

Napa Valley Transportation Authority

625 Burnell Street
Napa, CA 94559



Agenda - Final

Wednesday, November 15, 2023
1:30 PM

JoAnn Busenbark Board Room

NVTa Board of Directors

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 at: <https://nctpa.legistar.com/Calendar.aspx>

This meeting will be conducted as an in-person meeting at the location noted above. Remote teleconference access is provided for the public's convenience and in the event a Board Member requests remote participation due to just cause or emergency circumstances pursuant to Government Code section 54953(f). Please be advised that if a Board Member is not participating in the meeting remotely, remote participation for members of the public is provided for convenience only and in the event that the Zoom teleconference connection malfunctions for any reason, the Board of Directors reserves the right to conduct the meeting without remote access and take action on any agenda item.

The public may 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 864 1754 4351
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The agenda will be posted 72 hours prior to the meeting and will be available for public inspection, on and after at the time of such distribution, in the office of the Secretary of the NVTa Board of Directors, 625 Burnell Street, Napa, California 94559, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m., except for NVTa holidays. Should the office be closed or staff is working remotely due to a declared emergency, you may email info@nvta.ca.gov to request a copy of the agenda.

Public records related to an agenda item that are distributed less than 72 hours before this meeting are available for public inspection during normal business hours at the NVTa office at 625 Burnell

Street, Napa, CA 94559 and will be made available to the public on the NVTA website at nvta.ca.gov. Availability of materials related to agenda items for public inspection does not include materials which are exempt from public disclosure under Government Code sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

Members of the public may 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. While members of the public are welcome to address the Board, under the Brown Act, Board members may not deliberate or take action on items not on the agenda, and generally may only listen.

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 while attending via 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" are 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.

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.

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

Information on obtaining the agenda in an alternate format is noted below:

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.

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

Ang Accessibility at Title VI: Ang NVTA ay nagkakaloob ng mga serbisyo/akomodasyon kung hilingin ang mga ito, ng mga taong may kapansanan at mga indibiduwal na may limitadong kaalaman sa wikang Ingles, na nais na matugunan ang mga bagay-bagay na may kinalaman sa NVTA-TA 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. Consideration and Approval of Board Member Requests for Remote Participation
3. Roll Call
4. Adoption of the Agenda
5. Public Comment
6. Chairperson's, Board Members', Metropolitan Transportation Commissioner's, and Association of Bay Area Governments Update
7. Executive Director's Update
8. Caltrans' Update

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

9. CONSENT AGENDA ITEMS

- 9.1 **Meeting Minutes of October 18, 2023 (Laura Sanderlin) (Pages 8-11)**

Recommendation: Board action will approve the minutes of October 18 regular meeting.

Estimated Time: 2:00 p.m.

Attachments: [Draft Minutes](#)

9.2 Resolution No. 23-26 Setting the Regular Meeting Time, Place, and Schedule of the Napa Valley Transportation Authority (NVTA) Governing Board for Calendar Year (CY) 2024 (Laura Sanderlin) (Pages 12-16)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board approve Resolution No. 23-26 setting the regular meeting time, place, and schedule of the NVTA Governing Board for Calendar Year (CY) 2024.

Estimated Time: 2:00 p.m.

Attachments: [Staff Report](#)

9.3 Americans with Disabilities Act (ADA) Self-Evaluation Plan (Rebecca Schenck) (Pages 17-89)

Recommendation: That the Napa Valley Transportation Authority Board of Directors review and approve adoption of the 2023 American with Disabilities Act (ADA) Self-Evaluation Plan.

Estimated Time: 2:00 p.m.

Attachments: [Staff Report](#)

10. PRESENTATIONS

10.1 V-Commute Challenge Results (Transportation Demand Management Team)

Estimated Time: 2:05 p.m.

10.2 2024 State Legislative Update (Steve Wallauch, Platinum Advisors)

Estimated Time: 2:15 p.m.

10.3 2024 Federal Legislative Update (Jessica Aune & Tony Hobbs, Platinum Advisors)

Estimated Time: 2:25 p.m.

11. REGULAR AGENDA ITEMS**11.1 2024 Federal and State Legislative Advocacy Program and Project Priorities and Federal and State Legislative Update (Danielle Schmitz) (Pages 90-124)**

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board approve the 2024 Federal and State Legislative Advocacy Program and receive the Federal and State Legislative update.

Estimated Time: 2:35 p.m.

Attachments: [Staff Report](#)

11.2 Purchase Six El Dorado 35' Buses and Related Equipment (Rebecca Schenck) (Pages 125-141)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board authorize the Executive Director to execute Purchase Order 23-P3024 to acquire six (6) used thirty-five foot (35') El Dorado National Axess Compressed Natural Gas (CNG) Buses and transit related equipment in an amount not to exceed \$1,840,000.

Estimated Time: 2:55 p.m.

Attachments: [Staff Report](#)

11.3 Vine Transit Update (Rebecca Schenck) (Pages 142-151)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board receive the first quarter Fiscal Year (FY) 2023-24 Vine Transit update.

Estimated Time: 3:15 p.m.

Attachments: [Staff Report](#)

12. CLOSED SESSION**12.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1): Claim of Mark Pacini****13. FUTURE AGENDA ITEMS**

14. ADJOURNMENT

I hereby certify that the agenda for the above stated meeting was posted at a location freely accessible to members of the public at the NVTA Offices, 625 Burnell Street, Napa, CA by 5:00 p.m. by Friday, November 10th.



Laura M. Sanderlin, NVTA Board Secretary

Glossary of Acronyms

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

Glossary of Acronyms

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

Napa Valley Transportation Authority

625 Burnell Street
Napa, CA 94559

Meeting Minutes NVTB Board of Directors

Wednesday, October 18, 2023

1:30 PM

JoAnn Busenbark Board Room

1. Call to Order

Chair Alessio called the meeting to order at 1:38pm.

2. Consideration and Approval of Board Member Requests for Remote Participation

None

3. Roll Call

Leon Garcia
Alfredo Pedroza
Paul Dohring
Mark Joseph
Liz Alessio
Eric Knight
Donald Williams
Kevin Eisenberg
Ryan Gregory
Anna Chouteau
Non Voting:
Tom Collette
Absent:
Scott Sedgley
Margie Mohler

4. Adoption of the Agenda

Motion MOVED by CHOUTEAU, SECONDED by JOSEPH to APPROVE Item 4. Adoption of the Agenda. Motion passed unanimously.

Aye: 18 - Garcia, Pedroza, Dohring, Joseph, Alessio, Knight, Williams, Eisenberg, Gregory, and Chouteau

Absent: 6 - Sedgley, and Mohler

5. Public Comment

None

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

Director Pedroza reported recent MTC activities.
Director Garcia reported recent ABAG activities.

Director Gregory reported recent Hwy 37 Policy Committee activities.

7. Executive Director's Update

Director Miller reported recent staffing update and the Nov 4th Day of the Dead event.

8. Caltrans' Update

Amani Meligy, Caltrans provided updates.

9. PRESENTATIONS

9.1 NVTa Project Update (Grant Bailey)

Information only/No action taken

10. CONSENT AGENDA ITEMS

Motion MOVED by JOSEPH, SECONDED by PEDROZA to APPROVE Item 10 Consent Agenda 10.1-10.5. Motion passed unanimously.

Aye: 18 - Garcia, Pedroza, Dohring, Joseph, Alessio, Knight, Williams, Eisenberg, Gregory, and Chouteau

Absent: 6 - Sedgley, and Mohler

10.1 Meeting Minutes of September 27, 2023 (Laura Sanderlin) (Pages 10-12)

Attachments: [Draft Minutes](#)

10.2 Amendment to Agreement with Park Engineering for the St. Helena to Calistoga Napa Valley Vine Trail Project (Grant Bailey) (Pages 14-26)

Attachments: [Staff Report](#)

10.3 Fund Transfer Agreement with the State of California Department of Transportation (Caltrans) for the Fiscal Year (FY) 2023-24 State Transportation Improvement Program (STIP) Planning, Programming and Monitoring (PPM) Program (Antonio Onorato) (Pages 27-36)

Attachments: [Staff Report](#)

10.4 Amendment to the Cultural Resources Monitoring and Treatment Agreement for the St. Helena to Calistoga Napa Valley Vine Trail Project (Grant Bailey) (Pages 37-42)

Attachments: [Staff Report](#)

10.5 Updates to NVTa Policy, Practices and Procedures Manual Chapter 7: Financial Management (Antonio Onorato) (Pages 43-239)

Attachments: [Staff Report](#)

11. REGULAR AGENDA ITEMS

- 11.1 Imola Park and Ride Construction Contract Budget Increase (Grant Bailey) (Pages 240-242)**
- Attachments:** [Staff Report](#)
- Motion MOVED by GARCIA, SECONDED by JOSEPH to APPROVE Item 11.1 Imola Park and Ride Construction Contract Budget Increase. Motion passed unanimously.**
- Aye:** 18 - Garcia, Pedroza, Dohring, Joseph, Alessio, Knight, Williams, Eisenberg, Gregory, and Chouteau
- Absent:** 6 - Sedgley, and Mohler
- 11.2 Regional Measure 3 Priorities (Danielle Schmitz) (Pages 243-248)**
- Attachments:** [Staff Report](#)
- Director Pedroza requested staff to bring a comprehensive report detailing each project at a future meeting.**
- Motion MOVED by JOSEPH, SECONDED by PEDROZA to APPROVE Item 11.2 Regional Measure 3 Priorities. Motion passed unanimously.**
- Aye:** 18 - Garcia, Pedroza, Dohring, Joseph, Alessio, Knight, Williams, Eisenberg, Gregory, and Chouteau
- Absent:** 6 - Sedgley, and Mohler
- 11.3 Countywide Vision Zero Adoption (Diana Meehan) (Pages 249-257)**
- Attachments:** [Staff Report](#)
- Staff member Diana Meehan reported with Erin Ferguson, Fehr and Peers.**
- Vice Chair Joseph commented on the competing efforts of vision zero strategies and improving traffic efficiency.**
- Motion MOVED by EISENBERG, SECONDED by DOHRING to APPROVE Item 11.3 Countywide Vision Zero Adoption. Motion passed unanimously.**
- Aye:** 18 - Garcia, Pedroza, Dohring, Joseph, Alessio, Knight, Williams, Eisenberg, Gregory, and Chouteau
- Absent:** 6 - Sedgley, and Mohler
- 11.4 Approval of Revised Passenger Code of Conduct (Rebecca Schenck) (Pages 258-269)**
- Attachments:** [Staff Report](#)
- Director Dohring commented on the language regarding dress code and staff awareness on managing transit users with special needs.**
- Director Eisenberg provided input on how to broaden the language limiting types of bicycles.**
- Item 11.4 Approval of Revised Passenger Code of Conduct was continued to the next regular meeting.**
- 11.5 Purchase of Eight - 40' Zero-Emission, Battery-Electric Buses (Rebecca Schenck)**

(Pages 270-285)

Attachments: [Staff Report](#)

{Director Gregory departed the meeting at 3:35pm}

Motion MOVED by CHOUTEAU, SECONDED by JOSEPH to APPROVE Item 11.5 Purchase of Eight Battery-Electric Buses. Motion passed unanimously.

Aye: 16 - Garcia, Pedroza, Dohring, Joseph, Alessio, Knight, Williams, Eisenberg, and Chouteau

Absent: 8 - Sedgley, Mohler, and Gregory

11.6 Resolution 23-25 Amending NVT Agreement No. 21-12 with Transdev Services Inc. (Rebecca Schenck) (Pages 286-297)

Attachments: [Staff Report](#)

Motion MOVED by GARCIA, SECONDED by KNIGHT to APPROVE Item 11.6 Resolution 23-25 Agreement No. 21-12 with Transdev Services Inc. Motion passed unanimously.

Aye: 16 - Garcia, Pedroza, Dohring, Joseph, Alessio, Knight, Williams, Eisenberg, and Chouteau

Absent: 8 - Sedgley, Mohler, and Gregory

11.7 Federal and State Legislative Update (Kate Miller) (Pages 298-319)

Attachments: [Staff Report](#)

Information only/No action taken

12. FUTURE AGENDA ITEMS

12. ADJOURNMENT

Chair Alessio adjourned the meeting at 3:57pm.

12.1 The next Regular Meeting is November 15, 2023.

Laura M. Sanderlin, NVT Board Secretary



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Resolution No. 23-26 Setting the Regular Meeting Time, Place, and Schedule of the Napa Valley Transportation Authority (NVTA) Governing Board for Calendar Year (CY) 2024

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Resolution No. 23-26 (Attachment 1) setting the regular meeting time, place, and schedule of the NVTA Governing Board for Calendar Year (CY) 2024.

EXECUTIVE SUMMARY

The NVTA Governing Board meetings are subject to the requirements of the State of California Brown Act, which necessitates the establishment of a regular meeting time and place and the publication of a notice for each meeting. Resolution No. 23-26 will set the regular meeting time for 1:30 PM, and regular meeting place as the NVTA Board Room at 625 Burnell Street, Napa CA 94559, and set the meeting schedule for CY 2024.

FISCAL IMPACT

None



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Laura Sanderlin, Office Manager/Board Secretary
(707) 259-8633 / Email: lsanderlin@nvta.ca.gov
SUBJECT: Resolution No. 23-26 Setting the Regular Meeting Time, Place, and Schedule of the Napa Valley Transportation Authority (NVTA) Governing Board for Calendar Year (CY) 2024

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Resolution No. 23-26 (Attachment 1) setting the regular meeting time, place, and schedule of the NVTA Governing Board for Calendar Year (CY) 2024.

COMMITTEE RECOMMENDATION

None

BACKGROUND

The NVTA Governing Board meetings are subject to the requirements of the State of California's Brown Act, which necessitates the establishment of a regular meeting time and place and the publication of a notice for each meeting. Resolution No. 23-26 (Attachment 1) will set the regular meeting times, set the regular meeting place as the NVTA Board Room at 625 Burnell Street, Napa CA 94559, and set the meeting schedule for CY 2024.

The regular meeting time of the NVTA Governing Board will be 1:30 p.m., and the recommended regular meeting schedule for CY 2024 is as follows:

Wednesday, January 17
Wednesday, February 21
Wednesday, March 20
Wednesday, April 17
Wednesday, May 15
Wednesday, June 26
Wednesday, July 17
Wednesday, September 18
Wednesday, October 16
Wednesday, November 20
Wednesday, December 18

ALTERNATIVES

The Board may elect not to approve Resolution No. 23-26. In doing so, the Agency will fail to comply with the State of California Brown Act requirements.

STRATEGIC GOALS MET BY THIS PROPOSAL

Not applicable

ATTACHMENT

(1) Resolution No. 23-26

RESOLUTION No. 23-26

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVTa)
SETTING THE REGULAR MEETING TIME, PLACE, AND SCHEDULE
FOR THE GOVERNING BOARD
FOR CALENDAR YEAR (CY) 2024**

WHEREAS, the Napa Valley Transportation Authority (NVTa) Governing Board meetings are subject to the requirements of the State of California's Brown Act; and

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

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

1. The regular meeting dates for the Governing Board for calendar year 2024, as shown in Exhibit "A", sets the regular time at 1:30 p.m. and sets the regular meeting place as the JoAnn Busenbark Board Room at 625 Burnell Street, Napa, CA 94559.

Passed and Adopted this 15th Day of November 2023.

