiar-Curry D) Local government financing: affordable housing and public infrastructure: voter approval.</p> <p><u>ACA 4</u> (Aguiar-</p>	<p>ACA 4 would generally lower the voter threshold to 55% for imposing the following taxes or issuing debt:</p> <ul style="list-style-type: none"> • Creates an additional exception to the 1% limit that would authorize a city or county, to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing. • Authorizes a local government to impose, extend, or increase a 	<p>ASSEMBLY L. GOV</p>	<p>SUPPORT</p>

<u>Curry D)</u> (Cont.)	special tax for the purposes of funding the construction, rehabilitation or replacement of public infrastructure or affordable housing.		
Regional Measure 3/Senate Bill 595 (Beall)	SB 595 authored by Senator Jim Beall was passed by the Legislature and signed into law by Governor brown in the fall of 2017. The bill authorizes the Bay Area Toll Authority to place Regional Measure 3 on the ballot. At its February 27th meeting, the County Board of Supervisors approved adding Regional Measure 3 to the June 5, 2018 ballot. If approved Regional Measure 3 will allow the Bay Area Toll Authority to increase tolls on the seven (7) state owned bridges, as follows: \$1 January 1, 2019, \$1 January 1, 2022, and \$1 January 1, 2025. Revenues raised will fund transportation projects on the expenditure plan to relieve congestion in the bridge corridors.	June 5, 2018 Statewide Primary Election	SUPPORT
<u>SB 760</u> (Wiener D) Bikeways: design guides.	As approved by the Senate, SB 760 was scaled back. As currently drafted, SB 760 would simply allow Caltrans and local entities responsible for the development or operation of bikeways or roadways where bicycles are permitted, to consider additional street design guides such as the National Association of City Transportation Officials' (NACTO) Urban Street Design Guide. Prior versions of this bill would have placed new restrictions on Caltrans when programming funds in the State Highway Operation and Protection Program (SHOPP).	ASSEMBLY TRANS – June 11 th	WATCH
<u>SB 827</u> (Wiener D) Planning and zoning: transit-	SB 827 would authorize a “transit-rich housing project” to be eligible for a “transit-rich housing bonus.” A transit-rich housing project is a housing project that is located within ½ mile of a “major	SENATE T. & H. – FAILED PASSAGE -- DEAD	WATCH

rich housing bonus	transit stop” or ¼ mile from a “high-quality transit corridor.” If the housing project meets these requirements then it would be exempt from local controls on residential density or floor area ratio, parking restrictions, and some height restrictions.		
<u>SB 1434</u> <u>(Leyva D)</u> Transportation electrification: electricity rate design.	The CTA is also sponsoring SB 1434 (Leyva). This bill aims to address the volatility with electricity rates when charging battery electric buses. Specifically, SB 1434 directs the California Public Utilities Commission to initiate a new rate making proceeding for the cost of electricity that is used as a fuel. The fluctuation of electricity rates is a key obstacle in scaling up the use battery electric buses.	ASSEMBLY DESK	SUPPORT
<u>SCA 2</u> <u>(Newman D)</u> Motor vehicle fees and taxes: restriction on expenditures.	With the passage of ACA 5, SCA 2 was placed on the Inactive File. SCA 2 and ACA 5 are identical and would prospectively prohibit the use of truck weight fees to pay for transportation bonds approved after January 1, 2017. The bill would also expand the protections for Public Transportation Account revenues to also include the 1.75% increase to the diesel fuel sales tax that was enacted as part of the gas tax swap. The ban on borrowing fees and taxes would also apply to any vehicle fees or taxes dedicated to transportation accounts.	SENATE INACTIVE FILE	SUPPORT
<u>SCA 6</u> <u>(Wiener D)</u> Local transportation measures: special taxes: voter approval.	SCA 6 would allow a local government to impose any special tax with a 55% approval of the voters if the special tax dedicates 100% of the revenues, not including collection and administrative expenses, to transportation programs and projects.	SENATE APPR – SUSPENSE FILE	SUPPORT