

Napa Valley Transportation Authority

625 Burnell Street
Napa, CA 94559



Agenda - Final

Wednesday, July 20, 2022
1:00 PM

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

NVRTA Board of Directors

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

PUBLIC MEETING GUIDELINES FOR PARTICIPATING VIA PHONE/VIDEO CONFERENCING

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

- 1) To join the meeting via Zoom video conference from your PC, Mac, iPad, iPhone or Android: go to <https://zoom.us/join> and enter meeting ID 997 5007 2830
- 2) To join the Zoom meeting by phone: dial 1-669-900-6833, enter meeting ID: 997 5007 2830 If asked for the participant ID or code, press #.
- 3) Watch live on YouTube: <https://www.youtube.com/channel/UCrjLcW9uRmA0EE6w-eKZyw?app=desktop>

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

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

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

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

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

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

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

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

Materials distributed to the members of the Board present at the meeting will be available for public inspection after the meeting. Availability of materials related to agenda items for public inspection does not include materials which are exempt from public disclosure under Government Code sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

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

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

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

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

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

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

7. CONSENT AGENDA ITEMS

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

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board approve Resolution 22-20 making findings and declaring it intent to continue remote teleconference meetings in accordance with Government Code section 54953(e) due to the Governor's COVID-19 State of Emergency Proclamation.

Estimated Time: 1:25 p.m.

Attachments: [Staff Report](#)

7.2 Meeting Minutes of June 15, 2022 (Laura Sanderlin) (Pages 16-19)

Recommendation: Board action will approve the minutes of June 15, 2022 regular meeting.

Estimated Time: 1:25 p.m.

Attachments: [Draft Minutes](#)

7.3 Equal Employment Opportunity (EEO) Program (Antonio Onorato) (Pages 20-58)

Recommendation: That the Napa Valley Transportation Authority (NVTA) board approve Resolution 22-21 adopting the Equal Employment Opportunity (EEO) Program as it relates to transit services.

Estimated Time: 1:25 p.m.

Attachments: [Staff Report](#)

7.4 Revised Policies, Practices, and Procedures Manual: Personnel (Laura Sanderlin) (Pages 59-215)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board approve eight additional hours of personal leave to NVTA Personnel Policies Manual: Personnel in lieu of adding the new Juneteenth federal holiday.

Estimated Time: 1:25 p.m.

Attachments: [Staff Report](#)

7.5 Revised Resolution No. 20-15 Recertifying Napa Valley Transportation Authority's Public Transit Agency Safety Plan (PTASP) (Danielle Schmitz) (Pages 216-247)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board approve Revised Resolution No, 20-15 recertifying the NVTA Public Transit Agency Safety Plan (PTASP).

Estimated Time: 1:25 p.m.

Attachments: [Staff Report](#)

7.6 Amendment 1 to Bear Electrical Solutions Agreement 21-15 for an Additional Electric Vehicle Charger Installation at 720 Jackson Street (Rebecca Schenck) (Pages 248-252)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board approve Amendment 1 to Agreement 21-15 with Bear Electrical Solutions, Inc. in an amount not to exceed \$17,250.

Estimated Time: 1:25 p.m.

Attachments: [Staff Report](#)

7.7 Amendment 4 to Proterra Inc. Contract for Paint Costs for the New Proterra Electric buses (Antonio Onorato) (Pages 253-258)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board approve Amendment 4 to Purchase Order 21-2002 with Proterra, Inc. in an amount not to exceed \$26,000, and authorize the Executive Director to execute the Amendment when details upon finalizing the terms.

Estimated Time: 1:25 p.m.

Attachments: [Staff Report](#)

7.8 Paratransit Coordinating Council (PCC) Member Appointments (Kathy Alexander) (Pages 259-269)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board approve the appointment of Jeannie Smith and Ellen Sweigert to the Paratransit Coordinating Council (PCC).

Estimated Time: 1:25 p.m.

Attachments: [Staff Report](#)

8. REGULAR AGENDA ITEMS

8.1 Motion to 1) Introduce Ordinance 2022-01 of the Napa Valley Transportation Authority Regulating Parking, Camping, and Smoking at Transit Facilities and Parking Areas, by title only, and waive reading of the full ordinance and 2) Approve the designation for the Executive Director to prepare a summary of Ordinance 2022-01 to be published in a newspaper in Napa County (Rebecca Schenck) (Pages 270-288)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board conduct a first reading and notice its intent to Adopt Ordinance 2022-01, which is a revision to Ordinance 2013-01, regulating parking, camping, and smoking at transit facilities and parking areas.

Estimated Time: 1:45 p.m.

Attachments: [Staff Report](#)

8.2 One Bay Area Grant (OBAG) Cycle 3 Project List (Alberto Esqueda) (Pages 289-375)

Recommendation: That the Napa Valley Transportation Authority Board approve the One Bay Area Grant (OBAG) Cycle 3 project list and submit the projects to the Metropolitan Transportation Commission.

Estimated Time: 2:00 p.m.

Attachments: [Staff Report](#)

8.3 Amendment #1 to Construction Agreement No. 21-19 with O.C. Jones & Sons, Inc for Construction of the Imola Park and Ride Project (Alberto Esqueda) (Pages 376-379)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board authorize the Executive Director, or designee to execute and make minor modifications to Amendment #1 Construction Agreement No. 21-19 with O.C. Jones & Sons, Inc. for additional funds not to exceed \$55,000 to complete construction of the Imola Express Bus Improvements Project.

Estimated Time: 2:15 p.m.

Attachments: [Staff Report](#)

8.4 Imola Park and Ride Project Electrification (Alberto Esqueda) (Pages 380-382)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board authorize the Executive Director, or designee to enter into an agreement and make minor modifications as necessary with an electrical contractor(s), to be determined, and Pacific Gas and Electric (PG&E) for electrification of the Imola Park & Ride in amount not to exceed \$170,000 which will include electrical infrastructure to bring adequate power to the site, purchase and installation of electric vehicle charging stations.

Estimated Time: 2:30 p.m.

Attachments: [Staff Report](#)

8.5 Regional Institutional Pass Pilot Program (Kate Miller) (Pages 383-402)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board approve Resolution 22-22 endorsing the Regional Institutional Pass Pilot Program.

Estimated Time: 2:45 p.m.

Attachments: [Staff Report](#)

8.6 Federal and State Legislative Update (Kate Miller) (Pages 403-426)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board receive the Federal Legislative update prepared by K&L Gates and Platinum Advisors and the State Legislative update prepared by Platinum Advisors.

Estimated Time: 3:00 p.m.

Attachments: [Staff Report](#)

9. FUTURE AGENDA ITEMS**10. ADJOURNMENT****10.1 Approval of Next Regular Meeting Date of September 21, 2022 and Adjournment**

I hereby certify that the agenda for the above stated meeting was posted at a location freely accessible to members of the public at the NVTA Offices, 625 Burnell Street, Napa, CA by 5:00 p.m. by Friday, July 15.

Laura Sanderlin

Laura Sanderlin, NVTA Board Secretary

Glossary of Acronyms

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

Glossary of Acronyms

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



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

AB 361 Requirements for Remote Public Meetings

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Resolution 22-20 making findings and declaring its intent to continue remote teleconference meetings in accordance with Government Code section 54953(e) due to the Governor's COVID-19 State of Emergency Proclamation.

EXECUTIVE SUMMARY

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

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

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

FISCAL IMPACT

None



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

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

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Resolution 22-20 making findings and declaring its intent to continue remote teleconference meetings in accordance with Government Code section 54953(e) due to the Governor's COVID-19 State of Emergency Proclamation.

COMMITTEE RECOMMENDATION

None

BACKGROUND

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

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

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

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

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

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

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

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

ALTERNATIVES

The Board could decide not to approve Resolution 22-20 which would put the NVTA Board of Director’s meeting out of government compliance.

ATTACHMENT(S)

- 1) Resolution 22-20

RESOLUTION No. 22-20

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Board of Directors of the Napa Valley Transportation Authority, at a regular meeting held on July 20, 2022, by the following vote:

Liz Alessio, NVTA Chair

Ayes:

Nays:

Absent:

ATTEST:

Laura Sanderlin, NVTA Board Secretary

APPROVED:

Osman Mufti, NVTA Legal Counsel

Napa Valley Transportation Authority

625 Burnell Street
Napa, CA 94559

Meeting Minutes NVTA Board of Directors

Wednesday, June 15, 2022

1:00 PM

JoAnn Busenbark Board Room

1. Call to Order

Vice Chair Alessio called the meeting to order at 1:18pm.

2. Roll Call

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

3. Adoption of the Agenda

Motion **MOVED** by GARCIA, **SECONDED** by KRAUS to **APPROVE ADOPTION** of the agenda.
Motion carried by the following roll call vote:

Aye: 21 - Garcia, Dohring, Joseph, Dunbar, Ramos, Ellsworth, Alessio, Kraus,
Sedgley, and Tagliaboschi

Absent: 3 - Canning, and Pedroza

4. Public Comment

Public comment was made by Kara Vernor, Napa County Bicycle Coalition and Justin Hole,
Napa resident.

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

MTC Update

-Executive Director Miller provided update of recent MTC activities

ABAG Update

-Director Ramos provided update of recent and upcoming ABAG activities

6. Director's Update

Executive Director Miller reported:

- Soscol Junction Groundbreaking on June 22
- NVTA Staff participation in May month of movement
- 2021 NVTA Annual Report distribution

7. PRESENTATIONS

7.1 Vine Trail Presentation (Shawn Casey-White)

Director Dunbar inquired about local matching fund requirements.

7.2 Project Update (Danielle Schmitz & Rebecca Schenck)

8. CONSENT AGENDA ITEMS

Motion MOVED by DOHRING, SECONDED by GARCIA TO APPROVE Consent Items 8.1-8.9 with request for legal review of Item 8.9. Motion moved by the following roll call vote:

Aye: 21 - Garcia, Dohring, Joseph, Dunbar, Ramos, Ellsworth, Alessio, Kraus, Sedgley, and Tagliaboschi

Absent: 3 - Canning, and Pedroza

8.2 Meeting Minutes of May 18, 2022 (Laura Sanderlin) (Pages 12-15)

Attachments: [Draft Minutes](#)

8.3 AB 361 Requirements for Remote Public Meetings (Osman Mufti) (Pages 16-21)

Attachments: [Staff Report](#)

8.1 Meeting Minutes of May 9, 2022 (Laura Sanderlin) (Pages 10-11)

Attachments: [Draft Minutes](#)

8.5 Resolution 22-19 Authorizing the Executive Director to Execute Amendment 1 to the Cooperative Agreement 04-2749 between the State of California Department of Transportation (Caltrans) and the Napa Valley Transportation Authority (NVTA) for the Napa Valley Vine Trail Calistoga to St. Helena Project (Rebecca Schenck) (Pages 30-41)

Attachments: [Staff Report](#)

8.6 Agreement No. 17-15 with Kimley Horn and Associates for Architectural and Engineering Design Services to include Environmental, Survey, and Design Services for Driveway Expansion; Communications Systems Design; and Additional Budget for Engineering Services during Construction for the Vine Bus Maintenance Facility (Kate Miller) (Pages 42-49)

Attachments: [Staff Report](#)

8.7 Americans with Disabilities Act (ADA) Assessment Services (Rebecca Schenck) (Pages 50-79)

Attachments: [Staff Report](#)

8.8 Citizens Advisory Committee (CAC) Member Appointments (Laura Sanderlin) (Pages 80-92)

Attachments: [Staff Report](#)

8.9 Professional Services Agreement No. 22-C23 with Universal Building Services (Laura Sanderlin) (Pages 93-115)

Attachments: [Staff Report](#)

8.4 Amendment #5 to Project Work Order No. E-14 to NVTA Agreement No. 18-21 with GHD Inc. for Professional Engineering Services for the Soscol Junction Project (Danielle Schmitz) (Pages 22-29)

Attachments: [Staff Report](#)

9. REGULAR AGENDA ITEMS

9.1 Nomination, Discussion, and Election of Chair and Vice Chair for Fiscal Year (FY) 2022-23 (Laura Sanderlin) (Pages 116-117)

Attachments: [Staff Report](#)

Director Dunbar reported the nominations of Director Alessio and Director Joseph as Chair and Vice Chair, respectively.

Motion MOVED by GARCIA, SECONDED by KRAUS to APPROVE the elected Chair and Vice Chair for NVTA Fiscal Year 2022-23. Motion carried by the following roll call vote:

Aye: 16 - Garcia, Dohring, Joseph, Dunbar, Ramos, Ellsworth, Alessio, Kraus, and Tagliaboschi

Absent: 8 - Canning, Pedroza, and Sedgley

9.2 Fiscal Year 2022-23 Salary Ranges for Napa Valley Transportation Authority (NVTA) Job Classifications (Laura Sanderlin) (Pages 118-126)

Attachments: [Staff Report](#)

Motion MOVED by KRAUS, SECONDED by JOSEPH to APPROVE Item 9.2. Motion carried by the following roll call vote:

Aye: 21 - Garcia, Dohring, Joseph, Dunbar, Ramos, Ellsworth, Alessio, Kraus, Sedgley, and Tagliaboschi

Absent: 3 - Canning, and Pedroza

9.3 Federal and State Legislative Update (Kate Miller) (Pages 127-152)

Attachments: [Staff Report](#)

Information Only/No Action Taken

Director Ellsworth inquired about surplus allocation information to be brought to the next scheduled meeting.

10. FUTURE AGENDA ITEMS

None

11. ADJOURNMENT

Vice Chair adjourned the meeting at 2:31pm.

11.1 Approval of Next Regular Meeting Date of July 20, 2022 and Adjournment

Laura M. Sanderlin, NVTA Board Secretary



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Equal Employment Opportunity (EEO) Program

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) board approve Resolution 22-21 adopting the Equal Employment Opportunity (EEO) Program (Attachment 1).

EXECUTIVE SUMMARY

The Federal Transit Administration (FTA) requires that all transit properties with fifty (50) or more employees have an equal employment opportunity (EEO) policy. The last EEO Program update was in 2018. NVTA is required to submit an updated EEO Program to the FTA at this time.

FISCAL IMPACT

No. While there is no cost associated with developing the EEO Program FTA and other federal funding may be delayed or denied if not submitted as required.



NAPA VALLEY TRANSPORTATION AUTHORITY Board Agenda Letter

TO: Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Antonio Onorato, Program Manager - Finance
(707) 259-8779 / Email: anonorato@nvta.ca.gov
SUBJECT: Equal Employment Opportunity (EEO) Program

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) board approve Resolution 22-21 adopting the Equal Employment Opportunity (EEO) Program (Attachment 1) as it relates to transit services.

COMMITTEE RECOMMENDATION

None

BACKGROUND AND DISCUSSION

The FTA requires agencies that receive federal funding to submit an updated EEO Program every four years for review and approval as part of federal funding requirements. In the past, the agency has used Transdev's EEO Policies for the transit operation which were validated through FTA triennial reviews. The purpose of this policy is to establish an equal employment opportunity program for NVTA employees and the agency's contractors regardless of race, color, creed, national origin, sex, age, disability, religion, marital status, sexual preference or veteran status or any other class as prohibited by federal and/or state law. Adopting the EEO program ensures consistency and provides transparency and accountability with the public.

The goal of NVTA's EEO Program is to achieve a workforce that is represented in all occupational areas consistent with the percentage of females and minorities in the area workforce. The EEO Program examines data gathered from Transdev's current workforce statistics, recruitment and hiring efforts and identifies groups in each EEO occupational category that may be underutilized, and establishes employment goals for the next EEO

Program cycle. The EEO Program also examines accomplishments in recruiting and hiring, training and development, and employee disciplinary actions taken over a four year cycle in support of efforts to achieve equity and fairness in employment practices in the workplace.

Placement goals provided will be used as a guide for hiring and promotional activity during the EEO Program time frame. NVTA will continue striving to meet the goals as stated in the 2022 through 2025 EEO Program by emphasizing equal employment opportunities in all advertising and recruitment efforts, as well as in promotional opportunities. Additionally, data will be used as a guide for providing ongoing development and training opportunities for NVTA's and Transdev's workforce.

Oversight of the EEO Program is the responsibility of the Executive Director. Administration and implementation, which includes dissemination, understanding and enforcement of the EEO Program is the responsibility of the EEO Compliance Officer. The Compliance Officer is also responsible for updating EEO policies as needed, monitoring compliance with the affirmative action plan, goals, providing training, and implementing programs that promote NVTA's diversity, equal employment opportunities and affirmative action policies for employees and third party contractors for public transit services.

All applicants for employment and employees have the right to file complaints alleging discrimination with NVTA's EEO Compliance Officer. Any employee who contends that he/she has been subjected to unlawful discrimination, harassment or retaliation in violation of federal or state law, may use the internal complaint procedure set forth in the Harassment-Free Workplace policy. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any unlawful discrimination will be subject to disciplinary action, up to and including dismissal from employment.

The updated EEO Program is attached for Board review. Once the Board approves the EEO Program, it will be submitted to the FTA for review.

ALTERNATIVES

As an FTA grantee, NVTA is required to have an adopted EEO Program. Non-compliance could result in funding delays or denials.

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal 3: Use taxpayer dollars efficiently.

The goal of the EEO Program is to achieve equity in NVTA and third-party contractor work places to ensure equal opportunity in all occupational areas for all employees with particular emphasis on protected groups. These policies not only promote the wellbeing

of the workforce, they improve morale, promote productivity, and ensure that NVTA is eligible to receive federal and state revenues.

ATTACHMENT(S)

- (1) Resolution 22-21

RESOLUTION No. 22-21

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVTA)
ADOPTING THE EQUAL EMPLOYMENT OPPORTUNITY PROGRAM
(EEO PROGRAM) FOR FISCAL YEAR 2022 THROUGH FISCAL YEAR 2025**

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

WHEREAS, the NVTA Board of Directors may take all actions necessary for the proper administration of the affairs of the NVTA; and

WHEREAS, NVTA is an agency that receives federal funds and is required to submit an updated Equal Employment Opportunity Plan (EEO Program) every four years to the Federal Transit Administration (FTA); and

WHEREAS, the Board of Directors desires to adopt the EEO Program, effective July 1, 2022 through June 30, 2025;

NOW THEREFORE BE IT RESOLVED, that the NVTA Board of Directors hereby adopts the EEO Program of the Napa Valley Transportation Authority as set forth in "Exhibit A" to this Resolution. Passed and Adopted the 20th day of July 2022.

Liz Alessio, NVTA Chair

Ayes:

Nays:

Absent:

ATTEST:

Laura Sanderlin, NVTA Board Secretary

APPROVED:

Osman Mufti, NVTA Legal Counsel

Napa Valley Transportation Authority

AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

Napa, CA

**Operated by
Transdev Service, Inc.**



2022

TABLE OF CONTENTS

System Overview	3
Statement of Policy	4
Internal Dissemination of Equal Employment Opportunity Policy And Programs	
External Dissemination of Equal Employment Opportunity Policy And Programs	10
Designation of Equal Employment Opportunity Responsibilities	11
Employment Utilization Analysis	17
Goals and Timetables	19
Assessment of Present Employment Practices	20
Internal Monitoring and Evaluation of the EEO Program	30

INTRODUCTION

The Napa Valley Transportation Authority (NVTA) is a public agency created whose primary purpose is to provide and improve public transportation services for the Napa County area.

NVTA is governed by a 14-member appointed Board of Directors. The balances of individuals are employees of Transdev Services, Inc., (Transdev) a private corporation. These individuals carry out the day-to-day operations of the transit system. The NVTA Board has delegated the personnel management responsibilities, including the administration of the personnel policies, to Transdev Services. Such policies are reviewed by the Board and the Board retains oversight through contract provisions and reporting requirements.

The employees at Napa are employed by Transdev Services, Inc., (Transdev) a private corporation. These individuals carry out the day-to-day operations. The above agencies have delegated the personnel management responsibilities, including the administration of the personnel policies, to Transdev.

In order to maintain the oversight necessary to meet the fiduciary responsibilities involved in the EEO requirements of the Federal Transit Administration (FTA) contract, the responsibility of this program is delegated to the Transdev General Manager, Cheryl Drake.

The following Equal Employment Opportunity Program is for the benefit of all applicants and employees of Transdev. In this Program, Napa Fixed Route and Paratransit services and Transdev reaffirm their commitment to equal employment opportunity for all applicants and employees regardless of gender, race, sex, religion, color, creed, age, national origin, ancestry, genetic, marital status, citizenship status, veteran status, disability, sexual orientation or any other factor prohibited by applicable federal, state or local law.

Equal employment opportunity has been identified as a basic element in the operating philosophy of this organization. This EEO Plan is presented as a statement of commitment and as a guide for future action in meeting equal employment opportunity goals as required by the provisions in the grants contracts with the Federal Transit Administration.

STATEMENT OF POLICY

Transdev Services, Inc. (Transdev) is a continuing Equal Opportunity Employer, committed to EEO for all persons, regardless of race, color, national origin, sex, creed, age or disability to create and maintain a qualified and diverse workforce. Transdev is committed to the development of specific goals and timetables in the event of any underutilization of its human resources. Transdev will afford equal employment opportunities to employees and applicants, and will not tolerate discrimination based on gender, race, sex, religion, color, creed, age, national origin, ancestry, marital status, citizenship status, veteran status, disability, sexual orientation, gender identity, pregnancy, genetic information or any other factor prohibited by applicable federal, state or local law.

This policy applies to all terms, conditions, employment practices and privileges of employment including recruitment, selection, on-boarding, initial periods of employment, job assignments, training and development, working conditions, promotion, transfer, compensation, benefits, educational assistance, layoff and recall, social and recreation programs, termination and separation and other terms and conditions of employment. Transdev is committed to providing reasonable accommodations to applicants and employees who need them because of a disability or to practice or observe their religion, absent undue hardship.

The responsibility for the implementation and monitoring of the EEO Program is assigned to Human Resources, specifically Xanadu Cain, Human Resources Generalist who reports directly to the General Manager. An Affirmative Action Program has also been developed and is available for review in Human Resources. The goals of this program are:

- To recruit, hire and promote qualified employees without regard to gender, race, sex, religion, color, creed, age, national origin, ancestry, sexual orientation, gender identity (transgender status), HIV status, marital or veteran status or disability or any other legally protected status.
- To base employment decisions on the principles of Equal Employment and Affirmative Action.
- To fill employment and promotional opportunities utilizing only job-related criteria.
- To administer personnel actions, such as compensation, benefits, transfers, layoffs, Company sponsored training programs and social and recreational programs on a non-discriminatory basis.

Implicit in our policy is the commitment of the Company to maintain a work environment that is safe, productive and free from harassment of any kind, including sexual harassment. The Company identifies itself as an Equal Opportunity Employer in advertising for employees, recruiting brochures, employee manuals, bulletin board postings of EEO and Unlawful Harassment policies and all day-to-day practices.

Moreover, we individually and collectively share the responsibility for understanding the great importance of pleasant working associations, and assuring that every employee is welcomed, accepted and rewarded according to his or her contribution toward the attainment of our goals and objectives.

Principal and direct responsibility for successful implementation of this policy in a uniform manner has been assigned to the Human Resources Department. Within their respective areas of responsibility, all managerial and supervisory personnel are accountable to ensure compliance with this policy. Questions, comments, concerns or to voice complaints regarding this Equal Employment Opportunity and Affirmative Action Policy should be directed to the Human Resources Representative.

The purpose of Transdev Service, Inc.'s ("Transdev") EEO/AA Plan is to formalize Transdev's commitment to diversity and equal employment opportunity. It demonstrates Transdev's efforts to monitor the composition of its EEO occupational categories and its overall workforce by racial, ethnic, and gender classifications. In addition, the plan demonstrates Transdev's efforts to identify and correct areas of underutilization. Transdev takes specific steps to eliminate unlawful discrimination, as well as the effects and appearance of unlawful discrimination. The affirmative action steps taken by Transdev ensures policies, practices, and programs facilitate non-discriminatory efforts to establish and maintain a workforce that reflects the availability of minority and female individuals ready, willing and able to work.

In developing and implementing the EEO/AAP, Transdev has been guided by its established policy of providing equal opportunity. Any placement goals that Transdev has established herein are not intended as rigid, inflexible quotas that must be met, but rather as targets reasonably attainable by applying every good faith effort in implementing this EEO/AAP. Nothing herein is intended to sanction the discriminatory treatment of any person. Indeed, all employment decisions at Transdev are made based on job-related criteria. Thus, this EEO/AAP has been developed in strict reliance upon the Guidelines on Affirmative Action issued by the Equal Employment Opportunity Commission.

The majority of Transdev employees at Napa are Operators, Utility Workers and Maintenance Technicians who are represented by the Teamsters Local 315 and a labor contract primarily with a bona fide seniority system. The contract includes language to ensure that no aspect of the contract can create a form of discrimination and at each negotiation session, typically every three years, the language is reviewed for any potential discrimination or new legislation.

This EEO/AAP does not constitute an expressed or implied contract between Transdev and its employees, job applicants, or other persons. Nothing in this EEO/AAP provides any individual or group with a private right of action against Transdev.

Transdev prohibits retaliation against any individual who in good faith files a charge of discrimination, reports harassment or who assists, testifies, or participates in any equal employment proceeding. Any applicant or employee has a right to file a discrimination complaint. Retaliation against an individual who files a charge or complaint of discrimination, participates in an employment discrimination proceeding (such as an investigation or lawsuit), or otherwise engages in protected activity is strictly prohibited and will not be tolerated. In the event the complaint is related to the Human Resource function, applicants or employees may file their complaint with the Compliance Manager or Regional Director of Human Resources (Mickey Sidhu ; 630-943-9432) contact Transdev through the Transdev Ethics & Compliance Hotline at 1-866-850-3033 which is managed through Transdev's Legal department or contact Transdev online from our website at www.transdevna.com.

Transdev partnered with NAVEX Global to handle employee concerns through the Ethics & Compliance Hotline. The Ethics & Compliance Hotline is a tool to report possible unethical and unsafe behavior regarding harassment and retaliation, safety, fraud, or whistleblower issues. Transdev firmly believes that this method of reporting allows employees to express their concerns in a safe, non-retaliatory, and confidential manner in the effort of protecting their interest and the organization. The Ethics & Compliance Hotline is managed by our legal department, and as such, employees have the ability to ensure that their concerns are managed by either the Regional Director of Human Resources or a representative from the Legal Department to alleviate any conflict of interest.

- Employees may contact a toll-free number staffed by live operators 24-hours per day, 7 days per week, 365 days per year.
- There is a web reporting portal available 24-hours per day, 7 days per week, 365 days per year.

- The service has case management capabilities.
- It also has web-based reporting in 150 languages.
- In addition, there is a call-based ability to report in different languages.
- Posters are hung at within the Napa, Ca facility (and all locations throughout Transdev) notifying employees of the program.
- Additionally, wallet cards are distributed to all employees notifying them of the program.
- Each event is categorized, and investigations are begun.
- Finally, employees receive a timely update regarding the results of the investigation.

Employees and applicants are required to report any apparent discrimination or unlawful harassment and/or violations of the ADA. Transdev forbids any form of unlawful harassment for any circumstances as well as any harassment covered under the ADA affecting employees, passengers or others. Complaints are investigated in a prompt and thorough manner and handled as confidentially as possible.

Transdev is dedicated to this commitment, and we will maintain an environment free of unfair or illegal discrimination for all employees and applicants.



Cheryl Drake
Transdev General Manager



Date

INTERNAL DISSEMINATION OF EQUAL EMPLOYMENT OPPORTUNITY POLICY AND PROGRAMS

Managers and supervisors will be fully informed internally of Transdev's policy by the following actions:

1. Written communication from the General Manager
2. The EEO Program will be referenced in personnel and operations manuals.
3. Meetings with manager and supervisors will be held at least semi-annually to discuss the program, its implementation and progress.
4. The Equal Employment Policy and Unlawful Harassment Policy shall be posted on each official company bulletin board and other conspicuous and accessible locations.
5. The EEO Policy and Unlawful Harassment Policy contain information on contacting the EEO Compliance Manager.
6. All managerial and supervisory personnel will be reminded that their progress in meeting equal employment opportunity goals is considered an important factor in their performance and will be considered in the performance appraisal process.
7. Providing and supporting career counseling for all employees.
8. Bulletin boards, forms, and advertising used by the organization shall be monitored to ensure that information on equal employment opportunity is included as appropriate and that such materials project the image of Transdev's a fair employer.
9. Labor organizations will be notified of the EEO Program and requested to cooperate in meeting the goals established.
10. Any labor contract will include non-discrimination clauses and language that ensures a labor contract does not conflict with any employment obligation of the employer. Transdev's Legal and Labor Relations departments review each contract in preparation for renewal or initial implementation to avoid any conflicts or potential discrimination.

11. Transdev staff will meet with the Authority at least semi-annually, or more frequently if desired by the Authority, to:
 - Review and identify resources in the local labor market which might improve the applicant flow for positions identified as underutilized.
 - Review recruitment outreach efforts by Transdev staff for positions identified as underutilized.
 - Records of such meetings, to include date, time, agenda, etc. will be maintained and retained.

12. Non-supervisory staff will be informed of Transdev's policy and program by actions such as:
 - Written Communications from the General Manager
 - Inclusion of the EEO Program in employee handbooks and labor contracts
 - Posting official EEO posters and policy statement on bulletin boards in conspicuous and accessible locations to include employee lounges and in the Human Resource office.
 - The EEO Program will be reviewed and discussed with all employees at least semi-annually at regularly scheduled meetings.
 - Meetings with persons with disabilities, minorities and females for program suggestions.
 - The organization's EEO Program, Equal Employment Opportunity Policy and Unlawful Harassment Policy are provided to all new employees during the new hire orientation process. Training on these policies is conducted at least annually.

EXTERNAL DISSEMINATION OF EQUAL EMPLOYMENT OPPORTUNITY POLICY AND PROGRAMS

1. Transdev disseminates its EEO policy and program to applicants and candidates through the application process and recruitment activities, including employment agencies and public media sources. Employment agencies include unions, educational institutions, minority, and women's organizations; organizations that serve communities with disabilities; community action groups; training organizations. All resources which refer applicants to Transdev will be notified that Transdev is an EEO Employer.
2. Public media sources include radio and television stations, newspapers, magazines, and other publications will be utilized as needed, depending on the labor market selected to provide a qualified and diverse candidate pool. All recruitment advertisements include a statement that Transdev is an "EEO Employer".
3. Transdev online employment applications notify applicants that Transdev is an equal employment opportunity employer in compliance with state and federal nondiscrimination laws and regulations. The online system includes a confidential section for the applicant's voluntary submission of EEO information.
4. Contract proposals and bid specifications shall include the statement that the organization is an equal employment opportunity employer.
5. When employees are pictured in consumer advertising, both minority and non-minority males and females shall be shown.
6. A copy of the Plan will be provided to the local union leadership, if any unions might be introduced to this workforce in the future.
7. Will meet with all employees and affinity groups to seek input on program installation.

DESIGNATION OF EQUAL EMPLOYMENT OPPORTUNITY RESPONSIBILITIES

The General Manager of Transdev's Napa operation has the overall responsibility for Equal Employment Opportunity. The Human Resources Manager, who reports directly to the General Manager, is designated as the Equal Employment Opportunity (EEO) Officer. The direct oversight of the EEO Program by the General Manager ensures that responsibilities related to the EEO requirements of the FTA grant contract are met. The specific delineation of EEO responsibilities is detailed below:

General Manager

1. Serves as the primary representative of Transdev and monitors the EEO Program through reports from Human Resources and requested additional information and ensures compliance with the fiduciary responsibilities involved in the EEO provisions of the FTA grant contract.
2. Reviews the EEO discrimination complaint process, ensuring that complaints are handled in accordance with this Program and general EEO guidelines.
3. Directs the performance of internal evaluations to determine progress in meeting goals, problem areas, and effectiveness of employment practices in ensuring equal employment opportunity.
4. Disseminates directives to management and staff, as necessary, to ensure compliance with the EEO Program.

Regional Human Resources Director

1. Serves as the official liaison between the company, Federal, State and local governments, regulatory agencies, minority, disabled and women groups, and other community groups.
2. Responds to and coordinates company response to complaints from any individual or group that is received through the "Transdev Ethics & Compliance Hotline" (1-866-850-3033).
3. Is the next level resource for response if a complaint is directed at the on-site Human Resources Department at the Napa Project, and for appeal of local decisions involving equal employment opportunity claims.

Human Resources Generalist

1. Provides for an uninhibited avenue for applicants and employees to file complaints or raise questions regarding discrimination because of race, religion, gender, national origin, ancestry, veteran's status, marital status, age, disability or sexual orientation. Ensures that the discrimination complaint process is followed and, as necessary, explains external appeal rights to the complainant, and conducts follow-up reviews to determine if required corrective actions have been taken.
2. Developing and recommending, with the support of Transdev's Corporate Human Resources, EEO Policy, a written EEO program for Transdev employees at the Napa Area and internal and external communication procedures.
3. Assisting management in collecting analyzing employment data, identifying problem areas, setting goals and timetables and developing programs to achieve goals.
4. Designing, implementing and monitoring internal audit and reporting systems to measure program effectiveness and to determine where progress has been made and where further action is needed.
5. Reporting at least semiannually to the GM on each department's progress in relation to the agency's goals and on contractor and vendor compliance.
6. Serving as a liaison between the company, Federal, State and local governments, regulatory agencies, minority, disabled and women groups, and other community groups.
7. Assuring that current legal information affecting affirmative action is disseminated to responsible organizations, and other community groups.
8. Assisting in recruiting minority, disabled and women applicants and establishing outreach sources for use by hiring officials.
9. Concurring in all hires and promotions.
10. Supporting career counseling for all employees
11. Processing employment discrimination complaints
12. Investigates, either in response to a complaint, or at the direction of the General Manager, or at her own discretion, any personnel action affecting

employees or applicants for employment to ensure compliance with EEO guidelines and this program. The Human Resources Manager shall have the right to inspect any personnel files, departmental records, or other records as needed in conducting an investigation or monitoring personnel practices.

- 13.If a complaint is directed toward Human Resources at the agency, any individual or group will be referred to the Regional Director of Human Resources (Mickey Sidhu, 630-943-9432), or Transdev's Transportation Ethics & Compliance Hotline at 1-866-850-3033, also available online from our website at www.Transdev.com.
- 14.Serves as the Equal Employment Opportunity Officer and official liaison between Transdev, its funding client, and any government and/or regulatory agencies on matters concerning equal employment opportunity.
- 15.Disseminates information relative to the EEO program to management and staff. Provides technical assistance, information, and explanation of policies and procedures to supervisory personnel to assist them in resolving and avoiding complaints.
- 16.Disseminates information to any necessary external sources including but not limited to media publications, groups and the internet.
- 17.Assures that current legal information affecting affirmative action is disseminated to responsible officials.
- 18.Participates in on-going training in order to maintain current information regarding EEO requirements and concerns. Retains membership in related professional organization for the same reasons.
- 19.Named in all internal and external correspondence regarding the EEO Plan.

To ensure the achievement of the above, the Human Resource Manager/EEO Officer will demonstrate the following:

1. Sensitive to, and with an awareness of, the varied ways in which discrimination occurs.
2. Has a total commitment to EEO program goals and objectives
3. Knowledge of civil rights precepts, policies rules, regulations and guidelines.
4. Sufficient authority and ability to work and communicate with others to achieve EEO goals and objectives.

All Supervisors, Managers and Executives

1. Assist in identifying problem areas and establishing company and department goals and objectives.
2. Actively involved with local minority organizations, women's and disabled groups, community action organizations and community service programs.
3. Participates actively in periodic audits of all aspects of employment in order to identify and to remove barriers obstructing the achievement of specified goals and objectives.
4. Holds regular discussions with other managers, supervisors, and employees to assure the company's policies and procedures are being followed
5. Reviews the qualifications of all employees to assure that minorities, people with disabilities, and women are given full opportunities for transfers, promotions, training, salary increases, and other forms of compensation.
6. Participates in the review and/or investigation of complaints alleging discrimination.
7. Conducts and supports career counseling for all employees; and
8. Participates in periodic audits to ensure that the work unit is in compliance. For example, EEO posters are properly displayed on official company bulletin boards.
9. Participates in periodic audits of all aspects of employment in order to identify and to remove barriers obstructing the achievement of specified goals and objectives.
10. Provides monthly employment data information regarding their department.
11. In conjunction with the EEO Officer, maintain and updating the personnel database for generating reports required for the nondiscrimination program.

Job Policies and Practices

1. All written personnel policies apply to every employee on an equal basis regardless of the gender of the employee.
2. All employees have equal opportunity for any job for which they are qualified. Gender is not considered a bona fide occupational qualification for any job within the organization.
3. No distinction is made between the sexes with regard to opportunity, wages, hours, benefits, or other conditions of employment.
4. There is no distinction between the employment treatment and termination of a male or female based on marital status. Also, Transdev does not deny employment to females with children, nor does it terminate employees of one gender in a particular job classification upon reaching a certain age.
5. Transdev provides appropriate and comparable physical facilities for both male and female employees.
6. Transdev follows federal guidelines relative to employment; recognizing the existence of state "protective" laws.
7. No difference is made between males and females as to retirement age for any particular job.
8. Seniority lines and lists in the organization are not based upon gender.
9. No distinctions are based upon gender for those employees eligible for training.

Protected Characteristics

Transdev has examined its policies and practices in light of any defined protected characteristic. Company policies, practices and procedures support the letter and spirit of the guidelines. Specifically:

1. Recruiting activities are conducted without regard to any protected characteristic.
2. As noted in the EEO policy statement, it is our policy to prohibit discrimination against applicants or employees based on any protected characteristic.
3. All employees have an equal opportunity to any job for which they are qualified. No protected characteristic is considered as part of the selection process. No information relative to any protected characteristic of any applicant or employee is solicited by the hiring manager.

4. No distinction is made based upon any protected characteristic with regard to employment opportunities, wages, hours or other conditions of work.
5. Seniority lines or lists are not based upon any protected characteristic.
6. Company training programs are conducted without regard to any protected characteristic.
7. Transdev will attempt to accommodate religious observances and practices of any employee or prospective employee unless this would cause undue business hardship.

EMPLOYMENT UTILIZATION ANALYSIS

INTRODUCTION

Transdev's utilization analysis is comprised of four parts. The Organizational Profile is a description of the workforce as offered by an EEO1 Report which is based on employment as of January 2022. The Job Group Analysis describes the composition and relationship of persons currently employed at Napa by Transdev. The Availability analysis provides a statistical profile of the Napa metropolitan area's Civilian Labor Force from which Transdev recruits its employees. The final element is a comparison of the current workforce profile compared with the availability of minorities and women in the area's labor market.

The purpose of a utilization analysis is to identify those job categories where there is an underutilization and/or concentration of minorities and women in relation to their availability in the relevant labor market. The utilization analysis is also used to set placement goals for groups that experienced underutilization. Transdev's utilization analysis complies with the FTA guidelines set forth in Circular 4704.1a to identify employees by sex and, race:

- White (not Hispanic or Latino)
- Black or African American (not Hispanic or Latino)
- Hispanic or Latino
- Native Hawaiian and Other Pacific Islander (not Hispanic or Latino)
- Asian
- Native American or American Indian
- Two or more Races
- Female
- Male

AVAILABILITY ANALYSIS

Based on data from the 2014-2018 Census EEO Tabulation for the Napa Metropolitan Area, the local labor market was reviewed for data comparisons by minority and sex in the following numbers and percentages. The percentage of available minorities or women within a specific category varies depending upon the category of jobs being recruited.

Pursuant to applicable regulations, the availability analysis for each job group examines two potential areas of availability: (1) individual with the requisite skills outside the establishment (external availability); and (2) those within the establishment who are promotable, transferable, and/or trainable (internal availability).

Labor market estimates are derived from the U.S. Census Bureau's 2014-2018, EEO-4 Job Categories by Sex and Race/Ethnicity as recommended by the FTA Civil Rights Office. This information on general and detailed categories from the civilian labor market reflects the availability of persons in the labor market with the requisite skills for specific occupational categories. This usefulness of this data is limited by the fact that category definitions are not exactly matched with positions within the Transdev workforce but are the most accurate available and provide general information about the labor market. Transdev regularly recruits from the Napa MSA, with limited exceptions subject to the knowledge, skills and experience required.

The EEO-4 categories for which Transdev has employees are: First and Mid-Level Managers, Professionals, Administrative Support Workers, Skilled Craft and Service/Maintenance.

UTILIZATION ANALYSIS – 2022

Transdev completed its Utilization Analysis with the use of the FTA Civil Rights Office's Utilization Chart. Transdev's representation of females and minorities continues to exceed the percentage of those in the available labor market in most of the job categories for which it has employees. As determined by the FTA's new methodology included in Circular 4704.1a, the Napa workforce shows following underutilizations:

Officials/Administrators – White: Female (1)
Administrative Workers – White: Females (3)
Services & Maintenance – Males: Hispanic (4),
Females: White (6), Hispanic (8), Asian (2)

These identified shortfalls are explained in the Goals section of the Plan

GOALS AND TIMETABLES

Transdev recognizes that goals and timetables can be an effective management tool to assist in the optimum utilization of human resources. Specific and detailed percentages and numerical goals with timetables will be set to correct any underutilization of specific classes of persons identified in the utilization.

The overall goal of Transdev is to employ minorities and females in all major job categories, and at all levels whenever possible, consistent with the percentage of minority and female population in the Napa MSA. This has been a trademark at Transdev demonstrated with its history of limited, if any, areas of minority or female underutilization representation found in its hiring and employment practices. This is reflected in a workforce with minority and female representation which has consistently exceeded the total available workforce. With the new methodology defined in Circular 4704.1a, Transdev has and will continue to engage in additional effort and resources in an effort to meet the new goals identified in the Utilization Analysis Chart. To be clear, these new goals are not the result of any change in Transdev's recruitment methods or employment practices. Nor are they the result of any reduction of females or minorities in Transdev's workforce. These new goals arise from the transition from EEO-1 job categories to EEO-4 job categories and the individualized minority groups created in Circular 4704.1a. Regardless of which categories are used or racial identification, Transdev remains committed to its history of Equal Employment to continue to attract and maintain a quality and diverse workforce.

In the development of placement goals, Transdev applied the following principles:

1. When the percentage of minorities or women employed in a particular job was less than would reasonably be expected given their availability percentage in that job group, Transdev established a percentage placement goal using statistically significant methods (the whole person rule). These goals take into account the availability of qualified persons in the local labor market and the anticipated employment opportunities with Transdev.
2. Placement goals are not quotas that must be met, nor are they to be considered as either a ceiling or a floor for the employment of particular groups. The placement goals are guideposts that may be used as a measure of Transdev's progress in remedying areas identified as underutilized.

3. In all employment decisions, Transdev makes selections in a nondiscriminatory manner. Placement goals do not provide a justification to extend a preference to any individual, select an individual, or adversely affect an individual's employment status, on the basis of any applicant's protected characteristic as defined by applicable unit of government.
4. Placement goals do not create set-asides for specific groups, nor are they intended to achieve proportional representation or equal results.
5. Placement goals are not used to supersede merit selection principles, nor do these placement goals require Transdev to hire a person who lacks the qualifications to perform the job successfully or hire a less-qualified person in preference to a more-qualified one.

Transdev believes that continued outreach and recruitment efforts designed to increase the diversity of qualified applicants increase the opportunities to meet the placement goals identified. These and other good faith efforts toward all aspects of the EEO Plan will be reviewed, and modified if needed, as Transdev pursues these goals.

The Utilization analysis conducted earlier in the Plan identified several areas where a shortfall of specific demographics might exist. In the following pages, each of these areas will be addressed and in some instances a Goal will be established while in others no specific action is forecasted.

Administrative Support goal

In prior years this category had appropriate male and female representation and the current numbers reflect the new measure techniques included in the new Circular. If any effort to increase female representation is made, it will be focused on increasing the representation of white, females, however, there are limited expectations to create programs to increase female representation in any demographic group. The current employment numbers have pushed employers into a race to secure any candidate, it is Transdev's expectation to contact any applicant within 24 hours to schedule an appointment for an interview. Failure to participate in this immediate hiring has shown that the candidate will move onward toward other employers who are equally in pursuit of talent. This focus has impacted the value of participation in many of the traditional recruitment tools such as open houses and job fairs that might target specific demographics. Transdev is exploring economically

viable niche marketing of openings but has not found a vehicle that has shown results that boost applications these positions.

While there is a considerable underrepresentation of white females (3), Transdev has an overrepresentation of females employed in this category, with the overrepresentation focused in the minority groups. While not measured in this format in the prior EEO Plan, Transdev's employment records identify this is a sustained employment pattern. Without lessening its efforts to attract and retain qualified females, of any racial group, in this job category, this goal is considered to be modest concern due to the historical female overrepresentation.

Therefore, while respectful of the goals for statistical balance, it is not thought politically likely or compliant with other standards to make a significant recruitment effort to hire white females which could realistically only be achieved at the expense of minority females or any protected class. To do so would likely invite claims of racial discrimination with state or federal compliance agencies and be contrary to the Transdev's historical advocacy for minority hiring.

Regardless of future compliance or political issues, whenever an underrepresentation has been identified, Transdev has a strong record of setting, and the achieving goals. Transdev will continue its expansive recruitment efforts and will strive to meet every goal for female and minority hiring in the future.

Transdev will also maintain its participation in recruitment for former members of the military and for individuals with disabilities. Prior efforts in the past 3 years have been made to expand Transdev's on-line recruiting, interaction with agencies representing individuals with disabilities and military members who are in transition to the civilian workforce. In person outreach, i.e. boot-on-the-ground outreach will also maximized for any areas of underrepresentation. All assumptions and goals will be reviewed and revised as needed. Transdev has and will continue to actively pursue agencies that work specifically with disadvantaged groups to provide job/career information.

Service and Maintenance Workers

The Utilization Chart identifies several areas of under representation in this category. A closer analysis shows that Transdev's efforts for a diverse workforce which includes an overrepresentation of minority males of (57.1%) may have contributed to specific areas of underrepresentation for Hispanic males (4).

Transdev's female representation is slightly less (30%) than the percentage of females in the available in the labor market (55%). This is evidenced in an underrepresentation of white females (6), Hispanic females (8) and Asian females (2). As experienced elsewhere, Transdev's diversity may be partially responsible as (7) Black females are employed whereas the labor market availability is surprisingly 1%. Again, this demonstrates a commitment to diversity and employment of minorities, just not in the specific categorical alignment. Transdev will continue to strive toward statistical balance in its recruiting and employment practices.

There are also two mitigating factors which will affect the progress in reducing the areas of underrepresentation in this category. First is the turnover in this position, which is high and is likely to remain at or near 50%. The second is the continued decline of available CDL qualified employees and the continued increase of CDL and other driving position in the Gig and Home delivery economies is unlikely to change. Recent analysis from Career Builder identified over 450,000 CDL openings nationwide, with only 170,000 candidates. This reduction in the number of available candidates with CDL's at the time of their application is equally applicable in the Napa area as Transdev has modified its hiring practices to allow for a conditional offer of employment and in-house CDL training for trainees to pursue the completion of CDL testing. This modification may also benefit minority applicants who could not attain a CDL on their own and could not afford the schooling. In short, Transdev will pursue the goal to increase Hispanic hires, of either gender, the current recruitment process already includes an expansive network to attract candidates regardless of any demographic.

Regardless of future compliance or political issues, whenever an underrepresentation has been identified, Transdev has a strong record of setting, and the achieving goals. This success was the result of analysis of position vacancies and estimated turnover, along with any new positions authorized for the period of this Plan. This forecasting process is only an estimate, but the evidence is in the elimination of every goal established in any prior Plan. Said differently, Transdev has met every goal for female and minority hiring and is expected to continue such efforts and outreach in the future.

Transdev's expanded recruiting outreach will continue to focus on improving female and minority representation in each category for each of the next three years. Transdev will continue to expand its participation in recruitment for former members of the military and for individuals with disabilities. Continued efforts will be made to expand "boots on the ground" campaigns in addition to Transdev's on-line recruiting, interaction with agencies representing individuals with disabilities and military members who are in

transition to the civilian workforce. All assumptions and goals will be reviewed and revised as needed.

Transdev has developed liaisons with local businesses to increase awareness of career opportunities. Local organizations include the educational institutions employment assistance centers, California Department of Employment and Housing, Hire-a-Hero.com, DOD military Job Fairs, Vocational Rehabilitation Centers, Goodwill, and certain public media resources are notified of all position openings as they occur. Transdev has and will continue to actively pursue agencies that work specifically with disadvantaged groups to provide job/career information.

Assessment of Prior EEO Plan Goals

In the development of this plan, prior EEO Plans from 2009, 2012, 2015, and 2018 developed and managed by Transdev for its Napa workforce were reviewed. Historically, Transdev's workforce representation equaled or exceeded the representation of minority and females in all categories. In consideration of these achievement there were no goals developed for any category.

This prior and sustained record was achieved by the application of multiple recruitment activities and non-discriminatory employment practices. As a result of these outcomes there was limited, if any, need to develop specific outreach or external "boots-on-the ground" campaigns for either females or minorities. This had equal impact on Transdev's interaction with its client (FTA grantee) as the purpose of reviewing progress toward goals seemed of little value when no goals were needed. Moving forward Transdev will strive for compliance with Circular 4704.1a and document whatever areas of underrepresentation are targeted for remediation.

ASSESSMENT OF PRESENT EMPLOYMENT PRACTICES

The very nature of transportation requires Transdev to recruit personnel with varying levels of skill and ability. Recruitment of positions is done on a local, state and/or national basis, depending on the position.

Recruitment and Selection Process

Transdev actively seeks minorities and women for existing and future employment. A variety of recruitment sources are utilized to include, but not limited to:

- California Employment Development Department
- Local Educational institutions employment assistance centers
- Public media resources
- Online military transition services
- Transdev also participates in job fairs in the community in addition to notifying minority/female agencies of job openings.
- Transdev's Website, in person outreach and technical outreach to minority, female, social service, military and disability agencies via Direct Employer. The website includes alternatives to the online application process for individuals with disabilities.

Department directors notify the Human Resources Department of any opening which occurs within their department. All openings are posted on Transdev's own website, www.transdevna.com, and additional recruitment resources which vary based on the position and availability. The majority of open positions are posted in-house in concurrence with outside recruitment. This encourages the company's philosophy to promote and recruit from within the organization.

Position openings may be advertised in local publications, news media resources, local social service agencies, training organizations, and websites designed for compliance and outreach, e.g. the CalJobs offices. Transdev utilizes Direct Employer, an online service which provides a single, one-stop access point to post jobs to thousands of job boards to improve our diversity focused candidate groups including college/university, including those with predominantly minority and/or female enrollment, veterans, diversity, and affirmative action locations. Job openings are posted for at least five business days, longer if necessary, depending on the position. Employment inquiries from interested parties are also forwarded to Human Resources from Transdev's customer service. Additionally, Transdev has undertaken, and plans to continue as available, special employment programs that involve

minorities and females. For example, summer jobs for underprivileged youths and a college internship program.

Depending on the position, an advertisement will be placed in the local newspaper, Career Builder, Indeed, Transit Times website and/or the APTA trade journal "Passenger Transport". While the position is open, individuals may apply online at our website. Individuals who express interest by other means, e.g. e-mailed to our office or on-site interest are directed to our website. At the completion of the application period, the profile of each applicant is reviewed and screened for appropriate qualifications.

Those applicants most appropriately qualified are scheduled for screening interviews with a member of Human Resource or the Safety Department. During the initial interview, applicants are given specific information regarding the position for which they applied. If there are any questions regarding their application and/or resume they are asked in the initial interview. For administrative positions, individuals are selected on the basis of their application, interview and reference checks. For those positions which require the operation of a company vehicle, a moving violation report is requested to review the applicant's driving record.

Screening interviews result in qualified candidates being scheduled for a second interview with the department manager, supervisor and/or director. These individuals select the most suitable individual(s) for the position.

Upon an offer of conditional employment, the applicant will then need to authorize and successfully complete a thorough background investigation which includes a pre-employment physical, drug screen, conviction record background check and reference verifications. Certain positions which require a commercial driver's license must satisfy the Department of Transportation's physical regulations, drug screens, MVR and reference checks.

Drug screens must be negative. If the drug screen result is positive, the applicant may only reapply after presenting documentation of an FTA recognized rehabilitation program.

The Employment Practices Chart suggests that potential adverse impact is available for the Administrative, Skilled Craft, and Service & Maintenance category for both Males and Female White, Black, Hispanic, and Asian. In the These categories on the Chart have minor potential adverse impact in large part due to the limited numbers involved. There is no obvious disparity that shows any demographic discrimination or favoritism in these categories, which is consistent with Transdev's overall diversity in Napa. More complete information is available in the Employment Practices Chart.

Promotions

Transdev encourages all employees to seek upward mobility, with opportunities at their existing location or at any of Transdev's operations in the USA or abroad. With the posting of virtually all positions on the website, and communication of same to all employees by postings and verbal communication, Transdev ensures that employees have full knowledge of lateral or upward mobility. In instances where progression through an existing Transdev job family will provide the most qualified candidate, certain positions will not be posted. Access to such opportunities is available through the traditional application via Transdev's website along with portal on Transdev's Intranet that is accessible only to existing employees when such qualifications merit. This process assures opportunity for employees while serving the interest of the agency by comparison of internal and external talent.

More complete information is available in the Employment Practices Chart. No evidence of discrimination is suggested by the Chart.

Compensation Administration

All positions are classified according to similarities of responsibilities and qualifications. The purpose of this classification is to cluster similar positions in order to achieve equity within the position and pay equity in regard to wage structure.

In order to maintain a complete, accurate and equitable system, managers are requested to review and/or complete a position description survey as a position changes or departments are reorganized. Reclassification of a position may result if it is determined that changes in the job content are of such significance that a change in position class is warranted.

If an employee feels that the duties and responsibilities presently being performed are not accurately or completely described by the present position classification, this opinion should be brought to the attention of his/her supervisor. The employee may be requested to complete a new position description questionnaire, which will be reviewed and approved by his/her supervisor and department director. If the department director after reviewing the revised position description questionnaire believes that an evaluation of the position is warranted the department director notifies the Regional Director Human Resources, who will convene a Job Evaluation meeting with the appropriate persons.

If an employee feels that an evaluation of his/her position was unjustly denied by the department director, the employee may request a hearing with the Human Resources Coordinator and/or General Manager.

There is generally one type of pay increment that may be authorized for Transdev administrative personnel, and that is a merit increase based on individual performance as detailed on their performance review. A merit increase in recognition of successful performance of an employee is not automatically granted. Merit increments are awarded by the employee's appropriate functional manager or general manager.

Transdev maintains a compensation administration program, which provides for recognition of, and regard to, differences in individual ability and performance. The fact that an employee has continued to be employed by Transdev is not by itself justification for a salary adjustment. Performance is the key factor, not length of service. The salary and performance of each employee is reviewed at regular intervals. Adjustments are based on individual merit, proper differential with those supervised and equitable relationships with all other salaries within the system. Merit increase vary and are based upon economic conditions.

Employee Benefits

The benefits available to all regular Transdev employees will vary depending upon position and potential of any negotiated union agreements. Benefits include health insurance, dental insurance, term life insurance, disability programs, paid holidays and sick days, vacation, EAP and a retirement plan.

All benefits are made available on a non-discriminatory basis shortly after their date of hire. Changes in group-based coverage are available to each during Annual Enrollment which occurs in the fall of each year.

Training

The Safety and Training department coordinates internal and external training programs for Transdev employees. This area will also disseminate information on training activities to department heads for the employees under their supervision.

Transit Operators initially participate in Transdev's Operator Development Program which was developed by Transdev staff to ensure consistent training is presented to all new hires. After hire, all employees participate in refresher

courses on safe operation of their duties, disability sensitivity training and other compliance programs as required by the DOT or Transdev policy.

Managers, Professional and certain Administrative staff participate in the above training with Operators, with additional development programs to include but not limited to Communications, Conflict Resolution, Documentation and Progressive Discipline. Compliance training such as Unlawful Harassment Prevention, DOT Reasonable Suspicion, ADA, EEO and are also presented to leaders on a scheduled basis.

Disciplinary Practices

Employees hired to fill a permanent full-time position serve a probationary period of six (6) months. The probationary period is a span of time during which an employee is evaluated by his or her supervisor on their performance of duties in their position. Those qualities, which comprise the overall makeup of the employee, include such things as competence, safety performance, attendance, reliability, customer service, trustworthiness, etc. If problems begin to occur, the department director and human resources will counsel the employee.

If at any time during the probationary period an employee is performing in an unsatisfactory manner, has been counseled on these deficiencies and given the opportunity to correct them, yet does not improve, the employee will be released without recourse. The reasons for separation will be submitted to the appropriate manager and will be placed in the employee's personnel file.

If the employee completes probation and becomes a regular member of the Transdev workforce and begins to perform in an unsatisfactory manner, he/she will be called in by the supervisor to discuss the job performance. A Performance Improvement Plan will be completed, signed by the supervisor and the employee and placed in the personnel file. The employee is given a specific period of time to improve his/her performance. If, at the end of this time no improvement is detected, the employee is dismissed. If an employee disagrees with the termination he/she may appeal through the human resources director and/or general manager.

Hourly employee's disciplinary and termination procedures are outlined in the Employee Handbook and work rules. These two documents describe the disciplinary actions to be taken when dealing with administrative leaves, suspension, loss of pay, verbal and written reprimands and terminations.

More complete information is available in the Employment Practices Chart. The overall terminations in the Chart suggest potential adverse impact for

Black employees, but overall there is not a significant indication of discrimination. Transdev continues to hire Black employees in numbers greater than their proportionate representation, dispelling any animus or discrimination based on race. The Chart also shows modest potential for disparate impact, in large part due to the limited number of events. The disciplinary events for suspensions indicated virtually all categories are subject to disparate impact, an outcome seemingly contrary with the term.

Shift and Worksite Assignment

Practices in this area vary with different categories of employment, and by department. General offices are open from 8:00 a.m. to 5:00 p.m., Monday through Friday. Administrative employees work varying schedules with hours of work aligned with hours of service. Certain work schedules may be assigned or chosen on the basis of seniority.

Layoff and Recall

Any decision for layoff for employees not covered by a labor agreement would include a review of the competencies demanded of each position and the reviewed competencies of each individual. Once the organizational needs have been determined, these competencies will be considered to identify employees for any reduction in force.

INTERNAL MONITORING AND EVALUATION OF THE EEO PROGRAM

The EEO Officer has the responsibility for developing and preparing the formal documents of the AAP. The EEO Officer is responsible for the effective implementation of the EEO Plan; however, responsibility is likewise vested with each department manager and supervisor. Transdev's audit and reporting system is designed to:

- Measure the effectiveness of the AAP/EEO program.
- Document personnel activities.
- Identify problem areas where remedial action is needed.
- Determine the degree to which Transdev AAP goals and objectives have been obtained.

The following personnel activities are reviewed to ensure non-discrimination and equal employment opportunity for all individuals without regard to their gender, race, sex, religion, color, creed, age, national origin, ancestry, marital status, citizenship status, veteran status, disability, sexual orientation or any other factor prohibited by applicable federal, state or local law:

- Recruitment, advertising, and job application procedures.
- Hiring, promotion, transfers, upgrading, award of tenure, layoff, recall from layoff.
- Rates of pay and any other forms of compensation including fringe benefits.
- Job assignments, job classifications, job descriptions, and seniority lists.
- Sick leave, leaves of absence, or any other leave.
- Training, apprenticeships, attendance at professional meetings and conferences.
- Disciplinary actions, terminations, suspensions, and demotions.
- EEO complaints.
- Any other term, condition, or privilege of employment.

The following documents are maintained as a component of Transdev's internal audit process:

1. An applicant flow log showing the date of application, position applied for, applicants name, referral source/ race, sex, veteran status/ interview status and action taken for all individuals applying for job opportunities is tracked within Transdev's ATS system (iCIMS);
1. Summary data of external job offers and hires, promotions, resignations, terminations, and layoffs by job group and by sex and minority group identification;

2. Summary data of applicant flow by identifying, at least, total applicants, total minority applicants, and total female applicants for each job group;
3. Maintenance of employment applications (not to exceed one year); and
4. Records pertaining to Transdev's compensation system (maintained by payroll department).
5. As maintained by the Corporate Applicant Tracking System (ATS), applicant flow information is collected and reported. Transdev uses the iCIMS ATS.

Methods to monitor the EEO components in this section

Transdev's audit system includes periodic reports which document Transdev's efforts to achieve EEO responsibilities. Department Managers and Supervisors are asked to report any current or foreseeable EEO problems and are asked to outline their suggestions or recommendations for solutions. If problems arise, the Department Manager is to report such concerns to the EEO Office. During the reporting period, the following will occur on an annual basis.

1. The EEO Officer will discuss any problems relating to significant rejections, EEO charges, etc. with the General Manager; and
2. The EEO Officer will report the status of Transdev's AAP goals and objectives to the General Manager. The EEO Officer will recommend remedial actions for the effective implementation of the EEO Plan.
3. Analysis of dissemination methods to ensure that applicants and employees are aware of the Plan. In the event applicants are insufficient or on limited diversity, the EEO Officer will review with the Regional HR Director, Transdev's Corporate Talent Acquisition department or other resources in an effort to improve the quality and/or quantity.
4. The EEO Officer will review the Utilization Analysis outcomes to identify if the position is identified as an area of underrepresentation, what, if any, special recruitment efforts may be utilized.
5. If any goals are established for addressing any underrepresentation, the EEO Office will assess if the recruiting and selection procedures in effect

are effective in achievement of the goal. If progress is not sufficient to meet the established goal(s), the EEO Officer, in conjunction with the Regional HR Director will identify the barriers that might exist in meeting the established goals.

The EEO Officer will meet on at least an annual basis with the General Manager, and any recommended top management, to review the effectiveness of the Plan and submit recommendations, as necessary, regarding changes or improvements. The EEO Office is empowered to then develop and implement any changes to practice or policy needed within the Company to more effectively address/implement the goals, guidelines, and commitments set forth in the Plan.

Procedures for review of Sub-recipients and contractors

Procedures for review of union contracts

The labor agreements negotiated between the Teamsters and Transdev include bona fide seniority systems and specific language that nothing contained in the contracts will be in violation of any federal, state or local employment rules or regulations. Transdev's HR, Legal and Labor department's review each contract prior to any contract renewals, which typically occur every 3 years to further ensure that the labor contract does not produce any discriminatory impact.

Procedures for Complaints

The EEO Officer is responsible for managing the EEO compliance functions for Transdev's Napa location. Transdev Services, Inc. has developed and implemented policies and procedures for addressing complaints of discrimination:

- Transdev Unlawful Harassment Policy
- Equal Employment Policy
- Transdev Business Code of Conduct Policy
- Due Process Policy

Additionally, internal information on discrimination complaints received by Transdev's maintained by the Regional Director Human Resources. All applications are initially made online and demographic information is monitored via an on-line Applicant Tracking System. The information is periodically reviewed for departmental trends and to identify any problem

areas of need. The information is provided to the General Manager for consideration.

Turnover activity by race and gender has been tracked and is available for analysis as needed. All the systems serve as means to self-audit and monitor Transdev's performance and progress in meeting its EEO goals and objectives. They also serve to identify problem areas and develop customized solutions/responses to areas of need.

Discrimination Complaints Filed

Since the filing of the prior in 2019 -2021, Transdev has received only two complaints from any state or federal compliance agencies regarding its employment practices. Each of the complaints was dismissed. More information is available on the EEO Complaint Log



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Revised Policies, Practices, and Procedures Manual: Personnel

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve eight additional hours of personal leave to NVTA Personnel Policies Manual: Personnel (Attachment 1) in lieu of adding the new Juneteenth federal holiday.

EXECUTIVE SUMMARY

On June 18, 2021, President Biden officially proclaimed June 19, 2021, as Juneteenth Day of Observance, and signed the Juneteenth National Independence Day Act into law. In lieu of adding another federal holiday to the personnel policies list of observed holidays, staff is requesting the equivalent of eight hours of paid personal leave. This proposal acknowledges that Vine public transit services provide regular and or abridged services on many federal holidays and some or all agency staff must work on these days. This is standard practice for public transit providers. The policy would be effective immediately upon Board approval.

FISCAL IMPACT

Eight hours of paid time off will be added to an employee's personal leave balance. The leave is not compensatory if it is unused by the end of the calendar year.



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Laura Sanderlin – Board Secretary
(707) 259-8633 / Email: lsanderlin@nvta.ca.gov
SUBJECT: Revised Policies, Practices, and Procedures Manual: Personnel

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve eight additional hours of personal leave to NVTA Personnel Policies Manual: Personnel (Attachment 1) in lieu of adding the new Juneteenth federal holiday.

COMMITTEE RECOMMENDATION

None

BACKGROUND

President Biden signed S. 475 into law on June 18, 2021 making Juneteenth a federal holiday. Staff is requesting no changes to the list of federally recognized holidays observed by the Agency, but instead provide eight (8) additional personal leave hours each calendar year. Personal leave has no cash value and must be used during the calendar year in which is it received or it is forfeited after December 31 each year. Providing additional leave time in lieu of closing the agency on Juneteenth recognizes that the agency provides public transit services which frequently operates on federal holidays and many employees must be available to work on those days. This is standard practice for public transit providers.

A modification of NVTA Personnel Policy Manual is proposed to align it with the other benefits offered by NVTA. The proposed policy would go into effective on the day of Board approval. The revision to the Personnel Policies and Procedure Manual makes the following changes:

1. Section 7.1.3 Personal Leave

Increases the annual personal leave from 48 hours to 56 hours.

ALTERNATIVES

The Board could deny the staff request and the agency could keep the current policies intact. Member jurisdictions have already provided additional time off to employees to honor the Juneteenth holiday.

STRATEGIC GOALS MET BY THIS PROPOSAL

Not applicable.

ATTACHMENT

- (1) Personnel Policy (clean version)
- (2) Personnel Policy (redlined version)

NVTA
POLICIES, PRACTICES AND PROCEDURES MANUAL

PERSONNEL

CHAPTER 1 INTRODUCTION	7
Section 1.1. Overview of Personnel Policies	7
1.1.1 Statement of Policy	7
1.1.2 Construction and Limitations.....	7
1.1.3 Implementation of the Policies	7
CHAPTER 2 EMPLOYMENT STATUS	8
Section 2.1. Definitions	8
Section 2.2. Hiring Process	10
2.2.1 Statement of Policy	10
2.2.2 Personnel Request	10
2.2.3 Employee Selection	10
2.2.4 Placing Employee on the Payroll	11
Section 2.3. New Employee Orientation	12
2.3.1 Statement of Policy	12
2.3.2 Content of Orientation.....	12
Section 2.4. Probationary Period	13
2.4.1 Statement of Policy	13
2.4.2 Duration of Probationary Period.....	13
2.4.3 Termination of Probationary Period	13
2.4.4 Rejection of Probationer Following Promotion	13
2.4.5 Effect of Leaves of Absence on Probationary Period.....	13
Section 2.5. Job Classification	13
Section 2.6. Job Descriptions	14
Section 2.7. Assignment and Transfer.....	14
2.7.1 Statement of Policy	14
2.7.2 Temporary Assignments	14
Section 2.8. Promotion	14
2.8.1 Statement of Policy	14
2.8.2 Application Procedure.....	15
2.8.3 Criteria for Selection	15
2.8.4 Probationary Period	15
2.8.5 Procedure When Employee Does Not Pass Probation	15
Section 2.9. Anti-Nepotism Policy and Non-Fraternization Policy.....	16
2.9.1 Statement of Policy	16
2.9.2 Relatives, Spouses or Domestic Partners in Same Department, Work Area or Facility	16
2.9.3 Application of the Policy.....	16
Section 2.10. Performance Evaluation.....	17
Section 2.11. Resignation.....	18

Section 2.12. Layoff	18
2.12.1 Statement of Policy	18
2.12.2 Layoff Order	19
2.12.3 Notice.....	19
2.12.4 Reinstatement from Layoff.....	19
2.12.5 Benefits.....	19
Section 2.13. Personnel Files	19
2.13.1 Statement of Policy	19
2.13.2 Employee Responsibility to Ensure Accuracy of Personnel Records	19
2.13.3 Duty to Provide Accurate Information	20
2.13.4 Access to Personnel Files.....	20
CHAPTER 3 HOURS OF WORK AND COMPENSATION	21
Section 3.1. Work Schedules.....	21
3.1.1 Work Schedules.....	21
3.1.2 Standard Work Schedule	21
3.1.3 Standard Work Week.....	21
3.1.4 Flex Time	21
Section 3.2. Meal and Rest Breaks.....	21
3.2.1 Meal Breaks	21
3.2.2 Rest Periods	21
3.2.3 Meal and Rest Breaks May Not Be Combined or Postponed	22
Section 3.3. Compensation.....	22
3.3.1 Statement of Policy	22
3.3.2 Wage Rates	22
3.3.3 Pay Schedule.....	23
3.3.4 Payroll Deductions	23
3.3.5 Updating Payroll Information.....	23
Section 3.4. Timekeeping	23
3.4.1 Employees	23
3.4.2 Consequences of Falsifying Time Records.....	24
Section 3.5. Overtime	24
3.5.1 Statement of Policy	24
3.5.2 Exclusion from Policy.....	24
CHAPTER 4 STANDARDS OF CONDUCTS	26
Section 4.1. Equal Employment Opportunity	26
4.1.1 Statement of Policy	26
4.1.2 Employee, Supervisor and Management Responsibilities	26
Section 4.2. Anti-Harassment/Discrimination Policy	26
4.2.1 Statement of Policy	26
4.2.2 Definitions	27
4.2.3 Zero Tolerance	28
4.2.4 Complaint and Investigation Procedure	28
4.2.5 Prohibition on Retaliation	29
4.2.6 Prevention.....	30
Section 4.3. Mutual Respect and Courtesy Rule	30
Section 4.4. Reasonable Accommodation	30

4.4.1	Statement of Policy	30
4.4.2	Conditions Covered By This Policy	30
4.4.3	Examples of Reasonable Accommodation	31
4.4.4	Requests for Reasonable Accommodation.....	31
4.4.5	Medical Information	32
4.4.6	The Interactive Process	32
4.4.7	Miscellaneous Guidelines	33
Section 4.5.	Appearance, Conduct and Hygiene	33
4.5.1	Statement of Policy	33
4.5.2	Guidelines on Appearance, Conduct and Hygiene	33
Section 4.6.	Attendance and Punctuality	34
4.6.1	Statement of Policy	34
4.6.2	Reporting Requirements	34
4.6.3	Discipline	34
Section 4.7.	Secondary Employment.....	35
4.7.1	Statement of Policy	35
4.7.2	Notification and Approval	35
Section 4.8.	Causes for Discipline	35
4.8.1	Statement of Policy	35
4.8.2	Standards of Conduct	36
Section 4.9.	Discipline	37
4.9.1	Statement of Policy	37
4.9.2	Progressive Discipline.....	37
4.9.3	Administrative Leave.....	37
4.9.4	Procedures for Disciplinary Action of a Permanent Employee	38
CHAPTER 5	HEALTH AND SAFETY ON THE JOB.....	40
Section 5.1.	Job Safety	40
5.1.1	Statement of Policy	40
5.1.2	Employee Responsibility	40
5.1.3	Injury Reporting	40
Section 5.2.	Workplace Violence Prevention	40
5.2.1	Statement of Policy	40
5.2.2	Employee Responsibilities	40
5.2.3	Conduct Prohibited By This Policy	40
5.2.4	Reporting Procedure.....	41
5.2.5	Corrective Actions.....	41
Section 5.3.	Alcohol and Drug Free Workplace	42
5.3.1	Statement of Policy	42
5.3.2	Definitions	42
5.3.3	Pre-Employment Drug and Alcohol Screening.....	43
5.3.4	Prohibition on Possession, Use, Sale or Transport of Alcohol or Drugs ..	43
5.3.5	Reasonable Suspicion Testing	44
5.3.6	Search or Inspection of Agency Property for Illegal Drugs or Alcohol.....	44
5.3.7	Disciplinary Action	45
5.3.8	Drug and Alcohol Assistance Programs.....	45
Section 5.4.	Fitness for Duty.....	45

5.4.1	Statement of Policy	45
5.4.2	Employee Responsibility	45
5.4.3	Pre-Employment Medical Examinations	45
5.4.4	Post-Employment Fitness for Duty Examinations	46
5.4.5	Confidentiality of Examination Records	47
Section 5.5.	Driving.....	47
5.5.1	Statement of Policy	47
5.5.2	Driver’s License Requirements	47
5.5.3	Good Driving Record	48
5.5.4	Compliance with Traffic Laws	49
5.5.5	Use of Seatbelts	49
Section 5.6.	Smoking.....	49
CHAPTER 6 EQUIPMENT AND PROPERTY		50
Section 6.1.	Use and Care of Agency Property	50
6.1.1	Statement of Policy	50
6.1.2	Damage or Loss of Agency Equipment.....	50
6.1.3	Key/Access Card Distribution	50
6.1.4	Personal Use of Agency Property	50
6.1.5	Personal Tools or Property	50
6.1.6	Agency Access to Property.....	50
6.1.7	Entry onto Private Property.....	51
6.1.8	Purchasing.....	51
Section 6.2.	Phones, Computers, and Other Electronic Equipment	51
6.2.1	Statement of Policy	51
6.2.2	Phone Usage for Personal Reasons.....	51
6.2.3	Internet Usage	51
6.2.4	Decorum of Communications.....	52
6.2.5	Installation or Duplication of Software.....	52
6.2.6	Discipline	52
Section 6.3.	Agency Vehicles	52
Section 6.4.	Employee Purchase Program	54
6.4.1	Mobile Device	54
CHAPTER 7 TIME OFF AND LEAVES OF ABSENCE		56
Section 7.1.	Holidays	56
7.1.1	Eligible Employees	56
7.1.2	Recognized Holidays	56
7.1.3	Personal Leave.....	56
7.1.4	Board Ordered Holiday	57
7.1.5	Holidays Occurring During Unpaid Leave	57
7.1.6	Working on Holidays	57
Section 7.2.	Vacation.....	57
7.2.1	Purpose	57
7.2.2	Eligibility.....	57
7.2.3	Accrual.....	57
7.2.4	Scheduling.....	60
7.2.5	Termination or Retirement from Agency	60

Section 7.3. Sick Leave	61
7.3.1 Purpose	61
7.3.2 Eligibility	61
7.3.3 Accrual	61
7.3.4 Conversion of Vacation to Sick Leave	61
7.3.6 Employee Notice and Communication	61
Section 7.4. Workers' Compensation Leave	62
7.4.1 Purpose	62
7.4.2 Sick or Vacation Leave Supplementation	62
7.4.3 Accrual of Benefits during Leave	62
Section 7.5. Pregnancy Leave	62
7.5.1 Purpose	62
7.5.2 Covered Employees	62
7.5.3 Leave Rights	63
7.5.4 Pay and Benefits	63
7.5.5 Employee Notice Obligations	63
7.5.6 Medical Certification	63
7.5.7 Other Forms of Pregnancy-Related Disability Accommodation	63
Section 7.6. Family and Medical Care Leave Act	64
7.6.1 Statement of Policy	64
7.6.2 Definitions	64
7.6.3 Family and/or Medical Care Leave	65
7.6.4 Status of Prior Policies	69
Section 7.7. Funeral and Bereavement Leave	69
7.7.1 Purpose	69
7.7.2 Conditions of Leave	69
Section 7.8. Jury Duty and Witness Leave	70
7.8.1 Purpose	70
7.8.2 Jury Duty Leave	70
7.8.3 Witness Duty	70
7.8.4 Overtime Exempt Employees	71
Section 7.9. Military Leave	71
7.9.1 Purpose	71
7.9.2 Leave of Absence	71
7.9.3 Employee Notice Requirements	71
7.9.4 Pay and Benefits While On Leave	71
7.9.5 Reinstatement	72
Section 7.10. Leaves of Absence without Pay—Accrual of Vacation and Sick Leave	72
Section 7.11. Outside Employment	72
CHAPTER 8 BENEFITS	74
Section 8.1. Insurance	74
8.1.1 Purpose	74
8.1.2 Terms of Coverage	74
8.1.3 Eligibility	74
8.1.4 Medical, Dental and Vision Coverage	74
8.1.5 Life Insurance Coverage	75

Section 8.2. Retirement	75
8.2.1 Purpose	75
8.2.2 Plan Overview.....	75
8.2.3 Contributions.....	76
Section 8.3. Education, Membership and Professional Affiliation Fees	76
8.3.1 Purpose	76
8.3.2 Eligibility.....	76
8.3.3 Education Fees.....	76
8.3.4 Membership and Professional Affiliations Fees	77

CHAPTER 1 INTRODUCTION

Section 1.1. Overview of Personnel Policies

1.1.1 Statement of Policy

The following employment policies, procedures and rules for the administration of employer/employee relations will be referred to as these “Personnel Policies and Procedures.” These Personnel Policies and Procedures are for the guidance of the management and supervisory staff and for employees of the Agency and their employee organizations.

1.1.2 Construction and Limitations

The Personnel Policies and Procedures shall be subject to the following limitations, conditions, constructions and interpretations:

- A. The Agency reserves the right to rescind, revise or supplement the Personnel Policies and Procedures at any time and from time to time.
- B. The Personnel Policies and Procedures do not constitute a contract with any employee.
- C. Employees who are appointed and serve “At Will” have the right to terminate employment with NVTa at any time, with or without advance notice and with or without cause. NVTa, as the employer, likewise has the right to terminate the employment of an At Will employee at any time, with or without advance notice and with or without cause. No one in the Agency other than the appointing authority, e.g. either the NVTa Board of Directors or Executive Director, may alter that At Will arrangement, or enter into an agreement for employment for a specified period of time, or make any agreement contrary to this provision. To the extent any Personnel Policies and Procedures set forth in this document are contrary to or inconsistent with the At Will status of an employee, such policies and/or procedures shall not apply to such employee.
- D. These Personnel Policies and Procedures supersede and replace any earlier policies, rules, regulations, handbooks, manuals, guidelines and practices relating to employment with the Agency.
- E. In the event any section or provision of this manual is declared invalid by a court of competent jurisdiction or is contradictory to any federal or state law or regulation, the remaining provisions shall not be invalidated and shall remain in full force and effect.

1.1.3 Implementation of the Policies

The Executive Director is responsible for developing and amending the administrative procedures that provide the steps and guidelines for carrying out the policies contained in this document. Administrative procedures, which could significantly affect employees or financially impact the NVTa, will be referred to the NVTa Board for approval.

CHAPTER 2 EMPLOYMENT STATUS

Section 2.1. Definitions

For the purposes of these rules the following definitions shall apply:

Agency: Napa Valley Transportation Authority

Applicant: A person who has made a formal request on a prescribed form in order to qualify for Agency employment.

Appointment: The offer to a person, and his/her acceptance of a position in accordance with the provision of these rules.

At Will: An employment relationship which either party (employer or employee) has the right to terminate at any time, with or without prior notice and with or without cause. This arrangement is called "employment At Will". An At Will employee serves at the pleasure of the appointing authority (in the case of the Executive Director, the appointing authority is the NVTA Board of Directors; in the case of all other At Will employees, the appointing authority is the Executive Director, unless otherwise appointed by the NVTA Board of Directors). An At Will employee is not afforded probationary or permanent employee status. At Will employment status is defined as follows:

- a. At Will employees include the Executive Director.
- b. Part time limited term, temporary, and special status hires separate from a regular, full-time, or part-time permanent staff member and dependent on specific hiring conditions.

Board: The NVTA Board of Directors Members.

Candidate: Any applicant who has been admitted to an examination.

Compensation: Any salary, wage or other emolument paid to an employee for performing the duties of a position.

Continuous Employment: Employment uninterrupted from the date of appointment, except for authorized absence.

Demotion: A change from a position in one class to a position in a lower class.

Discharge: The termination of employment of an employee for disciplinary purposes.

ED: Executive Director

Eligibility List: A list of names of candidates who have been qualified for a specific job.

Employee: Any person who occupies a position in the Agency service and receives compensation for services performed for the Agency.

Employee Representative: An individual who appears on behalf of the employee.

Examination: A test or group of tests to determine the fitness and relative ability of persons seeking employment or promotion.

Exempt Employee: An employee who is not subject to the overtime provisions of the federal Fair Labor Standards Act.