Liz Alessio, NVTa-TA Chair

Ayes:

Nays:

Absent:

ATTEST:

Laura Sanderlin, NVTa-TA Board Secretary

APPROVED:

Osman Mufti, NVTa-TA General Counsel

EXHIBIT “A”

NVTA Governing Board
Meeting Dates for CY 2024

Wednesday, January 17
Wednesday, February 21
Wednesday, March 20
Wednesday, April 17
Wednesday, May 15
Wednesday, June 26
Wednesday, July 17
Wednesday, September 18
Wednesday, October 16
Wednesday, November 20
Wednesday, December 18



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Americans with Disabilities Act (ADA) Self-Evaluation Plan

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board of Directors review and approve adoption of the 2023 American with Disabilities Act (ADA) Self-Evaluation Plan.

EXECUTIVE SUMMARY

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

Title II requires public entities to conduct a self-evaluation every five years, to review policies, practices and programs to assure they do not discriminate against people with disabilities. As part of this requirement, NVTA performed a comprehensive review of facilities, policies, and practices. This is the second Self-Evaluation Plan completed by NVTA.

The results of the self-evaluation include a list of needed changes to NVTA's physical assets such as the trailer at the Jackson Street Maintenance Yard, along with changes to policies and programs, such as training staff in use of the Telecommunication Devices for the Deaf (TDD). Attachment 1 contains all of the results of the Self-Evaluation.

FISCAL IMPACT

None



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Dexter Cypress, Assistant Program Planner/Administrator
(707) 259-8635 / Email: dcypress@nvta.ca.gov
SUBJECT: Americans with Disabilities Act (ADA) Self-Evaluation Plan

RECOMMENDATION

That the Napa Valley Transportation Authority Board of Directors review and approve adoption of the 2023 American with Disabilities Act (ADA) Self-Evaluation Plan.

COMMITTEE RECOMMENDATION

At the November 1, 2023 Citizens Advisory Committee meeting, members recommended the NVTA Board adopt the 2023 Americans with Disabilities Act (ADA) Self-Evaluation Plan at their November 15, 2023 meeting.

At the November 2, 2023 Paratransit Coordinating Council meeting, members recommended the NVTA Board adopt the 2023 Americans with Disabilities Act (ADA) Self-Evaluation Plan at their November 15, 2023 meeting.

BACKGROUND

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

- 1) Nondiscriminatory employment practices
- 2) General nondiscrimination in programs and activities – through reasonable modifications in policies practices or procedures

- 3) Equally effective communications – through the provision of auxiliary aids and services
- 4) Program and facilities accessibility – through nonstructural or architectural modifications

ADA Compliance Coordinator

As part of receiving federal aid, each local agency shall designate an Americans with Disability Act (ADA) Compliance Coordinator. The purpose of this requirement is to ensure that when the public deals with state and local government agencies, they are easily able to identify a person who is familiar with the requirements of the ADA and who can communicate these requirements to other individuals in the agency. The NVTA has once again selected Rebecca Schenck as the authority's ADA Compliance Coordinator. While only public entities with fifty or more employees are required to designate an ADA Compliance Coordinator, NVTA found it useful to designate an ADA Compliance Coordinator.

Grievance Procedure

The Napa Valley Transportation Authority is not required to establish a grievance procedure under Federal Law because it has less than 50 employees. That being said, NVTA already has a grievance procedure established under its Title VI Plan that was modified to meet the Title II requirements. The procedure is outlined in Attachment 1.

Self-Evaluation

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

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

The results of the self-evaluation include a list of needed changes to NVTA's physical assets such as the trailer at the Jackson Street Maintenance Yard, along with changes to policies and programs, such as training staff in use of Telecommunication Devices for the Deaf (TDD). Attachment 1 contains the results of the Self-Evaluation.

ALTERNATIVES

None

STRATEGIC GOALS MET BY THIS PROPOSAL

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

ATTACHMENT(S)

1) American with Disabilities Act Self-Evaluation Plan, 2023



Americans with Disabilities Act Self-Evaluation Plan 2023



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Chapter 1: Background

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

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

Title II requires public entities to conduct a self-evaluation of policies and practices to assure that entities do not discriminate against people with disabilities in their programs, services and activities. The Napa Valley Transportation Authority adopted the agency's first ADA Self Evaluation Plan at the June 20th, 2018 Meeting of the Board of Directors. This document is the second Self-Evaluation Plan completed by NVTa.

Chapter 2: Designate an ADA Compliance Coordinator

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

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

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

Chapter 3: Provide Notice of ADA Requirements

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

Chapter 4: Establish a Grievance Procedure

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

1. Any person who feels that he or she, individually, or as a member of any class of persons, on the basis of race, color, national origin, age, sex, disability, religion, or low-income status has been excluded from or denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance through NVTA may file a written complaint with the ADA Coordinator. The complaint form (Appendix B) may be found on the NVTA and Vine Transit websites by clicking “Contact Us,” or is available in hard copy at the Soscol Gateway Transit Center, 625 Burnell Street, Napa, CA 94559. A formal complaint must be filed within 180 days of the alleged occurrence.
2. In cases where the complainant is unable or incapable of providing a written statement, a verbal complaint may be made. The ADA Compliance Coordinator will interview the complainant and if necessary, assist the person in converting verbal complaints to writing. All complaints must, however, be signed by the complainant or his/her representative.
3. Complaints shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination.
4. NVTA will provide the complainant or his/her representative and any contractor (respondent) with a written acknowledgement that NVTA has received the complaint within five (5) working days of receipt.
5. A copy of the complaint will be forwarded to legal counsel for review.
6. The ADA Compliance Coordinator will appoint one or more staff review officers, as appropriate, to evaluate and investigate the complaint.
7. The review officer(s) will determine if the complaint has investigative merit:
 - a. It was received within 180 days of the alleged occurrence.
 - b. It does not appear to be frivolous or trivial.
 - c. It involves NVTA or NVTA contractors and not another entity.
 - d. A complaint against a contractor involves a NVTA Federally Funded contract.
8. The complainant and contractor or other party to the complaint will be notified of the status of the complaint within ten (10) days of receipt of the complaint, *by registered mail*:
 - a. That the complaint will not be investigated and the reasons why the complaint does not have investigative merit.
 - b. That the complaint will be investigated and a request for additional information needed to assist the investigator.
9. The complainant or contractor must submit the requested information within 60 working days from the date of the original request. Failure of the complainant to submit additional information within

the designated timeframe may be considered good cause for a determination of no investigative merit. Failure of the contractor to submit additional information within the designated timeframe may be considered good cause for a determination of noncompliance under the contract.

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

Chapter 5: Conduct a Self-Evaluation

5.1 Introduction

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

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

The regulations require that NVTA provide an opportunity for people with disabilities and other interested individuals or organizations to review and comment on the self-evaluation. Therefore, NVTA will take this Self-Evaluation Plan to its Citizen Advisory Committee for review and comment at their November 1st, 2023 meeting; followed by the Paratransit Coordinating Council for review and comment at their November 2nd, 2023 meeting. The Citizen Advisory Committee (CAC) and Paratransit Coordinating Council (PCC) serve in an advisory capacity to the NVTA Board of Directors on the transportation issues of persons with special needs, including elderly, disabled, and those of low income. The PCC membership included nine (9) voting members, representing the following categories:

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

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

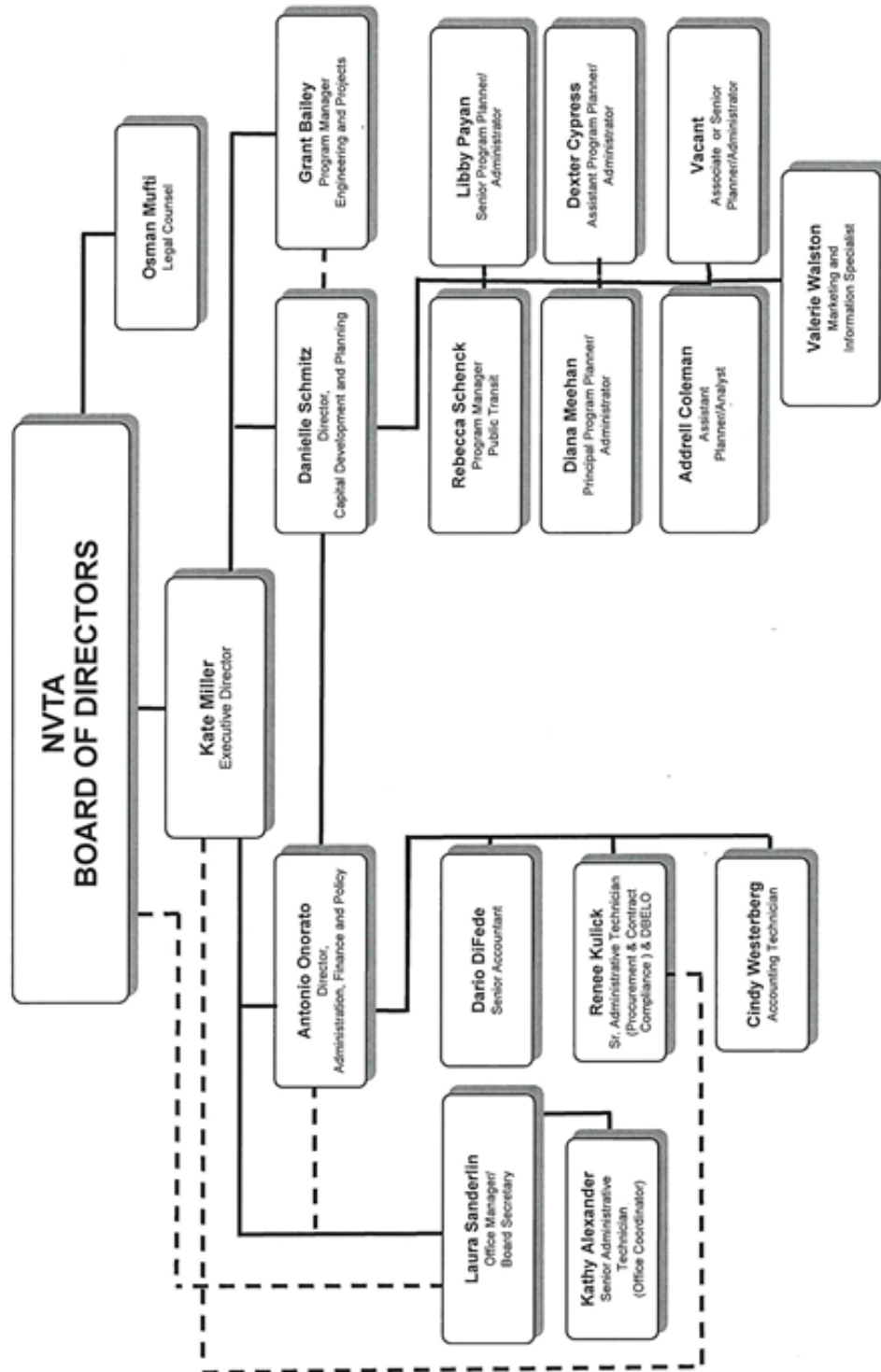
5.2 General Nondiscrimination Provisions

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

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

with Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132) in its existing contract with NVTA.

NVTA Organizational Chart



5.3 Program and Facility Accessibility

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

- 1) Soscol Gateway Transit Center, 625 Burnell Street Napa, CA 94559
- 2) Yountville Park and Ride
- 3) Jackson Street Mobile Office and Transit Yard
- 4) Redwood Park N Ride
- 5) Bus Shelter - Coombs St. and Elm St.
- 6) Bus Shelter - 3197 Laurel St. Napa
- 7) Bus Shelter - Jefferson-Vintage High
- 8) Bus Shelter - 575 Third St (Fairgrounds)
- 9) Bus Shelter - Napa High - 2475 Jefferson St.
- 10) Bus Shelter - 3694 Jefferson St.
- 11) Bus Shelter - 1745 Imola Ave
- 12) Bus Shelter - East Avenue-Alta Heights Elementary
- 13) Bus Shelter - Soscol Ave and Pueblo St.
- 14) Bus Shelter - Soscol and Lincoln
- 15) Maintenance Yard – 96 and 101 Sheehy Court
- 16) Imola Park and Ride
- 17) Bus Shelter - Queen of the Valley Hospital
- 18) Bus Shelter - Trancas St and Beard Rd (SE)
- 19) Bus Shelter - Jefferson St and Trancas St (SW)
- 20) Bus Shelter - Trancas Street and Villa Ln (SW)
- 21) Bus Shelter - Soscol Av and Pear Tree Ln (NW)
- 22) Bus Shelter - Soscol Av and Old Soscol Av
- 23) Bus Shelter - Soscol Av and Stonehouse Dr.
- 24) Bus Shelter - Soscol Av and Devonshire Dr. South
- 25) Bus Shelter - Napa High North
- 26) Bus Shelter - Claremont Way at Kaiser (SW)
- 27) Bus Shelter - Claremont Way at Kaiser (NE)
- 28) Bus Shelter - Rio Del Mar and Hwy 29

NVTA staff using the facilities checklist provided in Appendix E surveyed each of these 29 facilities. All of the bus shelters, items 5 through 15, are included in one checklist. This review will be completed every five years or when NVTA receives complaints.

5.4 Summary of Facility Checklist Findings

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

Facility	Barrier Removal Modification
Soscol Gateway Transit Center, 625 Burnell Street Napa, CA 94559	Facility was updated following the last ADA Self-Evaluation plan and is ADA compliant.
Yountville Park and Ride Lot	Facility was complete in 2017 and is ADA Compliant
Jackson Street Mobile Office and Transit Yard	NVTA moving out of facility in early 2024. There are ADA compliance issues at this site, listed below, which are being addressed by moving into an ADA compliant facility.
Mobile Office	NVTA moving out of facility in early 2024. There are ADA compliance issues at this site, listed below, which are being addressed by moving into an ADA compliant facility.
Main Entrance and Transit Yard	Add railings to ramps more than 6 feet long. Remodel ramp to front door so there is a 5-foot landing at every 30-foot horizontal length of ramp and so the ramp rise is no more than 30 inches between landings. Install a sign reading "Van Accessible" at the van space. Adjust Front Door closer so it takes longer than 3 seconds to close. NVTA moving out of facility in early 2024. There are ADA compliance issues at this site, listed below, which are being addressed by moving into an ADA compliant facility.
Maintenance Bays	While there is an obstruction within 18in on the pull side of the door next to the handle at the maintenance facility, it is a building support and cannot be moved. NVTA moving out of facility in early 2024. There are ADA compliance issues at this site, listed below, which are being addressed by moving into an ADA compliant facility.
Redwood Park N Ride	Facility was complete in 2010 and is ADA Compliant
Bus Shelter - Coombs St. and Elm St.	ADA Compliant
Bus Shelter - 3197 Laurel St. Napa	Became ADA complaint after changing position of bracket on trashcan or install a smaller trashcan to allow for 36in clearance behind the shelter.
Bus Shelter - Jefferson-Vintage High	Became ADA compliant after changing position of bracket on trash can to allow for 36in clearance behind the shelter.
Bus Shelter - 575 Third St (Fairgrounds)	ADA Compliant
Bus Shelter - Napa High South - 2475 Jefferson St.	ADA Compliant

Bus Shelter - 3694 Jefferson St.	Became ADA compliant after replacement of 4ft by 3 1/2 ft. cracked concrete square.
Bus Shelter - 1745 Imola Ave	ADA Compliant
Bus Shelter - East Avenue - Alta Heights Elementary	ADA Compliant
Bus Shelter - Soscol Ave and Pueblo St.	ADA Compliant
Bus Shelter – Soscol and Lincoln	Currently being replaced, ADA Compliant
Maintenance Yard – 96 and 101 Sheehy Court	Facility will be complete in early 2024 and was constructed according to accessibility guidelines outlined in Title 15 (Building) and 18 (Zoning) of the County of Napa municipal code.
Imola Park and Ride	Facility was completed on March 23, 2023 and was constructed according to encroachment permit guidelines in Chapter 12.12 of the City of Napa Municipal Code.
Bus Shelter – Trancas St at Beard Rd (SE)	ADA Complaint, constructed according to encroachment permit guidelines in Chapter 12.12 of the City of Napa Municipal Code.
Bus Shelter - Jefferson St and Trancas St (SW)	ADA Complaint, constructed according to encroachment permit guidelines in Chapter 12.12 of the City of Napa Municipal Code.
Bus Shelter - Trancas St and Villa Ln (SW)	ADA Complaint, constructed according to encroachment permit guidelines in Chapter 12.12 of the City of Napa Municipal Code.
Bus Shelter - Soscol Av and Pear Tree Ln (NW)	ADA Complaint, constructed according to encroachment permit guidelines in Chapter 12.12 of the City of Napa Municipal Code.
Bus Shelter - Soscol Av and Old Soscol Av	ADA Complaint, constructed according to encroachment permit guidelines in Chapter 12.12 of the City of Napa Municipal Code.
Bus Shelter - Soscol Av and Stonehouse Dr.	ADA Complaint, constructed according to encroachment permit guidelines in Chapter 12.12 of the City of Napa Municipal Code.
Bus Shelter - Soscol Av and Devonshire Dr. So	ADA Complaint, constructed according to encroachment permit guidelines in Chapter 12.12 of the City of Napa Municipal Code.
Bus Shelter – Napa High North	ADA Complaint, constructed according to encroachment permit guidelines in Chapter 12.12 of the City of Napa Municipal Code.
Bus Shelter - Claremont Way at Kaiser (SW)	ADA Complaint, constructed according to encroachment permit guidelines in Chapter 12.12 of the City of Napa Municipal Code.
Bus Shelter - Claremont Way at Kaiser (NE)	ADA Complaint, constructed according to encroachment permit guidelines in Chapter 12.12 of the City of Napa Municipal Code.
Bus Shelter - Rio Del Mar and Hwy 29	ADA Complaint, constructed according to encroachment permit guidelines in Chapter 19 of the City of American Canyon municipal code.