Grievance: A complaint of an alleged violation of a rule or regulation upon which he/she desires official action to be taken.

Layoff: An actual separation from Agency service, an involuntary permanent reduction in work hours, or a demotion in lieu of layoff.

Leave-of-Absence: Permitted absence from duty for a specified period of time.

Minimum Qualifications: Standards of education and experience, knowledge, skills and abilities, and personal and physical characteristics as are prescribed in the class specifications.

Position: A group of current duties and responsibilities assigned or delegated by competent authority requiring the full-time or part-time employment of one person.

Permanent: The status of an employee who is lawfully retained in his/her position after the completion of the probationary period as provided in these rules.

Probationary: The status of an employee who has been certified and appointed as a probationary employee in accordance to these rules. Probationary status constitutes a trial period of six (6) months full employment and is to be considered part of the selection process. Employees receiving a promotion are also subject to a probationary period of six months. A probationary employee may be separated by the Agency from employment service at any time during the probationary period without right of appeal or hearing. Employees may also be subject to a performance related probationary period if an employee performance is not meeting the job requirements of a position regardless of how long that person has been employed by the agency. The length of the probationary period is at the discretion of the supervisor and/or the executive director.

Promotion: Changing from a position in one class to a vacant position in a higher class with a higher salary range without a break in service.

Re-employment Eligibility Lists: Lists established as a result of laying off probationary or permanent employees.

Regular Position: A budgeted position.

Resignation: Separation of an employee made at the request of the employee.

Salary Merit Increase: An increase in salary within the salary range prescribed for the class, based upon performance during the first six months of employment, unless initially appointed above the minimum step, and annual adjustments thereafter (based on the Performance Evaluation) until attainment of the top step of the salary range.

Separation: Any termination of employment.

State: The State of California.

Status: The condition of an employee's appointment, such as part-time, At Will, or probationary, permanent, or temporary.

Suspension: An enforced leave of absence without pay for disciplinary purposes.

Temporary: "Temporary" is the status of those persons employed for a temporary period (limited term) to perform a specific task, job or assignment. Such employees are not entitled to holiday pay and shall not earn vacation, personal or sick leave. In addition

temporary employees shall not be eligible for salary merit increases nor entitled to participate in the Agency's retirement program. Temporary employees serve At Will.

Termination: Ending the employment of an employee by the agency.

Transfer: A change from one position to another in the same or similar class without any break in service. Such change in classes must have the same salary range and similar qualifications.

Vacancy or Vacant Position: Any unfilled allocated position in the Agency. A position shall be deemed vacant when it is not filled by an employee in the class to which the position has been allocated.

Year: A twelve (12) month period unless otherwise designated.

Section 2.2. Hiring Process

2.2.1 Statement of Policy

This process sets forth procedures to follow when filling position vacancies other than the Executive Director. A vacancy occurs when a job opening will be filled by adding staff or by replacing an employee by either hiring an employee from outside the Agency or by transfer of an existing employee.

2.2.2 Personnel Request

A. Initiation

A request for personnel will be initiated by the Executive Director when a vacancy is to be filled.

2.2.3 Employee Selection

A. Job Vacancy Posted

Job vacancies will be posted on appropriate Agency bulletin board for the purpose of informing existing employees who may wish to submit an application.

B. Advertising

The Executive Director may advertise the job vacancy and, if necessary, list the vacancy with the California Employment Development Department. Temporary and/or part-time openings may be listed with the local colleges, or other appropriate educational institutions.

C. Employment Application

All applicants, internal and external, will be required to complete an employment application for each vacancy applied. Employment applications are available in the Agency's Human Resources office and on the NVTA web page.

D. Screening Applicants

The Human Resources department shall submit appropriate screening criteria and interview questions to the ED for approval. The ED will screen the applications to identify those that meet the criteria.

E. Interviewing

The ED, or his/her designee, and an additional panel of interviewers if appropriate, will interview employees and applicants that have been selected from the screening process. Interviewers not able to fairly assess the applicant due to a personal relationship or other reason will be disqualified from participating on the panel.

F. Documenting the Interview

During or immediately after each interview, each interviewer shall complete the Interview Rating Sheet which is provided to assist in arriving at a final decision. Appropriate numerical values representing the degree of each evaluation factor, based on the interview, job-related experiences or skills, or other pertinent criteria depicting the candidate's qualifications, shall be entered on the Interview Rating Sheet form. The order of qualified candidates shall be from the highest to the lowest total point value.

G. Selection

The decision concerning which candidate to select rests with the ED.

H. Notification.

Once the decision to hire or promote has been approved, it will be the responsibility of the Human Resources department to notify the prospective employee of his/her acceptance (pending any required background check) and the unsuccessful applicants of their rejection.

2.2.4 Placing Employee on the Payroll

A. Duties of the Executive Director or Designee:

1. The prospective employee will be given a conditional offer of employment conditioned upon the successful completion of a background check.
2. A background check may be conducted. If the prospective employee passes this part of the screening process, he or she may be required to take a medical exam
3. Upon successful completion of the background check and medical exam, the following steps will be taken:
 - (a) The ED will send an offer letter to the prospective employee, which must be signed and returned.
 - (b) A start date is coordinated with the Human Resources department.
 - (c) The prospective employee will be given an orientation interview covering the information identified in Section 2.3.2 of these Policies and Procedures.

Section 2.3. New Employee Orientation

2.3.1 Statement of Policy

All new employees will participate in a new employee orientation meeting with representatives from Agency administration and the employee's Supervisor.

2.3.2 Content of Orientation

The subjects that should be covered during such orientation, as applicable, include the following:

A. Information to Be Covered By Administration

- Job description
- Workplace harassment policies/training
- Personnel Policies and Procedures
- Personnel records and files
- The probationary period and extension (applicable to rehires, promotions, and transfers, as well as for new hires (other than At Will hires).
- Wages and salaries
- Performance evaluation
- Safety
- Employee communications and office decorum
- General working conditions
- Organizational chart

B. Information to Be Covered Regarding Benefits:

- Group insurance programs
- Employee's retirement and deferred compensation plans
- Workers' Compensation medical and disability coverage
- Payroll forms such as W-4, automatic deposits, etc.

C. Information to Be Covered By Human Resources

When the employee reports to work, the Human Resources department will review with the employee the general employment conditions, as applicable, including but not limited to:

- Introduction to fellow workers
- Organization and purpose of the Agency
- Attendance
- Safety
- Other related policies and procedures applicable to the employee

When the employee reports to work, the Department Head will review with the employee the general employment conditions, as applicable, including but not limited to:

- Specific job duties, training and performance standards
- Employee assignments

Section 2.4. Probationary Period

2.4.1 Statement of Policy

The probationary period is the final and most important phase of the selection process and is used for assessing the performance, ability, conduct and fit of the employee in the position to which appointed. During the probationary period the employee may be separated by the Agency at any time and for any reason, with or without cause.

All appointments to full-time and part-time positions, other than At Will appointments, are subject to the provisions of Section 2.4 and serving a probationary period.

2.4.2 Duration of Probationary Period

A probationary period shall be for six (6) months for all employees, and shall begin on the first date of employment or promotion. An employee shall not attain regular full-time status in the new position until he or she has completed a probationary period of six (6) months continuous service in that position.

The term "continuous service" as used in this section means a period of six (6) months of work uninterrupted by a leave of absence. Where such interruptions occur, the Agency may extend the probationary period.

2.4.3 Termination of Probationary Period

Permanent status of the probationary employee shall begin after receipt of a positive evaluation no sooner than the end of the probationary period.

A probationary employee may be separated by the Agency from service at any time during the probationary period without right of appeal or hearing.

2.4.4 Rejection of Probationer Following Promotion

For any employee who fails to satisfactorily complete the probationary period following a promotion, the provisions of Section 2.8.5, Procedure When Employee Does Not Pass Probation, shall apply.

2.4.5 Effect of Leaves of Absence on Probationary Period

An employee who is on leave of absence without pay during his/her probationary period may have the probationary period extended by his/her supervisor. The extension may be up to the amount of time of the leave without pay. The Agency shall notify the employee of the extension in writing prior to the end of the probationary period as provided in Section 2.4.2.

Section 2.5. Job Classification

It is recognized that the creation and/or redesign of job classifications for all Employees, including the establishment of duties and the qualifications required therefore, are exclusive functions of Agency management.

All positions are evaluated according to necessity, relative skills required to do the work, and in some case, the market. Positions that are similar in type of work, level of difficulty and level of responsibility are grouped together in the same class.

All positions in the same class are treated alike in such matters as salary and minimum qualifications.

The Executive Director and Human Resources will periodically review the work performed by employees to determine whether they are appropriately classified. If the duties of a position are found to have changed substantially, or the need for maintaining the position is at issue, the supervisor may recommend that the position be re-evaluated, reclassified, or abolished. Similarly, job descriptions will be prepared for any new positions which will be evaluated and classified according to their relative worth.

Section 2.6. Job Descriptions

Job descriptions define essential and other duties that an employee is required to perform in each classification as a condition of continued employment. They are not intended to limit the work which may be performed since other tasks may be assigned that are similar in nature or as needed.

Full job descriptions and salary ranges are available for review on the Agency H drive in the following location;

Section 2.7. Assignment and Transfer

2.7.1 Statement of Policy

While it is management's intent to schedule work and assign personnel in such a manner as to achieve maximum utilization of the respective employee's abilities, and while it is management's intent to encourage an employee's progression upward in the same line of work, it is recognized that conditions which affect Agency's operations will require flexibility in work assignments to permit cross-training and to stabilize the workload among departments. It is therefore also recognized that as conditions require, management will assign, and Management Employees and Non-Management Employees will perform, duties which may not be within the usual scope of classification responsibilities.

2.7.2 Temporary Assignments

If an employee is temporarily assigned to the full duties and responsibilities of a higher classification, he /she will be paid a higher rate for the entire period when working in the higher wage classification. If assigned to a lower wage classification, the employee will not earn less than he or /she would normally earn in a pay period in his/her regular classification.

A temporary job classification assessment form must be submitted to and approved by the Executive Director in advance.

Section 2.8. Promotion

2.8.1 Statement of Policy

It is the intent of the Agency that vacancies shall be filled by internal promotion of qualified Agency employees when feasible.

2.8.2 Application Procedure

When the Agency intends to fill a job opening, a notice of such opening listing essential qualifications and functions of the job shall be placed on appropriate Agency bulletin board. Employees shall have five (5) working days to apply for the position from the date of posting. All interested employees must file an application to be considered for the open position. In the event that no employees apply or are qualified for the position, the Agency may seek other applicants. The five (5) day in-house posting period may be reduced or waived when management is faced with emergency circumstances.

2.8.3 Criteria for Selection

A. Minimum Qualifications

To be considered a qualified applicant for any opening, an applicant must possess the minimum qualifications established for the position and, if applicable, pass any physical examination or drug and alcohol test that may be required as a conditional offer of employment.

B. Other Qualifications

The employee's qualifications will also be assessed in accordance with the priorities listed below:

- Test score, if test is given
- Related experience
- Ability to progress in position
- Documented performance
- Oral interview
- Experience and performance in previous Agency employment; and
- If all else is equal, upon length of employment with the Agency.

2.8.4 Probationary Period

Employees promoted to another position within the Agency shall serve a probationary period in the new position for the purpose of allowing the Agency to assess the employee's performance, ability, conduct and fit in the new position as provided in Section 2.4.2.

2.8.5 Procedure When Employee Does Not Pass Probation

If the employee is unsuccessful in the new position, the following procedure will apply:

A. If a Vacancy Exists

The employee will be returned to his or her former position provided a vacancy still exists.

B. If a Vacancy Does Not Exist in the Former Position

1. The employee will be afforded the opportunity to compete in a vacancy for another position for which the Agency determines he or she is qualified.

2. If no other vacancy exists, or if the employee is unsuccessful in the bidding process for a vacant position, the employee may be laid off. Layoff; however, for a period of one year following layoff, the employee will be eligible to be rehired in the first available opening for which he or she is determined to be qualified.

Section 2.9. Anti-Nepotism Policy and Non-Fraternization Policy

2.9.1 Statement of Policy

The Agency's policy is to hire, promote and transfer employees on the basis of individual merit and to avoid any hint of favoritism, conflict of interest or discrimination in making such decisions. The employment of relatives, spouses or domestic partners is regarded as a potential violation of this policy. Even if favoritism, an actual conflict of interest, or discrimination is not shown, the existence of the situation may precipitate an appearance of unfairness or conflict of interest.

2.9.2 Relatives, Spouses or Domestic Partners in Same Department, Work Area or Facility

An employee's relatives, spouses or registered domestic partners (as defined under state law) may only be employed within the same work area, department or Agency facility when the following criteria are met:

1. Such employment does not adversely affect safety, morale, security, internal financial control, or supervision and the individuals involved do not work in direct supervision of each other.
2. An employee neither initiates nor participates in making institutional recommendations or decisions which would directly affect employment status of their spouse, registered domestic partner or relative(s). These recommendations/decisions include, but are not limited to, selection, appointment, retention, tenure, work assignments, promotion, demotion or salary.

The Agency may prohibit assignment or reassign employees if, in its sole discretion, it finds that any of the above criteria are not met.

2.9.3 Application of the Policy

1. "Relatives" refer to persons related by blood or marriage, or any relative residing in the immediate household of the employee (including, but not limited to: wife, husband, parent, child, grandparent, brother, sister, in-laws, aunt, uncle, step relatives).
2. This policy also applies to persons who are registered domestic partners as defined under state law.

2.9.4 Marriage or Registered Domestic Partnership Arising Between Employees While Employed

1. Should two employees marry or form a registered domestic partnership while both are employed by the Agency, they may

continue their employment in the same jobs provided that the criteria set forth in Section 2.9.2 are met.

2. If the criteria are not met, one of the employees in the marriage, or registered domestic partnership, must change jobs, work locations or leave the Agency. The couple will make a decision within thirty (30) days of the marriage or partnership, as to which of the two of them will change positions. If this decision is not made within 30 days, based upon its business needs, the Agency reserves the right to determine which employee will be transferred or whose employment will be terminated based upon the operational interests and needs of the Agency.

2.9.5 Non-Fraternization

In order to promote the efficient operation of the Agency and its business and to avoid misunderstandings, complaints of favoritism, other problems of supervision, security and morale, and possible claims of sexual harassment – managers and supervisors are forbidden from dating or pursuing romantic or sexual relationships with employees whom they supervise, directly or indirectly. Employees who violate this provision will be subject to discipline, up to and including discharge.

Section 2.10. Performance Evaluation

An employee serving a six (6) month probationary period shall receive evaluations from their immediate supervisor at the end of three (3) months and also prior to the completion of the employee's probationary period. If the employee's performance review at the end of the three month period is at "Does Not Exhibit", then that employee shall not pass probation. If an employee has more than two areas of "Building Competencies" in specific categories, such employee will have an interim review at four months from hire. Failure to reach an overall "Fully Exhibits" rating for management employees or "Meets Standards" rating for non-management employees, by the six month review will be considered as failing probation. An employee may be released from employment upon failing probation or at the discretion of the Executive Director an employee failing to reach an overall "Fully Exhibits" rating for management employees or "Meets Standards" rating for non-management employees at the end of their six-month probation review may have their probation period extended to up to three (3) months. .

Evaluations for permanent employees shall be completed annually.

Such evaluations shall be on forms and under procedures prescribed by the Executive Director.

Salary movement through a pay grade will be based on performance which is reviewed on an annual basis on the employee's anniversary date.

Pay grade ranges are approximately 20% from beginning step to the top of the pay grade. An employee may receive an increase within their pay grade based upon their performance and NVTB Board allocation of a salary pool. Once an employee reaches the top of their pay grade they will still be subject to annual performance reviews.

The pay grades will be adjusted annually and indexed to the average of County of Napa, Sonoma County Transportation Authority, and Solano County Transportation Authority increases for a given year or Bay Area Consumer Price Index (CPI) for all labor within Napa County, whichever is greater.

The results of the performance evaluation shall be taken into account in the following ways:

1. A discretionary leave of absence will be granted only to an employee whose last evaluation was at least satisfactory.
2. The general record of service as well as specific and immediate disciplinary charges will be taken into account when disciplinary action against an employee is proposed and the discipline, if any, is assessed.
3. Merit salary increases will be determined by the Executive Director and can be awarded only to those employees whose current overall evaluation is at least "Fully Exhibits" or above for management positions, and at least a "Meets Standards" or above for non-management positions.
4. If a non-probationary employee is at "Does Not Exhibit or Building Competencies" in two or more specific areas, or receives an overall rating of "Does Not Exhibit" that employee will be evaluated again within three months. Continued failure to meet performance expectations will lead to further disciplinary action up to and including discharge.

Section 2.11. Resignation

Any employee, other than the Executive Director or At Will employees, wishing to leave service in good standing shall file with the Agency a signed written resignation giving at least two weeks' notice of his/her intention to leave the service, unless the Agency consents to an earlier separation.

The written resignation shall be forwarded to the Executive Director. The Executive Director may request an exit interview with the separating employee.

Any employee who leaves service without so filing a written resignation shall have such fact entered in his/her service record and may, by action of the Executive Director, be denied employment opportunities with the Agency in the future.

Section 2.12. Layoff

2.12.1 Statement of Policy

When it is necessary to reduce the working staff of the Agency for lack of work or lack of funds or for other causes outside of the worker's control, the Agency shall determine the classes of positions in which the reduction is to be made and the number of positions to be affected, except that this Section 2.12 shall not apply to At Will employees. Reduction in staff within the designated classes of positions shall occur in the following order:

1. Employees who have temporary status.
2. Employees who are probationary.
3. Part-time regular employees.
4. Full-time regular employees.

2.12.2 Layoff Order

The Agency shall determine the employees to be laid off within a class of positions on the basis of an employee's performance and/or special qualifications needed by the Agency.

2.12.3 Notice

The Agency will give employees notice of any reduction in staff at least two weeks prior to the effective date.

2.12.4 Reinstatement from Layoff

Full-time employees who are laid off will be given the right of first refusal in filling future vacancies in the position from which he/she was laid off for a period of one year.

2.12.5 Benefits

During periods of lay off, health care coverage remains available if premiums are paid by the employee in accordance with carrier regulations and limitations and COBRA/Cal-COBRA laws as applicable. Such benefit will be available for a period of time consistent with COBRA/Cal-COBRA.

Section 2.13. Personnel Files

2.13.1 Statement of Policy

The Agency maintains personnel files on all employees. The files contain confidential information such as job applications, resumes, documentation of performance, salary changes, benefit elections and other employment records.

2.13.2 Employee Responsibility to Ensure Accuracy of Personnel Records

The accuracy of personnel records is essential for the proper handling of many items of great importance to employees, including the emergency notification of family, income tax deductions, insurance coverage, and other fringe benefits from the Agency. It is the employee's responsibility to keep the Agency updated on personal information so that the Agency may effectively handle those programs and tasks which are for the employee's benefit.

In order that the Agency may keep complete and current records, it is mandatory that the employee notify the Agency office immediately whenever there is a change in the employee's following information:

1. Address
2. Telephone Number (Note: As a condition of employment, it is necessary that the employee present a telephone number where

he/she can be reached by his/her Supervisor directly without having to go through other parties.)

3. Person to notify in the event of an emergency.
4. Name, through marriage or otherwise.
5. Marital status
6. Number of dependents
7. Insurance beneficiary
8. Military Status
9. Driver's license number and date of expiration when a condition of employment.

2.13.3 Duty to Provide Accurate Information

Any misrepresentations, falsifications, or material omissions by an employee on his or employment documents may result in disciplinary action up to and including termination of employment.

2.13.4 Access to Personnel Files

An employee may request to review his or her personnel file by submitting a written request twenty-four hours in advance to the Executive Director or designee. If an employee disagrees with any item contained in his or her personnel file, the employee may add a document containing his or her version of the disputed item.

CHAPTER 3 HOURS OF WORK AND COMPENSATION

Section 3.1. Work Schedules

3.1.1 Work Schedules

New employees will be advised of their work schedules when they commence employment with the Agency. From time to time, it may be necessary for the Agency to change employee work schedules. Employees are expected to cooperate with these changes and are expected to arrange their personal schedules to comply with their assigned work hours.

3.1.2 Standard Work Schedule

The standard work schedule is forty (40) hours. The core work hours are 9:00 a.m. to 4:00 p.m. with at least 30 minutes for lunch. The standard hours and/or days of a standard work schedule may be altered upon request by the supervisor and with approval of the Executive Director. ALTERNATE WORK SCHEDULES (9-80's AND 4-10's) may be authorized by the Executive Director and approval of such will be placed in the employees personnel file.

3.1.3 Standard Work Week

The Standard workweek is a seven-day period beginning at 12:00 a.m. on Saturday and ending at 11:59 p.m. on Friday.

3.1.4 Flex Time

"Flex time" occurs where an employee varies his or her regularly scheduled start or end time. It is confined to a normal work week as defined above.

Flex time for employees is subject to prior approval by the employee's supervisor and the Executive Director. Prior written approval from employee's supervisor and the Executive Director shall be obtained no later than the conclusion of the previous work shift.

Management and Supervisory employees are expected to be on duty at the times they can most efficiently discharge those tasks relative to supervising their employees and interacting with other Agency personnel and members of the public. If this is at a time other than normal business hours they can notify the Executive Director and have their normal duty hours changed to so reflect.

Section 3.2. Meal and Rest Breaks

3.2.1 Meal Breaks

Employees shall take an unpaid 30 or 60 minute meal break. Such meal break shall be scheduled at approximately mid-way through the workday.

3.2.2 Rest Periods

Employees are permitted one 15-minute rest period for each four (4) hour work period. These breaks shall be scheduled about midway through each four (4) hour period.

3.2.3 Meal and Rest Breaks May Not Be Combined or Postponed

Rest and meal periods are provided so the employees may rest, obtain nourishment and rejuvenate during the workday. Employees may not combine rest periods or add them to meal breaks. Nor may employees postpone their rest or meal periods to the end of the workday in order to leave earlier.

Section 3.3. Compensation

3.3.1 Statement of Policy

As a public entity, the Agency is committed to rendering the highest level of service possible at a fair and reasonable cost. The Agency's ability to achieve this objective is affected by a number of factors, one of which is the quality performance of Agency employees. In order to attract and retain highly competent employees, promote continuous superior performance, and give full recognition to Agency financial constraints, the following criteria will be considered in establishing employee compensation:

1. The impact of compensation on the cost of services, financial position of the Agency, and overall operational cost.
2. Compensation paid for similar work in other public and private organizations.
3. The relative value of individual employee's services to the success of the Agency.
4. The general and specific performance of employees.
5. Status of the labor force, economic conditions, recruitment and retention experience, and other factors influencing the maintenance of a stable and efficient work force.

The Executive Director or their designee shall develop an annual Salary and Benefits package for submission to the Board each year. The schedule shall set forth the positions approved by the Board, together with proposed salary ranges and employee benefits, for the upcoming fiscal year beginning July 1. Salary ranges and employee benefits are to be reviewed and considered by the Board for adjustment for each fiscal year as part of the budget adoption.

3.3.2 Wage Rates

Employees will be paid within the salary range established for their job classification. A list of job classifications and applicable salary rates is maintained in the Agency's business office.

From time to time, salary rates may be adjusted to reflect inflation, deflation or other cost of living changes. The Bay Area Consumer Price Index, and/or the average of salary adjustments for Napa County, Sonoma County Transportation Authority, and Solano County Transportation Authority as published at the time of the Executive Director's development of the recommended annual Salary and Benefits package shall be referred to in considering the possible adjustment of salary rates. Nothing herein shall constitute an implied or specific agreement by

Agency to grant cost of living increases or as to the amount of any such increase. The purpose of this provision is to provide a framework for the development of the annual Salary and Benefits package that is subject to review and approval by the Board.

3.3.3 Pay Schedule

Wages will be paid on a bi-weekly basis. Wages will be paid within fourteen (14) calendar days following the end of the pay period. If paid by check in lieu of direct deposit, such paychecks not picked up by 4:00 p.m. on payday will be mailed.

3.3.4 Payroll Deductions

An employee's earnings and payroll deductions are shown on a check stub with the employee's paycheck. The check stub should be examined and retained for personal records.

The Agency will make the following deductions from an employee's earnings:

A. Mandatory Deductions

1. Federal Income Tax (Withhold Tax)
2. State Income Tax
3. State Disability Insurance (S.D.I.)
4. Garnishments/Wage Attachments

B. Employee Authorized Deductions

1. Employee deferred compensation contributions
2. Medical and dental insurance contributions
3. Jury duty payments to an employee who was provided paid time off for jury service
4. Other Deductions Agreed Upon in Writing by the Employee and permitted by law.

3.3.5 Updating Payroll Information

During the course of employment, changes affecting payroll status will probably occur from time to time. Examples are changes in marital status, name change due to marriage, changes in number of dependents and changes required to adjust an excessive or insufficient tax withholding situation. Questions concerning these changes should be directed to the Human Resources department.

Section 3.4. Timekeeping

3.4.1 Employees

A. Time Sheet

Each employee is responsible for preparing an individual time sheet weekly. The employee should accurately record regular and authorized overtime hours worked

and leave usages. Time sheets must also show all of the following for each job performed during the week:

1. Work locations such as lateral name or improvement Agency number.
2. Job or task number.

B. Submission of Time Sheets

Each employee must electronically submit his or her time card, verifying its accuracy, and have the time sheet reviewed and approved by his/her supervisor. Employees are expected to submit their time sheets promptly as directed by the Executive Director, or his/her Designee.

3.4.2 Consequences of Falsifying Time Records

Falsification of time sheets, recording time for another or signing the timesheet of another will result in disciplinary action up to and including discharge.

Section 3.5. Overtime

3.5.1 Statement of Policy

From time to time, overtime work may be necessary to complete a work assignment or tend to the public's needs. Overtime must be required by and authorized by the Executive Director. All employees will be expected to work overtime under specific circumstances which shall be defined by the Executive Director. Refusal to work, after requested to do so under those circumstances, will be grounds for disciplinary action.

3.5.2 Exclusion from Policy

For purposes of determining entitlement to overtime pay under the federal Fair Labor Standards Act (FLSA), employees will be either classified as exempt or non-exempt based upon the nature of their duties. Exempt employees, such as management positions, are not entitled to overtime pay.

3.5.3 Overtime Pay

An employee who works overtime shall be compensated at a rate of one and one half (1 ½) time the employee's standard hourly rate in cash or compensatory time off. Employees may elect to be compensated in cash or compensatory time off for any overtime worked and must make the election on the time card for the pay period in which it was worked.

Unless otherwise provided below, overtime is defined as any time actually worked in excess of forty (40) hours in an employee's standard workweek. For employees on an alternate work schedule (including four (4)-ten (10) and nine (9)-eighty (80) schedules), overtime is defined as any time actually worked in excess of an employee's standard work day in a consecutive twenty-four (24) hour period or forty (40) hours in an employee's standard workweek.

An employee who works more than the normal number of workdays during a normal workweek based on their assigned work schedule shall receive overtime

compensation provided that the employee was not absent from work for more than one normal work day in that workweek due to vacation, compensatory time, holiday, sick leave, any other paid leave or a combination thereof.

Overtime pay must be approved in advanced by employee's supervisor and the Executive Director prior to performing the work.

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.

CHAPTER 5 HEALTH AND SAFETY ON THE JOB

Section 5.1. Job Safety

5.1.1 Statement of Policy

The Board of Directors desires to maintain a safe place of employment for Agency employees, and to that end Agency management will make all reasonable provisions necessary for the safety of employees in the performance of their work.

5.1.2 Employee Responsibility

It is the obligation of employees to become familiar with the provisions of the Agency Safety Manual and the Illness and Injury Prevention Program and to work accordingly. Further, employees are required to report to their supervisor all unsafe conditions encountered during the course of their work.

5.1.3 Injury Reporting

Prompt Reporting

All employees of the Agency are covered by Workers Compensation Insurance and any injury or disability arising out of and in the course and scope of employment, however slight, shall be reported by the injured employee to the Executive Director and Human Resources as promptly as possible following its occurrence.

Section 5.2. Workplace Violence Prevention

5.2.1 Statement of Policy

The Napa Valley Transportation Authority is committed to the safety and security of its employees, customers, and visitors to its workplace. The Agency has a policy of zero tolerance for violence in the workplace. To prevent workplace violence, the Agency will address behavior that suggests a propensity for violence even prior to any violent behavior occurring.

5.2.2 Employee Responsibilities

The Agency expects its employees to employ civility and mutual respect for all persons encountered in the course of Agency business including co-workers, customers, and visitors. Any employees who engage in violent or threatening behavior in the workplace will be subject to disciplinary action, including discharge.

5.2.3 Conduct Prohibited By This Policy

“Violence,” “violent behavior” and “threatening behavior” includes, but is not limited to the following conduct:

- Fighting, shoving, pushing, choking, inflicting physical harm on another person, or other battery or assault.
- Intimidating, menacing, harassing or stalking another person.

- Making verbal threats to physically harm another person or persons, whether joking or not.
- Possession of any weapon or firearm on Agency premises, during work hours, or while conducting Agency business.
- Intentionally damaging the property of another.
- Other behavior that suggests a propensity towards violence including belligerent speech, yelling, excessive arguing or swearing, offensive or threatening gestures, or a demonstrated pattern of refusal to follow policies and procedures.

The Agency will not tolerate these behaviors by its own employees or by third persons when such behavior is directed at Agency employees in the course of their work.

5.2.4 Reporting Procedure

Everyone has the responsibility to prevent violence in the workplace. Employees are encouraged to report any incident that may be a violation of this policy to an Agency manager or supervisor as follows:

A. Emergencies

Where an injury has occurred or it appears to an employee that there is an immediate danger of injury, the employee should call 911 immediately for help. Personal safety is the first priority. The employee should inform his or her supervisor, Human Resources or the Executive Director as soon as possible.

B. Non-Emergencies

In all other cases where an employee is aware of any conduct that violates this policy, the employee should immediately report it to his or her supervisor, Human Resources or the Executive Director.

5.2.5 Corrective Actions

All reports of workplace violence will be taken seriously and dealt with promptly. Any person who engages in violent or threatening behavior shall be subject to removal from the premises as quickly as safety permits, pending the outcome of an investigation. Employees who violate this policy will be subject to firm disciplinary action, up to and including discharge. In appropriate cases, the Agency may also seek temporary protective or restraining orders to keep offending individuals away from Agency facilities or employees.

The Agency will not tolerate retaliation or intimidation against any employee who makes a report of workplace violence or participates in an investigation of such a complaint.

Section 5.3. Alcohol and Drug Free Workplace

5.3.1 Statement of Policy

The Agency has a vital interest and obligation in maintaining safe, healthful and efficient working conditions for its employees and in supplying products and services safely to customers. Employee possession of and/or being under the influence of drugs or alcohol on the job are inconsistent with these interests and obligations. This policy and procedure establishes the rules, rights and obligations of all employees and Agency contractors regarding the use, possession, sale, or transport of alcohol and drugs on Agency property or while conducting Agency business.

5.3.2 Definitions

A. Legal Drug

A legal drug includes prescribed drugs and over the counter drugs, which have been, under US law, legally obtained and are being used for the purpose for which they have been prescribed or manufactured.

B. Illegal Drug

An illegal drug includes any drugs and drug synthetics which have not been legally prescribed or obtained, such as: stimulants, depressants, hallucinogens, narcotics, volatile substances, and any substance by which its nature alters normal physical or mental functions.

C. Under the Influence

For purposes of this policy and procedure, “under the influence” means that the employee is affected by a drug or alcohol or combination of both in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior, or to obvious impairment of physical or mental ability such as slurred speech or difficulty in maintaining balance. A determination of influence can be established by a professional medical opinion, a scientifically valid test, and in some cases such as alcohol, by management opinion.

D. Agency Property

Agency Property includes lands owned, leased or upon which the Agency has a right-of-way, buildings, facilities, vehicles, equipment, parking lots, and company owned property used by employees such as lockers, desks, cabinets, etc.

E. Reasonable Suspicion

Reasonable suspicion is a belief based on objective and documented facts or evidence sufficient to lead a reasonable, prudent person to suspect that an employee is under the influence of alcohol or drugs so that the employee’s ability to perform the duties of the job is impaired, or so that the employee’s ability to perform his/her job safely is reduced.

5.3.3 Pre-Employment Drug and Alcohol Screening

The Agency may maintain a pre-employment drug and alcohol screening practice designed to prevent the hiring of persons who use illegal drugs, or who use legal drugs or alcohol to the extent that safe job performance would be impaired on safety sensitive positions.

A. Notification to Prospective Employees

Prospective employees will be notified of the Agency's drug and alcohol policy and pre-employment alcohol and drug screening test prior to an offer of employment and, usually, at the time they are interviewed for a position.

B. Time of Test

Finalists for Agency employment will receive a conditional offer of employment that may be contingent upon passing an alcohol and drug screening test and any physical examination requirement for the position being sought. The drug and alcohol screening test will be administered by a medical laboratory qualified to administer such test.

C. Consent to Test

Upon receipt of a conditional offer, the prospective employee must consent to the drug and alcohol screening test and must sign an Authorization for Release of Physical Examination Results, permitting the test results to be released to the Agency.

D. Disqualification from Employment

A candidate for Agency employment shall be disqualified from further consideration for employment upon any of the following occurrences:

1. Refusal to consent to a drug and alcohol screening test or refusal to authorize the release of the results to the Agency.
2. A positive test for illegal drugs or alcohol.
3. A positive test for legal drugs which, after medical consultation, the Agency determines will impair the candidate's ability to safely perform the job in question or will jeopardize the well-being of others.

5.3.4 Prohibition on Possession, Use, Sale or Transport of Alcohol or Drugs

A. Illegal Drugs and Alcohol

Having possession of, manufacturing, distributing, using, being under the influence of, selling, or transporting illegal drugs or alcohol by any employee while on the job, on Agency property, or while conducting Agency business is prohibited. Reporting to work under the influence of illegal drugs or alcohol is also prohibited.

B. Notification of Criminal Drug Conviction

Any employee who is convicted of or pleads guilty or no contest to a drug-related crime occurring in the workplace must immediately report such conviction or plea to the Executive Director.

C. Legal Drugs

The use of or being under the influence of any legally obtained drug by any employee while on the job, on Agency property, or while conducting Agency business is prohibited to the extent that such use or influence may affect the safety of the employee, co-workers, the public, the employee's job performance, or the safe and efficient operation of the Agency. An employee may continue to work even though under the influence of a legal drug if the employee's supervisor has determined, after consulting with the Executive Director and the employee's doctor that the employee can work safely. Otherwise, the employee may be required to take a leave of absence or comply with other appropriate action determined by management.

D. Notification

An employee must notify his/her supervisor before commencing work when taking any medication or drug, prescription or nonprescription, which may interfere with safe and effective performance of duties and/or the operation of Agency equipment.

5.3.5 Reasonable Suspicion Testing

When a supervisor/manager has a reasonable suspicion that an employee is under the influence of drugs or alcohol, the employee may be directed to take a drug and alcohol test. The facts and circumstances of the supervisor's/managers reasonable suspicion shall be documented in writing and provided to the employee. The Executive Director must approve the employee's referral for a drug and alcohol test.

A. Conduct of Test

All drug or alcohol tests shall be conducted by a reputable laboratory of the Agency's choice.

B. Valid Prescriptions

An employee shall have the right to provide, within 24 hours of the drug or alcohol test, a valid prescription for any medication or drug which may be identified during the test. The prescription must be in the employee's name and be prescribed by a licensed physician prior to the drug or alcohol test.

C. Refusal to Take Test

An employee who refuses to submit to a drug and alcohol test that has been approved by the Executive Director, shall be relieved from duty without pay, and if intoxicated or physically or mentally impaired, be taken to his/her place of residence. Refusal to take a test under this policy will subject the employee disciplinary action, up to and including discharge.

5.3.6 Search or Inspection of Agency Property for Illegal Drugs or Alcohol

Employees have no expectation of privacy in Agency-owned equipment, including desks and cabinets. The Executive Director may search or authorize the search of desks and cabinets. The Executive Director may authorize the search or

inspection of Agency-owned lockers for illegal drugs or alcohol whenever there is reasonable suspicion.

5.3.7 Disciplinary Action

Violations of the provisions of this policy and procedure will result in disciplinary action, up to and including discharge.

5.3.8 Drug and Alcohol Assistance Programs

A. Voluntary Assistance

The Agency encourages employees to voluntarily seek outside assistance for drug or alcohol abuse problems prior to the need for Agency action. Employees are invited to use the Employee Assistance Program (EAP) contracted by the Agency. Administration also maintains a list of approved drug and alcohol abuse agencies and facilities, and a request may be made to the Executive Director for assistance. Such requests will be held in strict confidence to protect the rights, privileges, benefits, and family of the employee. An employee's decision to seek assistance from an outside rehabilitation agency or facility will not be used as the basis for disciplinary action.

B. Seeking Assistance After Alcohol or Drug Related Misconduct

It is the responsibility of an employee to seek assistance before drug and alcohol problems lead to disciplinary action. Once a violation of this policy occurs, subsequently entering into a rehabilitation program will not necessarily lessen disciplinary action and may, in fact, have no bearing on the determination of appropriate disciplinary action.

Section 5.4. Fitness for Duty

5.4.1 Statement of Policy

In furtherance of the Agency's goal to maintain a safe, healthful and productive environment, all employees reporting for work and during times when they are paid subject to call shall be fit for duty. "Fit for duty" means the ability to perform all required physical and mental tasks associated with the employee's job duties to a satisfactory level and without endangering self, others, or property.

5.4.2 Employee Responsibility

No employee shall report to work while unfit or remain on the job after becoming unfit (for any reason) to perform his/her job duties. Failure of an employee to comply with this requirement may result in disciplinary action, up to and including discharge.

5.4.3 Pre-Employment Medical Examinations

The Executive Director may identify job classifications within the Agency that will require a pre-employment medical examination. Finalists for these positions will receive a conditional offer of employment that is contingent upon the candidate successfully passing a pre-employment medical examination and drug and alcohol test. The purpose of the pre-employment medical examination is to determine if

the candidate is fit to perform the duties of the job for which he or she is being considered.

A. Notice

All employment applicants for these positions will be informed of the medical and drug/alcohol testing requirements prior to receiving the conditional job offer. Usually, notice will be given in the job announcement and during the interview process.

B. Consent

Finalists who receive a conditional offer of employment will be asked to sign a consent form confirming their voluntary participation in these tests as a prerequisite to consideration for employment. A candidate who refuses to submit to any or all of these tests will not be considered for employment for the position for which he/she has applied.

C. Examination

All examinations will be performed by or at the direction of a physician designated by the Agency. The attending physician will determine if the candidate for employment is capable of performing all duties of the job as required by the job description and physical requirements checklist.

D. Examination Results

A candidate who is deemed unfit or unable to perform the duties of the job as a result of the medical examination will be informed of the results of the examination. The candidate may provide medical evidence that he/she is physically fit and able to perform the duties of the job, which will be considered before a final determination is made.

5.4.4 Post-Employment Fitness for Duty Examinations

If a supervisor/manager has a reasonable cause to believe that an employee is physically or mentally unfit to perform the duties of his/her job, the supervisor/manager may recommend that the employee to submit to a fitness-for-duty examination. The Executive Director shall have the authority to approve the recommendation.

A. Reasonable Cause

Reasonable cause means that the supervisor/manager believes that the employee's ability to perform the functions of the job is impaired or that the employee's ability to perform his or her job duties safely is reduced, and that the supervisor's belief is based upon observations or evidence that has been documented.

B. Examination

Any such examination will be performed by or at the direction of a physician designated by the Agency. The attending physician will determine if the employee

is capable of performing all duties of the job as required by the job description and physical requirements checklist.

C. Examination Results

If the examining physician determines that the employee is fit for duty, the employee shall be released to return to work. If the examining physician determines that the employee is not fit for duty, the physician shall notify both the employee and the Executive Director. The employee will not be permitted to return to work until he/she is released by the physician. One or more subsequent fitness-for-duty examinations may be required in order to determine that the employee is fit to return to work.

5.4.5 Confidentiality of Examination Records

All documentation of pre-employment and fitness for duty medical examinations will be maintained in confidential and secure medical files, separate from applicant hiring files and separate from employee personnel files.

Section 5.5. Driving

5.5.1 Statement of Policy

Observation of the law and safe driving practices shall be the top priority of all employees assigned to drive an Agency vehicle or who operate a personal vehicle in the performance of Agency business.

5.5.2 Driver's License Requirements

All employees who operate an Agency vehicle, or who operate a personal vehicle in the performance of Agency business, must possess and carry a valid, current California Driver's License of the proper class (and endorsements) for the vehicle operated.

A. Employee Responsibilities

1. Employees are responsible for maintaining a valid, current California driver's license of the proper class and endorsements before operating an Agency vehicle or driving a personal vehicle on Agency business. Any employee who operates an Agency vehicle or a personal vehicle in the performance of Agency business without a valid, current California Driver's License will be subject to disciplinary action up to and including discharge.
2. Employees who drive Agency vehicles or drive a personal vehicle on Agency business must notify their supervisor immediately in writing when their driver's license has expired or been suspended or revoked.

B. Agency Responsibilities

1. Managers shall notify the Executive Director when they have notification that an employee's driver's license has expired or been suspended or revoked.

2. The Executive Director shall not allow an employee with an expired, suspended or revoked driver's license to operate an Agency vehicle or a personal vehicle on Agency business.
3. It is the responsibility of Human Resources Manager to see that all employees are properly licensed for any vehicles they are to drive on Agency business.

C. Effect of Failure to Maintain Valid, Current Driver's License

Where the employee's applicable written job description requires driving an Agency vehicle or a personal vehicle on Agency business, and an employee fails to maintain a valid, current California Driver's License, the employee will be disqualified from such employment and terminated.

D. Reasonable Accommodation of Disabled Employees and Applicants

Where driving is a requirement for a particular position, an applicant or employee who does not possess a valid, current California Driver's License because of a disability may be eligible for reasonable accommodation. For example, if driving is a non-essential function of a particular position, the driving function may be reassigned as a reasonable accommodation for the disabled worker or applicant. If driving is an essential function of the employee's position, other accommodation such as reassignment to a different position may be feasible. Each situation will be addressed on a case by case basis. Requests for reasonable accommodation should be addressed to the Executive Director.

E. DMV Automatic Pull Notice

For employees who drive an Agency vehicle or who drive a personal vehicle on Agency business, the Agency may obtain periodic reports from the Department of Motor Vehicles that reflect actions and activities on an employee's driver's license record. These reports will be forwarded to the employee and his or her manager for review and "initialing off" that it is true and accurate by both the manager and the employee. Afterwards, the Pull Notice is placed in the employee's personnel file.

5.5.3 Good Driving Record

Every employee authorized to drive an Agency vehicle or drive a personal vehicle while on Agency business must maintain an overall driving record that does not have an adverse influence on the Agency's insurance rates or otherwise create an unacceptable liability risk to the Agency. The Agency may at the time of employment, or from time to time thereafter, obtain a copy of an employee's driving record to assess the employee's suitability to drive.

5.5.4 Compliance with Traffic Laws

Employees driving Agency vehicles or driving personal vehicles while on Agency business must be familiar with and obey the State Vehicle Code. Such drivers must also obey local traffic rules, traffic control signs, posted speed limits and parking restrictions. Failure to do so will subject the employee to disciplinary action, up to and including discharge.

5.5.5 Use of Seatbelts

Seatbelts shall be worn by all occupants of Agency vehicles and by employees operating personal vehicles while on Agency business. The use of seatbelts is the law.

Section 5.6. Smoking

In keeping with the Agency's intent to provide a safe and healthful work environment and in compliance with state and local law, smoking in enclosed Agency facilities or vehicles is strictly prohibited. Smoking is allowed only on authorized breaks and lunch breaks, and only outside of work facilities so as not to disrupt Agency operations.

CHAPTER 6 EQUIPMENT AND PROPERTY

Section 6.1. Use and Care of Agency Property

6.1.1 Statement of Policy

The Agency provides its employees with the use of tools, equipment, property and facilities that are necessary for the performance of their work. Employees are expected to exercise care in the use of Agency property and to use such property only for authorized Agency business. Misuse or negligence in the care of Agency property may result in disciplinary action. Agency property issued to an employee must be returned at the time an employee terminates employment or when the employee's supervisor requests its return.

6.1.2 Damage or Loss of Agency Equipment

Employees must promptly report to their supervisor all damage to or loss of Agency equipment. Lost or broken tools, equipment and other gear will be replaced by the Agency, but excessive loss or breakage will result in the employee being subject to disciplinary action.

6.1.3 Key/Access Card Distribution

Keys/Access Cards to Agency locks are issued only to employees and other authorized individuals. Each key/Access Card is numbered and issued by the Agency office to a specific individual. Exchanging keys/Access Card, giving keys/Access Cards out, or copying keys/Access Cards is expressly prohibited and may lead to disciplinary action.

6.1.4 Personal Use of Agency Property

Agency tools, vehicles, equipment and facilities are provided for use on Agency business only. Personal use of Agency property is prohibited. Employees are prohibited from displaying personal property for sale on Agency premises or property.

6.1.5 Personal Tools or Property

The Agency will provide all tools and equipment reasonably required to perform the assigned work. The use of an employee's personal tools, vehicle or other equipment is not required and will be permitted only in unusual circumstances.

To deter theft or damage to personal property, employees are discouraged from bringing any personal property into the workplace and should not leave any personal belongings of value in the workplace. The Agency assumes no responsibility for loss or damage to the personal property of an employee.

6.1.6 Agency Access to Property

The Agency retains full title and control, including the right of inspection, over equipment, property and facilities provided for employee use. Employee privacy rights do not extend to work-related conduct or the use of Agency facilities, Agency owned equipment or property. All offices, work areas, desks, file cabinets, files, computers, data storage devices remain the property of the Agency. Therefore,

any agent or representative of the Agency can inspect these items or areas at any time, with or without prior notice.

6.1.7 Entry onto Private Property

All employees shall make a diligent attempt to contact property owners prior to entry upon private property when performing maintenance and repair tasks. Each employee is responsible for immediately reporting to the Agency office any damage to private property, buildings, trees, crops, fences, pipelines or other damage caused as a result of Agency work or operations or the use of Agency equipment.

6.1.8 Purchasing

All purchasing of materials and services must adhere to the Agency's standard practice.

Section 6.2. Phones, Computers, and Other Electronic Equipment

6.2.1 Statement of Policy

The phone, voicemail and computer systems are Agency property. Agency phones, radios, computers and other electronic equipment (copiers, fax machines, PDAs (e.g. Blackberry or other Personal Data Assistant device), etc.) should be used for Agency business purposes only. The Agency reserves the right, in its sole discretion, to access these systems, including employee voicemail, e-mail and data stored on computers, at any time. Any personal or personally confidential activities should be conducted at home on personal equipment, not at work.

This Policy is also intended to notify employees that all Agency Information Systems and their contents are not confidential or private. That is, all data, including any that is stored electronically or printed as a document, is subject to audit, review, disclosure, and discovery. **Such data may be subject to disclosure pursuant to the Public Records Act (California Government Code Section 6250 et. seq.). Therefore, there is no expectation of privacy in the use of the Agency's Information Systems.**

The Agency reserves the right to access and monitor employee use of the Agency's Information Systems as well as any stored information created or received by employees with the Agency's Information Systems. The reservation of this right is to ensure that the Agency's Information Systems are used securely and appropriately in an ethical and lawful manner.

6.2.2 Phone Usage for Personal Reasons

While it is understood that the use of the Agency's telephones for personal reasons is occasionally necessary, this privilege must not be abused. Such conversations should be limited to exigent situations and must be kept brief. Personal toll calls are not to be charged to the Agency.

6.2.3 Internet Usage

Access to the Internet is provided for the benefit of the Agency and its employees in the performance of their work. It allows employees to connect to information

resources around the world. Employees are responsible for seeing that the Internet is used in a productive, work-related manner.

The Internet shall not be used for personal gain, solicitation of non-Agency business, or advancement of individual views. Employees may not use Agency-provided Internet service to access sexually explicit or other material that would run afoul of the Agency's anti-harassment policy, nor to access gambling or gaming sites, or similarly inappropriate information.

Personal usage of the Internet must be kept to a minimum and during employee break or lunch time.

6.2.4 Decorum of Communications

Employees must conduct themselves professionally and in a businesslike manner when using Agency telephones, radios, voicemail, or e-mail systems. Employees are prohibited from using Agency telephones, radios, voicemail or e-mail systems in any way that is disruptive or offensive to others including, but not limited to, transmitting information derogatory of other employees, sexually explicit information, racial or ethnic slurs, or anything else that may be construed as harassment or disparaging of others. No messages shall be transmitted under an assumed name. Users may not attempt to obscure the origin of any message.

6.2.5 Installation or Duplication of Software

Employees may not add or install personal software programs on Agency computers. Further, the Agency prohibits illegal duplication of software and its related documentation. Employees may only use software contained on Agency computers according to the Agency's software licensing agreement.

6.2.6 Discipline

Violations of any aspect of this policy may result in disciplinary action up to and including discharge.

Section 6.3. Agency Vehicles

6.3.1 Statement of Policy

The Agency may provide employees with use of Agency-owned vehicles for performance of their duties. Observation of safe driving practices shall be the top priority of all persons assigned an Agency vehicle, as well as proper care of Agency equipment.

6.3.2 Operator Qualifications

Every driver of an Agency vehicle must have a valid and current California driver's license for the type of Agency vehicle driven and must be authorized by the applicable Agency management employee to drive an Agency vehicle.

Every authorized Agency driver must maintain an overall driving record that does not have an adverse influence on the Agency's insurance rates or otherwise create an unacceptable liability risk to the Agency. Conviction for driving under the influence, careless or reckless driving, or any similar moving offense of parallel gravity, whether

or not in an Agency vehicle and whether or not on duty, may be the basis of termination of status as authorized driver.

6.3.3 Compliance with Law

All drivers must comply with all applicable motor vehicle laws when driving an Agency vehicle. Failure to do so will subject the employee to disciplinary action, up to and including discharge.

6.3.4 Vehicle Categories

For purposes of this policy, each Agency vehicle shall be placed in one of the following categories:

6.3.5 Limitations on Use of Vehicles

The following rules shall apply to the use of all Agency vehicles:

- A.** Agency vehicles shall only be used for official Agency business. When an employee uses an Agency vehicle in any other manner, that employee shall be deemed to be not on official Agency business.
- B.** Agency vehicles shall only be driven by employees or officers of the Agency. With the approval of the Executive Director, Agency vehicles may be used by non-employees, such as consultants or independent contractors, when it is determined to be in the best interest of the Agency.
- C.** Agency vehicles shall not be used to transport large personal items, such as sports equipment or animals, or for private towing or hauling of personal belongings or property of others.
- D.** Seat belts shall be worn by all occupants while riding in or operating Agency vehicles. The use of seat belts is the law.
- E.** The use of cellular phones and electronic devices are prohibited while driving Agency owned vehicle(s).
- F.** No Agency vehicle shall be used to push-start another vehicle.
- G.** Pets, waterfowl, poultry, fish, reptiles, etc. are not permitted in Agency vehicles, nor are firearms of any type.
- H.** All Agency personnel are required to keep their assigned Agency vehicles in a clean and safe operating condition at all times. No modifications, changes, additions, addition of any accessory, custom part or the removal of any factory or Agency item on any Agency vehicle shall be permitted without the express approval of the Executive Director.
- I.** Each driver of an Agency vehicle will be responsible for calling any needed repairs or adjustments on his or her vehicle to the attention of the Executive Director. Each driver will be responsible for verifying that his or her vehicle has proper and functioning brakes, lights, windshield wipers, etc.

- J. All Agency personnel are required to report damage and defective Agency equipment as soon as possible after detection to ensure that damaged items or potentially damaged items are repaired and that service schedules are not exceeded.
- K. Each employee will be responsible for immediately reporting to their supervisor/Department Head or to the Executive Director any accident in which he or she is involved as a driver of an Agency vehicle. The employee will further prepare a detailed report of the accident, which report is to be submitted directly to the Executive Director or designee. This includes any accidents will on company duty in a private vehicle.
- L. Excessive acceleration and other showings of vehicular power occurring on Agency premises or on private or public property when in an Agency vehicle and the same occurring on Agency premises, whether in a personal vehicle or in an Agency vehicle, is not permitted.
- M. All Agency personnel shall "lock" and "secure" Agency vehicles when left unattended.
- N. Agency personnel involved in auto accidents should not volunteer information or admit liability, but merely respond as necessary to uniformed officers. They should request that their Supervisor, or the Human Resources Manager to notify police or call for medical assistance at the scene when necessary.
- O. Authorized Passengers:
 1. Adults on Agency business are permitted to ride in Agency vehicles, but only to the extent that seat belts are available.
 2. Any individual who is not participating in agency business, including family members, friends and all children are not permitted in Agency Pool Vehicles.
 3. All Agency personnel are prohibited from picking up hitchhikers in Agency Vehicles or while on Agency business.
- P. When driving an Agency vehicle, stopping and entering any bar or liquor store is prohibited. Transporting alcoholic beverages at any time in an Agency vehicle is prohibited.

Section 6.4. Employee Purchase Program

6.4.1 Mobile Device

A. Purpose & Reimbursement

NVTA will reimburse managers and exempt employees for up to \$1,000 plus tax for the purchase of a mobile device or tablet to encourage the proficiency of its management and exempt employees and for interfacing with Granicus or like software to access and maintain Board and advisory committee packets. If the employee chooses a device under \$1,000, NVTA will only reimburse employee up

to the purchase amount. If over the device exceeds a \$1,000 cost, employees are responsible for the difference.

NVTA will **not** reimburse employees for costs of data plans, additional software, extra equipment, extra warranties or other peripheral equipment. Purchases other than the mobile device are the responsibility of the employee. It is up to the employee to pay for repairs should the device be damaged or replaced should the device be stolen or lost within a three year period.

Mobile devices are eligible to be replaced on a three-year cycle from the date of purchase. This is done to ensure that systems used for daily business are up-to-date and under warranty.

B. Device Ownership/Program Limitations

Mobile devices are the personal property of the employees. Employees can choose any device that accommodates the interface of Board Packets. .

IRS rules may consider the reimbursement as income and subject to income taxes. Any additional taxes are the responsibility of the employee.

Business conducted on private devices is subject to the Public Records Act. To separate personal and business items, you should have an NVTA folder so that a search of the entire device would not be necessary to isolate personal documents from public documents or correspondence.

CHAPTER 7 TIME OFF AND LEAVES OF ABSENCE

Section 7.1. Holidays

7.1.1 Eligible Employees

Full-time Agency employees are eligible for paid holidays as described herein,

7.1.2 Recognized Holidays

Eligible employees are entitled to the following eight (8) holidays off with pay when they fall on a work day in the basic workweek:

January 1 (New Year's Day)

The last Monday in May (Memorial Day)

July 4 (Independence Day)

The first Monday in September (Labor Day)

The fourth Thursday in November (Thanksgiving Day)

The day following Thanksgiving Day

December 24 (Winter Holiday)

December 25 (Winter Holiday)

- (1) When a recognized holiday falls on a Saturday, the day immediately preceding shall be deemed to be the paid holiday. When a recognized holiday falls on a Sunday, the next day shall be deemed to be the paid holiday. If December 24 falls on a weekend, it will be observed the preceding Friday. If December 25 falls on a weekend, it will be observed the following Monday.
- (2) Permanent part-time employees shall receive the same number of holidays as regular, full time employees and on a pro-rata basis, proportional to full-time employment

Holidays will be paid at eight (8) hour increments.

7.1.3 Personal Leave

Eligible employees shall also receive fifty-six (56) hours of personal leave each calendar year which may be used for personal reasons. Personal leave has no cash value and must be used during the calendar year in which it is received or it is deemed forfeited. Those hired after the calendar year begins will receive a pro rata share of personal leave time based on the number of pay periods remaining in the calendar year.

Permanent part-time employees shall receive personal leave on a pro-rata basis, proportional to full-time employment.

7.1.4 Board Ordered Holiday

The Board of Directors may from time to time declare additional paid holidays or half-day holidays at their sole discretion, and the granting of any such holiday shall not constitute a precedent for continued granting of such holiday or holidays.

7.1.5 Holidays Occurring During Unpaid Leave

Employees will not receive holiday pay for holidays that occur during an unpaid leave of absence from the Agency, or when the employee is on unpaid leave either the work day before the recognized holiday or the work day after the recognized holiday.

7.1.6 Working on Holidays

Eligible employees may be scheduled to work on holidays, in which event, an FLSA non-exempt employee will be compensated at the overtime rate of pay for all time worked on such days, in addition to receiving eight hours of holiday pay. Standby shall not be construed as time worked.

FLSA exempt management employees who are scheduled to work on a holiday first must obtain prior written approval from the Executive Director in order to be eligible for flex-time or compensatory time-off for hours worked. Any approved flex-time must be taken in full-day increments. Standby shall not be construed as time worked.

Section 7.2. Vacation

7.2.1 Purpose

NVTA provides vacation to eligible employees for the purpose of rest, relaxation and reinvigoration.

7.2.2 Eligibility

Full-time employees are eligible to receive vacation benefits. Vacation begins to accrue from the date of hire. A probationary employee may begin to take vacation after the first six (6) months of an employee's probationary period.

7.2.3 Accrual

A. Accrual Rates

Every permanent, full-time employee shall accrue vacation leave, in accordance with the permitted maximums as provided in the schedule below. An employee shall not accrue vacation in excess of the permitted maximums. The Executive Director shall give employees a reasonable opportunity to utilize such vacation within the year so as not to exceed the maximum accrual vacation leave accruals.

Years of Continuous Agency Service	Hours of Vacation Accrued/ Pay Period	Maximum Accrual for Years of Continuous Service
Date of Hire through Year 3	3.8 hours	240 maximum hours
Year 4 through 9	4.8 hours	300 maximum hours

Year 10 through 14	6.2 hours	400 maximum hours
Year 15 through 19	7.2 hours	400 maximum hours
Year 20 through 29	8 hours	400 maximum hours
Year 30 or more	9 hours	400 maximum hours

1. An employee's new vacation accrual rate will be effective on the first day of the pay period following the anniversary date of the year referenced in the above schedule.
2. Each employee may, with approval of the Executive Director, take vacation privileges as earned and in accordance with the provisions of Section 7.2
3. No person shall be permitted to work for compensation for the Agency in any capacity during the time of his/her paid vacation from Agency service.
4. Vacation leave does not accrue during periods of unpaid leave from the Agency or when an employee is on short or long-term disability, unless an employee is on worker's compensation leave, in which case, vacation continues to accrue.
5. Each employee has right to receive compensation at the Employee's current hourly rate for up to eighty (80) hours per year of unused vacation so long as forty (40) hours of vacation were actually used during the calendar year.

Permanent part-time employees shall accrue vacation leave on a pro-rata basis, proportional to full-time employment.

Non-Management Fair Labor Standards Act (FLSA) exempt employees will receive an additional 40 hours of non-accrual leave each calendar year.

B. Management Employees

Management Employees of the Agency shall receive the following:

1. Eighty (80) hours of management leave credited at the beginning of each calendar year. The right to surrender up to sixty (60) hours of management leave each year and be paid for same in cash at their current hourly rate; provided, however, that a minimum of forty (40) hours of vacation leave must be used during the calendar year in which the surrender of management leave occurs before the finance department is authorized to process the surrender request.
2. Accrual of vacation leave at the rate of 4.8 hours per pay period, or accrual of vacation leave at the rate determined in accordance with Section 7.2.3.A, or accrual of vacation leave at the Employee's current vacation leave accrual rate, whichever is higher. This vacation leave accrual rate will be effective on the date of the appointment, reclassification, or promotion.

3. In the case of Management Employees who were not employed by the Agency at the time of their appointment, but were previously employed by a city, county, special district, state or federal government agency, the vacation accrual rate shall be the rate of vacation leave approved by the Executive Director; providing, however, this rate shall not exceed the rate of vacation leave accrual the Employee enjoyed at the Employee's last place of public employment, or the rate of vacation leave accrual the Employee would be entitled to had all prior public agency service of the Employee been with the Agency, whichever is higher; and further provided that in no event shall this rate of accrual exceed the maximum rate the Agency provides to Management Employees. Work performed for a public agency as a consultant or independent contractor rather than as an employee, shall not be taken into account by the Executive Director in approving a vacation leave accrual rate exceeding the .06 hours per each full hour worked up to the maximum of eighty (80) hours per pay period.
4. The right to accumulate a maximum of 600 hours of vacation leave; the Employee may not earn any further vacation time while accrued, unused vacation remains at this maximum.

7.2.4 Scheduling

A. Notice

Vacation shall be scheduled with the employees supervisor and the Executive Director, with due regard for the wishes of the employee and with particular regard for the needs of the Agency.

Vacations of four (4) consecutive days or more, must be scheduled a minimum of two weeks before the date of departure. Vacations of three (3) consecutive days or less must be scheduled at least two (2) working days before departure. Under special circumstances, the Executive Director may waive these notice requirements.

All vacation requests shall be submitted in writing on the designated Agency form.

B. Intervening Holidays

A holiday falling within a vacation shall not be counted as a day of vacation.

C. Intervening Illness or Injury

Employees becoming sick or injured while on vacation leave shall be entitled to change their vacation status to sick leave with a doctor's verification that the employee would have been unable to work due to the illness or injury. Employees must follow the sick leave procedures described in these Policies and Procedures.

7.2.5 Termination or Retirement from Agency

Accrued but unused vacation at the time of an employee's termination or retirement shall be administered as follows:

A. Termination

If an employee terminates employment with the Agency, voluntarily or involuntarily, and has accrued and unused vacation, he or she shall be paid for each day recorded in Agency records.

B. Retirement

An employee who retires and has accrued and unused vacation may elect either of the following options:

1. Continue to work until the date of retirement and be paid for accrued and unused vacation; or
2. Discontinue working and take accrued and unused vacation time that would extend from last day worked up to the date of retirement.

If option (2) is selected, deductions from vacation pay will be the same as if the employee is actually on the job and health care coverage will continue to be provided under various group programs through the exhaustion of vacation time.

Section 7.3. Sick Leave

7.3.1 Purpose

The Agency provides paid sick leave in order to prevent a loss of earnings that may be caused by illness or injury. Paid sick leave is not intended to provide additional paid time off for reasons unrelated to injury or illness.

7.3.2 Eligibility

Employees are eligible for paid sick leave. Sick leave begins to accrue from the first day of employment. Employees who have worked for six (6) months in continuous employment are eligible to use accrued sick leave.

7.3.3 Accrual

Each employee shall accrue 3.8 hours of sick leave for each full eighty (80) hour pay period. There is no limit to the amount of sick leave an employee can accrue. Sick leave does not accrue during periods of unpaid leave from the Agency or when an employee is on short or long-term disability status, unless an employee is on worker's compensation leave, in which case, sick leave continues to accrue.

No sick leave shall be paid prior to it being accrued.

Sick leave accrued and unused is forfeited upon termination of employment. For vested employees, accrued and unused sick leave balances can be used to credit retirement health benefits per the agency contract with CalPERS.

Permanent part-time employees shall accrue sick leave on a pro-rata basis, proportional to full-time employment.

7.3.4 Conversion of Vacation to Sick Leave

Employees becoming sick or injured while on vacation leave shall be entitled to change their vacation status to sick leave with a doctor's verification that the employee would have been unable to work due to the illness or injury. Employees must follow the sick leave procedures described in these Policies.

7.3.6 Employee Notice and Communication

An employee shall contact his or her supervisor prior to the employee's starting time each day when absent due to illness or injury. Employees must follow this procedure every day of illness or injury, except in the case of a pre-approved leave of absence.

Where an employee is absent for more than three (3) consecutive days, the employee will be required to submit a doctor's statement (1) verifying that an illness or injury prevented the employee from working, and (2) certifying that the employee is fit and able to return to work. Employees are required to submit a doctor's statement consistent with (1) and (2) above if an employee has a regularly scheduled absence for medical reasons. Management may also require a doctor's slip verifying the absence for a shorter period of time where a question of abuse of sick leave arises.

Employees on an approved leave of absence who do not return on their scheduled return date and who have failed, in advance of the return date, to obtain an agreed extension of leave from their supervisor or the Executive Director, will be considered to have voluntarily abandoned employment and subject to separation from Agency employment.

Section 7.4. Workers' Compensation Leave

7.4.1 Purpose

Agency employees are eligible for benefits under the Worker's Compensation Laws of the State of California for injury or illness arising out of or in the course and scope of employment. Where such injury or illness necessitates an employee's absence from work, an employee shall remain on paid status as provided herein.

7.4.2 Sick or Vacation Leave Supplementation

When an employee is off work due to an industrial injury, accrued sick leave or vacation pay may be paid for the first three (3) days. Thereafter payments made by Worker's Compensation may be supplemented up to base wage entitlement of that employee to the extent that accumulated sick leave is available and, when authorized by the employee, vacation days.

7.4.3 Accrual of Benefits during Leave

During the time an employee is on "paid status" while absent from work by reason of injury or illness covered by Worker's Compensation, he or she shall continue to accrue all benefits. For the purposes of this section, "paid status" shall include that period of time during which the Agency coordinates benefits; i.e., that period of time during which sick leave and vacation days are used to supplement employee earnings.

If worker's compensation leave is converted to long term disability leave, once vacation and sick leave balances are depleted, health, dental, vision, and life insurance premiums will be paid entirely by the employee. In addition, while the employee is on long term disability status, vacation, holidays, and sick leave accruals will no longer accrue.

Section 7.5. Pregnancy Leave

7.5.1 Purpose

In an effort to further equal employment opportunity for women, employees who become disabled by pregnancy, childbirth or related medical conditions may be entitled to job-protected leave or other reasonable accommodation as provided by California's Pregnancy Leave Law.

7.5.2 Covered Employees

An employee is disabled from working due to pregnancy, childbirth or a related medical condition in the following circumstances:

- Inability to work at all because of pregnancy or childbirth

- Inability to perform one or more essential functions of the employee's job without undue risk to the female, the successful completion of the pregnancy, or other persons
- Suffering from severe morning sickness
- Needing to attend pre-natal care appointments

7.5.3 Leave Rights

A covered employee is entitled to up to four months of leave during any period in which the employee is actually disabled. Such leave may be taken in a single block of time or on an intermittent basis or reduced leave schedule. This leave is in addition to, and does not run concurrent with, any leave the employee may be eligible for under the Family Medical Leave Act and California Family Rights Act.

At the conclusion of an approved pregnancy disability leave, the employee will be restored to her original position or a comparable position in accordance with law.

7.5.4 Pay and Benefits

Pregnancy disability leave under this policy is unpaid. However, a covered employee may use accrued sick or vacation leave or other accrued time off to cover absences caused by a pregnancy-related disability.

Leave taken under this policy does not constitute a break in service for the employee.

7.5.5 Employee Notice Obligations

Whenever the need for leave is foreseeable, a covered employee must give the Agency thirty (30) days advance notice of the need for leave. Covered employees should make reasonable efforts to schedule any necessary medical treatment so as not to disrupt the operations of the Agency. The Agency may deny leave where such notice is not provided.

When the need for leave is not foreseeable, covered employees must provide notice of the need for leave as soon as practicable.

7.5.6 Medical Certification

An employee requesting such leave will be required to provide a medical certification from her health care provider verifying the disability, the date it commenced, and its probable duration.

Upon return to work, the employee will be required to provide a return-to-work certificate from her health care provider stating that she is able to resume the duties of her position.

7.5.7 Other Forms of Pregnancy-Related Disability Accommodation

An employee disabled by a pregnancy-related condition may also be eligible for a temporary transfer to a less strenuous or hazardous position or other form of accommodation. Requests for accommodation should be directed to the employee's Supervisor or the Executive Director.

Section 7.6. Family and Medical Care Leave Act

7.6.1 Statement of Policy

This policy describes the circumstances and conditions under which an employee may take family care and medical leave as provided under the Federal Family and Medical Leave Act ("FMLA") and the California Family Rights Act ("CFRA"). This policy is meant to be read together with the FMLA (29 U.S.C. 2601 et seq.) and the CFRA (Government Code Section 12945.2) and the regulations adopted to implement them, all as they are now written or may hereafter be amended. This policy is separate and distinct from any other leave policies or procedures. The benefits accorded by these separate policies shall not be combined or otherwise construed as one policy.

7.6.2 Definitions

- A. "Family and Medical Care Leave"** means leave, whether paid or unpaid, taken by an employee on account of:
1. The birth of a child of the employee.
 2. The adoption or foster care placement of a child by the employee.
 3. The serious health condition of a child, parent or spouse of the employee.
 4. The serious health condition of the employee which makes the employee unable to perform the duties of the employee's position.
- B. "Child"** means a biological, adopted or foster child, a stepchild, a legal ward or child of a person in loco parentis who is either under 18 years of age or a dependent adult. A dependent adult is a person who is over 18 years of age and is incapable of self-care because of a mental or physical disability.
- C. "Health Care Provider"** means a person holding a physician's and/or surgeon's certificate or an osteopathic physician's and/or surgeon's certificate who directly treats or supervises the treatment of the serious health condition, or any other person determined to be capable of providing health care services under the FMLA/CFRA.
- D. "Parent"** means a biological, foster or adoptive parent, a stepparent or legal guardian, or other person who stood in loco parentis to the employee when the employee was a child. Parent does not include a parent-in-law.
- E. "Serious Health Condition"** means an illness, injury, impairment or physical or mental condition which involves either:
1. Inpatient care in a hospital, hospice or residential health care facility; or
 2. Continuing treatment or supervision by a health care provider of more than three consecutive days; or

- 3. Continuing treatment or supervision by a health care provider for a chronic or long-term health condition that is incurable or so serious that if not treated would likely result in an incapacity for more than three consecutive days.
- F. **"Spouse"** means a partner in marriage as defined in Family Code Section 300. It does not include unmarried persons living together, but does include persons who are legally married who do not live together. For the purposes of this policy, spouse is further defined as a registered domestic partner as specified in California Family Code Section 297.
- G. **"Employment in the Same or Equivalent Position"** means employment in a position that has the same or equivalent duties and pay that can be performed at the same or similar geographic location as the position held prior to the leave.

7.6.3 Family and/or Medical Care Leave

Except as hereafter provided, any employee with at least 12 months of service with the Agency, who has at least 1250 hours of service during the previous 12-month period, may take up to 12 weeks of family care and medical leave during a 12-month period with a guarantee made at the time leave is granted that the employee will be able to return to the same or equivalent position.

- A. For this purpose, "12 month period" means the 12 months immediately preceding the date an employee takes family care and medical leave.
- B. Pregnancy disability leave taken by an employee will not be considered when counting the amount of leave an employee may take pursuant to this policy.
- C. While on leave under this policy, an employee will continue to be covered by the Agency's group health insurance to the same extent that coverage is provided while the employee is working.
- D. If an employee fails to return to work after the designated period of leave or when the leave entitlement has been exhausted or expires, the Agency shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave under this policy, or because of circumstances beyond the employee's control.
- E. Leave under this policy may be granted on an intermittent basis (i.e., leaves taken in separate blocks of time due to a single qualifying reason) or a reduced work schedule to accommodate an employee qualifying for leave under this policy. An employee may take leave under this policy on an intermittent basis for his/her own serious

health condition or for the serious health condition of a qualifying family member when it is shown to be medically necessary.

- F. Conditions for use of Family/Medical Care Leave:
1. Notice of Leave. If the need for leave is foreseeable, an employee must provide the Agency with reasonable advance notice. For this purpose, "reasonable advance notice" means thirty (30) days' written notice, if practicable.
 2. Scheduling Leave. If the need for leave is foreseeable due to a planned medical treatment or supervision, the employee must make a reasonable effort to schedule it to avoid disruption of Agency operations.
 3. Medical Certification for Family Care Leave. A request for leave to care for a child, spouse or parent who has a serious health condition must be supported by a certificate of a health care provider which includes all of the following:
 - a) The date on which the health condition commenced;
 - b) A statement as to whether a serious health condition of a family member exists:
 - i. However, the employee need not (but may, at the employee's option) identify the serious health condition involved (i.e., diagnosis).
 - ii. Failure to disclose the nature of the serious health condition may give the Agency reason to doubt the validity of the certification.
 - c) The probable duration of the condition;
 - d) An estimate of the time the employee needs to care for the individual;
 - e) A statement that the condition requires family participation to provide care during the period of treatment or supervision of the individual requiring care.
 4. Medical Certification for Employee's Own Serious Health Condition. A request for leave for an employee's own serious health condition must be supported by a certificate of a health care provider which includes all of the following:
 - a) The date on which the serious health condition commenced;
 - b) A statement as to whether the employee is unable to perform the essential functions of his or her normal position:
 - i. However, the employee need not (but may, at the employee's option) identify the serious health condition involved (i.e., diagnosis).

- ii. Failure to disclose the nature of the serious health condition, may give the Agency reason to doubt the validity of the certification.
- c) The probable duration of the condition.
- 5. Use of Accrued Leave:
 - a) Vacation/Comp Time: An employee who takes family/medical care leave must use all of their accrued compensatory time off, if any, and then and all of their accrued vacation in excess of 80 hours.
 - b) Sick Leave: An employee who takes family/medical care leave may only use accrued sick leave as provided in the applicable under California law.

G. Limits on Family and Medical Care Leave

The Agency may refuse to allow family and medical care leave if:

- 1. The employee fails to furnish the Agency adequate medical documentation which satisfies the requirements under this policy or the FMLA or CFRA.
- 2. If both parents of a child are employed by the Agency, the Agency may limit the family care leave for the birth, adoption or foster care placement of their child to a combined total leave of twelve (12) weeks in a 12-month period.

H. Challenge to Medical Certification

- 1. When the Agency doubts the validity of a medical certification submitted by an employee, it may require the employee to obtain at Agency expense the opinion of a second health care provider designated and approved by the Agency regarding any of the information in the original certification. Such second health care provider may not be one employed by the Agency on a regular basis.
- 2. If the opinion of the second health care provider differs from the first, the Agency may require the employee to obtain at Agency expense, the opinion of a third health care provider, designated or approved jointly by the Agency and the employee, concerning the information in the original certification. The opinion of the third health care provider will be final and binding on the Agency and the employee.

I. Employee's Obligation to Periodically Report on His/Her Condition

An employee on family or medical care leave may be required to periodically report on his or her status and intent to return to work. This will avoid any delay to reinstatement when the employee is ready to return to work.

J. Status of Employee Benefits While On Leave

1. Status of Employee. An employee on family/medical care leave retains employee status, and the leave does not constitute a break in service for purposes of longevity, seniority, or any employee benefit plan. For purposes of layoff, recall, promotion, job assignment, and seniority related benefits, an employee who returns from leave will have no less seniority than the employee had when the leave commenced.
2. Health Insurance. Except as hereafter provided, during family/medical care leave, the Agency will continue to offer the employee, and pay its share of the premium for, health insurance for up to twelve (12) weeks at the same level and under the same terms and conditions as coverage was provided while the employee was actually working for the Agency; provided that, if an employee fails to return from leave for reasons other than the continuation, recurrence, or onset of the employee's own serious health condition or other circumstances beyond the employee's control, the Agency may recover the premiums paid by the Agency on behalf of the employee.
3. Other Benefits. During family/medical care leave, an employee will continue to be entitled to participate in employee health plans for any period during which coverage is not provided as required in Section 7.6.3.J.2 above, employee benefit plans, including life, short-term or long-term disability or accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as apply to an unpaid leave taken for any other purpose.

K. Return from Family and/or Medical Care Leave

1. The Agency may deny reinstatement of an employee from family and medical leave to the same or equivalent position where:
 - a) The employee refuses to return on the date agreed upon; or
 - b) As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition which made the employee unable to perform his/her job, the employee must obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement; or
 - c) The same or equivalent position has been eliminated for legitimate business reasons unrelated to the employee's family/medical care leave, in which case the employee will have the rights accorded in the layoff provision of the applicable Agency policy.

2. Reinstatement of Key Employees: The Agency may deny reinstatement of an employee from family and/or medical care leave to the same or equivalent position where:
 - a) The employee is among the highest paid 10% of the Agency's salaried employees; and,
 - b) Reinstatement would cause the Agency serious and grievous economic harm; and,
 - c) The employee was notified at the outset of leave that reinstatement could be denied.

7.6.4 Status of Prior Policies

This policy supersedes and replaces all other policies on the same subject. The Agency reserves the right to amend this policy whenever it is appropriate to conform to state and federal laws, rules and regulations.

Section 7.7. Funeral and Bereavement Leave

7.7.1 Purpose

The Agency provides bereavement leave for its employees in the event of a death in the employee's family in order to handle family affairs and attend the funeral.

7.7.2 Conditions of Leave

A. Amount

An employee may take up to five days of sick leave (one of which shall be the date of the funeral) for the purpose of making necessary arrangements and attending the funeral.

An additional limited amount of time off to attend funeral services outside the State of California may be authorized with pay under special circumstances. The Executive Director is vested with full discretion to evaluate the circumstances and make the determination.

Attendance at funerals requiring absences of more than five days may be charged to accrued vacation or personal leave accounts.

B. Covered Family Members

Leave shall be afforded under this policy for the death of the employee's spouse, registered domestic partner, child, parent, parents-in-law, step-parents, sibling, step-siblings, and grandparents.

C. Deceased Employees

In deference to the memory of a deceased colleague, a limited amount of time off to attend funeral services may be authorized with pay under special circumstances. The Executive Director is vested with full discretion to evaluate the circumstances and make the determination.

Section 7.8. Jury Duty and Witness Leave

7.8.1 Purpose

The Agency encourages its employees to perform their civic duty to serve on a jury panel or as a subpoenaed witness and provides leave for such purposes as described herein.

7.8.2 Jury Duty Leave

A. Full-time and Seasonal Employees

Time off without loss of pay of up to four (4) weeks shall be granted to full-time employees called for jury duty. Such employees who are required to serve on jury duty shall be paid the difference between their regular pay and the amount of the jury fee received for such duty. For the purpose of this calculation, the jury fee does not include any mileage allowance. Should jury duty extend beyond four (4) weeks, the employee will receive unpaid leave for the duration of the jury service. The employee may elect to use accrued vacation, compensatory time off, personal leave, or floating holiday leave to cover the remainder of the jury service.

B. Part-Time and Temporary Employees

Part-time and temporary employees will be granted time off without pay for jury duty service. These employees may elect to use accrued vacation, compensatory time off, personal leave, or floating holiday leave to cover the jury service.

C. Notice Requirements

All employees are required to provide their supervisor with reasonable advance notice of jury duty. Employees must provide their supervisor with a copy of their jury summons prior to the commencement of jury duty leave.

D. Return to Work

All employees released from jury duty prior to the end of a scheduled work day must report back to work within one (1) hour after being released from jury duty, unless there is less than two (2) hours remaining in the employee's work day at the time of release.

7.8.3 Witness Duty

All employees will be allowed time off without pay to appear in court as a witness pursuant to a valid subpoena or other court order. The employee must provide his or her supervisor with reasonable advance notice of the witness duty. Further, the employee is required to provide his or her supervisor with a copy of the subpoena or court order requiring the employee's attendance. The employee may elect to use accrued vacation or floating holiday time to cover the time away from work. All employees who are subpoenaed by court to appear in their capacity and scope as a representative of the Agency shall be allowed time off with pay for such witness duty.

7.8.4 Overtime Exempt Employees

Overtime exempt employees who work any portion of the week in which they also serve on jury duty or as a witness will receive their full salary for that week.

Section 7.9. Military Leave

7.9.1 Purpose

The Agency provides appropriate military leaves of absence, benefits and reinstatement rights to members of the military consistent with the provisions of the California Military and Veterans Code and the federal Uniformed Services Employment and Reemployment Rights Act.

7.9.2 Leave of Absence

Any Agency employee who is a member of the United States armed forces, the National Guard, the Naval Militia or the reserve corps is entitled to an unpaid leave(s) of absence for ordered military duty including active military training, inactive duty training, encampment or exercises.

7.9.3 Employee Notice Requirements

Employees must provide advance written or verbal notice of the need for military leave unless to do so is impossible or unreasonable. Generally, an employee should present their service papers to their supervisor as soon as they receive them. Employees should use their best efforts to arrange inactive duty or annual trainings at a time that is mutually convenient to the employee and the Agency.

7.9.4 Pay and Benefits While On Leave

A. Pay

Where the employee has been employed by the Agency for at least one year prior to the start of the leave, the first 30 calendar days of military leave will be paid. No minimum length of service is required to receive 60 calendar days of pay for a member of the National Guard who is called to active duty during a declared emergency. Paid military leave shall not exceed 30 calendar days in any fiscal year.

After the first 30 calendar days, military leave will be unpaid. Any employee may, at his or her option, elect to use accrued vacation or floating holiday time to cover periods of unpaid military leave.

B. Health Care Coverage

For leaves with duration of 30 days or less, the Agency will continue the employee's health care coverage on the same terms as if the employee was working.

For leaves longer than 30 days, the employee may be eligible to continue health care coverage for self and dependents at the employee's own expense for up to 24 months. Employees returning from leave longer than 30 days will be restored to health care coverage upon their return to work without a waiting period.

C. Seniority

Any employee who takes military leave retains his or her original seniority date and all other seniority-based benefits as if continuously employed.

Employees on military leaves will not accrue any vacation or sick leave during periods of unpaid military leave.

Time spent on military leave will be counted as time worked for purposes of determining eligibility for family and medical leave.

7.9.5 Reinstatement

The Agency will adhere to the applicable federal or state law that is most beneficial to the employee in determining reinstatement rights.

Generally, employees must provide timely notice of their intent to return to work after military service. An employee returning from military leave will be reinstated to employment in the position he or she would have held had there been no interruption for military service, if qualified. If reasonable efforts to so qualify the employee fail, he or she will be returned to the position held at the beginning of the leave, if qualified.

Reinstatement may be denied if the employee receives a dishonorable or other disqualifying discharge, fails to timely request reemployment, or the Agency's circumstances have so changed to make reemployment impossible or unreasonable.

Section 7.10. Leaves of Absence without Pay—Accrual of Vacation and Sick Leave

An employee taking leave without pay shall earn vacation leave and sick leave during the week in which the leave of absence occurs according to the following weekly schedule. Such vacation leave and sick leave shall be calculated to the nearest tenths as shown in the chart below:

HOURS OF LWOP	PERCENTAGE OF ACCRUAL
2 – 3.9	90
4 – 7.9	80
8 – 11.9	70
12 – 15.9	60
16 – 19.9	50
20 – 23.9	40
24 – 27.9	30
28 – 31.9	20
32 – 35.9	10
36 – 40.0	0

Section 7.11. Outside Employment

The Agency forbids employees on a leave of absence, other than military leave, from holding outside employment during such leave. Employees who violate this

policy will forfeit any leave of absence and will be deemed to have voluntarily terminated their employment and separated from the Agency.

CHAPTER 8 BENEFITS

Section 8.1. Insurance

8.1.1 Purpose

The Agency will provide all eligible employees and their dependents access to group health insurance programs including medical, dental and vision and life insurance.

8.1.2 Terms of Coverage

The amount and type of coverage, as well as the percentage of Agency contribution, is subject to change from time to time depending on changes in applicable premiums.

Information describing coverage is available from the Agency Human Resourced department upon request. If there is a conflict between the language used here and the language contained in the group plan documents, the plan documents will prevail.

8.1.3 Eligibility

Full-time and part-time permanent employees are eligible for medical, dental, vision and life insurance coverages. The effective date for these coverage's is the first of any month following thirty (30) days of continuous service, except for medical which is effective the first of the month following the employee's hire date. Employees returning from layoff shall have full benefits made available to them on the first of the month following their return to work, without waiting the otherwise mandatory "waiting period."

8.1.4 Medical, Dental and Vision Coverage

A. Payment of Premiums

Presently the Agency pays 96% of the premium for Medical and 100% of the premium Dental for eligible full-time permanent employees during periods of regular pay status (including paid time off and paid leave). The agency pays 100% of benefits for full-time permanent employees with no dependents. The Vision premium is paid for by the Employee. The Agency does not pay insurance premiums for employees on an unpaid leave of absence or whose hours fall below the required minimum for eligibility of at least fifty (50) paid hours per pay period, unless specifically provided in another Agency policy such as the family and medical leave policy. Employees can elect to waive coverage providing that they can show they are covered by health insurance elsewhere.

The monthly premiums for permanent part-time employees shall be paid on a pro-rata basis proportional to full-time employment.

B. Long Term Disability

As used herein, "long-term disability" means the status reached when an eligible employee has, during any consecutive 12 month period, been unable to work or

perform the duties for which employed for 90 calendar days during that period, because of his or her own ill health or physical or mental disability.

Upon entering long-term disability status, an employee may petition the Board of Directors for use of accrued vacation or sick leave sufficient to pay premiums as set by the Agency for continuation of health, dental and vision coverage. Granting or denial of such petition shall be at the sole discretion of the Board based on their evaluation of the circumstances in each case. A granting in one case shall not be construed to have set a precedent when reviewing other cases.

C. Continuation of Health Benefits - COBRA

As stated above, the Agency's health care plans are maintained for employees in regular pay status and their covered dependents. The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and a related state law allow employees and their dependents to continue health care coverage at their own expense for up to 36 months if they lose coverage due to termination or other qualifying events.

D. Temporary Employees

Temporary employees are eligible for group health benefits for themselves and their dependents at their own expense provided the temporary employee qualifies as provided above and provided further, the employee pays the monthly premium for the group health care coverage a minimum of 10 days in advance of the first of each month.

8.1.5 Life Insurance Coverage

The Agency provides life insurance coverage for eligible employees in accordance with carrier requirements and at benefit levels determined through negotiations with the applicable employee representative. Presently the Agency pays 100% of the premium for this insurance.

Section 8.2. Retirement

8.2.1 Purpose

The Agency provides retirement benefits to fulltime and part-time, permanent employees through its plan with CalPERS. The terms of the plan shall govern retirement benefits.

8.2.2 Plan Overview

CalPERS provides a defined benefit plan. Benefits are based on the employee's age, years of credited service and final compensation at retirement. Employees become fully vested with 5 years of service. For employees hired prior to May 21, 2011 the minimum retirement age is 55 with a benefit formula of 2.5% at 55 (Tier 1); for employees hired between May 21, 2011 and December 31, 2012 the minimum retirement age is 60 with a benefit formula of 2.0% at 60 (Tier 2); and for employees hired on or after January 1, 2013 the minimum retirement age is 62 with a benefit formula of 2% at 62 (PEPRA New Members).

8.2.3 Contributions

The Agency pays the employer's contribution share at the current rate (2019) of 10.022% for Tier 1 members, 7.634% for Tier 2 members and 6.842% for PEPRA members of reportable earnings. The Employee pays the employee's contribution share at the current rate of 8% for Tier 1 members, 7% for Tier 2 members and 6.25% for PEPRA members of reportable earnings.

Section 8.3. Education, Membership and Professional Affiliation Fees

8.3.1 Purpose

The Agency will reimburse tuition, membership, and professional affiliation fees to eligible employees.

8.3.2 Eligibility

- Must be a regular, full-time employee.
- Must have at least one-year full-time employment.
- Must meet the performance expectations of his or her current position.
- Must not have any formal disciplinary actions with NVTA within the previous 18 months. Formal disciplinary actions include written warnings, demotions, or suspension.
- Must have an individual development plan in place, reviewed and agreed to by the supervisors with recognition that the educational investment is part of the employee's development for the current job or for a job to which he or she would realistically move to within NVTA in the future.
- Undergraduate level and graduate level degree course work, (both credit and non-credit courses such as continuing education & off-site training) are eligible for reimbursement, provided the employee's management agrees that the intended studies relate to the individual's current or potential future job at NVTA. This alignment should be reflected within the employee's individual development plan as noted in their performance evaluation.
- Must have clear alignment between the employee's educational ambitions, the agency's needs, the employee's performance management agreement and individual development plan.
- Must apply for and be pre-approved before enrolling in courses or any other type of formal education such as professional certifications. It is advisable for application to be made a 60-90 days in advance of the course/program to allow time to consider approval and budgeting, as appropriate.

8.3.3 Education Fees

Tuition for authorized Agency continuing education or a college degree are eligible for reimbursement. Education must be relevant to enhancing job knowledge or job related skills, or for the purpose of qualifying for advancement within the Agency as described in the employee's development plan. Employees are required to prepare a written request outlining the objectives for obtaining the education, expected timeframe, coursework and cost estimates, including tuition and books. The written request is to be submitted to the Executive Director for consideration and discretionary approval prior to enrolling in coursework, provided the employee intends to seek Agency reimbursement. Depending on the cost or relevancy of

the proposed education, the Executive Director may agree to reimburse all or a portion of the estimated cost. Actual reimbursements are eligible only after the successful completion of each quarter or semester as evidenced by supporting documentation from the college or university. Expenses for travel, lodging, meals or mileage related to education are not eligible for reimbursement.

Employees who accept tuition reimbursement, commit to regular full-time time service of two (2) years for an under-graduate degree or three (3) years for a graduate degree, following the successful completion of the coursework. In the event that an employee voluntarily terminates their employment with NVTA or is terminated for cause at any time during the course of employment, the employee agrees to repay NVTA the entire amount of tuition, associated fees, and taxes, if any, that have been paid for all courses. Repayment will not be required if the termination of their employment is due to death, long-term disability, layoff or involuntary termination for any reason other than cause.

If an employee does not repay any amounts due as indicated above on or before their last day of employment, any such amounts will be deducted from the employee's final paycheck or from other amounts payable to the employee upon or following termination of employment, and will authorize such deduction. Employees will also acknowledge that any balance still owed to NVTA after the deductions referenced above must be repaid to NVTA.

Employees shall be allowed sufficient leave with pay to meet the minimum education coursework requirement. The allowed leave shall be subject to the convenience of the Agency and the approval of the Executive Director.

8.3.4 Membership and Professional Affiliations Fees

Employees are encouraged to be members and active participants in job related professional affiliations. Memberships in professional organizations, and certifications or licenses related to transportation, engineering, financial management, accounting or other governmental affiliations are eligible for reimbursement as approved by the Executive Director. A maximum of two (2) memberships per employee totaling no more the \$500 per year is available for memberships to be reimbursed to the employee or paid directly by the Agency. The Executive Director may authorize an amount greater than this limit on a case by case basis when it is in the best interest of the Agency.

NVTA reserved the right to amend these Personnel Policies and Procedures at any time.

NVTA
POLICIES, PRACTICES AND PROCEDURES MANUAL

PERSONNEL

CHAPTER 1 INTRODUCTION	7
Section 1.1. Overview of Personnel Policies	7
1.1.1 Statement of Policy	7
1.1.2 Construction and Limitations.....	7
1.1.3 Implementation of the Policies	7
CHAPTER 2 EMPLOYMENT STATUS	8
Section 2.1. Definitions	8
Section 2.2. Hiring Process	10
2.2.1 Statement of Policy	10
2.2.2 Personnel Request	10
2.2.3 Employee Selection	10
2.2.4 Placing Employee on the Payroll	11
Section 2.3. New Employee Orientation	12
2.3.1 Statement of Policy	12
2.3.2 Content of Orientation.....	12
Section 2.4. Probationary Period	13
2.4.1 Statement of Policy	13
2.4.2 Duration of Probationary Period.....	13
2.4.3 Termination of Probationary Period	13
2.4.4 Rejection of Probationer Following Promotion	13
2.4.5 Effect of Leaves of Absence on Probationary Period.....	13
Section 2.5. Job Classification	13
Section 2.6. Job Descriptions	14
Section 2.7. Assignment and Transfer.....	14
2.7.1 Statement of Policy	14
2.7.2 Temporary Assignments	14
Section 2.8. Promotion	14
2.8.1 Statement of Policy	14
2.8.2 Application Procedure.....	15
2.8.3 Criteria for Selection	15
2.8.4 Probationary Period	15
2.8.5 Procedure When Employee Does Not Pass Probation	15
Section 2.9. Anti-Nepotism Policy and Non-Fraternization Policy.....	16
2.9.1 Statement of Policy	16
2.9.2 Relatives, Spouses or Domestic Partners in Same Department, Work Area or Facility	16
2.9.3 Application of the Policy.....	16
Section 2.10. Performance Evaluation.....	17
Section 2.11. Resignation.....	18

Section 2.12. Layoff	18
2.12.1 Statement of Policy	18
2.12.2 Layoff Order	19
2.12.3 Notice.....	19
2.12.4 Reinstatement from Layoff.....	19
2.12.5 Benefits.....	19
Section 2.13. Personnel Files	19
2.13.1 Statement of Policy	19
2.13.2 Employee Responsibility to Ensure Accuracy of Personnel Records	19
2.13.3 Duty to Provide Accurate Information	20
2.13.4 Access to Personnel Files.....	20
CHAPTER 3 HOURS OF WORK AND COMPENSATION	21
Section 3.1. Work Schedules.....	21
3.1.1 Work Schedules.....	21
3.1.2 Standard Work Schedule	21
3.1.3 Standard Work Week.....	21
3.1.4 Flex Time	21
Section 3.2. Meal and Rest Breaks.....	21
3.2.1 Meal Breaks	21
3.2.2 Rest Periods	21
3.2.3 Meal and Rest Breaks May Not Be Combined or Postponed	22
Section 3.3. Compensation.....	22
3.3.1 Statement of Policy	22
3.3.2 Wage Rates	22
3.3.3 Pay Schedule.....	23
3.3.4 Payroll Deductions	23
3.3.5 Updating Payroll Information.....	23
Section 3.4. Timekeeping	23
3.4.1 Employees	23
3.4.2 Consequences of Falsifying Time Records.....	24
Section 3.5. Overtime	24
3.5.1 Statement of Policy	24
3.5.2 Exclusion from Policy.....	24
CHAPTER 4 STANDARDS OF CONDUCTS	26
Section 4.1. Equal Employment Opportunity	26
4.1.1 Statement of Policy	26
4.1.2 Employee, Supervisor and Management Responsibilities	26
Section 4.2. Anti-Harassment/Discrimination Policy	26
4.2.1 Statement of Policy	26
4.2.2 Definitions	27
4.2.3 Zero Tolerance	28
4.2.4 Complaint and Investigation Procedure	28
4.2.5 Prohibition on Retaliation	29
4.2.6 Prevention.....	30
Section 4.3. Mutual Respect and Courtesy Rule	30
Section 4.4. Reasonable Accommodation	30

4.4.1	Statement of Policy	30
4.4.2	Conditions Covered By This Policy	30
4.4.3	Examples of Reasonable Accommodation	31
4.4.4	Requests for Reasonable Accommodation.....	31
4.4.5	Medical Information	32
4.4.6	The Interactive Process	32
4.4.7	Miscellaneous Guidelines	33
Section 4.5.	Appearance, Conduct and Hygiene	33
4.5.1	Statement of Policy	33
4.5.2	Guidelines on Appearance, Conduct and Hygiene	33
Section 4.6.	Attendance and Punctuality	34
4.6.1	Statement of Policy	34
4.6.2	Reporting Requirements	34
4.6.3	Discipline	34
Section 4.7.	Secondary Employment.....	35
4.7.1	Statement of Policy	35
4.7.2	Notification and Approval	35
Section 4.8.	Causes for Discipline	35
4.8.1	Statement of Policy	35
4.8.2	Standards of Conduct	36
Section 4.9.	Discipline	37
4.9.1	Statement of Policy	37
4.9.2	Progressive Discipline.....	37
4.9.3	Administrative Leave.....	37
4.9.4	Procedures for Disciplinary Action of a Permanent Employee	38
CHAPTER 5	HEALTH AND SAFETY ON THE JOB.....	40
Section 5.1.	Job Safety	40
5.1.1	Statement of Policy	40
5.1.2	Employee Responsibility	40
5.1.3	Injury Reporting	40
Section 5.2.	Workplace Violence Prevention	40
5.2.1	Statement of Policy	40
5.2.2	Employee Responsibilities	40
5.2.3	Conduct Prohibited By This Policy	40
5.2.4	Reporting Procedure.....	41
5.2.5	Corrective Actions.....	41
Section 5.3.	Alcohol and Drug Free Workplace	42
5.3.1	Statement of Policy	42
5.3.2	Definitions	42
5.3.3	Pre-Employment Drug and Alcohol Screening.....	43
5.3.4	Prohibition on Possession, Use, Sale or Transport of Alcohol or Drugs ..	43
5.3.5	Reasonable Suspicion Testing	44
5.3.6	Search or Inspection of Agency Property for Illegal Drugs or Alcohol.....	44
5.3.7	Disciplinary Action	45
5.3.8	Drug and Alcohol Assistance Programs.....	45
Section 5.4.	Fitness for Duty.....	45

5.4.1	Statement of Policy	45
5.4.2	Employee Responsibility	45
5.4.3	Pre-Employment Medical Examinations	45
5.4.4	Post-Employment Fitness for Duty Examinations	46
5.4.5	Confidentiality of Examination Records	47
Section 5.5.	Driving.....	47
5.5.1	Statement of Policy	47
5.5.2	Driver’s License Requirements	47
5.5.3	Good Driving Record	48
5.5.4	Compliance with Traffic Laws	49
5.5.5	Use of Seatbelts	49
Section 5.6.	Smoking.....	49
CHAPTER 6 EQUIPMENT AND PROPERTY		50
Section 6.1.	Use and Care of Agency Property	50
6.1.1	Statement of Policy	50
6.1.2	Damage or Loss of Agency Equipment.....	50
6.1.3	Key/Access Card Distribution	50
6.1.4	Personal Use of Agency Property	50
6.1.5	Personal Tools or Property	50
6.1.6	Agency Access to Property.....	50
6.1.7	Entry onto Private Property.....	51
6.1.8	Purchasing.....	51
Section 6.2.	Phones, Computers, and Other Electronic Equipment	51
6.2.1	Statement of Policy	51
6.2.2	Phone Usage for Personal Reasons.....	51
6.2.3	Internet Usage	51
6.2.4	Decorum of Communications.....	52
6.2.5	Installation or Duplication of Software.....	52
6.2.6	Discipline	52
Section 6.3.	Agency Vehicles	52
Section 6.4.	Employee Purchase Program	54
6.4.1	Mobile Device	54
CHAPTER 7 TIME OFF AND LEAVES OF ABSENCE.....		56
Section 7.1.	Holidays	56
7.1.1	Eligible Employees	56
7.1.2	Recognized Holidays	56
7.1.3	Personal Leave.....	56
7.1.4	Board Ordered Holiday	57
7.1.5	Holidays Occurring During Unpaid Leave	57
7.1.6	Working on Holidays	57
Section 7.2.	Vacation.....	57
7.2.1	Purpose	57
7.2.2	Eligibility.....	57
7.2.3	Accrual.....	57
7.2.4	Scheduling.....	60
7.2.5	Termination or Retirement from Agency	60

Section 7.3. Sick Leave	61
7.3.1 Purpose	61
7.3.2 Eligibility	61
7.3.3 Accrual	61
7.3.4 Conversion of Vacation to Sick Leave	61
7.3.6 Employee Notice and Communication	61
Section 7.4. Workers' Compensation Leave	62
7.4.1 Purpose	62
7.4.2 Sick or Vacation Leave Supplementation	62
7.4.3 Accrual of Benefits during Leave	62
Section 7.5. Pregnancy Leave	62
7.5.1 Purpose	62
7.5.2 Covered Employees	62
7.5.3 Leave Rights	63
7.5.4 Pay and Benefits	63
7.5.5 Employee Notice Obligations	63
7.5.6 Medical Certification	63
7.5.7 Other Forms of Pregnancy-Related Disability Accommodation	63
Section 7.6. Family and Medical Care Leave Act	64
7.6.1 Statement of Policy	64
7.6.2 Definitions	64
7.6.3 Family and/or Medical Care Leave	65
7.6.4 Status of Prior Policies	69
Section 7.7. Funeral and Bereavement Leave	69
7.7.1 Purpose	69
7.7.2 Conditions of Leave	69
Section 7.8. Jury Duty and Witness Leave	70
7.8.1 Purpose	70
7.8.2 Jury Duty Leave	70
7.8.3 Witness Duty	70
7.8.4 Overtime Exempt Employees	71
Section 7.9. Military Leave	71
7.9.1 Purpose	71
7.9.2 Leave of Absence	71
7.9.3 Employee Notice Requirements	71
7.9.4 Pay and Benefits While On Leave	71
7.9.5 Reinstatement	72
Section 7.10. Leaves of Absence without Pay—Accrual of Vacation and Sick Leave	72
Section 7.11. Outside Employment	72
CHAPTER 8 BENEFITS	74
Section 8.1. Insurance	74
8.1.1 Purpose	74
8.1.2 Terms of Coverage	74
8.1.3 Eligibility	74
8.1.4 Medical, Dental and Vision Coverage	74
8.1.5 Life Insurance Coverage	75

Section 8.2. Retirement 75
 8.2.1 Purpose 75
 8.2.2 Plan Overview..... 75
 8.2.3 Contributions..... 76
Section 8.3. Education, Membership and Professional Affiliation Fees 76
 8.3.1 Purpose 76
 8.3.2 Eligibility..... 76
 8.3.3 Education Fees..... 76
 8.3.4 Membership and Professional Affiliations Fees 77

CHAPTER 1 INTRODUCTION

Section 1.1. Overview of Personnel Policies

1.1.1 Statement of Policy

The following employment policies, procedures and rules for the administration of employer/employee relations will be referred to as these “Personnel Policies and Procedures.” These Personnel Policies and Procedures are for the guidance of the management and supervisory staff and for employees of the Agency and their employee organizations.

1.1.2 Construction and Limitations

The Personnel Policies and Procedures shall be subject to the following limitations, conditions, constructions and interpretations:

- A. The Agency reserves the right to rescind, revise or supplement the Personnel Policies and Procedures at any time and from time to time.
- B. The Personnel Policies and Procedures do not constitute a contract with any employee.
- C. Employees who are appointed and serve “At Will” have the right to terminate employment with NVTa at any time, with or without advance notice and with or without cause. NVTa, as the employer, likewise has the right to terminate the employment of an At Will employee at any time, with or without advance notice and with or without cause. No one in the Agency other than the appointing authority, e.g. either the NVTa Board of Directors or Executive Director, may alter that At Will arrangement, or enter into an agreement for employment for a specified period of time, or make any agreement contrary to this provision. To the extent any Personnel Policies and Procedures set forth in this document are contrary to or inconsistent with the At Will status of an employee, such policies and/or procedures shall not apply to such employee.
- D. These Personnel Policies and Procedures supersede and replace any earlier policies, rules, regulations, handbooks, manuals, guidelines and practices relating to employment with the Agency.
- E. In the event any section or provision of this manual is declared invalid by a court of competent jurisdiction or is contradictory to any federal or state law or regulation, the remaining provisions shall not be invalidated and shall remain in full force and effect.

1.1.3 Implementation of the Policies

The Executive Director is responsible for developing and amending the administrative procedures that provide the steps and guidelines for carrying out the policies contained in this document. Administrative procedures, which could significantly affect employees or financially impact the NVTa, will be referred to the NVTa Board for approval.

CHAPTER 2 EMPLOYMENT STATUS

Section 2.1. Definitions

For the purposes of these rules the following definitions shall apply:

Agency: Napa Valley Transportation Authority

Applicant: A person who has made a formal request on a prescribed form in order to qualify for Agency employment.

Appointment: The offer to a person, and his/her acceptance of a position in accordance with the provision of these rules.

At Will: An employment relationship which either party (employer or employee) has the right to terminate at any time, with or without prior notice and with or without cause. This arrangement is called "employment At Will". An At Will employee serves at the pleasure of the appointing authority (in the case of the Executive Director, the appointing authority is the NVTA Board of Directors; in the case of all other At Will employees, the appointing authority is the Executive Director, unless otherwise appointed by the NVTA Board of Directors). An At Will employee is not afforded probationary or permanent employee status. At Will employment status is defined as follows:

- a. At Will employees include the Executive Director.
- b. Part time limited term, temporary, and special status hires separate from a regular, full-time, or part-time permanent staff member and dependent on specific hiring conditions.

Board: The NVTA Board of Directors Members.

Candidate: Any applicant who has been admitted to an examination.

Compensation: Any salary, wage or other emolument paid to an employee for performing the duties of a position.

Continuous Employment: Employment uninterrupted from the date of appointment, except for authorized absence.

Demotion: A change from a position in one class to a position in a lower class.

Discharge: The termination of employment of an employee for disciplinary purposes.

ED: Executive Director

Eligibility List: A list of names of candidates who have been qualified for a specific job.

Employee: Any person who occupies a position in the Agency service and receives compensation for services performed for the Agency.

Employee Representative: An individual who appears on behalf of the employee.

Examination: A test or group of tests to determine the fitness and relative ability of persons seeking employment or promotion.

Exempt Employee: An employee who is not subject to the overtime provisions of the federal Fair Labor Standards Act.

Grievance: A complaint of an alleged violation of a rule or regulation upon which he/she desires official action to be taken.

Layoff: An actual separation from Agency service, an involuntary permanent reduction in work hours, or a demotion in lieu of layoff.

Leave-of-Absence: Permitted absence from duty for a specified period of time.

Minimum Qualifications: Standards of education and experience, knowledge, skills and abilities, and personal and physical characteristics as are prescribed in the class specifications.

Position: A group of current duties and responsibilities assigned or delegated by competent authority requiring the full-time or part-time employment of one person.

Permanent: The status of an employee who is lawfully retained in his/her position after the completion of the probationary period as provided in these rules.

Probationary: The status of an employee who has been certified and appointed as a probationary employee in accordance to these rules. Probationary status constitutes a trial period of six (6) months full employment and is to be considered part of the selection process. Employees receiving a promotion are also subject to a probationary period of six months. A probationary employee may be separated by the Agency from employment service at any time during the probationary period without right of appeal or hearing. Employees may also be subject to a performance related probationary period if an employee performance is not meeting the job requirements of a position regardless of how long that person has been employed by the agency. The length of the probationary period is at the discretion of the supervisor and/or the executive director.

Promotion: Changing from a position in one class to a vacant position in a higher class with a higher salary range without a break in service.

Re-employment Eligibility Lists: Lists established as a result of laying off probationary or permanent employees.

Regular Position: A budgeted position.

Resignation: Separation of an employee made at the request of the employee.

Salary Merit Increase: An increase in salary within the salary range prescribed for the class, based upon performance during the first six months of employment, unless initially appointed above the minimum step, and annual adjustments thereafter (based on the Performance Evaluation) until attainment of the top step of the salary range.

Separation: Any termination of employment.

State: The State of California.

Status: The condition of an employee's appointment, such as part-time, At Will, or probationary, permanent, or temporary.

Suspension: An enforced leave of absence without pay for disciplinary purposes.

Temporary: "Temporary" is the status of those persons employed for a temporary period (limited term) to perform a specific task, job or assignment. Such employees are not entitled to holiday pay and shall not earn vacation, personal or sick leave. In addition

temporary employees shall not be eligible for salary merit increases nor entitled to participate in the Agency's retirement program. Temporary employees serve At Will.

Termination: Ending the employment of an employee by the agency.

Transfer: A change from one position to another in the same or similar class without any break in service. Such change in classes must have the same salary range and similar qualifications.

Vacancy or Vacant Position: Any unfilled allocated position in the Agency. A position shall be deemed vacant when it is not filled by an employee in the class to which the position has been allocated.

Year: A twelve (12) month period unless otherwise designated.

Section 2.2. Hiring Process

2.2.1 Statement of Policy

This process sets forth procedures to follow when filling position vacancies other than the Executive Director. A vacancy occurs when a job opening will be filled by adding staff or by replacing an employee by either hiring an employee from outside the Agency or by transfer of an existing employee.

2.2.2 Personnel Request

A. Initiation

A request for personnel will be initiated by the Executive Director when a vacancy is to be filled.

2.2.3 Employee Selection

A. Job Vacancy Posted

Job vacancies will be posted on appropriate Agency bulletin board for the purpose of informing existing employees who may wish to submit an application.

B. Advertising

The Executive Director may advertise the job vacancy and, if necessary, list the vacancy with the California Employment Development Department. Temporary and/or part-time openings may be listed with the local colleges, or other appropriate educational institutions.

C. Employment Application

All applicants, internal and external, will be required to complete an employment application for each vacancy applied. Employment applications are available in the Agency's Human Resources office and on the NVTA web page.

D. Screening Applicants

The Human Resources department shall submit appropriate screening criteria and interview questions to the ED for approval. The ED will screen the applications to identify those that meet the criteria.

E. Interviewing

The ED, or his/her designee, and an additional panel of interviewers if appropriate, will interview employees and applicants that have been selected from the screening process. Interviewers not able to fairly assess the applicant due to a personal relationship or other reason will be disqualified from participating on the panel.

F. Documenting the Interview

During or immediately after each interview, each interviewer shall complete the Interview Rating Sheet which is provided to assist in arriving at a final decision. Appropriate numerical values representing the degree of each evaluation factor, based on the interview, job-related experiences or skills, or other pertinent criteria depicting the candidate's qualifications, shall be entered on the Interview Rating Sheet form. The order of qualified candidates shall be from the highest to the lowest total point value.

G. Selection

The decision concerning which candidate to select rests with the ED.

H. Notification.

Once the decision to hire or promote has been approved, it will be the responsibility of the Human Resources department to notify the prospective employee of his/her acceptance (pending any required background check) and the unsuccessful applicants of their rejection.

2.2.4 Placing Employee on the Payroll

A. Duties of the Executive Director or Designee:

1. The prospective employee will be given a conditional offer of employment conditioned upon the successful completion of a background check.
2. A background check may be conducted. If the prospective employee passes this part of the screening process, he or she may be required to take a medical exam
3. Upon successful completion of the background check and medical exam, the following steps will be taken:
 - (a) The ED will send an offer letter to the prospective employee, which must be signed and returned.
 - (b) A start date is coordinated with the Human Resources department.
 - (c) The prospective employee will be given an orientation interview covering the information identified in Section 2.3.2 of these Policies and Procedures.

Section 2.3. New Employee Orientation

2.3.1 Statement of Policy

All new employees will participate in a new employee orientation meeting with representatives from Agency administration and the employee's Supervisor.

2.3.2 Content of Orientation

The subjects that should be covered during such orientation, as applicable, include the following:

A. Information to Be Covered By Administration

- Job description
- Workplace harassment policies/training
- Personnel Policies and Procedures
- Personnel records and files
- The probationary period and extension (applicable to rehires, promotions, and transfers, as well as for new hires (other than At Will hires).
- Wages and salaries
- Performance evaluation
- Safety
- Employee communications and office decorum
- General working conditions
- Organizational chart

B. Information to Be Covered Regarding Benefits:

- Group insurance programs
- Employee's retirement and deferred compensation plans
- Workers' Compensation medical and disability coverage
- Payroll forms such as W-4, automatic deposits, etc.

C. Information to Be Covered By Human Resources

When the employee reports to work, the Human Resources department will review with the employee the general employment conditions, as applicable, including but not limited to:

- Introduction to fellow workers
- Organization and purpose of the Agency
- Attendance
- Safety
- Other related policies and procedures applicable to the employee

When the employee reports to work, the Department Head will review with the employee the general employment conditions, as applicable, including but not limited to:

- Specific job duties, training and performance standards
- Employee assignments

Section 2.4. Probationary Period

2.4.1 Statement of Policy

The probationary period is the final and most important phase of the selection process and is used for assessing the performance, ability, conduct and fit of the employee in the position to which appointed. During the probationary period the employee may be separated by the Agency at any time and for any reason, with or without cause.

All appointments to full-time and part-time positions, other than At Will appointments, are subject to the provisions of Section 2.4 and serving a probationary period.

2.4.2 Duration of Probationary Period

A probationary period shall be for six (6) months for all employees, and shall begin on the first date of employment or promotion. An employee shall not attain regular full-time status in the new position until he or she has completed a probationary period of six (6) months continuous service in that position.

The term "continuous service" as used in this section means a period of six (6) months of work uninterrupted by a leave of absence. Where such interruptions occur, the Agency may extend the probationary period.

2.4.3 Termination of Probationary Period

Permanent status of the probationary employee shall begin after receipt of a positive evaluation no sooner than the end of the probationary period.

A probationary employee may be separated by the Agency from service at any time during the probationary period without right of appeal or hearing.

2.4.4 Rejection of Probationer Following Promotion

For any employee who fails to satisfactorily complete the probationary period following a promotion, the provisions of Section 2.8.5, Procedure When Employee Does Not Pass Probation, shall apply.

2.4.5 Effect of Leaves of Absence on Probationary Period

An employee who is on leave of absence without pay during his/her probationary period may have the probationary period extended by his/her supervisor. The extension may be up to the amount of time of the leave without pay. The Agency shall notify the employee of the extension in writing prior to the end of the probationary period as provided in Section 2.4.2.

Section 2.5. Job Classification

It is recognized that the creation and/or redesign of job classifications for all Employees, including the establishment of duties and the qualifications required therefore, are exclusive functions of Agency management.

All positions are evaluated according to necessity, relative skills required to do the work, and in some case, the market. Positions that are similar in type of work, level of difficulty and level of responsibility are grouped together in the same class.

All positions in the same class are treated alike in such matters as salary and minimum qualifications.

The Executive Director and Human Resources will periodically review the work performed by employees to determine whether they are appropriately classified. If the duties of a position are found to have changed substantially, or the need for maintaining the position is at issue, the supervisor may recommend that the position be re-evaluated, reclassified, or abolished. Similarly, job descriptions will be prepared for any new positions which will be evaluated and classified according to their relative worth.

Section 2.6. Job Descriptions

Job descriptions define essential and other duties that an employee is required to perform in each classification as a condition of continued employment. They are not intended to limit the work which may be performed since other tasks may be assigned that are similar in nature or as needed.

Full job descriptions and salary ranges are available for review on the Agency H drive in the following location;

Section 2.7. Assignment and Transfer

2.7.1 Statement of Policy

While it is management's intent to schedule work and assign personnel in such a manner as to achieve maximum utilization of the respective employee's abilities, and while it is management's intent to encourage an employee's progression upward in the same line of work, it is recognized that conditions which affect Agency's operations will require flexibility in work assignments to permit cross-training and to stabilize the workload among departments. It is therefore also recognized that as conditions require, management will assign, and Management Employees and Non-Management Employees will perform, duties which may not be within the usual scope of classification responsibilities.

2.7.2 Temporary Assignments

If an employee is temporarily assigned to the full duties and responsibilities of a higher classification, he /she will be paid a higher rate for the entire period when working in the higher wage classification. If assigned to a lower wage classification, the employee will not earn less than he or /she would normally earn in a pay period in his/her regular classification.

A temporary job classification assessment form must be submitted to and approved by the Executive Director in advance.

Section 2.8. Promotion

2.8.1 Statement of Policy

It is the intent of the Agency that vacancies shall be filled by internal promotion of qualified Agency employees when feasible.

2.8.2 Application Procedure

When the Agency intends to fill a job opening, a notice of such opening listing essential qualifications and functions of the job shall be placed on appropriate Agency bulletin board. Employees shall have five (5) working days to apply for the position from the date of posting. All interested employees must file an application to be considered for the open position. In the event that no employees apply or are qualified for the position, the Agency may seek other applicants. The five (5) day in-house posting period may be reduced or waived when management is faced with emergency circumstances.

2.8.3 Criteria for Selection

A. Minimum Qualifications

To be considered a qualified applicant for any opening, an applicant must possess the minimum qualifications established for the position and, if applicable, pass any physical examination or drug and alcohol test that may be required as a conditional offer of employment.

B. Other Qualifications

The employee's qualifications will also be assessed in accordance with the priorities listed below:

- Test score, if test is given
- Related experience
- Ability to progress in position
- Documented performance
- Oral interview
- Experience and performance in previous Agency employment; and
- If all else is equal, upon length of employment with the Agency.

2.8.4 Probationary Period

Employees promoted to another position within the Agency shall serve a probationary period in the new position for the purpose of allowing the Agency to assess the employee's performance, ability, conduct and fit in the new position as provided in Section 2.4.2.

2.8.5 Procedure When Employee Does Not Pass Probation

If the employee is unsuccessful in the new position, the following procedure will apply:

A. If a Vacancy Exists

The employee will be returned to his or her former position provided a vacancy still exists.

B. If a Vacancy Does Not Exist in the Former Position

1. The employee will be afforded the opportunity to compete in a vacancy for another position for which the Agency determines he or she is qualified.

2. If no other vacancy exists, or if the employee is unsuccessful in the bidding process for a vacant position, the employee may be laid off. Layoff; however, for a period of one year following layoff, the employee will be eligible to be rehired in the first available opening for which he or she is determined to be qualified.

Section 2.9. Anti-Nepotism Policy and Non-Fraternization Policy

2.9.1 Statement of Policy

The Agency's policy is to hire, promote and transfer employees on the basis of individual merit and to avoid any hint of favoritism, conflict of interest or discrimination in making such decisions. The employment of relatives, spouses or domestic partners is regarded as a potential violation of this policy. Even if favoritism, an actual conflict of interest, or discrimination is not shown, the existence of the situation may precipitate an appearance of unfairness or conflict of interest.

2.9.2 Relatives, Spouses or Domestic Partners in Same Department, Work Area or Facility

An employee's relatives, spouses or registered domestic partners (as defined under state law) may only be employed within the same work area, department or Agency facility when the following criteria are met:

1. Such employment does not adversely affect safety, morale, security, internal financial control, or supervision and the individuals involved do not work in direct supervision of each other.
2. An employee neither initiates nor participates in making institutional recommendations or decisions which would directly affect employment status of their spouse, registered domestic partner or relative(s). These recommendations/decisions include, but are not limited to, selection, appointment, retention, tenure, work assignments, promotion, demotion or salary.

The Agency may prohibit assignment or reassign employees if, in its sole discretion, it finds that any of the above criteria are not met.

2.9.3 Application of the Policy

1. "Relatives" refer to persons related by blood or marriage, or any relative residing in the immediate household of the employee (including, but not limited to: wife, husband, parent, child, grandparent, brother, sister, in-laws, aunt, uncle, step relatives).
2. This policy also applies to persons who are registered domestic partners as defined under state law.

2.9.4 Marriage or Registered Domestic Partnership Arising Between Employees While Employed

1. Should two employees marry or form a registered domestic partnership while both are employed by the Agency, they may

continue their employment in the same jobs provided that the criteria set forth in Section 2.9.2 are met.

2. If the criteria are not met, one of the employees in the marriage, or registered domestic partnership, must change jobs, work locations or leave the Agency. The couple will make a decision within thirty (30) days of the marriage or partnership, as to which of the two of them will change positions. If this decision is not made within 30 days, based upon its business needs, the Agency reserves the right to determine which employee will be transferred or whose employment will be terminated based upon the operational interests and needs of the Agency.

2.9.5 Non-Fraternization

In order to promote the efficient operation of the Agency and its business and to avoid misunderstandings, complaints of favoritism, other problems of supervision, security and morale, and possible claims of sexual harassment – managers and supervisors are forbidden from dating or pursuing romantic or sexual relationships with employees whom they supervise, directly or indirectly. Employees who violate this provision will be subject to discipline, up to and including discharge.

Section 2.10. Performance Evaluation

An employee serving a six (6) month probationary period shall receive evaluations from their immediate supervisor at the end of three (3) months and also prior to the completion of the employee's probationary period. If the employee's performance review at the end of the three month period is at "Does Not Exhibit", then that employee shall not pass probation. If an employee has more than two areas of "Building Competencies" in specific categories, such employee will have an interim review at four months from hire. Failure to reach an overall "Fully Exhibits" rating for management employees or "Meets Standards" rating for non-management employees, by the six month review will be considered as failing probation. An employee may be released from employment upon failing probation or at the discretion of the Executive Director an employee failing to reach an overall "Fully Exhibits" rating for management employees or "Meets Standards" rating for non-management employees at the end of their six-month probation review may have their probation period extended to up to three (3) months. .

Evaluations for permanent employees shall be completed annually.

Such evaluations shall be on forms and under procedures prescribed by the Executive Director.

Salary movement through a pay grade will be based on performance which is reviewed on an annual basis on the employee's anniversary date.

Pay grade ranges are approximately 20% from beginning step to the top of the pay grade. An employee may receive an increase within their pay grade based upon their performance and NVTB Board allocation of a salary pool. Once an employee reaches the top of their pay grade they will still be subject to annual performance reviews.

The pay grades will be adjusted annually and indexed to the average of County of Napa, Sonoma County Transportation Authority, and Solano County Transportation Authority increases for a given year or Bay Area Consumer Price Index (CPI) for all labor within Napa County, whichever is greater.

The results of the performance evaluation shall be taken into account in the following ways:

1. A discretionary leave of absence will be granted only to an employee whose last evaluation was at least satisfactory.
2. The general record of service as well as specific and immediate disciplinary charges will be taken into account when disciplinary action against an employee is proposed and the discipline, if any, is assessed.
3. Merit salary increases will be determined by the Executive Director and can be awarded only to those employees whose current overall evaluation is at least "Fully Exhibits" or above for management positions, and at least a "Meets Standards" or above for non-management positions.
4. If a non-probationary employee is at "Does Not Exhibit or Building Competencies" in two or more specific areas, or receives an overall rating of "Does Not Exhibit" that employee will be evaluated again within three months. Continued failure to meet performance expectations will lead to further disciplinary action up to and including discharge.

Section 2.11. Resignation

Any employee, other than the Executive Director or At Will employees, wishing to leave service in good standing shall file with the Agency a signed written resignation giving at least two weeks' notice of his/her intention to leave the service, unless the Agency consents to an earlier separation.

The written resignation shall be forwarded to the Executive Director. The Executive Director may request an exit interview with the separating employee.

Any employee who leaves service without so filing a written resignation shall have such fact entered in his/her service record and may, by action of the Executive Director, be denied employment opportunities with the Agency in the future.

Section 2.12. Layoff

2.12.1 Statement of Policy

When it is necessary to reduce the working staff of the Agency for lack of work or lack of funds or for other causes outside of the worker's control, the Agency shall determine the classes of positions in which the reduction is to be made and the number of positions to be affected, except that this Section 2.12 shall not apply to At Will employees. Reduction in staff within the designated classes of positions shall occur in the following order:

1. Employees who have temporary status.
2. Employees who are probationary.
3. Part-time regular employees.
4. Full-time regular employees.

2.12.2 Layoff Order

The Agency shall determine the employees to be laid off within a class of positions on the basis of an employee's performance and/or special qualifications needed by the Agency.

2.12.3 Notice

The Agency will give employees notice of any reduction in staff at least two weeks prior to the effective date.

2.12.4 Reinstatement from Layoff

Full-time employees who are laid off will be given the right of first refusal in filling future vacancies in the position from which he/she was laid off for a period of one year.

2.12.5 Benefits

During periods of lay off, health care coverage remains available if premiums are paid by the employee in accordance with carrier regulations and limitations and COBRA/Cal-COBRA laws as applicable. Such benefit will be available for a period of time consistent with COBRA/Cal-COBRA.

Section 2.13. Personnel Files

2.13.1 Statement of Policy

The Agency maintains personnel files on all employees. The files contain confidential information such as job applications, resumes, documentation of performance, salary changes, benefit elections and other employment records.

2.13.2 Employee Responsibility to Ensure Accuracy of Personnel Records

The accuracy of personnel records is essential for the proper handling of many items of great importance to employees, including the emergency notification of family, income tax deductions, insurance coverage, and other fringe benefits from the Agency. It is the employee's responsibility to keep the Agency updated on personal information so that the Agency may effectively handle those programs and tasks which are for the employee's benefit.

In order that the Agency may keep complete and current records, it is mandatory that the employee notify the Agency office immediately whenever there is a change in the employee's following information:

1. Address
2. Telephone Number (Note: As a condition of employment, it is necessary that the employee present a telephone number where

he/she can be reached by his/her Supervisor directly without having to go through other parties.)

3. Person to notify in the event of an emergency.
4. Name, through marriage or otherwise.
5. Marital status
6. Number of dependents
7. Insurance beneficiary
8. Military Status
9. Driver's license number and date of expiration when a condition of employment.

2.13.3 Duty to Provide Accurate Information

Any misrepresentations, falsifications, or material omissions by an employee on his or employment documents may result in disciplinary action up to and including termination of employment.

2.13.4 Access to Personnel Files

An employee may request to review his or her personnel file by submitting a written request twenty-four hours in advance to the Executive Director or designee. If an employee disagrees with any item contained in his or her personnel file, the employee may add a document containing his or her version of the disputed item.

CHAPTER 3 HOURS OF WORK AND COMPENSATION

Section 3.1. Work Schedules

3.1.1 Work Schedules

New employees will be advised of their work schedules when they commence employment with the Agency. From time to time, it may be necessary for the Agency to change employee work schedules. Employees are expected to cooperate with these changes and are expected to arrange their personal schedules to comply with their assigned work hours.

3.1.2 Standard Work Schedule

The standard work schedule is forty (40) hours. The core work hours are 9:00 a.m. to 4:00 p.m. with at least 30 minutes for lunch. The standard hours and/or days of a standard work schedule may be altered upon request by the supervisor and with approval of the Executive Director. ALTERNATE WORK SCHEDULES (9-80's AND 4-10's) may be authorized by the Executive Director and approval of such will be placed in the employees personnel file.

3.1.3 Standard Work Week

The Standard workweek is a seven-day period beginning at 12:00 a.m. on Saturday and ending at 11:59 p.m. on Friday.

3.1.4 Flex Time

"Flex time" occurs where an employee varies his or her regularly scheduled start or end time. It is confined to a normal work week as defined above.

Flex time for employees is subject to prior approval by the employee's supervisor and the Executive Director. Prior written approval from employee's supervisor and the Executive Director shall be obtained no later than the conclusion of the previous work shift.

Management and Supervisory employees are expected to be on duty at the times they can most efficiently discharge those tasks relative to supervising their employees and interacting with other Agency personnel and members of the public. If this is at a time other than normal business hours they can notify the Executive Director and have their normal duty hours changed to so reflect.

Section 3.2. Meal and Rest Breaks

3.2.1 Meal Breaks

Employees shall take an unpaid 30 or 60 minute meal break. Such meal break shall be scheduled at approximately mid-way through the workday.

3.2.2 Rest Periods

Employees are permitted one 15-minute rest period for each four (4) hour work period. These breaks shall be scheduled about midway through each four (4) hour period.

3.2.3 Meal and Rest Breaks May Not Be Combined or Postponed

Rest and meal periods are provided so the employees may rest, obtain nourishment and rejuvenate during the workday. Employees may not combine rest periods or add them to meal breaks. Nor may employees postpone their rest or meal periods to the end of the workday in order to leave earlier.

Section 3.3. Compensation

3.3.1 Statement of Policy

As a public entity, the Agency is committed to rendering the highest level of service possible at a fair and reasonable cost. The Agency's ability to achieve this objective is affected by a number of factors, one of which is the quality performance of Agency employees. In order to attract and retain highly competent employees, promote continuous superior performance, and give full recognition to Agency financial constraints, the following criteria will be considered in establishing employee compensation:

1. The impact of compensation on the cost of services, financial position of the Agency, and overall operational cost.
2. Compensation paid for similar work in other public and private organizations.
3. The relative value of individual employee's services to the success of the Agency.
4. The general and specific performance of employees.
5. Status of the labor force, economic conditions, recruitment and retention experience, and other factors influencing the maintenance of a stable and efficient work force.

The Executive Director or their designee shall develop an annual Salary and Benefits package for submission to the Board each year. The schedule shall set forth the positions approved by the Board, together with proposed salary ranges and employee benefits, for the upcoming fiscal year beginning July 1. Salary ranges and employee benefits are to be reviewed and considered by the Board for adjustment for each fiscal year as part of the budget adoption.

3.3.2 Wage Rates

Employees will be paid within the salary range established for their job classification. A list of job classifications and applicable salary rates is maintained in the Agency's business office.

From time to time, salary rates may be adjusted to reflect inflation, deflation or other cost of living changes. The Bay Area Consumer Price Index, and/or the average of salary adjustments for Napa County, Sonoma County Transportation Authority, and Solano County Transportation Authority as published at the time of the Executive Director's development of the recommended annual Salary and Benefits package shall be referred to in considering the possible adjustment of salary rates. Nothing herein shall constitute an implied or specific agreement by

Agency to grant cost of living increases or as to the amount of any such increase. The purpose of this provision is to provide a framework for the development of the annual Salary and Benefits package that is subject to review and approval by the Board.

3.3.3 Pay Schedule

Wages will be paid on a bi-weekly basis. Wages will be paid within fourteen (14) calendar days following the end of the pay period. If paid by check in lieu of direct deposit, such paychecks not picked up by 4:00 p.m. on payday will be mailed.

3.3.4 Payroll Deductions

An employee's earnings and payroll deductions are shown on a check stub with the employee's paycheck. The check stub should be examined and retained for personal records.

The Agency will make the following deductions from an employee's earnings:

A. Mandatory Deductions

1. Federal Income Tax (Withhold Tax)
2. State Income Tax
3. State Disability Insurance (S.D.I.)
4. Garnishments/Wage Attachments

B. Employee Authorized Deductions

1. Employee deferred compensation contributions
2. Medical and dental insurance contributions
3. Jury duty payments to an employee who was provided paid time off for jury service
4. Other Deductions Agreed Upon in Writing by the Employee and permitted by law.

3.3.5 Updating Payroll Information

During the course of employment, changes affecting payroll status will probably occur from time to time. Examples are changes in marital status, name change due to marriage, changes in number of dependents and changes required to adjust an excessive or insufficient tax withholding situation. Questions concerning these changes should be directed to the Human Resources department.

Section 3.4. Timekeeping

3.4.1 Employees

A. Time Sheet

Each employee is responsible for preparing an individual time sheet weekly. The employee should accurately record regular and authorized overtime hours worked

and leave usages. Time sheets must also show all of the following for each job performed during the week:

1. Work locations such as lateral name or improvement Agency number.
2. Job or task number.

B. Submission of Time Sheets

Each employee must electronically submit his or her time card, verifying its accuracy, and have the time sheet reviewed and approved by his/her supervisor. Employees are expected to submit their time sheets promptly as directed by the Executive Director, or his/her Designee.

3.4.2 Consequences of Falsifying Time Records

Falsification of time sheets, recording time for another or signing the timesheet of another will result in disciplinary action up to and including discharge.

Section 3.5. Overtime

3.5.1 Statement of Policy

From time to time, overtime work may be necessary to complete a work assignment or tend to the public's needs. Overtime must be required by and authorized by the Executive Director. All employees will be expected to work overtime under specific circumstances which shall be defined by the Executive Director. Refusal to work, after requested to do so under those circumstances, will be grounds for disciplinary action.

3.5.2 Exclusion from Policy

For purposes of determining entitlement to overtime pay under the federal Fair Labor Standards Act (FLSA), employees will be either classified as exempt or non-exempt based upon the nature of their duties. Exempt employees, such as management positions, are not entitled to overtime pay.

3.5.3 Overtime Pay

An employee who works overtime shall be compensated at a rate of one and one half (1 ½) time the employee's standard hourly rate in cash or compensatory time off. Employees may elect to be compensated in cash or compensatory time off for any overtime worked and must make the election on the time card for the pay period in which it was worked.

Unless otherwise provided below, overtime is defined as any time actually worked in excess of forty (40) hours in an employee's standard workweek. For employees on an alternate work schedule (including four (4)-ten (10) and nine (9)-eighty (80) schedules), overtime is defined as any time actually worked in excess of an employee's standard work day in a consecutive twenty-four (24) hour period or forty (40) hours in an employee's standard workweek.

An employee who works more than the normal number of workdays during a normal workweek based on their assigned work schedule shall receive overtime

compensation provided that the employee was not absent from work for more than one normal work day in that workweek due to vacation, compensatory time, holiday, sick leave, any other paid leave or a combination thereof.

Overtime pay must be approved in advanced by employee's supervisor and the Executive Director prior to performing the work.

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.

CHAPTER 5 HEALTH AND SAFETY ON THE JOB

Section 5.1. Job Safety

5.1.1 Statement of Policy

The Board of Directors desires to maintain a safe place of employment for Agency employees, and to that end Agency management will make all reasonable provisions necessary for the safety of employees in the performance of their work.

5.1.2 Employee Responsibility

It is the obligation of employees to become familiar with the provisions of the Agency Safety Manual and the Illness and Injury Prevention Program and to work accordingly. Further, employees are required to report to their supervisor all unsafe conditions encountered during the course of their work.

5.1.3 Injury Reporting

Prompt Reporting

All employees of the Agency are covered by Workers Compensation Insurance and any injury or disability arising out of and in the course and scope of employment, however slight, shall be reported by the injured employee to the Executive Director and Human Resources as promptly as possible following its occurrence.

Section 5.2. Workplace Violence Prevention

5.2.1 Statement of Policy

The Napa Valley Transportation Authority is committed to the safety and security of its employees, customers, and visitors to its workplace. The Agency has a policy of zero tolerance for violence in the workplace. To prevent workplace violence, the Agency will address behavior that suggests a propensity for violence even prior to any violent behavior occurring.

5.2.2 Employee Responsibilities

The Agency expects its employees to employ civility and mutual respect for all persons encountered in the course of Agency business including co-workers, customers, and visitors. Any employees who engage in violent or threatening behavior in the workplace will be subject to disciplinary action, including discharge.

5.2.3 Conduct Prohibited By This Policy

“Violence,” “violent behavior” and “threatening behavior” includes, but is not limited to the following conduct:

- Fighting, shoving, pushing, choking, inflicting physical harm on another person, or other battery or assault.
- Intimidating, menacing, harassing or stalking another person.

- Making verbal threats to physically harm another person or persons, whether joking or not.
- Possession of any weapon or firearm on Agency premises, during work hours, or while conducting Agency business.
- Intentionally damaging the property of another.
- Other behavior that suggests a propensity towards violence including belligerent speech, yelling, excessive arguing or swearing, offensive or threatening gestures, or a demonstrated pattern of refusal to follow policies and procedures.

The Agency will not tolerate these behaviors by its own employees or by third persons when such behavior is directed at Agency employees in the course of their work.

5.2.4 Reporting Procedure

Everyone has the responsibility to prevent violence in the workplace. Employees are encouraged to report any incident that may be a violation of this policy to an Agency manager or supervisor as follows:

A. Emergencies

Where an injury has occurred or it appears to an employee that there is an immediate danger of injury, the employee should call 911 immediately for help. Personal safety is the first priority. The employee should inform his or her supervisor, Human Resources or the Executive Director as soon as possible.

B. Non-Emergencies

In all other cases where an employee is aware of any conduct that violates this policy, the employee should immediately report it to his or her supervisor, Human Resources or the Executive Director.

5.2.5 Corrective Actions

All reports of workplace violence will be taken seriously and dealt with promptly. Any person who engages in violent or threatening behavior shall be subject to removal from the premises as quickly as safety permits, pending the outcome of an investigation. Employees who violate this policy will be subject to firm disciplinary action, up to and including discharge. In appropriate cases, the Agency may also seek temporary protective or restraining orders to keep offending individuals away from Agency facilities or employees.

The Agency will not tolerate retaliation or intimidation against any employee who makes a report of workplace violence or participates in an investigation of such a complaint.

Section 5.3. Alcohol and Drug Free Workplace

5.3.1 Statement of Policy

The Agency has a vital interest and obligation in maintaining safe, healthful and efficient working conditions for its employees and in supplying products and services safely to customers. Employee possession of and/or being under the influence of drugs or alcohol on the job are inconsistent with these interests and obligations. This policy and procedure establishes the rules, rights and obligations of all employees and Agency contractors regarding the use, possession, sale, or transport of alcohol and drugs on Agency property or while conducting Agency business.

5.3.2 Definitions

A. Legal Drug

A legal drug includes prescribed drugs and over the counter drugs, which have been, under US law, legally obtained and are being used for the purpose for which they have been prescribed or manufactured.

B. Illegal Drug

An illegal drug includes any drugs and drug synthetics which have not been legally prescribed or obtained, such as: stimulants, depressants, hallucinogens, narcotics, volatile substances, and any substance by which its nature alters normal physical or mental functions.

C. Under the Influence

For purposes of this policy and procedure, “under the influence” means that the employee is affected by a drug or alcohol or combination of both in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior, or to obvious impairment of physical or mental ability such as slurred speech or difficulty in maintaining balance. A determination of influence can be established by a professional medical opinion, a scientifically valid test, and in some cases such as alcohol, by management opinion.

D. Agency Property

Agency Property includes lands owned, leased or upon which the Agency has a right-of-way, buildings, facilities, vehicles, equipment, parking lots, and company owned property used by employees such as lockers, desks, cabinets, etc.

E. Reasonable Suspicion

Reasonable suspicion is a belief based on objective and documented facts or evidence sufficient to lead a reasonable, prudent person to suspect that an employee is under the influence of alcohol or drugs so that the employee’s ability to perform the duties of the job is impaired, or so that the employee’s ability to perform his/her job safely is reduced.

5.3.3 Pre-Employment Drug and Alcohol Screening

The Agency may maintain a pre-employment drug and alcohol screening practice designed to prevent the hiring of persons who use illegal drugs, or who use legal drugs or alcohol to the extent that safe job performance would be impaired on safety sensitive positions.

A. Notification to Prospective Employees

Prospective employees will be notified of the Agency's drug and alcohol policy and pre-employment alcohol and drug screening test prior to an offer of employment and, usually, at the time they are interviewed for a position.

B. Time of Test

Finalists for Agency employment will receive a conditional offer of employment that may be contingent upon passing an alcohol and drug screening test and any physical examination requirement for the position being sought. The drug and alcohol screening test will be administered by a medical laboratory qualified to administer such test.

C. Consent to Test

Upon receipt of a conditional offer, the prospective employee must consent to the drug and alcohol screening test and must sign an Authorization for Release of Physical Examination Results, permitting the test results to be released to the Agency.

D. Disqualification from Employment

A candidate for Agency employment shall be disqualified from further consideration for employment upon any of the following occurrences:

1. Refusal to consent to a drug and alcohol screening test or refusal to authorize the release of the results to the Agency.
2. A positive test for illegal drugs or alcohol.
3. A positive test for legal drugs which, after medical consultation, the Agency determines will impair the candidate's ability to safely perform the job in question or will jeopardize the well-being of others.

5.3.4 Prohibition on Possession, Use, Sale or Transport of Alcohol or Drugs

A. Illegal Drugs and Alcohol

Having possession of, manufacturing, distributing, using, being under the influence of, selling, or transporting illegal drugs or alcohol by any employee while on the job, on Agency property, or while conducting Agency business is prohibited. Reporting to work under the influence of illegal drugs or alcohol is also prohibited.

B. Notification of Criminal Drug Conviction

Any employee who is convicted of or pleads guilty or no contest to a drug-related crime occurring in the workplace must immediately report such conviction or plea to the Executive Director.

C. Legal Drugs

The use of or being under the influence of any legally obtained drug by any employee while on the job, on Agency property, or while conducting Agency business is prohibited to the extent that such use or influence may affect the safety of the employee, co-workers, the public, the employee's job performance, or the safe and efficient operation of the Agency. An employee may continue to work even though under the influence of a legal drug if the employee's supervisor has determined, after consulting with the Executive Director and the employee's doctor that the employee can work safely. Otherwise, the employee may be required to take a leave of absence or comply with other appropriate action determined by management.

D. Notification

An employee must notify his/her supervisor before commencing work when taking any medication or drug, prescription or nonprescription, which may interfere with safe and effective performance of duties and/or the operation of Agency equipment.

5.3.5 Reasonable Suspicion Testing

When a supervisor/manager has a reasonable suspicion that an employee is under the influence of drugs or alcohol, the employee may be directed to take a drug and alcohol test. The facts and circumstances of the supervisor's/managers reasonable suspicion shall be documented in writing and provided to the employee. The Executive Director must approve the employee's referral for a drug and alcohol test.

A. Conduct of Test

All drug or alcohol tests shall be conducted by a reputable laboratory of the Agency's choice.

B. Valid Prescriptions

An employee shall have the right to provide, within 24 hours of the drug or alcohol test, a valid prescription for any medication or drug which may be identified during the test. The prescription must be in the employee's name and be prescribed by a licensed physician prior to the drug or alcohol test.

C. Refusal to Take Test

An employee who refuses to submit to a drug and alcohol test that has been approved by the Executive Director, shall be relieved from duty without pay, and if intoxicated or physically or mentally impaired, be taken to his/her place of residence. Refusal to take a test under this policy will subject the employee disciplinary action, up to and including discharge.

5.3.6 Search or Inspection of Agency Property for Illegal Drugs or Alcohol

Employees have no expectation of privacy in Agency-owned equipment, including desks and cabinets. The Executive Director may search or authorize the search of desks and cabinets. The Executive Director may authorize the search or

inspection of Agency-owned lockers for illegal drugs or alcohol whenever there is reasonable suspicion.

5.3.7 Disciplinary Action

Violations of the provisions of this policy and procedure will result in disciplinary action, up to and including discharge.

5.3.8 Drug and Alcohol Assistance Programs

A. Voluntary Assistance

The Agency encourages employees to voluntarily seek outside assistance for drug or alcohol abuse problems prior to the need for Agency action. Employees are invited to use the Employee Assistance Program (EAP) contracted by the Agency. Administration also maintains a list of approved drug and alcohol abuse agencies and facilities, and a request may be made to the Executive Director for assistance. Such requests will be held in strict confidence to protect the rights, privileges, benefits, and family of the employee. An employee's decision to seek assistance from an outside rehabilitation agency or facility will not be used as the basis for disciplinary action.

B. Seeking Assistance After Alcohol or Drug Related Misconduct

It is the responsibility of an employee to seek assistance before drug and alcohol problems lead to disciplinary action. Once a violation of this policy occurs, subsequently entering into a rehabilitation program will not necessarily lessen disciplinary action and may, in fact, have no bearing on the determination of appropriate disciplinary action.

Section 5.4. Fitness for Duty

5.4.1 Statement of Policy

In furtherance of the Agency's goal to maintain a safe, healthful and productive environment, all employees reporting for work and during times when they are paid subject to call shall be fit for duty. "Fit for duty" means the ability to perform all required physical and mental tasks associated with the employee's job duties to a satisfactory level and without endangering self, others, or property.

5.4.2 Employee Responsibility

No employee shall report to work while unfit or remain on the job after becoming unfit (for any reason) to perform his/her job duties. Failure of an employee to comply with this requirement may result in disciplinary action, up to and including discharge.

5.4.3 Pre-Employment Medical Examinations

The Executive Director may identify job classifications within the Agency that will require a pre-employment medical examination. Finalists for these positions will receive a conditional offer of employment that is contingent upon the candidate successfully passing a pre-employment medical examination and drug and alcohol test. The purpose of the pre-employment medical examination is to determine if

the candidate is fit to perform the duties of the job for which he or she is being considered.

A. Notice

All employment applicants for these positions will be informed of the medical and drug/alcohol testing requirements prior to receiving the conditional job offer. Usually, notice will be given in the job announcement and during the interview process.

B. Consent

Finalists who receive a conditional offer of employment will be asked to sign a consent form confirming their voluntary participation in these tests as a prerequisite to consideration for employment. A candidate who refuses to submit to any or all of these tests will not be considered for employment for the position for which he/she has applied.

C. Examination

All examinations will be performed by or at the direction of a physician designated by the Agency. The attending physician will determine if the candidate for employment is capable of performing all duties of the job as required by the job description and physical requirements checklist.

D. Examination Results

A candidate who is deemed unfit or unable to perform the duties of the job as a result of the medical examination will be informed of the results of the examination. The candidate may provide medical evidence that he/she is physically fit and able to perform the duties of the job, which will be considered before a final determination is made.

5.4.4 Post-Employment Fitness for Duty Examinations

If a supervisor/manager has a reasonable cause to believe that an employee is physically or mentally unfit to perform the duties of his/her job, the supervisor/manager may recommend that the employee to submit to a fitness-for-duty examination. The Executive Director shall have the authority to approve the recommendation.

A. Reasonable Cause

Reasonable cause means that the supervisor/manager believes that the employee's ability to perform the functions of the job is impaired or that the employee's ability to perform his or her job duties safely is reduced, and that the supervisor's belief is based upon observations or evidence that has been documented.

B. Examination

Any such examination will be performed by or at the direction of a physician designated by the Agency. The attending physician will determine if the employee

is capable of performing all duties of the job as required by the job description and physical requirements checklist.

C. Examination Results

If the examining physician determines that the employee is fit for duty, the employee shall be released to return to work. If the examining physician determines that the employee is not fit for duty, the physician shall notify both the employee and the Executive Director. The employee will not be permitted to return to work until he/she is released by the physician. One or more subsequent fitness-for-duty examinations may be required in order to determine that the employee is fit to return to work.

5.4.5 Confidentiality of Examination Records

All documentation of pre-employment and fitness for duty medical examinations will be maintained in confidential and secure medical files, separate from applicant hiring files and separate from employee personnel files.

Section 5.5. Driving

5.5.1 Statement of Policy

Observation of the law and safe driving practices shall be the top priority of all employees assigned to drive an Agency vehicle or who operate a personal vehicle in the performance of Agency business.

5.5.2 Driver's License Requirements

All employees who operate an Agency vehicle, or who operate a personal vehicle in the performance of Agency business, must possess and carry a valid, current California Driver's License of the proper class (and endorsements) for the vehicle operated.

A. Employee Responsibilities

1. Employees are responsible for maintaining a valid, current California driver's license of the proper class and endorsements before operating an Agency vehicle or driving a personal vehicle on Agency business. Any employee who operates an Agency vehicle or a personal vehicle in the performance of Agency business without a valid, current California Driver's License will be subject to disciplinary action up to and including discharge.
2. Employees who drive Agency vehicles or drive a personal vehicle on Agency business must notify their supervisor immediately in writing when their driver's license has expired or been suspended or revoked.

B. Agency Responsibilities

1. Managers shall notify the Executive Director when they have notification that an employee's driver's license has expired or been suspended or revoked.

2. The Executive Director shall not allow an employee with an expired, suspended or revoked driver's license to operate an Agency vehicle or a personal vehicle on Agency business.
3. It is the responsibility of Human Resources Manager to see that all employees are properly licensed for any vehicles they are to drive on Agency business.

C. Effect of Failure to Maintain Valid, Current Driver's License

Where the employee's applicable written job description requires driving an Agency vehicle or a personal vehicle on Agency business, and an employee fails to maintain a valid, current California Driver's License, the employee will be disqualified from such employment and terminated.

D. Reasonable Accommodation of Disabled Employees and Applicants

Where driving is a requirement for a particular position, an applicant or employee who does not possess a valid, current California Driver's License because of a disability may be eligible for reasonable accommodation. For example, if driving is a non-essential function of a particular position, the driving function may be reassigned as a reasonable accommodation for the disabled worker or applicant. If driving is an essential function of the employee's position, other accommodation such as reassignment to a different position may be feasible. Each situation will be addressed on a case by case basis. Requests for reasonable accommodation should be addressed to the Executive Director.

E. DMV Automatic Pull Notice

For employees who drive an Agency vehicle or who drive a personal vehicle on Agency business, the Agency may obtain periodic reports from the Department of Motor Vehicles that reflect actions and activities on an employee's driver's license record. These reports will be forwarded to the employee and his or her manager for review and "initialing off" that it is true and accurate by both the manager and the employee. Afterwards, the Pull Notice is placed in the employee's personnel file.

5.5.3 Good Driving Record

Every employee authorized to drive an Agency vehicle or drive a personal vehicle while on Agency business must maintain an overall driving record that does not have an adverse influence on the Agency's insurance rates or otherwise create an unacceptable liability risk to the Agency. The Agency may at the time of employment, or from time to time thereafter, obtain a copy of an employee's driving record to assess the employee's suitability to drive.

5.5.4 Compliance with Traffic Laws

Employees driving Agency vehicles or driving personal vehicles while on Agency business must be familiar with and obey the State Vehicle Code. Such drivers must also obey local traffic rules, traffic control signs, posted speed limits and parking restrictions. Failure to do so will subject the employee to disciplinary action, up to and including discharge.

5.5.5 Use of Seatbelts

Seatbelts shall be worn by all occupants of Agency vehicles and by employees operating personal vehicles while on Agency business. The use of seatbelts is the law.

Section 5.6. Smoking

In keeping with the Agency's intent to provide a safe and healthful work environment and in compliance with state and local law, smoking in enclosed Agency facilities or vehicles is strictly prohibited. Smoking is allowed only on authorized breaks and lunch breaks, and only outside of work facilities so as not to disrupt Agency operations.

CHAPTER 6 EQUIPMENT AND PROPERTY

Section 6.1. Use and Care of Agency Property

6.1.1 Statement of Policy

The Agency provides its employees with the use of tools, equipment, property and facilities that are necessary for the performance of their work. Employees are expected to exercise care in the use of Agency property and to use such property only for authorized Agency business. Misuse or negligence in the care of Agency property may result in disciplinary action. Agency property issued to an employee must be returned at the time an employee terminates employment or when the employee's supervisor requests its return.

6.1.2 Damage or Loss of Agency Equipment

Employees must promptly report to their supervisor all damage to or loss of Agency equipment. Lost or broken tools, equipment and other gear will be replaced by the Agency, but excessive loss or breakage will result in the employee being subject to disciplinary action.

6.1.3 Key/Access Card Distribution

Keys/Access Cards to Agency locks are issued only to employees and other authorized individuals. Each key/Access Card is numbered and issued by the Agency office to a specific individual. Exchanging keys/Access Card, giving keys/Access Cards out, or copying keys/Access Cards is expressly prohibited and may lead to disciplinary action.

6.1.4 Personal Use of Agency Property

Agency tools, vehicles, equipment and facilities are provided for use on Agency business only. Personal use of Agency property is prohibited. Employees are prohibited from displaying personal property for sale on Agency premises or property.

6.1.5 Personal Tools or Property

The Agency will provide all tools and equipment reasonably required to perform the assigned work. The use of an employee's personal tools, vehicle or other equipment is not required and will be permitted only in unusual circumstances.

To deter theft or damage to personal property, employees are discouraged from bringing any personal property into the workplace and should not leave any personal belongings of value in the workplace. The Agency assumes no responsibility for loss or damage to the personal property of an employee.

6.1.6 Agency Access to Property

The Agency retains full title and control, including the right of inspection, over equipment, property and facilities provided for employee use. Employee privacy rights do not extend to work-related conduct or the use of Agency facilities, Agency owned equipment or property. All offices, work areas, desks, file cabinets, files, computers, data storage devices remain the property of the Agency. Therefore,

any agent or representative of the Agency can inspect these items or areas at any time, with or without prior notice.

6.1.7 Entry onto Private Property

All employees shall make a diligent attempt to contact property owners prior to entry upon private property when performing maintenance and repair tasks. Each employee is responsible for immediately reporting to the Agency office any damage to private property, buildings, trees, crops, fences, pipelines or other damage caused as a result of Agency work or operations or the use of Agency equipment.

6.1.8 Purchasing

All purchasing of materials and services must adhere to the Agency's standard practice.

Section 6.2. Phones, Computers, and Other Electronic Equipment

6.2.1 Statement of Policy

The phone, voicemail and computer systems are Agency property. Agency phones, radios, computers and other electronic equipment (copiers, fax machines, PDAs (e.g. Blackberry or other Personal Data Assistant device), etc.) should be used for Agency business purposes only. The Agency reserves the right, in its sole discretion, to access these systems, including employee voicemail, e-mail and data stored on computers, at any time. Any personal or personally confidential activities should be conducted at home on personal equipment, not at work.

This Policy is also intended to notify employees that all Agency Information Systems and their contents are not confidential or private. That is, all data, including any that is stored electronically or printed as a document, is subject to audit, review, disclosure, and discovery. **Such data may be subject to disclosure pursuant to the Public Records Act (California Government Code Section 6250 et. seq.). Therefore, there is no expectation of privacy in the use of the Agency's Information Systems.**

The Agency reserves the right to access and monitor employee use of the Agency's Information Systems as well as any stored information created or received by employees with the Agency's Information Systems. The reservation of this right is to ensure that the Agency's Information Systems are used securely and appropriately in an ethical and lawful manner.

6.2.2 Phone Usage for Personal Reasons

While it is understood that the use of the Agency's telephones for personal reasons is occasionally necessary, this privilege must not be abused. Such conversations should be limited to exigent situations and must be kept brief. Personal toll calls are not to be charged to the Agency.

6.2.3 Internet Usage

Access to the Internet is provided for the benefit of the Agency and its employees in the performance of their work. It allows employees to connect to information

resources around the world. Employees are responsible for seeing that the Internet is used in a productive, work-related manner.

The Internet shall not be used for personal gain, solicitation of non-Agency business, or advancement of individual views. Employees may not use Agency-provided Internet service to access sexually explicit or other material that would run afoul of the Agency's anti-harassment policy, nor to access gambling or gaming sites, or similarly inappropriate information.

Personal usage of the Internet must be kept to a minimum and during employee break or lunch time.

6.2.4 Decorum of Communications

Employees must conduct themselves professionally and in a businesslike manner when using Agency telephones, radios, voicemail, or e-mail systems. Employees are prohibited from using Agency telephones, radios, voicemail or e-mail systems in any way that is disruptive or offensive to others including, but not limited to, transmitting information derogatory of other employees, sexually explicit information, racial or ethnic slurs, or anything else that may be construed as harassment or disparaging of others. No messages shall be transmitted under an assumed name. Users may not attempt to obscure the origin of any message.

6.2.5 Installation or Duplication of Software

Employees may not add or install personal software programs on Agency computers. Further, the Agency prohibits illegal duplication of software and its related documentation. Employees may only use software contained on Agency computers according to the Agency's software licensing agreement.

6.2.6 Discipline

Violations of any aspect of this policy may result in disciplinary action up to and including discharge.

Section 6.3. Agency Vehicles

6.3.1 Statement of Policy

The Agency may provide employees with use of Agency-owned vehicles for performance of their duties. Observation of safe driving practices shall be the top priority of all persons assigned an Agency vehicle, as well as proper care of Agency equipment.

6.3.2 Operator Qualifications

Every driver of an Agency vehicle must have a valid and current California driver's license for the type of Agency vehicle driven and must be authorized by the applicable Agency management employee to drive an Agency vehicle.

Every authorized Agency driver must maintain an overall driving record that does not have an adverse influence on the Agency's insurance rates or otherwise create an unacceptable liability risk to the Agency. Conviction for driving under the influence, careless or reckless driving, or any similar moving offense of parallel gravity, whether

or not in an Agency vehicle and whether or not on duty, may be the basis of termination of status as authorized driver.

6.3.3 Compliance with Law

All drivers must comply with all applicable motor vehicle laws when driving an Agency vehicle. Failure to do so will subject the employee to disciplinary action, up to and including discharge.

6.3.4 Vehicle Categories

For purposes of this policy, each Agency vehicle shall be placed in one of the following categories:

6.3.5 Limitations on Use of Vehicles

The following rules shall apply to the use of all Agency vehicles:

- A.** Agency vehicles shall only be used for official Agency business. When an employee uses an Agency vehicle in any other manner, that employee shall be deemed to be not on official Agency business.
- B.** Agency vehicles shall only be driven by employees or officers of the Agency. With the approval of the Executive Director, Agency vehicles may be used by non-employees, such as consultants or independent contractors, when it is determined to be in the best interest of the Agency.
- C.** Agency vehicles shall not be used to transport large personal items, such as sports equipment or animals, or for private towing or hauling of personal belongings or property of others.
- D.** Seat belts shall be worn by all occupants while riding in or operating Agency vehicles. The use of seat belts is the law.
- E.** The use of cellular phones and electronic devices are prohibited while driving Agency owned vehicle(s).
- F.** No Agency vehicle shall be used to push-start another vehicle.
- G.** Pets, waterfowl, poultry, fish, reptiles, etc. are not permitted in Agency vehicles, nor are firearms of any type.
- H.** All Agency personnel are required to keep their assigned Agency vehicles in a clean and safe operating condition at all times. No modifications, changes, additions, addition of any accessory, custom part or the removal of any factory or Agency item on any Agency vehicle shall be permitted without the express approval of the Executive Director.
- I.** Each driver of an Agency vehicle will be responsible for calling any needed repairs or adjustments on his or her vehicle to the attention of the Executive Director. Each driver will be responsible for verifying that his or her vehicle has proper and functioning brakes, lights, windshield wipers, etc.

- J. All Agency personnel are required to report damage and defective Agency equipment as soon as possible after detection to ensure that damaged items or potentially damaged items are repaired and that service schedules are not exceeded.
- K. Each employee will be responsible for immediately reporting to their supervisor/Department Head or to the Executive Director any accident in which he or she is involved as a driver of an Agency vehicle. The employee will further prepare a detailed report of the accident, which report is to be submitted directly to the Executive Director or designee. This includes any accidents will on company duty in a private vehicle.
- L. Excessive acceleration and other showings of vehicular power occurring on Agency premises or on private or public property when in an Agency vehicle and the same occurring on Agency premises, whether in a personal vehicle or in an Agency vehicle, is not permitted.
- M. All Agency personnel shall "lock" and "secure" Agency vehicles when left unattended.
- N. Agency personnel involved in auto accidents should not volunteer information or admit liability, but merely respond as necessary to uniformed officers. They should request that their Supervisor, or the Human Resources Manager to notify police or call for medical assistance at the scene when necessary.
- O. Authorized Passengers:
 1. Adults on Agency business are permitted to ride in Agency vehicles, but only to the extent that seat belts are available.
 2. Any individual who is not participating in agency business, including family members, friends and all children are not permitted in Agency Pool Vehicles.
 3. All Agency personnel are prohibited from picking up hitchhikers in Agency Vehicles or while on Agency business.
- P. When driving an Agency vehicle, stopping and entering any bar or liquor store is prohibited. Transporting alcoholic beverages at any time in an Agency vehicle is prohibited.

Section 6.4. Employee Purchase Program

6.4.1 Mobile Device

A. Purpose & Reimbursement

NVTA will reimburse managers and exempt employees for up to \$1,000 plus tax for the purchase of a mobile device or tablet to encourage the proficiency of its management and exempt employees and for interfacing with Granicus or like software to access and maintain Board and advisory committee packets. If the employee chooses a device under \$1,000, NVTA will only reimburse employee up

to the purchase amount. If over the device exceeds a \$1,000 cost, employees are responsible for the difference.

NVTA will **not** reimburse employees for costs of data plans, additional software, extra equipment, extra warranties or other peripheral equipment. Purchases other than the mobile device are the responsibility of the employee. It is up to the employee to pay for repairs should the device be damaged or replaced should the device be stolen or lost within a three year period.

Mobile devices are eligible to be replaced on a three-year cycle from the date of purchase. This is done to ensure that systems used for daily business are up-to-date and under warranty.

B. Device Ownership/Program Limitations

Mobile devices are the personal property of the employees. Employees can choose any device that accommodates the interface of Board Packets. .

IRS rules may consider the reimbursement as income and subject to income taxes. Any additional taxes are the responsibility of the employee.

Business conducted on private devices is subject to the Public Records Act. To separate personal and business items, you should have an NVTA folder so that a search of the entire device would not be necessary to isolate personal documents from public documents or correspondence.

CHAPTER 7 TIME OFF AND LEAVES OF ABSENCE

Section 7.1. Holidays

7.1.1 Eligible Employees

Full-time Agency employees are eligible for paid holidays as described herein,

7.1.2 Recognized Holidays

Eligible employees are entitled to the following eight (8) holidays off with pay when they fall on a work day in the basic workweek:

January 1 (New Year's Day)

The last Monday in May (Memorial Day)

July 4 (Independence Day)

The first Monday in September (Labor Day)

The fourth Thursday in November (Thanksgiving Day)

The day following Thanksgiving Day

December 24 (Winter Holiday)

December 25 (Winter Holiday)

- (1) When a recognized holiday falls on a Saturday, the day immediately preceding shall be deemed to be the paid holiday. When a recognized holiday falls on a Sunday, the next day shall be deemed to be the paid holiday. If December 24 falls on a weekend, it will be observed the preceding Friday. If December 25 falls on a weekend, it will be observed the following Monday.
- (2) Permanent part-time employees shall receive the same number of holidays as regular, full time employees and on a pro-rata basis, proportional to full-time employment

Holidays will be paid at eight (8) hour increments.

7.1.3 Personal Leave

Eligible employees shall also receive ~~fifty-six (56) forty-eight (48)~~ hours of personal leave each calendar year which may be used for personal reasons. Personal leave has no cash value and must be used during the calendar year in which it is received or it is deemed forfeited. Those hired after the calendar year begins will receive a pro rata share of personal leave time based on the number of pay periods remaining in the calendar year.