5.5 Employment Review

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

Chapter 6: Implementing Modifications

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

6.1 Modifying Policies and Practices

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

6.1.1 General Policies and Practices

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

6.1.2 Communication Access Assessment

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

6.2 Future Policies and Practices

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

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

6.3 Creating Program and Facility Access

The ADA standard is that the program, when viewed in its entirety, must be readily accessible to and usable by people with a disability. With this in mind, NVTA looked for access solutions both nonstructural and structural for each program or service identified as inaccessible. The nonstructural solutions include training staff on how to use the NVTA TDD service to increase accessibility of information to the general public. Following the adoption of the previous Self-Evaluation Plan, NVTA made integral structural updates to the Soscol Gateway Transit Center and several bus stops to improve accessibility. The structural changes outlined in detail in Section 5.4 of this plan include the construction of a new ADA compliant Maintenance Facility.

Chapter 7: Develop a Transition Plan

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

Appendix

Appendix A: ADA Self Evaluation Questionnaires

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

Appendix C: Public Meeting Minutes

Appendix D: ADA Coordinator Public Notice

Appendix E: Facility Checklist

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

Appendix A: Completed ADA Self Evaluation Questionnaires

SELF-EVALUATION QUESTIONNAIRES: 2023 (Napa Valley Transportation Authority)

Department: **Capital Development and Planning**

Worksheet Completed by: **Danielle Schmitz**

SECTION I. GENERAL POLICIES AND PRACTICES

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

The department oversees all transportation planning, programming, and project development activities for the Agency. The department also oversees the day-to-day operations of the Vine Transit system. The department develops the countywide transportation plans and other complimentary countywide plans and specific plans and studies. The department oversees the programming of federal, state, and regional funding for various transportations projects and programs. The department also oversees transportation demand management programs for the county.

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

906 and 101 Sheehy Court
Napa, CA 94558

INTERNAL PROGRAM OPERATIONS

A. Equal Opportunity to Participate and Benefit

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

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

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

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

_____ Yes X No

If yes, please describe:

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

_____ Yes X No

If yes, please describe:

B. Reasonable Program Modification

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

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

 X Yes _____ No

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

 X Yes _____ No

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

 X Yes _____ No

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

 X Yes _____ No

C. Surcharges and Additional Requirements

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

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

_____ Yes X No

If yes, please describe:

D. Integrated Settings and Separate Programs

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

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

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

☒ Yes ☐ No

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

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

☐ Yes ☒ No

If yes, please describe:

EXTERNAL RELATIONSHIPS

A. Contracting with External Organizations

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

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

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

☒ Yes ☐ No

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

NVTA contracts with Transdev to operate the Vine and VineGo operations. ADA compliance is referred to in various sections of the agreement. See Section 29 – Non-Discrimination Assurance – Title VI Civil Rights Act and Federal Contract Clauses; Section 6 – Equal Employment Opportunity/Civil Rights of the Federal Contract Clauses; and Section 9 – Americans with Disabilities Act Requirements. All other contractors have to meet procurement requirements including Title VI and Title II requirements as specified in our contracts.

B. Procurement Contracts

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

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

_____ Yes ☒ No

If so, please explain

SECTION II. COMMUNICATION ACCESS ASSESSMENT COMMUNICATION ACCESS

A. Visual Communication

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

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

☒ Yes _____ No

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

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

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

B. Aural/Oral Communication

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

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

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

_____ Yes X No

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

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

Type of Information

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

TELECOMMUNICATIONS

A. Telephone Communication

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☐ Yes ☒ No

B. Telephone Emergency Services

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

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

☐ Yes ☒ No

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

☐ Yes ☒ No

OTHER COMMUNICATION

A. Emergency Warning and Evacuation

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

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

☒ Yes ☐ No

If yes, please describe:

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

☒ Yes ☐ No

B. Access Information

ADA Title II regulation require that public entities ensure that people with disabilities can obtain information about the availability and location of accessible programs, services, activities, and facilities.

Information regarding the location of accessible entrances, program sites, TDDs, and other access features can be provided in a number of ways, such as in handbooks and listings.

22. Explain how the departmental programs, services, or activities provide access information to program applications, participants, and the general public.

All our programs can be accessed online, and the website is ADA accessible. In addition, we provide a phone number for those that need assistance to access information about our programs and activities, including the ADA paratransit service.

23. Describe the types of reasonable accommodation which citizens/employees have requested to gain access to your departmental programs/services.

We have a transit ambassador program.

C. Website

24. Does your department have a website?

☒ Yes ☐ No

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

The NVTA website provides general information on the Agency and programs and services. The ride the vine website is oriented around the Vine Transit system and ancillary services.

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

☒ Yes ☐ No

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

The NVTA website provides an accessibility page to provide information on ADA services.

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Thank you for completing this survey

SELF-EVALUATION QUESTIONNAIRES: 2023 (Napa Valley Transportation Authority)

Department: **Administration and Finance**

Worksheet Completed by: **Antonio Onorato**

SECTION I. GENERAL POLICIES AND PRACTICES

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

The Administration and Finance department at Napa Valley Transportation Authority (NVRTA) plays a pivotal role in overseeing the day-to-day fiscal operations. This encompasses a wide spectrum of activities such as budgeting, accounting, financial management, programming, and grant administration for both NVRTA and NVRTA-TA. The department manages crucial functions including accounts payable, accounts receivable, cash flow, payroll, and budget administration.

Additionally, this department is entrusted with the vital task of preparing comprehensive financial statements, reports, revenue forecasts, cost assessments, and benefits updates. We conduct cost/benefit analyses and bear the overarching responsibility for the strategic allocation of federal, state, and regional transportation funds. Their dedication extends to procuring funds for capital projects and sustaining operations.

Furthermore, the department excels in performing intricate analyses and spearheads the creation of essential documents like the Annual Report and the Overall Work Plan (OWP) for the agency. They also take charge of facilities operations and asset management, which encompasses office administration. This multifaceted approach ensures the smooth functioning and financial well-being of NVRTA and NVRTA-TA.

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

INTERNAL PROGRAM OPERATIONS

A. Equal Opportunity to Participate and Benefit

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

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

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

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

_____ Yes ☒ No

If yes, please describe:

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

_____ Yes ☒ No

If yes, please describe:

B. Reasonable Program Modification

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

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

☒ Yes _____ No

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

☒ Yes _____ No

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

☒ Yes _____ No

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

☒ Yes _____ No

C. Surcharges and Additional Requirements

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

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

_____ Yes X No

If yes, please describe:

D. Integrated Settings and Separate Programs

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

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

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

X Yes _____ No

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

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

_____ Yes X No

If yes, please describe:

EXTERNAL RELATIONSHIPS

A. Contracting with External Organizations

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

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

The department does not have any third-party contractors.

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

☐ Yes ☐ No ☒ N/A

If so please describe both the notification process and the process by which the entity will ensure compliance? The department does not have any third-party contractors.

B. Procurement Contracts

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

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

☐ Yes ☒ No

If so, please explain

SECTION II. COMMUNICATION ACCESS ASSESSMENT COMMUNICATION ACCESS

A. Visual Communication

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

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

☒ Yes ☐ No

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

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

	Committee/Board Reports	Marketing Materials	Program Forms
Large Print		X	
Braille			

Audio Tape			
Readers			
Computers			
Pictorial Signage		X	
Other			

B. Aural/Oral Communication

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

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

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

☒ X Yes ☐ No

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

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

Type of Information

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

TELECOMMUNICATIONS

A. Telephone Communication

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

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

_____ Yes ☒ No

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

_____ Yes ☒ No

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

☒ Yes _____ No

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

☒ Yes _____ No

B. Telephone Emergency Services

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

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

_____ Yes ☒ No

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

_____ Yes ☒ No

OTHER COMMUNICATION

A. Emergency Warning and Evacuation

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

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

☒ Yes _____ No

If yes, please describe:

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

☐ Yes ☐ No

B. Access Information

ADA Title II regulation require that public entities ensure that people with disabilities can obtain information about the availability and location of accessible programs, services, activities, and facilities.

Information regarding the location of accessible entrances, program sites, TDDs, and other access features can be provided in a number of ways, such as in handbooks and listings.

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

C. Website

24. Does your department have a website?

☐ Yes ☒ No

25. What is your department's website? What information is provided on this site? Please describe briefly what information is provided:

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

☐ Yes ☐ No

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

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

☐ Yes ☐ No

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

☐ Yes ☐ No

Thank you for completing this survey

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

CREATE A NEW TICKET

TICKET DETAILS

Category *

Discrimination (Americans with Disabilities Act) ▼

Time of Day

Subject *

Enter subject

Message *

B **I** **U** Font Family - Font Sizes - **A** - **A** -

[Add CC](#) [Add BCC](#) [Attach a file](#)

CONTACT DETAILS

Full name *

Enter name

Email *

Enter email

Phone

Enter phone number

☐

I'm not a robot



Create Ticket

Cancel

Appendix C: Public Meeting Minutes

This page is intentionally left blank. Information will be added after public meetings conclude.

Appendix D: ADA Coordinator Public Notice

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

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

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

Rebecca Schenck
Program Manager – Public Transit
625 Burnell Street
Napa, CA 94559
(707) 259-8636
rschenck@nvta.ca.gov
Available Monday through Friday 8am to 5pm

Individuals who need auxiliary aids for effective communication in programs and services of NVTA are invited to make their needs and preferences known to the ADA Compliance Coordinator.

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

Appendix E: Facility Checklist

Checklist for Existing Facilities version 2.1



To obtain additional copies of this checklist, contact your Disability and Business Technical Assistance Center. To be automatically connected to your regional center, call 1-800-949-4ADA. This checklist may be copied as many times as desired by the Disability and Business Technical Assistance Centers for distribution to small businesses but may not be reproduced in whole or in part and sold by any other entity without written permission of Adaptive Environments, the author.

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Barrier Free Environments, Inc.

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The Americans with Disabilities Act
Checklist for Readily Achievable Barrier Removal
August 1995

Checklist for Existing Facilities version 2.1

Introduction

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

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

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

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

Purpose of This Checklist

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

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

Technical Requirements

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

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

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

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

What This Checklist is Not

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

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

Priorities

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

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

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

How to Use This Checklist

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

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

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

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

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

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

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

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

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

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

QUESTIONS

POSSIBLE SOLUTIONS

Priority

1 Accessible Approach/Entrance

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

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

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

Yes No


☐ ☐


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

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


☐ ☐


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

 Is the route at least 36 inches wide?

☐ ☐


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

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

☐ ☐


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


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


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

☐ ☐

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

Ramps (ADAAG 4.8)

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

☐ ☐


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





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

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

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5

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

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

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QUESTIONS

POSSIBLE SOLUTIONS

Priority

2 Access to Goods and Services

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

Horizontal Circulation (ADAAG 4.3)

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

Yes No


☐ ☐

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

Are all public spaces on an accessible route of travel?

☐ ☐


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

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

☐ ☐

☐ width

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


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

☐ ☐

☐ width

- ☐ Rearrange furnishings, displays, and equipment.


Doors (ADAAG 4.13)

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

☐ ☐

☐ clear opening


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

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

☐ ☐

☐ clear space


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

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

☐ ☐

☐ force


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

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

☐ ☐

☐ height

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

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





☐ ☐

☐ height

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

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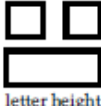

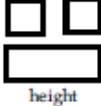

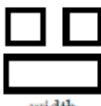

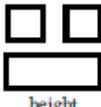

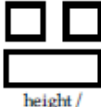
QUESTIONS		POSSIBLE SOLUTIONS
<p>Rooms and Spaces (ADAAG 4.2, 4.4, 4.5)</p> <p> Are all aisles and pathways to materials and services at least 36 inches wide?</p>	<p>Yes No</p> <p><input type="checkbox"/> <input type="checkbox"/></p> <p><input type="text"/></p> <p>width</p>	<p><input type="checkbox"/> Rearrange furnishings and fixtures to clear aisles.</p>
<p> Is there a 5-foot circle or T-shaped space for turning a wheelchair completely?</p>	<p><input type="checkbox"/> <input type="checkbox"/></p> <p><input type="text"/></p> <p>width</p>	<p><input type="checkbox"/> Rearrange furnishings to clear more room.</p>
<p>Is carpeting low-pile, tightly woven, and securely attached along edges?</p>	<p><input type="checkbox"/> <input type="checkbox"/></p>	<p><input type="checkbox"/> Secure edges on all sides.</p> <p><input type="checkbox"/> Replace carpeting.</p>
<p> In circulation paths through public areas, are all obstacles cane-detectable (located within 27 inches of the floor or higher than 80 inches, or protruding less than 4 inches from the wall)?</p>	<p><input type="checkbox"/> <input type="checkbox"/></p> <p><input type="text"/></p> <p>height/ protrusion</p>	<p><input type="checkbox"/> Remove obstacles.</p> <p><input type="checkbox"/> Install furnishings, planters, or other cane-detectable barriers underneath.</p>
<p>Emergency Egress (ADAAG 4.28)</p> <p>If emergency systems are provided, do they have both flashing lights and audible signals?</p>	<p><input type="checkbox"/> <input type="checkbox"/></p>	<p><input type="checkbox"/> Install visible and audible alarms.</p> <p><input type="checkbox"/> Provide portable devices.</p>
<p>Signage for Goods and Services (ADAAG 4.30)</p> <p>Different requirements apply to different types of signs.</p>		
<p> If provided, do signs and room numbers designating permanent rooms and spaces where goods and services are provided comply with the appropriate requirements for such signage?</p>	<p><input type="checkbox"/> <input type="checkbox"/></p>	<p><input type="checkbox"/> Provide signs that have raised letters, Grade II Braille, and that meet all other requirements for permanent room or space signage. (See ADAAG 4.1.3(16) and 4.30.)</p>
<p>• Signs mounted with centerline 60 inches from floor.</p>	<p>Y N</p> <p><input type="checkbox"/> <input type="checkbox"/></p> <p><input type="text"/></p> <p>height</p>	
<p>• Mounted on wall adjacent to latch side of door, or as close as possible.</p>	<p><input type="checkbox"/> <input type="checkbox"/></p>	
<p>• Raised characters, sized between 5/8 and 2 inches high, with high contrast (for room numbers, rest rooms, exits).</p>	<p><input type="checkbox"/> <input type="checkbox"/></p> <p><input type="text"/></p> <p>character height</p>	
<p>• Brailled text of the same information.</p>	<p><input type="checkbox"/> <input type="checkbox"/></p>	
<p>• If pictogram is used, it must be accompanied by raised characters and braille.</p>	<p><input type="checkbox"/> <input type="checkbox"/></p>	