Permanent part-time employees shall receive personal leave on a pro-rata basis, proportional to full-time employment.

7.1.4 Board Ordered Holiday

The Board of Directors may from time to time declare additional paid holidays or half-day holidays at their sole discretion, and the granting of any such holiday shall not constitute a precedent for continued granting of such holiday or holidays.

7.1.5 Holidays Occurring During Unpaid Leave

Employees will not receive holiday pay for holidays that occur during an unpaid leave of absence from the Agency, or when the employee is on unpaid leave either the work day before the recognized holiday or the work day after the recognized holiday.

7.1.6 Working on Holidays

Eligible employees may be scheduled to work on holidays, in which event, an FLSA non-exempt employee will be compensated at the overtime rate of pay for all time worked on such days, in addition to receiving eight hours of holiday pay. Standby shall not be construed as time worked.

FLSA exempt management employees who are scheduled to work on a holiday first must obtain prior written approval from the Executive Director in order to be eligible for flex-time or compensatory time-off for hours worked. Any approved flex-time must be taken in full-day increments. Standby shall not be construed as time worked.

Section 7.2. Vacation

7.2.1 Purpose

NVTA provides vacation to eligible employees for the purpose of rest, relaxation and reinvigoration.

7.2.2 Eligibility

Full-time employees are eligible to receive vacation benefits. Vacation begins to accrue from the date of hire. A probationary employee may begin to take vacation after the first six (6) months of an employee's probationary period.

7.2.3 Accrual

A. Accrual Rates

Every permanent, full-time employee shall accrue vacation leave, in accordance with the permitted maximums as provided in the schedule below. An employee shall not accrue vacation in excess of the permitted maximums. The Executive Director shall give employees a reasonable opportunity to utilize such vacation within the year so as not to exceed the maximum accrual vacation leave accruals.

Years of Continuous Agency Service	Hours of Vacation Accrued/ Pay Period	Maximum Accrual for Years of Continuous Service
Date of Hire through Year 3	3.8 hours	240 maximum hours
Year 4 through 9	4.8 hours	300 maximum hours

Year 10 through 14	6.2 hours	400 maximum hours
Year 15 through 19	7.2 hours	400 maximum hours
Year 20 through 29	8 hours	400 maximum hours
Year 30 or more	9 hours	400 maximum hours

1. An employee's new vacation accrual rate will be effective on the first day of the pay period following the anniversary date of the year referenced in the above schedule.
2. Each employee may, with approval of the Executive Director, take vacation privileges as earned and in accordance with the provisions of Section 7.2
3. No person shall be permitted to work for compensation for the Agency in any capacity during the time of his/her paid vacation from Agency service.
4. Vacation leave does not accrue during periods of unpaid leave from the Agency or when an employee is on short or long-term disability, unless an employee is on worker's compensation leave, in which case, vacation continues to accrue.
5. Each employee has right to receive compensation at the Employee's current hourly rate for up to eighty (80) hours per year of unused vacation so long as forty (40) hours of vacation were actually used during the calendar year.

Permanent part-time employees shall accrue vacation leave on a pro-rata basis, proportional to full-time employment.

Non-Management Fair Labor Standards Act (FLSA) exempt employees will receive an additional 40 hours of non-accrual leave each calendar year.

B. Management Employees

Management Employees of the Agency shall receive the following:

1. Eighty (80) hours of management leave credited at the beginning of each calendar year. The right to surrender up to sixty (60) hours of management leave each year and be paid for same in cash at their current hourly rate; provided, however, that a minimum of forty (40) hours of vacation leave must be used during the calendar year in which the surrender of management leave occurs before the finance department is authorized to process the surrender request.
2. Accrual of vacation leave at the rate of 4.8 hours per pay period, or accrual of vacation leave at the rate determined in accordance with Section 7.2.3.A, or accrual of vacation leave at the Employee's current vacation leave accrual rate, whichever is higher. This vacation leave accrual rate will be effective on the date of the appointment, reclassification, or promotion.

3. In the case of Management Employees who were not employed by the Agency at the time of their appointment, but were previously employed by a city, county, special district, state or federal government agency, the vacation accrual rate shall be the rate of vacation leave approved by the Executive Director; providing, however, this rate shall not exceed the rate of vacation leave accrual the Employee enjoyed at the Employee's last place of public employment, or the rate of vacation leave accrual the Employee would be entitled to had all prior public agency service of the Employee been with the Agency, whichever is higher; and further provided that in no event shall this rate of accrual exceed the maximum rate the Agency provides to Management Employees. Work performed for a public agency as a consultant or independent contractor rather than as an employee, shall not be taken into account by the Executive Director in approving a vacation leave accrual rate exceeding the .06 hours per each full hour worked up to the maximum of eighty (80) hours per pay period.
4. The right to accumulate a maximum of 600 hours of vacation leave; the Employee may not earn any further vacation time while accrued, unused vacation remains at this maximum.

7.2.4 Scheduling

A. Notice

Vacation shall be scheduled with the employees supervisor and the Executive Director, with due regard for the wishes of the employee and with particular regard for the needs of the Agency.

Vacations of four (4) consecutive days or more, must be scheduled a minimum of two weeks before the date of departure. Vacations of three (3) consecutive days or less must be scheduled at least two (2) working days before departure. Under special circumstances, the Executive Director may waive these notice requirements.

All vacation requests shall be submitted in writing on the designated Agency form.

B. Intervening Holidays

A holiday falling within a vacation shall not be counted as a day of vacation.

C. Intervening Illness or Injury

Employees becoming sick or injured while on vacation leave shall be entitled to change their vacation status to sick leave with a doctor's verification that the employee would have been unable to work due to the illness or injury. Employees must follow the sick leave procedures described in these Policies and Procedures.

7.2.5 Termination or Retirement from Agency

Accrued but unused vacation at the time of an employee's termination or retirement shall be administered as follows:

A. Termination

If an employee terminates employment with the Agency, voluntarily or involuntarily, and has accrued and unused vacation, he or she shall be paid for each day recorded in Agency records.

B. Retirement

An employee who retires and has accrued and unused vacation may elect either of the following options:

1. Continue to work until the date of retirement and be paid for accrued and unused vacation; or
2. Discontinue working and take accrued and unused vacation time that would extend from last day worked up to the date of retirement.

If option (2) is selected, deductions from vacation pay will be the same as if the employee is actually on the job and health care coverage will continue to be provided under various group programs through the exhaustion of vacation time.

Section 7.3. Sick Leave

7.3.1 Purpose

The Agency provides paid sick leave in order to prevent a loss of earnings that may be caused by illness or injury. Paid sick leave is not intended to provide additional paid time off for reasons unrelated to injury or illness.

7.3.2 Eligibility

Employees are eligible for paid sick leave. Sick leave begins to accrue from the first day of employment. Employees who have worked for six (6) months in continuous employment are eligible to use accrued sick leave.

7.3.3 Accrual

Each employee shall accrue 3.8 hours of sick leave for each full eighty (80) hour pay period. There is no limit to the amount of sick leave an employee can accrue. Sick leave does not accrue during periods of unpaid leave from the Agency or when an employee is on short or long-term disability status, unless an employee is on worker's compensation leave, in which case, sick leave continues to accrue.

No sick leave shall be paid prior to it being accrued.

Sick leave accrued and unused is forfeited upon termination of employment. For vested employees, accrued and unused sick leave balances can be used to credit retirement health benefits per the agency contract with CalPERS.

Permanent part-time employees shall accrue sick leave on a pro-rata basis, proportional to full-time employment.

7.3.4 Conversion of Vacation to Sick Leave

Employees becoming sick or injured while on vacation leave shall be entitled to change their vacation status to sick leave with a doctor's verification that the employee would have been unable to work due to the illness or injury. Employees must follow the sick leave procedures described in these Policies.

7.3.6 Employee Notice and Communication

An employee shall contact his or her supervisor prior to the employee's starting time each day when absent due to illness or injury. Employees must follow this procedure every day of illness or injury, except in the case of a pre-approved leave of absence.

Where an employee is absent for more than three (3) consecutive days, the employee will be required to submit a doctor's statement (1) verifying that an illness or injury prevented the employee from working, and (2) certifying that the employee is fit and able to return to work. Employees are required to submit a doctor's statement consistent with (1) and (2) above if an employee has a regularly scheduled absence for medical reasons. Management may also require a doctor's slip verifying the absence for a shorter period of time where a question of abuse of sick leave arises.

Employees on an approved leave of absence who do not return on their scheduled return date and who have failed, in advance of the return date, to obtain an agreed extension of leave from their supervisor or the Executive Director, will be considered to have voluntarily abandoned employment and subject to separation from Agency employment.

Section 7.4. Workers' Compensation Leave

7.4.1 Purpose

Agency employees are eligible for benefits under the Worker's Compensation Laws of the State of California for injury or illness arising out of or in the course and scope of employment. Where such injury or illness necessitates an employee's absence from work, an employee shall remain on paid status as provided herein.

7.4.2 Sick or Vacation Leave Supplementation

When an employee is off work due to an industrial injury, accrued sick leave or vacation pay may be paid for the first three (3) days. Thereafter payments made by Worker's Compensation may be supplemented up to base wage entitlement of that employee to the extent that accumulated sick leave is available and, when authorized by the employee, vacation days.

7.4.3 Accrual of Benefits during Leave

During the time an employee is on "paid status" while absent from work by reason of injury or illness covered by Worker's Compensation, he or she shall continue to accrue all benefits. For the purposes of this section, "paid status" shall include that period of time during which the Agency coordinates benefits; i.e., that period of time during which sick leave and vacation days are used to supplement employee earnings.

If worker's compensation leave is converted to long term disability leave, once vacation and sick leave balances are depleted, health, dental, vision, and life insurance premiums will be paid entirely by the employee. In addition, while the employee is on long term disability status, vacation, holidays, and sick leave accruals will no longer accrue.

Section 7.5. Pregnancy Leave

7.5.1 Purpose

In an effort to further equal employment opportunity for women, employees who become disabled by pregnancy, childbirth or related medical conditions may be entitled to job-protected leave or other reasonable accommodation as provided by California's Pregnancy Leave Law.

7.5.2 Covered Employees

An employee is disabled from working due to pregnancy, childbirth or a related medical condition in the following circumstances:

- Inability to work at all because of pregnancy or childbirth

- Inability to perform one or more essential functions of the employee's job without undue risk to the female, the successful completion of the pregnancy, or other persons
- Suffering from severe morning sickness
- Needing to attend pre-natal care appointments

7.5.3 Leave Rights

A covered employee is entitled to up to four months of leave during any period in which the employee is actually disabled. Such leave may be taken in a single block of time or on an intermittent basis or reduced leave schedule. This leave is in addition to, and does not run concurrent with, any leave the employee may be eligible for under the Family Medical Leave Act and California Family Rights Act.

At the conclusion of an approved pregnancy disability leave, the employee will be restored to her original position or a comparable position in accordance with law.

7.5.4 Pay and Benefits

Pregnancy disability leave under this policy is unpaid. However, a covered employee may use accrued sick or vacation leave or other accrued time off to cover absences caused by a pregnancy-related disability.

Leave taken under this policy does not constitute a break in service for the employee.

7.5.5 Employee Notice Obligations

Whenever the need for leave is foreseeable, a covered employee must give the Agency thirty (30) days advance notice of the need for leave. Covered employees should make reasonable efforts to schedule any necessary medical treatment so as not to disrupt the operations of the Agency. The Agency may deny leave where such notice is not provided.

When the need for leave is not foreseeable, covered employees must provide notice of the need for leave as soon as practicable.

7.5.6 Medical Certification

An employee requesting such leave will be required to provide a medical certification from her health care provider verifying the disability, the date it commenced, and its probable duration.

Upon return to work, the employee will be required to provide a return-to-work certificate from her health care provider stating that she is able to resume the duties of her position.

7.5.7 Other Forms of Pregnancy-Related Disability Accommodation

An employee disabled by a pregnancy-related condition may also be eligible for a temporary transfer to a less strenuous or hazardous position or other form of accommodation. Requests for accommodation should be directed to the employee's Supervisor or the Executive Director.

Section 7.6. Family and Medical Care Leave Act

7.6.1 Statement of Policy

This policy describes the circumstances and conditions under which an employee may take family care and medical leave as provided under the Federal Family and Medical Leave Act ("FMLA") and the California Family Rights Act ("CFRA"). This policy is meant to be read together with the FMLA (29 U.S.C. 2601 et seq.) and the CFRA (Government Code Section 12945.2) and the regulations adopted to implement them, all as they are now written or may hereafter be amended. This policy is separate and distinct from any other leave policies or procedures. The benefits accorded by these separate policies shall not be combined or otherwise construed as one policy.

7.6.2 Definitions

- A. "Family and Medical Care Leave"** means leave, whether paid or unpaid, taken by an employee on account of:
1. The birth of a child of the employee.
 2. The adoption or foster care placement of a child by the employee.
 3. The serious health condition of a child, parent or spouse of the employee.
 4. The serious health condition of the employee which makes the employee unable to perform the duties of the employee's position.
- B. "Child"** means a biological, adopted or foster child, a stepchild, a legal ward or child of a person in loco parentis who is either under 18 years of age or a dependent adult. A dependent adult is a person who is over 18 years of age and is incapable of self-care because of a mental or physical disability.
- C. "Health Care Provider"** means a person holding a physician's and/or surgeon's certificate or an osteopathic physician's and/or surgeon's certificate who directly treats or supervises the treatment of the serious health condition, or any other person determined to be capable of providing health care services under the FMLA/CFRA.
- D. "Parent"** means a biological, foster or adoptive parent, a stepparent or legal guardian, or other person who stood in loco parentis to the employee when the employee was a child. Parent does not include a parent-in-law.
- E. "Serious Health Condition"** means an illness, injury, impairment or physical or mental condition which involves either:
1. Inpatient care in a hospital, hospice or residential health care facility; or
 2. Continuing treatment or supervision by a health care provider of more than three consecutive days; or

3. Continuing treatment or supervision by a health care provider for a chronic or long-term health condition that is incurable or so serious that if not treated would likely result in an incapacity for more than three consecutive days.
- F. **"Spouse"** means a partner in marriage as defined in Family Code Section 300. It does not include unmarried persons living together, but does include persons who are legally married who do not live together. For the purposes of this policy, spouse is further defined as a registered domestic partner as specified in California Family Code Section 297.
- G. **"Employment in the Same or Equivalent Position"** means employment in a position that has the same or equivalent duties and pay that can be performed at the same or similar geographic location as the position held prior to the leave.

7.6.3 Family and/or Medical Care Leave

Except as hereafter provided, any employee with at least 12 months of service with the Agency, who has at least 1250 hours of service during the previous 12-month period, may take up to 12 weeks of family care and medical leave during a 12-month period with a guarantee made at the time leave is granted that the employee will be able to return to the same or equivalent position.

- A. For this purpose, "12 month period" means the 12 months immediately preceding the date an employee takes family care and medical leave.
- B. Pregnancy disability leave taken by an employee will not be considered when counting the amount of leave an employee may take pursuant to this policy.
- C. While on leave under this policy, an employee will continue to be covered by the Agency's group health insurance to the same extent that coverage is provided while the employee is working.
- D. If an employee fails to return to work after the designated period of leave or when the leave entitlement has been exhausted or expires, the Agency shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave under this policy, or because of circumstances beyond the employee's control.
- E. Leave under this policy may be granted on an intermittent basis (i.e., leaves taken in separate blocks of time due to a single qualifying reason) or a reduced work schedule to accommodate an employee qualifying for leave under this policy. An employee may take leave under this policy on an intermittent basis for his/her own serious

health condition or for the serious health condition of a qualifying family member when it is shown to be medically necessary.

- F. Conditions for use of Family/Medical Care Leave:
1. Notice of Leave. If the need for leave is foreseeable, an employee must provide the Agency with reasonable advance notice. For this purpose, "reasonable advance notice" means thirty (30) days' written notice, if practicable.
 2. Scheduling Leave. If the need for leave is foreseeable due to a planned medical treatment or supervision, the employee must make a reasonable effort to schedule it to avoid disruption of Agency operations.
 3. Medical Certification for Family Care Leave. A request for leave to care for a child, spouse or parent who has a serious health condition must be supported by a certificate of a health care provider which includes all of the following:
 - a) The date on which the health condition commenced;
 - b) A statement as to whether a serious health condition of a family member exists:
 - i. However, the employee need not (but may, at the employee's option) identify the serious health condition involved (i.e., diagnosis).
 - ii. Failure to disclose the nature of the serious health condition may give the Agency reason to doubt the validity of the certification.
 - c) The probable duration of the condition;
 - d) An estimate of the time the employee needs to care for the individual;
 - e) A statement that the condition requires family participation to provide care during the period of treatment or supervision of the individual requiring care.
 4. Medical Certification for Employee's Own Serious Health Condition. A request for leave for an employee's own serious health condition must be supported by a certificate of a health care provider which includes all of the following:
 - a) The date on which the serious health condition commenced;
 - b) A statement as to whether the employee is unable to perform the essential functions of his or her normal position:
 - i. However, the employee need not (but may, at the employee's option) identify the serious health condition involved (i.e., diagnosis).

- ii. Failure to disclose the nature of the serious health condition, may give the Agency reason to doubt the validity of the certification.
- c) The probable duration of the condition.
- 5. Use of Accrued Leave:
 - a) Vacation/Comp Time: An employee who takes family/medical care leave must use all of their accrued compensatory time off, if any, and then and all of their accrued vacation in excess of 80 hours.
 - b) Sick Leave: An employee who takes family/medical care leave may only use accrued sick leave as provided in the applicable under California law.

G. Limits on Family and Medical Care Leave

The Agency may refuse to allow family and medical care leave if:

- 1. The employee fails to furnish the Agency adequate medical documentation which satisfies the requirements under this policy or the FMLA or CFRA.
- 2. If both parents of a child are employed by the Agency, the Agency may limit the family care leave for the birth, adoption or foster care placement of their child to a combined total leave of twelve (12) weeks in a 12-month period.

H. Challenge to Medical Certification

- 1. When the Agency doubts the validity of a medical certification submitted by an employee, it may require the employee to obtain at Agency expense the opinion of a second health care provider designated and approved by the Agency regarding any of the information in the original certification. Such second health care provider may not be one employed by the Agency on a regular basis.
- 2. If the opinion of the second health care provider differs from the first, the Agency may require the employee to obtain at Agency expense, the opinion of a third health care provider, designated or approved jointly by the Agency and the employee, concerning the information in the original certification. The opinion of the third health care provider will be final and binding on the Agency and the employee.

I. Employee's Obligation to Periodically Report on His/Her Condition

An employee on family or medical care leave may be required to periodically report on his or her status and intent to return to work. This will avoid any delay to reinstatement when the employee is ready to return to work.

J. Status of Employee Benefits While On Leave

1. Status of Employee. An employee on family/medical care leave retains employee status, and the leave does not constitute a break in service for purposes of longevity, seniority, or any employee benefit plan. For purposes of layoff, recall, promotion, job assignment, and seniority related benefits, an employee who returns from leave will have no less seniority than the employee had when the leave commenced.
2. Health Insurance. Except as hereafter provided, during family/medical care leave, the Agency will continue to offer the employee, and pay its share of the premium for, health insurance for up to twelve (12) weeks at the same level and under the same terms and conditions as coverage was provided while the employee was actually working for the Agency; provided that, if an employee fails to return from leave for reasons other than the continuation, recurrence, or onset of the employee's own serious health condition or other circumstances beyond the employee's control, the Agency may recover the premiums paid by the Agency on behalf of the employee.
3. Other Benefits. During family/medical care leave, an employee will continue to be entitled to participate in employee health plans for any period during which coverage is not provided as required in Section 7.6.3.J.2 above, employee benefit plans, including life, short-term or long-term disability or accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as apply to an unpaid leave taken for any other purpose.

K. Return from Family and/or Medical Care Leave

1. The Agency may deny reinstatement of an employee from family and medical leave to the same or equivalent position where:
 - a) The employee refuses to return on the date agreed upon; or
 - b) As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition which made the employee unable to perform his/her job, the employee must obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement; or
 - c) The same or equivalent position has been eliminated for legitimate business reasons unrelated to the employee's family/medical care leave, in which case the employee will have the rights accorded in the layoff provision of the applicable Agency policy.

2. Reinstatement of Key Employees: The Agency may deny reinstatement of an employee from family and/or medical care leave to the same or equivalent position where:
 - a) The employee is among the highest paid 10% of the Agency's salaried employees; and,
 - b) Reinstatement would cause the Agency serious and grievous economic harm; and,
 - c) The employee was notified at the outset of leave that reinstatement could be denied.

7.6.4 Status of Prior Policies

This policy supersedes and replaces all other policies on the same subject. The Agency reserves the right to amend this policy whenever it is appropriate to conform to state and federal laws, rules and regulations.

Section 7.7. Funeral and Bereavement Leave

7.7.1 Purpose

The Agency provides bereavement leave for its employees in the event of a death in the employee's family in order to handle family affairs and attend the funeral.

7.7.2 Conditions of Leave

A. Amount

An employee may take up to five days of sick leave (one of which shall be the date of the funeral) for the purpose of making necessary arrangements and attending the funeral.

An additional limited amount of time off to attend funeral services outside the State of California may be authorized with pay under special circumstances. The Executive Director is vested with full discretion to evaluate the circumstances and make the determination.

Attendance at funerals requiring absences of more than five days may be charged to accrued vacation or personal leave accounts.

B. Covered Family Members

Leave shall be afforded under this policy for the death of the employee's spouse, registered domestic partner, child, parent, parents-in-law, step-parents, sibling, step-siblings, and grandparents.

C. Deceased Employees

In deference to the memory of a deceased colleague, a limited amount of time off to attend funeral services may be authorized with pay under special circumstances. The Executive Director is vested with full discretion to evaluate the circumstances and make the determination.

Section 7.8. Jury Duty and Witness Leave

7.8.1 Purpose

The Agency encourages its employees to perform their civic duty to serve on a jury panel or as a subpoenaed witness and provides leave for such purposes as described herein.

7.8.2 Jury Duty Leave

A. Full-time and Seasonal Employees

Time off without loss of pay of up to four (4) weeks shall be granted to full-time employees called for jury duty. Such employees who are required to serve on jury duty shall be paid the difference between their regular pay and the amount of the jury fee received for such duty. For the purpose of this calculation, the jury fee does not include any mileage allowance. Should jury duty extend beyond four (4) weeks, the employee will receive unpaid leave for the duration of the jury service. The employee may elect to use accrued vacation, compensatory time off, personal leave, or floating holiday leave to cover the remainder of the jury service.

B. Part-Time and Temporary Employees

Part-time and temporary employees will be granted time off without pay for jury duty service. These employees may elect to use accrued vacation, compensatory time off, personal leave, or floating holiday leave to cover the jury service.

C. Notice Requirements

All employees are required to provide their supervisor with reasonable advance notice of jury duty. Employees must provide their supervisor with a copy of their jury summons prior to the commencement of jury duty leave.

D. Return to Work

All employees released from jury duty prior to the end of a scheduled work day must report back to work within one (1) hour after being released from jury duty, unless there is less than two (2) hours remaining in the employee's work day at the time of release.

7.8.3 Witness Duty

All employees will be allowed time off without pay to appear in court as a witness pursuant to a valid subpoena or other court order. The employee must provide his or her supervisor with reasonable advance notice of the witness duty. Further, the employee is required to provide his or her supervisor with a copy of the subpoena or court order requiring the employee's attendance. The employee may elect to use accrued vacation or floating holiday time to cover the time away from work. All employees who are subpoenaed by court to appear in their capacity and scope as a representative of the Agency shall be allowed time off with pay for such witness duty.

7.8.4 Overtime Exempt Employees

Overtime exempt employees who work any portion of the week in which they also serve on jury duty or as a witness will receive their full salary for that week.

Section 7.9. Military Leave

7.9.1 Purpose

The Agency provides appropriate military leaves of absence, benefits and reinstatement rights to members of the military consistent with the provisions of the California Military and Veterans Code and the federal Uniformed Services Employment and Reemployment Rights Act.

7.9.2 Leave of Absence

Any Agency employee who is a member of the United States armed forces, the National Guard, the Naval Militia or the reserve corps is entitled to an unpaid leave(s) of absence for ordered military duty including active military training, inactive duty training, encampment or exercises.

7.9.3 Employee Notice Requirements

Employees must provide advance written or verbal notice of the need for military leave unless to do so is impossible or unreasonable. Generally, an employee should present their service papers to their supervisor as soon as they receive them. Employees should use their best efforts to arrange inactive duty or annual trainings at a time that is mutually convenient to the employee and the Agency.

7.9.4 Pay and Benefits While On Leave

A. Pay

Where the employee has been employed by the Agency for at least one year prior to the start of the leave, the first 30 calendar days of military leave will be paid. No minimum length of service is required to receive 60 calendar days of pay for a member of the National Guard who is called to active duty during a declared emergency. Paid military leave shall not exceed 30 calendar days in any fiscal year.

After the first 30 calendar days, military leave will be unpaid. Any employee may, at his or her option, elect to use accrued vacation or floating holiday time to cover periods of unpaid military leave.

B. Health Care Coverage

For leaves with duration of 30 days or less, the Agency will continue the employee's health care coverage on the same terms as if the employee was working.

For leaves longer than 30 days, the employee may be eligible to continue health care coverage for self and dependents at the employee's own expense for up to 24 months. Employees returning from leave longer than 30 days will be restored to health care coverage upon their return to work without a waiting period.

C. Seniority

Any employee who takes military leave retains his or her original seniority date and all other seniority-based benefits as if continuously employed.

Employees on military leaves will not accrue any vacation or sick leave during periods of unpaid military leave.

Time spent on military leave will be counted as time worked for purposes of determining eligibility for family and medical leave.

7.9.5 Reinstatement

The Agency will adhere to the applicable federal or state law that is most beneficial to the employee in determining reinstatement rights.

Generally, employees must provide timely notice of their intent to return to work after military service. An employee returning from military leave will be reinstated to employment in the position he or she would have held had there been no interruption for military service, if qualified. If reasonable efforts to so qualify the employee fail, he or she will be returned to the position held at the beginning of the leave, if qualified.

Reinstatement may be denied if the employee receives a dishonorable or other disqualifying discharge, fails to timely request reemployment, or the Agency's circumstances have so changed to make reemployment impossible or unreasonable.

Section 7.10. Leaves of Absence without Pay—Accrual of Vacation and Sick Leave

An employee taking leave without pay shall earn vacation leave and sick leave during the week in which the leave of absence occurs according to the following weekly schedule. Such vacation leave and sick leave shall be calculated to the nearest tenths as shown in the chart below:

HOURS OF LWOP	PERCENTAGE OF ACCRUAL
2 – 3.9	90
4 – 7.9	80
8 – 11.9	70
12 – 15.9	60
16 – 19.9	50
20 – 23.9	40
24 – 27.9	30
28 – 31.9	20
32 – 35.9	10
36 – 40.0	0

Section 7.11. Outside Employment

The Agency forbids employees on a leave of absence, other than military leave, from holding outside employment during such leave. Employees who violate this

policy will forfeit any leave of absence and will be deemed to have voluntarily terminated their employment and separated from the Agency.

CHAPTER 8 BENEFITS

Section 8.1. Insurance

8.1.1 Purpose

The Agency will provide all eligible employees and their dependents access to group health insurance programs including medical, dental and vision and life insurance.

8.1.2 Terms of Coverage

The amount and type of coverage, as well as the percentage of Agency contribution, is subject to change from time to time depending on changes in applicable premiums.

Information describing coverage is available from the Agency Human Resources department upon request. If there is a conflict between the language used here and the language contained in the group plan documents, the plan documents will prevail.

8.1.3 Eligibility

Full-time and part-time permanent employees are eligible for medical, dental, vision and life insurance coverages. The effective date for these coverages is the first of any month following thirty (30) days of continuous service, except for medical which is effective the first of the month following the employee's hire date. Employees returning from layoff shall have full benefits made available to them on the first of the month following their return to work, without waiting the otherwise mandatory "waiting period."

8.1.4 Medical, Dental and Vision Coverage

A. Payment of Premiums

Presently the Agency pays 96% of the premium for Medical and 100% of the premium Dental for eligible full-time permanent employees during periods of regular pay status (including paid time off and paid leave). The agency pays 100% of benefits for full-time permanent employees with no dependents. The Vision premium is paid for by the Employee. The Agency does not pay insurance premiums for employees on an unpaid leave of absence or whose hours fall below the required minimum for eligibility of at least fifty (50) paid hours per pay period, unless specifically provided in another Agency policy such as the family and medical leave policy. Employees can elect to waive coverage providing that they can show they are covered by health insurance elsewhere.

The monthly premiums for permanent part-time employees shall be paid on a pro-rata basis proportional to full-time employment.

B. Long Term Disability

As used herein, "long-term disability" means the status reached when an eligible employee has, during any consecutive 12 month period, been unable to work or

perform the duties for which employed for 90 calendar days during that period, because of his or her own ill health or physical or mental disability.

Upon entering long-term disability status, an employee may petition the Board of Directors for use of accrued vacation or sick leave sufficient to pay premiums as set by the Agency for continuation of health, dental and vision coverage. Granting or denial of such petition shall be at the sole discretion of the Board based on their evaluation of the circumstances in each case. A granting in one case shall not be construed to have set a precedent when reviewing other cases.

C. Continuation of Health Benefits - COBRA

As stated above, the Agency's health care plans are maintained for employees in regular pay status and their covered dependents. The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and a related state law allow employees and their dependents to continue health care coverage at their own expense for up to 36 months if they lose coverage due to termination or other qualifying events.

D. Temporary Employees

Temporary employees are eligible for group health benefits for themselves and their dependents at their own expense provided the temporary employee qualifies as provided above and provided further, the employee pays the monthly premium for the group health care coverage a minimum of 10 days in advance of the first of each month.

8.1.5 Life Insurance Coverage

The Agency provides life insurance coverage for eligible employees in accordance with carrier requirements and at benefit levels determined through negotiations with the applicable employee representative. Presently the Agency pays 100% of the premium for this insurance.

Section 8.2. Retirement

8.2.1 Purpose

The Agency provides retirement benefits to fulltime and part-time, permanent employees through its plan with CalPERS. The terms of the plan shall govern retirement benefits.

8.2.2 Plan Overview

CalPERS provides a defined benefit plan. Benefits are based on the employee's age, years of credited service and final compensation at retirement. Employees become fully vested with 5 years of service. For employees hired prior to May 21, 2011 the minimum retirement age is 55 with a benefit formula of 2.5% at 55 (Tier 1); for employees hired between May 21, 2011 and December 31, 2012 the minimum retirement age is 60 with a benefit formula of 2.0% at 60 (Tier 2); and for employees hired on or after January 1, 2013 the minimum retirement age is 62 with a benefit formula of 2% at 62 (PEPRA New Members).

8.2.3 Contributions

The Agency pays the employer's contribution share at the current rate (2019) of 10.022% for Tier 1 members, 7.634% for Tier 2 members and 6.842% for PEPRA members of reportable earnings. The Employee pays the employee's contribution share at the current rate of 8% for Tier 1 members, 7% for Tier 2 members and 6.25% for PEPRA members of reportable earnings.

Section 8.3. Education, Membership and Professional Affiliation Fees

8.3.1 Purpose

The Agency will reimburse tuition, membership, and professional affiliation fees to eligible employees.

8.3.2 Eligibility

- Must be a regular, full-time employee.
- Must have at least one-year full-time employment.
- Must meet the performance expectations of his or her current position.
- Must not have any formal disciplinary actions with NVTA within the previous 18 months. Formal disciplinary actions include written warnings, demotions, or suspension.
- Must have an individual development plan in place, reviewed and agreed to by the supervisors with recognition that the educational investment is part of the employee's development for the current job or for a job to which he or she would realistically move to within NVTA in the future.
- Undergraduate level and graduate level degree course work, (both credit and non-credit courses such as continuing education & off-site training) are eligible for reimbursement, provided the employee's management agrees that the intended studies relate to the individual's current or potential future job at NVTA. This alignment should be reflected within the employee's individual development plan as noted in their performance evaluation.
- Must have clear alignment between the employee's educational ambitions, the agency's needs, the employee's performance management agreement and individual development plan.
- Must apply for and be pre-approved before enrolling in courses or any other type of formal education such as professional certifications. It is advisable for application to be made a 60-90 days in advance of the course/program to allow time to consider approval and budgeting, as appropriate.

8.3.3 Education Fees

Tuition for authorized Agency continuing education or a college degree are eligible for reimbursement. Education must be relevant to enhancing job knowledge or job related skills, or for the purpose of qualifying for advancement within the Agency as described in the employee's development plan. Employees are required to prepare a written request outlining the objectives for obtaining the education, expected timeframe, coursework and cost estimates, including tuition and books. The written request is to be submitted to the Executive Director for consideration and discretionary approval prior to enrolling in coursework, provided the employee intends to seek Agency reimbursement. Depending on the cost or relevancy of

the proposed education, the Executive Director may agree to reimburse all or a portion of the estimated cost. Actual reimbursements are eligible only after the successful completion of each quarter or semester as evidenced by supporting documentation from the college or university. Expenses for travel, lodging, meals or mileage related to education are not eligible for reimbursement.

Employees who accept tuition reimbursement, commit to regular full-time time service of two (2) years for an under-graduate degree or three (3) years for a graduate degree, following the successful completion of the coursework. In the event that an employee voluntarily terminates their employment with NVTA or is terminated for cause at any time during the course of employment, the employee agrees to repay NVTA the entire amount of tuition, associated fees, and taxes, if any, that have been paid for all courses. Repayment will not be required if the termination of their employment is due to death, long-term disability, layoff or involuntary termination for any reason other than cause.

If an employee does not repay any amounts due as indicated above on or before their last day of employment, any such amounts will be deducted from the employee's final paycheck or from other amounts payable to the employee upon or following termination of employment, and will authorize such deduction. Employees will also acknowledge that any balance still owed to NVTA after the deductions referenced above must be repaid to NVTA.

Employees shall be allowed sufficient leave with pay to meet the minimum education coursework requirement. The allowed leave shall be subject to the convenience of the Agency and the approval of the Executive Director.

8.3.4 Membership and Professional Affiliations Fees

Employees are encouraged to be members and active participants in job related professional affiliations. Memberships in professional organizations, and certifications or licenses related to transportation, engineering, financial management, accounting or other governmental affiliations are eligible for reimbursement as approved by the Executive Director. A maximum of two (2) memberships per employee totaling no more the \$500 per year is available for memberships to be reimbursed to the employee or paid directly by the Agency. The Executive Director may authorize an amount greater than this limit on a case by case basis when it is in the best interest of the Agency.

NVTA reserved the right to amend these Personnel Policies and Procedures at any time.



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Revised Resolution No. 20-15 Recertifying Napa Valley Transportation Authority's Public Transit Agency Safety Plan (PTASP)

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Revised Resolution No. 20-15 recertifying NVTA's Public Transit Agency Safety Plan (PTASP).

EXECUTIVE SUMMARY

On July 19, 2018, the Federal Transit Administration (FTA) published the PTASP Final Rule, which requires operators of public transportation systems that receive federal funds under FTA's Urbanized Area Formula grant program develop safety plans that include processes and procedures to implement Safety Management Systems (SMS). NVTA adopted the PTASP on July 15, 2020. NVTA must annually certify that it has a compliant safety plan in place. NVTA has made minor changes to key personnel listed in the organizational chart and updated the NVTA safety goals for 2022.

FISCAL IMPACT

None



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Danielle Schmitz, Director - Capital Development and Planning
(707) 259-5968 / Email: dshcmitz@nvta.ca.gov
SUBJECT: Revised Resolution No. 20-15 Recertifying Napa Valley
Transportation Authority's Public Transit Agency Safety Plan (PTASP)

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Revised Resolution No, 20-15 (Attachment 1) recertifying the NVTA Public Transit Agency Safety Plan (PTASP).

COMMITTEE RECOMMENDATION

None

BACKGROUND

The Public Transit Agency Safety Plan (PTASP) is a requirement for all public transit service providers that receive Federal Transit Administration (FTA) §5307 Urbanized Area Formula funds.

The plan follows Caltrans FTA approved template and is based on the four (4) principles or pillars of the Safety Management Systems (SMS). SMS is defined as the formal, top-down, organization-wide, data-driven approach to managing safety risks and assuring the effectiveness of safety mitigations. It includes systematic policies, procedures, and practices for the management of safety risk. The four principles or pillars of SMS are: (1) Safety Management Policy; (2) Safety Risk Management; (3) Safety Assurance, and (4) Safety Promotion.

The Safety Performance Targets for NVTA for the year 2022 are expected to stay within 1% +/- of previous three years data pertaining to fatalities, injuries, safety events, and

system reliability. NVTA is required to communicate performance data to Caltrans and MTC on an annual basis.

Table 1, NVTA Safety Goals

Mode of Transit	Fatalities	Injuries	Safety Events	System Reliability*
Fixed Route Integer Target	0	2	2	36,520.93
Fixed Route Target per Vehicle Revenue Mile	0	0	1.75/100,000 miles	11.68/100,000
Demand Response Integer Target	0	1	1	43,378.83
Demand Response Target per Vehicle Revenue Mile	0	0	2.6/100,000	3.47/100,000

*Miles between breakdowns, breakdowns per 100,000 miles (NTD mechanical failures reported)

NVTA Goals are based on NTD data reported in Fiscal Year 2021-2022. This plan will be updated by NVTA's Chief Safety Officer (Manager of Public Transit) every July.

ALTERNATIVES

The Board could decide not to recertify the PTASP, resulting in the being out of compliance with FTA requirements compromising future FTA §5307 funds.

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal 2: Improve system safety in order to support all modes and serve all users. The adoption of the PTASP establishes safety metrics and targets to compare baseline data with ongoing performance. This will aid in correcting safety issues and improve overall safety performance

ATTACHMENT

(1) Revised Resolution No. 20-15

**REVISED
RESOLUTION No. 20-15**

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVTA)
CERTIFYING THE PUBLIC TRANSIT AGENCY SAFETY PLAN (PTASP)**

WHEREAS, the Napa Valley Transportation Authority (NVTA) is a public transit operator and recipient of the Urbanized Area Formula Program (49 U.S.C. 5307);

WHEREAS, The Federal Transit Administration (FTA) published a Final Rule on the Public Transportation Agency Safety Plan (PTASP) that requires operators receiving FTA §5307 Urbanized Area Formula funds develop a safety plan that includes process and procedures to implement Safety Management Systems;

WHEREAS, NVTA has opted to use the California Department of Transportation's (Caltrans) safety plan template; and

WHEREAS, Caltrans developed the contents of NVTA's plan to meet the requirements specific in 49 CFR Part 673 and comply with Part 673.11 (d) regarding Caltrans' responsibility to develop an PTASP for any public transportation provider receiving FTA Small Urbanized Area funds located in California.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby adopts Exhibit A to this Resolution as NVTA's Public Transit Agency Safety Plan to meet FTA requirements; and

BE IT FURTHER RESOLVED that the NVTA Chief Safety Officer will review and update the Plan's goals annually.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Board of Directors of the Napa Valley Transportation Authority, at a regular meeting held on July 15, 2020; and recertified at a regular meeting on July 20, 2022 by the following vote:

Liz Alessio, NVTA Chair

Ayes:

Nays:

Absent:

ATTEST:

Laura Sanderlin, NVTA Board Secretary

APPROVED:

Osman Mufti, NVTA Legal Counsel



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

Agency Safety Plan

July 20, 2022

KATE MILLER, Executive Director

Date

Contents

Definitions 3

Section 1 Transit Agency Information 5

 Subsection 1.1 Accountable Executive 5

 Subsection 1.2 Chief Safety Officer..... 5

Section 2 Plan Development, Approval, and Updates 5

 Subsection 2.1 Drafting the Plan 6

 Subsection 2.2 Signature by the Accountable Executive and Approval by the Board 6

 Subsection 2.3 Certification of Compliance 6

 Subsection 2.4 Plan Review and Updates 6

Section 3 Safety Performance Targets (SPTs) 7

 Subsection 3.1 Target Development 7

Section 4 Overview of the Agency’s Safety Management Systems (SMS) 8

Section 5 Safety Management Policy 8

 Subsection 5.1 Safety Management Policy Statement..... 9

 Subsection 5.2 Safety Management Policy Communication 9

 Subsection 5.3 Employee Safety Reporting Program 10

 Subsection 5.4 SMS Authorities, Accountabilities, and Responsibilities 11

 Subsection 5.4.1 Accountable Executive 11

 Subsection 5.4.2 Chief Safety Officer..... 12

 Subsection 5.4.3 Agency Leadership and Executive Management..... 12

 Subsection 5.4.4 Key Staff 13

Section 6 Safety Risk Management (SRM)..... 13

 Subsection 6.1 Safety Hazard Identification..... 14

 Subsection 6.2 Safety Risk Assessment 15

 Subsection 6.3 Safety Risk Mitigation 17

Section 7 Safety Assurance 17

 Subsection 7.1 Safety Performance Monitoring and Measurement 18

Section 8 Safety Promotion..... 19

 Subsection 8.1 Safety Communication..... 19

Definitions

Accident means an Event that involves any of the following: a loss of life; a report of a serious injury to a person; a collision of public transportation vehicles; an evacuation for life safety reasons.

Accountable Executive means the single, identifiable person who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan of the Agency; responsibility for carrying out the Agency's Transit Asset Management Plan; and control or direction over the human and capital resources needed to develop and maintain both the Agency's Public Transportation Agency Safety Plan, in accordance with 49 U.S.C. § 5329(d), and the Agency's Transit Asset Management Plan in accordance with 49 U.S.C. § 5326.

Agency or Transit Agency means Napa Valley Transportation Authority.

Board of Directors means governing body of the Napa Valley Transportation Authority.

Caltrans means the California Department of Transportation

Chief Safety Officer means the adequately trained individual who has responsibility for safety and reports directly to the Transit Agency's chief executive officer.

CFR means Code of Federal Regulations.

Event means any Accident, Incident, or Occurrence.

FTA means the Federal Transit Administration, an operating administration within the United States Department of Transportation.

Hazard means any real or potential condition that can cause injury, illness, or death, damage to or loss of the facilities, equipment, rolling stock, or infrastructure of the system, or damage to the environment.

Incident means an Event that involves any of the following: a personal injury that is not a serious injury, one or more injuries requiring medical transport, or damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of the Transit Agency.

Investigation means the process of determining the causal and contributing factors of an accident, incident, or hazard, for the purpose of preventing recurrence and mitigating risk.

National Public Transportation Safety Plan means the plan to improve the safety of all public transportation systems that receive federal financial assistance under 49 U.S.C. Chapter 53.

Occurrence means an Event without any personal injury in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt the operations of the Transit Agency.

Part 673 means 49 CFR (Code of Federal Regulations) Part 673.

Performance Measure means an expression based on a quantifiable indicator of performance or condition that is used to establish targets and to assess progress toward meeting the established targets.

Performance target means a quantifiable level of performance or condition, expressed as a value for the measure, to be achieved within a time period required by the Federal Transit Administration (FTA).

Risk means the composite of predicted severity and likelihood of the potential effect of a hazard.

Risk mitigation means a method or methods to eliminate or reduce the effects of hazards.

Safety Assurance means processes within the Transit Agency's Safety Management Systems that function to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that the Transit Agency meets or exceeds its safety objectives through the collection, analysis, and assessment of information.

Safety Management Policy means the Transit Agency's documented commitment to safety, which defines the Transit Agency's safety objectives and the accountabilities and responsibilities of its employees in regard to safety.

Safety Management Systems (SMS) means the formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of a Transit Agency's safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing risks and hazards.

Safety Performance Target (SPT) means a Performance Target related to safety management activities.

Safety Promotion means a combination of training and communication of safety information to support SMS as applied to the Transit Agency's public transportation system.

Safety Risk Assessment (SRA) means the formal activity whereby the Transit Agency determines Safety Risk Management priorities by establishing the significance or value of its safety risks.

Safety Risk Management (SRM) means a process within the Transit Agency's Public Transportation Agency Safety Plan for identifying hazards and analyzing, assessing, and mitigating safety risk.

Serious injury means any injury which: (1) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received, (2) results in a fracture of any bone (except simple fractures of fingers, toes, or noses), (3) causes severe hemorrhages, nerve, muscle, or tendon damage; (4) involves any internal organ, or (5) involves second or third-degree burns, or any burns affecting more than five percent of the body surface.

State of Good Repair (SGR) means the condition in which a capital asset is able to operate at a full level of performance.

Transit Asset Management Plan means the strategic and systematic practice of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risks, and costs over their life cycles, for the purpose of providing safe, cost-effective, and reliable public transportation, as required by 49 U.S.C. 5326 and 49 CFR part 625.

U.S.C. means United States Code.

Section 1 Transit Agency Information

The Napa Valley Transportation Authority (“NVTA”) is a joint powers agency formed by the Joint Exercise Powers Act (Government Code section 6500 et seq.), which serves as the countywide transportation planning agency for the incorporated and unincorporated areas within the County of Napa and is responsible for programming State and Federal funding including highways, streets, and roads, public transit and paratransit, bicycle and pedestrian improvement projects. NVTA operates fixed route and demand response public transportation services in the County of Napa, California, to include fixed route regional services extending into its neighboring counties of Solano and Contra Costa County, California. NVTA does purchase transit operations services from Transdev, Inc.. NVTA is a subrecipient of Section 5307, 5310, 5311 and 5311f funds. NVTA does not provide transportation services on behalf of another entity.

Subsection 1.1 Accountable Executive

NVTA’s Accountable Executive is the Executive Director. The Executive Director is the single, identifiable person who has ultimate responsibility for carrying out this Agency Safety Plan and the NVTA’s Transit Asset Management (TAM) Plan, and control or direction over the human and capital resources needed to develop and maintain both this Plan and the TAM Plan.

The Executive Director is accountable for ensuring that the Agency’s Safety Management Systems (SMS) is effectively implemented throughout the Agency’s public transportation system. The Executive Director is accountable for ensuring action is taken, as necessary, to address substandard performance in the Agency’s SMS. The Executive Director may delegate specific responsibilities, but the ultimate accountability for the Transit Agency’s safety performance cannot be delegated and always rests with the Executive Director.

Subsection 1.2 Chief Safety Officer

The Executive Director designates the Program Manager for Public Transit as NVTA’s Chief Safety Officer who has the authority and responsibility for day-to-day implementation and operation of the Agency’s SMS. The Chief Safety Officer holds a direct line of reporting to the Accountable Executive, as shown in the organization chart in the Attachment A, and has a strong working relationship with the operations and asset management functions at NVTA.

Section 2 Plan Development, Approval, and Updates

Caltrans developed the contents of this NVTA plan to meet requirements specified in 49 CFR Part 673 and comply with Part 673.11(d) regarding Caltrans’ responsibility to develop an

ASP for any small public transportation provider that is located in California. This Plan is based on the four (4) principles or pillars of the Safety Management Systems (SMS). SMS is defined as the formal, top-down, organization-wide, data-driven approach to managing safety risk and assuring the effectiveness of safety mitigations. It includes systematic policies, procedures, and practices for the management of safety risk. The four principles or pillars of SMS are: (1) Safety Management Policy; (2) Safety Risk Management; (3) Safety Assurance; and (4) Safety Promotion.

Subsection 2.1 Drafting the Plan

Caltrans drafted this Plan, thus meeting the requirements of 49 CFR Part 673.11(d). FTA will oversee compliance with the requirements of Part 673 through the existing Triennial Review processes.

Should NVTA no longer meet the definition of a small public transportation provider or choose to opt-out of the Caltrans Agency Safety Plan, within one (1) year from the date of notifying the State of either development NVTA will draft and certify its own Agency Safety Plan. If the NVTA operates more than 100 vehicles NVTA must fulfil requirements of systems operating more than 100 vehicles.

Subsection 2.2 Signature by the Accountable Executive and Approval by the Board

Pursuant to 49 CFR Part 673.11 (a)(1), this Agency Safety Plan and subsequent updates must be signed by the Accountable Executive and approved by NVTA's Board. Documentation of Board approval is found in Attachment B.

Subsection 2.3 Certification of Compliance

Pursuant to 49 CFR Parts 673.13(a) and 673.13(b), Caltrans certifies that it has established this Agency Safety Plan, meeting the requirements of 49 CFR Part 673 by July 20, 2020 and will certify its compliance with 49 CFR Part 673.

After Caltrans initial certification, and on an annual basis NVTA must update this Agency Safety Plan annually in perpetuity. All Agency Safety Plan updates shall be signed by the Accountable Executive and approved by NVTA's Board.

FTA does not require this plan to be submitted to FTA. Instead, Caltrans will certify that it has established this Safety Plan, which fulfills the requirements under Part 673. FTA annually amends and issues the list of Certifications and Assurances. Caltrans will review such guidance for incorporation into the safety program as necessary.

Subsection 2.4 Plan Review and Updates

NVTA updates this Safety Plan when information, processes or activities change within the Agency and/or when Part 673 undergoes significant changes, or annually, whichever

comes sooner. As NVTA collects data through its Safety Risk Management and Safety Assurance processes, shared with Caltrans and the local Metropolitan Planning Organization (MPO) as described in subsection 3.1 below, the MPO and Caltrans will evaluate NVTA's safety performance targets (SPTs) to determine whether they need to be changed, as well.

This Plan will be jointly reviewed and updated by the Chief Safety Officer and Program Manager for Public Transit, with the assistance of subject matter experts, each year. The Accountable Executive will approve any changes, then forward on to the Board of Directors for approval.

This Plan may need to be reviewed and updated more frequently based on the following:

- We determine our approach to mitigating safety deficiencies is ineffective;
- We make significant changes to service delivery;
- We introduce new processes or procedures that may impact safety;
- We change or re-prioritize resources available to support SMS;
- We significantly change our organizational structure.

Section 3 Safety Performance Targets (SPTs)

Subsection 3.1 Target Development

Caltrans includes SPTs in this Safety Plan. These targets are specific numerical targets set by Caltrans and based on the safety Performance Measures established by FTA in the National Public Transportation Safety Plan. In the most recent version, the 2017 NSP3, FTA adopted four initial safety Performance Measures: (1) Fatalities, (2) Injuries, (3) Safety Events, and (4) System Reliability.

Caltrans developed safety performance targets that it will review and update annually. The specific safety performance targets are based on the safety performance measures established under the National Public Transportation Safety Plan and the safety performance goals set by Caltrans based on the past three (3) Calendar years of data. The Safety Performance Targets for NVTA for the year 2022 is expected to stay within 1% +/- of previous three years data pertaining to fatalities, injuries, safety events, and system reliability.

FTA requires Caltrans to coordinate with FTA Region 9 and the Metropolitan Transportation Commission ("MTC") to the maximum extent practicable. Pursuant to 49 CFR Part 673.15(a), Caltrans will make safety performance targets available to MTC to aid in the planning process upon certification of this plan. Additionally, NVTA will transmit performance data against the safety performance targets to Caltrans and the MTC on an annual basis.

Caltrans will conduct coordination meetings with the MTC in the selection of State and MPO safety performance targets.

Mode of Transit Service	Fatalities	Injuries	Safety Events	System Reliability
Fixed Route Integer Target	0	2	2	36,520.93
Fixed Route Target per Vehicle Revenue Mile	0	0	1.75/100,000 miles	11.68/100,000
Demand Response Integer Target	0	1	1	43,378.83
Demand Response Target per Vehicle Revenue Mile	0	0	2.6/100,000 miles	3.47/100,000

Section 4 Overview of the Agency's Safety Management Systems (SMS)

SMS is a comprehensive, collaborative approach that brings management and labor together to build on the transit industry's existing safety foundation to control risk better, detect and correct safety problems earlier, share and analyze safety data more effectively, and measure safety performance more carefully. NVTA's SMS focuses on applying resources to risk and is based on ensuring that the NVTA has the organizational infrastructure to support decision-making at all levels regarding the assignment of resources. Some key parts of NVTA's SMS include:

- Defined roles and responsibilities;
- Strong executive safety leadership;
- Formal safety accountabilities and communication;
- Effective policies and procedures; and
- Active employee involvement

Furthermore, NVTA's SMS have four distinct components, which are discussed in subsequent sections to this Safety Plan:

- Safety Policy
- Safety Risk Management
- Safety Assurance
- Safety Promotion

Section 5 Safety Management Policy

The first component of the NVTA's SMS is the Safety Management Policy, which is the foundation of the NVTA's safety management system. It clearly states the organization's safety objectives and sets forth the policies, procedures, and organizational structures necessary to accomplish the safety objectives. The Safety Management Policy clearly defines management and employee responsibilities for safety throughout the organization. It also ensures that management is actively engaged in the oversight of the system's safety performance by requiring regular review of the Safety Management Policy, budget and program by the designated Accountable Executive.

Subsection 5.1 Safety Management Policy Statement

Safety is a core value at NVTA, and managing safety is a core business function. NVTA will develop, implement, maintain, and continuously improve processes to ensure the safety of our customers, employees, and the public. NVTA's overall safety objective is to proactively manage safety hazards and their associated safety risk, with the intent to eliminate unacceptable safety risk in our transit operations.

NVTA will:

- Clearly, and continuously explain to all staff that everyone working within NVTA must take part and be responsible and accountable for the development and operation of the Safety Management System (SMS).
- Work continuously to minimize safety risks. Work to comply with and, wherever possible, exceed legislative and regulatory requirements and standards for passengers and employees.
- Work to ensure that all employees are provided appropriate safety information and training, are competent in safety matters, and assigned tasks commensurate with duties and skills.
- Reaffirm that responsibility for making our operations safer for everyone lies with all employees – from executive management to frontline employees. Each manager is responsible for implementing the SMS in their area of responsibility and will be held accountable to ensure that all reasonable steps are taken to perform activities established through the SMS.

Caltrans established safety performance targets to help measure the overall effectiveness of our processes and ensure we meet our safety objectives. NVTA will keep employees informed about safety performance goals and objectives to ensure continuous safety improvement.

Subsection 5.2 Safety Management Policy Communication

The Safety Management Policy is communicated throughout the Agency, to all employees, managers, and executives, as well as contractors, and to the Board of Directors.

This is accomplished through various processes such as:

- Workshops/training sessions - Conducted for Senior Management, Directors, Managers, Supervisors. Once this Plan or any update to this Plan has been signed by the CEO/General Manager approved by the Board of Directors and certified by Caltrans it will become standard practice in perpetuity so that SMS becomes standard business practice. All Union representatives will be kept informed.

- New Hire Safety Orientation – All new employees regardless of their classifications will be trained about their roles and responsibilities pertaining to PTASP and the principles of SMS.
- Safety bulletins, email safety newsletter blasts to staff, toolbox/tailgate safety meetings and/or safety committee meetings

Subsection 5.3 Employee Safety Reporting Program

NVTA implemented a process that allows employees [and contracted employees] to report safety conditions to senior management, protections for employees who report safety conditions to senior management. The purpose, description and protections for employees to report unsafe conditions and hazards are described in the Employee Safety Reporting Program as below:

Purpose.

a) To establish a system for NVTA employees to identify unsafe conditions or hazards at work and report them to their department management without fear of reprisal. However, disciplinary action could result if the condition reported reveals the employee willfully participated in or conducted an illegal act, gross negligence or deliberate or willful disregard of regulations or procedures, including reporting to work under the influence of controlled substances, physical assault of a coworker or passenger, theft of agency property, unreported safety events, unreported collisions, and unreported passenger injuries or fatalities.

b) To provide guidelines for facilitating the timely correction of unsafe conditions or hazards by NVTA management.

Description.

a) This program provides a method for NVTA management to identify, evaluate, and correct or avoid unsafe conditions or hazards, procedural deficiencies, design inadequacies, equipment failures, or near misses that adversely affect the safety of employees.

Examples of voluntary safety reports include:

- Safety hazards in the operating environment (for example, county or city road conditions),
- Policies and procedures that are not working as intended (for example, insufficient time to complete pre-trip inspection),
- Events that senior managers might not otherwise know about (for example, near misses), and
- Information about why a safety event occurred (for example, radio communication challenges).

b) The program also involves recommending corrective actions and resolutions of identified unsafe conditions or hazards and/or near miss.

c) All employees have the obligation to report immediately any unsafe conditions or hazards and near miss to their immediate supervisor /department manager and may do so without fear of reprisal.

d) Unsafe conditions or hazards may also be identified as a result of occupational injury or illness investigations and/or by accident investigation.

e) Other means by which hazards may be identified are inspections/audits or observations made by the supervisors/management staff as referenced in agency's Safety Inspection Program.

f) Findings will be published immediately following mitigation actions. If employee identification is available, direct feedback regarding mitigation will be provided.

Subsection 5.4 SMS Authorities, Accountabilities, and Responsibilities

This Plan has assigned specific SMS authorities, accountabilities, and responsibilities to the designated Accountable Executive; Chief Safety Officer; Agency's Leadership/Executive Management; and Key Staff/Employees as described below:

Subsection 5.4.1 Accountable Executive

NVTA's Accountable Executive is the Executive Director. The Executive Director is accountable for ensuring that the Agency's SMS is effectively implemented throughout the Agency's public transportation system. The Executive Director is accountable for ensuring action is taken, as necessary, to address substandard performance in the Agency's SMS. The Executive Director may delegate specific responsibilities, but the ultimate accountability for the NVTA's safety performance cannot be delegated and always rests with the Executive Director. The Executive Director is accountable for ensuring that the Agency's SMS is effectively implemented, and that action is taken, as necessary, to address substandard performance in the Agency's SMS. The Accountable Executive may delegate specific responsibilities, but not accountability for NVTA's safety performance.

The Executive Director's roles include, but are not limited to:

- Decision-making about resources (e.g. people and funds) to support asset management, SMS activities, and capital investments;
- Signing SMS implementation planning documents;
- Endorsing SMS implementation team membership; and
- Ensuring safety concerns are considered and addressed in the agency's ongoing budget planning process.

- Ensuring transparency in safety priorities: for the Board of Directors and for the employees.
- Establishing guidance on the level of safety risk acceptable to the agency.
- Assuring safety policy is appropriately communicated throughout the agency.
- Other duties as assigned/necessary.

Subsection 5.4.2 Chief Safety Officer

The Chief Safety Officer has the authority and responsibility for day-to-day implementation and operation of the NVTA's SMS.

Chief Safety Officer's Roles include:

- Decision-making about resources (e.g., people and funds) to support asset management, SMS activities, and capital investments;
- Overseeing the safety risk management program by facilitating hazard identification, safety risk assessment, and the development and implementation of safety risk mitigations.
- Monitoring safety risk mitigation activities;
- Providing periodic reports on safety performance;
- Briefing the Accountable Executive and Board of Directors on SMS implementation progress;
- Planning safety management training; and
- Developing and organizing annual audits/reviews of SMS processes and the Agency Safety Plan to ensure compliance with 49 CFR Part 673 requirements.
- Maintaining safety documentation.
- Other duties as assigned/necessary.

Subsection 5.4.3 Agency Leadership and Executive Management

The Executive Director, Director of Capital Development and Planning, and Program Manager of Transit comprise of the Agency Leadership/Executive Management. Some of their responsibilities include:

- Day-to-day implementation of the Agency's SMS throughout their department and the organization.
- Communicating safety accountability and responsibility from the frontline employees to the top of the organization.
- Ensuring employees are following their working rules and procedures, safety rules and regulations in performing their jobs, and their specific roles and responsibilities in the implementation of this Agency Safety Plan and the Agency's SMS.
- Ensuring that employees comply with the safety reporting program and are reporting unsafe conditions and hazards to their department management; and making sure reported unsafe conditions and hazards are addressed in a timely manner.

- Ensuring that resources are sufficient to carry out employee training/certification and re-training as required by their job classifications.

Agency Leadership and Executive Management Organization Chart provided under Attachment C.

Subsection 5.4.4 Key Staff

The agency Key Staff/Employees may include managers, supervisors, specialists, analysts, database administrators, and other key employees who are performing highly technical work and overseeing employees performing critical tasks and providing support in the implementation of this Agency Safety Plan and SMS principles in various departments throughout the agency.

NVTA's Key Staff/Employees responsibilities include:

- Ensuring that employees are complying with the safety reporting program.
- Ensuring supervisors are conducting their toolbox safety meetings
- Promoting safety in employee's respective area of responsibilities – That means: zero accidents; absence of any safety concerns; perfect employee performance; and compliance with agency rules and procedures and regulatory requirements.
- Ensuring safety of passengers, employees, and the public.
- Responding to customer complaints and expectations for frequency, reliability, and convenience of service.
- Replacing and maintaining aging facilities, equipment, and infrastructure.
- Meeting increasing demands for fixed route, commuter service and paratransit service.
- Developing and maintaining programs to gather pertinent data elements to develop safety performance reports and conduct useful statistical analyses to identify trends and system performance targets.
- Establishing clear lines of safety communication and holding accountability for safety performance.
- Assisting as subject matter experts in safety risk assessment and safety risk mitigation processes.

Key Staff Organization Chart provided under Attachment C.

Section 6 Safety Risk Management (SRM)

The second component of the NVTA's SMS is Safety Risk Management, which includes processes and procedures to provide an understanding of the Agency's operations and vehicle maintenance to allow individuals to identify hazards associated with those activities.

NVTA has implemented a Safety Risk Management process for all elements of its transportation system. The Safety Risk Management process includes the following activities: safety hazard identification, safety risk assessment, and safety risk mitigation.

Subsection 6.1 Safety Hazard Identification

Hazard identification is the first step in the Safety Risk Management process and a key component. It involves these fundamental safety-related activities: Identifying safety hazards and their consequences; assessing the risks associated with the consequences of the hazards; and developing mitigations to reduce the potential consequences of the identified hazards.

The following is NVTA's methods and processes to identify hazards. The Agency considers, as a source for hazard identification, data and information provided by an oversight authority and the FTA. Hazards are identified through a variety of sources, including:

- Employee safety reporting,
- Review of vehicle camera footage,
- Review of monthly performance data and safety performance targets,
- Observations from supervisors,
- Maintenance reports,
- Comments from customers, passengers, and third parties,
- Safety committee, driver and all-staff meetings,
- Results of audits and inspections of vehicles and facilities,
- Results of training assessments
- Investigations into safety events, incidents and occurrences, and
- Information from FTA and oversight authorities.

When a hazard has been identified, whatever the source, it is reported to the NVTA Chief Safety Officer, who enters it into the Hazard Log. The Chief Safety Officer also may enter hazards into this log based on reviews of operations and maintenance activities and procedures.

The Chief Safety Officer will investigate hazards to collect information and determine if hazards need to be entered into the safety risk assessment process. In following up on identified hazards, the Chief Safety Officer may:

- Reach out to the reporting party, if available, to gather all known information about the reported hazard,
- Conduct a walkthrough of the affected area, assessing the possible hazardous condition, generating visual documentation (photographs and/or video), and taking any measurements deemed necessary,

- Conduct interviews with employees in the area to gather potentially relevant information on the reported hazard,
- Review any documentation associated with the hazard (records, reports, procedures, inspections, technical documents, etc.),
- Contact other departments that may have association with or technical knowledge relevant to the reported hazard,
- Review any past reported hazards of a similar nature, and
- Evaluate tasks and/or processes associated with the reported hazard.

Any identified hazard that poses an immediate risk to transit operations, the health and safety of employees or the public, or equipment must immediately be brought to the attention of the Accountable Executive and placed through the Safety Risk Management process for safety risk assessment and mitigation. Otherwise, hazards will be prioritized for further Safety Risk Management activity.

Subsection 6.2 Safety Risk Assessment

Safety risk assessment defines the level or degree of the safety risk by assessing the likelihood and severity of the consequences of hazards and prioritizes hazards based on the safety risk. The Chief Safety Officer, with assistance from key staff subject matter experts, is responsible for assessing identified hazards and ratings using the safety risk matrix below. Prioritizing safety risk provides the Accountable Executive with the information needed to make decisions about resource application.

The following matrix, adopted from the TSI Participation Guide – SMS Principles for Transit, facilitates the ranking of hazards based on their probability of occurrence and severity of their outcome.

Probability Levels			
Description	Level	Specific Individual Item	Fleet Inventory
Frequent	A	Likely to occur often in the life of an item.	Continuously experienced.
Probable	B	Will occur several times in the life of an item.	Will occur frequently.
Occasional	C	Likely to occur sometime in the life of an item.	Will occur several times.
Remote	D	Unlikely, but possible to occur in the life of an item.	Unlikely, but can reasonably be expected to occur.
Improbable	E	So unlikely, it can be assumed occurrence man not be experienced in the life of an item.	Unlikely to occur, but possible.
Eliminated	F	Incapable of occurrence. This level is used when potential hazards are identified and later eliminated.	Incapable of occurrence. This level is used when potential hazards are identified and later eliminated.

EXHIBIT A

The measuring goes from A to F with A being frequent or likely to occur frequently and E being improbable or expected that this event will most likely never occur. The designation F is used when potential hazards are identified and later eliminated.

Severity Levels		
Description	Level	Mishap Result Criteria
Catastrophic	1	Could Result in one or more of the following: death, permanent total disability, irreversible significant environmental impact, or monetary loss equal to or exceeding \$10M
Critical	2	Could result in one or more of the following: permanent partial disability, injuries or occupational illness that may result in hospitalization of at least three personnel, reversible significant environmental impact, or monetary loss equal to or exceeding \$1M but less than \$10M
Marginal	3	Could result in one or more of the following: injuries or occupational illness resulting in one or more lost work day(s), reversible moderate environmental impact, or monetary loss equal to or exceeding \$100k but less than \$1M
Negligible	4	Could result in one or more of the following: injuries or occupational illness not resulting in lost work day, minimum environmental impact. Or monetary loss less than \$100k.

The Safety Risk Severity Table presents a typical safety risk. It includes four categories to denote the level of severity of the occurrence of a consequence, the meaning of each category, and the assignment of a value to each category using numbers. In this table, 1 is considered catastrophic meaning possible deaths and equipment destroyed and 4 is considered negligible or of little consequence with two levels in between.

Safety Risk Probability and Safety Risk Severity are combined into the Safety Risk Index Ranking to help prioritize safety risks according to the table below.

Safety Risk Assessment Matrix				
Severity → Probability ↓	Catastrophic 1	Critical 2	Marginal 3	Negligible 4
A-Frequent	1A	2A	3A	4A
B- Probable	1B	2B	3B	4B
C-Occasional	1C	2C	3C	4C
D- Remote	1D	2D	3D	4D
E- Improbable	1E	2E	3E	4E
F- Eliminated				

Safety Risk Index Ranking		
1A, 1B, 1C, 2A, 2B	High	Unacceptable
1D, 2C, 3A, 3B	Serious	Undesirable - With management decision required
1E, 2D, 2E, 3C, 3D, 3E, 4A, 4B,	Medium	Acceptable - with review by management
4C, 4D, 4E	Low	Acceptable - without review

The Chief Safety Officer documents recommendations regarding hazard rating and mitigation options and reports this information to the Accountable Executive.

Subsection 6.3 Safety Risk Mitigation

The Chief Safety Officer, assisted by Key Staff subject matter experts, reviews current safety risk mitigations and establish procedures to 1) eliminate; 2) mitigate; 3) accept specific risks. Prioritization of safety remediation measures is based on risk analysis and a course of action acceptable to NVTA management.

The safety risk must be mitigated if ranked as Unacceptable (High-Red). Those safety risks that have been mitigated, even those mitigated risks shown as Acceptable status (Low -Green) undergo regular and consistent monitoring to ensure the mitigation strategy is effective.

Key strategies to minimize the types of risks that potentially exist include:

- Development and deployment of policies and procedures that address known hazards and risks,
- Discussion of other actions, strategies and procedures that might help safeguard against unknown/unforeseen risks,
- Training of drivers and other agency staff on all safety policies and procedures,
- Training of drivers and other agency staff on methodologies for handling emergencies, and
- Training of drivers and staff on proper and effective use of emergency equipment and communication technologies and protocol.

Safety risk mitigations are tracked and updated in the Hazard Log by the Chief Safety Officer.

Section 7 Safety Assurance

The third component of the Agency's SMS is Safety Assurance, which ensures the performance and effectiveness of safety risk controls established under safety risk management. Safety assurance also helps ensure that the organization meets or exceeds its safety objectives through the collection, analysis, and assessment of data regarding the organization's performance. Safety assurance includes inspection activities to support oversight and performance monitoring.

The NVTA monitors its operations and maintenance protocols and procedures, and any safety risk mitigations to ensure that it is implementing them as planned. Furthermore, the Agency investigates safety events (as defined in County of Napa) and any reports of non-compliance with applicable regulations, standards, and legal authority. Finally, the Agency continually monitors information reported to it through any internal safety reporting programs, including the employee safety reporting program.

Some of the key elements of NVTAs Safety Performance Monitoring and Measurement are shown below in subsection 7.1:

Subsection 7.1 Safety Performance Monitoring and Measurement

As part of the Safety Assurance Process, NVTAs:

- Monitors the system for compliance with, and sufficiency of, the Agency's procedures for operations and maintenance through:
 - Safety audits,
 - Informal inspections,
 - Regular review of on-board camera footage to assess drivers and specific incidents,
 - Safety surveys,
 - Employee safety reporting program,
 - Investigation of safety occurrences,
 - Safety review prior to the launch or modification of any facet of service,
 - Daily data gathering and monitoring of data relating to the delivery of service,
 - Regular vehicle inspections and preventative maintenance, and
 - Continuous feedback loop between leadership and all levels of the agency.
- Monitors its operations to identify any safety risk mitigations that may be ineffective, inappropriate, or were not implemented as intended through:
 - Reviewing results from accident, incident, and occurrence investigations,
 - Monitoring employee safety reporting,
 - Reviewing results of internal safety audits and inspections, and
 - Analyzing operational and safety data to identify emerging safety concerns.
- Conducts investigations of safety events to identify causal factors; and
- Monitors information reported through any internal safety reporting programs.
 - The Chief Safety Officer routinely reviews safety data captured in employee safety reports, safety meeting minutes, customer complaints, and other safety communication channels. When necessary, the Chief Safety Officer ensures that the issues and concerns are investigated or analyzed through the safety risk assessment process.
 - The Chief Safety Officer also reviews the results of internal and external reviews, including audits and assessments, with findings affecting safety performance, compliance with operations and maintenance procedures, or the effectiveness of safety risk mitigations. The Chief Safety Officer discusses relevant safety issues and concerns with the Accountable Executive and executive management and documents the results of these reviews in the Hazard Log.

In the event of a fatality, the NVTAs complies with all FTA drug and alcohol requirements.

In California, every driver involved in an accident that results in death, injury, or property damage over \$1000, effective January 1, 2017, must report the accident on a Report of Traffic Accident Occurring in California (SR 1) form to DMV. The report forms are available at www.dmv.ca.gov, by calling 1-800-777-0133, and at CHP and DMV offices. Also, under California Vehicle Code §16002(b) the driver of a vehicle that is owned or operated by a publicly owned or operated transit system, or that is operated under contract with a publicly owned or operated transit system, and that is used to provide regularly scheduled transportation to the general public or for other official business of the system shall, within 10 days of the occurrence of the accident, report to the transit system any accident of a type otherwise required to be reported pursuant to [subdivision \(a\) of Section 16000](#). The NVTAs requires driver notification to the NVTAs immediately and maintains records of any report filed pursuant to this paragraph.

Section 8 Safety Promotion

The fourth component of the Agency's SMS is Safety Promotion, which includes a combination of training and communication of safety information to employees to enhance the Agency's safety performance. Safety Promotion sets the tone for the SMS and helps NVTAs to establish and maintain a robust safety culture. Safety Promotion has two-components: (1) Safety Communication; and (2) Competencies and Training.

Subsection 8.1 Safety Communication

NVTAs communicates safety and safety performance information throughout the organization that, at a minimum, conveys information on hazards and safety risks relevant to employees' roles and responsibilities and informs employees of safety actions taken in response to reports submitted through an employee safety reporting program.

Ongoing safety communication is critical and NVTAs ensures communication occurs up, down, and across all levels of the organization. Any lessons learned are communicated to all concerned. Management commitment to address safety concerns and hazards is communicated on a regular basis. Management encourages and motivates employees to communicate openly, authentically, and without concern for reprisal; ensures employees are aware of SMS principles and understand their safety-related roles and responsibilities; conveys safety critical information such as accident data, injuries, and reported safety concerns and hazards and their resolutions to employees. NVTAs's tools to support safety communication include:

- Safety bulletins
- Safety notices
- Posters
- CDs or Thumb drives or online safety video access
- Newsletters
- Briefings or Toolbox talks
- Seminars and workshops
- New employee training and refresher training

- Intranet or social media
- Safety Committee Meetings

Competencies and Training: Executive Management ensures that all employees attend the training provided to understand their specific roles and responsibilities for the implementation of SMS. NVTA provides SMS training in the following areas:

All Employees:

- Understanding of Safety Performance Targets
- Understanding of fundamental principles of SMS
- Understanding of Safety Reporting Program – Reporting unsafe conditions and hazards/near misses
- Understanding of their individual roles and responsibilities under SMS

Managers and Supervisors

- Understanding of Safety Risk Management
- Understanding of Safety Assurance
- Understanding of Safety Promotion
- Understanding of their individual roles and responsibilities for SMS

Executive Management:

- Understanding of management commitment to and support of all SMS activities.

All employees are required to acquire the competencies and knowledge for the consistent application of their skills as they relate to safety performance objectives. NVTA dedicates resources to conduct effective safety-related skill training. The scope of the safety training is appropriate to each employee's individual safety-related job responsibilities and their role in SMS. Components of NVTA's skill-related training include:

- Conducting training needs analyses to ensure that the right information is being taught to the right employees using the most efficient training methods.
- Communicating purpose, objectives, and outcome.
- Ensuring relevant content by directly linking training to the trainee's job experiences so trainees are more motivated to learn.
- Using active hands-on demonstrations and practice to demonstrate skills that are being taught and provide opportunities for trainees to practice skills.
- Providing regular feedback during hands-on practice and exercises.
- Reinforcing training concepts in the post-training work environment by giving employees opportunities to perform what they've learned.

Transit agency conducts monthly safety and skill related refresher training. Monthly training schedule and dedicated classroom hours for the current fiscal year are provided under Attachment D.

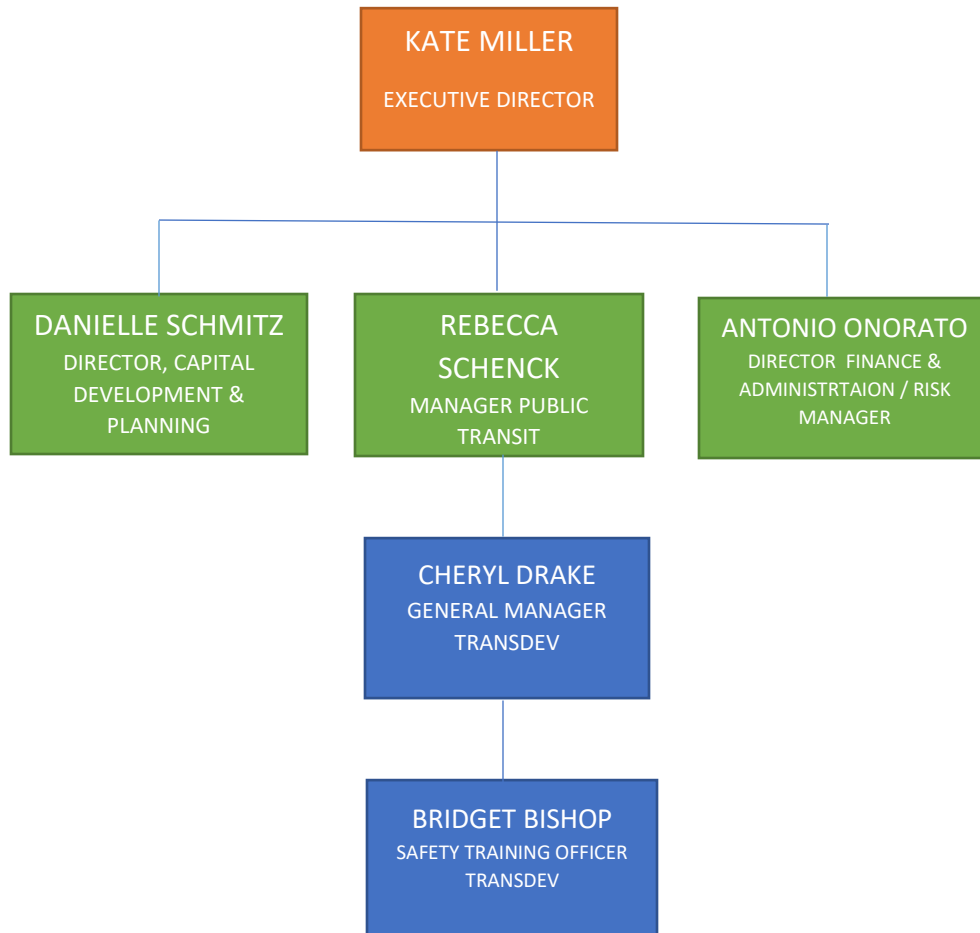
Section 9 Documentation

EXHIBIT A

ATTACHMENT 1
AGENDA ITEM 7.5
JULY 20, 2022

Pursuant to 49 CFR Part 673.31, NVTA maintains records related to this Safety Plan and SMS implementation for a minimum of three years. These documents include but are not limited to the results from SMS processes and activities. NVTA will make these documents available to FTA Region 9, Caltrans, and other Federal and state agencies upon request.

ATTACHMENT A
ORGANIZATION CHART



Subsection 1.2 Chief Safety Officer – Organization Chart

EXHIBIT A

ATTACHMENT 1
AGENDA ITEM 7.5
JULY 20, 2022

ATTACHMENT B

Revised 7/20/22
Adopted 7/15/20

**REVISED
RESOLUTION No. 20-15**

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVTA)
CERTIFYING THE PUBLIC TRANSIT AGENCY SAFETY PLAN (PTASP)**

WHEREAS, the Napa Valley Transportation Authority (NVTA) is a public transit operator and recipient of the Urbanized Area Formula Program (49 U.S.C. 5307);

WHEREAS, The Federal Transit Administration (FTA) published a Final Rule on the Public Transportation Agency Safety Plan (PTASP) that requires operators receiving FTA §5307 Urbanized Area Formula funds develop a safety plan that includes process and procedures to implement Safety Management Systems;

WHEREAS, NVTA has opted to use the California Department of Transportation's (Caltrans) safety plan template; and

WHEREAS, Caltrans developed the contents of NVTA's plan to meet the requirements specific in 49 CFR Part 673 and comply with Part 673.11 (d) regarding Caltrans' responsibility to develop an PTASP for any public transportation provider receiving FTA Small Urbanized Area funds located in California therefore,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby adopt Exhibit A to this Resolution as NVTA's Public Transit Agency Safety Plan to meet FTA requirements;

BE IT FURTHER RESOLVED that the NVTA Chief Safety Officer will review and update the Plan's goals annually.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Board of Directors of the Napa Valley Transportation Authority, at a regular meeting held on July 15, 2020; and recertified at a regular meeting on July 20, 2022 by the following vote:

Liz Alessio, NVTA Chair

ATTEST:

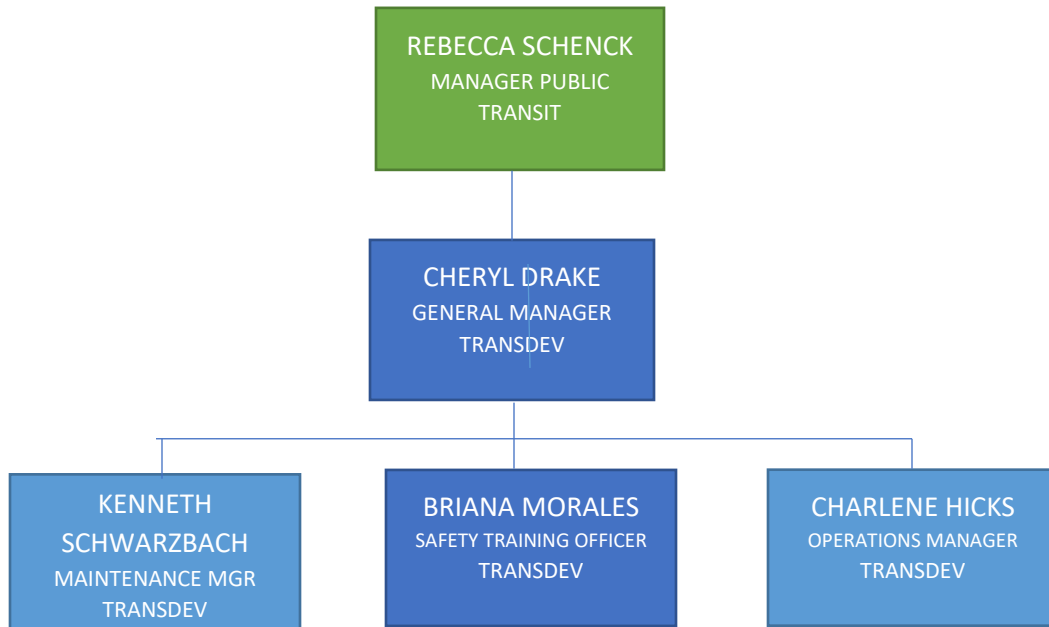
Laura Sanderlin, NVTA Board Secretary

APPROVED:

Osman Mufti, NVTA Legal Counsel

ATTACHMENT C

Subsection 5.4. Key Staff



~~ATTACHMENT D~~

MONTHLY SAFETY MEETING AND TRAINING SCHEDULE 2021-2022

MONTH	SUBJECT MATTER
JUNE 2021	Preventing Rear-End Collisions, Accident Procedures, Emergency Vehicle Evacuations
JULY	Active Looking, Heat stress
AUGUST	Attentive Driving, Avoiding Driver Distraction, Fire Prevention & Fire Extinguishers
SEPTEMBER	Safe Following Distance in Adverse Weather, Fatigue Management & Wellness
OCTOBER	Safely Navigating Intersections, Agency Safety Plan
NOVEMBER	Proper Vehicle Positioning 2, Safety Management Systems, Human Trafficking, Unlawful Harassment
DECEMBER	Defensive Driving Year in Review, IED's, Workplace Violence-Recognizing the Threat / Active Shooter
JANUARY 2022	Active Looking, Safely Securing Passengers & Mobility Devices, Human Trafficking
FEBRUARY	Maintaining a Safe Following Distance, BBP & PPE, Emergency Action Plan
MARCH	Attentive Driving, Safe Lift & Ergonomics
APRIL	Preventing Pedestrian & Cyclist Collision, Hazard Communications & Lockout / Tagout / OSHA
MAY	Proper Vehicle Positioning, Avoiding Slips, Trips and Falls
JUNE	Preventing Rear End Collision, MVR Certification Renewal, Emergency Vehicle Evacuations
JULY	Active looking (2), Drug and Alcohol, Heat Stress
AUGUST	Attentive Driving (2), Preventing Harassment
SEPTEMBER	Safe Following Distance in Adverse Weather, Fire Prevention & Fire Extinguishers
OCTOBER	Safely Navigating Intersections, Fatigue Management & Wellness
NOVEMBER	Proper Vehicle Positioning (2) Safety Management System
DECEMBER	Defensive Driving Year in Review, Workplace Violence- Recognizing Threat / Active Shooter

Classroom Hours

ATTACHMENT D

Use this two part form to track each student's time in the classroom. If your location has specific topics that you must cover, you can write them down in the blank spaces provided. All Veolia specific PowerPoint presentations, facilitator guides and test questions (VT) can be accessed via the Veolia Safety Intranet Site under ODP Materials. To obtain additional copies of Veolia specific or NTI Security videos, please submit a request via email to Shelly Hall, VP of Safety and Security.

Course Title			Time	Date
Introduction to Professional Driving	P	F	60 mins	
Federal Regulations	P	F	30 mins	
Hazards Communication	P	F	30 mins	
Creating a Drug & Alcohol Free Workplace	P	F	120 mins	
Bloodborne Pathogens	P	F	20 mins	
Wellness	P	F	20 mins	
Whistleblower	P	F	30 mins	
Introduction To The Bus	P	F	30 mins	
Pre-trip Inspections	P	F	30 mins	
Safety Best Practices	P	F	90 mins	
Mirror Adjustments & Reference Points	P	F	30 mins	
Fatigue Management	P	F	30 mins	
LLC Defensive Driving	P	F	90 mins	
Prevent Harassment	P	F	30 mins	
Preventing Driver Distractions	P	F	30 mins	
Following Distance	P	F	30 mins	
Intersections	P	F	30 mins	
Railroad Crossings	P	F	30 mins	
Pedestrian Awareness	P	F	30 mins	
Preventing Backing Accidents	P	F	30 mins	
Merging, Lane Changing & Passing	P	F	30 mins	
Special Driving Conditions	P	F	30 mins	
Introduction to ADA & Sensitivity	P	F	45 mins	
ADA, Lifts, Ramps & Securement	P	F	45 mins	
Professionalism/Customer Service	P	F	30 mins	
Conflict/Aggression Management	P	F	60 mins	
Accident & Emergency Procedures	P	F	60 mins	
NTI - Warning Signs	P	F	60 mins	
Pedestrian Awareness (VT)	P	F	60 mins	
Slip Trips and Falls (VT)	P	F	60 mins	
Distracted Driving (VT)	P	F	60 mins	
Map Reading/Manifest	P	F	240 mins	
TSEPP/The Mark DVD (VT)	P	F	20 mins	
Local Issues SOPs	P	F	420 mins	
Local <i>Route training</i>	P	F	<i>420 min</i>	
Local <i>Language training</i>	P	F	<i>60 min</i>	
Local <i>Wage scale 9</i>	P	F	<i>20 min</i>	
Local <i>wheel chair training</i>	P	F	<i>120 min</i>	
Local	P	F		

Student Signature _____ Trainer Signature _____



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Amendment 1 to Bear Electrical Solutions Agreement 21-15 for an Additional Electric Vehicle Charger Installation at 720 Jackson Street

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Amendment 1 to Agreement 21-15 with Bear Electrical Solutions, Inc. (Attachment 1) in an amount not to exceed \$17,250.

EXECUTIVE SUMMARY

The Federal Transit Administration (FTA) awarded NVTA a grant in 2017 for the purchase of five (5) Build Your Dream (BYD) 30' zero emission battery electric buses and the corresponding chargers. Four of the buses arrived in April of 2022 and the necessary charging infrastructure has been installed at locations in St. Helena and Yountville. The planned July arrival of the fifth BYD bus as well as the planned September 2022 arrival of two Proterra buses necessitates installing another charging station at 720 Jackson Street so that these additional buses can be deployed for operations in the City of Napa.

FISCAL IMPACT

Yes, the cost of design and installation was \$185,000 in St Helena and Yountville. In June of 2021 the Board also authorized a \$50,000 contingency. This amendment would utilize the \$50,000 in contingency from the first four installations and add an additional \$17,250 for a total amendment cost of \$67,250. A portion of the original contract cost (which totaled \$144,000) will be covered by an FTA Low and No Emissions Vehicle Deployment (Low-No) Program grant. The grant provided funding for design services and for charger installation. The local match is a combination of Low Carbon Transit Operations Program (LCTOP) funds from State's cap-and-trade program, and Transportation Development Act (TDA) Local Transportation Fund Account funds.



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Rebecca Schenck, Program Manager – Transit
(707) 259-8636 / Email: rschenck@nvta.ca.gov
SUBJECT: Amendment 1 to Bear Electrical Solutions Agreement No. 21-15 for an Additional Electric Vehicle Charger Installation at 720 Jackson Street

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Amendment 1 to Agreement 21-15 with Bear Electrical Solutions, Inc. (Attachment 1) in an amount not to exceed \$17,250.

COMMITTEE RECOMMENDATION

None

BACKGROUND

The Federal Transit Administration (FTA) awarded NVTA grant in 2017 for the purchase of five (5) Build Your Dream (BYD) 30' zero emission battery electric buses and the corresponding chargers. The NVTA Board took action in November 2019 to authorize the purchase of electric buses and chargers. Four of the buses arrived in April of 2022 and the necessary charging infrastructure has been installed and is currently being commissioned in St. Helena and Yountville. The City of St. Helena and the Town of Yountville will both have their existing shuttle/trolley vehicles replaced by one of these electric buses once electric bus training is complete by BYD.

NVTA released a Request for Proposals for Design and Installation of Electric Vehicle (EV) Charging Stations on May 17, 2021. A total of four (4) proposals were received. The proposals were evaluated based upon three criteria 1) Project Understanding; 2) Experience and Qualifications; and 3) Cost Proposal. The firm with the highest point totals from the NVTA evaluation team was Bear Electrical Solutions, Inc.

NVTA is recommending that an additional electric bus charging station be installed at 720 Jackson Street in anticipation of the arrival of additional electric buses this Fall. The Chargepoint Express 250 charger that will be installed at the maintenance yard is shown in the Figure below:



Input Rating	400V AC, 3-phase, 96A, 50 Hz 480Y/277V AC, 3-phase, 80A, 60 Hz
Wiring	L1, L2, L3, Neutral & Earth

The installation work being done at 720 Jackson Street will be nearly identical to the work completed in St. Helena and in Yountville, except that Bear Electrical will be not be responsible for the design of the station. Kimley-Horn completed the design and PG&E has already designed and upgraded the transformer serving the maintenance yard.

ALTERNATIVES

Alternative 1: Defer the installation of the charging station at 720 Jackson Street until a later date and risk the additional vehicles arriving without a place to recharge.

Alternative 2: Forego installing the chargers at 720 Jackson and wait for the Vine Transit Maintenance Facility to be finished and install all chargers at that location. This would

also mean that additional vehicles would arrive without a place to charge and that there would be no charging location in the City of Napa.

STRATEGIC GOALS MET BY THIS PROPOSAL

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

The addition of electric buses to replace existing Vine diesel and gasoline-powered buses will reduce mobile emissions.

Goal 3: Use taxpayer dollars efficiently.

Using federal grants in-lieu of local funds will allow NVTA to prioritize other transportation projects.

ATTACHMENTS

(1) Amendment to Agreement 21-15

CHANGE ORDER

Change Requested By: Engineer Contractor

CHANGE ORDER NO.	SUPPL. NUMBER	CONTRACT NUMBER	CO-RTE-PM	FEDERAL NUMBER(S)
01	n/a	21-15	n/a	n/a

TO **Bear Electrical Solutions , Inc.**

, contractor

*You are directed to make the following changes from the plans and specifications or do the following described work not included in the plans and specifications for this contract. **NOTE: This change order is not effective until approved by the engineer.***

Description of work to be done, estimate of quantities, and prices to be paid. (Segregate between additional work at contract price, agreed price, and force account). Unless otherwise stated, rates for rental of equipment cover only such time as equipment is actually used and no allowance will be made for idle time.

Project: Design and Installation of Electric Vehicle Chargers - NVTA BEB Charging Improvement Project

In addition to the existing installations as outlined in the scope of the contract, CONTRACTOR shall provide the installation of one (1) NVTA provided Chargepoint, Model CPE 250, EV charging station at 720 Jackson Street, Napa, CA 94559. CONTRACTOR will be responsible for the mobilization to site, mark out for USA and provide private locating services of underground utilities, yes, furnish and install new conduit run per plans/specs, 75 KVA transformer and breakers, concrete pad, bollards, wheel stop, and the commissioning of equipment and charging station, to include final testing and verifying station operations at the below listed cost:

DESCRIPTION	QTY	Unit Cost	Extension	
Mobilization*	1	\$ 3,500	\$ 3,500	*incl. all mobilization and private locating
Furnish and install				
• Conduit	1	\$18,500	\$18,500	
• Transformer, disconnect & breakers	1	\$16,500	\$16,500	
• Conductors	1	\$10,000	\$10,000	
• Concrete foundation, pad, bollards, wheel stops	1	\$13,250	\$13,250	
• Station	1	\$ 4,000	\$ 4,000	
TOTAL COST			\$67,250	

CONTRACTOR will be responsible for all labor, material and equipment required to complete and deliver a fully operational unit. All other terms and conditions of the contract remain in full force and effect.

Estimated Cost: Increase Decrease **\$ 67,250**

For this order, the time of completion will be adjusted as follows:

SUBMITTED BY

SIGNATURE	(PRINT NAME AND TITLE) Rebecca Schenck, Manager of Public Transit	DATE
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APPROVAL RECOMMENDED BY

SIGNATURE	(PRINT NAME AND TITLE) Kate Miller, Executive Director	DATE
-----------	--	------

ENGINEER APPROVAL BY

SIGNATURE	(PRINT NAME AND TITLE)	DATE
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We, the undersigned contractor, have given careful consideration to the change proposed and agree to provide equipment, furnish materials, and perform the work specified above, and will accept as full payment the prices shown above. **NOTE: If you do not sign this order, you are directed to proceed with the ordered work. You may file a Request for Information within the time specified.**

CONTRACTOR ACCEPTANCE BY

SIGNATURE	(PRINT NAME AND TITLE)	DATE
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NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Amendment 4 to Proterra Inc. Contract for Paint Costs for the New Proterra Electric buses

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Amendment 4 to Purchase Order 21-2002 with Proterra, Inc. (Attachment 1) in an amount not to exceed \$26,000 and authorize the Executive Director to execute the Amendment upon finalizing the terms.

EXECUTIVE SUMMARY

NVTA contracted with Proterra Inc. for the purchases of two 40' zero emission battery electric buses in June 2021 with delivery expected to occur in August 2022. Recently, the bus paint manufacturer informed Proterra of additional paint charges due to rising materials costs and the need for a durable two-stage finish with a metallic blend. NVTA staff is currently negotiating with Proterra on a final cost.

FISCAL IMPACT

Up to \$13,000 per vehicle or \$26,000, however, a negotiated settlement price will likely be slightly less. Transportation Development Act funds have been identified to pay for the purchase.



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA 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 4 to Proterra Inc. Contract for Paint Costs for the New Proterra Electric Buses

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Amendment 4 to Purchase Order 21-2002 with Proterra, Inc. in an amount not to exceed \$26,000, and authorize the Executive Director to execute the Amendment when details upon finalizing the terms.

COMMITTEE RECOMMENDATION

None

BACKGROUND

NVTA was recently informed by Proterra Inc. of additional materials and supply costs related to the manufacture of two zero emission buses slated for delivery to NVTA in late August. The original paint charge was a non-metallic blend. To ensure consistency with Vine Transit's new color palette and the paints long-term durability, the paint cost must be upgraded.

The NVTA Board approved the original Purchase Order (PO) for \$2,200,000 on February 17, 2021. Since that time, NVTA has been working with Proterra to build the buses to meet NVTA's specifications. There have been three Amendments to the PO. The first amendment added extended warranties, changed the charging system to Chargepoint Express 250 Stations to match the charging system used on the existing BYD electric buses, and expanded training.

Amendment 1 brought the total cost to \$2,475,287. Amendment 2 was a credit of \$8,182 due to a calculation error in the charger tax exclusion and Amendment 3 included a charge of \$6,200 related to additional charger installation requirements. Amendment 4 increases the contract amount by up to \$26,000 which will bring the total contract amount to \$2,509,785. A \$5,000 contingency has been added for any additional modifications, however, the contingency is unlikely to be used. The Table below provides the Financing Plan and Expenditure Plan.

Table 1: Financing and Expenditure Plan- Proterra Bus Purchase

Financing Plan	
SAHA Grant	\$2,200,000
HVIP Voucher Program	276,000
Transportation Development Act Funds*	28,785
TOTAL	\$2,504,785
Expenditure Plan	
2 Proterra 40' Buses (Amendments 1-3)	\$2,473,785
Metallic Paint and Clear coat (Amendment 4)*	26,000
Subtotal	\$2,499,785
Contingency*	5,000
Total	\$2,504,785

*Final cost may be adjusted.

ALTERNATIVES

Alternative 1: The Board could reject the changes which will result in new electric e vehicles painted different colors than the rest of the Vine bus fleet.

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal 1: Serve the transportation needs of the entire community regardless of age, income or ability. Goal 5: Minimize the energy and other resources required to move people and goods.

The new electric bus will provide reliable clean transit for community members and visitors in Napa.

ATTACHMENTS

(1) DRAFT Amendment 4 to Purchase Order 21-2002

DRAFT

**AMENDMENT No. 4 to
Purchase Order**



Napa Valley
Transportation
Authority
625 Burnell Street
Napa, CA 94559

Phone: 707-259-8631
Fax: 707-259-8638
www.nvta.ca.gov

VENDOR

PRO TERRA INC.
1815 ROLLINS ROAD
BURLINGAME CA 94010
P: MIKE BISMAYER, REGIONAL SALES DIRECTOR
T: 864.438.0000
E: mbismeyer@proterra.com

Purchase Order #: 21-2002
Date: 07/07/2022
Vendor ID:
CA # 3481494

Bill To:

Napa Valley Transportation Authority
(NVTA)
ATTN: Accounts Payable /ap@nvta.ca.gov
625 Burnell Street
Napa, CA 94559-2912

Ship To:

NVTA-Vine Transit Yard
720 Jackson Street
Napa, CA 94559
POC: Antonio Onorato, CCFM
T 707.259.8779 E aonorato@nvta.ca.gov

Requested By	Ship Date	Ship Via	FOB	Buyer	Terms	Tax ID
ONORATO		GROUND	-	KULICK	NET 30	68-0471080

QTY	Item #	Units	Description	Discount %	Taxable	Unit Price	Total
PURCHASE ORDER IS HEREBY AMENDED TO WHEREAS							
1. THE VEHICLE ACCEPTANCE BY NVTA UNDER SECTION 6 OF THE AGREEMENT HAS BEEN AMENDED TO INCORPORATE A NEW SECTION F TO READ AS DESCRIBED ON PAGE 2;							
AND							
2. ADDITIONAL AMOUNT OF \$24,694 IS REQUIRED TO COVER UNFORESEEN COST INCREASE OF VEHICLE PAINT APPLIED BY CONTRACTOR. CORRECTIONS ARE MADE TO TO EXHIBIT A - CONFIGURATION SHEET, AS HIGH-LIGHTED ON PAGE 3 IN THE ATTACHED.							

NOTICE OF INCLUDED TERMS AND CONDITIONS

*HVIP availability and approval are solely subject to CARB's approval and fund availability, in the case of no funding approved for this purchase. NVTA agrees to pay the correspondent amount. In case of amount approved, CONTRACTOR agrees to credit the correspondent amount towards the purchase. Amount to be credited upon approval is \$138,000 per vehicle.

CONTINUED ON PAGE 2 OF 3

NEW NTE

Subtotal	\$ 26,000
Taxes	SEE ATTACHED
Other	--
BALANCE A3	\$ 2,473,785
TOTAL	\$2,499,785

THIS ORDER WILL BECOME VALID UPON RECEIPT OF VENDOR ACCEPTANCE.

VENDOR ACCEPTANCE

Vendor agrees to furnish and deliver all items or perform all the services set forth or otherwise identified above and on any continuation sheets for the consideration herein. The rights and obligations of the parties to this contract shall be subject to and governed by the following documents: (a) contract/purchase order, (b) the solicitation, if any, and (c) such provisions, representations, certifications, and specifications, as are attached or incorporated by reference herein. (Attachments are listed herein.)

ORDER AWARDED AND ISSUED BY

Individual listed below is hereby authorized to award ordered material/services as specified, or incorporated by reference herein, on behalf of the Napa Valley Transportation Authority

NAME AND TITLE
(Signature of person authorized to sign)

DATE

KATE MILLER, Executive Director DATE

FOR INTERNAL USE ONLY

FUND APPROPRIATION: SAHA/AHSC GRANT (MANZANITA PROJECT)

The following shall be added to Section 6 of the Agreement as a new Section (F):

- F. The acceptance of the two (2) ZX5 Max Buses (“Buses”) by NVTA will not be impacted by
- 1) the timing of the installation and commissioning of the Chargepoint 250 Express chargers purchased by NVTA from CONTRACTOR pursuant to this Agreement, or
 - 2) the functionality of the existing charging infrastructure at NVTA.

In the event that two (2) Chargepoint 250 Express chargers are not commissioned and fully functional by the time the Buses are delivered to NVTA’s facility, CONTRACTOR will attempt to charge the Buses on the existing NVTA chargers which are already located at NVTA’s facility provided. NVTA provides confirmation in writing to CONTRACTOR that the existing NVTA chargers are fully functional and fully compliant with the electrical connector SAE J1772 charging system (including charging hardware and software). In the event NVTA cannot provide the written confirmation that NVTA’s chargers are compliant with SAE J1772, then NVTA will accept the Buses and waive CONTRACTOR’s obligation to demonstrate that the Buses are chargeable pursuant to this Agreement; provided, CONTRACTOR provides certification that the Buses were able to receive a charge using any alternate charger at CONTRACTOR’s manufacturing facility. NVTA agrees that such certification meets the requirements for acceptance of the Buses.

Except as modified or changed herein, all the terms and conditions of the Agreement shall remain in full force and effect.

EXHIBIT A
CONFIGURATION SHEET
(4th Revision)

Customer	Napa Valley Area Transit
Number of buses	2
Procurement Method	CA State Schedule
Bus length / model	40' ZX5
Contract/P.O. #	TBD
Delivery Date	TBD

DESCRIPTION	UNIT PRICE	# OF UNITS	TOTAL PRICE
BUS & CONFIGURABLE OPTIONS			
Base bus	\$699,000	2	\$1,398,000
Configurables	\$359,063	2	\$718,126
Sub-Total, Customer Configured Bus:	\$1,058,063	2	\$2,116,126
ADA Tax Exempted Cost	\$15,366	2	\$30,732
Total Taxable Amount (Excl. ADA Related for CA only)	\$1,042,697		
Sales Tax @ 3.8125% (7.75% less 3.9375% from AB784)	\$39,753	2	\$79,506
Taxable Amount: \$1,049,981 (Excl. ADA-Related for CA only)			
Bus HVIP Voucher Discount (If Applicable)	\$0	2	\$0
Warranty	38994	2	\$77,988
Sub-Total, Bus with Config, Warranty, Tax & Discount:	\$1,136,810	2	\$2,273,620
CHARGING SOLUTION			
Quoted Charging Solution Package	\$147,900	\$1	\$147,900
Tax for Chargers @ 7.75%	\$11,462	\$1	\$11,462
Total	\$159,362	\$1	\$159,362
OTHER ITEMS			
Training	\$0	1	\$0
Manuals	\$2,100	1	\$2,100
Tools	\$8,132	1	\$8,132
Parts and other service	\$50,554	1	\$50,554
Total	\$60,786		\$60,786
Sales Tax @ 7.75% (If Applicable)	\$4,711	1	\$4,711
Taxable Amount: \$60,786 (Materials Only)			
Sub-Total, Other Items (Incl. Tax):	\$65,497		\$65,497
TOTAL:			\$2,498,479

ADA Item	Cost
ADA Seat Items	\$10,246
Ricon 4:1	4895.003
Front Doorway Assist	225
Total	\$15,366

Sales tax	3.8125
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The Cost Summary Sheet on page 2 of the Agreement has been updated and changed to reflect the additional cost of \$24,694 to be applied to paint and/or material cost increase as listed above.

Except as modified or changes made above and to Section 6 of the Agreement, and as previously amended, all of the terms and provisions listed in the Agreement shall remain in full force and effect.

CONTRACTOR shall not perform any additional work and/or services without NVTA's prior approval.

NEW Not to Exceed Amount is \$2,498,479.



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Paratransit Coordinating Council (PCC) Member Appointments

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve the appointments of Jeannie Smith and Ellen Sweigert to the Paratransit Coordinating Council (PCC).

EXECUTIVE SUMMARY

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

This action will appoint Jeannie Smith and Ellen Sweigert, new members, to the PCC. There are three (3) additional vacancies on the committee and NVTA staff is actively recruiting to fill these positions. These include a representative from a social services provider for seniors, a member of the public residing in an urbanized area and a member of the public residing in a non-urbanized area.

FISCAL IMPACT

None



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Kathy Alexander, Administrative Technician
(707) 259-8627 / Email: kalexander@nvta.ca.gov
SUBJECT: Paratransit Coordinating Council (PCC) Member Appointments

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve the appointment of Jeannie Smith and Ellen Sweigert to the Paratransit Coordinating Council (PCC).

COMMITTEE RECOMMENDATION

None

BACKGROUND

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

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

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

Table 1. PCC Member List

Member	Original appointment date	Most recent appointment	Term end date	Category Represented
Doug Weir	10/20/1999	1/20/2021	1/20/2024	Consumer/user persons with disabilities (1)
Tom Collette	10/17/2018	11/17/2021	11/30/2024	Consumer/user 60 years of age or older (1)
Lisa DeRose-Hernandez	1/20/2021	1/20/2021	1/20/2024	Social services provider for persons of limited means (1)
Betty Rhodes	11/17/2021	11/17/2021	11/30/2024	Member of the public residing within an urbanized area (1 of 2)
<i>Jeannie Smith*</i>	<i>7/20/2022</i>	<i>7/20/2022</i>	<i>7/31/2025</i>	Social services providers for persons with disabilities (1 of 2)
<i>Ellen Sweigert*</i>	<i>7/20/2022</i>	<i>7/20/2022</i>	<i>7/31/2025</i>	Social services provider for persons with disabilities (2 of 2)
Vacant				Social services provider for seniors (1)
Vacant				Member of the public residing within an urbanized area (2 of 2)
Vacant				Member of the public residing within a non-urbanized area (1)

*If appointed July 20, 2020

ALTERNATIVES

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

STRATEGIC GOALS MET BY THIS PROPOSAL

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

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

ATTACHMENTS

- (1) PCC Application: Jeannie Smith (Redacted)
- (2) PCC Application: Ellen Sweigert (Redacted)

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

PARATRANSIT COORDINATING COUNCIL APPOINTMENT APPLICATION

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

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

I am applying as a representative of the following: (Check all that apply)

Public transit consumer/user 60 or older

Public transit consumer/user with disability

Member of the public residing in non-urbanized area

Member of the public residing in urbanized area

Social service provider for persons of limited means. List agency: _____

Social service provider for persons with disabilities. List agency: Napa Valley Support Services

Social service provider for seniors. List agency: _____

Applicant Information

Name: Smith Jeannie M. Date: 7/2/22

Last First M.I.

Mailing Address: _____

Street Address Apartment/Unit #

City: Napa State: CA Zip: _____

Phone: _____ E-mail Address: _____

Current Occupation (within the last twelve (12) months)
 Education/Experience
 (a resume may be attached containing this and any other information that would be helpful in evaluating your application)

Program Director

Community Participation
 (nature of activity and community location)

Napa Citizens Academy - City of Napa

Napa Sheriff's Citizens Academy - Sheriff's Dept.

Work for Wellness Chart - Innovations Community Center

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

NVSS Human Rights Committee
NVSS HCBS Change Committee

Please share your experience or observations regarding public transit

The paratransit system works well for some but it doesn't work as well for people who need to get to work.

Please share your experience working with special needs populations

I've worked with adults w/ disabilities since 2006 professionally. I've been the Director of a Supported Employment Program for 9 years.

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

I interact with a lot of people who take paratransit, have taken it or those who support people who use it.

References

Please list three individuals familiar with your background

Full Name: Beth Kahoga Relationship: Executive Director/Supervisor

Company: N.V.S.S. Phone: [Redacted]

Address: [Redacted] Napa

Full Name: Emmy Bennett Relationship: Colleague - Director of NVSS Program

Company: N.V.S.S. Phone: [Redacted]

Address: [Redacted] Napa

Full Name: Anita Pamiroy Relationship: Human Resources Director

Company: N.V.S.S. Phone: [Redacted]

Address: [Redacted] Napa

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

N/A

Disclaimer and Signature

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

Signature: [Handwritten Signature] Date: 7/2/22

2022 JUL 11 A 8:35

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

ATTACHMENT 2
NVTA AGENDA ITEM 7.8
JULY 20, 2022

PARATRANSIT COORDINATING COUNCIL APPOINTMENT APPLICATION

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

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

I am applying as a representative of the following: (Check all that apply)
<input type="checkbox"/> Public transit consumer/user 60 or older
<input type="checkbox"/> Public transit consumer/user with disability
<input type="checkbox"/> Member of the public residing in non-urbanized area
<input type="checkbox"/> Member of the public residing in urbanized area
<input type="checkbox"/> Social service provider for persons of limited means. List agency: _____
<input checked="" type="checkbox"/> Social service provider for persons with disabilities. List agency: <u>North Bay Regional Center</u>
<input type="checkbox"/> Social service provider for seniors. List agency: _____

Applicant Information

Name:	Sweigert	Ellen	P	Date:	7/5/22
	<i>Last</i>	<i>First</i>	<i>M.I.</i>		
Mailing Address:	[REDACTED]		Apartment/Unit #		
	<i>Street Address</i>		State	CA	Zip [REDACTED]
City	Napa				
Phone:	[REDACTED]	E-mail Address:	[REDACTED]		

Current Occupation (within the last twelve (12) months)
Education/Experience
(a resume may be attached containing this and any other information that would be helpful in evaluating your application)

ELLEN SWEIGERT
[REDACTED]

Community Participation
(nature of activity and community location)

VOLUNTEERING:
Founder of PSI Mentors December 2014
Napa, CA
Historical Society September 2019
Napa, CA
Volunteered at the Monterey Bay Aquarium as a Docent
Appointed in 2009 city's American with Disabilities Advisory Committee (ADA) in Monterey, CA
Easter Seals Ambassador for Monterey, CA

Committee as the chair for Napa County, serve on the Statewide Self Advocacy Network (SSAN).
Public Speaking
Down Syndrome Luncheons
Mayor's Breakfast at Napa Valley College for Disability Employment Month
Girl Scouts to local to talk with.
Served as an Easter seals Ambassador, Parents Can Ambassador

Please share your experience or observations regarding public transit

I have been riding the Vine independently to get around Napa over the past couple years now. As I don't drive I do depend on the Vine or my staff for transportation. I do have an observant\ keen eye on how the Vine is accommodating to the different populations of diversity of riders, I am definitely impressed with the Vine!!

Please share your experience working with special needs populations

I have years of experience working with the special needs populations since I've been in high school and attended the Governor's Youth Leadership Forum Summer of 2006. I have also attended multiple National Downs Syndrome Conventions. With my background in Disability Advocacy I have been working with the special needs populations.
I had a paid internship at Parents Can and was at Product, Services Industry (PSI) were I founded the PSI Mentors. Currently I'm working at North Bay Regional Center as the Consumer Advocate.

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

My reasons to serve and to contribute to this important committee is to help with the growth of awareness by representing people with disabilities. My goal is to bring awareness of the importance of transportation to the diversity populations of people with disabilities. As well as the other riders on the Vine. Looking forward of gaining more chances to advocate and talk about the needs of

References

Please list three individuals familiar with your background

Full Name: **Marlena Garcia** Relationship: **professional**
Company: **Parents Can** Phone: [REDACTED]
Address: [REDACTED]

Full Name: **Tobias Weare** Relationship: **professional**
Company: **State Council on Developmental Disabilities** Phone: [REDACTED]
Address: [REDACTED]

Full Name: **Lisa Hooks** Relationship: **professional**
Company: **State Council on Developmental Disabilities** Phone: [REDACTED]
Address: [REDACTED]

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

N/A

Disclaimer and Signature

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

Signature: Ellen Sweigert Date: 7/5/22

ELLEN SWEIGER I



OBJECTIVE:

To obtain an entry level consumer advocate position.

WORK EXPERIENCE:**FEBRUARY -CURRENT 2022**

North Bay Regional Center

Consumer Advocate

- Consumer Advocate creates and supports self-advocacy groups for NBRC consumers.
- Performs individual and group outreach and education to consumers, families, staff, service providers.
- Assists consumers in obtaining needed services.
- Represents consumer interests at public meetings and to elected officials.

JANUARY – FEBRUARY 2020

CVS, Napa, CA

Stocker (Work Adjustment)

- Stocked new inventory on the sales floor
- Used hand handle scanner to locate inventory
- Faced all shelf products
- Provided exceptional customer service

NOVEMBER-DECEMBER 2019

Walmart, Napa, CA

Sales Floor/Stocker Clothing Department (Work Adjustment)

- Checked merchandise on the floor for tags
- Sorted clothes on floor per schematic plan
- Put new merchandise on the floor.
- Customer service.

Parents Can, Napa, CA

Ambassador

- Work on Special events with set-up, preparation days before the event.
- Host information booths.
- Distribute flyers and material to people visiting booths.
- Collect information to add to the mailing list.
- Accurately complete needed documentation.

FEBRUARY 2018- JANUARY 2019

Parents Can, Napa, CA

Office Assistant (Internship)

- She answered phones, transfers calls and took messages
- Greeted customers and vendors directs them to the appropriate staff.
- Shredded papers, scanned documents, faxes, made copies.
- Completed and did all assignments requested by office staff.
- Sent out mailers, stuff envelopes for events, retrieves documents and files.
- Completed any special projects requested.

MARCH 2014- JANUARY 2018

PSI, Napa, CA

Assembly

- Packing and labeling
- Time sheets adding all the hours for all the employees on a daily
- Baked dog cookies
- Answering phones

VOLUNTERING:

Founder of PSI Mentors December 2014

Napa, CA

Historical Society September 2019

Napa, CA

ADOVACY WORK:

RAC (Regional Advisory Committee) 2016

Napa County Representative January 2021

SSAN (Statewide Self-Advocacy Network)



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Motion to 1) Introduce Ordinance 2022-01 of the Napa Valley Transportation Authority Regulating Parking, Camping, and Smoking at Transit Facilities and Parking Areas, by title only, and waive reading of the full ordinance and 2) Approve the designation for the Executive Director to prepare a summary of Ordinance 2022-01 to be published in a newspaper in Napa County

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board conduct a first reading and notice its intent to Adopt Ordinance 2022-01, which is a revision to Ordinance 2013-01, regulating parking, camping, and smoking at transit facilities and parking areas.

EXECUTIVE SUMMARY

On July 17, 2013 the NVTA Board adopted Ordinance 2013-01 regulating parking and smoking authorizing the City of Napa to Issue Citations on NVTA Property. Due to changes at the City of Napa related to parking enforcement and that there are increasing issues associated unauthorized encampments and storage of personal property at NVTA's facilities, the existing Ordinance 13-01 needs to be updated and revised. The Ordinance will be presented at the July 20 Board meeting for a first reading as Ordinance 2022-01. Following the Board meeting, a summary will be prepared and published in the Napa Valley Register. A second reading and final adoption will be scheduled for a second reading and adoption at the September 21, 2022 Board meeting. Within 15 days after final adoption the Board Secretary will publish the ordinance summary reflecting Board members voting for and against the ordinance

FISCAL IMPACT

There is no direct fiscal impact to adopt the Ordinance, however, NVTA has entered into an Agreement for Abatement Services Assistance with the City of Napa where NVTA shall pay the City for costs incurred, up to an annual limit not to exceed \$49,999, payable to the City for providing relocation services, cleanup and abatement on NVTA's owned and maintained properties in the City of Napa.



NAPA VALLEY TRANSPORTATION AUTHORITY Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Rebecca Schenck, Program Manager – Public Transit
(707) 259-8636 / Email: rschenck@nvta.ca.gov
SUBJECT: Motion to 1) Introduce Ordinance 2022-01 of the Napa Valley Transportation Authority Regulating Parking, Camping, and Smoking at Transit Facilities and Parking Areas, by title only, and waive reading of the full ordinance and 2) Approve the designation for the Executive Director to prepare a summary of Ordinance 2022-01 to be published in a newspaper in Napa County

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board conduct a first reading and notice its intent to Adopt Ordinance 2022-01 (Attachment 1), which is a revision to Ordinance 2013-01 (Attachment 2), regulating parking, camping, and smoking at transit facilities and parking areas.

COMMITTEE RECOMMENDATION

None

BACKGROUND

BottleRock 2013 was the reason that NVTA adopted the original 2013 ordinance. BottleRock highlighted the need to preserve parking spaces for NVTA employees and facility patrons. Now in 2022 the reasons for updating the ordinance is to include changes in the way the City of Napa does parking enforcement and there is a growing challenge with encampments and personal property disposal and storage at NVTA's facilities. The ordinance updates the ordinance to include the Imola Park and Ride, which NVTA will begin using this fall. The ordinance is drafted to bolster NVTA and the City of Napa's ability to regulate camping on NVTA facilities consistent with the City of Napa's current enforcement authority and procedures and consistent with recent California and federal

laws regarding camping and unhoused populations. A clean version of the revised ordinance is included as Attachment 1 and a redlined version of Ordinance 2013-01 is included as Attachment 2.

Board action today is the first reading of the Ordinance. Staff will schedule a second reading and adoption of Ordinance 2022-01 for the September Board meeting.

ALTERNATIVES

The NVTA Board could either decide to delay revising the ordinance or not revise the ordinance. Not updating the ordinance would affect the City of Napa's ability to enforce the current ordinance because parking enforcement is no longer a function of the Police Department, but rather a function of the Parking Division the City of Napa's Community Development Department.

STRATEGIC GOALS MET BY THIS PROPOSAL

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

NVTA has continued to receive complaints from riders and neighbors concerned about their safety due to the presence of campers and trailers at the Redwood Park and Ride. Updating this ordinance will enable the City of Napa to assist NVTA in the enforcement of parking, camping and personal property storage.

ATTACHMENT(S)

- (1) Ordinance 2022-01
- (2) Redlined Version of Ordinance 2013-01

ORDINANCE NO. 22-01

**AN ORDINANCE OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVTA)
REGULATING PARKING, CAMPING AND SMOKING AT TRANSIT FACILITIES AND
PARKING AREAS**

The Board of Directors (“Board”) of the Napa Valley Transportation Authority (NVTA) ordains as follows:

SECTION 1. Chapter 2 (Parking Regulations) of the Napa Valley Transportation Authority is amended to read in full as follows:

Chapter 2

PARKING RULES AND REGULATIONS

Sections:

- 2.1 Legislative Intent**
- 2.2 Definitions**
- 2.3 Rules and Regulations**
- 2.4 Smoking Prohibited**
- 2.5 Posting of Notices**
- 2.6 General**

Section 2.1: Legislative Intent

Section 2.1.1: Authority

California Vehicle Code section 21113 expressly prohibits any person from driving, stopping, parking, or leaving standing any vehicle, whether attended or unattended, on the parking facilities and bus loading zones of a transit district, except with the permission of, and upon and subject to any condition or regulation which may be imposed by the governing board. The Board is authorized to adopt all ordinances and make all rules and regulations proper or necessary to regulate the use, operation and maintenance of its property and facilities.

Section 2.1.2: Findings

A. The Board finds and determines that ensuring adequate parking in NVTA’s parking lots for vehicles driving by Transit Patrons and Transit Personnel and authorized visitors is necessary in order to facilitate and encourage the use of public transit facilities and services, and that the unregulated use of NVTA Parking Lots is detrimental to the interests of NVTA and the public.

B. Except when specifically posted as a shared public parking facility, NVTA Parking Lots are for use by Transit Patrons and Transit Personnel and authorized visitors only, and are not open to the general public.

C. The Board further finds and determines that bus loading zones are necessary for the safe loading and alighting of transit patrons and should be restricted for the exclusive use of transit vehicles.

D. Except when specifically permitted bus loading zones and transfer stations are for the exclusive use of NVTA (Vine) transit use.

E. The Board adopts the California State Legislatures findings pursuant to California Health and Safety Code section 118920, including that regulation of smoking in public places is necessary to protect the health, safety, welfare, comfort, and environment of nonsmokers.

F. The Board therefore adopts this Ordinance establishing conditions and regulations applicable to vehicle parking and traffic in NVTA Parking Lots.

Section 2.2: Definitions

The following definitions shall apply to this chapter:

- A. Bus Loading Zone” refers to designated area used as a stop or transfer point for loading and alighting transit patrons.
- B. “Bus Transfer Stations” refers to areas where passengers transfer from one bus to another or where multiple buses congregate at any one time.
- C. “Camp” means any of the following: (1) to pitch or occupy camp facilities; (2) to use camp paraphernalia; (3) to sleep in, on or under any parked vehicle, including an automobile, bus, truck, camper, trailer, mobile home or recreational vehicle.
- D. “Camp facilities” includes, but are not limited to, tents, huts, or temporary shelters. When parked and used for the purpose of sleeping, automobiles, buses, trucks, campers, trailers, mobile homes and recreational vehicles shall be deemed as “camp facilities.”
- E. “Camp paraphernalia” includes, but is not limited to, tarpaulins, bedding, cots, beds, sleeping bags, hammocks or non-city designated cooking facilities and similar equipment
- F. “NVTA Parking Lot” means parking lots, driveways and other Transit Facilities owned by NVTA or designated specifically for NVTA including NVTA’s VINE transit use, including entrances and exits to and from any such Transit Facilities, which are accessible by Vehicle.

- G. "NVTA Security Officer" means NVTA staff or contractors hired for the purpose of facilities security and/or parking enforcement.
- H. "Park and Ride Lots" means parking lots and driveways, including entrances and exits to and from, for transit users and commuters use for temporary parking of vehicles while the vehicle driver is using NVTA Vine or carpooling.
- I. "Peace Officer" shall mean any law enforcement officer of the State of California, Napa County, or any agency in Napa County.
- J. "Private Security Officer" means any private security officer hired by NVTA to safeguard its grounds and/or provide parking facility services.
- K. "Smoking" means inhaling, exhaling, burning, or carrying any lighted pipe, cigar or cigarette of any kind, or any other combustible substance.
- L. "Store" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- M. "Transit Facility" or "Facility" means any property owned and maintained by NVTA.
- N. "Transit Patron" is defined as a person who parks a vehicle on a NVTA Parking Lot for the purpose of using public transit, or person having business with NVTA.
- O. "Transit Personnel" means any Board member, employee, committee member, or contractor of NVTA or another transit provider whose place of employment is within the Socol Gateway Transit Center.
- P. "Vehicle" shall have the same meaning as defined in Section 670 of the California Vehicle Code.
- Q. "Vine" the transit service operated by NVTA to provide public transportation to serve Napa County.

Section 2.3: Parking Rules and Regulations

Section 2.3.1: Compliance with Law: No person shall drive, stop, park, or leave standing on any NVTA Parking Lot, Bus Loading Zone, Bus Transit Stations, or Park and Ride Lot, any Vehicle, except in full compliance with the traffic laws of the State of California and the conditions and regulations adopted herein.

Section 2.3.2: Patron Parking: Parking of Vehicles in NVTA Parking Lots is for Transit Patrons or Transit Personnel only, unless the Parking Lot is otherwise posted as a shared public parking facility. Parking in Park and Ride Lots is for transit users and commuters using NVTA VINE or carpooling, unless the Park and Ride Lot is otherwise posted as a shared public parking facility.

Section 2.3.3: Parking Limit:

A, Parking of Vehicles in any NVTA Parking Lot shall be limited to one of the following, as posted:

- i. Transit Patrons, Transit Personnel only
- ii. Vehicles using the Charging Stations only
- iii. Otherwise, as posted.

B. Parking of Vehicles in any Park and Ride Lot shall be limited to one of the following, as posted:

- i. Transit Patrons,
- ii. Commuters temporarily parking a vehicle in the Park and Ride Lot,
- ii. Vehicles using the Charging Stations only
- iii. Otherwise, as posted.

Section 2.3.4: Designated Spaces: Vehicles shall be parked in NVTA Parking Lots or Park and Ride Lots only within areas posted and dedicated for parking, and shall be parked in an orderly manner within the lines indicating a single space. Vehicles shall not be parked within NVTA Parking Lots or Park and Ride Lots within any driveway, in any unlined area, in any yellow or red painted area, in any pedestrian walkway, in any bus loading zones, or in any areas so prohibited by control signs.

Section 2.3.5: Spaces Designated for Persons with Disabilities: No person may park a Vehicle in designated accessible spaces in NVTA Parking Lots or Park and Ride Lots without displaying placards or special license plates issued by the State of California for persons with disabilities.

Section 2.3.6: Abandoned Vehicles: No person shall abandon any Vehicle in any NVTA Parking Lot or Park and Ride Lots. Vehicles reasonably believed to be abandoned may be removed from a NVTA Parking Lot only after a written report identifying the vehicle and its location has been mailed or delivered to the office of the Department of the California Highway Patrol located nearest to the Vehicle. In addition, at least ten (10) days' notice of intention to remove an abandoned Vehicle shall be mailed, by registered or certified mail, to the last registered owners of record of the Vehicle, unless NVTA is unable to determine ownership. The notice shall include a statement that the owner may request a hearing before the NVTA Executive Director. If no hearing has been requested within ten (10) days of the mailing of the notice, the Vehicle may be removed without

further notice. Within five (5) days after the date of removal, notice shall be given to the California Department of Motor Vehicles identifying the Vehicle or part thereof, and any evidence of registration available. NVTA shall not be responsible for any damage caused by the removal of any Vehicle.

Section 2.3.7: Maximum Speed Limit: No person shall at any time drive any Vehicle in any NVTA Parking Lot or Park and Ride Lot at a speed in excess of fifteen (15) miles per hour.

Section 2.3.8: Maximum Vehicle Dimensions: No person shall drive, park, or leave standing in any NVTA Parking Lot or Park and Ride Lot any vehicle or combination of vehicles which exceeds three (3) tons in total aggregate weight or exceeds six and one-half (6 1/2) feet in width or nineteen (19) feet in length. The foregoing prohibition shall not apply to Vehicles owned or operated by or on behalf of NVTA, public transit buses doing business at the Soscol Gateway Transit Center, or vehicles making deliveries to NVTA or making repairs under contract with or otherwise on behalf of NVTA.

Section 2.3.9: Fees for Parking: The Board of Directors of NVTA may establish by resolution fees to be imposed for entrance to or use of any one or more NVTA Parking Lots. Such fees shall constitute charges imposed for entrance to or use of local government property. Fees shall be reasonable and, to the extent necessary in light of the findings set forth in this Ordinance, may be lower for Transit Patrons utilizing NVTA transit facilities than for other Transit Patrons or members of the public. Payment of fees so established is an express condition upon which Vehicles may be parked in NVTA Parking Lots.

Section 2.3.10: Fees for Parking Violations: The Board of Directors of NVTA may establish by resolution fees for parking in violation of this Ordinance.

Section 2.3.11: Additional Use by Special Permit: Notwithstanding the provisions of this Section 2.3, the NVTA Executive Director may issue permits for private use of NVTA Parking Lots for public events if not inconsistent with this Ordinance.

Section 2.3.12: Issuance of Warnings: NVTA Security Officers and Private Security Officers so authorized by the NVTA Executive Director or designee may issue written warnings whenever a Vehicle is driving or parked within a NVTA Parking Lot or Park and Ride Lot in violation of the conditions and regulations set forth in this Ordinance, except as prohibited under State Law.

Section 2.4: Camping:

Section 2.4.1. Findings. Publicly accessible sidewalks, driveways, accessways, and parking areas, including but not limited to, Bus Loading Zones, Bus Transfer Stations, Park and Ride Lots, NVTA Parking Lots, and Transit Facilities should be readily accessible and available to residents, the public at large, and NVTA maintenance and emergency crews. The use of these areas for camping purposes or storage of personal

property interferes with the rights of others to use the areas for which they were intended, and also subjects those persons using such areas to substantial health and safety risks. Many persons, including families with young children, have been camping in automobiles and other public places in these areas in unsafe conditions, with no running water, toilets, cooking or sanitation facilities, even though accommodations in shelters are available to them, resulting in increased disease, illness and crime. The purpose of this chapter is to maintain public areas controlled, maintained, or accessed by NVTA in a clean and accessible condition and to diminish problems such as disease, illness and crime by encouraging the use of appropriate shelter facilities.

Section 2.4.2. Unlawful camping. Except as expressly indicated, it is prohibited and it is unlawful for any person to camp, occupy camp facilities or use camp paraphernalia in the following areas, except as otherwise provided:

A. Any Bus Loading Zones, Bus Transfer Stations, Park and Ride Lots, NVTA Parking Lots, and Transit Facilities.

B. Any NVTA public parking lot or public area, improved or unimproved, enclosed or open.

Section 2.4.3. Storage of personal property in public places. It is prohibited and it is unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following areas, except as otherwise provided by the Executive Director.

A. Any Bus Loading Zones, Bus Transfer Stations, Park and Ride Lots, NVTA Parking Lots, and Transit Facilities.

B. Any NVTA public parking lot or public area, improved or unimproved, enclosed or open.

Section 2.5: Smoking Prohibited

Smoking shall be prohibited on the grounds of the Transit Facility.

Section 2.6: Posting of Notices

The Executive Director or designee shall cause appropriate signs giving notice of the special conditions or regulations imposed under this Ordinance to be erected within the NVTA Facilities. NVTA shall prepare and keep at its principal administrative office a written statement of all special conditions and regulations imposed under this Ordinance.

Section 2.7: General

Section 2.7.1: Construction: In the interpretation of this Ordinance, provisions shall be construed as follows:

- A. The present tense includes the past and future tenses, and the future the present.
- B. References to gender include masculine, feminine and neuter.
- C. The singular number includes the plural, and the plural the singular.
- D. "Shall" is mandatory and "may" is permissive.
- E. These rules are in addition to and supplement all applicable laws or ordinances. Nothing herein shall limit or otherwise infringe on the authority of authorized Peace Officers or others to enforce the provisions of this or other laws.

SECTION 2. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors of the Napa Valley Transportation Authority hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 3. This Ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 4. A summary of this Ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in the County of Napa, together with the names of members voting for and against the same.

The foregoing Ordinance was introduced and read at a regular meeting of the Board of Directors of the Napa Valley Transportation Authority, held on the ___th day of _____, 2022, and passed at a regular meeting of the Board of Directors of the Napa Valley Transportation Authority, held on the ___th day of _____, 2022, by the following vote:

Liz Alessio, NVTA Chair

Ayes

Nays:

Absent:

ATTEST:

Laura Sanderlin, NVTA Board Secretary

APPROVED AS TO FORM:

DeeAnne Gillick, NVTA Legal Counsel

ORDINANCE NO. _____ **2013-01**

**AN ORDINANCE OF THE
NAPA ~~VALLEY COUNTY~~ TRANSPORTATION ~~AUTHORITY AND PLANNING~~
~~AGENCY (NCTPA)(NVTA)~~
REGULATING PARKING, ~~CAMPING~~ AND SMOKING AT TRANSIT FACILITIES ~~AND~~
~~PARKING AREAS~~**

The Board of Directors ("Board") of the Napa Valley Transportation Authority (NVTA) ~~County Transportation and Planning Agency (NCTPA)~~ ordains as follows:

SECTION 1. ~~A new~~ Chapter 2 (Parking Regulations) ~~is hereby added to the of the~~ Napa Valley Transportation Authority ~~County Transportation and Planning Agency Code~~ is amended to read in full as follows:

Chapter 2

PARKING RULES AND REGULATIONS

Sections:

- 2.1 Legislative Intent**
- 2.2 Definitions**
- 2.3 Rules and Regulations**
- 2.4 Smoking Prohibited**
- 2.5 Posting of Notices**
- 2.6 General**

Section 2.1: Legislative Intent

Section 2.1.1: Authority

California Vehicle Code section 21113 expressly prohibits any person from driving, stopping, parking, or leaving standing any vehicle, whether attended or unattended, on the parking facilities and bus loading zones of a transit district, except with the permission of, and upon and subject to any condition or regulation which may be imposed by the governing board. The Board is authorized to adopt all ordinances and make all rules and regulations proper or necessary to regulate the use, operation and maintenance of its property and facilities.

Section 2.1.2: Findings

A. The Board finds and determines that ensuring adequate parking in ~~NCTPA/NVTA~~'s parking lots for vehicles driving by Transit Patrons and Transit Personnel and authorized visitors is necessary in order to facilitate and encourage the use of public

transit facilities and services, and that the unregulated use of NCTPANVTA Parking Lots is detrimental to the interests of NCTPANVTA and the public.

B. Except when specifically posted as a shared public parking facility, NCTPANVTA Parking Lots are for use by Transit Patrons and Transit Personnel and authorized visitors only, and are not open to the general public.

C. The Board further finds and determines that bus loading zones are necessary for the safe loading and alighting of transit patrons and should be restricted for the exclusive use of transit vehicles.

D. Except when specifically permitted bus loading zones and transfer stations are for the exclusive use of NCTPANVTA (Vine+NE) transit use.

E. The Board adopts the California State Legislatures findings pursuant to California Health and Safety Code section 118920, including that regulation of smoking in public places is necessary to protect the health, safety, welfare, comfort, and environment of nonsmokers.

F. The Board therefore adopts this Ordinance establishing conditions and regulations applicable to vehicle parking and traffic in NCTPANVTA Parking Lots.

Section 2.2: Definitions

The following definitions shall apply to this chapter:

A. "Bus Loading Zone" refers to designated area used as a stop or transfer point for loading and alighting transit patrons.

B. "Bus Transfer Stations" refers to areas where passengers transfer from one bus to another or where multiple buses congregate at any one time.

C. "Camp" means any of the following: (1) to pitch or occupy camp facilities; (2) to use camp paraphernalia; (3) to sleep in, on or under any parked vehicle, including an automobile, bus, truck, camper, trailer, mobile home or recreational vehicle.

D. "Camp facilities" includes, but are not limited to, tents, huts, or temporary shelters. When parked and used for the purpose of sleeping, automobiles, buses, trucks, campers, trailers, mobile homes and recreational vehicles shall be deemed as "camp facilities."

E. "Camp paraphernalia" includes, but is not limited to, tarpaulins, bedding, cots, beds, sleeping bags, hammocks or non-city designated cooking facilities and similar equipment

B-F. "NCTPANVTA Parking Lot" means parking lots, driveways and other Transit

Facilities owned by NCTPANVTA or designated specifically for NCTPANVTA including NVTA's ~~(VINE)~~ transit use, including entrances and exits to and from any such Transit Facilities, which are accessible by Vehicle.

C.G. "NCTPANVTA Security Officer" means NCTPANVTA staff or contractors hired for the purpose of facilities security and/or parking enforcement.

D.H. "Park and Ride Lots" means parking lots and driveways, including entrances and exits to and from, for transit users and commuters use for temporary parking of vehicles while the vehicle driver is using NVTA VINE or carpooling.

E.I. "Peace Officer" shall mean any law enforcement officer of the State of California, Napa County, ~~or~~ any agency in Napa County.

F.J. "Private Security Officer" means any private security officer hired by NCTPANVTA to safeguard its grounds and/or provide parking facility services.

G.K. "Smoking" means inhaling, exhaling, burning, or carrying any lighted pipe, cigar or cigarette of any kind, or any other combustible substance.

H.L. "Store" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

I.M. "Transit Facility" or "Facility" means any property owned and maintained by NCTPANVTA.

J.N. "Transit Patron" is defined as a person who parks a vehicle on a NCTPANVTA Parking Lot for the purpose of using public transit, or person having business with NCTPANVTA.

K.O. "Transit Personnel" means any Board member, employee, committee member, or contractor of NCTPANVTA or another transit provider whose place of employment is within the Soscol Gateway Transit Center.

L.P. "Vehicle" shall have the same meaning as defined in Section 670 of the California Vehicle Code.

Q. "Vine+NE" ~~the transit service operated by NVTA to provide public transportation to serve Napa County.~~

Section 2.3: Parking Rules and Regulations

Section 2.3.1: Compliance with Law: No person shall drive, stop, park, or leave standing on any NCTPANVTA Parking Lot, Bus Loading Zone, ~~or~~ Bus Transit Stations, or Park

and Ride Lot, any Vehicle, except in full compliance with the traffic laws of the State of California and the conditions and regulations adopted herein.

Section 2.3.2: Patron Parking: Parking of Vehicles in NCTPANVTA Parking Lots is for Transit Patrons or Transit Personnel only, unless the Parking Lot is otherwise posted as a shared public parking facility. Parking in Park and Ride Lots is for transit users and commuters using NVTA VINE or carpooling, unless the Park and Ride Lot is otherwise posted as a shared public parking facility.

Section 2.3.3: Parking Limit:

A. Parking of Vehicles in any NCTPANVTA Parking Lot shall be limited to one of the following, as posted:

- i. A. Transit Patrons, Transit Personnel only
- ii. B. Vehicles using the Charging Stations only
- iii. C. Otherwise, as posted.

B. Parking of Vehicles in any Park and Ride Lot shall be limited to one of the following, as posted:

- i. Transit Patrons,
- ii. B. Commuters temporarily parking a vehicle in the Park and Ride Lot,
- ii. . Vehicles using the Charging Stations only
- iii.. Otherwise, as posted.

Section 2.3.4: Designated Spaces: Vehicles shall be parked in NCTPANVTA Parking Lots or Park and Ride Lots only within areas posted and dedicated for parking, and shall be parked in an orderly manner within the lines indicating a single space. Vehicles shall not be parked within NCTPANVTA Parking Lots or Park and Ride Lots within any driveway, in any unlined area, in any yellow or red painted area, in any pedestrian walkway, in any bus loading zones, or in any areas so prohibited by control signs.

Section 2.3.5: Spaces Designated for Persons with Disabilities: No person may park a Vehicle in designated accessible spaces in NCTPANVTA Parking Lots or Park and Ride Lots without displaying placards or special license plates issued by the State of California for persons with disabilities.

Section 2.3.6: Abandoned Vehicles: No person shall abandon any Vehicle in any NCTPANVTA Parking Lot or Park and Ride Lots. Vehicles reasonably believed to be abandoned may be removed from a NCTPANVTA Parking Lot only after a written report identifying the vehicle and its location has been mailed or delivered to the office of the Department of the California Highway Patrol located nearest to the Vehicle. In addition,

at least ten (10) days' notice of intention to remove an abandoned Vehicle shall be mailed, by registered or certified mail, to the last registered owners of record of the Vehicle, unless [NCTPANVTA](#) is unable to determine ownership. The notice shall include a statement that the owner may request a hearing before the [NCTPANVTA](#) Executive Director. If no hearing has been requested within ten (10) days of the mailing of the notice, the Vehicle may be removed without further notice. Within five (5) days after the date of removal, notice shall be given to the California Department of Motor Vehicles identifying the Vehicle or part thereof, and any evidence of registration available. [NCTPANVTA](#) shall not be responsible for any damage caused by the removal of any Vehicle.

Section 2.3.7: Maximum Speed Limit: No person shall at any time drive any Vehicle in any [NCTPANVTA](#) Parking Lot or Park and Ride Lot at a speed in excess of fifteen (15) miles per hour.

Section 2.3.8: Maximum Vehicle Dimensions: No person shall drive, park, or leave standing in any [NCTPANVTA](#) Parking Lot or Park and Ride Lot any vehicle or combination of vehicles which exceeds three (3) tons in total aggregate weight or exceeds six and one-half (6 1/2) feet in width or nineteen (19) feet in length. The foregoing prohibition shall not apply to Vehicles owned or operated by or on behalf of [NCTPANVTA](#), public transit buses doing business at the Soscol Gateway Transit Center, or vehicles making deliveries to [NCTPANVTA](#) or making repairs under contract with or otherwise on behalf of [NCTPANVTA](#).

Section 2.3.9: Fees for Parking: The Board of Directors of [NCTPANVTA](#) may establish by resolution fees to be imposed for entrance to or use of any one or more [NCTPANVTA](#) Parking Lots. Such fees shall constitute charges imposed for entrance to or use of local government property. Fees shall be reasonable and, to the extent necessary in light of the findings set forth in this Ordinance, may be lower for Transit Patrons utilizing [NCTPANVTA](#) transit facilities than for other Transit Patrons or members of the public. Payment of fees so established is an express condition upon which Vehicles may be parked in [NCTPANVTA](#) Parking Lots.

Section 2.3.10: Fees for Parking Violations: The Board of Directors of [NCTPANVTA](#) may establish by resolution fees for parking in violation of this Ordinance.

Section 2.3.11: Additional Use by Special Permit: Notwithstanding the provisions of this Section 2.3, Sections 3.3 and 3.8, the [NCTPANVTA](#) Executive Director may issue permits for private use of [NCTPANVTA](#) Parking Lots for public events if not inconsistent with this Ordinance.

Section 2.3.12: Issuance of Warnings: [NCTPANVTA](#) Security Officers and Private Security Officers so authorized by the [NCTPANVTA](#) Executive Director or designee may issue written warnings whenever a Vehicle is driving or parked within a [NCTPANVTA](#) Parking Lot or Park and Ride Lot in violation of the conditions and regulations set forth in this Ordinance, except as prohibited under State Law.

Section 2.4: Camping:

Section 2.4.1. Findings. Publicly accessible sidewalks, driveways, accessways, and parking areas, including but not limited to, Bus Loading Zones, Bus Transfer Stations, Park and Ride Lots, NVTA Parking Lots, and Transit Facilities should be readily accessible and available to residents, the public at large, and NVTA maintenance and emergency crews. The use of these areas for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended, and also subjects those persons using such areas to substantial health and safety risks. Many persons, including families with young children, have been camping in automobiles and other public places in these areas in unsafe conditions, with no running water, toilets, cooking or sanitation facilities, even though accommodations in shelters are available to them, resulting in increased disease, illness and crime. The purpose of this chapter is to maintain public areas controlled, maintained, or accessed by NVTA in a clean and accessible condition and to diminish problems such as disease, illness and crime by encouraging the use of appropriate shelter facilities.

Section 2.4.2. Unlawful camping. Except as expressly indicated, it is prohibited and it is unlawful for any person to camp, occupy camp facilities or use camp paraphernalia in the following areas, except as otherwise provided:

A. Any Bus Loading Zones, Bus Transfer Stations, Park and Ride Lots, NVTA Parking Lots, and Transit Facilities.

B. Any NVTA public parking lot or public area, improved or unimproved, enclosed or open.

Section 2.4.3. Storage of personal property in public places. It is prohibited and it is unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following areas, except as otherwise provided by the Executive Director.

A. Any Bus Loading Zones, Bus Transfer Stations, Park and Ride Lots, NVTA Parking Lots, and Transit Facilities.

B. Any NVTA public parking lot or public area, improved or unimproved, enclosed or open.

Section 2.45: Smoking Prohibited

Smoking shall be prohibited on the grounds of the Transit Facility.

Section 2.65: Posting of Notices

The Executive Director or designee shall cause appropriate signs giving notice of the special conditions or regulations imposed under this Ordinance to be erected within the ~~NVTA~~ ~~CPTA~~ Facilities. ~~NCTPANVTA~~ shall prepare and keep at its principal administrative office a written statement of all special conditions and regulations imposed under this Ordinance.

Section 2.76: General

Section 2.76.1: Construction: In the interpretation of this Ordinance, provisions shall be construed as follows:

- A. The present tense includes the past and future tenses, and the future the present.
- B. References to gender include masculine, feminine and neuter.
- C. The singular number includes the plural, and the plural the singular.
- D. "Shall" is mandatory and "may" is permissive.
- E. These rules are in addition to and supplement all applicable laws or ordinances. Nothing herein shall limit or otherwise infringe on the authority of authorized Peace Officers or others to enforce the provisions of this or other laws.

SECTION 2. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors of the Napa ~~Valley Transportation Authority County Transportation and Planning Agency~~ hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 3. This Ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 4. A summary of this Ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in the County of Napa, together with the names of members voting for and against the same.

The foregoing Ordinance was introduced and read at a regular meeting of the Board of ~~d~~Directors of the Napa ~~Valley County~~ Transportation ~~Authority and Planning Agency, State of California~~, held on the 19th day of 2022 ~~June, 2013~~, and passed at a regular meeting of the Board of Directors of the Napa ~~County Valley~~ Transportation ~~Authority, and Planning Agency, State of California~~, held on the 17th day of July, 2022 ~~2013~~, by the following vote:

Keith Caldwell, NCTPANVTA Chair

Ayes

Nays:

Absent:

ATTEST:

| Laura Karalyn E. Sanderlin, NCTPANVTA Board Secretary

APPROVED AS TO FORM:

| Janice Killien, NCTPANVTA Legal Counsel



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

One Bay Area Grant (OBAG) 3 Project List

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority Board approve the One Bay Area Grant (OBAG) Cycle 3 project list and submit the projects to the Metropolitan Transportation Commission.

EXECUTIVE SUMMARY

The Napa Valley Transportation Authority (NVTA) Board of Directors released a Call for Projects on May 18, 2022 and adopted the related materials including the OBAG 3 Application and Evaluation Criteria. The OBAG 3 program will fund projects in Fiscal Years (FYs) 2023 through 2026. Funding for the Napa County call for projects is \$6.143 million. NVTA received four project applications by the application deadline, June 17, 2022 totaling \$7,206,000 (\$1,063,000 over available funds). Three of the four projects were previously committed projects from OBAG 2 that have been carried over to OBAG 3.

NVTA staff will submit a project list totaling \$6.143 million to MTC by September 30, 2022, reducing NVTA's SR 29 American Canyon Operational and Multimodal Improvements Environmental Document Project request to \$1,937,000 to fit in the total dollar amount available. It is noted that the SR 29 American Canyon Operational and Multimodal Improvements Environmental Document project will require a total of \$3 million to be fully funded. NVTA will submit a request to MTC that outlines the need for \$3 million in OBAG funds for the project.

FISCAL IMPACT

Is there a Fiscal Impact? No



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Alberto Esqueda, Senior Program Planner
(707) 259-5976 / Email: aesqueda@nvta.ca.gov
SUBJECT: One Bay Area Grant (OBAG) Cycle 3 Project List

RECOMMENDATION

That the Napa Valley Transportation Authority Board approve the One Bay Area Grant (OBAG) Cycle 3 project list and submit the projects to the Metropolitan Transportation Commission.

COMMITTEE RECOMMENDATION

The Technical Advisory Committee (TAC) Recommended the OBAG 3 project list for approval at their July 7, 2022 meeting.

BACKGROUND

The Napa Valley Transportation Authority (NVTA) received four OBAG 3 project applications totaling \$7,206,000 (\$1,063,000 over available funds). The projects are listed in Table 1. NVTA staff is proposing to reduce the SR 29 American Canyon Operational and Multimodal Improvements – Environmental Document project to \$1,937,000 to constrain the project requests to the total funds available of \$6.143 million. Table 2 provides NVTA's staff recommendation for submission to the Metropolitan Transportation Commission (MTC).

Table 1. NVTA OBAG 3 Projects Submitted

Project Application Submission Requests		
American Canyon	Green Island Road	\$1,000,000
City of Napa	Five-way Intersection	\$2,000,000
St. Helena	Main Street Pedestrian Improvement	\$1,206,000
NVTA	SR 29 American Canyon Operational and Multimodal Improvements Environmental Document	\$3,000,000
Project Application Submission Total		\$7,206,000
OBAG 3 Funds Available		\$6,143,000
Difference between available funds and application submission		(\$1,063,000)

Table 2. NVTA Staff OBAG 3 Project Recommendation

NVTA Recommendation		
American Canyon	Green Island Road	\$1,000,000
City of Napa	Five-way Intersection	\$2,000,000
St. Helena	Main Street Pedestrian Improvement	\$1,206,000
NVTA	SR 29 American Canyon Operational and Multimodal Improvements Environmental Document	\$1,937,000*
Project Application Submission Total		\$6,143,000

*It will be noted the SR 29 Operational and Multimodal Improvements needs \$3 million from OBAG 3.

On March 23, 2022, MTC approved the OBAG Cycle 3 guidelines for local and county shares. NVTA developed local evaluation criteria aligned with MTC’s guidelines to screen projects (Attachment 1). Projects must fall into one of four categories:

1. Planning & Program Implementation
2. Growth Framework Implementation
3. Climate, Conservation, and Resilience
4. Complete Streets and Community Choice

See Exhibit A in Attachment 1 for more details on program categories and project examples

The deadline to submit project applications was June 17, 2022. All but the NVTA SR 29 American Canyon project have been carried over from the OBAG 2 program. These projects were all deferred to fund the Calistoga to St. Helena Vine Trail project and, in exchange, NVTA committed to fund these projects in the OBAG 3 program

Table 3. OBAG 3 Project Nomination/Approval Timeline

County Program Timeline	
April 7, 2022	TAC receives overview of the OBAG 3 program guidelines
May 1, 2022	MTC releases OBAG 3 Call for Projects
May 5, 2022	TAC recommends release of Call for Projects to NVTA Board
May 18, 2022	NVTA Opens OBAG 3 Call for Projects
June 17, 2022	OBAG 3 Applications due to NVTA
July 6, 2022	CAC reviews NVTA staff project recommendations
July 7, 2022	TAC reviews NVTA staff project recommendations for Board approval
July 13, 2022	ATAC reviews projects’ Complete Streets Checklists
July 20, 2022	NVTA Board OBAG 3 project nomination approval
July 27, 2022	NVTA staff submits project nominations to MTC
October – Dec 2022	County & Local Program – Regional Project Evaluation & Project Prioritization <ul style="list-style-type: none"> • MTC evaluation of nominations • CMAQ emissions benefits & cost effectiveness (for eligible

	projects) • MTC & CTA discussions of preliminary staff recommendation
October 1, 2022	First year of OBAG 3 funding availability for ongoing planning and programming activities, Regional Programs
January 2023	County & Local Program – MTC Project Selection • MTC staff recommendations for Commission consideration & approval • Programming of County & Local Program projects into 2023 TIP (est. February 2023)
October 1, 2023	First year of OBAG 3 funding availability for County & Local Program projects

The OBAG program establishes the policy and programming framework for investing federal Surface Transportation Program (STP), Congestion Mitigation and Air Quality (CMAQ) Improvement Program, and other funds throughout the Bay Area. The OBAG program focuses transportation investments in Priority Development Areas (PDAs) and in jurisdictions producing and planning for new housing under the Regional Housing Needs Allocation (RHNA) process, among other strategies.

The framework also consolidates funding sources and increases local agency flexibility to advance priority projects. Following the initial success of OBAG 1 and OBAG 2, MTC adopted the OBAG 3 policy framework in January 2022.

Highlighted changes for OBAG 3 include the following:

- Funding will be 50/50 split between regional and county programs – an increase from 55/45.
- MTC will conduct final project selection process on locally submitted projects - in prior cycles selection was at the sole discretion of the counties within the OBAG policy framework.
- PDA supportive projects must be within 1 mile of a priority development area boundary – allowance of exceptions on a case-by-case basis. Prior OBAG cycles allowed projects considered proximate to the PDA.
- A project sponsor must have a Local Road Safety Plan or equivalent – by December 2023. Safety plans were not a requirement in prior OBAG cycles.
- \$25 million regionwide Safe Routes to School (SRTS) investment that replaces a county-specific SRTS investment. This is a takedown from the total funds available but counties will be eligible to compete for funding.

- \$200 million regionwide active transportation investment target. No targets for active transportation projects were established in prior OBAG cycles.

Revenue Estimates

OBAG 3 programming estimates are based on anticipated federal transportation program apportionments from STP/CMAQ programs for a four-year cycle covering FY 2022-23 through FY 2025-26. MTC estimates \$750 million of STP/CMAQ funding over the four-year OBAG 3 period. MTC expects there will be additional funds from the recently passed Bipartisan Infrastructure Law (BIL) and will adjust the program amount accordingly.

County & Local Programs

Fifty percent of available OBAG 3 funds (or \$375 million) is for local and county projects prioritized through a call for projects process selected by MTC. MTC increased the share of funds directed to local projects to 50%, up from 45% in OBAG 2.

NVTA solicited project applications and conducted an initial screening of projects. For Napa County, OBAG 3 requests must meet the 50% PDA investment requirement. In addition, NVTA prioritized projects that align with regional plans and policies:

1. Are located in PDAs or Transit-Rich Areas (TRAs), identified in locally adopted plans for PDAs, or support preservation of Priority Production Areas (PPAs)
2. Are located in jurisdictions with affordable housing protection, preservation, and production strategies, including an emphasis on community stabilization and anti-displacement policies with demonstrated effectiveness
3. Invest in historically underserved communities, including projects prioritized in a Community-Based Transportation Plan (CBTP) or Participatory Budgeting process, or projects located within Equity Priority Communities with demonstrated community support
4. Address federal performance management requirements by supporting regional performance goals for roadway safety, asset management, environmental sustainability, or system performance
5. Implement multiple Plan Bay Area 2050 Strategies
6. Demonstrate consistency with other regional plans and policies, including the Regional Safety/Vision Zero policy, Equity Platform, Regional Active Transportation Plan, Transit Oriented Communities (TOC) policy update, and the Blue Ribbon Transit Transformation Action Plan
7. Demonstrate public support from communities disproportionately impacted by past discriminatory practices, including redlining, racial covenants, urban renewal, and highway construction that divided low-income and communities of color
8. Can be completed in accordance with MTC's Regional Project Delivery Policy (MTC Resolution No. 3606, Revised) and can meet all OBAG 3 deadlines, and federal and state delivery requirements

The NVRTA Board must approve prioritized nomination lists before submission to MTC. A panel of MTC staff will evaluate all project nominations and develop a recommended program of projects for Commission consideration and approval.

MTC's evaluation panel scored projects using the following scoring rubric:

1. County transportation agency (CTA) Prioritization (75 points): Relative CTA project rank or score, which may be scaled and normalized across CTAs to allow for region-wide comparison
2. Regional Impact (15 points): Alignment with Plan Bay Area 2050 strategies, anticipated effectiveness in advancing regional objectives, and contribution to regionally significant networks or facilities
3. Deliverability (10 points): Sponsor capacity to deliver the project through the Federal-aid process, including consideration of prior performance of OBAG projects and anticipated risk to the project development schedule or funding plan
4. Air Quality (10 points): Projects eligible for Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding will also be evaluated for estimated emissions benefits, including priority for projects that reduce fine particular matter (PM2.5), as well as the relative cost-effectiveness of the project to reduce transportation emissions.

Pending project list approval, the next step is to submit the project applications and supporting materials to MTC for their review and consideration by September 30, 2022.

ALTERNATIVES

The board could decide not to approve the OBAG 3 project list and nominate other projects, delaying the submission and potentially jeopardizing millions of transportation dollars for Napa County.

STRATEGIC GOALS MET BY THIS PROPOSAL

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

The OBAG program of projects will improve transportation facilities by providing safety enhancements, greenhouse gas emissions reductions, and transportation options for all modes.

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

The multimodal improvements outlined in the OBAG 3 projects will provide alternative transportation options, reducing greenhouse gas emissions and single occupancy vehicle usage.

ATTACHMENT

- (1) NVTa OBAG 3 County Local Program Application and Evaluation Criteria
- (2) Appendix A-1 County and Local Program Call for Projects Guidelines
- (3) OBAG 3 Project Applications
- (4) Resolution 22-23



Project Information			
Project Name:	<i>Project name</i>		
Project Sponsor:	<i>Project sponsor</i>		
Sponsor Single Point of Contact:	<i>Contact name</i>		
	<i>Contact phone</i>		
	<i>Contact email</i>		
Project Location:	<i>Project location</i>		
Brief Project Description:	<i>Project description</i>		
Program Eligibility			
Federal Fund Eligibility <i>Is the project eligible for federal transportation funds?</i>	Select the OBAG 3 federal fund source(s) for which the project is eligible: <input type="checkbox"/> Surface Transportation Block Grant (STP) Program (See FHWA fact sheet) <input type="checkbox"/> Congestion Mitigation & Air Quality Improvement (CMAQ) Program (See FHWA fact sheet) <i>Note: projects eligible for CMAQ funding must provide inputs for air quality improvement calculations, using templates provided on the OBAG 3 webpage.</i>		
Eligible Project Type <i>Is the project an eligible project type?</i>	Select the eligible project type(s) (refer to MTC Resolution No. 4505 for detailed eligibility guidelines): <table border="0"> <tr> <td style="vertical-align: top;"> Growth Framework Implementation <input type="checkbox"/> PDA Planning Grant <input type="checkbox"/> Local Planning Grant (for other <i>Plan Bay Area 2050</i> Growth Geographies) Complete Streets & Community Choice <input type="checkbox"/> Bicycle/Pedestrian Infrastructure <input type="checkbox"/> Bicycle/Pedestrian Program <input type="checkbox"/> Safe Routes to School (SRTS) Non-Infrastructure program <input type="checkbox"/> SRTS Infrastructure <input type="checkbox"/> Safety project <input type="checkbox"/> Safety Planning efforts <input type="checkbox"/> Complete Streets improvements <input type="checkbox"/> Streetscape improvements <input type="checkbox"/> Local Streets and Roads Preservation <input type="checkbox"/> Rural Roadway Improvement <input type="checkbox"/> Community-Based Transportation Plan (CBTP) or Participatory Budgeting (PB) Process in an Equity Priority Community (EPC) <input type="checkbox"/> CBTP/PB Project Implementation </td> <td style="vertical-align: top;"> Climate, Conservation, & Resilience <input type="checkbox"/> Transportation Demand Management (TDM) Program <input type="checkbox"/> Mobility Hub <input type="checkbox"/> Parking/Curb Management <input type="checkbox"/> Car/Bike Share Capital <input type="checkbox"/> Open Space Preservation and Enhancement <input type="checkbox"/> Bicycle/Pedestrian Access to Open Space/Parkland <input type="checkbox"/> Regional Advance Mitigation Planning (RAMP) Multimodal Systems Operations & Performance <input type="checkbox"/> Transit Capital Improvement <input type="checkbox"/> Transit Station Improvement <input type="checkbox"/> Transit Transformation Action Plan Project Implementation <input type="checkbox"/> Active Operational Management <input type="checkbox"/> Mobility Management and coordination </td> </tr> </table>	Growth Framework Implementation <input type="checkbox"/> PDA Planning Grant <input type="checkbox"/> Local Planning Grant (for other <i>Plan Bay Area 2050</i> Growth Geographies) Complete Streets & Community Choice <input type="checkbox"/> Bicycle/Pedestrian Infrastructure <input type="checkbox"/> Bicycle/Pedestrian Program <input type="checkbox"/> Safe Routes to School (SRTS) Non-Infrastructure program <input type="checkbox"/> SRTS Infrastructure <input type="checkbox"/> Safety project <input type="checkbox"/> Safety Planning efforts <input type="checkbox"/> Complete Streets improvements <input type="checkbox"/> Streetscape improvements <input type="checkbox"/> Local Streets and Roads Preservation <input type="checkbox"/> Rural Roadway Improvement <input type="checkbox"/> Community-Based Transportation Plan (CBTP) or Participatory Budgeting (PB) Process in an Equity Priority Community (EPC) <input type="checkbox"/> CBTP/PB Project Implementation	Climate, Conservation, & Resilience <input type="checkbox"/> Transportation Demand Management (TDM) Program <input type="checkbox"/> Mobility Hub <input type="checkbox"/> Parking/Curb Management <input type="checkbox"/> Car/Bike Share Capital <input type="checkbox"/> Open Space Preservation and Enhancement <input type="checkbox"/> Bicycle/Pedestrian Access to Open Space/Parkland <input type="checkbox"/> Regional Advance Mitigation Planning (RAMP) Multimodal Systems Operations & Performance <input type="checkbox"/> Transit Capital Improvement <input type="checkbox"/> Transit Station Improvement <input type="checkbox"/> Transit Transformation Action Plan Project Implementation <input type="checkbox"/> Active Operational Management <input type="checkbox"/> Mobility Management and coordination
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NVTA Local OBAG Screening Criteria	
<p>Supplemental Prioritization Criteria <i>Does the project conform to Napa County-specific criteria?</i></p>	<p>Select the OBAG 3 federal fund source(s) for which the project is eligible:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Project is a stand-alone project <input type="checkbox"/> Project sponsor is an eligible public agency <input type="checkbox"/> Project sponsor is requesting a minimum of \$250,000 in OBAG funds <input type="checkbox"/> Project is consistent with the Regional Transportation Plan and the Napa Countywide Transportation Plan– Advancing Mobility 2045 <input type="checkbox"/> Project has identified a local match of at least 11.47% <input type="checkbox"/> Located within a Priority Conservation Area (PCA) <input type="checkbox"/> Not located within designated PDA, PCA, PPA geographies, but direct connection to one or more of the designated geographies. <input type="checkbox"/> Project Readiness: Project can clearly demonstrate an ability to meet timely use of funds. Project should have completed conceptual designs at a minimum and ideally completed survey work (i.e. at/or near 30% design). <input type="checkbox"/> Project has completed environmental document <input type="checkbox"/> Community Support: Project has clear and diverse community support. This can be shown with letters of support, specific reference in adopted plan and community meetings regarding the project. <input type="checkbox"/> Project is listed in NVTA’s Community Based Transportation Plan <input type="checkbox"/> Safety: Project addresses high risk and high activity multi-modal corridor location. <input type="checkbox"/> Located within a Napa County Designated Equity Priority Community? (EPC): Project is located in an EPC or serves an EPC. <input type="checkbox"/> Project is a Safe Routes to School (SRTS) project <input type="checkbox"/> Project is a Safe Routes to Transit (SRTT) project <input type="checkbox"/> For a capital project, is the OBAG request all in one phase (i.e. all construction) <input type="checkbox"/> Project Sponsor is providing over a 20% match to federal funds <input type="checkbox"/> The project has a regional impact <input type="checkbox"/> Project Sponsor Priority: For project sponsor’s that submit multiple projects; this project has been given priority.