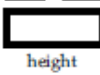

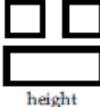

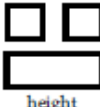
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QUESTIONS


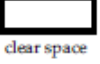

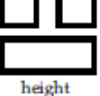
POSSIBLE SOLUTIONS




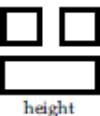





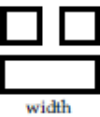

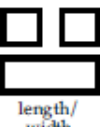
		Yes	No	
Directional and Informational Signage				
The following questions apply to directional and informational signs that fall under Priority 2.				
	If mounted above 80 inches, do they have letters at least 3 inches high, with high contrast, and non-glare finish?	<input type="checkbox"/>	<input type="checkbox"/>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

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







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QUESTIONS		POSSIBLE SOLUTIONS
Elevators, continued Is there a sign on both door jambs at every floor identifying the floor in raised and braille letters? <div> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>		<input type="checkbox"/> Install tactile signs to identify floor numbers, at a height of 60 inches from floor.
If an emergency intercom is provided, is it usable without voice communication? <div> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>		<input type="checkbox"/> Modify communication system.
Is the emergency intercom identified by braille and raised letters? <div> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>		<input type="checkbox"/> Add tactile identification.
Lifts (ADAAG 4.2, 4.11) Can the lift be used without assistance? If not, is a call button provided? <div> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>		<input type="checkbox"/> At each stopping level, post clear instructions for use of the lift. <input type="checkbox"/> Provide a call button.
	Is there at least 30 by 48 inches of clear space for a person in a wheelchair to approach to reach the controls and use the lift? <div> <input type="checkbox"/> Yes <input type="checkbox"/> No  clear space </div>	<input type="checkbox"/> Rearrange furnishings and equipment to clear more space.
	Are controls between 15 and 48 inches high (up to 54 inches if a side approach is possible)? <div> <input type="checkbox"/> Yes <input type="checkbox"/> No  height </div>	<input type="checkbox"/> Move controls.
<hr/>		
Priority 3 Usability of Rest Rooms When rest rooms are open to the public, they should be accessible to people with disabilities.		
Getting to the Rest Rooms (ADAAG 4.1) If rest rooms are available to the public, is at least one rest room (either one for each sex, or unisex) fully accessible? <div> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>		<input type="checkbox"/> Reconfigure rest room. <input type="checkbox"/> Combine rest rooms to create one unisex accessible rest room.
Are there signs at inaccessible rest rooms that give directions to accessible ones? <div> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>		<input type="checkbox"/> Install accessible signs.
Doorways and Passages (ADAAG 4.2, 4.13, 4.30) Is there tactile signage identifying rest rooms? <div> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>		<input type="checkbox"/> Add accessible signage, placed to the side of the door, 60 inches to centerline (not on the door itself).
Mount signs on the wall, on the latch side of the door, complying with the requirements for permanent signage. Avoid using ambiguous symbols in place of text to identify rest rooms.		

QUESTIONS		POSSIBLE SOLUTIONS
Doorways and Passages, continued Are pictograms or symbols used to identify rest rooms, and, if used, are raised characters and braille included below them?		<input type="checkbox"/> If symbols are used, add supplementary verbal signage with raised characters and braille below pictogram symbol.
 Is the doorway at least 32 inches clear?	Yes <input type="checkbox"/> No <input type="checkbox"/>  clear width	<input type="checkbox"/> Install offset (swing-clear) hinges. <input type="checkbox"/> Widen the doorway.
 Are doors equipped with accessible handles (operable with a closed fist), 48 inches high or less?	Yes <input type="checkbox"/> No <input type="checkbox"/>  height	<input type="checkbox"/> Lower handles. <input type="checkbox"/> Replace knobs or latches with lever or loop handles. <input type="checkbox"/> Add lever extensions. <input type="checkbox"/> Install power-assisted or automatic door openers.
 Can doors be opened easily (5 lbf maximum force)?	Yes <input type="checkbox"/> No <input type="checkbox"/>  force	<input type="checkbox"/> Adjust or replace closers. <input type="checkbox"/> Install lighter doors. <input type="checkbox"/> Install power-assisted or automatic door openers.
 Does the entry configuration provide adequate maneuvering space for a person using a wheelchair? A person in a wheelchair needs 36 inches of clear width for forward movement, and a 5-foot diameter or T-shaped clear space to make turns. A minimum distance of 48 inches clear of the door swing is needed between the two doors of an entry vestibule.	Yes <input type="checkbox"/> No <input type="checkbox"/>  clear width	<input type="checkbox"/> Rearrange furnishings such as chairs and trash cans. <input type="checkbox"/> Remove inner door if there is a vestibule with two doors. <input type="checkbox"/> Move or remove obstructing partitions.
 Is there a 36-inch-wide path to all fixtures?	Yes <input type="checkbox"/> No <input type="checkbox"/>  width	<input type="checkbox"/> Remove obstructions.
Stalls (ADAAG 4.17) Is the stall door operable with a closed fist, inside and out?		<input type="checkbox"/> Replace inaccessible knobs with lever or loop handles. <input type="checkbox"/> Add lever extensions.
 Is there a wheelchair-accessible stall that has an area of at least 5 feet by 5 feet, clear of the door swing, OR is there a stall that is less accessible but that provides greater access than a typical stall (either 36 by 69 inches or 48 by 69 inches)?	Yes <input type="checkbox"/> No <input type="checkbox"/>  length/ width	<input type="checkbox"/> Move or remove partitions. <input type="checkbox"/> Reverse the door swing if it is safe to do so.






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QUESTIONS		POSSIBLE SOLUTIONS
Stalls, continued In the accessible stall, are there grab bars behind and on the side wall nearest to the toilet?  Is the toilet seat 17 to 19 inches high? <div style="display: flex; align-items: center; margin-top: 10px;"> <div style="border: 1px solid black; width: 40px; height: 20px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 60px; height: 20px; margin-right: 5px;"></div> <div style="margin-left: 10px;">height</div> </div>		<input type="checkbox"/> Add grab bars. <input type="checkbox"/> Add raised seat.
Lavatories (ADAAG 4.19, 4.24)  Does one lavatory have a 30-inch-wide by 48-inch-deep clear space in front? <p style="text-align: center;">A maximum of 19 inches of the required depth may be under the lavatory.</p>  Is the lavatory rim no higher than 34 inches? <div style="display: flex; align-items: center; margin-top: 10px;"> <div style="border: 1px solid black; width: 40px; height: 20px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 60px; height: 20px; margin-right: 5px;"></div> <div style="margin-left: 10px;">clear space</div> </div>  Is there at least 29 inches from the floor to the bottom of the lavatory apron (excluding pipes)? <div style="display: flex; align-items: center; margin-top: 10px;"> <div style="border: 1px solid black; width: 40px; height: 20px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 60px; height: 20px; margin-right: 5px;"></div> <div style="margin-left: 10px;">height</div> </div> Can the faucet be operated with one closed fist? Are soap and other dispensers and hand dryers within reach ranges (see page 7) and usable with one closed fist?  Is the mirror mounted with the bottom edge of the reflecting surface 40 inches high or lower? <div style="display: flex; align-items: center; margin-top: 10px;"> <div style="border: 1px solid black; width: 40px; height: 20px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 60px; height: 20px; margin-right: 5px;"></div> <div style="margin-left: 10px;">height</div> </div>		<input type="checkbox"/> Rearrange furnishings. <input type="checkbox"/> Replace lavatory. <input type="checkbox"/> Remove or alter cabinetry to provide space underneath. <input type="checkbox"/> Make sure hot pipes are covered. <input type="checkbox"/> Move a partition or wall. <input type="checkbox"/> Adjust or replace lavatory. <input type="checkbox"/> Adjust or replace lavatory. <input type="checkbox"/> Replace with paddle handles. <input type="checkbox"/> Lower dispensers. <input type="checkbox"/> Replace with or provide additional accessible dispensers. <input type="checkbox"/> Lower or tilt down the mirror. <input type="checkbox"/> Add a larger mirror anywhere in the room.
Priority 4 Additional Access <i>Note that this priority is for items not required for basic access in the first three priorities.</i> When amenities such as drinking fountains and public telephones are provided, they should also be accessible to people with disabilities. Drinking Fountains (ADAAG 4.15)  Is there at least one fountain with clear floor space of at least 30 by 48 inches in front? <div style="display: flex; align-items: center; margin-top: 10px;"> <div style="border: 1px solid black; width: 40px; height: 20px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 60px; height: 20px; margin-right: 5px;"></div> <div style="margin-left: 10px;">clear space</div> </div>		<input type="checkbox"/> Clear more room by rearranging or removing furnishings.

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QUESTIONS

POSSIBLE SOLUTIONS

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

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Appendix F: Excerpts NVTa Policies and Procedures Manual Chapter 4: Standards of Conduct



NVTa POLICIES, PRACTICES AND PROCEDURES MANUAL

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CHAPTER 4 STANDARDS OF CONDUCTS

Section 4.1. Equal Employment Opportunity

4.1.1 Statement of Policy

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

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

4.1.2 Employee, Supervisor and Management Responsibilities

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

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

Section 4.2. Anti-Harassment/Discrimination Policy

4.2.1 Statement of Policy

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

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

4.2.2 Definitions

A. “Discrimination”

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

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

B. “Harassment”

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

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

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

C. Sexual Harassment”

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

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

4.2.3 Zero Tolerance

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

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

4.2.4 Complaint and Investigation Procedure

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

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

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

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

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

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

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

4.2.5 Prohibition on Retaliation

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

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

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

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

4.2.6 Prevention

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

Section 4.3. Mutual Respect and Courtesy Rule

It is the Agency's philosophy and practice to treat one another with respect and courtesy.

Employees who violate this policy will be subject to disciplinary action, up to and including termination.

Section 4.4. Reasonable Accommodation

4.4.1 Statement of Policy

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

4.4.2 Conditions Covered By This Policy

A. Disability

The term "disability" means:

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

B. Conditions Excluded

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

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

4.4.3 Examples of Reasonable Accommodation

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

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

4.4.4 Requests for Reasonable Accommodation

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

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

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

4.4.5 Medical Information

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

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

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

4.4.6 The Interactive Process

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

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

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

4.4.7 Miscellaneous Guidelines

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

Section 4.5. Appearance, Conduct and Hygiene

4.5.1 Statement of Policy

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

4.5.2 Guidelines on Appearance, Conduct and Hygiene

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

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

Section 4.6. Attendance and Punctuality

4.6.1 Statement of Policy

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

4.6.2 Reporting Requirements

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

4.6.3 Discipline

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

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

Section 4.7. Secondary Employment

4.7.1 Statement of Policy

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

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

4.7.2 Notification and Approval

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

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

Section 4.8. Causes for Discipline

4.8.1 Statement of Policy

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

4.8.2 Standards of Conduct

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

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

20. Other violation of Agency policies or rules.

Section 4.9. Discipline

4.9.1 Statement of Policy

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

4.9.2 Progressive Discipline

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

A. Suspension without Pay

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

B. Demotion

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

C. Discharge

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

4.9.3 Administrative Leave

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

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

4.9.4 Procedures for Disciplinary Action of a Permanent Employee

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

A. Notice of Proposed Discipline

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

B. Skelly Meeting

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

C. Notice of Discipline

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

D. Right to Appeal

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

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



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

2024 Federal and State Legislative Advocacy Program and Project Priorities and Federal and State Legislative Update

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve the 2024 Federal and State Legislative Advocacy Program (Attachment 1) and receive the Federal and State Legislative update.

EXECUTIVE SUMMARY

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

The Federal Legislative Update will be provided by Jessica Aune and Tony Hobbs of Platinum Advisors in Washington, D.C., and the State Legislative Update will be provided by Steve Wallach of Platinum Advisors in Sacramento.

FISCAL IMPACT

None



NAPA VALLEY TRANSPORTATION AUTHORITY Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Kate Miller, Executive Director
(707) 259-8634 / Email: kmiller@nvta.ca.gov
SUBJECT: 2024 Federal and State Legislative Advocacy Program and Project
Priorities and Federal and State Legislative Update

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve the 2024 Federal and State Legislative Advocacy Program (Attachment 1) and receive the Federal and State Legislative update.

COMMITTEE RECOMMENDATION

None

BACKGROUND

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

Attachment 1 is the proposed 2024 Programs and Projects Priorities. Attachment 2 is the redlined version showing the changes from the 2023 Legislative Program and Project Priorities. A summary of the changes are included in Table 1 below.

Table 1: Summary of Legislative Agenda Changes

Item	Reason
Federal Legislative Advocacy Program	
No Changes	
State Legislative Advocacy Program	
Eliminated recovery revenue sources associated with the Pandemic.	Since the State's state of emergency associated with the pandemic has ended, staff does not anticipate that any new revenues

	associated with the Pandemic or Pandemic recovery are forthcoming.
Advocate for new and sustainable transit operating funds.	SB 125 (Ting) allocated almost \$5 billion in <i>new</i> funding to transit operations to address the “Transit Fiscal Cliff”. Less than \$1 billion of that funding would be considered new funding, and the other roughly \$4 billion in funding was provided through the Transit Intercity Rail Capital Program (TIRCP), an existing fund source but the legislation provides additional flexibility to allow transit agencies to use it to fund operations. Staff is recommending adding advocacy to identify sustainable operating fund sources to address projected transit operating shortfalls.
Support public transit enhancement efforts associated with SB 125 (Ting)	Added language to support enhancements to California’s public transportation systems associated with SB 125 (Ting) and to support efforts of the Transformation Task Force, which was formed by this legislation.
Regional and Local Advocacy Program	
Update proposed sales tax measure language.	Language was expanded to include other changes being discussed to the proposed sales tax ordinance.
Project Priorities	
Vine zero emission fleet	Expanded to include other alternative fuels rather than just electrification

FEDERAL LEGISLATIVE UPDATE

After three weeks without a speaker, Republican lawmakers unanimously voted to confirm Rep. Mike Johnson (R-LA) as Speaker of the House. Speaker Johnson released an agenda on steps to pass all 12 appropriations bills before federal funding is set to expire in mid-November. In the scenario where the House is unable to achieve this lofty goal, Speaker Johnson has proposed a stopgap measure that would extend government funding into mid-January or April.

The House Committee on Transportation and Infrastructure held a hearing in October to examine solvency of the Highway Trust Fund, which finances most federal government spending for highways, transit, and highway safety programs. Members of the Committee highlighted how over the last two decades, spending from the Highway Trust Fund has exceeded revenue deposited into the fund. Witnesses suggested several solutions, including transitioning to a new system of charges and fees based on vehicle miles

traveled, rather than the per gallon excise tax on fuels which is dependent on gasoline consumption.