Policy Alignment	
<p>Federal Performance Goals <i>How does the project support federal performance measures?</i></p>	<p>Select the federal performance measures that are supported by the project:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Safety: Significantly reduce traffic fatalities and serious injuries for all users on all public roads and improve the safety of all public transportation systems. <input type="checkbox"/> Infrastructure Condition: Improve the pavement condition on the Interstate and National Highway System (NHS) and NHS bridges and maintain the condition of public transit assets in a state of good repair. <input type="checkbox"/> Congestion Reduction: Significantly reduce congestion on the NHS in urbanized areas. <input type="checkbox"/> System Reliability: Improve the reliability of the Interstate system and NHS. <input type="checkbox"/> Freight Movement and Economic Vitality: Improve the reliability of the Interstate system for truck travel. <input type="checkbox"/> Environmental Sustainability: Maximize emission reductions from CMAQ-funded projects. <p>Describe how the project supports the selected federal performance measure(s): <i>Please describe</i></p>
<p>Plan Bay Area 2050 Strategies <i>How does the project align with Plan Bay Area 2050?</i></p>	<p>Describe how the project supports Plan Bay Area 2050 Strategies and/or Implementation Plan: <i>Please describe</i></p>
<p>Regional Policy Alignment <i>How does the project align with other regional policies and plans?</i></p>	<p>Select the regional plans and policies with which the project is aligned:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Regional Safety/Vision Zero Policy <input type="checkbox"/> Transit Oriented Communities Policy <input type="checkbox"/> MTC's Equity Platform <input type="checkbox"/> Blue Ribbon Transit Transformation Action Plan <input type="checkbox"/> Regional Active Transportation Plan <p>Describe how the project aligns with the selected regional plans and/or policies: <i>Please describe</i></p>
<p>Regional Growth Geographies <i>Does the project support PBA 2050 Growth Geographies?</i></p>	<p>Indicate the project's relationship to <i>Plan Bay Area 2050</i> Growth Geographies:</p> <p>Priority Development Area (PDA)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Meets the uniform definition of a PDA-supportive project (within one mile or less of a PDA boundary) <input type="checkbox"/> Does not meet the uniform definition of a PDA-supportive project, but otherwise has a clear and direct connection to PDA implementation <i>Please describe</i> <input type="checkbox"/> Included in a locally-adopted PDA plan (e.g. Specific Plan, PDA Investment and Growth Strategy) <i>Locally-adopted PDA plan reference</i> <p>Transit Rich Area (TRA)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Within a TRA or otherwise supportive of a TRA (see Growth Geographies map) <i>Please describe</i> <p>Priority Production Area (PPA)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Supports the preservation of a PPA (see Growth Geographies map) <i>Please describe</i>



<p>Equity Priority Communities <i>Does the project invest in historically underserved communities?</i></p>	<p>Indicate how the project invests in historically underserved communities, including <i>Plan Bay Area 2050</i> Equity Priority Communities (EPCs):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Located within and supportive of an EPC (see Equity Priority Communities map) <input type="checkbox"/> Not located within an EPC, but is otherwise supportive of an EPC or other historically underserved community <p><i>Description of how project supports an EPC or other historically underserved community</i></p>
<p>Local Housing Policies <i>Is the project located in a jurisdiction with policies that support affordable housing?</i></p>	<p>Indicate if the project is locate in a jurisdiction that has adopted policies which support the "3Ps" approach to affordable housing by listing the relevant adopted policies for each element of the 3Ps. Additional guidance and resources on affordable housing policies are provided on the OBAG 3 webpage.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Protect current residents from displacement (with emphasis on policies that have demonstrated effectiveness in community stabilization and anti-displacement). <i>List of applicable policies</i> <input type="checkbox"/> Preserve existing affordable housing (with emphasis on policies that have demonstrated effectiveness in community stabilization and anti-displacement). <i>List of applicable policies</i> <input type="checkbox"/> Produce new housing at all income levels. <i>List of applicable policies</i>
<p>Community Support</p>	
<p>Community Support <i>Does the project have community support, particularly if it is located in a historically underserved community?</i></p>	<p>Indicate if the project has demonstrated community support through one or more of the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Public outreach responses specific to this project, including comments received at public meetings or hearings, feedback from community workshops, or survey responses. <i>Summary of public outreach responses</i> <input type="checkbox"/> Project is consistent with an adopted local transportation plan. <i>Description of project consistency with local plan</i> <p>Indicate if the project has demonstrated support from communities disproportionately impacted by past discriminatory practices, including redlining, racial covenants, urban renewal, and highway construction that divided low income and communities of color. Resources for identifying impacted communities are available on the OBAG 3 webpage. Community support may be demonstrated through one or more of the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Prioritization of the project in a Community Based Transportation Plan (CBTP) or Participatory Budgeting (PB) process. <i>CBTP or PB reference</i> <input type="checkbox"/> Endorsements from a Community-Based Organizations representing historically underserved and potentially impacted communities. <i>Description of CBO endorsement</i>



Deliverability & Readiness	
<p>Project Readiness <i>Is the project ready to be delivered?</i></p>	<p>Describe the readiness of the project, including right-of-way impacts and the type of environmental document/clearance required: <i>Project readiness, right-of-way, environment</i></p> <p>If the project touches Caltrans right-of-way, include the status and timeline of the necessary Caltrans approvals and documents, the status and timeline of Caltrans requirements, and approvals such as planning documents (PSR or equivalent) environmental approval, encroachment permit. <i>Caltrans approvals status and timeline</i></p>
<p>Deliverability <i>Are there any barriers to on-time delivery?</i></p>	<p>Describe the project’s timeline and status, as well as the sponsor’s ability to meet the January 31, 2027 obligation deadline: <i>Project timeline, status, and obligation deadline</i></p> <p>Identify any known risks to the project schedule, and how the CTA and project sponsor will mitigate and respond to those risks: <i>Project risks and mitigation strategies</i></p>
Project Cost & Funding	
<p>Grant Minimum <i>Does the project meet the minimum grant size requirements?</i></p>	<p><input type="checkbox"/> Project meets the minimum grant size requirements. Projects must be a minimum of \$500,000 for counties with a population over 1 million (Alameda, Contra Costa, and Santa Clara counties) and \$250,000 for counties with a population under one million (Marin, Napa, San Francisco, San Mateo, Solano, and Sonoma counties). <i>Exception request to minimum grant size</i></p>
<p>Local Match <i>Does the project meet local match requirements?</i></p>	<p><input type="checkbox"/> Project sponsor will provide a local match of at least 11.47% of the total project cost. <i>Notes on local match, optional</i></p>



Project Cost & Funding

OBAG 3 Grant Request:

Total Grant Request	\$
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Project Cost & Schedule:

Project Phases	Total Cost	Secured Funds		Unsecured Funds		Schedule (Start dates: Planned, Actual)
		Amount	Fund Sources	OBAG 3 Grant Request	Remaining Funding Needed	
Planning/ Conceptual	\$	\$	<i>Secured fund sources, notes</i>	\$	\$	Month/Year
Environmental Studies (PA&ED)	\$	\$	<i>Secured fund sources, notes</i>	\$	\$	Month/Year
Design Engineering (PS&E)	\$	\$	<i>Secured fund sources, notes</i>	\$	\$	Month/Year
Right-of-way	\$	\$	<i>Secured fund sources, notes</i>	\$	\$	Month/Year
Construction	\$	\$	<i>Secured fund sources, notes</i>	\$	\$	Month/Year
Total	\$	\$		\$	\$	

Project Investment by Mode:

Mode	Share of project investment
Auto	%
Transit	%
Bicycle/Pedestrian	%
Other	%
Total	100%

Appendix A-1: County & Local Program Call for Projects Guidelines

The One Bay Area Grant (OBAG 3) County & Local Program funding is available to projects through a competitive call for projects process, administered and selected by MTC in coordination with the nine Bay Area County Transportation Agencies (CTAs). MTC is responsible for call for projects oversight and final project selection.

To receive County & Local Program funding, CTAs and project sponsors must adhere to all OBAG 3 programming policies, including the call for projects guidelines. In the case of any conflict or inconsistency between these guidelines (MTC Resolution No. 4505, Appendix A-1) and the OBAG 3 Project Selection and Programming Policies (MTC Resolution No. 4505, Attachment A), the Project Selection and Programming Policies will be given precedence.

Program Requirements

Sponsor Requirements

Bay Area cities, counties, transit agencies, federally-recognized Tribal governments, and CTAs are eligible to apply for OBAG 3 County & Local Program funds. Cities and counties must meet the following requirements to receive program funding:

- Have a general plan housing element adopted and certified by the California Department of Housing and Community Development (HCD) for the 2023-31 Regional Housing Needs Allocation (RHNA) cycle by December 31, 2023, and maintain certification throughout the OBAG 3 program period;
- Submit Housing Element Annual Reports to HCD each year by the April 1 deadline throughout the OBAG 3 program period;
- Adopt a resolution self-certifying compliance with state housing laws related to surplus lands, accessory dwelling units, and density bonuses by December 31, 2023;
- Maintain ongoing compliance with the Housing Accountability Act (as determined by MTC staff) throughout the OBAG 3 program period;
- Adopt a Local Roadway Safety Plan (LRSP) or equivalent safety plan, as defined by the California Highway Safety Improvement Program (HSIP) guidelines, by December 31, 2023;
- Maintain a certified Pavement Management Program (StreetSaver® or equivalent), updated as prescribed by MTC staff;
- Fully participate in statewide local streets and road needs assessment surveys (including any assigned funding contribution); and
- Provide traffic count data to MTC to support FHWA's Highway Performance Monitoring System (HPMS) on an annual basis, or as directed by MTC staff.

The above requirements do not apply to sponsors with no general plan or land use authority, such as CTAs or transit agencies under a Joint Powers Agreement (JPA) or special district.

In addition, all recipients of OBAG 3 funding, including public agencies without land use authority as well as federally-recognized Tribal governments, are required to:

- Comply with MTC's Complete Streets Policy, and its successor, including the requirement to complete a Complete Streets Checklist for each project applying for OBAG 3 funding; and

- Comply with MTC's Regional Project Delivery Policy (MTC Resolution No. 3606), including identification of a staff position to serve as the single point of contact (SPOC) for the implementation of all FHWA-administered funds within that agency. The person in this position must have sufficient knowledge and expertise in the federal-aid delivery process to coordinate issues and questions that may arise from project inception to project close-out.

Project Requirements

Sponsors may apply to receive funding through the call for projects process for eligible project types, as detailed by program category in the County & Local Programs section of Attachment A. Projects must comply with OBAG 3 General Programming Policies, in addition to the programming policies specific to the County & Local Program.

For each project, sponsors must provide the following:

- A Complete Streets Checklist for each distinct project location using the Complete Streets web application (located at <https://completestreets.mtc.ca.gov/>). This checklist will be updated as part of MTC's Active Transportation Plan and Complete Streets Policy update, and sponsors will be required to complete the revised version, available by May 1, 2022. CTAs must make checklists available to their Bicycle and Pedestrian Advisory Committee (BPAC) for review prior to project nomination. For projects that have already submitted a Complete Streets checklist for prior cycles of regional discretionary funding, sponsors may be required to complete an updated checklist or complete a second checklist review with their BPAC, as determined on a case-by-case basis by MTC staff.
- For projects eligible for Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds, the inputs necessary to assess the emissions benefits and cost-effectiveness of air quality improvements resulting from project implementation. Air quality calculation input forms are provided by project type on the OBAG 3 webpage (available at www.mtc.ca.gov/obag3) under "Partner Agency Resources."
- All projects selected by MTC for funding must provide a Resolution of Local Support, approved by the sponsor's governing body (template resolutions are available at <https://mtc.ca.gov/funding/federal-funding/federal-highway-administration-grants/one-bayarea-grant-obag-3>).
- All projects selected by MTC for funding must submit a project application, through MTC's Fund Management System (FMS), including a copy of the approved Resolution of Local Support.

PDA Minimum Investments

CTA nomination lists must meet or exceed the minimum threshold established for PDA supportive investments. For the North Bay counties of Marin, Napa, Solano, and Sonoma, the overall PDA supportive nominations must total 50% or more of the CTA's total funding request for that county. For the remaining counties of Alameda, Contra Costa, San Francisco, San Mateo, and Santa Clara, 70% or more of each CTA's funding request must consist of PDA supportive projects.

To be credited towards each county's PDA minimum investment threshold, a project must be located within or connected to a PDA, or be within one mile of a PDA boundary. Projects that are not physically located within one mile of a PDA but have a clear and direct connection to PDA implementation, such as

transit maintenance facility improvements, may also be credited towards the PDA minimum investment thresholds. Determinations for such projects will be provided by MTC staff on a case-by-case basis.

Projects which consist of countywide programs or activities, including funds dedicated to CTA planning and programming, are given partial credit towards each county's minimum investment threshold calculations (70% or 50%, in line with each county's minimum threshold).

Nomination Targets

County nomination targets establish the maximum funding request that each CTA may make through County & Local Program project nominations. Similar to prior OBAG cycles, these targets are based on population, recent housing production and planned growth, and housing affordability. However, the OBAG 3 nomination targets do not commit or imply a guaranteed share of funding to any individual county or jurisdiction.

To ensure a sufficient pool of projects for regional selection, MTC is soliciting nominations for 120% of the available funding capacity for the County & Local Program. Each CTA's nomination target is calculated as a percent share of this overall nomination total, using the following factors:

- **Population:** 50% of the nomination target is based on a county's share of the regional population, using 2021 population estimates from the California Department of Finance.
- **Housing Production:** 30% of the nomination target is based on a county's share of regional housing production during the current and previous Regional Housing Needs Allocation (RHNA) cycles (2007 to 2019), using building permit data compiled by the Association of Bay Area Governments (ABAG).
- **Planned Growth:** 20% of the nomination target is based on a county's share of regional housing allocations through the 2023-31 RHNA cycle.
- **Housing Affordability:** For housing production and RHNA factors, 60% of each factor is calculated based on the production or planned growth in affordable housing alone, while the remaining 40% considers all housing types. Affordable housing is defined as housing for very low-, low-, or moderate-income households, categories established by the California Department of Housing and Community Development (HCD) based on housing cost as a proportion of local area median income (AMI). For the purposes of calculating nomination targets, county-specific AMI values are used.
- **Planning and Implementation Balance:** Nomination targets may be further adjusted to ensure that no county receives a nomination target below the base planning amount programmed for that county. No such adjustments were necessary in developing the proposed nomination targets for OBAG 3.

The resulting nomination targets are detailed in the table below by county. CTAs may only nominate County & Local Program projects up to the target amounts listed below.

County	CTA	Nomination Share	Nomination Target
Alameda	Alameda County Transportation Commission	20.3%	\$82,827,000
Contra Costa	Contra Costa Transportation Authority	13.9%	\$56,775,000

Marin	Transportation Authority of Marin	2.8%	\$11,544,000
Napa	Napa Valley Transportation Authority	1.5%	\$6,143,000
San Francisco	San Francisco County Transportation Authority	15.2%	\$62,138,000
San Mateo	City/County Association of Governments of San Mateo County	9.1%	\$37,054,000
Santa Clara	Santa Clara Valley Transportation Authority	26.8%	\$109,385,000
Solano	Solano Transportation Authority	4.7%	\$19,159,000
Sonoma	Sonoma County Transportation Authority	5.6%	\$22,975,000
CTA Nomination Totals (120% available funds)			\$408,000,000
Funds Available (County & Local Program)			\$340,000,000

In addition, CTAs are encouraged (but not required) to submit project nomination lists that align with the following regionwide County & Local Program funding targets and constraints:

- **Active Transportation Investment Target:** OBAG 3 establishes a regionwide target of \$200 million for active transportation projects, including bicycle, pedestrian, and Safe Routes to School (SRTS) programs and projects. Bicycle and pedestrian elements included on projects that are not solely focused on active transportation (such as sidewalk or bike lane improvements included in a local road preservation project) also contribute to this regionwide investment target.
- **SRTS Investment Target:** OBAG 3 carries forward ongoing commitments to SRTS programming, by establishing a \$25 million regionwide target for SRTS programs and projects. Qualifying projects also contribute to the broader active transportation investment target described above.
- **Fund Source Eligibility:** Fund source targets for the County & Local Program are proportional to the overall composition of OBAG 3 funding, estimated to be 60% Surface Transportation Block Grant Program (STP) funds and 40% CMAQ funds. As CMAQ is the more restrictive fund source, in effect this constraint requires that at least 40%, or \$150 million, of County & Local Program funds be allocated to CMAQ-eligible projects.

Outreach Requirements

MTC partners with CTAs to conduct public engagement and local agency outreach for the County & Local Program call for projects, consistent with Title VI of the Civil Rights Act and associated federal requirements. The existing relationships CTAs have with local jurisdictions, elected officials, transit agencies, federally-recognized Tribal governments, community organizations and stakeholders, and members of the public within their respective counties make them well suited to assist MTC in this role.

CTAs should develop outreach plans consistent with this section, and each CTA must have their plan approved by MTC staff prior to initiating the call for projects activities in their respective county. In addition, CTAs are required to submit documentation to MTC demonstrating compliance with this section during the project nomination process. A list of acceptable outreach compliance documentation can be found below (page 7).

Public Engagement

As part of their call for projects process, CTAs are required to conduct countywide outreach and engagement with stakeholders and the public to solicit project ideas. CTAs are expected to implement their public outreach and engagement efforts in a manner consistent with MTC's Public Participation Plan (MTC Resolution No. 4174), which can be found at <http://mtc.ca.gov/about-mtc/public-participation/public-participation-plan>. CTAs should make every effort to follow current best practices related to virtual and in-person public participation, outreach, and engagement. CTAs should also make meaningful efforts to lower participation barriers for hard-to-reach populations, Limited English Proficient (LEP) speakers, people with disabilities, and those who are historically challenged from weighing in on public decision making processes.

At a minimum, MTC and CTAs are required to:

- Execute effective and meaningful local outreach and engagement efforts during the call for projects by working closely with local jurisdictions, elected officials, transit agencies, community-based organizations, other relevant stakeholders, and the public through the project solicitation process;
- Explain the local call for projects process, informing stakeholders and the public about methods for public engagement; relevant key milestones; the timing and opportunities for public comments on project ideas, including all standing public meetings and any County & Local Program call for projects-specific events and/or meetings; and when decisions are to be made on the list of projects to be submitted to MTC;
- Hold public meetings and/or workshops at times that are conducive to public participation to solicit public input on project ideas to submit;
- When possible, schedule meetings/events at times and locations that prioritize participation from Equity Priority Communities and other communities that have historically been systematically left out of the decision-making process;
- Post notices of public meetings and hearing(s) on their agency website; include information on how to request language assistance for individuals with limited English proficiency, as well as reasonable accommodations for persons with disabilities. If agency protocol has not been established, please refer to MTC's Plan for Assisting Limited English Proficient Populations at mtc.ca.gov/about-mtc/public-participation/get-language-assistance or the Americans with Disabilities Act;
- Offer language assistance¹ and accommodations for people with disabilities on all collateral materials and meeting notices. Establish a reasonable amount of time to request assistance in advance and include this information in materials and meeting notices;
- Hold in-person public meetings, when health protocols allow for in-person meetings to be safely held, in central locations that are accessible via multiple transportation modes,

¹ The Regional Housing Technical Assistance program has developed a useful reference document that outlines best practices for offering language translation services: [https://abag.ca.gov/sites/default/files/documents/2021-11/Best Practices Multilingual Engagement 10-2021.pdf](https://abag.ca.gov/sites/default/files/documents/2021-11/Best_Practices_Multilingual_Engagement_10-2021.pdf).

especially public transit, and ensure all locations are accessible to persons with disabilities;
and

- Respond to written public comments, and whenever possible, post all written comments to the agency's website and summarize how public feedback impacted the decision-making process.

CTAs with recent public engagement efforts relevant to the County & Local Program call for projects are encouraged to incorporate the results of these efforts into their project prioritization process, provided that such efforts are:

- Completed recently or concurrently (up to 12 month prior to the County & Local Program call for projects, with older but relevant outreach considered by MTC staff on a case-by-case basis);
- Sufficiently comprehensive to determine public support and priorities for transportation project types eligible for funding under OBAG 3 (for example, development of a Countywide Transportation Plan or Countywide Capital Improvement Program);
- Conducted in an accessible, equitable manner consistent with federal Title VI nondiscrimination requirements; and
- Supplemental to other, dedicated opportunities for public input on OBAG 3 County & Local Program funding specifically that meet the minimum outreach requirements detailed in the paragraph above.

Agency Coordination

CTAs are expected to work closely with regional stakeholders during the call for project process, including MTC, Caltrans, and potential project sponsors. At a minimum, MTC and CTAs are required to communicate the call for projects and solicit applications from all local jurisdictions, transit agencies, and federally recognized Tribal governments within their county boundaries. For counties with federally recognized Tribal governments within their jurisdictions, MTC and CTAs are required to offer opportunities for government-to-government consultation to the Tribes.

Title VI Responsibilities

Call for projects processes must be consistent with Title VI of the Civil Rights Act, and the associated Executive Order on Environmental Justice (EO 12898), which together prohibit discrimination in federally-assisted programs on the basis of race, ethnicity, or income. Public outreach to, and involvement of, individuals in low income and communities of color covered under Title VI is critical to both local and regional decisions. MTC and CTAs are required to ensure that underserved communities are provided opportunities for access and input to the project submittal process. This may include, but is not limited to, the following:

- Assisting community-based organizations, Equity Priority Communities, and any other underserved community interested in having projects submitted for funding; and
- Removing barriers for persons with limited-English proficiency and other communities that have historically been systematically left out of the decision-making process to have access to the project submittal process.

Resources and Documentation

CTAs may refer to MTC's Public Participation Plan for further guidance on Title VI outreach strategies, found at <http://mtc.ca.gov/about-mtc/public-participation/public-participation-plan>. Additional

resources related to Title VI, civil rights compliance, and virtual participation are available from these agencies:

- FHWA at <http://www.fhwa.dot.gov/civilrights/programs/tvi.htm>;
- Caltrans at http://www.dot.ca.gov/hq/LocalPrograms/DBE_CRLC.html#TitleVI;
- MTC at http://www.mtc.ca.gov/get_involved/rights/index.htm; and
- ABAG webinar: "Engage How To! Introduction to Remote Meeting Tools" at <https://abag.ca.gov/our-work/housing/regional-housing-technical-assistance/training>

Additionally, CTAs are encouraged to use the following resources to source MTC pre-approved consultant services for their outreach efforts:

- **Equity Consultant Bench:** for general support with outreach activities, available at https://mtc.ca.gov/sites/default/files/documents/2021-07/Equity_Bench_Consultant_Catalog_2021.pdf; and
- **Translation and Interpreter Services Consultant Bench:** for translation, interpretation, and American Sign Language (ASL) services to ensure meaningful access by Limited English Proficiency (LEP) populations (as required under Title VI) and provide accessibility accommodations (as required by the Americans with Disabilities Act), available at <http://mtc.legistar.com/gateway.aspx?M=F&ID=5b527bad-4840-4614-8ce8-72d94770e4e6.pdf>.

Both consultant benches include consultant firms pre-qualified by MTC through Request for Qualifications (RFQ) processes which included "Cooperative Use" language, allowing other agencies to use MTC's processes to satisfy their own contracting and procurement guidelines.

To demonstrate compliance with outreach requirements, CTAs are required to submit the following documentation to MTC staff by September 30, 2022:

- A copy of the CTA's public outreach and engagement plan, developed in coordination with MTC;
- Copies or text of public notice(s) of opportunities for members of the public to provide input on County & Local Program criteria and/or project nominations, which must include information on how to request language assistance and accessibility accommodations;
- A list of CBOs or other organizations representing potentially impacted groups that the CTA contacted for input on the County & Local Program;
- Dates, times, and locations of public meetings, hearings, and/or workshops where opportunity for public input on the County & Local Program was afforded;
- A summary of public input received during the call for projects process, and how such feedback, and the results of any relevant prior outreach, was used in the CTA evaluation and decision-making process;
- A description of correspondence and/or meetings with all applicable local jurisdictions, transit agencies, and federally-recognized tribal governments informing each of the call for projects opportunity; and
- If information from prior or concurrent outreach efforts was incorporated into the CTA's call for projects process, a narrative description of these efforts, how the results informed project prioritization, and how the CTA met the minimum public involvement requirements for the OBAG 3 call for projects described above.

County Screening and Evaluation

CTAs, in coordination with MTC, will solicit and collect project applications, screening applicants and projects for program eligibility, and initial scoring and/or ranking of projects. CTAs will develop individual application materials, deadlines, and processes for their county's call for projects, consistent with these overall program guidelines and subject to approval by MTC staff. At minimum, CTAs must incorporate the following regional criteria into their project evaluations.

- **Eligibility:** CTAs should screen potential sponsors and applications for eligibility with federal and regional requirements. Projects must be:
 - Eligible for STP or CMAQ funds, as detailed in 23 USC Sec. 133 and at <https://www.fhwa.dot.gov/fastact/factsheets/stbgfs.cfm> (STP), and in 23 USC Sec. 149 and at http://www.fhwa.dot.gov/environment/air_quality/cmaq/policy_and_guidance/ (CMAQ);
 - Consistent with *Plan Bay Area 2050*, available at <https://www.planbayarea.org/>; and
 - Meet all OBAG 3 programming policy requirements described in these guidelines and in MTC Resolution 4505.
- **Alignment:** CTAs should evaluate projects for alignment with relevant federal and regional plans and policies. Additional weight should be given to projects that:
 - Are located in PDAs or Transit-Rich Areas (TRAs), identified in locally-adopted plans (e.g. Specific Plans) for PDAs, or support preservation of Priority Production Areas (PPAs), as defined in Chapter 1 of *Plan Bay Area 2050* and available for viewing or download at <https://opendata.mtc.ca.gov/datasets/MTC::plan-bay-area-2050-growth-geographies/about>;
 - Invest in historically underserved communities, which may include projects prioritized in a Community-Based Transportation Planning (CBTP) or Participatory Budgeting process, or projects located within Equity Priority Communities with demonstrated community support. Equity Priority Communities are defined in Chapter 1 *Plan Bay Area 2050* and described at <https://mtc.ca.gov/planning/transportation/access-equity-mobility/equity-priority-communities>;
 - Are located in jurisdictions with affordable housing protection, preservation, and production strategies, including an emphasis on community stabilization and anti-displacement policies with demonstrated effectiveness;
 - Implement multiple *Plan Bay Area 2050* strategies, described throughout the Plan (in particular, Chapters 2-5), or implementation actions (Chapter 7);
 - Advance Federal Performance Management Goals for safety, asset management, environmental sustainability and system performance, as detailed in 23 USC Sec. 105(b) and at <https://www.fhwa.dot.gov/tpm/about/goals.cfm>;
 - Demonstrate consistency with one or more of the following regional plans and policies:
 - Regional Safety/Vision Zero Policy (MTC Resolution No. 4400): <https://mtc.ca.gov/tools-resources/digital-library/10a-20-0788-resono-4400-regional-safety-vz-policy.pdf>
 - Equity Platform: <https://mtc.ca.gov/about-mtc/what-mtc/equity-platform>

- Regional Active Transportation Plan (in development):
<https://mtc.ca.gov/funding/investment-strategies-commitments/climate-protection/regional-active-transportation-plan>
- Transit Oriented Communities Policy (update pending):
<https://mtc.ca.gov/planning/land-use/transit-oriented-development-tod-policy>
- Blue Ribbon Transit Transformation Action Plan:
https://mtc.ca.gov/sites/default/files/documents/2021-09/Transit_Action_Plan_1.pdf
- **Community Support:** CTAs must prioritize project applications with demonstrated public support from communities disproportionately impacted by past discriminatory practices, including redlining, racial covenants, urban renewal, and highway construction that divided low-income and communities of color. Community support may be determined through a variety of means, including (but not limited to):
 - Responses to public outreach, including comments received at public meetings or hearings, feedback from community workshops, survey responses, etc.; and
 - Endorsement by a Community-Based Organization (CBO) representing historically and potentially impacted populations.
- **Deliverability:** CTAs must evaluate applicants and projects for potential deliverability issues, deprioritizing or excluding projects as needed based on risk. CTAs should ensure that project sponsors have sufficient agency capacity and technical expertise to complete projects in accordance with MTC's Regional Project Delivery Policy (available at <https://mtc.ca.gov/funding/federal-funding/project-delivery>) and meet OBAG 3 deadlines. Project sponsors must be able to obligate OBAG 3 funds no later than January 31, 2027.

CTA project evaluation criteria must be approved by both MTC staff and the CTA's governing board prior to initiating the call for projects activities in their respective county. CTAs may develop separate evaluation frameworks by project type, but each such framework must meet the requirements of this section.

Project Nominations

After completing initial project screening and evaluations, CTAs will submit project nominations and associated documentation to MTC for regional evaluation and project selection. Nomination lists must be approved by the CTA's governing board prior to submission to MTC. CTA project nomination packets are due to MTC by September 30, 2022, and must include the following elements:

- **Nomination List:** list(s) of eligible candidate projects for the OBAG 3 County & Local Program, ranked or scored according to the evaluation criteria developed by the CTA and approved by MTC staff. Nomination lists must comply with all OBAG 3 programming policies, including sponsor and project requirements, PDA minimum investments, and CTA nomination targets.
- **Board Approval:** signed resolution documenting CTA governing board action approving the County & Local Program project nomination list.
- **Outreach Documentation:** materials verifying CTA compliance with outreach requirements as described above.

- **Compliance Checklists:** completed checklists and supporting documentation affirming compliance with County & Local Program programming policies for both the CTA and each sponsor with a project on the nomination list. Checklists should be completed by the CTA, and must be signed by a signatory authority for the concerned agency. CTA and sponsor checklists are provided through the OBAG 3 webpage (available at www.mtc.ca.gov/obag3) under "Partner Agency Resources."

Regional Project Evaluation

Using the nomination packets provided by the CTAs, MTC staff will form a review committee composed of multidisciplinary group of staff members to complete a regional project evaluation process and develop a recommended subset of projects for adoption by the Commission. This process will consist of the following steps:

- **Eligibility Review:** MTC staff will review submitted documentation and ensure CTA, sponsor, and project compliance with applicable federal and regional policies. Any issues identified will be communicated to CTA staff, and projects with unresolved issues will be excluded from further consideration.
- **Regional Criteria:** members of the review committee will score projects using the following rubric:
 - CTA Prioritization (75 points): relative CTA project rank or score, scaled to a range of 0-75 and normalized across CTAs.
 - Regional Impact (15 points): project alignment with *Plan Bay Area 2050* strategies, anticipated effectiveness in advancing regional objectives, and contribution to regionally significant networks or facilities.
 - Deliverability (10 points): sponsor capacity to deliver the specified project, including consideration of prior performance on MTC-funded projects, and any anticipated risk to the project development schedule or funding plan.
 - Air Quality Improvement (10 points): for CMAQ-eligible projects relative cost-effectiveness of projects in reducing emissions for criteria air pollutants for the San Francisco Bay Area Air Basin and additional consideration for PM2.5 reducing projects.
- **Project Ranking Process:** candidate projects will be ranked according to their average review committee score. To ensure that high performing air quality improvement projects are prioritized for CMAQ funding, MTC staff will first develop a recommended list of eligible projects for CMAQ funding using the comprehensive rubric rankings (all eligible projects scored with a maximum possible score of 110 points and ranked from highest to lowest score). All remaining projects, including CMAQ-eligible projects not recommended for funding using this first method, will then be ranked with the air quality improvement portion of the rubric score excluded (all remaining projects scored with a maximum possible score of 100 points and ranked from highest to lowest score). The latter rankings will be used by MTC staff to develop a recommended list of projects for STP funding.
- **Program Balancing:** candidate projects will be initially prioritized according to their ranking as described above. However, to achieve programmatic investment thresholds, and ensure a balanced program of projects, MTC staff may adjust project prioritization based on the following factors:

- County PDA investment targets;
- Regionwide investment targets, including Active Transportation and SRTS investments;
- Relative STP and CMAQ availability; and
- Overall program balancing for a variety of project types, equitable investments, and geographic spread.

Using this process, MTC staff will develop a draft program of recommended projects for Commission adoption. MTC staff will coordinate with CTA staff to provide comments and feedback on the draft program of projects, and may refine the recommended program of projects accordingly.

Program Approval

The Commission will consider the recommended OBAG 3 County & Local Program projects in January 2023. Projects approved by the Commission for funding will be eligible for programming into the TIP starting in February 2023. Approved County & Local Program projects and any subsequent revisions by the Commission will be detailed in Attachment B-2.

Projects nominated by CTAs but not selected for funding by the Commission will automatically be considered for future eligible funding opportunities through the OBAG 3 Regional Program, or as additional programming capacity becomes available for the County & Local Program.

One Bay Area Grant (OBAG 3) – County & Local Program

Template Application Form (v1)



Project Information	
Project Name:	Green Island Road Class 1
Project Sponsor:	City of American Canyon
Sponsor Single Point of Contact:	Ron Ranada 707-647-4559 rranada@cityofamericancanyon.org
Project Location:	Green Island Road, City of American Canyon
Brief Project Description:	American Canyon: Green Island Rd from Paoli Loop to Commerce Blvd: Construct approximately 4,200 LF of new Class 1 multi-use trail to accommodate cyclists and pedestrians, and to encourage non-vehicular modes of transportation, and as required by local, regional and State Complete Streets policies. Improvements include sidewalks and Class I bike facilities such as the Napa Valley Vine Trail. The City of American Canyon enjoys an ideal location among three major goods movement corridors: Highways 29, 37, and 80 near three international airports and Union Pacific Railroad. Within the City, the Green Island Industrial District (GRID) is a regional agricultural employment center (with 30+/- logistics centers and over 1,227 employees) that provides industrial space for wineries and international farm to table agricultural distributors. These industrial users include food service/processing facilities such as Biagi Brothers (finished agricultural product trucking), Sutter Home Wines (wine), Barry Callebaut (chocolate), Mezzetta Foods (vegetables), and Wallaby Yogurt (dairy products). As a whole, the Project will benefit the City and Napa Valley, which is a critical economic engine for the region. The Project will also serve to connect high-density housing in the American Canyon PDA to economic opportunities in the Green Island Industrial Area. The Project will serve to improve traffic circulation, benefit the City's commercial/industrial users, and foster the economic vitality of the City.
Program Eligibility	
Federal Fund Eligibility <i>Is the project eligible for federal transportation funds?</i>	Select the OBAG 3 federal fund source(s) for which the project is eligible: <input type="checkbox"/> Surface Transportation Block Grant (STP) Program (See FHWA fact sheet) <input checked="" type="checkbox"/> Congestion Mitigation & Air Quality Improvement (CMAQ) Program (See FHWA fact sheet) <i>Note: projects eligible for CMAQ funding must provide inputs for air quality improvement calculations, using templates provided on the OBAG 3 webpage.</i>
Eligible Project Type	Select the eligible project type(s) (refer to MTC Resolution No. 4505 for detailed eligibility guidelines):

One Bay Area Grant (OBAG 3) – County & Local Program

Template Application Form (v1)



Is the project an eligible project type?

Growth Framework Implementation

- PDA Planning Grant
- Local Planning Grant (for other *Plan Bay Area 2050 Growth Geographies*)

Complete Streets & Community Choice

- Bicycle/Pedestrian Infrastructure
- Bicycle/Pedestrian Program
- Safe Routes to School (SRTS) Non-Infrastructure program
- SRTS Infrastructure
- Safety project
- Safety Planning efforts
- Complete Streets improvements
- Streetscape improvements
- Local Streets and Roads Preservation
- Rural Roadway Improvement
- Community-Based Transportation Plan (CBTP) or Participatory Budgeting (PB) Process in an Equity Priority Community (EPC)
- CBTP/PB Project Implementation

Climate, Conservation, & Resilience

- Transportation Demand Management (TDM) Program
- Mobility Hub
- Parking/Curb Management
- Car/Bike Share Capital
- Open Space Preservation and Enhancement
- Bicycle/Pedestrian Access to Open Space/Parkland
- Regional Advance Mitigation Planning (RAMP)

Multimodal Systems Operations & Performance

- Transit Capital Improvement
- Transit Station Improvement
- Transit Transformation Action Plan Project Implementation
- Active Operational Management
- Mobility Management and coordination



NVTA Local OBAG Screening Criteria	
<p>Supplemental Prioritization Criteria <i>Does the project conform to Napa County-specific criteria?</i></p>	<p>Select the OBAG 3 federal fund source(s) for which the project is eligible:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Project is a stand-alone project <input checked="" type="checkbox"/> Project sponsor is an eligible public agency <input checked="" type="checkbox"/> Project sponsor is requesting a minimum of \$250,000 in OBAG funds <input checked="" type="checkbox"/> Project is consistent with the Regional Transportation Plan and the Napa Countywide Transportation Plan– Advancing Mobility 2045 <input checked="" type="checkbox"/> Project has identified a local match of at least 11.47% <input type="checkbox"/> Located within a Priority Conservation Area (PCA) <input checked="" type="checkbox"/> Not located within designated PDA, PCA, PPA geographies, but direct connection to one or more of the designated geographies. <input checked="" type="checkbox"/> Project Readiness: Project can clearly demonstrate an ability to meet timely use of funds. Project should have completed conceptual designs at a minimum and ideally completed survey work (i.e. at/or near 30% design). <input checked="" type="checkbox"/> Project has completed environmental document <input type="checkbox"/> Community Support: Project has clear and diverse community support. This can be shown with letters of support, specific reference in adopted plan and community meetings regarding the project. <input type="checkbox"/> Project is listed in NVTA’s Community Based Transportation Plan <input type="checkbox"/> Safety: Project addresses high risk and high activity multi-modal corridor location. <input type="checkbox"/> Located within a Napa County Designated Equity Priority Community? (EPC): Project is located in an EPC or serves an EPC. <input type="checkbox"/> Project is a Safe Routes to School (SRTS) project <input checked="" type="checkbox"/> If a capital project, is the OBAG request all in one phase (i.e. all construction) <input checked="" type="checkbox"/> Project Sponsor is providing over a 20% match to federal funds <input type="checkbox"/> The project has a regional impact <input type="checkbox"/> Project Sponsor Priority: For project sponsor’s that submit multiple projects; this project has been given priority.



Policy Alignment							
<p>Federal Performance Goals How does the project support federal performance measures?</p>	<p>Select the <u>federal performance measures</u> that are supported by the project:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> <u>Safety</u>: Significantly reduce traffic fatalities and serious injuries for all users on all public roads and improve the safety of all public transportation systems. <input type="checkbox"/> <u>Infrastructure Condition</u>: Improve the pavement condition on the Interstate and National Highway System (NHS) and NHS bridges and maintain the condition of public transit assets in a state of good repair. <input type="checkbox"/> <u>Congestion Reduction</u>: Significantly reduce congestion on the NHS in urbanized areas. <input type="checkbox"/> <u>System Reliability</u>: Improve the reliability of the Interstate system and NHS. <input type="checkbox"/> <u>Freight Movement and Economic Vitality</u>: Improve the reliability of the Interstate system for truck travel. <input checked="" type="checkbox"/> <u>Environmental Sustainability</u>: Maximize emission reductions from CMAQ-funded projects. <p>Describe how the project supports the selected federal performance measure(s): This is a bicycle and pedestrian project which will contribute to increased bicycle and pedestrian trips, which in turn will lead to reduced emissions and improved air quality. This class 1 multiuse path will separate bicycles and pedestrian from the road and provide them a safe route away from fast-moving vehicles, which will increase safety.</p>						
<p>Plan Bay Area 2050 Strategies How does the project align with Plan Bay Area 2050?</p>	<p>Describe how the project supports <u>Plan Bay Area 2050</u> Strategies and/or <u>Implementation Plan</u>:</p> <p>This project supports the PBA 2050 strategy to create healthy and safe streets, by optimizing the current pedestrian network and providing a safe route for bicyclists, pedestrians and rollers for people of all ages.</p>						
<p>Regional Policy Alignment How does the project align with other regional policies and plans?</p>	<p>Select the regional plans and policies with which the project is aligned:</p> <table border="0" style="width: 100%;"> <tr> <td><input type="checkbox"/> <u>Regional Safety/Vision Zero Policy</u></td> <td><input type="checkbox"/> <u>Transit Oriented Communities Policy</u></td> </tr> <tr> <td><input type="checkbox"/> <u>MTC's Equity Platform</u></td> <td><input type="checkbox"/> <u>Blue Ribbon Transit Transformation</u></td> </tr> <tr> <td><input type="checkbox"/> <u>Regional Active Transportation Plan</u></td> <td><u>Action Plan</u></td> </tr> </table> <p>Describe how the project aligns with the selected regional plans and/or policies: This project aligns with the Regional Transportation Plan because it contributes to the Regional Planning Framework aims to connect people to areas that will have future growth in housing, jobs and regional transit, it also meets the Plan's Safety objective to create and maintain a safe environment for people bicycling, walking and rolling. This class 1 multiuse path will separate pedestrians and cyclist from the road and increase safety among users, which aligns with the Regional Vision Zero Policy.</p>	<input type="checkbox"/> <u>Regional Safety/Vision Zero Policy</u>	<input type="checkbox"/> <u>Transit Oriented Communities Policy</u>	<input type="checkbox"/> <u>MTC's Equity Platform</u>	<input type="checkbox"/> <u>Blue Ribbon Transit Transformation</u>	<input type="checkbox"/> <u>Regional Active Transportation Plan</u>	<u>Action Plan</u>
<input type="checkbox"/> <u>Regional Safety/Vision Zero Policy</u>	<input type="checkbox"/> <u>Transit Oriented Communities Policy</u>						
<input type="checkbox"/> <u>MTC's Equity Platform</u>	<input type="checkbox"/> <u>Blue Ribbon Transit Transformation</u>						
<input type="checkbox"/> <u>Regional Active Transportation Plan</u>	<u>Action Plan</u>						
	<p>Indicate the project's relationship to <u>Plan Bay Area 2050 Growth Geographies</u>:</p>						



<p>Regional Growth Geographies Does the project support PBA 2050 Growth Geographies?</p>	<p><i>Priority Development Area (PDA)</i></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Meets the uniform definition of a PDA-supportive project (within <u>one mile or less</u> of a PDA boundary) <input type="checkbox"/> Does not meet the uniform definition of a PDA-supportive project, but otherwise has a clear and direct connection to PDA implementation <i>Please describe</i> <input type="checkbox"/> Included in a locally-adopted PDA plan (e.g. Specific Plan, PDA Investment and Growth Strategy) <i>Locally-adopted PDA plan reference</i> <p><i>Transit Rich Area (TRA)</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Within a TRA or otherwise supportive of a TRA (see <u>Growth Geographies</u> map) <i>Please describe</i> <p><i>Priority Production Area (PPA)</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Supports the preservation of a PPA (see <u>Growth Geographies</u> map) <i>Please describe</i>
<p>Equity Priority Communities Does the project invest in historically underserved communities?</p>	<p>Indicate how the project invests in historically underserved communities, including <u>Plan Bay Area 2050 Equity Priority Communities (EPCs)</u>:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Located within and supportive of an EPC (see <u>Equity Priority Communities</u> map) <input type="checkbox"/> Not located within an EPC, but is otherwise supportive of an EPC or other historically underserved community <i>Description of how project supports an EPC or other historically underserved community</i>
<p>Local Housing Policies Is the project located in a jurisdiction with policies that support affordable housing?</p>	<p>Indicate if the project is locate in a jurisdiction that has adopted policies which support the "3Ps" approach to affordable housing by listing the relevant adopted policies for each element of the 3Ps. Additional guidance and resources on affordable housing policies are provided on the <u>OBAG 3 webpage</u>.</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> <u>Protect</u> current residents from displacement (with emphasis on policies that have demonstrated effectiveness in community stabilization and anti-displacement). Inclusionary housing ordinance <input checked="" type="checkbox"/> <u>Preserve</u> existing affordable housing (with emphasis on policies that have demonstrated effectiveness in community stabilization and anti-displacement). Condo conversion ordinance; rehabilitation loan program for low-income residents <input checked="" type="checkbox"/> <u>Produce</u> new housing at all income levels. Low cost affordable housing loan program; density bonus ordinance; mixed-use zoning, reduced fees for affordable housing; Broadway District Specific Plan accommodates 1,200 multifamily dwelling units; Watson Ranch Specific Plan accommodates 1,253 housing units of all densities; Oat Hill Residential approved for 291 multifamily dwelling units; Member, Napa Sonoma Accessory Dwelling Unit Coalition and streamline ADU ordinance.
<p>Community Support</p>	



<p>Community Support Does the project have community support, particularly if it is located in a historically underserved community?</p>	<p>Indicate if the project has demonstrated community support through one or more of the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Public outreach responses specific to this project, including comments received at public meetings or hearings, feedback from community workshops, or survey responses. <i>Summary of public outreach responses</i> <input checked="" type="checkbox"/> Project is consistent with an adopted local transportation plan. This project consistent with the Napa Valley Transportation's Countywide Transportation Plan, it is listed in the prioritized constrained list of projects. <p>Indicate if the project has demonstrated support from communities disproportionately impacted by past discriminatory practices, including redlining, racial covenants, urban renewal, and highway construction that divided low income and communities of color. Resources for identifying impacted communities are available on the OBAG 3 webpage. Community support may be demonstrated through one or more of the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Prioritization of the project in a Community Based Transportation Plan (CBTP) or Participatory Budgeting (PB) process. <i>CBTP or PB reference</i> <input type="checkbox"/> Endorsements from a Community-Based Organizations representing historically underserved and potentially impacted communities. <i>Description of CBO endorsement</i>
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Deliverability & Readiness

<p>Project Readiness Is the project ready to be delivered?</p>	<p>Describe the readiness of the project, including right-of-way impacts and the type of environmental document/clearance required:</p> <p>Project PS&E is 95% complete. There is no right-of-way needed. CEQA has been completed. Environmental permits have been acquired.</p> <p>If the project touches Caltrans right-of-way, include the status and timeline of the necessary Caltrans approvals and documents, the status and timeline of Caltrans requirements, and approvals such as planning documents (PSR or equivalent) environmental approval, encroachment permit.</p> <p>Preliminary meetings with Caltrans ROW and "Design Review" have been conducted. Encroachment application is planned for Summer 2022.</p>
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<p>Deliverability Are there any barriers to on-time delivery?</p>	<p>Describe the project's timeline and status, as well as the sponsor's ability to meet the January 31, 2027 obligation deadline:</p> <p>Project Schedule is as follows, and is on track: 100% PS&E by Fall 2022. Project advertisement by Spring 2023. Construction start by Summer 2024, and completion by December 2024.</p> <p>Identify any known risks to the project schedule, and how the CTA and project sponsor will mitigate and respond to those risks:</p> <p>Project risks include delays that may impact the Project Schedule due to earlier work that needs to be completed, including overhead to underground utility conversion, and roadway pavement widening and rehabilitation.</p>
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Project Cost & Funding

One Bay Area Grant (OBAG 3) – County & Local Program

Template Application Form (v1)



<p>Grant Minimum <i>Does the project meet the minimum grant size requirements?</i></p>	<p><input checked="" type="checkbox"/> Project meets the minimum grant size requirements. Projects must be a minimum of \$500,000 for counties with a population over 1 million (Alameda, Contra Costa, and Santa Clara counties) and \$250,000 for counties with a population under one million (Marin, Napa, San Francisco, San Mateo, Solano, and Sonoma counties).</p> <p><i>Exception request to minimum grant size</i></p>
<p>Local Match <i>Does the project meet local match requirements?</i></p>	<p><input checked="" type="checkbox"/> Project sponsor will provide a local match of at least 11.47% of the total project cost.</p> <p><i>Notes on local match, optional</i></p>



Project Cost & Funding

OBAG 3 Grant Request:

Total Grant Request	\$1,000,000
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Project Cost & Schedule:

Project Phases	Total Cost	Secured Funds		Unsecured Funds		Schedule (Start dates: Planned, Actual)
		Amount	Fund Sources	OBAG 3 Grant Request	Remaining Funding Needed	
Planning/ Conceptual	\$	\$	Secured fund sources, notes	\$	\$ 0	Month/Year
Environmental Studies (PA&ED)	\$	\$	Secured fund sources, notes	\$	\$ 0	Month/Year
Design Engineering (PS&E)	\$	\$43,000	Secured fund sources, notes	\$	\$ 0	2016
Right-of-way	\$	\$36,000	Secured fund sources, notes	\$	\$ 0	2019
Construction	\$1,000,000	\$	Secured fund sources, notes	\$1,000,000	\$	Month/Year
Total	\$	\$		\$	\$	

Project Investment by Mode:

Mode	Share of project investment
Auto	%
Transit	%
Bicycle/Pedestrian	100%
Other	%
Total	100%

Complete Streets Checklist
Implementation of MTC's Complete Streets Policy, Resolution 4493, Adopted 3/25/22

Background

Since 2006, MTC's Complete Streets (CS) Policy has promoted the development of transportation facilities that can be used by all modes. In March 2022, MTC updated its CS policy (Resolution 4493) with the goal of ensuring that people biking, walking, rolling, and taking transit are safely accommodated within the transportation network. This policy works to advance Plan Bay Area 2050 objectives of achieving mode shift, safety, equity, and vehicle miles traveled and greenhouse gas emission reductions, as well as state & local compliance with applicable CS-related laws, policies, and practices, specifically the California Complete Street Act of 2008 (Gov. Code Sections 65040.2 and 65302) and applicable local policies such as the CS resolutions adopted before January 16, 2016 (as part of MTC's OBAG 2 requirements.)

Requirements

MTC's CS Policy requires that all projects (with a total project cost of \$250,000 or more) applying for regional discretionary transportation funding – or requesting regional endorsement or approval through MTC - must submit a Complete Streets Checklist (Checklist) to MTC.

Please note that Projects claiming exceptions to CS Policy must complete the Exceptions section on the Checklist and provide a Department Director-level signature.

Additional information and guidance for completing this Checklist can be found at the **MTC Administrative Guidance: Complete Streets Policy Guidance for public agency staff implementing MTC Resolution 4493** at mtc.ca.gov/planning/transportation/complete-streets.

This form may be downloaded at mtc.ca.gov/planning/transportation/complete-streets.

Submittal

Completed Checklists must be emailed to completestreets@bayareametro.gov.

PROJECT INFORMATION	
Project Name/Title:	Green Island Road Class 1
Project Area/Location(s):	Green Island Road, from Paoli Loop to Commerce Boulevard
Attach map if available.	

PROJECT DESCRIPTION: (300-word limit)

American Canyon: Green Island Rd from Paoli Loop to Commerce Blvd: Construct approximately 4,200 LF of new Class 1 multi-use trail to accommodate cyclists and pedestrians, and to encourage non-vehicular modes of transportation, and as required by local, regional and State Complete Streets policies. Improvements include sidewalks and Class I bike facilities such as the Napa Valley Vine Trail. The City of American Canyon enjoys an ideal location among three major goods movement corridors: Highways 29, 37, and 80 near three international airports and Union Pacific Railroad. Within the City, the Green Island Industrial District (GRID) is a regional agricultural employment center (with 30+/- logistics centers and over 1,227 employees) that provides industrial space for wineries and international farm to table agricultural distributors.

Please indicate project phase (Planning, PE, ENV, ROW, CON, O&M)

May attach additional project documents, cross sections, plan view, or other supporting materials.

CONTACT INFORMATION

Contact Name & Title: Ron Ranada, Senior Civil Engineer	Contact Email: rranada@cityofamericancanyon.org	Contact Phone: 707-647-4559
Agency: City of American Canyon		

Topic	CS Policy Consideration	YES	NO	Required Description	Description
1. Bicycle, Pedestrian and Transit Planning	<p>Does Project implement relevant Plans, or other locally adopted recommendations?</p> <p>Plan examples include:</p> <ul style="list-style-type: none"> • City/County General + Area Plans • Bicycle, Pedestrian & Transit Plan • Community-Based Transportation Plan • ADA Transition Plan • Station Access Plan • Short-Range Transit Plan • Vision Zero/Systematic Safety Plan 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Please provide detail on Plan recommendations affecting Project area, if any, with Plan adoption date.</p> <p>If Project is inconsistent with adopted Plans, please provide explanation.</p>	General Plan, Circulation Element; County Bicycle Plan
2. Active Transportation Network	<p>Does the project area contain segments of the regional Active Transportation (AT) Network? See AT Network map on the MTC Complete Streets webpage.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>If yes, describe how project adheres to the NACTO All Ages and Abilities design principles. See <i>All Ages and Abilities and Design Guidelines</i> below.</p>	

Topic	CS Policy Consideration	YES	NO	Required Description	Description
2. Active Transportation Network (Cont.)					
3. Safety and Comfort	A. Is the Project on a known High Injury Network (HIN) or has a local traffic safety analysis found a high incidence of bicyclist/pedestrian-involved crashes within the project area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Please summarize the traffic safety conditions and describe Project's traffic safety measures. The <u>Bay Area Vision Zero System</u> may be a resource.	
	B. Does the project seek to improve bicyclist and/or pedestrian conditions? If the project includes a bikeway, was a Level of Traffic Stress (LTS), or similar user experience analyses conducted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Describe how project seeks to provide low-stress transportation facilities or reduce a facility's <u>LTS</u> .	Project seeks to deliver bicycle and pedestrian facilities where none exist.
4. Transit Coordination	A. Are there existing public transit facilities (stop or station) in the project area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	List transit facilities (stop, station, or route) and all affected agencies.	
	B. Have all potentially affected transit agencies had the opportunity to review this project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Please attach confirmation email from transit operator(s) to email.	

Topic	CS Policy Consideration	YES	NO	Required Description	Description
	C. Is there a MTC <u>Mobility Hub</u> within the project area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes, please describe outreach to mobility providers, and Project's Hub-supportive elements.	
5. Design	Does the project meet professional design standards or guidelines appropriate for bicycle and/or pedestrian facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Please provide Class designation for bikeways. Cite design standards used.	Class I Caltrans
6. Equity	Will Project improve active transportation in an Equity Priority Community?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Please list EPC(s) affected.	
7. BPAC Review	Has a local (city or county) Bicycle and Pedestrian Advisory Commission (BPAC) reviewed this checklist (or for OBAG 3, this project)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Please provide meeting date(s) and a summary of comments, if any.	

Statement of Compliance	YES
The proposed Project complies with California Complete Street Act of 2008 (Gov. Code Sections 65040.2 and 65302, MTC Complete Streets Policy (Reso. 4493), and locally adopted Complete Streets resolutions (adopted as OBAG 2 (Reso. 4202) requirement, Resolution 4202.)	<input checked="" type="checkbox"/>

If no. complete Statement of Exception and obtain necessary signature.

Statement of Exception	YES	Provide Documentation or Explanation	Documentation Explanation
1. The affected roadway is legally prohibited for use by bicyclists and/or pedestrians.	<input type="checkbox"/>	If yes, please cite language and agency citing prohibited use.	
2. The costs of providing Complete Streets improvements are excessively disproportionate to the need or probable use (defined as more than 20 percent for Complete Streets elements of the total project cost).	<input type="checkbox"/>	If claimed, the agency must include proportionate alternatives and still provide safe accommodation of people biking, walking and rolling.	
3. There is a documented Alternative Plan to implement Complete Streets and/or on a nearby parallel route.	<input type="checkbox"/>	Describe Alternative Plan/Project	
4. Conditions exist in which policy requirements may not be able to be met, such as fire and safety specifications, spatial conflicts on the roadway with transit or environmental concerns, defined as abutting conservation land or severe topological constraints.	<input type="checkbox"/>	Describe condition(s) that prohibit implementation of CS policy requirements	

SIGNATURES / NOTIFICATIONS

TRANSIT

The project sponsor shall communicate and coordinate with all transit agencies with operations affected by the proposed project. If a project includes a transit stop/station, or is located along a transit route, the Checklist must include written documentation (e.g. email) with the affected transit agency(ies) to confirm transit agency coordination and acknowledgement of the project. A CS Checklist Transit Agency Contact List is available for reference.

DEPARTMENT DIRECTOR-LEVEL SIGNATURE FOR EXCEPTIONS

Exceptions must be signed by a Department Director-level agency representative, or their designee, and not the Project Manager. Insert electronic signature or sign below :

Full Name:

Title:

Date:

Signature:

All Ages and Abilities and Design Guidelines

All Ages and Abilities

Designing for All Ages & Abilities, Contextual Guidance for High-Comfort Bicycle Facilities, National Association of Transportation Officials, December 2017

Projects on the AT Network shall incorporate design principles based on designing for “All Ages and Abilities,” contextual guidance provided by the National Association of City Transportation Officials (NACTO), and consistent with state and national best practices. A facility that serves “all ages and abilities” is one that effectively serves the mobility needs of children, older adults, and people with disabilities and in doing so, works for everyone else. The all ages and abilities approach also strives to serve all users, regardless of age, ability, ethnicity, race, sex, income, or disability, by embodying national and international best practices related to traffic calming, speed reduction, and roadway design to increase user safety and comfort. This approach also includes the use of traffic calming elements or facilities separated from motor vehicle traffic, both of which can offer a greater feeling of safety and appeal to a wider spectrum of the public.

Design best practices for safe street crossings, pedestrian facilities, and Americans with Disabilities Act (ADA) accessibility at transit stops, and bicycle/micromobility facilities on the AT Network should be incorporated throughout the entirety of the project. The Proposed Public Rights-of-Way Accessibility Guidelines (PROWAG) by the U.S. Access Board should also be referenced during design.

Contextual Guidance for Selecting All Ages & Abilities Bikeways				
Roadway Context				All Ages & Abilities Bicycle Facility
Target Motor Vehicle Speed	Target Max. Motor Vehicle Volume (ADT)	Motor Vehicle Lanes	Key Operational Considerations	
Any		Any	Any of the following: high curbside activity, frequent buses, motor vehicle congestion, or turning conflicts ¹	Protected Bicycle Lane
< 10 mph	Less relevant	No centerline, or single lane one-way	Pedestrians share the roadway	Shared Street
≤ 20 mph	≤ 1,000 – 2,000		< 50 motor vehicles per hour in the peak direction at peak hour	Bicycle Boulevard
≤ 25 mph	≤ 500 – 1,500		Low curbside activity, or low congestion pressure	Conventional or Buffered Bicycle Lane, or Protected Bicycle Lane
	≤ 1,500 – 3,000	Single lane each direction, or single lane one-way		Buffered or Protected Bicycle Lane
	≤ 3,000 – 6,000			Protected Bicycle Lane
	Greater than 6,000			
Greater than 26 mph ¹	≤ 6,000	Single lane each direction	Low curbside activity, or low congestion pressure	Protected Bicycle Lane, or Reduce Speed
		Multiple lanes per direction		Protected Bicycle Lane, or Reduce to Single Lane & Reduce Speed
	Greater than 6,000	Any	Any	Protected Bicycle Lane, or Bicycle Path
High-speed limited access roadways, natural corridors, or geographic edge conditions with limited conflicts		Any	High pedestrian volume	Bike Path with Separate Walkway or Protected Bicycle Lane
			Low pedestrian volume	Shared-Use Path or Protected Bicycle Lane

Design Guidance

Examples of applicable design guidance documents include (but are not limited to): American Association of State Highway and Transportation Officials (AASHTO) - *A Policy on Geometric Design of Highway and Streets, Guide for the Development of Bicycle Facilities, Guide for the Planning, Design, and Operation of Pedestrian Facilities; Public Right-of-Way Accessibility Guide (PROWAG); Manual on Uniform Traffic Control Devices (MUTCD); Americans with Disabilities Act Accessibility Guidelines (ADAAG); National Association of City Transportation Officials (NACTO) - Urban Bikeway Design Guide.*

One Bay Area Grant (OBAG 3) – County & Local Program

Template Application Form (v1)



Project Information			
Project Name:	Silverado Trail Five-Way Intersection Improvements		
Project Sponsor:	City of Napa		
Sponsor Single Point of Contact:	Ian Heid 707-257-9386 iheid@cityofnapa.org		
Project Location:	In the City of Napa at the intersection of Silverado Trail (SR121), Third Street, Coombsville Road and East Avenue		
Brief Project Description:	City of Napa: At the intersection of Silverado Trail (SR121), Third St, Coombsville Rd, and East Ave: Construct a series of roundabouts to improve operations that will result in increased safety, reduced driver delay, reduced congestion, and improved overall level of service. Additionally, the purpose of this project is to improve the safety and accessibility for all users by including bicycle facilities and pedestrian facilities that meet ADA requirements. Project alternatives include a single roundabout design. Caltrans will be the implementing agency for the project.		
Program Eligibility			
Federal Fund Eligibility <i>Is the project eligible for federal transportation funds?</i>	Select the OBAG 3 federal fund source(s) for which the project is eligible: <input checked="" type="checkbox"/> Surface Transportation Block Grant (STP) Program (See FHWA fact sheet) <input checked="" type="checkbox"/> Congestion Mitigation & Air Quality Improvement (CMAQ) Program (See FHWA fact sheet) <i>Note: projects eligible for CMAQ funding must provide inputs for air quality improvement calculations, using templates provided on the OBAG 3 webpage.</i>		
Eligible Project Type <i>Is the project an eligible project type?</i>	Select the eligible project type(s) (refer to MTC Resolution No. 4505 for detailed eligibility guidelines): <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top; width: 50%;"> <p><i>Growth Framework Implementation</i></p> <input type="checkbox"/> PDA Planning Grant <input type="checkbox"/> Local Planning Grant (for other <i>Plan Bay Area 2050 Growth Geographies</i>) <p><i>Complete Streets & Community Choice</i></p> <input checked="" type="checkbox"/> Bicycle/Pedestrian Infrastructure <input type="checkbox"/> Bicycle/Pedestrian Program <input type="checkbox"/> Safe Routes to School (SRTS) Non-Infrastructure program <input type="checkbox"/> SRTS Infrastructure <input checked="" type="checkbox"/> Safety project <input type="checkbox"/> Safety Planning efforts <input checked="" type="checkbox"/> Complete Streets improvements <input type="checkbox"/> Streetscape improvements <input type="checkbox"/> Local Streets and Roads Preservation <input type="checkbox"/> Rural Roadway Improvement <input type="checkbox"/> Community-Based Transportation Plan (CBTP) or Participatory Budgeting (PB) Process in an Equity Priority Community (EPC) <input type="checkbox"/> CBTP/PB Project Implementation </td> <td style="vertical-align: top; width: 50%;"> <p><i>Climate, Conservation, & Resilience</i></p> <input type="checkbox"/> Transportation Demand Management (TDM) Program <input type="checkbox"/> Mobility Hub <input type="checkbox"/> Parking/Curb Management <input type="checkbox"/> Car/Bike Share Capital <input type="checkbox"/> Open Space Preservation and Enhancement <input type="checkbox"/> Bicycle/Pedestrian Access to Open Space/Parkland <input type="checkbox"/> Regional Advance Mitigation Planning (RAMP) <p><i>Multimodal Systems Operations & Performance</i></p> <input type="checkbox"/> Transit Capital Improvement <input type="checkbox"/> Transit Station Improvement <input type="checkbox"/> Transit Transformation Action Plan Project Implementation <input type="checkbox"/> Active Operational Management <input type="checkbox"/> Mobility Management and coordination </td> </tr> </table>	<p><i>Growth Framework Implementation</i></p> <input type="checkbox"/> PDA Planning Grant <input type="checkbox"/> Local Planning Grant (for other <i>Plan Bay Area 2050 Growth Geographies</i>) <p><i>Complete Streets & Community Choice</i></p> <input checked="" type="checkbox"/> Bicycle/Pedestrian Infrastructure <input type="checkbox"/> Bicycle/Pedestrian Program <input type="checkbox"/> Safe Routes to School (SRTS) Non-Infrastructure program <input type="checkbox"/> SRTS Infrastructure <input checked="" type="checkbox"/> Safety project <input type="checkbox"/> Safety Planning efforts <input checked="" type="checkbox"/> Complete Streets improvements <input type="checkbox"/> Streetscape improvements <input type="checkbox"/> Local Streets and Roads Preservation <input type="checkbox"/> Rural Roadway Improvement <input type="checkbox"/> Community-Based Transportation Plan (CBTP) or Participatory Budgeting (PB) Process in an Equity Priority Community (EPC) <input type="checkbox"/> CBTP/PB Project Implementation	<p><i>Climate, Conservation, & Resilience</i></p> <input type="checkbox"/> Transportation Demand Management (TDM) Program <input type="checkbox"/> Mobility Hub <input type="checkbox"/> Parking/Curb Management <input type="checkbox"/> Car/Bike Share Capital <input type="checkbox"/> Open Space Preservation and Enhancement <input type="checkbox"/> Bicycle/Pedestrian Access to Open Space/Parkland <input type="checkbox"/> Regional Advance Mitigation Planning (RAMP) <p><i>Multimodal Systems Operations & Performance</i></p> <input type="checkbox"/> Transit Capital Improvement <input type="checkbox"/> Transit Station Improvement <input type="checkbox"/> Transit Transformation Action Plan Project Implementation <input type="checkbox"/> Active Operational Management <input type="checkbox"/> Mobility Management and coordination
<p><i>Growth Framework Implementation</i></p> <input type="checkbox"/> PDA Planning Grant <input type="checkbox"/> Local Planning Grant (for other <i>Plan Bay Area 2050 Growth Geographies</i>) <p><i>Complete Streets & Community Choice</i></p> <input checked="" type="checkbox"/> Bicycle/Pedestrian Infrastructure <input type="checkbox"/> Bicycle/Pedestrian Program <input type="checkbox"/> Safe Routes to School (SRTS) Non-Infrastructure program <input type="checkbox"/> SRTS Infrastructure <input checked="" type="checkbox"/> Safety project <input type="checkbox"/> Safety Planning efforts <input checked="" type="checkbox"/> Complete Streets improvements <input type="checkbox"/> Streetscape improvements <input type="checkbox"/> Local Streets and Roads Preservation <input type="checkbox"/> Rural Roadway Improvement <input type="checkbox"/> Community-Based Transportation Plan (CBTP) or Participatory Budgeting (PB) Process in an Equity Priority Community (EPC) <input type="checkbox"/> CBTP/PB Project Implementation	<p><i>Climate, Conservation, & Resilience</i></p> <input type="checkbox"/> Transportation Demand Management (TDM) Program <input type="checkbox"/> Mobility Hub <input type="checkbox"/> Parking/Curb Management <input type="checkbox"/> Car/Bike Share Capital <input type="checkbox"/> Open Space Preservation and Enhancement <input type="checkbox"/> Bicycle/Pedestrian Access to Open Space/Parkland <input type="checkbox"/> Regional Advance Mitigation Planning (RAMP) <p><i>Multimodal Systems Operations & Performance</i></p> <input type="checkbox"/> Transit Capital Improvement <input type="checkbox"/> Transit Station Improvement <input type="checkbox"/> Transit Transformation Action Plan Project Implementation <input type="checkbox"/> Active Operational Management <input type="checkbox"/> Mobility Management and coordination		



NVTA Local OBAG Screening Criteria	
<p>Supplemental Prioritization Criteria <i>Does the project conform to Napa County-specific criteria?</i></p>	<p>Select the OBAG 3 federal fund source(s) for which the project is eligible:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Project is a stand-alone project <input checked="" type="checkbox"/> Project sponsor is an eligible public agency <input checked="" type="checkbox"/> Project sponsor is requesting a minimum of \$250,000 in OBAG funds <input checked="" type="checkbox"/> Project is consistent with the Regional Transportation Plan and the Napa Countywide Transportation Plan– Advancing Mobility 2045 <input checked="" type="checkbox"/> Project has identified a local match of at least 11.47% <input checked="" type="checkbox"/> Located within a Priority Conservation Area (PCA) <input type="checkbox"/> Not located within designated PDA, PCA, PPA geographies, but direct connection to one or more of the designated geographies. <input checked="" type="checkbox"/> Project Readiness: Project can clearly demonstrate an ability to meet timely use of funds. Project should have completed conceptual designs at a minimum and ideally completed survey work (i.e. at/or near 30% design). <input type="checkbox"/> Project has completed environmental document <input checked="" type="checkbox"/> Community Support: Project has clear and diverse community support. This can be shown with letters of support, specific reference in adopted plan and community meetings regarding the project. <input type="checkbox"/> Project is listed in NVTA’s Community Based Transportation Plan <input checked="" type="checkbox"/> Safety: Project addresses high risk and high activity multi-modal corridor location. <input checked="" type="checkbox"/> Located within a Napa County Designated Equity Priority Community? (EPC): Project is located in an EPC or serves an EPC. <input type="checkbox"/> Project is a Safe Routes to School (SRTS) project <input checked="" type="checkbox"/> If a capital project, is the OBAG request all in one phase (i.e. all construction) <input type="checkbox"/> Project Sponsor is providing over a 20% match to federal funds <input checked="" type="checkbox"/> The project has a regional impact <input checked="" type="checkbox"/> Project Sponsor Priority: For project sponsor’s that submit multiple projects; this project has been given priority.



Policy Alignment	
<p>Federal Performance Goals <i>How does the project support federal performance measures?</i></p>	<p>Select the <u>federal performance measures</u> that are supported by the project:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> <u>Safety</u>: Significantly reduce traffic fatalities and serious injuries for all users on all public roads and improve the safety of all public transportation systems. <input type="checkbox"/> <u>Infrastructure Condition</u>: Improve the pavement condition on the Interstate and National Highway System (NHS) and NHS bridges and maintain the condition of public transit assets in a state of good repair. <input checked="" type="checkbox"/> <u>Congestion Reduction</u>: Significantly reduce congestion on the NHS in urbanized areas. <input type="checkbox"/> <u>System Reliability</u>: Improve the reliability of the Interstate system and NHS. <input type="checkbox"/> <u>Freight Movement and Economic Vitality</u>: Improve the reliability of the Interstate system for truck travel. <input checked="" type="checkbox"/> <u>Environmental Sustainability</u>: Maximize emission reductions from CMAQ-funded projects. <p>Describe how the project supports the selected federal performance measure(s):</p> <p>Project to construct a series of two roundabouts at a busy five-way intersection along a State Highway (SR 121) in the City of Napa. Alternative of a single roundabout design is also being considered. This project will reduce congestion, improve safety and operations for motorists, bicyclists, and pedestrian at the intersection, and support environmental sustainability.</p> <p>Safety: The project will improve safety and operations for all modes, with the intent to reduce fatalities and serious injuries. The current intersection configuration is a 5-legged signalized intersection. The project will replace the signal with a series of two roundabouts. Roundabouts improve safety for all modes by slowing vehicle approach speeds and reducing potential conflict points. This project will also improve pedestrian/bicycle crossings, including upgrades to meet current Americans with Disabilities Act (ADA) standards.</p> <p>Congestion Reduction: Due to existing geometrics, the intersection does not currently have the ability to handle the large volume of local and regional traffic resulting in unacceptable Level of Service (LOS). Comprehensive traffic study and feasibility analysis conducted for the project shows the project’s roundabout design reduces congestion and improves the LOS for the intersection.</p> <p>Environmental Sustainability: The roundabout design reduces idling of vehicles at the intersection, reducing emissions. Additionally, constructing bicycle and pedestrian facilities will encourage mode shift to bicycle and pedestrian trips.</p>
<p>Plan Bay Area 2050 Strategies <i>How does the project align with Plan Bay Area 2050?</i></p>	<p>Describe how the project supports <u>Plan Bay Area 2050</u> Strategies and/or <u>Implementation Plan</u>:</p> <p>Project improvements to this five-way intersection support various Plan Bay Area (PBA) 2050 strategies such as:</p> <p>PBA 2050 Transportation Strategy Theme (1.) Maintain and optimize the existing transportation system: Strategy T1 – Restore, Operate and Maintain the Existing System:</p>



	<p>By replacing the existing traffic signal with a series of roundabouts, the project will reduce congestion and improve safety and operations for all modes at this intersection along a State Highway (SR121).</p> <p>PBA 2050 Transportation Strategy Theme (2.) Create healthy and safe streets: Strategy T8 – Build a Complete Streets network: This project includes bicycle, pedestrian and ADA upgrades to improve safety, access and mobility for all modes.</p>
<p>Regional Policy Alignment <i>How does the project align with other regional policies and plans?</i></p>	<p>Select the regional plans and policies with which the project is aligned:</p> <p><input checked="" type="checkbox"/> <u>Regional Safety/Vision Zero Policy</u> <input type="checkbox"/> <u>Transit Oriented Communities Policy</u> <input type="checkbox"/> <u>MTC's Equity Platform</u> <input type="checkbox"/> <u>Blue Ribbon Transit Transformation Action Plan</u> <input checked="" type="checkbox"/> <u>Regional Active Transportation Plan</u></p> <p>Describe how the project aligns with the selected regional plans and/or policies:</p> <p>The project will improve safety and operations for all modes at this intersection along State Route 121. The current intersection configuration is a 5-legged signalized intersection. The project will replace the signal with a series of two roundabouts. Roundabouts improve safety for all modes by slowing vehicle approach speeds and reducing potential conflict points. Additionally, this project will provide bicycle, pedestrian, and ADA upgrades at the intersection, supporting increased active transportation use.</p>
<p>Regional Growth Geographies <i>Does the project support PBA 2050 Growth Geographies?</i></p>	<p>Indicate the project's relationship to <i>Plan Bay Area 2050 Growth Geographies</i>:</p> <p><i>Priority Development Area (PDA)</i></p> <p><input checked="" type="checkbox"/> Meets the uniform definition of a PDA-supportive project (within <u>one mile or less of a PDA boundary</u>)</p> <p><input type="checkbox"/> Does not meet the uniform definition of a PDA-supportive project, but otherwise has a clear and direct connection to PDA implementation <i>Please describe</i></p> <p><input checked="" type="checkbox"/> Included in a locally-adopted PDA plan (e.g. Specific Plan, PDA Investment and Growth Strategy) Downtown Napa Specific Plan; Napa County Priority Development Area Investment and Growth Strategy Update</p> <p><i>Transit Rich Area (TRA)</i></p> <p><input type="checkbox"/> Within a TRA or otherwise supportive of a TRA (see <u>Growth Geographies</u> map) <i>Please describe</i></p> <p><i>Priority Production Area (PPA)</i></p> <p><input type="checkbox"/> Supports the preservation of a PPA (see <u>Growth Geographies</u> map) <i>Please describe</i></p>
<p>Equity Priority Communities</p>	<p>Indicate how the project invests in historically underserved communities, including <i>Plan Bay Area 2050 Equity Priority Communities</i> (EPCs):</p>



<p><i>Does the project invest in historically underserved communities?</i></p>	<p><input checked="" type="checkbox"/> Located within and supportive of an EPC (see Equity Priority Communities map)</p> <p><input type="checkbox"/> Not located within an EPC, but is otherwise supportive of an EPC or other historically underserved community</p> <p>The project is located at the edge of Census Tract 2003.01 which is a designated Equity Priority Community (EPC) of Class High. The project is located at a major intersection along a State Highway (SR121) which serves the EPC, connecting residential neighborhoods to services, schools, and employment centers. This project reduces congestion and improves safety and operations for all modes at the intersection. It includes bicycle, pedestrian, and ADA upgrades.</p>
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<p>Local Housing Policies <i>Is the project located in a jurisdiction with policies that support affordable housing?</i></p>	<p>Indicate if the project is locate in a jurisdiction that has adopted policies which support the “3Ps” approach to affordable housing by listing the relevant adopted policies for each element of the 3Ps. Additional guidance and resources on affordable housing policies are provided on the OBAG 3 webpage.</p> <p><input checked="" type="checkbox"/> Protect current residents from displacement (with emphasis on policies that have demonstrated effectiveness in community stabilization and anti-displacement). -Rental Assistance (Section 8 and Tenant Based Rental Assistance)</p> <p><input checked="" type="checkbox"/> Preserve existing affordable housing (with emphasis on policies that have demonstrated effectiveness in community stabilization and anti-displacement). -Housing Rehabilitation Program (For Homeowners) -Housing Rehabilitation Program (For Landlords and Tenants) -Condominium Conversion Policies (NMC 17.52.080) -Conversion or Loss of Residential Uses to Nonresidential Uses Regulations (NMC 17.52.100)</p> <p><input checked="" type="checkbox"/> Produce new housing at all income levels. -Affordable Housing Impact Fee (O2018-011) -Affordable Housing Overlay District (O2003-12) -Transient Occupancy Special Tax for Affordable and Workforce Housing (O2018-010) -Junior Unit Initiative Program</p>
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Community Support

<p>Community Support <i>Does the project have community support, particularly if it is located in a historically underserved community?</i></p>	<p>Indicate if the project has demonstrated community support through one or more of the following:</p> <p><input checked="" type="checkbox"/> Public outreach responses specific to this project, including comments received at public meetings or hearings, feedback from community workshops, or survey responses.</p> <p>This project has demonstrated community support. The project has undergone extensive community outreach including: project recommendation included in local transportation plans, multiple community meetings on the specific project alternative design concepts, and discussion at City Council Meetings. Community feedback on alternative project design concepts served to eliminate certain alternatives and ultimately resulted in the community’s preferred alternative (alt. 5F) which is a double roundabout design.</p> <p><input checked="" type="checkbox"/> Project is consistent with an adopted local transportation plan.</p>
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	<p>The project is consistent with multiple local plans that recommend improvements to the intersection of Silverado Trail (SR121)/Third St/Coombsville Rd/East Ave including: City of Napa General Plan – Transportation Element, Downtown Napa Specific Plan, and Napa Countywide Transportation Plan: Vision 2045 – Advancing Mobility</p>
	<p>Indicate if the project has demonstrated support from communities disproportionately impacted by past discriminatory practices, including redlining, racial covenants, urban renewal, and highway construction that divided low income and communities of color. Resources for identifying impacted communities are available on the OBAG 3 webpage. Community support may be demonstrated through one or more of the following:</p> <p><input type="checkbox"/> Prioritization of the project in a Community Based Transportation Plan (CBTP) or Participatory Budgeting (PB) process. <i>CBTP or PB reference</i></p> <p><input type="checkbox"/> Endorsements from a Community-Based Organizations representing historically underserved and potentially impacted communities. <i>Description of CBO endorsement</i></p>
Deliverability & Readiness	
<p>Project Readiness <i>Is the project ready to be delivered?</i></p>	<p>Describe the readiness of the project, including right-of-way impacts and the type of environmental document/clearance required:</p> <p>Extensive planning for the project has occurred including the completion of a comprehensive traffic study and feasibility analysis, evaluation of multiple project alternatives, and community outreach. A PID has been completed for the project. Right-of-way, environmental (CEQA and NEPA), and construction phases of the project are forthcoming.</p> <p>If the project touches Caltrans right-of-way, include the status and timeline of the necessary Caltrans approvals and documents, the status and timeline of Caltrans requirements, and approvals such as planning documents (PSR or equivalent) environmental approval, encroachment permit.</p> <p>A PID has been completed for the project; Caltrans is a partner agency and the implementing agency for the project.</p>
<p>Deliverability <i>Are there any barriers to on-time delivery?</i></p>	<p>Describe the project’s timeline and status, as well as the sponsor’s ability to meet the January 31, 2027 obligation deadline:</p> <p>Planning/Conceptual – Completed PA&ED – October 2022 planned start date PS&E – October 2023 planned start date ROW – March 2024 planned start date CON – April 2025 planned start date The proposed schedule meets the January 31, 2027 obligation deadline</p>

One Bay Area Grant (OBAG 3) – County & Local Program

Template Application Form (v1)



	<p>Identify any known risks to the project schedule, and how the CTA and project sponsor will mitigate and respond to those risks:</p> <p>A risk register documenting all identified project risks was included as an Attachment to the PID. There are no major risks associated with the project. A medium risk is construction cost increases. This risk will be mitigated with value engineering, evaluation and updating of cost estimates, and working to secure additional funding.</p>
Project Cost & Funding	
<p>Grant Minimum <i>Does the project meet the minimum grant size requirements?</i></p>	<p><input checked="" type="checkbox"/> Project meets the minimum grant size requirements. Projects must be a minimum of \$500,000 for counties with a population over 1 million (Alameda, Contra Costa, and Santa Clara counties) and \$250,000 for counties with a population under one million (Marin, Napa, San Francisco, San Mateo, Solano, and Sonoma counties).</p> <p><i>Exception request to minimum grant size</i></p>
<p>Local Match <i>Does the project meet local match requirements?</i></p>	<p><input checked="" type="checkbox"/> Project sponsor will provide a local match of at least 11.47% of the total project cost.</p> <p><i>Notes on local match, optional</i></p>

One Bay Area Grant (OBAG 3) – County & Local Program
 Template Application Form (v1)



Project Cost & Funding

OBAG 3 Grant Request:

Total Grant Request	\$2,000,000
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Project Cost & Schedule:

Project Phases	Total Cost	Secured Funds		Unsecured Funds		Schedule (Start dates: Planned, Actual)
		Amount	Fund Sources	OBAG 3 Grant Request	Remaining Funding Needed	
Planning/ Conceptual	\$668,000	\$668,000	SHOPP & Local funds	\$	\$	Prior completed
Environmental Studies (PA&ED)	\$1,500,000	\$1,500,000	Local funds	\$	\$	Oct 2022 Planned
Design Engineering (PS&E)	\$2,010,000	\$2,010,000	SHOPP & Local funds	\$	\$	Oct 2023 Planned
Right-of-way	\$2,300,000	\$2,300,000	SHOPP, RIP, & Local funds	\$	\$	March 2024 Planned
Construction	\$5,513,000	\$3,513,000	SHOPP & Local funds	\$2,000,000	\$	April 2025 Planned
Total	\$11,991,000	\$9,991,000		\$2,000,000	\$	

Project Investment by Mode:

Mode	Share of project investment
Auto	75%
Transit	5%
Bicycle/Pedestrian	20%
Other	%
Total	100%



Complete Streets Checklist
Implementation of MTC's Complete Streets Policy, Resolution 4493, Adopted 3/25/22

Background

Since 2006, MTC's Complete Streets (CS) Policy has promoted the development of transportation facilities that can be used by all modes. In March 2022, MTC updated its CS policy (Resolution 4493) with the goal of ensuring that people biking, walking, rolling, and taking transit are safely accommodated within the transportation network. This policy works to advance Plan Bay Area 2050 objectives of achieving mode shift, safety, equity, and vehicle miles traveled and greenhouse gas emission reductions, as well as state & local compliance with applicable CS-related laws, policies, and practices, specifically the California Complete Street Act of 2008 (Gov. Code Sections 65040.2 and 65302) and applicable local policies such as the CS resolutions adopted before January 16, 2016 (as part of MTC's OBAG 2 requirements.)

Requirements

MTC's CS Policy requires that all projects (with a total project cost of \$250,000 or more) applying for regional discretionary transportation funding – or requesting regional endorsement or approval through MTC - must submit a Complete Streets Checklist (Checklist) to MTC.

Please note that Projects claiming exceptions to CS Policy must complete the Exceptions section on the Checklist and provide a Department Director-level signature.

Additional information and guidance for completing this Checklist can be found at the **MTC Administrative Guidance: Complete Streets Policy Guidance for public agency staff implementing MTC Resolution 4493** at mtc.ca.gov/planning/transportation/complete-streets.

This form may be downloaded at mtc.ca.gov/planning/transportation/complete-streets.

Submittal

Completed Checklists must be emailed to completestreets@bayareametro.gov.

PROJECT INFORMATION
Project Name/Title: Silverado Trail Five-way Intersections Improvements
Project Area/Location(s): See Attached Map
Attach map if available.

PROJECT DESCRIPTION: (300-word limit)

City of Napa: At the intersection of Silverado Trail (SR121), Third St, Coombsville Rd, and East Ave: Construct a series of roundabouts to improve operations that will result in increased safety, reduced driver delay, reduced congestion, and improved overall level of service. Additionally, the purpose of this project is to improve the safety and accessibility for all users by including bicycle facilities and pedestrian facilities that meet ADA requirements. Project alternatives include a single roundabout design. Caltrans will be the implementing agency for the project.

Please indicate project phase (Planning, PE, ENV, ROW, CON, O&M)

May attach additional project documents, cross sections, plan view, or other supporting materials.

CONTACT INFORMATION

Contact Name & Title:

Ian Heid, Senior Civil Engineer

Contact Email:

iheid@cityofnapa.org

Contact Phone:

707-257-9386

Agency:

City of Napa

Topic	CS Policy Consideration	YES	NO	Required Description	Description
1. Bicycle, Pedestrian and Transit Planning	<p>Does Project implement relevant Plans, or other locally adopted recommendations?</p> <p>Plan examples include:</p> <ul style="list-style-type: none"> • City/County General + Area Plans • Bicycle, Pedestrian & Transit Plan • Community-Based Transportation Plan • ADA Transition Plan • Station Access Plan • Short-Range Transit Plan • Vision Zero/Systematic Safety Plan 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Please provide detail on Plan recommendations affecting Project area, if any, with Plan adoption date.</p> <p>If Project is inconsistent with adopted Plans, please provide explanation.</p>	<p>Project is consistent with multiple local plans that recommend improvements to the intersection of Silverado Trail (SR121)/Third St/Coombsville Rd/East Ave (known as the 5-Way intersection) including: City of Napa General Plan (adopted 12-1-98); Downtown Napa Specific Plan (5-1-12); Napa Countywide Transportation Plan (5-19-21)</p>
2. Active Transportation Network	<p>Does the project area contain segments of the regional Active Transportation (AT) Network? See AT Network map on the MTC Complete Streets webpage.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>If yes, describe how project adheres to the NACTO All Ages and Abilities design principles. See <i>All Ages and Abilities and Design Guidelines</i> below.</p>	<p>Project is proximal to the regional AT Network, located just outside the network boundary. Project is located along the Napa Countywide and City of Napa active transportation network. Project will include Class I facilities through the roundabouts.</p>

Topic	CS Policy Consideration	YES	NO	Required Description	Description
2. Active Transportation Network (Cont.)					
3. Safety and Comfort	A. Is the Project on a known High Injury Network (HIN) or has a local traffic safety analysis found a high incidence of bicyclist/pedestrian-involved crashes within the project area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Please summarize the traffic safety conditions and describe Project's traffic safety measures. The <u>Bay Area Vision Zero System</u> may be a resource.	Collision Analysis for the City's draft Local Roadway Safety Plan (plan in progress) indicates the project area is located along a High Injury Network.
	B. Does the project seek to improve bicyclist and/or pedestrian conditions? If the project includes a bikeway, was a Level of Traffic Stress (LTS), or similar user experience analyses conducted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Describe how project seeks to provide low-stress transportation facilities or reduce a facility's <u>LTS</u> .	Project design will include Class I separated facilities through the roundabout providing a low-stress facility for active transportation users.
4. Transit Coordination	A. Are there existing public transit facilities (stop or station) in the project area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	List transit facilities (stop, station, or route) and all affected agencies.	VINE transit has stops proximal to the project area. The project alternatives were screened to ensure their ability to accommodate existing bus routes.
	B. Have all potentially affected transit agencies had the opportunity to review this project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Please attach confirmation email from transit operator(s) to email.	Napa Valley Transportation Authority (NVTA) operates the local transit service (VINE Transit). NVTA is a partner on this project.

Topic	CS Policy Consideration	YES	NO	Required Description	Description
	C. Is there a MTC <u>Mobility Hub</u> within the project area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes, please describe outreach to mobility providers, and Project's Hub-supportive elements.	
5. Design	Does the project meet professional design standards or guidelines appropriate for bicycle and/or pedestrian facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Please provide Class designation for bikeways. Cite design standards used.	Class I shared-use path facilities will be provided within the limits of the roundabout conforming to standard roundabout design practices. Class II bicycle facilities will be accommodated on the approaches.
6. Equity	Will Project improve active transportation in an Equity Priority Community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Please list EPC(s) affected.	Project is located within EPC Census Tract 2003.01.
7. BPAC Review	Has a local (city or county) Bicycle and Pedestrian Advisory Commission (BPAC) reviewed this checklist (or for OBAG 3, this project)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Please provide meeting date(s) and a summary of comments, if any.	Project was previously reviewed by NVTA Active Transportation Advisory Committee (ATAC) during the OBAG2 application review process; Current project checklist and project information scheduled to be reviewed by NVTA ATAC at a July 13, 2022 Special Meeting.

Statement of Compliance	YES
The proposed Project complies with California Complete Street Act of 2008 (Gov. Code Sections 65040.2 and 65302, MTC Complete Streets Policy (Reso. 4493), and locally adopted Complete Streets resolutions (adopted as OBAG 2 (Reso. 4202) requirement, Resolution 4202.)	<input checked="" type="checkbox"/>

If no. complete Statement of Exception and obtain necessary signature.

Statement of Exception	YES	Provide Documentation or Explanation	Documentation Explanation
1. The affected roadway is legally prohibited for use by bicyclists and/or pedestrians.	<input type="checkbox"/>	If yes, please cite language and agency citing prohibited use.	
2. The costs of providing Complete Streets improvements are excessively disproportionate to the need or probable use (defined as more than 20 percent for Complete Streets elements of the total project cost).	<input type="checkbox"/>	If claimed, the agency must include proportionate alternatives and still provide safe accommodation of people biking, walking and rolling.	
3. There is a documented Alternative Plan to implement Complete Streets and/or on a nearby parallel route.	<input type="checkbox"/>	Describe Alternative Plan/Project	
4. Conditions exist in which policy requirements may not be able to be met, such as fire and safety specifications, spatial conflicts on the roadway with transit or environmental concerns, defined as abutting conservation land or severe topological constraints.	<input type="checkbox"/>	Describe condition(s) that prohibit implementation of CS policy requirements	

SIGNATURES / NOTIFICATIONS

TRANSIT

The project sponsor shall communicate and coordinate with all transit agencies with operations affected by the proposed project. If a project includes a transit stop/station, or is located along a transit route, the Checklist must include written documentation (e.g. email) with the affected transit agency(ies) to confirm transit agency coordination and acknowledgement of the project. A CS Checklist Transit Agency Contact List is available for reference.

DEPARTMENT DIRECTOR-LEVEL SIGNATURE FOR EXCEPTIONS

Exceptions must be signed by a Department Director-level agency representative, or their designee, and not the Project Manager. Insert electronic signature or sign below :

Full Name:

Title:

Date:

Signature:

All Ages and Abilities and Design Guidelines

All Ages and Abilities

Designing for All Ages & Abilities, Contextual Guidance for High-Comfort Bicycle Facilities, National Association of Transportation Officials, December 2017

Projects on the AT Network shall incorporate design principles based on designing for “All Ages and Abilities,” contextual guidance provided by the National Association of City Transportation Officials (NACTO), and consistent with state and national best practices. A facility that serves “all ages and abilities” is one that effectively serves the mobility needs of children, older adults, and people with disabilities and in doing so, works for everyone else. The all ages and abilities approach also strives to serve all users, regardless of age, ability, ethnicity, race, sex, income, or disability, by embodying national and international best practices related to traffic calming, speed reduction, and roadway design to increase user safety and comfort. This approach also includes the use of traffic calming elements or facilities separated from motor vehicle traffic, both of which can offer a greater feeling of safety and appeal to a wider spectrum of the public.

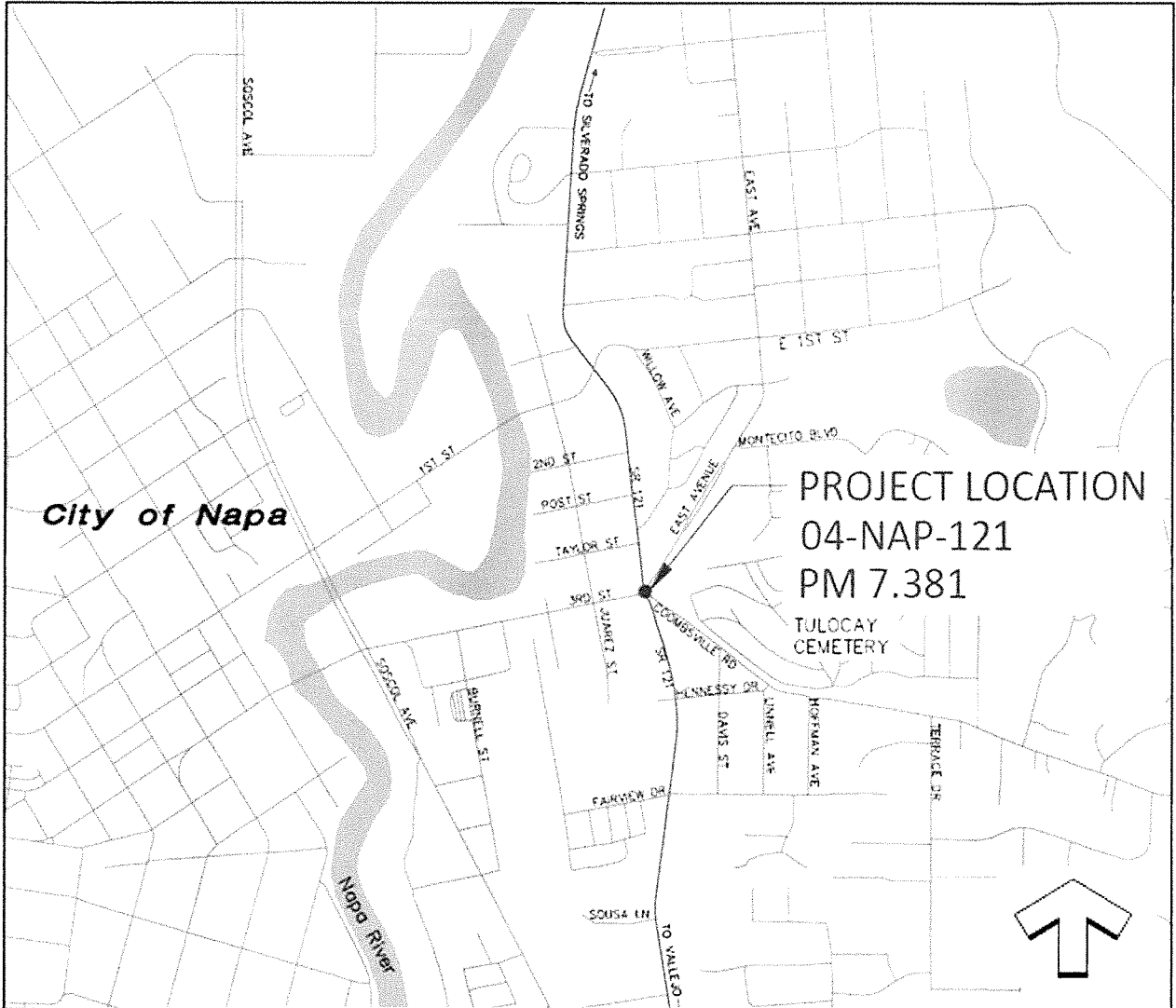
Design best practices for safe street crossings, pedestrian facilities, and Americans with Disabilities Act (ADA) accessibility at transit stops, and bicycle/micromobility facilities on the AT Network should be incorporated throughout the entirety of the project. The Proposed Public Rights-of-Way Accessibility Guidelines (PROWAG) by the U.S. Access Board should also be referenced during design.

Contextual Guidance for Selecting All Ages & Abilities Bikeways				
Roadway Context				All Ages & Abilities Bicycle Facility
Target Motor Vehicle Speed*	Target Max. Motor Vehicle Volume (ADT)	Motor Vehicle Lanes	Key Operational Considerations	
Any		Any	Any of the following: high curbside activity, frequent buses, motor vehicle congestion, or turning conflicts†	Protected Bicycle Lane
< 10 mph	Less relevant	No centerline, or single lane one-way	Pedestrians share the roadway	Shared Street
≤ 20 mph	≤ 1,000 – 2,000		< 50 motor vehicles per hour in the peak direction at peak hour	Bicycle Boulevard
≤ 25 mph	≤ 500 – 1,500	Single lane each direction, or single lane one-way	Low curbside activity, or low congestion pressure	Conventional or Buffered Bicycle Lane, or Protected Bicycle Lane
	≤ 1,500 – 3,000			Buffered or Protected Bicycle Lane
	≤ 3,000 – 6,000			Protected Bicycle Lane
	Greater than 6,000			
Greater than 26 mph†	Any	Multiple lanes per direction		
	≤ 6,000	Single lane each direction	Low curbside activity, or low congestion pressure	Protected Bicycle Lane, or Reduce Speed
		Multiple lanes per direction		Protected Bicycle Lane, or Reduce to Single Lane & Reduce Speed
Greater than 6,000	Any	Any	Any	Protected Bicycle Lane, or Bicycle Path
High-speed limited access roadways, natural corridors, or geographic edge conditions with limited conflicts		Any	High pedestrian volume	Bike Path with Separate Walkway or Protected Bicycle Lane
			Low pedestrian volume	Shared-Use Path or Protected Bicycle Lane

Design Guidance

Examples of applicable design guidance documents include (but are not limited to): American Association of State Highway and Transportation Officials (AASHTO) - *A Policy on Geometric Design of Highway and Streets, Guide for the Development of Bicycle Facilities, Guide for the Planning, Design, and Operation of Pedestrian Facilities; Public Right-of-Way Accessibility Guide (PROWAG); Manual on Uniform Traffic Control Devices (MUTCD); Americans with Disabilities Act Accessibility Guidelines (ADAAG); National Association of City Transportation Officials (NACTO) - Urban Bikeway Design Guide.*

Project Area/Location Map





Project Information			
Project Name:	Main Street St. Helena Pedestrian Improvements		
Project Sponsor:	City of St. Helena		
Sponsor Single Point of Contact:	Mark Rincon-Ibarra mricon@cityofsthelena.org ejanzen@cityofsthelena.org		
Project Location:	In Saint Helena Along Main Street (SR29) from Adams Street to Pine Street		
Brief Project Description:	Along Main Street (SR29) from Adams Street to Pine Street: Replace and upgrade pedestrian facilities. The project will include the removal and replacement of approximately 1,100 linear feet of sidewalk, curb ramps, construct crosswalk enhancements, tree removal and replacement, landscape irrigation and installation of street light electrical.		
Program Eligibility			
Federal Fund Eligibility <i>Is the project eligible for federal transportation funds?</i>	Select the OBAG 3 federal fund source(s) for which the project is eligible: <input type="checkbox"/> Surface Transportation Block Grant (STP) Program (See FHWA fact sheet) <input checked="" type="checkbox"/> Congestion Mitigation & Air Quality Improvement (CMAQ) Program (See FHWA fact sheet) <i>Note: projects eligible for CMAQ funding must provide inputs for air quality improvement calculations, using templates provided on the OBAG 3 webpage.</i>		
Eligible Project Type <i>Is the project an eligible project type?</i>	Select the eligible project type(s) (refer to MTC Resolution No. 4505 for detailed eligibility guidelines): <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top; width: 50%;"> <p><i>Growth Framework Implementation</i></p> <input type="checkbox"/> PDA Planning Grant <input type="checkbox"/> Local Planning Grant (for other <i>Plan Bay Area 2050 Growth Geographies</i>) <p><i>Complete Streets & Community Choice</i></p> <input checked="" type="checkbox"/> Bicycle/Pedestrian Infrastructure <input type="checkbox"/> Bicycle/Pedestrian Program <input type="checkbox"/> Safe Routes to School (SRTS) Non-Infrastructure program <input type="checkbox"/> SRTS Infrastructure <input type="checkbox"/> Safety project <input type="checkbox"/> Safety Planning efforts <input type="checkbox"/> Complete Streets improvements <input type="checkbox"/> Streetscape improvements <input type="checkbox"/> Local Streets and Roads Preservation <input type="checkbox"/> Rural Roadway Improvement <input type="checkbox"/> Community-Based Transportation Plan (CBTP) or Participatory Budgeting (PB) Process in an Equity Priority Community (EPC) <input type="checkbox"/> CBTP/PB Project Implementation </td> <td style="vertical-align: top; width: 50%;"> <p><i>Climate, Conservation, & Resilience</i></p> <input type="checkbox"/> Transportation Demand Management (TDM) Program <input type="checkbox"/> Mobility Hub <input type="checkbox"/> Parking/Curb Management <input type="checkbox"/> Car/Bike Share Capital <input type="checkbox"/> Open Space Preservation and Enhancement <input type="checkbox"/> Bicycle/Pedestrian Access to Open Space/Parkland <input type="checkbox"/> Regional Advance Mitigation Planning (RAMP) <p><i>Multimodal Systems Operations & Performance</i></p> <input type="checkbox"/> Transit Capital Improvement <input type="checkbox"/> Transit Station Improvement <input type="checkbox"/> Transit Transformation Action Plan Project Implementation <input type="checkbox"/> Active Operational Management <input type="checkbox"/> Mobility Management and coordination </td> </tr> </table>	<p><i>Growth Framework Implementation</i></p> <input type="checkbox"/> PDA Planning Grant <input type="checkbox"/> Local Planning Grant (for other <i>Plan Bay Area 2050 Growth Geographies</i>) <p><i>Complete Streets & Community Choice</i></p> <input checked="" type="checkbox"/> Bicycle/Pedestrian Infrastructure <input type="checkbox"/> Bicycle/Pedestrian Program <input type="checkbox"/> Safe Routes to School (SRTS) Non-Infrastructure program <input type="checkbox"/> SRTS Infrastructure <input type="checkbox"/> Safety project <input type="checkbox"/> Safety Planning efforts <input type="checkbox"/> Complete Streets improvements <input type="checkbox"/> Streetscape improvements <input type="checkbox"/> Local Streets and Roads Preservation <input type="checkbox"/> Rural Roadway Improvement <input type="checkbox"/> Community-Based Transportation Plan (CBTP) or Participatory Budgeting (PB) Process in an Equity Priority Community (EPC) <input type="checkbox"/> CBTP/PB Project Implementation	<p><i>Climate, Conservation, & Resilience</i></p> <input type="checkbox"/> Transportation Demand Management (TDM) Program <input type="checkbox"/> Mobility Hub <input type="checkbox"/> Parking/Curb Management <input type="checkbox"/> Car/Bike Share Capital <input type="checkbox"/> Open Space Preservation and Enhancement <input type="checkbox"/> Bicycle/Pedestrian Access to Open Space/Parkland <input type="checkbox"/> Regional Advance Mitigation Planning (RAMP) <p><i>Multimodal Systems Operations & Performance</i></p> <input type="checkbox"/> Transit Capital Improvement <input type="checkbox"/> Transit Station Improvement <input type="checkbox"/> Transit Transformation Action Plan Project Implementation <input type="checkbox"/> Active Operational Management <input type="checkbox"/> Mobility Management and coordination
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NVTA Local OBAG Screening Criteria	
<p>Supplemental Prioritization Criteria <i>Does the project conform to Napa County-specific criteria?</i></p>	<p>Select the OBAG 3 federal fund source(s) for which the project is eligible:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Project is a stand-alone project <input checked="" type="checkbox"/> Project sponsor is an eligible public agency <input checked="" type="checkbox"/> Project sponsor is requesting a minimum of \$250,000 in OBAG funds <input checked="" type="checkbox"/> Project is consistent with the Regional Transportation Plan and the Napa Countywide Transportation Plan– Advancing Mobility 2045 <input checked="" type="checkbox"/> Project has identified a local match of at least 11.47% <input checked="" type="checkbox"/> Located within a Priority Conservation Area (PCA) <input type="checkbox"/> Not located within designated PDA, PCA, PPA geographies, but direct connection to one or more of the designated geographies. <input checked="" type="checkbox"/> Project Readiness: Project can clearly demonstrate an ability to meet timely use of funds. Project should have completed conceptual designs at a minimum and ideally completed survey work (i.e. at/or near 30% design). <input checked="" type="checkbox"/> Project has completed environmental document <input checked="" type="checkbox"/> Community Support: Project has clear and diverse community support. This can be shown with letters of support, specific reference in adopted plan and community meetings regarding the project. <input checked="" type="checkbox"/> Project is listed in NVTA’s Community Based Transportation Plan <input checked="" type="checkbox"/> Safety: Project addresses high risk and high activity multi-modal corridor location. <input type="checkbox"/> Located within a Napa County Designated Equity Priority Community? (EPC): Project is located in an EPC or serves an EPC. <input type="checkbox"/> Project is a Safe Routes to School (SRTS) project <input checked="" type="checkbox"/> If a capital project, is the OBAG request all in one phase (i.e. all construction) <input checked="" type="checkbox"/> Project Sponsor is providing over a 20% match to federal funds <input type="checkbox"/> The project has a regional impact <input type="checkbox"/> Project Sponsor Priority: For project sponsor’s that submit multiple projects; this project has been given priority.



Policy Alignment							
<p>Federal Performance Goals How does the project support federal performance measures?</p>	<p>Select the <u>federal performance measures</u> that are supported by the project:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> <u>Safety</u>: Significantly reduce traffic fatalities and serious injuries for all users on all public roads and improve the safety of all public transportation systems. <input type="checkbox"/> <u>Infrastructure Condition</u>: Improve the pavement condition on the Interstate and National Highway System (NHS) and NHS bridges and maintain the condition of public transit assets in a state of good repair. <input type="checkbox"/> <u>Congestion Reduction</u>: Significantly reduce congestion on the NHS in urbanized areas. <input type="checkbox"/> <u>System Reliability</u>: Improve the reliability of the Interstate system and NHS. <input type="checkbox"/> <u>Freight Movement and Economic Vitality</u>: Improve the reliability of the Interstate system for truck travel. <input checked="" type="checkbox"/> <u>Environmental Sustainability</u>: Maximize emission reductions from CMAQ-funded projects. <p>Describe how the project supports the selected federal performance measure(s): This sidewalk project will contribute to increased pedestrian trips, which in turn will lead to reduced emissions and improved air quality. This sidewalk improvement is needed to improve the current infrastructure that has deteriorated over time and provide a safe facility which will increase safety and reduced tripping hazards for people of all ages.</p>						
<p>Plan Bay Area 2050 Strategies How does the project align with Plan Bay Area 2050?</p>	<p>Describe how the project supports <u>Plan Bay Area 2050 Strategies</u> and/or <u>Implementation Plan</u>: This project supports the PBA 2050 strategy to create healthy and safe streets, by optimizing the current pedestrian network and providing a safe route for pedestrians and rollers for people of all ages.</p>						
<p>Regional Policy Alignment How does the project align with other regional policies and plans?</p>	<p>Select the regional plans and policies with which the project is aligned:</p> <table border="0" style="width: 100%;"> <tr> <td><input checked="" type="checkbox"/> <u>Regional Safety/Vision Zero Policy</u></td> <td><input type="checkbox"/> <u>Transit Oriented Communities Policy</u></td> </tr> <tr> <td><input type="checkbox"/> <u>MTC's Equity Platform</u></td> <td><input type="checkbox"/> <u>Blue Ribbon Transit Transformation</u></td> </tr> <tr> <td><input checked="" type="checkbox"/> <u>Regional Active Transportation Plan</u></td> <td><u>Action Plan</u></td> </tr> </table> <p>Describe how the project aligns with the selected regional plans and/or policies: This project aligns with the Regional Transportation Plan because it contributes to the Regional Planning Framework aims to connect people to jobs and regional transit, it also meets the Plan's Safety objective to create and maintain a safe environment for people walking and rolling.</p>	<input checked="" type="checkbox"/> <u>Regional Safety/Vision Zero Policy</u>	<input type="checkbox"/> <u>Transit Oriented Communities Policy</u>	<input type="checkbox"/> <u>MTC's Equity Platform</u>	<input type="checkbox"/> <u>Blue Ribbon Transit Transformation</u>	<input checked="" type="checkbox"/> <u>Regional Active Transportation Plan</u>	<u>Action Plan</u>
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<input checked="" type="checkbox"/> <u>Regional Active Transportation Plan</u>	<u>Action Plan</u>						
<p>Regional Growth Geographies Does the project support PBA 2050 Growth Geographies?</p>	<p>Indicate the project's relationship to <u>Plan Bay Area 2050 Growth Geographies</u>:</p> <p><i>Priority Development Area (PDA)</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Meets the uniform definition of a PDA-supportive project (within <u>one mile or less of a PDA boundary</u>) <input type="checkbox"/> Does not meet the uniform definition of a PDA-supportive project, but otherwise has a clear and direct connection to PDA implementation <i>Please describe</i> <input type="checkbox"/> Included in a locally-adopted PDA plan (e.g. Specific Plan, PDA Investment and Growth Strategy) <i>Locally-adopted PDA plan reference</i> 						



	<p><i>Transit Rich Area (TRA)</i></p> <p><input type="checkbox"/> Within a TRA or otherwise supportive of a TRA (see Growth Geographies map) <i>Please describe</i></p> <p><i>Priority Production Area (PPA)</i></p> <p><input type="checkbox"/> Supports the preservation of a PPA (see Growth Geographies map) <i>Please describe</i></p>
<p>Equity Priority Communities <i>Does the project invest in historically underserved communities?</i></p>	<p>Indicate how the project invests in historically underserved communities, including <i>Plan Bay Area 2050 Equity Priority Communities</i> (EPCs):</p> <p><input type="checkbox"/> Located within and supportive of an EPC (see Equity Priority Communities map)</p> <p><input type="checkbox"/> Not located within an EPC, but is otherwise supportive of an EPC or other historically underserved community</p> <p><i>Description of how project supports an EPC or other historically underserved community</i></p>
<p>Local Housing Policies <i>Is the project located in a jurisdiction with policies that support affordable housing?</i></p>	<p>Indicate if the project is locate in a jurisdiction that has adopted policies which support the <u>"3Ps" approach to affordable housing</u> by listing the relevant adopted policies for each element of the 3Ps. Additional guidance and resources on affordable housing policies are provided on the OBAG 3 webpage.</p> <p><input checked="" type="checkbox"/> <u>Protect</u> current residents from displacement (with emphasis on policies that have demonstrated effectiveness in community stabilization and anti-displacement). <i>The City of St. Helena Adopted the Housing Element Update 2015-2023 on May 26, 2015 which implements the City's "3 Ps" policies. Policy HE1.K protects households from displacement by broadening the definition of "family" to extend affordable housing protections to single-member and unrelated co-habitant households. Policy HE5.G required bicycle and pedestrian amenities to new housing projects and connecting them to surrounding areas.</i></p> <p><input checked="" type="checkbox"/> <u>Preserve</u> existing affordable housing (with emphasis on policies that have demonstrated effectiveness in community stabilization and anti-displacement). <i>The City of St. Helena Adopted the Housing Element Update 2015-2023 on May 26, 2015 which implements the City's "3 Ps" policies. Policy HE3.A restricted conversion of rental units to condominiums. Policy HE3.D restricted conversion of market-rate housing to vacation rentals. Policy HE3.E added housing needs as a regular consideration in the City's General Plan review process.</i></p> <p><input checked="" type="checkbox"/> <u>Produce</u> new housing at all income levels. <i>The City of St. Helena Adopted the Housing Element Update 2015-2023 on May 26, 2015 which implements the City's "3 Ps" policies. Policy HE1.C encourages production of affordable housing units by granting priority access to water and sewer resources. Policy HE1.J encourages co-housing, eco-housing and other non-traditional forms of housing. Policy HE2.I revises development standards pertaining to second units (i.e. ADUs or "granny units") by the creation of SHMC Section 17.116.030 Accessory Dwelling Units (2020) which allow shared utility connections and reduced fees for qualifying new ADUs.</i></p>
<p>Community Support</p>	



<p>Community Support <i>Does the project have community support, particularly if it is located in a historically underserved community?</i></p>	<p>Indicate if the project has demonstrated community support through one or more of the following:</p> <p><input type="checkbox"/> Public outreach responses specific to this project, including comments received at public meetings or hearings, feedback from community workshops, or survey responses. <i>Summary of public outreach responses</i></p> <p><input checked="" type="checkbox"/> Project is consistent with an adopted local transportation plan. This project consistent with the Napa Valley Transportation’s Countywide Transportation Plan, it is listed in the prioritized constrained list of projects.</p> <hr/> <p>Indicate if the project has demonstrated support from communities disproportionately impacted by past discriminatory practices, including redlining, racial covenants, urban renewal, and highway construction that divided low income and communities of color. Resources for identifying impacted communities are available on the OBAG 3 webpage. Community support may be demonstrated through one or more of the following:</p> <p><input type="checkbox"/> Prioritization of the project in a Community Based Transportation Plan (CBTP) or Participatory Budgeting (PB) process. <i>CBTP or PB reference</i></p> <p><input type="checkbox"/> Endorsements from a Community-Based Organizations representing historically underserved and potentially impacted communities. <i>Description of CBO endorsement</i></p>
<p>Deliverability & Readiness</p>	
<p>Project Readiness <i>Is the project ready to be delivered?</i></p>	<p>Describe the readiness of the project, including right-of-way impacts and the type of environmental document/clearance required:</p> <p><i>Project is located in existing public right-of-way. The majority of Adjoining parcel boundaries are Public (City Hall) or quasi-Public (USPS) landowners. Title Reports for all adjoining parcels have been obtained and reviewed with no conflicts noted.</i></p> <p>If the project touches Caltrans right-of-way, include the status and timeline of the necessary Caltrans approvals and documents, the status and timeline of Caltrans requirements, and approvals such as planning documents (PSR or equivalent) environmental approval, encroachment permit.</p> <p><i>Project is located adjacent to Highway 29 which is Caltrans jurisdiction. Only minor striping work is proposed in Caltrans jurisdiction. The City will obtain an encroachment permit from Caltrans prior to commencing work. Right-of-way and Environmental clearances from Caltrans will be obtained prior to initiating the E76 application process. The City anticipates completing/updating Right-of-Way and environmental clearances by November of 2022. The City anticipates submittal of Caltrans encroachment permit for minor striping work, traffic control and work zones prior to start of construction. Start of Construction anticipated for July 2023.</i></p>
<p>Deliverability <i>Are there any barriers to on-time delivery?</i></p>	<p>Describe the project’s timeline and status, as well as the sponsor’s ability to meet the January 31, 2027 obligation deadline:</p> <p><i>Project design is complete. Environment clearance had been obtained but must be re-validated prior to submittal of E76 application. Right-of-Way review by City underway with anticipated completion of August 2022. The City anticipates completing/updating</i></p>



	<p><i>Right-of-Way and environmental clearances by November of 2022. The City anticipates start of Construction by July 2023. Construction anticipated for <6 weeks (30 work days).</i></p> <p>Identify any known risks to the project schedule, and how the CTA and project sponsor will mitigate and respond to those risks:</p> <p><i>Project schedule can be adversely impacted by delays in document review by oversight agencies. The City plans to mitigate these delays by submitting documents to these agencies at the earliest opportunity.</i></p>
Project Cost & Funding	
<p>Grant Minimum <i>Does the project meet the minimum grant size requirements?</i></p>	<p><input checked="" type="checkbox"/> Project meets the minimum grant size requirements. Projects must be a minimum of \$500,000 for counties with a population over 1 million (Alameda, Contra Costa, and Santa Clara counties) and \$250,000 for counties with a population under one million (Marin, Napa, San Francisco, San Mateo, Solano, and Sonoma counties).</p> <p><i>Exception request to minimum grant size</i></p>
<p>Local Match <i>Does the project meet local match requirements?</i></p>	<p><input checked="" type="checkbox"/> Project sponsor will provide a local match of at least 11.47% of the total project cost.</p> <p><i>Local Match is anticipated to be >40% of grant funding.</i></p>

One Bay Area Grant (OBAG 3) – County & Local Program
 Template Application Form (V1)



Project Cost & Funding

OBAG 3 Grant Request:

Total Grant Request	\$1,206,000
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Project Cost & Schedule:

Project Phases	Total Cost	Secured Funds		Unsecured Funds		Schedule (Start dates: Planned, Actual)
		Amount	Fund Sources	OBAG 3 Grant Request	Remaining Funding Needed	
Planning/ Conceptual	\$	\$	Secured fund sources, notes	\$	\$	Monthly/Year
Environmental Studies (PA&ED)	\$	\$	Force Account. CE.	\$	\$	08/2022
Design Engineering (PS&E)	\$529,000	\$	General Fund and gas tax	\$0	\$0	2018
Right-of-way	\$	\$	Work in existing Right-of-Way	\$	\$	NA
Construction	2,115,250	\$909,250	Measure T and General Fund	\$1,206,000	\$0	07/2023
Total	\$	\$		\$	\$	

Project Investment by Mode:

Mode	Share of project investment
Auto	%
Transit	%
Bicycle/Pedestrian	100%
Other	%
Total	100%



Complete Streets Checklist
Implementation of MTC's Complete Streets Policy, Resolution 4493, Adopted 3/25/22

Background

Since 2006, MTC's Complete Streets (CS) Policy has promoted the development of transportation facilities that can be used by all modes. In March 2022, MTC updated its CS policy (Resolution 4493) with the goal of ensuring that people biking, walking, rolling, and taking transit are safely accommodated within the transportation network. This policy works to advance Plan Bay Area 2050 objectives of achieving mode shift, safety, equity, and vehicle miles traveled and greenhouse gas emission reductions, as well as state & local compliance with applicable CS-related laws, policies, and practices, specifically the California Complete Street Act of 2008 (Gov. Code Sections 65040.2 and 65302) and applicable local policies such as the CS resolutions adopted before January 16, 2016 (as part of MTC's OBAG 2 requirements.)

Requirements

MTC's CS Policy requires that all projects (with a total project cost of \$250,000 or more) applying for regional discretionary transportation funding – or requesting regional endorsement or approval through MTC - must submit a Complete Streets Checklist (Checklist) to MTC.

Please note that Projects claiming exceptions to CS Policy must complete the Exceptions section on the Checklist and provide a Department Director-level signature.

Additional information and guidance for completing this Checklist can be found at the **MTC Administrative Guidance: Complete Streets Policy Guidance for public agency staff implementing MTC Resolution 4493** at mtc.ca.gov/planning/transportation/complete-streets.

This form may be downloaded at mtc.ca.gov/planning/transportation/complete-streets.

Submittal

Completed Checklists must be emailed to completestreets@bayareametro.gov.

PROJECT INFORMATION	
Project Name/Title:	Main Street St. Helena Pedestrian Improvements
Project Area/Location(s):	In Saint Helena Along Main Street (SR29) from Adams Street to Pine Street.
Attach map if available.	

PROJECT DESCRIPTION: (300-word limit)

Along Main Street (SR29) from Adams Street to Pine Street: Replace and upgrade pedestrian facilities. The project will include the removal and replacement of approximately 1,100 linear feet of sidewalk, curb ramps, construct crosswalk enhancements, tree removal and replacement, landscape irrigation and installation of street light electrical.

Please indicate project phase (Planning, PE, ENV, ROW, **CON**, O&M)

May attach additional project documents, cross sections, plan view, or other supporting materials.

CONTACT INFORMATION

Contact Name & Title: Eric Janzen - Asst. PW Director	Contact Email: ejanzen@cityofsthelelena.org	Contact Phone: 707 967-2831
Agency: City of St. Helena		

Topic	CS Policy Consideration	YES	NO	Required Description	Description
1. Bicycle, Pedestrian and Transit Planning	<p>Does Project implement relevant Plans, or other locally adopted recommendations?</p> <p>Plan examples include:</p> <ul style="list-style-type: none"> • City/County General + Area Plans • Bicycle, Pedestrian & Transit Plan • Community-Based Transportation Plan • ADA Transition Plan • Station Access Plan • Short-Range Transit Plan • Vision Zero/Systematic Safety Plan 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Please provide detail on Plan recommendations affecting Project area, if any, with Plan adoption date.</p> <p>If Project is inconsistent with adopted Plans, please provide explanation.</p>	
2. Active Transportation Network	<p>Does the project area contain segments of the regional Active Transportation (AT) Network? See AT Network map on the MTC Complete Streets webpage.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>If yes, describe how project adheres to the NACTO All Ages and Abilities design principles. See <i>All Ages and Abilities and Design Guidelines</i> below.</p>	<p>Project replaces existing non-conforming sidewalk, ramp and crosswalk facilities with new conforming facilities.</p>

Topic	CS Policy Consideration	YES	NO	Required Description	Description
2. Active Transportation Network (Cont.)					
3. Safety and Comfort	A. Is the Project on a known High Injury Network (HIN) or has a local traffic safety analysis found a high incidence of bicyclist/pedestrian-involved crashes within the project area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Please summarize the traffic safety conditions and describe Project's traffic safety measures. The <u>Bay Area Vision Zero System</u> may be a resource.	Project adjoins SR29 in St. Helena. SR29 (Main Street) is a high traffic corridor with dense urban development and high pedestrian and bicycle traffic.
	B. Does the project seek to improve bicyclist and/or pedestrian conditions? If the project includes a bikeway, was a Level of Traffic Stress (LTS), or similar user experience analyses conducted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Describe how project seeks to provide low-stress transportation facilities or reduce a facility's <u>LTS</u> .	Project seeks to improve pedestrian pathways by reducing tripping hazards, improving accessibility and visibility at crosswalks.
4. Transit Coordination	A. Are there existing public transit facilities (stop or station) in the project area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	List transit facilities (stop, station, or route) and all affected agencies.	Bus Routes 10 & 29
	B. Have all potentially affected transit agencies had the opportunity to review this project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Please attach confirmation email from transit operator(s) to email.	Project was reviewed under OBAG 2 and relisted under OBAG 3

Topic	CS Policy Consideration	YES	NO	Required Description	Description
	C. Is there a MTC <u>Mobility Hub</u> within the project area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If yes, please describe outreach to mobility providers, and Project's Hub-supportive elements.	The City participates in outreach coordination with NVTA and MTC
5. Design	Does the project meet professional design standards or guidelines appropriate for bicycle and/or pedestrian facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Please provide Class designation for bikeways. Cite design standards used.	CA MUTCD, Caltrans and ADA design standards were used in the redesign of this project.
6. Equity	Will Project improve active transportation in an Equity Priority Community?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Please list EPC(s) affected.	
7. BPAC Review	Has a local (city or county) Bicycle and Pedestrian Advisory Commission (BPAC) reviewed this checklist (or for OBAG 3, this project)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Please provide meeting date(s) and a summary of comments, if any.	Project was reviewed under OBAG 2 and relisted under OBAG 3

Statement of Compliance	YES
The proposed Project complies with California Complete Street Act of 2008 (Gov. Code Sections 65040.2 and 65302, MTC Complete Streets Policy (Reso. 4493), and locally adopted Complete Streets resolutions (adopted as OBAG 2 (Reso. 4202) requirement, Resolution 4202.)	<input checked="" type="checkbox"/>

If no, complete Statement of Exception and obtain necessary signature.

Statement of Exception	YES	Provide Documentation or Explanation	Documentation Explanation
1. The affected roadway is legally prohibited for use by bicyclists and/or pedestrians.	<input type="checkbox"/>	If yes, please cite language and agency citing prohibited use.	
2. The costs of providing Complete Streets improvements are excessively disproportionate to the need or probable use (defined as more than 20 percent for Complete Streets elements of the total project cost).	<input type="checkbox"/>	If claimed, the agency must include proportionate alternatives and still provide safe accommodation of people biking, walking and rolling.	
3. There is a documented Alternative Plan to implement Complete Streets and/or on a nearby parallel route.	<input type="checkbox"/>	Describe Alternative Plan/Project	
4. Conditions exist in which policy requirements may not be able to be met, such as fire and safety specifications, spatial conflicts on the roadway with transit or environmental concerns, defined as abutting conservation land or severe topological constraints.	<input type="checkbox"/>	Describe condition(s) that prohibit implementation of CS policy requirements	

SIGNATURES / NOTIFICATIONS

TRANSIT

The project sponsor shall communicate and coordinate with all transit agencies with operations affected by the proposed project. If a project includes a transit stop/station, or is located along a transit route, the Checklist must include written documentation (e.g. email) with the affected transit agency(ies) to confirm transit agency coordination and acknowledgement of the project. A CS Checklist Transit Agency Contact List is available for reference.

DEPARTMENT DIRECTOR-LEVEL SIGNATURE FOR EXCEPTIONS

Exceptions must be signed by a Department Director-level agency representative, or their designee, and not the Project Manager. Insert electronic signature or sign below :

Full Name: Eric Janzen - Asst. Director of Public Works

Title:

Date: 6/17/2022

Signature:

Eric Janzen - Asst. Director of Public Works

All Ages and Abilities and Design Guidelines

All Ages and Abilities

Designing for All Ages & Abilities, Contextual Guidance for High-Comfort Bicycle Facilities, National Association of Transportation Officials, December 2017

Projects on the AT Network shall incorporate design principles based on designing for “All Ages and Abilities,” contextual guidance provided by the National Association of City Transportation Officials (NACTO), and consistent with state and national best practices. A facility that serves “all ages and abilities” is one that effectively serves the mobility needs of children, older adults, and people with disabilities and in doing so, works for everyone else. The all ages and abilities approach also strives to serve all users, regardless of age, ability, ethnicity, race, sex, income, or disability, by embodying national and international best practices related to traffic calming, speed reduction, and roadway design to increase user safety and comfort. This approach also includes the use of traffic calming elements or facilities separated from motor vehicle traffic, both of which can offer a greater feeling of safety and appeal to a wider spectrum of the public.

Design best practices for safe street crossings, pedestrian facilities, and Americans with Disabilities Act (ADA) accessibility at transit stops, and bicycle/micromobility facilities on the AT Network should be incorporated throughout the entirety of the project. The Proposed Public Rights-of-Way Accessibility Guidelines (PROWAG) by the U.S. Access Board should also be referenced during design.

Contextual Guidance for Selecting All Ages & Abilities Bikeways				
Roadway Context				All Ages & Abilities Bicycle Facility
Target Motor Vehicle Speed	Target Max. Motor Vehicle Volume (ADT)	Motor Vehicle Lanes	Key Operational Considerations	
Any		Any	Any of the following: high curbside activity, frequent buses, motor vehicle congestion, or turning conflicts [†]	Protected Bicycle Lane
< 10 mph	Less relevant	No centerline, or single lane one-way	Pedestrians share the roadway	Shared Street
≤ 20 mph	≤ 1,000–2,000		< 50 motor vehicles per hour in the peak direction at peak hour	Bicycle Boulevard
≤ 25 mph	≤ 500–1,500			
	≤ 1,500 – 3,000	Single lane each direction, or single lane one-way	Low curbside activity, or low congestion pressure	Conventional or Buffered Bicycle Lane, or Protected Bicycle Lane
	≤ 3,000 – 6,000			Buffered or Protected Bicycle Lane
	Greater than 6,000			Protected Bicycle Lane
Any	Multiple lanes per direction			
Greater than 26 mph [†]	≤ 6,000	Single lane each direction	Low curbside activity, or low congestion pressure	Protected Bicycle Lane, or Reduce Speed
		Multiple lanes per direction		Protected Bicycle Lane, or Reduce to Single Lane & Reduce Speed
	Greater than 6,000	Any	Any	Protected Bicycle Lane, or Bicycle Path
High-speed limited access roadways, natural corridors, or geographic edge conditions with limited conflicts		Any	High pedestrian volume	Bike Path with Separate Walkway or Protected Bicycle Lane
			Low pedestrian volume	Shared-Use Path or Protected Bicycle Lane

Design Guidance

Examples of applicable design guidance documents include (but are not limited to): American Association of State Highway and Transportation Officials (AASHTO) - *A Policy on Geometric Design of Highway and Streets*, *Guide for the Development of Bicycle Facilities*, *Guide for the Planning, Design, and Operation of Pedestrian Facilities*; *Public Right-of-Way Accessibility Guide* (PROWAG); *Manual on Uniform Traffic Control Devices* (MUTCD); *Americans with Disabilities Act Accessibility Guidelines* (ADAAG); National Association of City Transportation Officials (NACTO) - *Urban Bikeway Design Guide*.

One Bay Area Grant (OBAG 3) – County & Local Program

Template Application Form (v1)



Project Information			
Project Name:	SR 29 American Canyon Operational and Multimodal Improvements		
Project Sponsor:	NVTA		
Sponsor Single Point of Contact:	Danielle Schmitz 707-259-5968 dschmitz@nvta.ca.gov		
Project Location:	SR 29 from Napa Junction Rd. to American Canyon Road.		
Brief Project Description:	Complete the environmental document for the SR 29 operational and multimodal improvements through American Canyon, including intersection improvements and complete streets facilities.		
Program Eligibility			
Federal Fund Eligibility <i>Is the project eligible for federal transportation funds?</i>	Select the OBAG 3 federal fund source(s) for which the project is eligible: <input checked="" type="checkbox"/> Surface Transportation Block Grant (STP) Program (See FHWA fact sheet) <input type="checkbox"/> Congestion Mitigation & Air Quality Improvement (CMAQ) Program (See FHWA fact sheet) <i>Note: projects eligible for CMAQ funding must provide inputs for air quality improvement calculations, using templates provided on the OBAG 3 webpage.</i>		
Eligible Project Type <i>Is the project an eligible project type?</i>	Select the eligible project type(s) (refer to MTC Resolution No. 4505 for detailed eligibility guidelines): <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top; width: 50%;"> <p><i>Growth Framework Implementation</i></p> <input type="checkbox"/> PDA Planning Grant <input type="checkbox"/> Local Planning Grant (for other <i>Plan Bay Area 2050 Growth Geographies</i>) <p><i>Complete Streets & Community Choice</i></p> <input checked="" type="checkbox"/> Bicycle/Pedestrian Infrastructure <input type="checkbox"/> Bicycle/Pedestrian Program <input type="checkbox"/> Safe Routes to School (SRTS) Non-Infrastructure program <input checked="" type="checkbox"/> SRTS Infrastructure <input checked="" type="checkbox"/> Safety project <input type="checkbox"/> Safety Planning efforts <input checked="" type="checkbox"/> Complete Streets improvements <input checked="" type="checkbox"/> Streetscape improvements <input type="checkbox"/> Local Streets and Roads Preservation <input type="checkbox"/> Rural Roadway Improvement <input type="checkbox"/> Community-Based Transportation Plan (CBTP) or Participatory Budgeting (PB) Process in an Equity Priority Community (EPC) <input type="checkbox"/> CBTP/PB Project Implementation </td> <td style="vertical-align: top; width: 50%;"> <p><i>Climate, Conservation, & Resilience</i></p> <input type="checkbox"/> Transportation Demand Management (TDM) Program <input type="checkbox"/> Mobility Hub <input type="checkbox"/> Parking/Curb Management <input type="checkbox"/> Car/Bike Share Capital <input type="checkbox"/> Open Space Preservation and Enhancement <input type="checkbox"/> Bicycle/Pedestrian Access to Open Space/Parkland <input type="checkbox"/> Regional Advance Mitigation Planning (RAMP) <p><i>Multimodal Systems Operations & Performance</i></p> <input checked="" type="checkbox"/> Transit Capital Improvement <input type="checkbox"/> Transit Station Improvement <input type="checkbox"/> Transit Transformation Action Plan Project Implementation <input type="checkbox"/> Active Operational Management <input type="checkbox"/> Mobility Management and coordination </td> </tr> </table>	<p><i>Growth Framework Implementation</i></p> <input type="checkbox"/> PDA Planning Grant <input type="checkbox"/> Local Planning Grant (for other <i>Plan Bay Area 2050 Growth Geographies</i>) <p><i>Complete Streets & Community Choice</i></p> <input checked="" type="checkbox"/> Bicycle/Pedestrian Infrastructure <input type="checkbox"/> Bicycle/Pedestrian Program <input type="checkbox"/> Safe Routes to School (SRTS) Non-Infrastructure program <input checked="" type="checkbox"/> SRTS Infrastructure <input checked="" type="checkbox"/> Safety project <input type="checkbox"/> Safety Planning efforts <input checked="" type="checkbox"/> Complete Streets improvements <input checked="" type="checkbox"/> Streetscape improvements <input type="checkbox"/> Local Streets and Roads Preservation <input type="checkbox"/> Rural Roadway Improvement <input type="checkbox"/> Community-Based Transportation Plan (CBTP) or Participatory Budgeting (PB) Process in an Equity Priority Community (EPC) <input type="checkbox"/> CBTP/PB Project Implementation	<p><i>Climate, Conservation, & Resilience</i></p> <input type="checkbox"/> Transportation Demand Management (TDM) Program <input type="checkbox"/> Mobility Hub <input type="checkbox"/> Parking/Curb Management <input type="checkbox"/> Car/Bike Share Capital <input type="checkbox"/> Open Space Preservation and Enhancement <input type="checkbox"/> Bicycle/Pedestrian Access to Open Space/Parkland <input type="checkbox"/> Regional Advance Mitigation Planning (RAMP) <p><i>Multimodal Systems Operations & Performance</i></p> <input checked="" type="checkbox"/> Transit Capital Improvement <input type="checkbox"/> Transit Station Improvement <input type="checkbox"/> Transit Transformation Action Plan Project Implementation <input type="checkbox"/> Active Operational Management <input type="checkbox"/> Mobility Management and coordination
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NVTA Local OBAG Screening Criteria	
<p>Supplemental Prioritization Criteria <i>Does the project conform to Napa County-specific criteria?</i></p>	<p>Select the OBAG 3 federal fund source(s) for which the project is eligible:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Project is a stand-alone project <input checked="" type="checkbox"/> Project sponsor is an eligible public agency <input checked="" type="checkbox"/> Project sponsor is requesting a minimum of \$250,000 in OBAG funds <input checked="" type="checkbox"/> Project is consistent with the Regional Transportation Plan and the Napa Countywide Transportation Plan– Advancing Mobility 2045 <input type="checkbox"/> Project has identified a local match of at least 11.47% <input type="checkbox"/> Located within a Priority Conservation Area (PCA) <input type="checkbox"/> Not located within designated PDA, PCA, PPA geographies, but direct connection to one or more of the designated geographies. <input checked="" type="checkbox"/> Project Readiness: Project can clearly demonstrate an ability to meet timely use of funds. Project should have completed conceptual designs at a minimum and ideally completed survey work (i.e. at/or near 30% design). <input type="checkbox"/> Project has completed environmental document <input checked="" type="checkbox"/> Community Support: Project has clear and diverse community support. This can be shown with letters of support, specific reference in adopted plan and community meetings regarding the project. <input type="checkbox"/> Project is listed in NVTA's Community Based Transportation Plan <input checked="" type="checkbox"/> Safety: Project addresses high risk and high activity multi-modal corridor location. <input type="checkbox"/> Located within a Napa County Designated Equity Priority Community? (EPC): Project is located in an EPC or serves an EPC. <input type="checkbox"/> Project is a Safe Routes to School (SRTS) project <input checked="" type="checkbox"/> If a capital project, is the OBAG request all in one phase (i.e. all construction) <input type="checkbox"/> Project Sponsor is providing over a 20% match to federal funds <input checked="" type="checkbox"/> The project has a regional impact <input checked="" type="checkbox"/> Project Sponsor Priority: For project sponsor's that submit multiple projects; this project has been given priority.



Policy Alignment	
<p>Federal Performance Goals How does the project support federal performance measures?</p>	<p>Select the <u>federal performance measures</u> that are supported by the project:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> <u>Safety</u>: Significantly reduce traffic fatalities and serious injuries for all users on all public roads and improve the safety of all public transportation systems. <input type="checkbox"/> <u>Infrastructure Condition</u>: Improve the pavement condition on the Interstate and National Highway System (NHS) and NHS bridges and maintain the condition of public transit assets in a state of good repair. <input checked="" type="checkbox"/> <u>Congestion Reduction</u>: Significantly reduce congestion on the NHS in urbanized areas. <input type="checkbox"/> <u>System Reliability</u>: Improve the reliability of the Interstate system and NHS. <input type="checkbox"/> <u>Freight Movement and Economic Vitality</u>: Improve the reliability of the Interstate system for truck travel. <input checked="" type="checkbox"/> <u>Environmental Sustainability</u>: Maximize emission reductions from CMAQ-funded projects. <p>Describe how the project supports the selected federal performance measure(s): The project will increase safety by providing separated bike/ped infrastructure along the corridor as well as enhanced crossings. This will not only increase safety along the corridor it will increase active mode share. The project will also provide transit amenities on-system, which will enhance bus operations and streamline routes that serve American Canyon. The project will also enhance intersection operations, reducing congestion.</p>
<p>Plan Bay Area 2050 Strategies How does the project align with Plan Bay Area 2050?</p>	<p>Describe how the project supports <u>Plan Bay Area 2050 Strategies and/or Implementation Plan</u>:</p> <p>The project will build out the complete streets network and invest in safe streets for all modes. The project will also invest in the regional and local transit system to increase reliability by reducing congestion on the stretch on highway and provide transit stops on system to provide more efficient service. The project will also reduce greenhouse gas emissions by investing in alternative transportation systems that encourage bicycle, pedestrians and transit use.</p>
<p>Regional Policy Alignment How does the project align with other regional policies and plans?</p>	<p>Select the regional plans and policies with which the project is aligned:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> <u>Regional Safety/Vision Zero Policy</u> <input checked="" type="checkbox"/> <u>Transit Oriented Communities Policy</u> <input type="checkbox"/> MTC's <u>Equity Platform</u> <input type="checkbox"/> <u>Blue Ribbon Transit Transformation Action Plan</u> <input checked="" type="checkbox"/> <u>Regional Active Transportation Plan</u> <p>Describe how the project aligns with the selected regional plans and/or policies: The project will improve safety along the corridor for all modes by providing separated class I facility along the length of the corridor, which will encourage bike/ped modes. The project will also enhance pedestrian crossings. This is a safe routes to school and transit project with bus stops along the corridor and several schools under a mile from the corridor.</p>
	<p>Indicate the project's relationship to <u>Plan Bay Area 2050 Growth Geographies</u>:</p>



<p>Regional Growth Geographies Does the project support PBA 2050 Growth Geographies?</p>	<p><i>Priority Development Area (PDA)</i></p> <p><input checked="" type="checkbox"/> Meets the uniform definition of a PDA-supportive project (within <u>one mile or less</u> of a PDA boundary)</p> <p><input type="checkbox"/> Does not meet the uniform definition of a PDA-supportive project, but otherwise has a clear and direct connection to PDA implementation <i>Please describe</i></p> <p><input checked="" type="checkbox"/> Included in a locally-adopted PDA plan (e.g. Specific Plan, PDA Investment and Growth Strategy) Napa County PDA Investment and Growth Strategy</p> <p><i>Transit Rich Area (TRA)</i></p> <p><input type="checkbox"/> Within a TRA or otherwise supportive of a TRA (see <u>Growth Geographies</u> map) <i>Please describe</i></p> <p><i>Priority Production Area (PPA)</i></p> <p><input checked="" type="checkbox"/> Supports the preservation of a PPA (see <u>Growth Geographies</u> map)</p> <p>The project location is within proximate access to the American Canyon PPA.</p>
<p>Equity Priority Communities Does the project invest in historically underserved communities?</p>	<p>Indicate how the project invests in historically underserved communities, including <i>Plan Bay Area 2050 Equity Priority Communities</i> (EPCs):</p> <p><input type="checkbox"/> Located within and supportive of an EPC (see <u>Equity Priority Communities</u> map)</p> <p><input checked="" type="checkbox"/> Not located within an EPC, but is otherwise supportive of an EPC or other historically underserved community</p> <p>The project is not in an EPC but provides equitable means of transportation for the surrounding community by investing in the active transportation network and transit system.</p>
<p>Local Housing Policies Is the project located in a jurisdiction with policies that support affordable housing?</p>	<p>Indicate if the project is locate in a jurisdiction that has adopted policies which support the “3Ps” <u>approach to affordable housing</u> by listing the relevant adopted policies for each element of the 3Ps. Additional guidance and resources on affordable housing policies are provided on the <u>OBAG 3 webpage</u>.</p> <p><input checked="" type="checkbox"/> <u>Protect</u> current residents from displacement (with emphasis on policies that have demonstrated effectiveness in community stabilization and anti-displacement). Inclusionary housing ordinance</p> <p><input checked="" type="checkbox"/> <u>Preserve</u> existing affordable housing (with emphasis on policies that have demonstrated effectiveness in community stabilization and anti-displacement). Condo conversion ordinance; rehabilitation loan program for low-income residents</p> <p><input checked="" type="checkbox"/> <u>Produce</u> new housing at all income levels. Low cost affordable housing loan program; density bonus ordinance; mixed-use zoning, reduced fees for affordable housing.</p>
<p>Community Support</p>	



<p>Community Support Does the project have community support, particularly if it is located in a historically underserved community?</p>	<p>Indicate if the project has demonstrated community support through one or more of the following:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Public outreach responses specific to this project, including comments received at public meetings or hearings, feedback from community workshops, or survey responses. <i>The project has been included in the SR 29 CMCP and the Napa Countywide Transportation Plan, Advancing Mobility 2045. The project is also finalizing the PID document and has had 2 public meetings and several opportunities for public comment. Public comments have been oriented around safety and congestion relief.</i> <input checked="" type="checkbox"/> Project is consistent with an adopted local transportation plan. <i>The project is listed in the Countywide Transportation Plan, Advancing Mobility 2045 and the SR 29 Comprehensive Multimodal Corridor Plan.</i> <p>Indicate if the project has demonstrated support from communities disproportionately impacted by past discriminatory practices, including redlining, racial covenants, urban renewal, and highway construction that divided low income and communities of color. Resources for identifying impacted communities are available on the OBAG 3 webpage. Community support may be demonstrated through one or more of the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Prioritization of the project in a Community Based Transportation Plan (CBTP) or Participatory Budgeting (PB) process. <i>CBTP or PB reference</i> <input type="checkbox"/> Endorsements from a Community-Based Organizations representing historically underserved and potentially impacted communities. <i>Description of CBO endorsement</i>
Deliverability & Readiness	
<p>Project Readiness Is the project ready to be delivered?</p>	<p>Describe the readiness of the project, including right-of-way impacts and the type of environmental document/clearance required:</p> <p>The OBAG request is for environmental phase only, NVTA is currently finalizing the PID document and will be ready to start on PAED as soon as the funding is available.</p> <p>If the project touches Caltrans right-of-way, include the status and timeline of the necessary Caltrans approvals and documents, the status and timeline of Caltrans requirements, and approvals such as planning documents (PSR or equivalent) environmental approval, encroachment permit.</p> <p>Caltrans has been involved in the project and will continue to be involved. Caltrans has reviewed the PID, participated in public outreach events, and has reviewed planning documents such as the CMCP and the SR 29 Gateway Study. As the project moves through the environmental process, Caltrans will be intimately involved. Caltrans has approved NVTA as the CEQA lead agency and will execute a cooperative agreement with NVTA.</p>
<p>Deliverability Are there any barriers to on-time delivery?</p>	<p>Describe the project's timeline and status, as well as the sponsor's ability to meet the January 31, 2027 obligation deadline:</p> <p>Since the request is for non-construction funds, the project would be able to obligate funds as soon as available and then hire a consultant to complete the environmental document.</p>

One Bay Area Grant (OBAG 3) – County & Local Program

Template Application Form (v1)



	<p>Identify any known risks to the project schedule, and how the CTA and project sponsor will mitigate and respond to those risks:</p> <p>Project risks include environmental findings and mitigations, right-of-way, utility relocation, discovery of hazardous materials, approval of design exceptions and scope change.</p> <p>Mitigation strategies include frequent meetings and communication with Caltrans, early environmental studies to reduce impact to the overall project schedule if access delay occurs; verify utilities during PAED phase and coordinate with utility owners through the PSE and ROW phases.</p>
Project Cost & Funding	
<p>Grant Minimum <i>Does the project meet the minimum grant size requirements?</i></p>	<p><input checked="" type="checkbox"/> Project meets the minimum grant size requirements. Projects must be a minimum of \$500,000 for counties with a population over 1 million (Alameda, Contra Costa, and Santa Clara counties) and \$250,000 for counties with a population under one million (Marin, Napa, San Francisco, San Mateo, Solano, and Sonoma counties).</p> <p><i>Exception request to minimum grant size</i></p>
<p>Local Match <i>Does the project meet local match requirements?</i></p>	<p><input checked="" type="checkbox"/> Project sponsor will provide a local match of at least 11.47% of the total project cost.</p> <p>State other funds – American Canyon settlement</p>



Project Cost & Funding

OBAG 3 Grant Request:

Total Grant Request	\$2,000,000*
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Project Cost & Schedule:

Project Phases	Total Cost	Secured Funds		Unsecured Funds		Schedule (Start dates: Planned, Actual)
		Amount	Fund Sources	OBAG 3 Grant Request	Remaining Funding Needed	
Planning/ Conceptual	\$375,000	\$375,000	Local funds and CMA planning funds	0	0	2019-2022
Environmental Studies (PA&ED)	\$4,000,000	\$1,000,000	State other – American Canyon Settlement	\$2,000,000*	\$1,000,000*	2022-2023
Design						
Engineering (PS&E)		\$	Secured fund sources, notes	\$	\$	Month/Year
Right-of-way		\$	Secured fund sources, notes	\$	\$	Month/Year
Construction		\$	Secured fund sources, notes	\$	\$	Month/Year
Total		\$		\$	\$	

*NVTA need \$3 million to complete the environmental document

Project Investment by Mode:

Mode	Share of project investment
Auto	40
Transit	20
Bicycle/Pedestrian	40
Other	%
Total	100%

Complete Streets Checklist
Implementation of MTC's Complete Streets Policy, Resolution 4493, Adopted 3/25/22

Background

Since 2006, MTC's Complete Streets (CS) Policy has promoted the development of transportation facilities that can be used by all modes. In March 2022, MTC updated its CS policy (Resolution 4493) with the goal of ensuring that people biking, walking, rolling, and taking transit are safely accommodated within the transportation network. This policy works to advance Plan Bay Area 2050 objectives of achieving mode shift, safety, equity, and vehicle miles traveled and greenhouse gas emission reductions, as well as state & local compliance with applicable CS-related laws, policies, and practices, specifically the California Complete Street Act of 2008 (Gov. Code Sections 65040.2 and 65302) and applicable local policies such as the CS resolutions adopted before January 16, 2016 (as part of MTC's OBAG 2 requirements.)

Requirements

MTC's CS Policy requires that all projects (with a total project cost of \$250,000 or more) applying for regional discretionary transportation funding – or requesting regional endorsement or approval through MTC - must submit a Complete Streets Checklist (Checklist) to MTC.

Please note that Projects claiming exceptions to CS Policy must complete the Exceptions section on the Checklist and provide a Department Director-level signature.

Additional information and guidance for completing this Checklist can be found at the **MTC Administrative Guidance: Complete Streets Policy Guidance for public agency staff implementing MTC Resolution 4493** at mtc.ca.gov/planning/transportation/complete-streets.

This form may be downloaded at mtc.ca.gov/planning/transportation/complete-streets.

Submittal

Completed Checklists must be emailed to completestreets@bayareametro.gov.

PROJECT INFORMATION	
Project Name/Title:	SR 29 Operational and Multimodal Improvements
Project Area/Location(s):	SR 29 between Napa Junction Road and American Canyon Road. (post miles 0.69 to 2.05)
Attach map if available.	

PROJECT DESCRIPTION: (300-word limit)

The project would be to complete the environmental document for the SR 29 operational and multimodal improvements. The project, once constructed, would construct transit stops, underground utilities and replace/construct new curb ramps and planter and landscape areas to increase the overall aesthetic of the roadway. Both alternatives being studied will include bus-on-shoulder/queue jumps, enhanced multimodal crossings, and separated bicycle and pedestrian facilities. The project will also improve operations at the intersections either through roundabouts or auxiliary lanes with upgraded signals.

Please indicate project phase (Planning, PE, ENV, ROW, CON, O&M)

May attach additional project documents, cross sections, plan view, or other supporting materials.

CONTACT INFORMATION

Contact Name & Title:

Danielle Schmitz

Contact Email:

dschmitz@nvta.ca.gov

Contact Phone:

(707) 259-5968

Agency:

Napa Valley Transportation Authority

Topic	CS Policy Consideration	YES	NO	Required Description	Description
1. Bicycle, Pedestrian and Transit Planning	<p>Does Project implement relevant Plans, or other locally adopted recommendations?</p> <p>Plan examples include:</p> <ul style="list-style-type: none"> • City/County General + Area Plans • Bicycle, Pedestrian & Transit Plan • Community-Based Transportation Plan • ADA Transition Plan • Station Access Plan • Short-Range Transit Plan • Vision Zero/Systematic Safety Plan 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Please provide detail on Plan recommendations affecting Project area, if any, with Plan adoption date.</p> <p>If Project is inconsistent with adopted Plans, please provide explanation.</p>	The project implements locally adopted recommendations in the Countrywide Transportation Plan, Comprehensive Multimodal Corridor Plan, and Countywide Bicycle Plan.
2. Active Transportation Network	<p>Does the project area contain segments of the regional Active Transportation (AT) Network? See AT Network map on the MTC Complete Streets webpage.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>If yes, describe how project adheres to the NACTO All Ages and Abilities design principles. See <i>All Ages and Abilities and Design Guidelines</i> below.</p>	Yes, the Class I facility on both sides of the highway as well as Class II on the highway.

Topic	CS Policy Consideration	YES	NO	Required Description	Description
2. Active Transportation Network (Cont.)					
3. Safety and Comfort	A. Is the Project on a known High Injury Network (HIN) or has a local traffic safety analysis found a high incidence of bicyclist/pedestrian-involved crashes within the project area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Please summarize the traffic safety conditions and describe Project's traffic safety measures. The <u>Bay Area Vision Zero System</u> may be a resource.	The project is on a high injury network.
	B. Does the project seek to improve bicyclist and/or pedestrian conditions? If the project includes a bikeway, was a Level of Traffic Stress (LTS), or similar user experience analyses conducted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Describe how project seeks to provide low-stress transportation facilities or reduce a facility's <u>LTS</u> .	Yes, the project seeks to include bicycle and pedestrian facilities where none exist.
4. Transit Coordination	A. Are there existing public transit facilities (stop or station) in the project area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	List transit facilities (stop, station, or route) and all affected agencies.	Vine Transit Route 29, 11, and American Canyon Transit stops along the corridor.
	B. Have all potentially affected transit agencies had the opportunity to review this project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Please attach confirmation email from transit operator(s) to email.	Yes, NVTA is the transit agency.

Topic	CS Policy Consideration	YES	NO	Required Description	Description
	C. Is there a <u>MTC Mobility Hub</u> within the project area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes, please describe outreach to mobility providers, and Project's Hub-supportive elements.	
5. Design	Does the project meet professional design standards or guidelines appropriate for bicycle and/or pedestrian facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Please provide Class designation for bikeways. Cite design standards used.	Class I and II
6. Equity	Will Project improve active transportation in an Equity Priority Community?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Please list EPC(s) affected.	
7. BPAC Review	Has a local (city or county) Bicycle and Pedestrian Advisory Commission (BPAC) reviewed this checklist (or for OBAG 3, this project)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Please provide meeting date(s) and a summary of comments, if any.	July 25, 2022

Statement of Compliance	YES
The proposed Project complies with California Complete Street Act of 2008 (Gov. Code Sections 65040.2 and 65302, MTC Complete Streets Policy (Reso. 4493), and locally adopted Complete Streets resolutions (adopted as OBAG 2 (Reso. 4202) requirement, Resolution 4202.)	<input checked="" type="checkbox"/>

If no. complete Statement of Exception and obtain necessary signature.

Statement of Exception	YES	Provide Documentation or Explanation	Documentation Explanation
1. The affected roadway is legally prohibited for use by bicyclists and/or pedestrians.	<input type="checkbox"/>	If yes, please cite language and agency citing prohibited use.	
2. The costs of providing Complete Streets improvements are excessively disproportionate to the need or probable use (defined as more than 20 percent for Complete Streets elements of the total project cost).	<input type="checkbox"/>	If claimed, the agency must include proportionate alternatives and still provide safe accommodation of people biking, walking and rolling.	
3. There is a documented Alternative Plan to implement Complete Streets and/or on a nearby parallel route.	<input type="checkbox"/>	Describe Alternative Plan/Project	
4. Conditions exist in which policy requirements may not be able to be met, such as fire and safety specifications, spatial conflicts on the roadway with transit or environmental concerns, defined as abutting conservation land or severe topological constraints.	<input type="checkbox"/>	Describe condition(s) that prohibit implementation of CS policy requirements	

SIGNATURES / NOTIFICATIONS

TRANSIT

The project sponsor shall communicate and coordinate with all transit agencies with operations affected by the proposed project. If a project includes a transit stop/station, or is located along a transit route, the Checklist must include written documentation (e.g. email) with the affected transit agency(ies) to confirm transit agency coordination and acknowledgement of the project. A CS Checklist Transit Agency Contact List is available for reference.

DEPARTMENT DIRECTOR-LEVEL SIGNATURE FOR EXCEPTIONS

Exceptions must be signed by a Department Director-level agency representative, or their designee, and not the Project Manager. Insert electronic signature or sign below :

Full Name: Danielle Schmitz
Title:
Date: June 13, 2022
Signature:

All Ages and Abilities and Design Guidelines

All Ages and Abilities

Designing for All Ages & Abilities, Contextual Guidance for High-Comfort Bicycle Facilities, National Association of Transportation Officials, December 2017

Projects on the AT Network shall incorporate design principles based on designing for “All Ages and Abilities,” contextual guidance provided by the National Association of City Transportation Officials (NACTO), and consistent with state and national best practices. A facility that serves “all ages and abilities” is one that effectively serves the mobility needs of children, older adults, and people with disabilities and in doing so, works for everyone else. The all ages and abilities approach also strives to serve all users, regardless of age, ability, ethnicity, race, sex, income, or disability, by embodying national and international best practices related to traffic calming, speed reduction, and roadway design to increase user safety and comfort. This approach also includes the use of traffic calming elements or facilities separated from motor vehicle traffic, both of which can offer a greater feeling of safety and appeal to a wider spectrum of the public.

Design best practices for safe street crossings, pedestrian facilities, and Americans with Disabilities Act (ADA) accessibility at transit stops, and bicycle/micromobility facilities on the AT Network should be incorporated throughout the entirety of the project. The Proposed Public Rights-of-Way Accessibility Guidelines (PROWAG) by the U.S. Access Board should also be referenced during design.

Contextual Guidance for Selecting All Ages & Abilities Bikeways				
Roadway Context				All Ages & Abilities Bicycle Facility
Target Motor Vehicle Speed:	Target Max. Motor Vehicle Volume (ADT)	Motor Vehicle Lanes	Key Operational Considerations	
Any		Any	Any of the following: high curbside activity, frequent buses, motor vehicle congestion, or turning conflicts [†]	Protected Bicycle Lane
< 10 mph	Less relevant	No centerline, or single lane one-way	Pedestrians share the roadway	Shared Street
≤ 20 mph	≤ 1,000 – 2,000		< 50 motor vehicles per hour in the peak direction at peak hour	Bicycle Boulevard
≤ 25 mph	≤ 500 – 1,500		Low curbside activity, or low congestion pressure	Conventional or Buffered Bicycle Lane, or Protected Bicycle Lane
	≤ 1,500 – 3,000	Single lane each direction, or single lane one-way		Buffered or Protected Bicycle Lane
	≤ 3,000 – 6,000			Protected Bicycle Lane
	Greater than 6,000			
Greater than 26 mph [†]	≤ 6,000	Single lane each direction	Low curbside activity, or low congestion pressure	Protected Bicycle Lane, or Reduce Speed
		Multiple lanes per direction		Protected Bicycle Lane, or Reduce to Single Lane & Reduce Speed
	Greater than 6,000	Any	Any	Protected Bicycle Lane, or Bicycle Path
High-speed limited access roadways, natural corridors, or geographic edge conditions with limited conflicts		Any	High pedestrian volume	Biike Path with Separate Walkway or Protected Bicycle Lane
			Low pedestrian volume	Shared-Use Path or Protected Bicycle Lane

Design Guidance

Examples of applicable design guidance documents include (but are not limited to): American Association of State Highway and Transportation Officials (AASHTO) - *A Policy on Geometric Design of Highway and Streets*, *Guide for the Development of Bicycle Facilities*, *Guide for the Planning, Design, and Operation of Pedestrian Facilities*; *Public Right-of-Way Accessibility Guide* (PROWAG); *Manual on Uniform Traffic Control Devices* (MUTCD); *Americans with Disabilities Act Accessibility Guidelines* (ADAAG); National Association of City Transportation Officials (NACTO) - *Urban Bikeway Design Guide*.

RESOLUTION No. 22-23

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVTA)
ADOPTING THE ONE BAY AREA GRANT (OBAG) CYCLE 3 PROGRAM UNDER
INFRASTRUCTURE INVESTMENT AND JOBS ACT (IIJA) SURFACE
TRANSPORTATION ROAD MAINTENANCE FUNDING PROGRAM
FOR THE NAPA COMMUNITIES**

WHEREAS, Infrastructure Investment and Jobs Act (IIJA), signed into law by President Biden on November 15, 2021 continues the Surface Transportation Program (23 U.S.C. § 133), and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149); and

WHEREAS, pursuant to IIJA, and the regulations promulgated thereunder, eligible project sponsors wishing to receive Surface Transportation Program (STP), and Congestion Mitigation and Air Quality (CMAQ) Improvement Program grants for a project shall submit an application first with the appropriate metropolitan transportation planning organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission (MTC) is the MPO for the San Francisco Bay region; and

WHEREAS, MTC has requested projects for the One Bay Area Grant 3 Program to be funded with IIJA monies, requiring NVTA to recommend programming to MTC for consideration; and

WHEREAS, the City of Napa, City of St. Helena, City of American Canyon, and the Napa Valley Transportation Authority wish to submit an application to MTC for funds from the One Bay Area Grant 3 Program for the following projects:

OBAG 3 Projects				
Sponsor	Project	Funding		
		Funding Request OBAG 3	Other Funds	Project Total
American Canyon	Green Island Rd. Class 1	\$1,000,000	\$500,000	\$1,500,000
City of Napa	Silverado Five-way Intersection Improvement	\$2,000,000	\$9,991,000	\$11,991,000
St. Helena	Main Street Pedestrian Improvements	\$1,206,000	\$909,250	\$2,115,250
NVTA	SR 29 American Canyon Operational and Multimodal Improvements Environmental Document	\$1,937,000	\$2,063,000	\$4,000,000
TOTAL		\$6,143,000		\$19,606,250

WHEREAS, the City of American Canyon, City of Napa, City of St. Helena, and the Napa Valley Transportation Authority are ready and able to meet all of the federal, state and regional requirements for accessing and using these funds.

NOW, THEREFORE, BE IT RESOLVED by the Napa Valley Transportation Authority that the City of American Canyon, City of Napa, City of St. Helena and the Napa Valley Transportation Authority authorized to execute and file an application for funding under the One Bay Area Grant 3 Program in the amounts and for the projects shown above; and

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC; and

BE IT FURTHER RESOLVED that the MTC is requested to support the application for the project described in the resolution and to program the project, if approved, in MTC's TIP.

Passed the 20th day of July, 2022.

Liz Alessio, NVTA Chair

Ayes

Nays:

Absent:

ATTEST:

Laura Sanderlin, NVTA Board Secretary

APPROVED:

Osman, NVTA Legal Counsel



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Amendment #1 to Construction Agreement No. 21-19 with O.C. Jones & Sons, Inc. for construction of the Imola Park and Ride Project

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board authorize the Executive Director, or designee to execute and make minor modifications to Amendment #1 Construction Agreement No. 21-19 with O.C. Jones & Sons, Inc. for additional funds not to exceed \$55,000 to complete construction of the Imola Express Bus Improvements Project.

EXECUTIVE SUMMARY

The NVTA Board awarded Kimley-Horn Associates (KHA) a work order for the design of the improvements at SR 29 and Imola Avenue Park & Ride on March 20, 2019. The NVTA Board awarded OC Jones and Sons a contract for the construction of the Imola Park & Ride bus improvements on August 18, 2021 for an amount not to exceed \$2,549,007.

The project's contingency will soon be exhausted and an additional \$55,000 is being requested to complete safety improvements and miscellaneous punch list items

FISCAL IMPACT

Is there a Fiscal Impact? Yes. The additional funding request is \$55,000. There is roughly \$22,000 remaining in the budget, and combined, will cover the cost of the safety and punch list items.



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Alberto Esqueda, Senior Program Planner
(707) 259-5976 / Email: aesqueda@nvta.ca.gov
SUBJECT: Amendment #1 to Construction Agreement No. 21-19 with O.C. Jones & Sons, Inc. for construction of the Imola Park and Ride Project.