The Biden administration introduced a multi-agency framework to enhance affordable housing by repurposing vacant commercial properties for residential use. The DOT provided guidance on utilizing financing programs for housing near transportation, urging improvements in zoning, land use, and transit-oriented development policies at the state and local levels.

STATE LEGISLATIVE UPDATE

The California Legislature ended its 2023 session on September 14th and will resume on January 3rd. Governor Newsom reviewed 1,046 bills, signing 890 into law and vetoing 156 (a 14.9% veto rate), consistent with past years.

On October 16th, the IRS extended the filing deadline to November 16th, creating fiscal uncertainty. Initially, October revenues were projected at \$52.3 billion, including \$42.7 billion from personal and corporate taxes. As of October 28th, revenues stood at \$15 billion, signaling a significant shortfall. All eyes are now on November revenues to see if the \$28 billion shortfall materializes. The November deadline will also impact budget planning activities currently underway by the Legislative Analyst's Office (LAO) and the Department of Finance. The delay will limit available information needed to prepare the LAO fiscal outlook report that is released in November.

Senator Scott Wiener, who chairs the Senate Select Committee on Bay Area Public Transit, has scheduled an informational hearing on November 27th at the MTC Board room at 1:30 PM. While details of the hearing are still being developed, the purpose is to examine the potential impact on transit service in the Bay Area if additional operating funds are not secured.

The Legislative Analyst's Office (LAO) released its overview of the 2023-24 transportation budget. The budget package provides a total of \$33.2 billion for transportation-related programs. According to the LAO this amount is equal to the prior spending, but the 2023-24 budget includes significant changes in funding sources primarily due to shifting fund sources from the general fund to the State Highway Account (SHA) and the addition of new federal funds.

ALTERNATIVES

The Board may elect not to approve the 2024 Federal and State Legislative Advocacy Programs and Project Priorities and instead, staff would request direction from the board on each individual issue or advocacy opportunity as they emerge. Depending on the deadlines for letters, grant applications, policy, and statutory changes, some opportunities to comment may be lost since the board meets just once a month.

STRATEGIC GOALS MET BY THIS PROPOSAL

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

ATTACHMENT(S)

- (1) 2023 Federal and State Legislative Advocacy Programs and Project Priorities (clean)
- (2) Federal and State Legislative Advocacy Programs and Project Priorities (2022 Advocacy Program redlined)
- (3) October 30, 2023 Federal Legislative Update (Platinum Advisors)
- (4) October 30, 2023 State Legislative Update (Platinum Advisors)
- (5) October 30, 2023 State Matrix (Platinum Advisors)

2023 Federal and State Legislative Advocacy Program and Project Priorities

Federal Legislative Advocacy Program

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

State Legislative Advocacy Program

- Revenues
 - Work closely with state legislators and agencies to maximize AB 32 Cap and Trade revenues for transportation projects, specifically expanding eligibility to include travel demand management program and traffic congestion relief, grow the transit program, and identify measures to advance funds.
 - Advocate for new transit operating funds, while preserving existing transit capital funding.
 - Support efforts associated with SB 125 (Ting), and the work of the Transit Transformation Task Force that supports and enhance California's public transportation systems.
 - Support efforts to lower the 2/3rds voting threshold for local transportation sales tax measures.
 - Expand efforts that stabilize funding for transportation programs to address fleet transition from traditional fuels to cleaner fuels in response to Governor Newsom's Executive Order N-79-20 requiring all vehicles to be zero emission by 2035.
 - Support new funding innovations such as user-based fees (e.g. tolls, parking fees, and other congestion pricing mechanisms) that reduce congestion and stabilize and or generate new revenues for transportation.
 - Protect transportation funds from being diverted for other purposes or conditioned for housing production.
 - Advocate for formulas that maximize local and regional control of state transportation funds.
 - Support efforts that encourage housing development in priority development areas and honor existing growth boundaries, preserving agriculture and open space to reduce vehicle miles traveled.
 - Identify and advocate for measures that would preserve and grow local streets and road revenues.
 - Sponsor and support legislation that would condition the sale of excess property in Napa County owned by the California Department of Transportation to be used for highway transportation projects in Napa County as identified by NVTAs Countywide Transportation Plan.
 - Support consistent interpretation of the Transportation Development Act (TDA) which guides both TDA and State Transit Assistance (STA) specific to qualifying revenues and eligible recipients and support TDA reform that would eliminate farebox recovery requirements and benefit the Vine Transit system.
 - Support efforts to create new funding for Bay Area regional corridor operations, transit connectivity and transit priority on Bay Area highways.

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

Regional/Local Measures/Ordinance Advocacy Programs

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

Project Priorities

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

2023 Federal and State Legislative Advocacy Program and Project Priorities

Federal Legislative Advocacy Program

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State Legislative Advocacy Program

- Revenues

- ~~○ Support efforts to stimulate the economy, including aid to transportation and local government programs, and subsidies for families in response to the Coronavirus Pandemic.~~
- Work closely with state legislators and agencies to maximize AB 32 Cap and Trade revenues for transportation projects, specifically expanding eligibility to include travel demand management program and traffic congestion relief, grow the transit program, and identify measures to advance funds.
- ~~○ Support statewide efforts to address the “Transit Fiscal Cliff” using Cap and Trade or other revenues while preserving existing funding opportunities. Advocate for new transit operating funds, while preserving existing transit capital funding.~~
- ~~○ Support efforts associated with SB 125 (Ting), and the work of the Transit Transformation Task Force that supports and enhance California’s public transportation systems.~~
- Support efforts to lower the 2/3rds voting threshold for local transportation sales tax measures.
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PLATINUM | ADVISORS

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

FROM: Jessica Aune, Platinum Advisors

DATE: Monday, October 30, 2023

RE: Napa Valley Transportation Authority October 2023 Monthly Report

State of Play and Congressional Update

The motion to vacate Kevin McCarthy (R-CA) from his position as Speaker of the House in early October effectively stalled business as usual on Capitol Hill. Congressman Matt Gaetz initiated the vote after McCarthy reached a bipartisan agreement with the Senate to avoid a government shutdown. He was joined by 7 other members of the Republican caucus and the entire Democratic caucus, who voted to remove Speaker Kevin McCarthy and left the Speaker's chair vacant for the first time in our history.

After three weeks without a speaker leaving the House paralyzed and several rounds of voting within the House GOP Conference and on the House floor for nearly a dozen different candidates, Republican lawmakers unanimously voted to confirm Rep. Mike Johnson (R-LA) as Speaker of the House. Prior to his confirmation, Speaker Johnson released an agenda on next steps to pass all 12 appropriations bills before federal funding is set to expire in mid-November. The Speaker's schedule would set floor debate and a vote on the Transportation-HUD bill for the week of October 30. In the scenario where the House is unable to achieve this lofty goal, Speaker Johnson has proposed a stopgap measure that would extend government funding into mid-January or April.

In addition to avoiding a government shutdown, Congress will have to consider two supplementary budget requests submitted by the White House, which include funding for Israel and Ukraine, border patrol enforcement along the U.S.-Mexico border, natural disaster recovery, childcare, and high-speed internet. On top of the White House's requests, Congress still needs to complete negotiations on the Farm Bill and reauthorization of the Federal Aviation Administration (FAA).

SENATE BEGINS CONSIDERATION OF T-HUD APPROPRIATIONS BILL

Leaders of the Senate Appropriations Committee announced a bipartisan agreement to proceed with amendment votes and final passage of the Senate appropriations minibuss. The agreement allowed for Senators to begin voting on amendments and final passage of the package, which includes the Military Construction-VA, Agriculture-FDA, and

Transportation-HUD bills. All three bills passed the Committee unanimously this summer. Amendments that were adopted included an amendment that would prohibit funds appropriated to DOT for FY 2024 from being used to enforce a mask mandate in response to the COVID-19 virus. The minibus would direct the Senate to return to “regular order” – a term used by critics of end-of-the-year omnibus packages that consist of all 12 spending bills.

CONFIRMATION OF FAA ADMINISTRATOR

The Senate unanimously confirmed Michael G. Whitaker to be Administrator of the Federal Aviation Administration, filling a critical leadership role that had remained vacant for 18 months. President Biden’s former nominee for the position, Phillip A. Washington, faced criticism from lawmakers over his limited experience in aviation. Whitaker will adopt a struggling FAA amidst an uptick of near-miss incidents at airports across the U.S., flight disruptions in the post-COVID recovery era, and a lingering air traffic controller labor shortage. Whitaker was previously the Chief Operating Officer of Supernal, a Hyundai company developing air taxis, and served as Deputy FAA administrator from 2013 to 2016.

HOUSE TRANSPORTATION HEARING ON THE HIGHWAY TRUST FUND

This month, the House Committee on Transportation and Infrastructure held a hearing to examine solvency of the Highway Trust Fund, which finances most federal government spending for highways, transit, and highway safety programs. Members of the Committee highlighted how over the last two decades, spending from the Trust Fund has exceeded revenue deposited into the fund. Witnesses suggested several solutions, including transitioning to a new system of charges and fees based on vehicle miles traveled, rather than how much fuel drivers buy. Members repeatedly suggested that Congress index federal gas and diesel taxes to better reflect current inflation rates.

Pending Legislation of Interest

[H.R.125](#) — To prohibit the imposition of mask mandates on public transportation.

Sponsor: Biggs, Andy [Rep.-R-AZ-5]

Introduced: 1/9/2023

[H.R.327](#) — To reduce the tax credit for new qualified plug-in electric drive motor vehicles by State subsidies for these vehicles.

Sponsor: Estes, Ron [Rep.-R-KS-4]

Introduced: 1/12/2023

[H.R.490](#) — To establish the Federal Infrastructure Bank to facilitate investment in, and the long-term financing of, economically viable U.S. infrastructure projects that provide a public benefit.

Sponsor: Webster, Daniel [Rep.-R-FL-11]

Introduced: 1/24/2023

[S.63](#) — **A bill to adjust the effective date for application of certain amendments made with respect to the credit for new clean vehicles.**

Sponsor: Manchin, Joe, III [Sen.-D-WV]

Introduced: 1/25/2023

[H.R.495](#) — **To amend the National Environmental Policy Act of 1969 to authorize assignment to States of Federal agency environmental review responsibilities.**

Sponsor: Calvert, Ken [Rep.-R-CA-41]

Introduced: 1/25/2023

[H.R.852](#) — **To direct the Attorney General to establish a grant program for civilian traffic violation enforcement.**

Sponsor: Rep. Torres, Ritchie [D-NY-15]

Introduced: 2/06/2023

[H.R.873](#) — **To authorize the Administrator of the Environmental Protection Agency to award grants and contracts for projects that use emerging technologies to address threats to water quality, and for other purposes.**

Sponsor: Rep. Donalds, Byron [R-FL-19]

Introduced: 2/08/2023

[S.352](#) — **Highway Formula Modernization Act of 2023**

Sponsor: Kelly, Mark [Sen.-D-AZ]

Introduced: 2/09/2023

[H.R. 1500](#) – **To establish a program to use anonymized data from third party entities to inform infrastructure planning decisions and improve transportation management capabilities.**

Introduced: 3/09/2023

Status: Advanced from T&I committee

[H.R.1665](#) — **To direct the Secretary of Transportation to establish a program to provide grants to local governments to install publicly accessible safety charging stations for electric bicycles and scooters, and for other purposes.**

Sponsor: Velazquez, Nydia M. [Rep.-D-NY-7]

Introduced: 03/17/2023

[S.876](#) — **A bill to establish a 90-day limit to file a petition for judicial review of a permit, license, or approval for a highway or public transportation project, and for other purposes.**

Sponsor: Cruz, Ted [Sen.-R-TX]

Introduced: 03/21/2023

[H.R.1668](#) — **To amend title 23, United States Code, with respect to the highway safety improvement program, and for other purposes.**

Sponsor: Blumenauer, Earl [Rep.-D-OR-3]

Introduced: 03/21/2023

[H.R.2664](#) — **Transportation Innovation Coordination Act**

Sponsor: DelBene, Suzan K. [Rep.-D-WA-1]

Introduced: 04/18/2023

[H.R.3082](#) - **Mobility aids On Board Improve Lives and Empower all (MOBILE) Act**

Sponsor: Cohen, Steve [D-TN-9]

Introduced: 05/05/2023

[S.1535](#) — **A bill to require the Administrator of the Federal Aviation Administration to promulgate regulations to allow the transport of firefighters on board a covered aircraft operated on a mission to suppress a wildfire, and for other purposes.**

Sponsor: Kelly, Mark [Sen.-D-AZ]

Introduced: 05/10/2023

[H.R.3411](#) - **To increase access to higher education by providing public transit grants.**

Sponsor: Fitzpatrick, Brian K. [R-PA-1]

Introduced: 05/17/2023

[H.R.3468](#) — **To direct the Secretary of Energy to establish a grant program to facilitate electric vehicle sharing services operated at public housing projects, and for other purposes.**

Sponsor: Barragan, Nanette Diaz [D-CA-44]

Introduced: 05/18/2023

[H.R.3785](#) — **To amend title 23, United States Code, to require that public employees perform construction inspection work for federally funded highway projects, and for other purposes.**

Sponsor: Rep. Garamendi, John [D-CA-8]

Introduced: 06/01/2023

[H.R.3845](#) — **To amend title 23, United States Code, to increase accessible transportation for individuals with disabilities.**

Sponsor: Titus, Dina [Rep.-D-NV-1]

Introduced: 06/06/2023

[H.R.3896](#) — **To establish an airport infrastructure resilience pilot program.**

Sponsor: Cohen, Steve [Rep.-D-TN-9]

Introduced: 06/07/2023

[S.1929](#) — **A bill to direct the Administrator of the Federal Aviation Administration to provide progress reports on the development and implementation of the national transition plan related to a fluorine-free firefighting foam, and for other purposes.**

Sponsor: Peters, Gary C. [Sen.-D-MI]

Introduced: 06/12/2023

[S.1946](#) — **A bill to amend title 49, United States Code, to allow the owner or operator of a small hub airport that is reclassified as a medium hub airport to elect to be treated as a small hub airport, and for other purposes.**

Sponsor: Sen. Blackburn, Marsha [R-TN]

Introduced: 06/13/2023

[S.2075](#) — **A bill to amend the Infrastructure Investment and Jobs Act to modify the Safe Streets and Roads for All program.**

Sponsor: Fetterman, John [Sen.-D-PA]

Introduced: 06/21/2023

[S.Res.274](#) — **A resolution expressing the sense of the Senate to reduce traffic fatalities to zero by 2050.**

Sponsor: Blumenthal, Richard [Sen.-D-CT]

Introduced: 06/22/2023

[H.R.4598](#) — **To provide for disadvantaged business enterprise supportive services programs at modal administrations of the Department of Transportation, and for other purposes.**

Sponsor: Aguilar, Pete [Rep-D-CA-33]

Introduced: 07/13/2023

[H.R.4621](#) — **To improve the environmental review process for highway projects through the use of interactive, digital, cloud-based platforms, and for other purposes.**

Sponsor: Johnson, Dusty [R-SD-At Large]

Introduced: 07/13/2023

[H.R.4636](#) — **To direct the Secretary of Transportation to establish a Wireless Electric Vehicle Charging Grant Program, and for other purposes.**

Sponsor: Stevens, Haley M. [Rep.-D-MI-11]

Introduced: 07/14/2023

[H.R.4728](#) — **To amend title 49, United States Code, to provide for free public transportation for individuals who are recently released from incarceration.**

Sponsor: Cleaver, Emanuel [Rep.-D-MO-5]

Introduced: 07/20/2023

[H.R.4857](#) — **Equitable Transit Oriented Development Support Act**

Sponsor: DeSaulnier, Mark [Rep.-D-CA-10]

Introduced: 07/25/2023

[S.2480](#) — **Connecting Hard-to-reach Areas with Renewably Generated Energy (CHARGE) Act of 2023**

Sponsor: Markey, Edward J. [Sen.-D-MA]

Introduced 07/25/2023

[H.R.4908](#) — **Expedited Federal Permitting for California Act**

Sponsor: Garamendi, John [Rep.-D-CA-8]

Introduced: 07/26/2023

[H.R.4982](#) — **Tolling Transparency Act of 2023**

Sponsor: Chavez-DeRemer, Lori [Rep.-R-OR-5]

Introduced: 07/27/2023

[H.R.5154](#) — **Connecting Hard-to-reach Areas with Renewably Generated Energy (CHARGE) Act of 2023**

Sponsor: Ocasio-Cortez, Alexandria [Rep.-D-NY-14]

Introduced: 08/04/2023

[H.R.5242](#) — **Connecting Our Neighbors to Networks and Ensuring Competitive Telecommunications Act of 2023**

Sponsor: Pettersen, Brittany [Rep.-D-CO-7]

Introduced: 08/18/2023

[H.R.5359](#) — **Rural Development Modernization Act**

Sponsor: Costa, Jim [Rep.-D-CA-21]

Introduced: 09/08/2023

[H.R.5437](#) — **Protecting Infrastructure Investments for Rural America Act**

Sponsor: Finstad, Brad [Rep.-R-MN-1]

Introduced: 09/13/2023

[S.2855](#) — **A bill to modernize and streamline the permitting process for broadband infrastructure on Federal land, and for other purposes.**

Sponsor: Barrasso, John [Sen.-R-WY]

Introduced: 09/20/2023

[H.R.5656](#) — **To amend the Internal Revenue Code of 1986 to provide a tax credit for new off-road plug-in electric vehicles.**

Sponsor: Phillips, Dean [Rep.-D-MN-3]

Introduced: 09/21/2023

[S.2882](#) — Stop Electric Vehicle Freeloading Act

Sponsor: Fischer, Deb [Sen.-R-NE]

Introduced: 09/21/2023

[H.R.5859](#) — To direct the Secretary of Transportation to establish a program to provide grants to protection and advocacy systems to advocate for individuals with disabilities to access transportation, and for other purposes.