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board authorize the Executive Director, or designee to execute and make minor modifications to Amendment #1 Construction Agreement No. 21-19 with O.C. Jones & Sons, Inc. for additional funds not to exceed \$55,000 to complete construction of the Imola Express Bus Improvements Project.

COMMITTEE RECOMMENDATION

None

BACKGROUND

Construction began on the Imola Park & Ride Project on January 10, 2022 and the project is nearly completed. Approved change orders have exhausted the project's contingency. Staff is requesting the Board amend the O.C. Jones and Sons contract to include an additional \$55,000 to complete the construction.

This budget augmentation is primarily related to anticipated safety improvements. As the project nears completion and punch list items are being completed, the project team will be meeting with Caltrans' staff and it is anticipated pedestrian safety enhancements at the bus stops on the highway ramps may be required. The project team is proposing protective bollards; however, Caltrans may request a more expensive safety feature such as guardrails. These safety measures were not included in the initial design because the project design team anticipated that approaching automobiles would be operating at

slower speeds and that the bus stops were adequately protected by curbs. The construction manager has recommended that we prepare for Caltrans engineers to require additional safety measures. The cost for a guardrail for each on/off ramp is estimated to be between \$25,000- \$30,000.

In addition to the safety improvements, there are other minor work items that would be funded with the additional revenues. These items are expected to cost less than \$15,000, and include:

- Temporary battery-operated Irrigation controller
- Additional pedestrian railing
- Way finding signage
- Installation of bus shelters

Table 1 provides a breakdown of the Change Orders to date and reflects a project budget balance of \$21,504.86

Table 1. Existing Change Orders

Change Order#	Description	Total Cost	Notes
1	Public Convenience	\$50,000.00	CMS board rentals; added traffic control signs
2	Additional Tree Removal on NB Off-ramp	\$1,500.00	Unit price install
3	NB Off-ramp Structural Section Over Ex & French Drain	\$30,000.00	Investigation for LS pricing replacement
4	Electrical Modifications	\$27,356.75	Existing facility issues/conflicts
5	Roadway Excavation Bid Item Overrun	\$23,400.00	Quantity Overrun
6	Park-n-Ride EV Station Addition	\$143,455.56	Conduit systems & charge station foundations
7	Irrigation Bore for Park-n-Ride Water Source	\$24,482.43	Revised source, CT meter conversion
8	Park-n-Ride Soft Spot Digouts	\$25,000.00	Areas of parking lot pumping & yielding
9	Hot Mix Asphalt Bid Item Overrun	\$29,109.00	Item overrun
10	Irrigation Modifications related to New Water Source	\$10,000.00	change to CT existing service vs. per plan (new) location

Table 1 - Continued

11	Imola Bike Lane Striping Change	\$13,500.00	adding bike lane for EB Imola Ave; crosswalk upgrade (-\$1,740)
	Change Order TOTAL	\$377,803.74	
	Original Contingency	\$374,308.60	
	Remaining Contingency	\$(3,495.14)	
	<i>Estimated Item Balancing (anticipated credits)</i>	\$25,000.00	
	<i>Estimated Funding Balance</i>	\$21,504.86	

ALTERNATIVES

The board could decide not to approve the additional funds and the Vine may not be able to provide bus service to the park & ride until a negotiated safety solution is identified.

STRATEGIC GOALS MET BY THIS PROPOSAL

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

The project will greatly improve express bus operations and therefore enhance transportation for all members of the community.

ATTACHMENT(S)

None



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Imola Park and Ride Electrification

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board authorize the Executive Director, or designee to enter into an agreement and make minor modifications as necessary with an electrical contractor(s), to be determined, and Pacific Gas and Electric (PG&E) for electrification of the Imola Park & Ride in amount not to exceed \$170,000 which will include electrical infrastructure to bring adequate power to the site, purchase and installation of electric vehicle charging stations.

EXECUTIVE SUMMARY

The NVTA Board awarded Kimley-Horn Associates (KHA) a work order for the design of the improvements at SR 29 and Imola Avenue Park & Ride on March 20, 2019. The design team made assumptions in the initial design that there was sufficient power for the planned 6 electric vehicle charging stations and infrastructure for 34 future electric vehicle charging stations. During construction, it was determined that the power to the site was deficient to fuel the proposed stations. On April 20, 2022, NVTA approved Amendment #3 to the KHA contract to include design to upgrade the power source at the Imola Park and Ride. The engineer's estimate to upgrade the power source, to procure and install the 6 electric vehicle charging stations is \$170,000 including a 20% contingency.

NVTA received a Transportation For Clean Air (TFCA) grant from the Bay Area Air Quality Management District in the amount of \$20,000 which will offset the cost of the 6 electric vehicle chargers.

FISCAL IMPACT

Is there a Fiscal Impact? Yes. The cost of the changes is estimated to be \$170,000. A \$20,000 TFCA grant will offset the impact to the agency's Transportation Development Act Funds.



NAPA VALLEY TRANSPORTATION AUTHORITY Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Alberto Esqueda, Senior Program Planner
(707) 259-5976 / Email: aesqueda@nvta.ca.gov
SUBJECT: Imola Park and Ride Electrification

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board authorize the Executive Director, or designee to enter into an agreement and make minor modifications as necessary with an electrical contractor(s), to be determined, and Pacific Gas and Electric (PG&E) for electrification of the Imola Park & Ride in amount not to exceed \$170,000 which will include electrical infrastructure to bring adequate power to the site, purchase and installation of electric vehicle (EV) charging stations.

COMMITTEE RECOMMENDATION

None

BACKGROUND

The current infrastructure at the Park and Ride will not support EV chargers. The facility needs to be upgraded to accommodate the 6 planned EV station and 34 future charging stations. The electrification of the Park and Ride is being considered as a separate project from the completion of construction. NVTA is proposing to install six electric vehicle-charging stations now, which will accommodate 11 vehicles.

Table 2. Park & Ride Electrification Costs:

Item Description	Category	Amount
PG&E Engineering Design	Design	\$2,500
600 AMP, Distribution Board	Materials	13,000
6 ChargePoint 4000CT EVCS	Materials	66,000
PG&E Infrastructure Upgrade	Construction	28,500

Distribution Board Installation	Construction	14,000
Construction Management and Design	Construction Management	\$20,000
Sub Total		\$124,000
Contingency		\$26,000
Total		\$170,000

ALTERNATIVES

The Board could deny the request and the agency could pursue EV charging/electrification in the future. It would result in increased costs and losing the TFCA funds. Not providing EV infrastructure would run counter to the agency's goal to *minimize the energy and other resources required to move people and goods.* .

STRATEGIC GOALS MET BY THIS PROPOSAL

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

Providing EV charging stations encourages that transition to cleaner fuel vehicles.

ATTACHMENT(S)

None



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Regional Institutional Pass Pilot Program

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Resolution 22-22 endorsing the Regional Institutional Pass Pilot Program.

EXECUTIVE SUMMARY

The Fare Integration Task Force comprised of public transit leaders around the region and convened by the Metropolitan Transportation Commission (MTC) voted unanimously to adopt a pilot program to create transit passes that will work across all 27 transit agencies in the Bay Area.

The pilot program is anticipated to launch in August 2022, starting with up to 50,000 students at San Francisco State University, San Jose State University, the University of California at Berkeley and Santa Rosa Junior College as well as residents of three housing developments run by MidPen Housing which are located outside of Napa County. The pilot program is intended to understand how targeted subsidized fare strategies might encourage new riders and increased ridership to the region's transit systems. The task force also adopted a plan to provide no-cost/reduced cost transfers between agencies commencing in 2023.

FISCAL IMPACT

None for this action. MTC has identified initial funding for the pilot program and all public transit systems are eligible to receive a portion of these funds.



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Antonio Onorato, Director - Administration, Finance and Policy
(707) 259-8779 / Email: anonorato@nvta.ca.gov
SUBJECT: Regional Institutional Pass Pilot Program

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Resolution 22-22 endorsing the Regional Institutional Pass Pilot Program.

COMMITTEE RECOMMENDATION

None

BACKGROUND

The Metropolitan Transportation Commission (MTC) convened the Transit Integration Task Force, a body made up of the region's public transit executive managers, to identify mechanisms that would help make fares among transit operators in the region consistent and seamless between systems and to understand how fare subsidies would encourage additional ridership. While the task force predates the work that has come out of the Blue Ribbon Task Force, fare integration was central in the Task Force discussions and recommendations and is integral for improving coordination between the region's public transit systems.

The Blue Ribbon Task Force was convened by MTC to address the crisis that occurred when the pandemic dramatically altered where people worked and how they traveled to work. This policy window also provided the opportunity to take a harder look into inter-system coordination as ridership had been declining on many systems for several years prior to the pandemic. MTC published the Blue Ribbon Task Force's recommendations in the Bay Area Transit Transformation Action Plan which outlined 27 specific near-term actions; one of which is fare integration.

The ten largest Bay Area transit agencies unanimously voted to adopt a Fare Policy Vision Statement recognizing that the implementation of more coordinated and integrated transit

fare policies may offer cost-effective options for improving the transit customer experience and drawing new riders to the region's transit systems. As part of this initiative, the Bay Area Transit Fare Coordination & Integration Draft Business Case Study developed goals for a regional fare system that will improve the passenger experience and promote higher ridership across the region's 27 different transit operators.

Work on various objectives has been underway to advance the Transit Fare Policy Vision Statement approved by the Fare Integration Task Force in November 2021 including the proposed Institutional Transit Pass Pilot Program to be piloted at educational institutions, affordable housing properties starting in August 2022, and the implementation of no-cost and reduced cost transfers.

The primary objective of this program is to make paying for a transit trip in the Bay Area a seamless experience for riders. Although riders can use a single Clipper card to pay for fares currently, the complicated way each agency sets up their fares on Clipper make riding transit, and transferring between agencies, is confusing and costly for riders.

The first phase of the pilot program is planned to begin in August and would offer up to 50,000 transit passes to students at San Francisco State University, San Jose State University, the University of California at Berkeley, and Santa Rosa Junior College as well as residents of three housing developments run by MidPen Housing. The four schools and MidPen Housing were chosen in part because they each offer an existing transit pass that reduces fare costs or makes them free for at least one public transit system.

Data will be used to evaluate the creation of a permanent program. The main objective of the pilot is to see if this type of product will encourage greater ridership through a better customer service experience while breaking down barriers which currently prevent potential riders from using bay area transit options.

The two-year program is expected to cost roughly \$6 million, including \$4.5 million which MTC will use to reimburse transit agencies for fares that are waived by using the pass during phase one. The second phase, planned for early next year, would make transit passes available at up to 10 employers across the Bay Area, with a focus on employers in parts of the region with several transit options.

If the pilot program is successful, a potential permanent regional transit pass could be made available when the next generation Clipper Card system launches, tentatively scheduled for the second half of 2023.

While NVTA is not likely to have any riders coming from the institutions where riders will receive subsidies, NVTA staff strongly supports the region's efforts to tackle any barriers that may exist that prevent a smooth rider transition from system to system, and recommends that the NVTA Board show solidarity with the other regional transit operators and enthusiastically support the agency's participation in the program.

ALTERNATIVES

NVTA could opt-out of the program. However, the institutional pass pilot program is only viable if all 27 bay area transit operators consent to the program's implementation.

STRATEGIC GOALS MET BY THIS PROPOSAL

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

The objective of the pilot will be to demonstrate the degree to which a product like this can promote greater ridership and meet the needs of riders, institutions and agencies. If successful, a roll-out to all Bay Area transit agencies will occur with the Clipper 2 integration.

ATTACHMENT(S)

- (1) Resolution 22-22
- (2) MTC Institutional Pass Pilot and Advancement of the Transit Fare Policy Vision Statement Update Powerpoint Presentation

RESOLUTION No. 22-22

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVTA)
ENDORING THE INSTITUTIONAL TRANSIT PASS PILOT PROGRAM**

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

WHEREAS, the NVTA regularly partners with the Metropolitan Transportation Commission (MTC) on various projects and programs; and

WHEREAS, MTC provides planning, funding, coordination, and technical assistance to cities, counties, transit agencies, and other partners to bring the region together; and

WHEREAS, MTC is actively considering several key policy and funding decisions that affect NVTA, and staff wants to ensure the Board is apprised of these decisions as well as other regional efforts; and

WHEREAS, In November 2021, the Bay Area Fare Integration Task Force (FITF) adopted a Policy Vision Statement for fare integration in the 9-county region that focuses on delivering the first identified action, an Institutional Transit Pass Pilot Program with a focus on educational institutions, affordable housing properties, and employers of various sizes; and

WHEREAS, the program is funded with \$6 million identified by the MTC Commission to advance delivery of the Transit Transformation Action Plan, adopted last summer by the Blue Ribbon Transit Recovery Task Force. The Institutional Transit Pass Pilot is intended to be revenue neutral (or revenue positive) for transit operators; and

WHEREAS, an actual funding allocation to NVTA will be determined by the MTC commission at a later date.

NOW THEREFORE BE IT RESOLVED, that the NVTA Board hereby endorses the Institutional Pass Pilot Program. Passed and Adopted the 20th day of July 2022.

Liz Alessio, NVTA Chair

Ayes:

Nays:

Absent:

ATTEST:

Laura Sanderlin, NVTA Board Secretary

APPROVED:

Osman Mufti, NVTA Legal Counsel

Clipper® Executive Board Fare Integration Task Force

April 18, 2022

Agenda Item 4a

Institutional Pass Pilot and Advancement of the Transit Fare Policy Vision Statement Update

Subject:

Update on the funding plan and work underway to advance the Transit Fare Policy Vision Statement approved by the Task Force in November 2021. Including the proposed Institutional Transit Pass Pilot Program to be piloted at educational institutions, affordable housing properties starting in the late summer of 2022, and the implementation of no-cost and reduced cost transfers.

Background:

Since the Task Force endorsed a Bay Area Transit Fare Policy Vision Statement in November 2021, BART and MTC staff on the project team have been primarily focused on advancing the first two of its most proposed policy initiatives. One is the proposed Institutional Transit Pass Pilot Program, which set a goal of “deployment of an all-transit agency institutional/employer pass demonstration pilot in 2022, with a focus on educational institutions, affordable housing properties, and employers of various sizes, pending available resources/technical considerations.” While the other is the “implementation of no-cost and reduced cost transfers.” The attached presentation will facilitate a discussion by providing more details about this work, its roadmap for advancement, and the funding plan required to support the pilot program launch, as well as transfer discount implementation.

Recommendations:

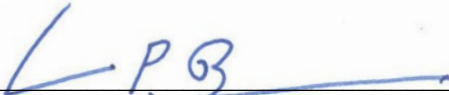
Information.

Attachments:

- Attachment A: Presentation



Michael Eiseman, Co-Project Manager, BART



William Bacon, Co-Project Manager, MTC



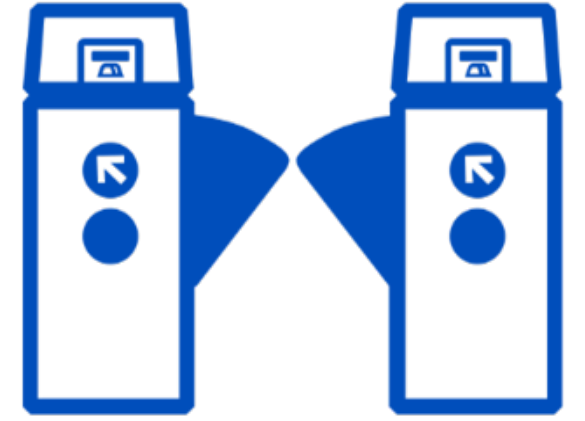
Fare Integration Task Force

April 18, 2022

¹
Agenda Item 4a



Overview



☐ Institutional Pass Pilot

- Reminder of scope and pilot program goals**
- Overview of institutional participants**
- Funding proposal**
- Next steps and necessary transit agency board approvals**
- Title VI Update**

☐ Delivery of Policy Vision Statement Recommendations

- Transfer Policy Change in 2023**

○ Questions

Institutional Pass Pilot

Reminder on Scope and Goals



Objectives:

Demonstrate that an institutional transit pass covering all operators may increase transit ridership by better meeting the needs of users, who may not gain much value from a single agency transit pass. Evaluate program performance and collect data that could be used as the basis of a revenue model for permanent program.



Proposed Participants:

Phase 1: Public community colleges + universities and affordable housing property managers that are existing customers of transit agency institutional passes.

Phase 2: Employers, especially in transit rich locations like downtown San Jose, San Francisco, and Oakland



Financial Considerations:

Phase 1: Pass offered to educational institutions and affordable housing property managers at no additional cost, beyond existing transit agency institutional passes, for pilot period.

Phase 2: Price per pass during pilot will be negotiated based on size/location of employer



Pilot Budget:

MTC Commission identified \$28 million for fare integration activities at an October 2021 Commission Workshop - \$6 million was targeted for the Institutional Pass Pilot, including to offset possible revenue losses at operators. Target is for pilot to last two years.

Institutional Pass Pilot – Status Update



- ① **During March, the project team continued discussions with pilot partner institutions and secured “statements of interest” to participate in the pilot**
- ② **Brought onboard behavioral economist consultant support (The Behaviouralist) to assist the project team in designing the research and evaluation approach for each pilot participant institution**
- ③ **Preparing template materials for transit agency boards to consider approving participation in the pilot in *May/June***
- ④ **Focus currently remains on Phase 1, work on Phase 2 will begin this summer/fall**
- ⑤ **Monitoring the Governor’s proposed “3 months of fare free transit” proposal for possible impacts on the pilot schedule**

Institutional Pass Pilot - Phase 1

Overview








Phase 1

Launch Date: August 2022

Scale: Up to 50,000 participants

Cost to Participants: None during pilot



	<u>Estimated # of Passes*</u>	<u>Key Considerations</u>
	12,000	UC Berkeley students automatically receive a customized Clipper Card with their AC Transit EasyPass, working
	9,000	SFSU student ID serves as Clipper Card, working to determine the most appropriate pilot population at SFSU for research design and administration
	7,000	Existing VTA SmartPass offered requires students to pick up a physical Clipper Card - exploring how best to distribute pilot product to students
	5,000	Exploring option of offering the pass on a “first come, first served” basis to any SRJC student given lower level of transit use in Sonoma County
	500 - 1,000	All residents of participating affordable housing properties will be offered a pass. Exploring including additional properties in Alameda and Santa Clara Counties

*Amounts³⁹⁴ subject to change based on final discussions with institutions.

Institutional Pass Pilot

Overall Funding Proposal



Existing business relationships:

For pre-existing Phase 1 institution/agency pairs, business relationship not impacted by the pilot. All transit agency pass would be layered on top of single agency product(s)



Funding for Phase 1

Up to \$4.5 million over 2 years

Concept Proposal:

Distribute **\$2.2 million of funding to operators up-front based on share of regional fare revenue in FY 2018-19**
(minimum of \$5,000 to each transit operator)

Hold **\$2.2 million in reserve as a “top up” to distribute in year 2 of the pilot**

Funding for Phase 2

\$1 million over 2 years
(placeholder)

Proposal:

Amount represents a placeholder reserve pending the design of Phase 2. While Phase 2 will bring in new dollars, given novel nature of program some revenue uncertainty exists

Total = \$6 million

Other Administrative Costs: \$0.5 million - Consulting support, Clipper card purchases, communications

Staffing Costs: 1.5 FTE - Staff hired at BART (+1) and MTC (+0.5), funded from Transformation Action Plan staffing funds

Institutional Pass Pilot – Phase 1

Funding Concept Methodology



\$3.8 million

Estimated possible foregone fare revenue from Phase 1

Funding for Phase 1

Up to \$4.5 million over 2 years

Concept Proposal:

Distribute \$2.2 million of funding to operators up-front based on share of regional fare revenue in FY 2018-19
(minimum of \$5,000 to each transit operator)

Hold \$2.2 million in reserve as a “top up” to distribute in year 2 of the pilot

- Estimate based on October 2019 Clipper data from the selected pilot participant institutions as well the proposed scale of Phase 1
- Assumes existing financial and business relationships between pilot participant institutions continue
- Majority of funding risk is at BART which does not currently offer an “all you can use” pass product and provides service in each county with a pilot participant institution except for Sonoma County
- Given shifting ridership patterns due to the pandemic, the project team recommends distributing the \$4.5 million in funding for Phase 1 in two tranches, including a “top up” in Year 2 of the pilot to reduce/eliminate any revenue risk to operators from participating in the pilot

Institutional Pass Pilot – Phase 1

Allocation Concept



Funding for Phase 1

Up to \$4.5 million over 2 years

Concept Proposal:

Distribute \$2.2 million of funding to operators up-front based on share of regional fare revenue in FY 2018-19*
 (minimum of \$5,000 to each transit operator)

Hold \$2.2 million in reserve as a “top up” to distribute in year 2 of the pilot



Operator	Share of FY 2018-19 Bay Area Fare Revenue*	Pilot Phase 1 Allocation Concept
AC Transit	7.16%	\$161,039
BART	47.89%	\$1,077,624
Caltrain	10.19%	\$229,232
CCCTA	0.34%	\$7,554
ECCTA	0.19%	\$5,000
FAST	0.22%	\$5,000
GGBHTD	3.56%	\$80,072
LAVTA	0.25%	\$5,661
Marin Transit	0.35%	\$7,962
NVTA	0.12%	\$5,000
Petaluma Transit	0.03%	\$5,000
SamTrans	1.54%	\$34,756
Santa Rosa CityBus	0.15%	\$3,461
SFMTA	19.56%	\$440,079
SMART	0.41%	\$9,142
SolTrans	0.33%	\$7,500
Sonoma County Transi	0.18%	\$4,029
Union City Transit	0.03%	\$5,000
Vacaville City Coach	0.04%	\$5,000
VTA	3.91%	\$87,883
WestCAT	0.24%	\$5,331
WETA	2.23%	\$50,092
Phase 1 - Year 1 Allocation		\$2,241,417
Phase 1 - Year 2 "Top Up"		\$2,258,583
Phase 1 - Grand Total		\$4,500,000

- Amounts are shown as an illustration of the concept proposal
- Actual allocation amounts would be determined by the MTC Commission in a future action
- “Top up” funds would be allocated in Year 2 of the pilot, with Task Force review/input, to allow capacity to align funding with actual revenue impacts based on usage and reduce/eliminate any revenue risk to operators from participating in the pilot

*FY 2018-19 Transit Fare Revenues Reported to State Controller's Office (SCO)



Institutional Pass Pilot

Title VI Update



- **Reminder: The project is proposed to launch as a ‘pilot’ under Title VI, meaning agency boards will approve Title VI analyses after the pilot project is underway but before any permanent successor program is launched**
- **MTC is lead agency for pilot program Title VI process**
- **Staff met with FTA in March and are working to finalize a Title VI approach for the full duration of the pilot**
- **FTA is currently updating its Title VI Circular, which may allow for more flexibility for ‘pilot’ projects starting later this year**

Pilot Project

Path to August 2022 Launch



Task	2022 (by Month)
1. Finalize Management Structure	✓
2. Secure statements of interest from participants Institutions	✓
3. FITF reviews Phase 1 project budget/funding plan	April 6th
4. Finalize Title VI plan with FTA and agency civil rights staff	April - May
5. Board Approvals	May - June
6. Work with institutional partners on site-specific administrative requirements & protocols (participant list, card distribution, etc.)	March - July
7. Develop communications/collateral	May - June
8. Establish research & evaluation plan	May - July
9. Card distribution/launch	July - August

Delivery of Policy Vision Statement Recommendations – Next Steps

- Next action in Policy Vision Statement is “no-cost and reduced cost transfers”

Bay Area Transit Fare Policy Vision Statement
 Based on the draft findings of the Fare Coordination and Integration Study (FCIS), the Fare Integration Task Force (Task Force) recognizes that the implementation of more coordinated and integrated transit fare policies may offer cost-effective options for improving the transit customer experience, promoting transit ridership recovery from the COVID-19 pandemic, and reducing regional vehicle miles traveled, greenhouse gas emissions, and transit travel times for customers, in ways that are compatible with the equity goals of transit operators, local stakeholders, MTC, and the State of California.

Transit Fare Policy Initiatives for Further Development
 The Task Force endorses continued work by transit operators and MTC staff to advance the following policy initiatives:

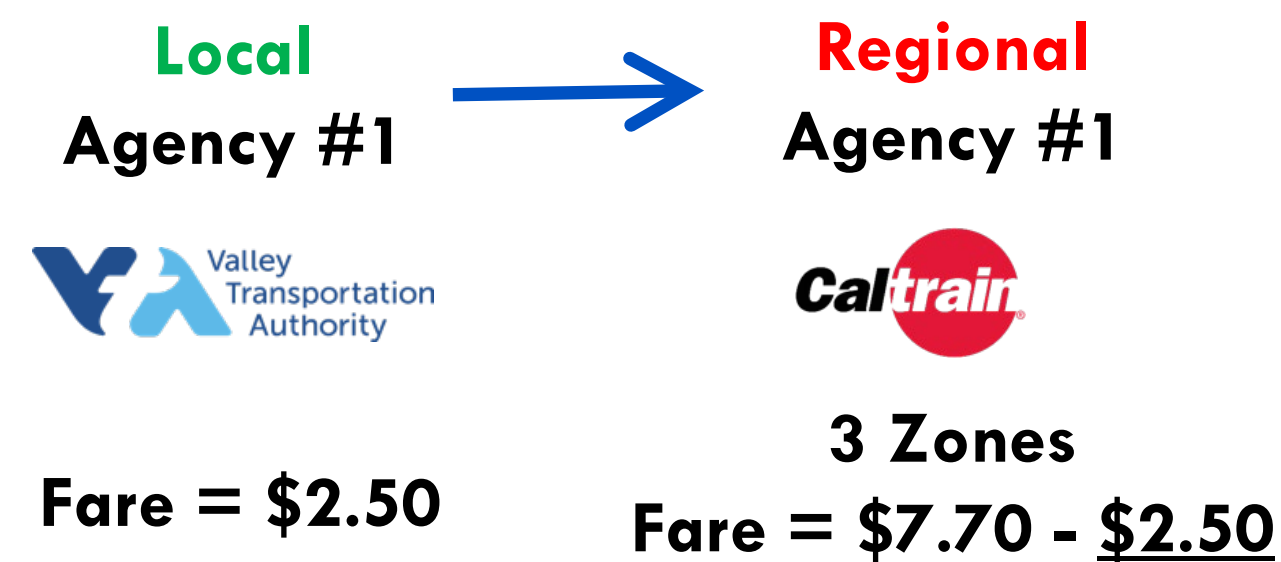
- Deployment of an all-transit agency institutional/employer pass demonstration pilot in 2022, with a focus on educational institutions, affordable housing properties, and employers of various sizes, pending available resources/technical considerations.
- Implement no-cost and reduced cost transfers for transit users transferring between different transit agencies beginning in 2023, coinciding with the rollout of the Next Generation Clipper® system/Clipper® 2.**
- Continue to develop a proposal for implementing an all-transit agency pass product for the general public after the launch of the Next Generation Clipper® system/Clipper® 2 in 2023 or later (pending outcomes and data from the pilot noted in no. 1 above).
- Continue to refine the vision of eventually creating a common fare structure (distance or zone-based) for regional rail, ferry, and express bus service after Next Generation Clipper® system/Clipper® 2 implementation. Direct transit operator staff and MTC staff to continue to evaluate the benefits and costs of a common fare structure for regional transit services in the context of a broader evaluation of post-COVID-19 pandemic ridership patterns, the role of regional transit service in the region, and the funding strategy for these regional transit services.

Complementary and Necessary Objectives to Facilitate Delivery of Transit Fare Policy Initiatives
 In collaboratively advancing these improvements for the benefit of the Bay Area’s transit customers, we also recognize the continued economic challenges facing the region, and the transit industry in particular. The Task Force recommends that transit operator and MTC staff work to advance the above policies while also acknowledging that successful delivery will require pursuit of the following complementary and necessary objectives:

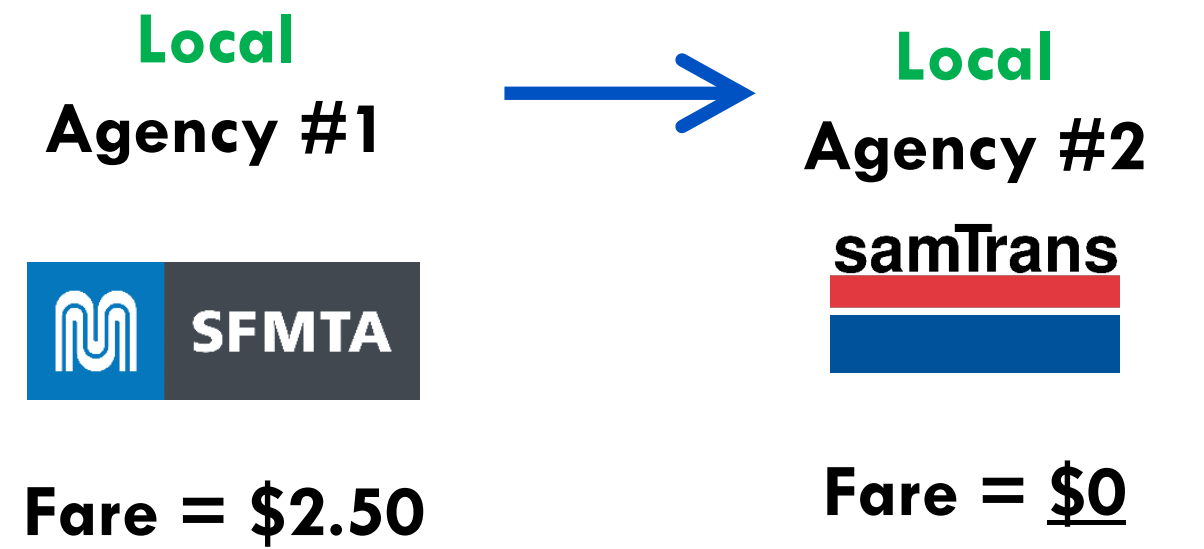
“Implement no-cost and reduced cost transfers for transit users transferring between different transit agencies beginning in 2023, coinciding with the rollout of the Next Generation Clipper® system /Clipper® 2.”



Example Trip 1
 Alum Rock, SJ to Redwood City

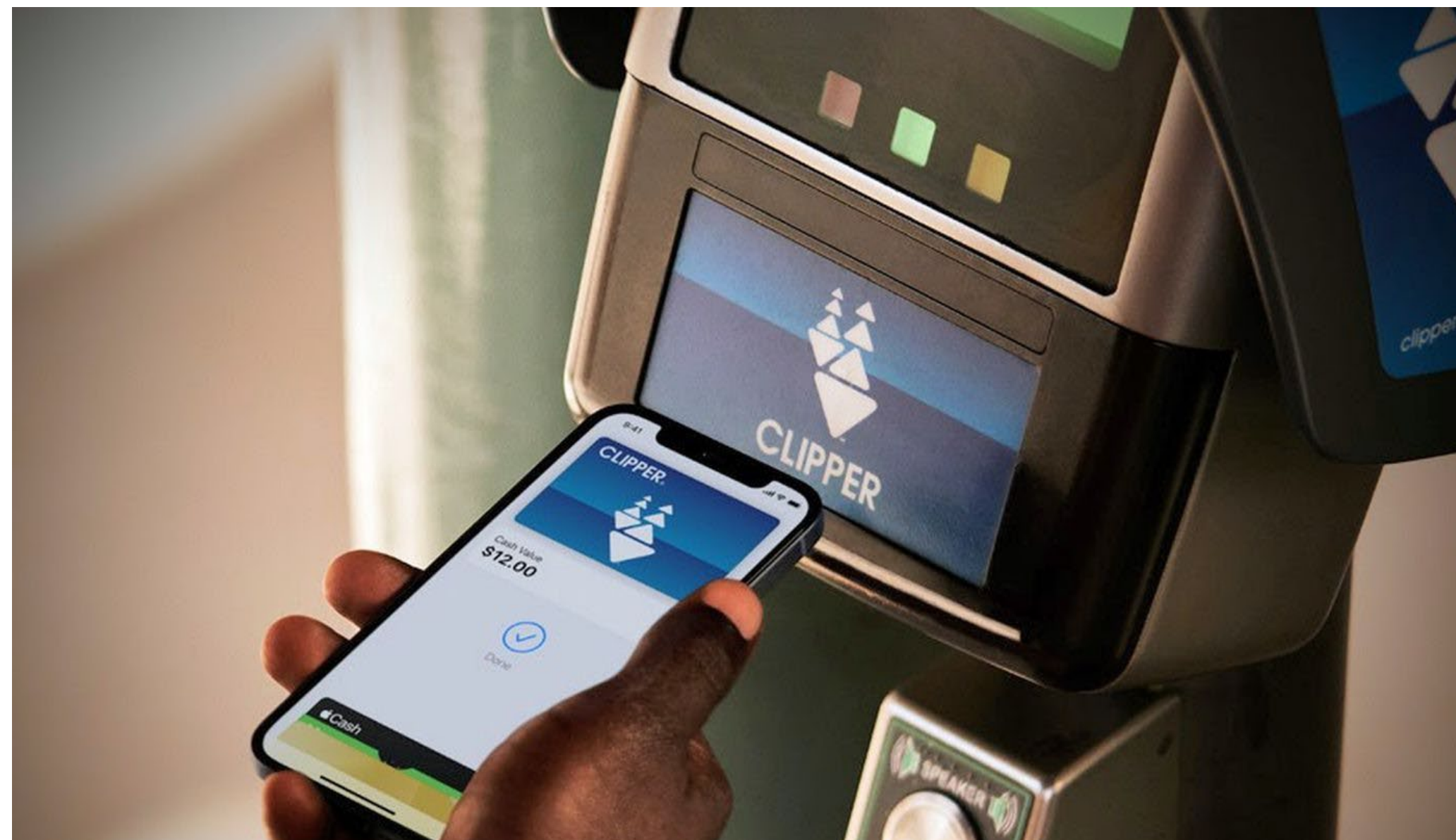


Example Trip 2
 Excelsior District, SF to San Bruno



“No-cost / Reduced Cost Transfers”

“Implement no-cost and reduced cost transfers for transit users transferring between different transit agencies beginning in 2023, coinciding with the rollout of the Next Generation Clipper® system/Clipper® 2.”

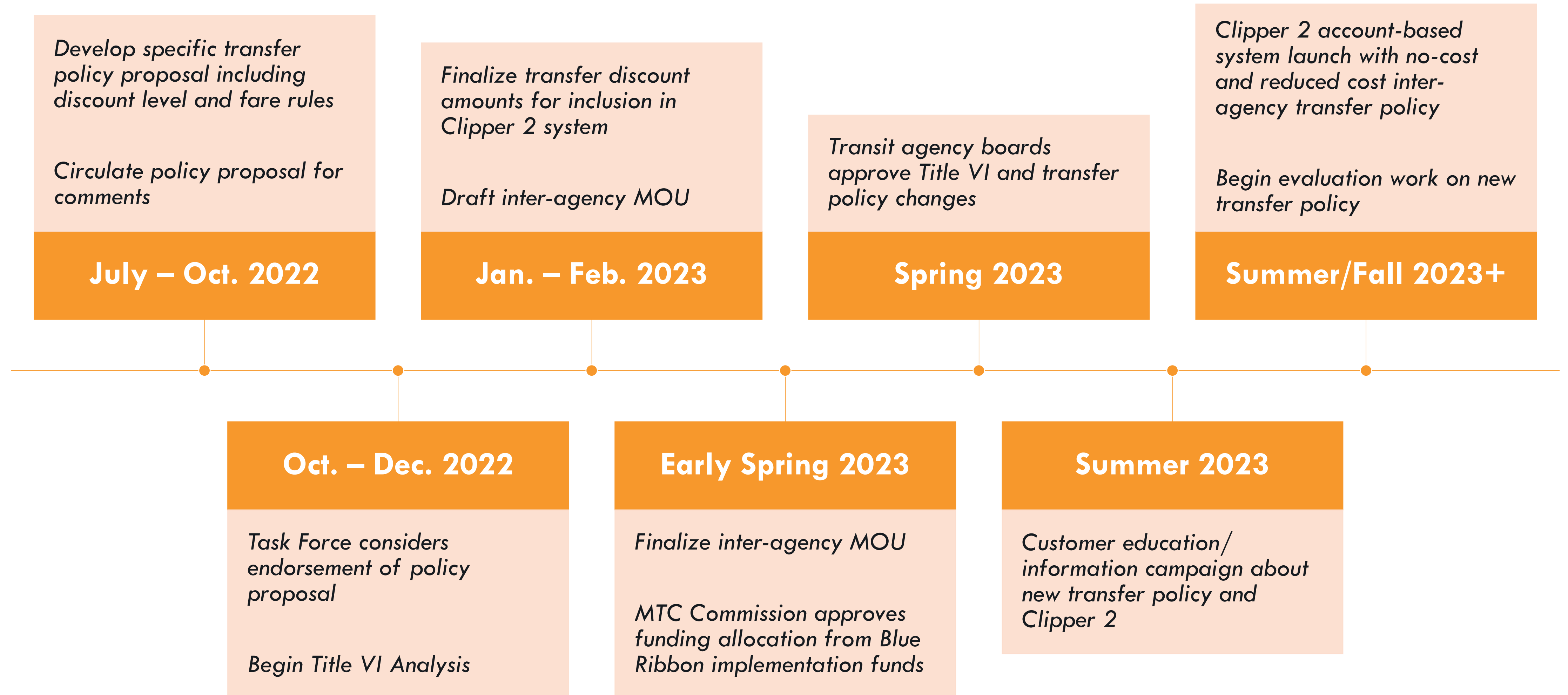


Considerations for the Task Force

- Approximately \$22 million in funding from BTRTF set aside
- **Most cost-effective fare policy action identified in the FCIS**
 - **+26,000 new daily transit trips**
- Still time to deliver at Clipper 2 launch, but work will need to start soon
- Synergies with promoting ridership recovery and customer information about Clipper 2
- SB 917

Steps to Deliver “No-cost / Reduced Cost Transfers”

Conceptual Timeline





NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Federal and State Legislative Update

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board receive the Federal Legislative update prepared by K&L Gates and Platinum Advisors and the State Legislative update prepared by Platinum Advisors.

EXECUTIVE SUMMARY

The attached memos from Platinum Advisor/K&L Gates and Platinum Advisors summarize the federal and state legislative activities respectively.

FISCAL IMPACT

None



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

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 Update

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board receive the Federal Legislative update prepared by K&L Gates and Platinum Advisors (Attachment 1) and the State Legislative update prepared by Platinum Advisors (Attachment 2) and State Bill Matrix (Attachment 3).

EXECUTIVE SUMMARY

Federal Update:

The Federal Highway Administration (FHWA) released a Notice of Funding Opportunity (NOFO) for the competitive Bridge Investment Program established by the President's Bipartisan Infrastructure Law (BIL), which provides \$12.5 billion over five years, with nearly \$2.4 billion available in FY22 to help plan, replace, rehabilitate, protect, and preserve bridges. The large bridge program has been prioritized for certain Bay Area bridges by MTC but the set aside for small bridges is available for rehabilitation and replacement of bridges on the National Bridge Registry.

State Update:

Legislators passed a budget by the statutory June 15th deadline (SB 154) but details were hashed out between the Governor and legislative leaders behind closed doors with some details such as the climate package was left to address after the summer break. The budget includes record breaking reserves of which \$23.3 billion will flow to the Rainy Day Fund. Based on the approved spending plan, the Governor managed to dodge the Gann Limit for the two year period ending June 30, 2022.

There is \$9.5 billion in taxpayer rebates. There is also a business relief program which will suspend sales tax on diesel fuels for one year beginning on October 1, 2022. The

governor's proposal backfills this with general funds so it will not impact State Transit Assistance – revenues that flow to public transit systems for operating and capital.

There is a \$14.8 billion multiyear funding package for transportation including:

- \$100 million for zero emission demonstration programs
- \$350 million for high priority grade crossings
- \$300 million for Metropolitan Planning Organizations for rail project development
- \$4.65 billion for transit capital investments of which \$1.83 is earmarked for southern California regions and the balance distributed around the state.
- \$50 million for Transportation infrastructure climate adaptation
- \$50 million for the Transportation Infrastructure Climate Adaptation Strategy Grant Program.
- \$148 million for the Local Infrastructure Climate Adaptation Project Program.
- \$1.2 billion over two years for freight-related infrastructure at and around the state's ports
- \$1.2 billion for Active Transportation Program projects.
- \$4.2 billion in High-Speed Rail bond funds

There is also a significant set aside for Climate Adaptation and \$676 million for zero emission vehicles, including buses.

ATTACHMENTS

- (1) June 30, 2022 Federal Update (K&L Gates and Platinum Advisors)
- (2) June 30, 2022 State Budget Update (Platinum Advisors)
- (3) June 30, 2022 State Bill Matrix (Platinum Advisors)

MEMO

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

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

DATE: June 30, 2022

RE: June Monthly Report

State of Play and Congressional Update

June was a busy month on Capitol Hill with many pressing priorities and limited legislative days before Congress returned home for the 4th of July recess, the unofficial start of the campaign season. In response to a string of mass shootings throughout the country including a devastating school shooting in Uvalde, Texas, the Senate spent most of June negotiating the Bipartisan Safer Communities Act. After weeks of negotiations, the Senate passed the bill with 15 Republicans joining the entire Democratic Caucus. The House quickly passed the bill and President Biden signed it into law on June 25th. The package includes incentives for states to include red flag laws, closes the boyfriend loophole, increased background checks for buyers that are under 21 and reduces illegal gun purchases and trafficking. This legislation falls short of what President Biden and many Democrats on Capitol Hill have called for, but it is the first significant gun reform legislation that has passed Congress in almost 30 years.

Inflation continues to increase and remains a serious challenge for President Biden and Democratic leadership. With limited tools at his disposal, President Biden has called on Congress to pass a gas tax holiday. However this plan has been met with resistance on Capitol Hill with many expressing that this will do little to help consumers and that it is not wise to take funds away from the Highway Trust Fund when the administration is making such significant investments in infrastructure. Despite President Biden's requests, he currently does not have the votes to move this plan forward.

Congressional Leadership had hoped to reach an agreement on an anti-China competitiveness package that will significantly increase investments in advanced manufacturing, especially the production of semiconductors. Recently, Congressional leadership agreed to strip out the climate provisions and Secure and Fair Enforcement Act (SAFE Banking Act), which would prohibit federal regulators from punishing financial institutions that provide services to cannabis companies. House Leadership understands that if this package is to pass it must look very similar to the version that passed the Senate with bipartisan support last summer. However the prospects for passage decrease each day as Congress inches closer to the midterm elections. Additionally, Republican leadership is not interested in granting President Biden a bipartisan victory.

The House and Senate Appropriations Committees also spent much of June working on the FY23 appropriation bills. However, the "four corners" (i.e. Senate Appropriations Chair Leahy, Ranking Member Shelby, House Appropriations Chair DeLauro and Ranking Member Granger) have still

not reached an agreement on a top line spending number, which makes it unlikely they will be able to come to an agreement on a budget before the September 30th deadline.

On June 23rd, the Supreme Court officially released their opinion on Dobbs v. Jackson Women's Health Organization overturning Roe v. Wade. This opinion had been widely anticipated since the draft opinion was leaked in May. On Capitol Hill, the House passed The Women's Health Protection Act which would codify Roe V. Wade, however this legislation does not have the support necessary in the Senate to overcome a filibuster. President Biden spoke after the decision was released and remains committed to protecting abortion rights, but he is severely limited in what he can achieve unilaterally.

Senator Manchin and Leader Schumer also continue to negotiate the details for a potential compromise on the \$1 trillion reconciliation deal with a goal of attempting to pass this package before the August recess. This compromise could include repealing the Trump tax cuts, lowering the costs of prescription drugs, and potentially some climate provisions. Democratic leadership is also concerned about raising health care costs when the Affordable Care Act (ACA) subsidies expire this fall and would like that included in a package as well, but it is unclear if Senator Manchin will agree to this.

Pending Legislation of Interest

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

Sponsor: Senator John Cornyn (R-TX)

Cosponsors: 11

Status: Passed Senate

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

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

White House Executive Office of the President

This month, President Biden [called for](#) Congress to suspend the 18 cent tax per gallon of gasoline for three months, while ensuring that a gas tax holiday has no negative effect on the Highway Trust Fund, and calling on state and local governments to provide additional consumer relief. The proposal has been panned on both sides of the aisle, with key Democratic leaders like House Transportation & Infrastructure (T&I) Chair Peter DeFazio calling the idea "short-sighted", and Senate Environment & Public Works (EPW) Chair Tom Carper saying that "suspending the primary way that we pay for infrastructure projects on our roads is a short-sighted and inefficient way to provide relief."

Also this month, the Administration announced new steps to meet President Biden's goal to build out the first-ever national network of 500,000 electric vehicle chargers along America's highways

and in communities, a key piece of the Bipartisan Infrastructure Law (BIL). The Department of Transportation (DOT), in partnership with the Department of Energy, is proposing new standards to make charging electric vehicles (EV) a convenient, reliable, and affordable for all Americans. The \$7.5 billion for EV charging infrastructure in President Biden's BIL will build a convenient and equitable charging network through two programs. The National Electric Vehicle Infrastructure program will provide \$5 billion in formula funding to States to build out charging infrastructure along highway corridors. The BIL also provides \$2.5 billion in competitive grants to support community and corridor charging, improves local air quality, and increases EV charging access in underserved and overburdened communities. DOT will open applications for this program later this year. More details can be found [here](#).

The Biden-Harris Administration also announced a National Initiative to Advance Building Codes that will help state, local, Tribal, and territorial governments adopt the latest, current building codes and standards, enabling communities to be more resilient to hurricanes, flooding, wildfires, and other extreme weather events that are intensifying due to climate change. Through this initiative, the Administration will: comprehensively review federal funding and financing of building construction; harness \$225 million in BIL funding for the Department of Energy to support implementation of updated building energy codes; provide incentives and support for communities to adopt current building codes and standards; and seize opportunities to advance "above-code" resilience and energy efficiency standards in new projects. More details can be found [here](#).

The White House and the DOT announced that Retired General Stephen Lyons, former Commander of the U.S. Transportation Command, will be the new Port and Supply Chain Envoy to the Biden-Harris Administration Supply Chain Disruptions Task Force. Retired General Lyons will take over the role from John Porcari. General Lyons will work with the DOT, the White House National Economic Council, ports, rail, trucking, and other private companies across our supply chains to continue to address bottlenecks, speed up the movement of goods, and help lower costs for American families. More details can be found [here](#).

Department of Transportation (DOT) Updates

Federal Highway Administration (FHWA)

The FHWA is proposing to establish regulations setting minimum standards and requirements for projects funded under the National Electric Vehicle Infrastructure (NEVI) Formula Program and projects for the construction of publicly accessible electric vehicle chargers under certain statutory authorities. The standards and requirements proposed would apply to the installation, operation, or maintenance of EV charging infrastructure; the interoperability of EV charging infrastructure; traffic control device or on-premises signage acquired, installed, or operated in concert with EV charging infrastructure; data, including the format and schedule for the submission of such data; network connectivity of EV charging infrastructure; and information on publicly available EV charging infrastructure locations, pricing, real-time availability, and accessibility through mapping applications. More on this announcement can be found [here](#).

Additionally, FHWA opened a call for applications through a Notice of Funding Opportunity (NOFO) for the competitive Bridge Investment Program established by the President's BIL, which includes the single largest dedicated investment in bridges since the construction of the Interstate highway system. The program will provide \$12.5 billion over five years, with nearly \$2.4 billion available in FY22 to help plan, replace, rehabilitate, protect, and preserve some of the nation's largest bridges. This competitive grant program comes on top of more than \$27 billion in formula bridge funding the Department of Transportation announced earlier this year. This investment will

help ensure that some of the nation's most important bridges remain operational, support local economies, strengthen our supply chains, improve safety, and create good-paying jobs across the country. More details can be found [here](#).

Federal Transit Administration (FTA)

The FTA has awarded grants totaling approximately \$16.2 million to fund 40 projects in 32 states and two territories through FTA's Areas of Persistent Poverty (AoPP) program. FTA grants the awards on a competitive basis to state and local governments, transit agencies, and nonprofit organizations to create better transit for residents who have limited or no transportation options. AoPP grants are awarded for planning, engineering, and technical studies or financial plans to improve transit in Census-defined low-income areas. FTA received applications totaling close to \$63 million in funding requests. Projects were selected based on criteria described in the Notice of Funding Opportunity. More details can be found [here](#).

The FTA announced awards of approximately \$8.4 million to 17 projects in 16 states to improve public transportation for underserved groups, with a focus on health and wellness. FTA's Innovative Coordinated Access & Mobility Pilot Program, which received millions more in funding from the President's BIL, increases access for Americans all over the country, particularly to health care appointments, by building partnerships among health, transportation, and other service providers. A list of all selected projects is available online. In response to the NOFO, FTA received 26 eligible proposals. Projects were selected based on criteria described in the NOFO. More details can be found [here](#).

National Highway Traffic Safety Administration (NHTSA)

NHTSA has issued a [final rule](#) that updates testing requirements for child safety seats to improve the protection of children during side-impact crashes. The rule is a major advance in protecting children from serious injury in traffic crashes. This final rule amends Federal Motor Vehicle Safety Standard No. 213, "Child restraint systems," by adding side impact performance requirements for child safety seats. The current standard requires child seats to meet performance criteria in a test simulating a 30-mph frontal impact. The final rule establishes a side impact test that replicates a 30-mph side collision, commonly known as a T-bone crash. More information about the rulemaking process can be found [here](#).

Goodyear is recalling more than 170,000 tires that were produced between 1996 and 2003 and sold for use on trucks and recreational vehicles after NHTSA found that these tires experienced a high rate of failure on RVs when compared to similar tires. The recall specifically applies to G159 tires size 275/70R22.5, commonly found on RVs. While these tires are no longer being produced, some RV owners may have the tires on their vehicle, or set aside as a spare, and do not know. NHTSA urges anyone who owns, rents, or uses an RV or truck with 22.5-inch rims to ensure these tires are not in use on their vehicle. More info can be found [here](#).

Environmental Protection Agency (EPA)

To replace the nation's fleet of school buses with clean, American-made, zero-emission buses, the EPA is currently accepting applications from school districts as part of a \$500 million funding effort under the BIL. This is only the first round of funding from the BIL, where an unprecedented \$5 billion is being invested over the next five years. EPA will prioritize applications that will replace buses serving high-need local education agencies, Tribal Schools, and rural areas, and it supports President Biden's Justice40 initiative. Applications are being accepted until August 19, 2022.

More details can be found [here](#).

Additionally, the EPA announced the 2022 notices of funding availability for the agency's Water Infrastructure Finance and Innovation Act (WIFIA) program and the State Infrastructure Financing Authority WIFIA program. This year's funding will provide up to \$6.5 billion in total funding to support \$13 billion in water infrastructure projects while creating more than 40,000 jobs. The notices of funding availability include \$5.5 billion for the WIFIA program and an additional \$1 billion for the SWIFIA program. Letters of interest may be submitted by prospective borrowers and received by EPA at any time on or after September 6, 2022. The submission period will close when all available funds are committed to prospective borrowers. To date, EPA has closed 88 WIFIA loans that are providing over \$15 billion in credit assistance to help finance nearly \$33 billion for water infrastructure while creating nearly 100,000 jobs and saving ratepayers over \$5 billion. More details can be found [here](#).



June 30, 2022

TO: Kate Miller, Executive Director
Napa Valley Transportation Authority

FR: Steve Wallauch
Platinum Advisors

RE: Legislative Update

The budget process diverged from tradition this year, foregoing the usual process where budget subcommittees vote on each budget item and the budget conference committee then meets to hash out differences between the Senate and Assembly. Instead, the two houses of the legislature worked out their differences behind closed doors, releasing an overview [document](#) as well as an [item-by-item report](#) June 1st. The legislature then approved the primary budget bill, SB 154, on Monday June 13th, in order to meet the June 15th Constitutional deadline. Since that time, legislative leadership met with the Governor behind closed doors to hash out the details of the 2022-23 spending plan.

Late last week, an agreement was announced, and numerous bills were amended over the weekend in order to meet the “in print” rules to pass these measures before they adjourn for Summer Recess on June 30th. Both the Senate and Assembly scheduled floor session last night, June 29th, and approved the budget bill juniors and several trailer bills. While the bulk of the budget is complete, there will remain a few elements, such as the climate package, that will be negotiated over the summer recess and enacted after the legislature reconvenes on August 1st.

Reserves: The budget contains \$37.2 billion in reserves. This is almost double the amount of reserves on hand in prior years. This includes \$23.3 in Rainy Day Fund, \$9.5 billion in Prop 98 reserves, almost \$1 billion in safety net reserves, and \$3.5 billion regular reserves.

Appropriations Limit: The State Appropriations Limit (SAL), also known as the Gann Limit, is not exceeded based on the approved spending plan. According to initial estimates, the state is \$11 billion under the Gann Limit for the two-year period ending on June 30, 2022, and \$11 billion under the Gann Limit for the 2022- 23 fiscal year.

The budget package includes statutory changes to exclude added local subventions from the State Appropriations Limit, thereby counting some additional expenditures within local government appropriations limits when capacity exists at the local level.

Economic Relief: One of the key items of negotiations was on how to provide fiscal relief to Californians from the high cost of fuel, and growing inflation. The agreement reached encompasses \$17 billion in fiscal relief measures. The agreement foregoes the Governor's proposal to provide 3 months of free public transit, but it does include his proposal to suspend the state general fund share of the diesel fuel sales tax. This partial sales tax suspension should not impact State Transit Assistance (STA) funding. The fiscal relief package includes the following elements:

Refunds: The budget includes \$9.5 billion in rebates to taxpayers that will be allocated based on income tiers.

- Tier 1 would provide \$350 for each filer with an income of up to \$75,000 single and \$150,000 joint, and an additional \$350 for a dependent.
- Tier 2 would provide rebates of \$250 for filers with incomes up to \$125,000 single and \$250,000 joint and \$250 for a dependent.
- Tier 3 would provide rebates of \$200 per filer with incomes above the Tier 2 limits but below \$250,000 single and \$500,000 joint, and \$200 for a dependent. Incomes above the Tier 3 amounts will not receive a rebate.

Vulnerable Californians: Provides additional relief to vulnerable Californians enrolled in the SSI/SPP program and the CalWORKs program and to provide relief from unpaid utility bills,

Targeted Tax Relief: Includes key targeted tax relief measures, including the following:

- Develops the Workers Tax Fairness Credit to turn union dues from being tax deduction into a tax credit.
- Adopts the Governor's proposed \$95 million to provide the existing Young Child Tax Credit to zero-income filers and to create a Foster Youth Tax Credit to provide a \$1,000 credit to young adults who were in the foster care system.

Business and Non-Profits Relief: Provides \$2.3 billion in fiscal relief to small businesses and non-profits, including the following:

- *Diesel Sales Tax Relief:* \$439 million to suspend the General Fund portion of the sales tax on diesel fuel from October 1, 2022, to October 1, 2023. This is estimated to reduce costs by about 23 cents per gallon. This suspension does not affect the diesel sales tax dedicated to transportation programs, such as STA.

Transportation Funding: The budget agreement includes a \$14.8 billion multiyear transportation package, including funding for transit, freight, active transportation, climate adaptation, and other purposes across the state. The transportation package includes the following funding augmentations:

- \$100 million for zero emission rail and transit demonstration projects to be administered by California State Transportation Agency (CalSTA).

- \$350 million for High Priority Grade Crossing Improvement and Separation Projects.
- \$300 million for Metropolitan Planning Organizations (MPOs) for project development activities related to rail realignment projects for high-priority intercity rail corridors located primarily in the coastal zone that have been identified in the State Rail Plan for being at risk of sea-level rise.
- Transit Capital Investments: Totals \$3.65 billion in the 2022-23 fiscal year, and an additional \$4 billion committed in future budget years.
 - \$1.83 billion for high priority transit projects in Southern California, which includes the Counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura. Not less than \$900 million of these funds shall be used to leverage existing Transit and Intercity Rail Capital Program (TIRCP) Projects Leveraging Federal & Local Funds Reserve.”
 - \$1.498 billion for high priority transit projects in all other geographic areas. Not less than \$900 million of these funds shall be used to leverage existing TIRCP Projects Leveraging Federal & Local Funds Reserve.”
 - An amount up to \$150 million combined from the Southern California and Northern California transit funds shall be set aside for the “Major Projects Project Development Reserve” and shall be available for multiyear grants to support the delivery of capital projects and programs of projects that have entered or have applied to enter federal project development processes
 - \$4 billion is committed for transit capital projects over the 2023-24 and 2024-25 fiscal years. Under this allocation all transit operators would receive a minimum of \$300,000 each with the balance being distributed on the population based formula.
- \$50 million for the Transportation Infrastructure Climate Adaptation Strategy Grant Program.
- \$148 million for the Local Infrastructure Climate Adaptation Project Program.
- \$1.2 billion over two years for freight-related infrastructure at and around the state’s ports
- \$1.2 billion for Active Transportation Program projects. Of this amount \$1.049 billion is dedicated to ATP projects, and \$149 million shall be used for the Highways to Boulevards Program.
- \$4.2 billion in High-Speed Rail bond funds are appropriated, but cannot be encumbered prior to the Authority submitting a detailed funding plan for the projects. In addition, the budget establishes an independent Office of Inspector General for the high-speed rail project, with legislative direction to prioritize construction of a Merced-Bakersfield segment.

Climate-Energy Package. Approves a total of \$19.3 billion General Fund for the Climate-Energy Package (\$4.89 billion in 2021-22, \$4.83 billion in 2022-23, and \$9.59 billion for the outyears), with details to be determined in future legislation, as follows:

- \$8.09 billion Energy

- \$800 million Wildfire and Forest Resilience
- \$2.7 billion Drought Response and Resilience
- \$300 million Extreme Heat
- \$773 million Nature-Based Solutions
- \$3.53 billion 2022 Zero Emission Vehicles (ZEV)
- \$5 million Lithium Valley
- \$3.11 billion Flexible Climate Set-Aside

Zero Emission Vehicles: Provides \$676 million from the Greenhouse Gas Reduction Fund to support Clean Trucks, Buses, and Off-Road Equipment and Clean Cars for All, and \$1.5 billion Proposition 98 General Fund to support ZEV school buses and charging infrastructure.

Transportation Trailer Bill: Among the numerous budget trailer bills, SB 198 was approved to enact the statutory changes need to implement portions of the transportation funding agreement. SB 198 includes the following provisions, please contact us if you need more details about any of these programs:

- Authorizes the California Department of Transportation to advance payments to recipients of TIRCP grants when certain conditions are met. Specifically, this bill expands and clarifies the authority for Caltrans to advance funds to public agencies for transit and passenger rail projects funded by the State Transportation Improvement Program or the Transit and Intercity Rail Capital Improvement Program.
- Authorizes the Department of Transportation to use the Design-Build procurement method for construction contracts on six additional projects per year in both 2022-23 and 2023-24.
- Creates the Highways to Boulevards program at Caltrans to provide grants to local governments to plan and implement projects move toward future conversion of key underutilized highways into multimodal corridors that serve existing residents by developing affordable housing and complete streets features. The program would provide 25 percent of available funds for planning activities, and 75 percent for projects.
- Establishes three programs that are intended to fund activities necessary to help the state and local governments identify and fund projects to adapt transportation infrastructure to climate change.
 - Transportation Infrastructure Climate Adaptation Strategy Grant Program, which is designed to provide competitive planning grants to local agencies to address climate adaptation. Caltrans will administer this program.
 - Local Transportation Infrastructure Climate Adaptation Project Program, which would provide competitive grants to local agencies to support the development and implementation of projects adapting local transportation

infrastructure to climate change. The California Transportation Commission (CTC) will administer this program.

- State Transportation Infrastructure Climate Adaptation Program, which would be designed to support the planning, developing, and implementing projects adapting state transportation infrastructure to climate change. Caltrans is required to submit the list of projects to the CTC for approval.
- Makes several major adjustments to the High-Speed Rail Authority's statutory direction and authority, including the creation of an independent Inspector General.
- Freight and Goods Movement funding program authorizes CalSTA in consultation with other departments to provide grants or other funding mechanisms to invest in port-specific high-priority projects that increase goods movement capacity on rail and roadways serving ports and at port terminals. This bill sets aside 70 percent of the \$1.2 billion appropriated in the budget for projects related to the Port of Los Angeles, the Port of Long Beach.
- SB 198 includes language stating the Legislature's goal to provide \$2 billion per year in both 2023-24 and 2024-25 for transit and intercity rail capital projects. Specifically, it states that the goal of the Legislature is to provide each transit entity a minimum of \$300,000, with the remainder of the funding allocated by a population-based formula.



June 30, 2022

June 30th is the deadline for all policy committees move bills in their second house to the fiscal committee or floor. All bills that remain in a policy committee after this date are dead, although there are always rule waivers to resurrect them.

The Legislation has adjourned for its Summer Recess and will reconvene on August 1st.

TABLE 1: BOARD ACTION ITEMS

	Subject	Status	Recommended Position
<p><u>AB 1919</u> (Holden D) Transportation: free student transit passes.</p>	<p>As amended, AB 1919 creates a five-year Youth Transit Pass Pilot Program to provide grants to transit agencies to create or expand free fare transit programs for college and K-12 students.</p> <p><i>NVTA currently has an Oppose position on this bill. However, as amended the California Transit Association now supports and other operators have either removed their opposition or adopted a Support position. Given the current content, NVTA should consider changing its position to Support or neutral.</i></p> <p>Contingent upon funds being appropriated, AB 1919 would allow transit operators to apply to Caltrans for funds to create or expand existing free fare programs. The funds would be awarded based on the operator’s proportional share fare box revenues based on the 2018-19 fiscal year. The bill also stipulates that an educational institution may not participate if the receipt of the funds would invalidate an existing free fare funding program.</p> <p>AB 1919 directs Caltrans to submit a report by January 1, 2027, that will be prepared in consultation with transit operators on the outcome of the program.</p>	<p>SENATE DESK</p>	<p>Current Position: OPPOSE</p>
<p><u>SB 917</u> (Becker D)</p>	<p>SB 917 directs the Metropolitan Transportation Commission (MTC) to work with transit</p>	<p>ASSEMBLY APPR</p>	<p>Current Position:</p>

	Subject	Status	Recommended Position
Seamless Transit Transformation Act.	<p>operators to develop the Connected Network Plan, adopt an integrated transit fare structure, develop a comprehensive regional transit wayfinding system, and establish an open-source real-time transit information system.</p> <p><i>NVTA currently has a Support If Amended position on SB 917. Given the recent amendments, NVTA should determine if the amendments are sufficient to change its position to Support.</i></p> <p>Recent amendments address the concerns expressed by Bay Area operators with respect to the time deadlines, concerns regarding the integrated fare plan requirements, and establishing the Regional Transit Coordinating Council.</p> <p>Based on the recent amendments, the Assembly Transportation Committee approved SB 917, and it now moves to the Appropriations Committee.</p>		SUPPORT IF AMENDED

Table 2: BOARD POSITION ITEMS

Bills	Subject	Status	Client Positions
AB 1638 (Kiley R) Motor Vehicle Fuel Tax Law: suspension of tax.	<p>AB 1638 originally proposed to suspend the excise tax on gasoline for six months and then backfills the loss of revenue with General Fund dollars equivalent to one-half of the amount of gasoline taxes collected in the 2020-21 fiscal year.</p> <p>After a contentious hearing full of outrage, AB 1638 was amended and approved by the Assembly Transportation Committee over the objections of the author, and the Republican members of the committee. While the amendments are still not in print, the changes would remove the current content and insert language imposing an excess profits tax on the petroleum industry. The t=new tax revenue would then be rebated back to consumers.</p>	<p>ASSEMBLY APPR</p> <p>DEAD</p>	OPPOSE

<p><u>AB 1713</u> (<u>Boerner</u> <u>Horvath D)</u> Vehicles: required stops: bicycles.</p>	<p>AB 1713 would permit a person over 18 years of age riding a bicycle approaching a stop sign on a two lane road with stop signs at all intersections to yield the right-of-way to any vehicles that have stopped at the entrance of the intersection, have entered the intersection, or are approaching the intersection, and to continue to yield the right-of-way until it is reasonable to proceed.</p> <p>This allows a cyclist to treat a stop sign as a yield sign if the intersection is clear and the cyclist has the right-of-way. This change does not allow a cyclist to ignore a stop sign, but simply allows a cyclist to maintain some momentum and avoid a foot down stop.</p> <p>AB 1713 would sunset on January 1, 2029. The bill requires the CHP to submit by January 1, 2028, a report on the effects of cyclists using the safety stop.</p>	<p>SENATE APPR</p>	<p>WATCH</p>
<p><u>AB 1778</u> (<u>Garcia,</u> <u>Cristina D)</u> State transportation funding: freeway widening: poverty and pollution:</p>	<p>AB 1778 would prohibit state funds or personnel time from being used to fund or permit freeway projects, as specified, within or adjacent to census tracts that fall within the zero to 40th percentile on the “California Healthy Places Index” as calculated using certain housing and environmental variables. This would essentially halt freeway expansion projects in most urbanized areas.</p>	<p>SENATE TRANS Failed Passage</p>	<p>WATCH</p>
<p><u>AB 1909</u> (<u>Friedman D)</u> Vehicles: bicycle omnibus bill.</p>	<p>AB 1909 is titled the Bicycle Omnibus Bill, which is intended to include various non-controversial provisions relating to operating a bicycle. AB 1909 includes the following provisions:</p> <ul style="list-style-type: none"> Existing law prohibits class 3 electric bicycles from operating on a bicycle path or trail, bikeway, bicycle lane, equestrian trail, or hiking or recreation trail. AB 1909 eliminates the statewide ban of class 3 electric bicycles on a bicycle path or trail, bikeway, bicycle lane, equestrian trail, or hiking or recreational trail, and eliminates local authority to ban the use of Class 1 and 2 electric bikes on bike paths. AB 1909, however, would authorize a local authority having jurisdiction over an equestrian trail or hiking or recreational trail 	<p>SENATE APPR</p>	<p>WATCH</p>

<p><u>AB 1909</u> <i>(Continued)</i></p>	<p>to prohibit the operation of an electric bicycle of any class on that trail.</p> <ul style="list-style-type: none"> • AB 1909 would allow the operator of a bicycle facing a pedestrian control signal displaying a “WALK” or approved “Walking Person” symbol may proceed across the roadway in the direction of the signal. • Require the driver of a motor vehicle overtaking or passing a bicycle that is proceeding in the same direction and in the same lane of travel shall make a lane change if another lane of traffic is available. • A local government that operates a bicycle license program shall not prohibit the use of unlicensed bicycles. 		
<p><u>AB 1938</u> (Friedman D) Transit and Intercity Rail Recovery Task Force.</p>	<p>AB 1938 was recently gutted and amended to now allow local governments to round down to the nearest 5 miles per hour increment based on the 85th percentile speed survey.</p> <p>Previously, AB 1938 proposed to create the Transit Recovery Task Force. The Task Force would be comprised of representatives from the University of California, local governments, MPOs, transit operators, labor, bike and pedestrian groups, and transportation advocacy groups.</p>	SENATE DESK	WATCH (Prior Version)
<p><u>AB 1944</u> (Lee D) Local government: open and public meetings.</p>	<p>AB 1944 remains in the Senate Committee on Governance & Finance and is unlikely to move forward this year. The Committee had concerns about the significant flexibility granted the members of local legislative bodies to participate remotely.</p> <p>The Committee did approve AB 2449 (Rubio), which is similar, but this bill requires at least a majority of the governing board participate at a single location.</p> <p>AB 1944 would allow members of legislative body to continue to participate in a Brown Act meeting remotely, and if from a non-public location the member is not required to disclose the address. In addition, AB 1944 requires the governing body if it chooses to allow for remote participation of its members, to also provide video streaming and offer public comment via video or phone.</p>	SENATE GOV & F	WATCH

<p>AB 1993 (Wicks D) Employment: COVID-19 vaccination requirements.</p>	<p>Assemblywoman Wicks has announced that she will not be moving AB 1993 forward this year.</p> <p>This bill would require an employer to require each of their employees or independent contractors that is eligible to receive the COVID-19 vaccine to demonstrate that they have been vaccinated against COVID-19. Employees or independent contractors that have been deemed ineligible to receive the vaccine for either medical or religious reasons are exempted from the bill.</p> <p>Starting on January 1, 2023, each employer is required to affirm, in a form and manner provided by the state, that each employee or independent contractor complied with these provisions</p>	<p>ASSEMBLY L & E DEAD</p>	<p>WATCH</p>
<p>AB 2097 (Friedman D) Residential and commercial development: remodeling, renovations, and additions: parking requirements.</p>	<p>AB 2097 would prohibit public agencies from enforcing minimum automobile parking requirements for residential, commercial, and other developments if the parcel is located within one-half mile walking distance of either a “high quality transit corridor” or a “major transit stop.”</p> <p>AB 2097 was amended to add population thresholds to the bill. The thresholds would limit the bill only to those counties with a population of 600,000 or more. It would also apply to any city with a population over 75,000 but is in a county with less than 600,000. All other areas may adopt the limits in the bill.</p> <ul style="list-style-type: none"> • “Major transit stop” includes an existing rail or BRT station, ferry terminal, or the intersection of two or more bus routes with peak commute period headways of 15 minutes or less. • “High-quality transit corridor” includes a corridor with fixed route bus service with peak commute headways of less than 15 minutes. <p>If a development voluntarily includes parking a local entity may require spaces for car share vehicles, require the spaces to be shared with the public, or require owners of parking spaces to charge for parking.</p>	<p>SENATE APPR</p>	<p>SUPPORT</p>

<p><u>AB 2120</u> (Ward D) Transportation finance: federal funding: bridges.</p>	<p>AB 2120 restores a previously used formula to distribute dedicated federal bridge funding from the Infrastructure Investment and Jobs Act (IIJA) to state and local projects. It ensures continued investment in local bridges and flexible highway funds.</p> <p>In addition, the bill will help close the funding gap for needed repairs and replacement of local bridges and prevents further deterioration and funding projects that add safe multimodal access to local bridges.</p>	<p>ASSEMBLY APPR – HELD on SUSPENSE FILE</p> <p>DEAD</p>	<p>SUPPORT</p>
<p><u>AB 2147</u> (Ting D) Pedestrians</p>	<p>AB 2147 amends existing law to direct that a peace officer shall not stop a pedestrian for a violation involving an illegal crossing the street unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.</p>	<p>SENATE APPR</p>	<p>WATCH</p>
<p><u>AB 2237</u> (Friedman D) Transportation planning: regional transportation improvement plan: sustainable communities strategies: climate goals.</p>	<p>AB 2237 remains in the Senate Transportation Committee and the author has decided to not move this bill forward.</p> <p>This bill would require regional transportation planning agencies (RTPA) to include in its regional transportation improvement program projects to be funded in whole or in part that are consistent with its most recently prepared sustainable communities strategy and the state’s climate goals. The bill would also require projects funded with local transportation sales tax funds to also be included in SCS.</p>	<p>SENATE TRANS</p>	<p>WATCH</p>
<p><u>AB 2336</u> (Friedman D) Vehicles: Speed Safety System Pilot Program.</p>	<p>AB 2336 would establish a five-year pilot program to give local transportation authorities in the Cities of San Jose, Oakland, Los Angeles, Glendale, Palm Springs, and the City and County of San Francisco the authority to install speed safety systems.</p> <p>AB 2336 would allow the placement of a speed safety system in school zones, and on streets with the highest injuries and fatalities, or on street determined to have a high number of vehicle speed exhibitions. In addition, the speed safety system may not continue if after 18 months the percentage of violations has not dropped by 25%.</p>	<p>ASSEMBLY APPR HELD on SUSPENSE FILE</p> <p>DEAD</p>	<p>SUPPORT</p>

<p><u>AB 2336</u> <i>(Continued)</i></p>	<p>On April 21st AB 2336 was amended to make the following changes to address concerns expressed by opponents regarding privacy and equity impact of the pilot program.</p> <ul style="list-style-type: none"> • Data about the number of violations issued and the speeds at which they were issued are not “administrative records” under the bill, and therefore do not have to be deleted within 120 days. • Section 4 and 5 are removed from the bill, which authorized a lien to be placed on a vehicle for failure to pay for offenses detected by a speed safety system. • Requires flashing beacons on the school zone speed limit signs to indicate the times during which the school zone speed limit is enforced with a speed safety system, and clarifies that the cameras may be in use <i>up to</i> two hours before and after school. • Extends from 30 to 60 days when warning citation must be issued rather than notices of violation when speed safety systems are first installed. 		
<p><u>AB 2438</u> (Friedman D) Transportation funding: alignment with state plans and greenhouse gas emissions reduction standards.</p>	<p>AB 2438 requires various state transportation programs to incorporate strategies from the Climate Action Plan for Transportation Infrastructure (CAPTI) into program guidelines. Also requires various state agencies to establish new transparency and accountability guidelines for certain transportation funding programs</p>	SENATE APPR	Watch
<p><u>AB 2449</u> (Rubio, Blanca D) Open meetings: local agencies: teleconferences</p>	<p>AB 2449 would authorize the use of teleconferencing without noticing and making available to the public teleconferencing locations if a quorum of the members of the legislative body participates in person from a singular location that is noticed and open to the public and require the legislative body to offer public comment via video or phone.</p> <p>The provisions made in AB 2449 would sunset on January 1, 2028.</p>	SENATE APPR	WATCH

<p><u>AB 2622</u> (Mullin D) Sales & use taxes: exemptions: California Hybrid & Zero-Emission Truck & Bus Voucher Incentive Project: transit buses.</p>	<p>AB 2622 would extend the exemption from the state portion of the sales tax the purchase zero emission transit vehicles. This bill is sponsored by the California Transit Association and would extend the sunset date on the sales tax exemption from January 1, 2024, to January 1, 2026.</p>	<p>SENATE APPR</p>	<p>SUPPORT</p>
<p><u>ACA 1</u> (Aguiar-Curry D) Local government financing: affordable housing and public infrastructure: voter approval.</p>	<p>Identical to last session’s proposal, which NVTA supported, ACA 1 would lower the voter threshold for property tax increases, parcel taxes and sales taxes to 55% if the funds are used for affordable housing and infrastructure projects. This includes capital improvements to transit and streets and highways.</p> <p>However, ACA 1 does not allow for the 55% local measure to use the tax revenue for transit operations.</p>	<p>ASSEMBLY LOC GOV (Hearing deadlines do not apply to Constitutional amendments)</p>	<p>Support</p>
<p><u>SB 674</u> (Durazo D) Public Contracts: workforce development: transportation-related contracts.</p>	<p>SB 674, until January 1, 2027, requires the Labor and Workforce Development Agency (LWDA) to create the California Jobs Plan Program and the United States Jobs Plan Program. The intent of the bill is to incentivize more high-quality transportation, manufacturing, and infrastructure jobs through the public contracting process.</p> <p>The Assembly Appropriations Committee amended SB 674 to specify participation by local transportation entities would be optional. However, the bill would still apply to purchases made by Caltrans. These amendments and concerns likely expressed by the Administration resulted in the author making it a two-year bill. Senator Durazo intends to work with opposition during the interim to reach a consensus on the bill.</p> <p>Previously, the author has accepted several amendments to address concerns expressed by CalACT and CTA, such as requiring FTA approval before the new requirements start. However, significant concerns remain regarding how this program would be implemented, the ability to verify the promises made are achieved, and the</p>	<p>ASSEMBLY FLOOR Inactive File</p>	<p>WATCH</p>

SB 674 <i>(Continued)</i>	likelihood of procurement delays due to a rise in award protests.		
SB 852 (Dodd D) Climate resilience districts: formation: funding mechanisms.	SB 852 would create the Climate Resilience Districts Act. The intent of this bill is to provide the ability for local governments to create districts for the purpose of addressing climate change effects and impacts through activities and actions that include mitigation and adaptation, This bill would allow cities, counties, and special districts to create a district to finance a wide range of climate resilience projects, including addressing sea level rise, wildfire, and drought. These districts would be authorized to utilize tax increment financing, as well as existing benefit assessment financing tools.	ASSEMBLY APPR	SUPPORT
SB 878 (Skinner D) School transportation.	SB 878 would create a program to provide home-to-school transportation to all students, and it was approved by the Senate Education Committee. The bill is sponsored by the California School Employees Association. Under this bill school agencies that do not provide transportation services are directed to work with parents, teachers, transit operators, and air districts and others on developing a transportation plan that ensures all students have free transportation to school. Funding for this program is dependent on a budget appropriation, and the allocation formula is not specified but would be based on a per mile reimbursement.	ASSEMBLY APPR	WATCH
SB 922 (Wiener D) California Environmental Quality Act: exemptions: transportation-related projects.	SB 922 expands the application of the California Environmental Quality Act (CEQA) exemptions for various transportation-related projects and sunsets those exemptions on January 1, 2030. Specifically, the bill makes the following changes: <ul style="list-style-type: none"> • Exempts from CEQA, until January 1, 2030, active transportation plans and pedestrian plans, if the lead agency holds noticed public hearings • For the SB 288 projects, this bill extends the January 1, 2023, sunset until 2030, but these projects shall not add infrastructure or striping that increases automobile capacity. Expands the type of transit prioritization projects.	ASSEMBLY FLOOR	SUPPORT

<p>SB 942 (Newman D) Low Carbon Transit Operations Program: free or reduced fare transit program.</p>	<p>SB 946 would allow transit agencies who use Low Carbon Transit Operations Program (LCTOP) moneys to fund free or reduced fare transit programs to continue using those moneys for ongoing operating costs.</p> <p>As amended in the Assembly Transportation Committee, operators would be required to submit the initial allocation request and then provide for the next three year annually submit documentation that the program is meeting the GHG reduction requirements.</p>	<p>ASSEMBLY APPR</p>	<p>SUPPORT</p>
<p>SB 1049 (Dodd D) Transportation Resilience Program.</p>	<p>Similar to proposed budget trailer bill language, SB 1049 would establish the Transportation Resilience Program within Caltrans. SB 1049 remains in the Assembly Transportation Committee and will not be moving forward.</p> <p>This program would be funded in the annual Budget Act from 15% of the available federal National Highway Performance Program funds and 100% of the available federal Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation program funds. The Governor's budget proposes allocating \$400 million in general fund revenue for the Climate Adaptation Grant Program.</p>	<p>ASSEMBLY TRANS</p>	<p>SUPPORT</p>
<p>SB 1050 (Dodd D) State Route 37 Toll Bridge Act.</p>	<p>SB 1050 would create the SR-37 Toll Authority that would be administered by the Bay Area Infrastructure Financing Authority. Amendments accepted in the Assembly Transportation Committee require MTC/BATA to submit an application to the CTC to operate a toll facility on Hwy 37.</p> <p>In short, the bill would require the Authority to operate and maintain tolling infrastructure, including installing toll facilities, and collect tolls for the use of the Sonoma Creek Bridge. The revenues from the toll bridge would be used for capital improvements to repair or rehabilitate the toll bridge, to expand toll bridge capacity, to improve toll bridge or corridor operations, and to increase public transit, carpool, vanpool, and nonmotorized options on the toll bridge or in the segment of State Route 37 corridor.</p>	<p>ASSEMBLY APPR</p>	<p>SUPPORT</p>

<p>SB 1100 (Cortese D) Open meetings: orderly conduct.</p>	<p>SB 1100 would authorize the removal of an individual from a public meeting who is “willfully interrupting” the meeting after a warning and a request to stop their behavior. “Willfully interrupting” is defined as intentionally engaging in behavior during a meeting of a legislative body that substantially impairs or renders infeasible the orderly conduct of the meeting in accordance with law.</p>	<p>ASSEMBLY FLOOR</p>	<p>WATCH</p>
<p>SB 1121 (Gonzalez D) State and local transportation system: needs assessment.</p>	<p>SB 1121 would require the California Transportation Commission (CTC) to biennially develop a needs assessment of the cost to operate, maintain, and provide for the future growth and resiliency of the state and local transportation system. The bill defines “state and local transportation system” to include public transit systems, including operations, as well as bicycle and pedestrian facilities. The CTC would also be required to consult with transit operators, transportation planning agencies, and local governments in developing the assessment.</p>	<p>ASSEMBLY APPR</p>	<p>SUPPORT</p>