Sponsor: Wilson, Frederica S. [Rep.-D-FL-24]

Introduced: 09/29/2023

[H.R.5980](#) — To amend title 49, United States Code, to authorize state of good repair grants to be used for public transportation resilience improvement, and for other purposes.

Sponsor: Espaillat, Adriano [Rep.-D-NY-13]

Introduced: 10/18/2023

[S.3080](#) — Resilient Transit Act of 2023

Sponsor: Gillibrand, Kirsten E. [Sen.-D-NY]

Introduced: 10/18/2023

Executive Branch

Department of Transportation (DOT)

The DOT [announced](#) an expansion of the Regional Infrastructure Accelerators (RIA) program to 24 accelerators receiving \$24 million in new funding from the Bipartisan Infrastructure Law. Administered by the Build America Bureau, the RIA program accelerates project delivery and clears barriers for credit-worthy projects by funding and encouraging best practices in project planning, studies and analysis, preliminary engineering, and design. Four California agencies received funding from the RIA program: California DOT (Sacramento), San Diego Association of Governments, Fresno Council of Governments, and the Bay Area Rapid Transit District (San Francisco).

The Biden administration [announced](#) a new multi-agency policy framework to create more affordable housing by promoting the conversion of vacant commercial properties to residential use. As part of the framework, the DOT released new guidance to states and developers on how the Transportation Infrastructure Finance and Innovation Act and the Railroad Rehabilitation & Improvement Financing programs can be used for housing development near transportation. The guidance would encourage state and local governments to improve zoning, land use, and transit-oriented development policies to support conversion programs. Furthermore, DOT announced that it would permit transit agencies to transfer vacant properties to local governments, and non-profit / for-profit developers of affordable housing at no cost.

DOT [announced](#) \$86 million in Safe Streets and Roads for All (SS4A) grants to 235 regional, local and Tribal communities for planning and demonstration projects to

improve safety and help prevent deaths and serious injuries on the nation's roadways. These funds will help communities develop safety action plans, inform improvements along corridors with safety issues, use "quick-build" strategies to test out safety features such as separated bicycle lanes or curb extensions at intersections and more.

Federal Highway Administration (FHWA)

The FHWA [launched](#) its Saving Lives with Connectivity: Accelerating Vehicle-to-Everything (V2X) Deployment grant opportunity to advance connected and interoperable vehicle technologies. The initiative is focused on road safety, mobility, and efficiency through technology that enables vehicles and wireless devices to communicate with each other and with roadside infrastructure and provide warnings. V2X can contribute to the Safe System Approach adopted by the USDOT's National Roadway Safety Strategy, a comprehensive approach launched in January 2022 to address the crisis of roadway deaths.

The FHWA [announced](#) that it has allocated \$61 billion in Fiscal Year 2024 apportionments for 12 formula programs to support investment in critical infrastructure, including roads, bridges and tunnels, carbon emission reduction, and safety improvements, as well as workforce development to support the investments, utilizing funding from President Biden's Bipartisan Infrastructure Law.

Federal Transit Administration (FTA)

The FTA [announced](#) the availability of approximately \$5.1 million in competitive grant funds to support a new research initiative that will demonstrate advanced digital construction management tools to improve management of transit construction projects. FTA's Accelerating Advanced Digital Construction Management Systems program will promote field-tested advanced digital platforms to deliver transit projects faster and cheaper.

Federal Railroad Administration (FRA)

The FRA [announced](#) a final rule requiring the installation of inward- and outward-facing image recording devices on all passenger train lead locomotives providing scheduled intercity rail passenger or commuter service. The final rule mandates that locomotive video recording devices must remain operational while the controlling locomotive of a passenger train is in motion.

Joint Office of Energy and Transportation (Joint Office)

The Joint Office announced the 2023 Round 7 Alternative Fuel Corridor (AFC) designations.

Environmental Protection Agency (EPA)

The EPA [announced](#) \$13,063,759 for 18 projects across California that advance environmental justice as part of President Biden's Investing in America agenda. The organizations will use the funds to ensure disadvantaged communities that have historically suffered from underinvestment have access to clean air and water and climate resilience solutions in alignment with the Biden-Harris administration's Justice40 Initiative. One such awardee was Casa Familiar Inc., in San Ysidro, which will receive \$500,000 for its La Semilla (The Seed) Project that will examine shared community spaces for environmental justice programs, housing, cleaner modes of mobility, connections to transit, and green technology incorporated into the construction.

PLATINUM | ADVISORS

October 30, 2023

TO: Kate Miller, Executive Director
Napa Valley Transportation Authority

FR: Steve Wallauch
Platinum Advisors

RE: Legislative Update

Revenue: *The IRS announced on October 16th that the filing deadline will be extended to November 16th. The state Franchise Tax Board quickly conformed with this new deadline. This has created uncertainty for the state's fiscal outlook.*

October revenues were set to be a critical test for the state's fiscal outlook. Normally in the month of October revenues total about \$2 billion. With the extended filing deadline, the budget forecast expected revenue for the month to total \$52.3 billion. This total includes all revenue sources, and in particular an expected receipt of \$42.7 billion in personal income tax and corporate tax revenue.

Revenues so far this month are exceeding projections. As of October 28th, personal and corporate tax revenues less refunds totaled \$15 billion, far below the expected \$42.7 billion forecast. This significant shortfall indicates that numerous corporate and high wealth individuals took advantage of the postponed deadline. All eyes are now on November revenues to see if the \$28 billion shortfall materializes.

The November deadline will also impact budget planning activities currently underway by the Legislative Analyst's Office (LAO) and the Department of Finance. The delay will limit available information needed to prepare the LAO fiscal outlook report that is released in November, and the ability to accurately forecast revenues used to build the Governor's draft budget that will be released in January.

Bay Area Transit Hearing: Senator Scott Wiener, who chairs the Senate Select Committee on Bay Area Public Transit, has scheduled an informational hearing on November 27th at the MTC Board room at 1:30. While details of the hearing are still being developed, the purpose is to examine the potential impact on transit service in the Bay Area if additional operating funds are not secured.

While it is a longshot, Senator Wiener has not given up on the possibility of a temporary toll increase to fund transit operations. The state budget included a significant multiyear investment that can be used by transit operators for either capital or operating needs. The funding package still falls short of what is needed to completely avoid the fiscal cliff facing many Bay Area operators. His office continues to develop data on projected

service level cuts that will be implemented if funding is not secured. The impact of service cuts will likely be the focus of this hearing.

LAO Report: The Legislative Analyst's Office (LAO) released its overview of the 2023-24 transportation budget. While LAO reports usually include an analysis of the spending priorities along with spending and policy recommendations for the legislature to consider, this report is a simple summary of the transportation budget and merely highlights the significant changes as compared to the prior year's budget.

The budget package provides a total of \$33.2 billion for transportation-related programs in 2023-24. According to the LAO this amount is equal to the prior spending, but the 2023-24 budget includes significant changes in funding sources primarily due to shifting fund source from the general fund to the State Highway Account (SHA) and the addition of new federal funds. The primary funding changes include the following:

- **Population-Based Transit and Intercity Rail Capital Program (TIRCP).** While the budget package provides the same amount as originally planned for in previous agreements—\$4 billion—it expands the allowable uses for this funding to include operational expenditures, as we discuss in more detail below.
- **Active Transportation Program.** The budget shifts a portion of the funding—\$300 million—for the Active Transportation Program from the General Fund to SHA.
- **Local Climate Adaptation Programs.** The budget shifts the full amount of funding—\$200 million—for local climate adaptation programs from the General Fund to SHA.
- **Grade Separation Projects Within TIRCP.** The spending plan delays the full amount of funding—\$350 million—intended for grade separation projects through TIRCP from 2022-23 to 2025-26.
- **Port and Freight Infrastructure Program.** The budget delays a portion of the \$600 million that had originally been scheduled for the program in 2023-24 by instead planning to provide \$200 million annually from 2023-24 to 2025-26. The budget also shifts a portion of the 2023-24 funding—\$150 million—from the General Fund to SHA.

The LAO report can be found at the following link:

<https://lao.ca.gov/Publications/Report/4804>

End of Session Update to the Update: The California Legislature wrapped up its 2023 session just moments before midnight on September 14th. The Legislature is now on pause until January 3rd.

The shadow of a new Assembly Speaker, Robert Rivas, loomed large. His ascent to one of California's most influential positions, after a tumultuous year-long struggle, marked a significant shift in the state's political landscape. It is rumored Speaker Rivas used his new position to ensure passage of SB 253 (Wiener) in the Assembly. Last year's attempt to require large corporations to provide detailed reports on carbon emissions narrowly

failed on the Assembly floor. This year SB 253 was approved with the minimum votes needed for passage.

As the session concluded, Governor Newsom found himself with a desk laden with 1,046 bills awaiting his decision. The Governor completed his review of these bills on October 13th. He signed 890 bills into law, and vetoed 156 bills, for a veto rate of 14.9%. This is on par with veto rates from prior years.

The following highlights some of the major measures sent to the Governor for consideration:

Climate & Energy Issues

AB 1373 – Renewable Energy: Governor Newsom signed into law [AB 1373 \(Garcia – D\)](#), which enables California to procure offshore wind, geothermal, and other long lead-time energy resources that are foundational to our clean energy future, all while creating tens of thousands of California jobs. The bill authorizes the Department of Water Resources (DWR) to serve as a central procurement entity to procure energy resources to help the state meet its renewable and zero-carbon energy resources and reliability goals should the California Public Utilities Commission (CPUC) identify a specific procurement need and make a request of DWR.

SB 253 – Climate Corporate Data Accountability Act: [SB 253 \(Wiener –D\)](#) was also signed into law. This bill would require large U.S.-based companies doing business in California to publicly report their annual greenhouse gas emissions. Proponents claim that the goal is to discourage corporate greenwashing, or marketing that falsely portrays a company's efforts to reduce climate-warming emissions. During Climate Week events in New York, Governor Newsom stated his intention to sign this measure, but he also indicated he would seek clean-up changes to the bill.

In his signing letter, Governor Newsom stated, *"the implementation deadlines in this bill are likely infeasible, and the reporting protocol specified could result in inconsistent reporting across businesses subject to the measure. I am directing my Administration to work with the bill's author and the Legislature next year to address these issues. Additionally, I am concerned about the overall financial impact of this bill on businesses, so I am instructing CARB to closely monitor the cost impact as it implements this new bill and to make recommendations to streamline the program."*

Constitutional Amendments

A pair of constitutional amendments aimed at the 2024 ballot would lower or preempt barriers to raising revenue, sparking a clash between Labor and cities on one side and business and real estate groups on the other. Constitutional amendments do not require the Governor's approval and are sent directly to the ballot upon approval by the legislature.

Lowering the Threshold: [ACA 1 \(Aguiar-Curry – D\)](#) would lower the voter threshold to 55% for the approval of local levies intended to take on bonded debt or to introduce specific special taxes. These funds would be earmarked for capital projects such as affordable housing, permanent supportive housing, or public infrastructure, including public transit projects. Presently, a supermajority—often at least two-thirds—is mandated for many such proposals. However, the 55% ACA 1 threshold cannot be used to fund transit operations.

Countering Supermajorities: [ACA 13 \(Ward – D\)](#) comes as a counter to a 2024 ballot proposition put forth by the California Business Roundtable. The Roundtable's proposition seeks to mandate a two-thirds vote for all tax hikes at both the state and local levels. In a strategic move, Democrats countered this with ACA 13, which would necessitate a two-thirds vote for any proposal aiming to increase a voter threshold. This is a direct challenge to the Roundtable's initiative.

Labor Issues:

AB 316 --Autonomous Vehicles: In a move that underscores the tension between safety and technological advancement, Labor-backed [AB 316 \(Aguilar-Curry – D\)](#) requires human drivers to remain behind the wheel of autonomous vehicle greater than 10,000 pounds on state highways for a minimum of five years.

Governor Newsom wasted little time in vetoing this measure. While the Legislature cites safety concerns as the driving force behind the bill, Newsom's office raised alarms about potential stifling of innovation. The Governor's veto message stated, *"Assembly Bill 316 is unnecessary for the regulation and oversight of heavy-duty autonomous vehicle technology in California, as existing law provides sufficient authority to create the appropriate regulatory framework."*

However, Governor Newsom signed into law AB 96 (Kalra), which would require a public transit employer considering the use of autonomous vehicles to provide written notice to an exclusive representative of the workforce affected by autonomous transit vehicle technology, and that collective bargaining commence within a certain timeframe.

SB 799 – Unemployment Insurance for Striking Workers: In a move inspired by California's summer of strikes, [SB 799 \(Portantino – D\)](#) emerged as a last-minute legislative effort to grant unemployment benefits to workers on strike after a two-week wait period. While states like New York and New Jersey have adopted similar measures, California's current stance restricts those who leave work due to a "trade dispute" from accessing unemployment benefits, which are financed by a business payroll tax.

In a major departure with California's labor groups, Governor Newsom vetoed SB 799. In his veto message he stated, *"Any expansion of eligibility for UI benefits could increase California's outstanding federal UI debt projected to be nearly \$20 billion by the end of the year and could jeopardize California's Benefit Cost Ratio add-on waiver application, significantly increasing taxes on employers. Furthermore, the state is responsible for the interest payments on the federal UI loan and to date has paid \$362.7 million in interest with another \$302 million due this month. Now is not the time to increase costs or incur this sizable debt."*

SB 553 – Workplace violence prevention program -- Governor Newsom signed into law SB 553 (Cortese), which adds to the required elements of an employer's injury prevention program a workplace violence prevention plan (WVPP), subject to review at least annually. The bill requires employers to record information in a violent incident log about every workplace violence incident and provide effective training on the plan. SB 553 authorizes collective bargaining representatives to seek a temporary restraining order (TRO) and order after hearing on behalf of an employee who has suffered unlawful violence or a credible threat of violence from any individual.

PLATINUM | ADVISORS

October 30, 2023

ATTACHMENT 5
NVTA Board Item 11.1
November 15, 2023

TABLE 1: BOARD ADOPTED POSITIONS

	Subject	Status	Board Position
<u>AB 16</u> <u>(Dixon R)</u> Motor Vehicle Fuel Tax Law: adjustment suspension	<p>Existing law requires the state to annually adjust the tax rate on fuel based on the Consumer Price Index. This adjustment is determined in January, and the adjustment takes effect on July 1st of each year. This annual adjustment was a key change made by SB 1.</p> <p>AB 16 would, starting on July 1, 2024, authorize the Governor to suspend this adjustment based on a determination that the adjustment would impose an undue burden on low-income and middle-class families.</p> <p>AB 16 was not heard by the Assembly Transportation Committee before the April 27th deadline for policy committee to act on bills with a fiscal impact.</p>	Assembly Transportation Two-Year Bill	Watch
<u>AB 463</u> <u>(Hart D)</u> Electricity: prioritization of service: public transit vehicles	<p>The goal of AB 463 is to ensure utilities take into consideration the electricity needs to charge electric buses when planning for power shutoffs.</p> <p>This measure would require the California Public Utilities Commission (CPUC) to consider the economic, social equity, and mobility impacts of a temporary power discontinuance to customers that rely on electrical service to operate public transit vehicles. In addition, AB 463 would require electric utilities to include in their public safety power shutoff plans protocols related to mitigating those public safety impacts on public transit vehicle charging infrastructure.</p> <p>Due to the costs this bill would impose on the CPUC, AB 463 was placed on the Suspense File. The CPUC estimated it would cost \$210,000 annually, and a one-time cost of</p>	Assembly Appropriations Held on Suspense File Two Year Bill	Support

	Subject	Status	Board Position
(Continued)	\$500,000 to hire a consultant to determine how to rank public transit charging stations.		
<u>AB 540</u> <u>(Wicks D)</u> Social Service Transportation Improvement Act: coordinated transportation services agencies	<p>Assemblywoman Wicks has decided to make AB 540 a two-year bill, meaning it will not move forward this year. The author's office will continue to work with interested parties in an effort to build consensus on addressing paratransit service needs.</p> <p>This bill would amend the Social Services Transportation Improvement Act and impose a \$10 vehicle registration fee.</p> <p>Specifically, the bill would require the <i>coordination</i>, rather than the <i>consolidation</i>, of social service transportation services under the act and would recharacterize consolidated transportation service agencies in the act as coordinated transportation service agencies. The \$10 vehicle fee proposed in the bill would be allocated to each county based on population.</p>	Assembly Transportation Two-Year Bill	Oppose Unless Amended
<u>AB 557</u> <u>(Hart D)</u> Open meetings: local agencies: teleconferences	<p>AB 557 would extend indefinitely the existing authorization for local legislative bodies with a majority vote to hold remote meetings if a proclaimed state of emergency exists.</p> <p>Specifically, AB 557 would eliminate the January 1, 2024, sunset date on provisions of law authorizing remote meetings during a proclaimed state emergency. The bill also changes the requirement to reauthorize the use of remote meetings from every 30 days to every 45 days.</p>	Signed Into Law Chapter #534, Statutes of 2023	SUPPORT
<u>AB 610</u> <u>(Holden D)</u> Youth Transit Pass Pilot Program: free youth transit passes AB 610	<p>AB 610 would create a pilot program that would only take effect if funds are appropriated in the budget. No funding was appropriated in the 2023-24 budget for this program.</p> <p>AB 610 would create a Youth Transit Pass Pilot Program, administered by the Department of Transportation (Caltrans) and upon appropriation of funds, to provide grants to transit agencies for specified costs, including to</p>	Senate Floor Inactive File Two-Year Bill	Support If Amended

	Subject	Status	Board Position
(Continued)	create, maintain, subsidize, or expand free youth transit pass programs for students attending college or K-12 schools. The bill would require Caltrans to submit a specified report to the Legislature on the outcomes of the program and the status of transit pass programs statewide by January 1, 2027.		
AB 817 (Pacheco D) Open meetings: teleconferencing: subsidiary body	<p>The Assembly Local Government Committee hearing on AB 817 was postponed. The bill must be heard before the May 5th hearing deadline for policy committees to remain active.</p> <p>AB 817 would authorize a “subsidiary body” to remotely hold a public meeting if specified conditions are met.</p> <p>The bill defines a subsidiary body to include:</p> <ul style="list-style-type: none"> • certain types of commissions, committees, or other body as defined in paragraph (b) of Government Code Section 54952, • a body that serves exclusively as an advisory body, • a body that is not authorized to take final action on any contract, legislation, regulation, or permit. <p>AB 817 would also require the members of the body to participate through both audio and visual technology. The public must be able to participate in the body’s proceedings either by phone line or through an internet-based platform.</p>	Assembly Local Government 2-Year Bill	SUPPORT
AB 1377 (Friedman D) Interagency Council on Homelessness AB 1377	<p>Under the Homeless Housing, Assistance and Prevention Program, applicants for funds are required to provide data and other information on progress toward meeting the goals of the program.</p> <p>As amended, AB 1377 would add to these reporting requirements data and a narrative of specific and quantifiable steps that the applicant has taken to improve the delivery of housing and services to people experiencing</p>	Signed Into Law Chapter #728, Statutes of 2023	Support

	Subject	Status	Board Position
(Continued)	homelessness or at risk of homelessness, on transit properties that operate in their jurisdiction.		
<u>AB 1379</u> <u>(Papan D)</u> Open meetings: local agencies: teleconferences	<p>The Assembly Local Government Committee hearing on AB 1379 was cancelled. Since this bill is “keyed” fiscal it becomes a two-year bill and will not move until January 2024. The reason for this action was likely due to concerns expressed by the committee staff and chair.</p> <p>AB 1379 would amend the Brown Act to allow a legislative body to hold meetings in any combination of in person or remote participation.</p> <p>The bill specifies a quorum can be established by any of the following:</p> <ul style="list-style-type: none"> • Consisting of members participating remotely. • Consisting of members participating at a designated location. • Consisting of members participating remotely and at a designated location. <p>AB 1379 specifies that the “singular designated physical meeting location” must be open to the public and located within the legislative body’s jurisdiction.</p>	Assembly Local Government 2-Year Bill	WATCH
<u>ACA 1</u> <u>(Aguiar-Curry D)</u> Local government financing: affordable housing and public infrastructure: voter approval	<p>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>ACA 1 was amended to include specific conditions on the use of funds as outlined below:</p> <ul style="list-style-type: none"> • Imposes a 5% cap on administrative costs for projects funded by propositions approved with a 55% vote. • The proceeds of the tax shall only be spent on projects and programs that 	Approved Chapter 173, Statutes of 2023 To be placed on the November 2024 Ballot	Support
<u>ACA 1</u>			

	Subject	Status	Board Position
(Continued)	<p>serve the jurisdiction of the local government.</p> <ul style="list-style-type: none"> • Requires annual audits to be submitted to the California State Auditor for review. • Requires the creation of a citizen oversight committee, and the members of that committee shall receive educational training on local taxation and fiscal oversight. • An entity owned or controlled by a local official that votes on whether to put a proposition on the ballot pursuant will be prohibited from bidding on any work funded by the proposition. • If the voters of the local government have previously approved a tax pursuant to ACA 1, the local government shall not place a proposition on the ballot pursuant to this section until all funds from the previous proposition are committed to programs and projects listed in the specific local program or ordinance. • The legislature by a 2/3 vote may enact laws establishing additional accountability measures. <p><i>ACA 1 does not allow for the 55% local measure to use the tax revenue for transit operations.</i></p>		
SB 5 (Nguyen R) Motor Vehicle Fuel Tax Law: limitation on adjustment	<p>Existing law requires the state to annually adjust the tax rate on fuel based on the Consumer Price Index. This adjustment is determined in January, and the adjustment takes effect on July 1st of each year. This annual adjustment was a key change made by SB 1.</p> <p>Under SB 5 any adjustment shall not exceed 2 percent. Limiting the adjustment will impact the ability for transportation programs to keep pace with inflation.</p>	Senate Governance & Finance 2-Year Bill	Oppose

	Subject	Status	Board Position
SB 411 (Portantino D) Open meetings: teleconferences: bodies with appointed membership	<p>SB 411 authorizes a neighborhood council within the City of Los Angeles, to use alternate teleconferencing provisions related to notice, agenda, and public participation, subject to certain requirements and restrictions, if the city council has adopted an authorizing resolution and two-thirds of an eligible legislative body votes to use the alternate teleconferencing provisions.</p> <p>The provisions of SB 411 sunset on January1, 2026, and require that, at least once per year, at least a quorum of the members of the eligible legislative body must participate in person from a singular physical location.</p>	Signed Into Law Chapter #605, Statutes of 2023	WATCH
SB 537 (Becker D) Open meetings: local agencies: teleconferences	<p>SB 537 allows multi-jurisdictional, cross-county local agencies with appointed members to use teleconferencing without posting agendas at each teleconference location, identifying each teleconference location in the notice and agenda, making each teleconference location accessible to the public, and requiring at least a quorum of the eligible legislative body to participate from within the local agency's jurisdiction if the legislative body complies with specified conditions.</p>	Assembly Floor Inactive File Two-Year Bill	WATCH
SB 670 (Allen D) Transportation: vehicle miles traveled; maps	<p>As amended, SB 670 directs the California Air Resources Board (CARB), in consultation with Caltrans and Office of Planning and Research (OPR), to develop maps of average vehicle miles traveled (VMT) at the local, regional, and statewide levels, and provides direction to how those maps should be reconciled with existing ones.</p>	Senate Appropriations Held on Suspense File Two-Year bill	Watch
SB 769 (Gonzalez D) Local government: fiscal and financial training	<p>SB 769 would require, if a local agency provides any type of compensation, or expense reimbursement to members of its legislative body, to provide the members of the legislative body at least two hours of fiscal and financial training at least once every two years.</p>	Assembly Appropriations Held on Suspense File	Watch

	Subject	Status	Board Position
<u>SB 769</u> <i>(Continued)</i>	<p>Fiscal and financial training is defined to include the following:</p> <ul style="list-style-type: none"> • Laws and principles relating to financial administration and short-and long-term fiscal management, • Laws and principles relating to capital financing and debt management, pensions and other postemployment benefits, and cash management and investments. • General fiscal and financial planning principles and any pertinent laws relevant to the local agency official's public service and role in overseeing the local agency's operations. 		



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Purchase Six El Dorado 35' Buses and Related Equipment

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board authorize the Executive Director to execute Purchase Order 23-P3024 to acquire six (6) used thirty-five foot (35') El Dorado National Axess Compressed Natural Gas (CNG) Buses and transit related equipment in an amount not to exceed \$1,840,000.

EXECUTIVE SUMMARY

NVTA is experiencing a low spare ratio and high number of mechanical issues resulting in missed trips. To address the issue, NVTA is seeking replacement vehicles as a temporary solution while awaiting the production of new buses. TransDev has presented an opportunity to acquire six 2017 El Dorado National Buses that are no longer needed at one of their properties. After an independent inspection, TransDev will sell the six buses to NVTA, then NVTA will work with its existing vendors to integrate their equipment into the buses at a total cost of \$1,840,000.

FISCAL IMPACT

The fiscal impact will not exceed \$1,840,000 which includes the purchase of the buses, inspection, systems integration, and a small contingency. The funding is Transportation Development Act funds.



NAPA VALLEY TRANSPORTATION AUTHORITY Board Agenda Memo

TO: 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: Purchase Six El Dorado 35' Buses and Related Equipment

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTa) Board authorize the Executive Director to execute Purchase Order 23-P3024 to acquire six (6) used thirty-five foot (35') El Dorado National Axess Compressed Natural Gas (CNG) Buses and transit related equipment in an amount not to exceed \$1,840,000.

COMMITTEE RECOMMENDATION

None

BACKGROUND

NVTa currently has 67 vehicles in its fleet of Vine, VineGo and community shuttle services. The useful life for a new heavy-duty vehicle is 12 years and 7 years for medium-duty vehicles. Currently, 24 vehicles in the Vine's fleet (35.8%) are beyond their useful life. Although, NVTa has received funding to purchase electric vehicles through the Low and No Emissions Program and the Bus and Bus Facilities Program, it takes time to meet the grant requirements and manufacture these buses. NVTa has a need for vehicles immediately to operate its current level of service.

The high number of vehicles out of service because of mechanical issues has led to an increase in the number of missed trips and increased maintenance costs – in September of 2023, 27 of the 39 missed trips were due to maintenance/mechanical issues. As a consequence to operating the older vehicles, costs to maintain the fleet has risen significantly as shown below in Table 1.

Table 1

Fiscal Year	Maintenance Costs
FY 19	\$20,167
FY 20	\$37,677
FY 21	\$65,630
FY 22	\$302,092
FY 23	\$315,000 (forecasted)

NVTA is opting to purchase used vehicles because they can be delivered quickly and Transdev has verified that the buses are in good condition. Furthermore, NVTA selected these vehicles because the agency already owns the same make and model of El Dorado National CNG buses, which have proven to be reliable. NVTA still plans on doing an independent inspection to ensure the vehicles are in good working order.

ALTERNATIVES

Forego the purchase of the El Dorado Axess Buses and continue to have mechanical issues which costs the system financially and undermines service reputability. The agency would be below a 20% spare ratio which is the industry standard.

STRATEGIC GOALS MET BY THIS PROPOSAL

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

The bus replacement will provide safer and more reliable transit service on Routes 10 and 11, which travel the length of Napa County. The Vine currently uses buses from 2002 and 2003 on those routes.

ATTACHMENT

- (1) Purchase Order 23- P3024



DRAFT

Purchase

VENDOR

Napa Valley Transportation
Authority
625 Burnell Street
Napa, CA 94559

Phone: 707-259-8631
Fax: 707-259-8636
Web: nvta.ca.gov

TRANSDEV Services, Inc.
720 E Butterfield Road
Suite 300
Lombard, IL 60148
POC: Cheryl Drake, General Manager-Napa
cheryl.drake@transdev.com | 707.253.4942

Purchase Order #: 23-P3024
Date: 11/15/2023
Vendor ID: 3872

Bill To:

NVTA
Accounts Payable
625 Burnell Street
Napa, CA 94559
ap@nvta.ca.gov

Ship To:

NVTA - VINE Transit Yard
- DROP LOCATION TO BE DETERMINED -
Napa, CA 94559
POC: Rebecca Schenck | 707.259.8636
rschenck@nvta.ca.gov

Requested By	Ship Date	Ship Via	FOB	Buyer	Terms	Tax ID
Schenck	TBD	Ground	DEST	Kulick	NET 30	68-471080

QTY	Item #	Units	Description	Discount	Taxable	Unit Price	Total
			PROJECT: REPLACEMENT TRANSIT VEHICLES				
6	N/A	EA	BUS, 2017 EL DORADO NATIONAL Axess, 35', CNG, Previously Owned 30 Passenger* +2 Wheelchair			\$234,129.00	\$1,404,774.00
			SEE ATTACHED SPECIFICATIONS				

NOTICE OF INCLUDED TERMS AND CONDITIONS

This purchase order is a federally funded contract and as such, certain mandatory terms and conditions apply to this purchase order. These provisions include, **but are not limited to** the provisions of Buy America 49 U.S.C. §5323(j), 49 C.F.R. Part 661; Cargo Preference 46 U.S.C. § 55305, 46 C.F.R. Part 381; Fly America 49 U.S.C. § 40118, 41 C.F.R. §§ 301-10.131 through 301-10.143; Bus Testing 49 C.F.R. Part 665; U.S. DOT Third Party Procurement Regulations 49 C.F.R. §18.36 or 40 C.F.R. §§19.40 through 19.48, FTA Circular 4220.1F (including all mandated terms and conditions contained in Appendix D-4) and FTA Master Agreement FTA MA(30).

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: _____

VEHICLE DESCRIPTION

**2017 BUS, EL DORADO NATIONAL, 35', AXESS,
CNG, PREVIOUSLY OWNED**

PASSENGER CAPACITY 30* +2 WHEELCHAIR, AVERAGE MILEAGE PER VEHICLE: 135,000, ALTOONA 12 YR/500K, HVAC, WHEELCHAIR RAMP – FRONT, LOW FLOOR, EXTERIOR COLOR GREY & GRAPHICS -, WHEELBASE 215", ENGINE CUMMINS L9N CNG, GWR 43,380, BODY LENGTH 35', Q'STRAIT SEATBELT/SAFETY RESTRAINT SYSTEM, SEATING BLACK FRAME/CLOTH, FLOOR COLOR GREY

SPECIAL SERVICES: Interior of vehicles will be reconfigured(*) to maximize seating capacity for public transit use, maintenance and inspection (vehicles non-op since 2020), bus wrap removal, and deep/detail cleaning service of vehicles, DMV registration

QTY		UNIT COST	VEHICLE QTY	TOTAL
1	VEHICLE	\$ 199,540.00	6	\$1,197,240.00
	<u>EACH VEHICLE WILL HAVE THE FOLLOWING SERVICES PERFORMED PRIOR TO DELIVERY AND ACCEPTANCE:</u>			
1	Remove Graphics and/or Wraps	\$ 700.00	6	\$ 4,200.00
1	Maintenance and Inspection Repair Services (to full operational status)	\$ 0.00	6	\$ 0.00
1	Repair Parts	\$ 850.00	6	\$ 5,100.00
1	Labor, Rate: \$125.00/hour; Seven (7) Hours per Vehicle	\$ 875.00	6	\$ 5,250.00
1	Reconfiguration of Seating, and 3-Position Bike Rack addition	\$ 28,014.00	6	\$ 168,084.00
1	Full Deep Clean and Detailing Services	\$ 650.00	6	\$ 3,900.00
1	DMV Registration / Plates	\$ 3,500.00	6	\$ 21,000.00
	SUBTOTAL	\$234,129.00	6	\$1,404,774.00
	TAX 7.75%			\$ 108,870.00
	TOTAL			\$1,513,644.00

PROJECT MANAGER: Rebecca Schenck, Manager – Public Transit
rschenck@nvta.ca.gov | 707.259.8636

DELIVERY: 12 Weeks ARO

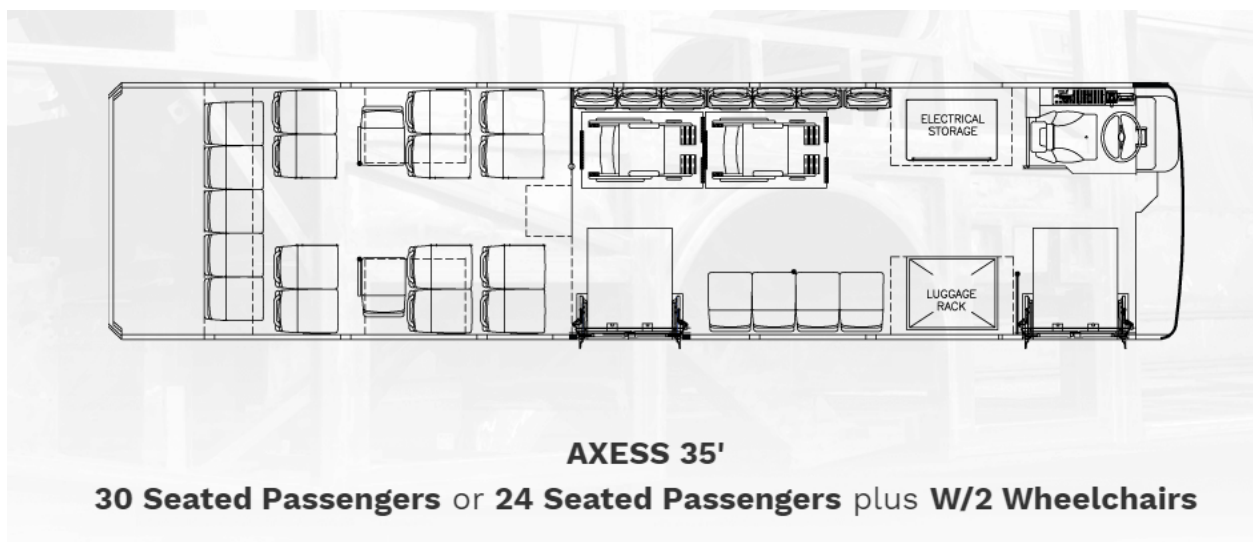
CURRENT VEHICLE LOCATION: CCW, 1863 Service Court
Riverside, CA 92507

WARRANTY: 1-year Labor, material, and repair parts

VEHICLES MUST BE FULLY OPERATIONAL AND PASS FINAL INSPECTION IAW WITH DOT REGULATIONS PRIOR TO ACCEPTANCE OF EACH VEHICLE. FINAL PAYMENT WILL BE MADE UPON ACCEPTANCE OF VEHICLE.

CONTINUED ON PAGE 3 OF 14

EL DORADO NATIONAL · AXESS · 35' · CNG



AXESS BUS SPECIFICATIONS

STANDARD CHASSIS EQUIPMENT

MODEL	AXESS 32' Low-Floor	AXESS 35' Low-Floor	AXESS 40' Low-Floor
MAXIMUM PASSENGER SEATING	25	35	43
LENGTH, BODY	396"	421.5"	481.5"
WIDTH, BODY	102"	102"	102"
HEIGHT, OVERALL W/ ROOF HVAC	128"	128"	128"
HEIGHT, OVERALL W/ CNG TANKS	136"	136"	136"
WHEELBASE	168"	215"	275"
FRONT OVERHANG	94"	94"	94"
REAR OVERHANG	118"	118"	118"
APPROACH ANGLE (DEG)	8.7°	8.7°	8.7°
BRAKEOVER ANGLE (DEG)	14°	12°	9°
DEPARTURE ANGLE (DEG)	8.7°	8.7°	8.7°
HEIGHT, FIRST STEP UNKNEELED	13.63"	13.63"	13.63"
HEIGHT, FIRST STEP KNEELED	10.63"	10.63"	10.63"
HEIGHT, INTERIOR @ FRONT AXLE	95"	95"	95"
HEIGHT, INTERIOR @ REAR AXLE	79"	79"	79"
STANDARD DOOR WIDTH, BETWEEN GRAB RAILS	34"	34"	34"
PASSENGER DOOR HEIGHT	79"	79"	79"
FMVSS 208 CERTIFIED PASSENGER SEAT BELTS	Available	Available	Available
ADA WHEELCHAIR RAMP ACCESSIBILITY	Front and/or Rear Doors	Front and/or Rear Doors	Front and/or Rear Doors
HVAC	Roof or Rear	Roof or Rear	Roof or Rear
ALTOONA TESTED	12y/500k	12y/500k	12y/500k

TECHNICAL SPECS	32' MODEL	35' MODEL	40' MODEL
GVWR	43,380 lbs.	43,380 lbs.	43,380 lbs.
AVAILABLE ENGINES	Cummins – L9 Diesel, L9N CNG, LNG and Allison Hybrid	Cummins – L9 Diesel, L9N CNG, LNG and Allison Hybrid	Cummins – L9 Diesel, L9N CNG, LNG and Allison Hybrid
AVAILABLE TRANSMISSIONS	Allison - B400R, Voith, ZF	Allison - B400R, Voith, ZF	Allison - B400R, Voith, ZF
FRONT AND REAR AXLES	Meritor	Meritor	Meritor
BRAKES	Air S-Cam Drum or Air Disc Brakes with ABS	Air S-Cam Drum or Air Disc Brakes with ABS	Air S-Cam Drum or Air Disc Brakes with ABS
TIRES	305/70R 22.5	305/70R 22.5	305/70R 22.5
FRONT AND REAR DOORS	Vapor Air - Slide Glide	Vapor Air - Slide Glide	Vapor Air - Slide Glide
ELECTRICAL SYSTEM	I/O Controls Multiplex - G2A, G3 or G4	I/O Controls Multiplex - G2A, G3 or G4	I/O Controls Multiplex - G2A, G3 or G4
SUSPENSION	Air Suspension Front And Rear	Air Suspension Front And Rear	Air Suspension Front And Rear

Estimated Invoice

Vehicle Type	El Dorado Natioanl 35' access CNG bus			
Contact	Rebecca Schenck		Ramp Location	Front
Agency	Napa County Transit		Seat Insert	Cloth
City State Zip	720 Jackson Street Napa, CA 94559		Seat frame color	BLCK
Phone	707-259-8636		Floor Color	Grey
E mail	rschenck@nvtta.ca.gov			

Description			
Quantity		Price	Extended Price
6	30' EZRM MAX CNG bus	\$199,540.00	\$1,197,240.00
6	Remove Graphic Wraps	\$700.00	\$4,200.00
6	Maintenance service and inspection repairs (units have not been in operation)		
6	Parts 850.00 per unit X6	\$850.00	\$5,100.00
6	Labor 7 hours per bus Labor rate 125.00 x 6 includes CNG Tank Inspection	\$875.00	\$5,250.00
6	Seating reconfigure install 3 position bike rack* CCW quote dated 10/10/23	\$ 28,014.00	\$168,084.00 *
6	Full Deep Cleaning and Detail	\$650.00	\$3,900.00
6	Registration/Tags Estimated 3500.00	\$3,500.00	\$21,000.00
	Total		\$1,404,774.00

Model year 2017 El Dorado National EZRM 30' shuttle bus.
Units have been parked since late 2020.
Average miles per unit are 135,000.
The estimate above does not include re-painting units.

* CCW has stated a 16 week lead time for the seats.

STANDARD FEDERAL CLAUSES

1. AMENDMENTS

Any changes in the activities to be performed under this Agreement shall be incorporated in written amendments, which shall specify the changes in work performed and any adjustments in compensation and schedule. All amendments shall be executed by the NVT A Executive Director or a designated representative and CONTRACTOR. No claim for additional compensation or extension of time shall be recognized unless contained in a duly executed amendment.

2. TERMINATION

Contractor's failure to perform any term or condition of this Agreement as a result of conditions beyond its control such as, but not limited to, war, strikes, fires, floods, acts of God, governmental restrictions, power failures, or damage or destruction of any network facilities or servers, shall not be deemed a breach of this Agreement, and may be cause for termination of the Agreement. (49 USC 5323 Sec 11)

3. RETENTION OF RECORDS

Contractor agrees to keep, in accordance with generally accepted accounting principles, all records pertaining to the project for audit purposes for a minimum of three (3) years following final payment to Contractor or four (4) years following the fiscal year of the last expenditure under this Agreement, whichever is longer, except in the event of litigation or settlement of claims arising from the performance of this contract, in which case Contractor agrees to maintain same until NVT A, the FTA Administrator, the Comptroller General, or any of their duly authorized representatives, have disposed of all such litigation, appeals, claims or exceptions related thereto. (49 USC 5323)

4. AUDITS

Contractor agrees to grant NVT A or any agency that provides NVT A with funds for the Project, including but not limited to, the U.S. Department of Transportation, FTA, the Comptroller General of the United States, the State, and their authorized representatives access to Contractor's books and records for the purpose of verifying that funds are properly accounted for and proceeds are expended in accordance with the terms of the Agreement. All documents shall be available for inspection during normal business hours at any time while the Project is underway, and for the retention period specified herein. The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed. (49 USC 5323 (g))

Contractor further agrees to include in all its third-party contracts hereunder a provision to the effect that the contractor agrees that NVT A, the U.S. Department of Transportation, FTA, the Comptroller General of the United States, the State, or any of their duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, during normal business hours, for the term specified above. The term "contract" as used in this clause excludes agreements not exceeding \$25,000.

5. LICENSE TO WORK PRODUCTS (reserved)

6. EQUAL EMPLOYMENT OPPORTUNITY/ CIVIL RIGHTS

In accordance with Title VI of the Civil Rights Act, as amended (42 U.S.C. § 2000d); Section 303 of the Age Discrimination Act of 1975, as amended (42 U.S.C. § 6102); Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132; and 49

U.S.C. § 5332 for federally funded projects, Contractor agrees that it will not, on the grounds of race, religious creed, color, national origin, age, physical disability, or sex, discriminate or permit discrimination against any employee or applicant for employment.

Further Contractor agrees to follow regulations as set forth under 41 CFR Part 60-1.4 (b) that

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

(3) The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

(4) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(5) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(6) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(7) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in

Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(8) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance:

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

7. DISADVANTAGED BUSINESS ENTERPRISES (DBE)

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the Napa Valley Transportation Authority to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offers, including those who qualify as a DBE. A DBE project goal of 0 percent has been established for this project. NVTA has an overall established DBE goal of 2.6 percent. The bidder/offers shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26, to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offers will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offers's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

The contractor, subrecipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 15 days from the receipt of each payment the prime contract receives from NVTA. The prime contractor agrees further to return retainage payments to each subcontractor within thirty days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the NVTA. This clause applies to both DBE and non-DBE subcontracts.

Failure to comply with the terms of this provision may result in any or all of the following actions including but not limited to:

1. A finding of material breach of contract

2. Suspension of payment of invoices

3. Bringing to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties result) provided in 26.109.

The obligation of the bidder/offers is to make good faith efforts. The bidder/offers can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26. Forms 1 and 2 should be provided as part of the solicitation documents.

8. VETERANS PREFERENCE

As required under 49 U.S.C. § 5325(k) Contractor shall give a hiring preference, to the extent practicable, to veterans (as defined in section 2108 of title 5) who have the requisite skills and abilities to perform the construction work required under the contract. This subsection shall not be understood, construed or enforced in any manner that would require an employer to give a preference to any veteran over any equally qualified applicant who is a member of any racial or ethnic minority, female, an individual with a disability, or a former employee.

9. INCORPORATION OF FEDERAL TRANSIT ADMINISTRATION (FTA) TERMS

In the event that this project is funded by FTA in whole or in part, all contractual provisions required by DOT, as set forth in FTA Circular 4220.1F are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all FTA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. The Contractor shall not perform any act, fail to perform any act, or refuse to comply with any NVTA requests which would cause NVTA to be in violation of the FTA terms and conditions.

10. AMERICANS WITH DISABILITIES ACT REQUIREMENTS
Contractor will comply with 49 CFR Parts 27, 37, and 38, implementing and Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, 29 USC 794, as amended.

11. ENERGY CONSERVATION PLAN

Contractor shall comply with all mandatory standards and policies relating to energy efficiency that are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 USC 6321) and Federal requirements under 49 CFR 662 Subpart C.

12. DEBARMENT

Contractor certifies that neither it nor any of its participants, principals, or subcontractors is or has been debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions, as they are defined in 49 CFR Part 29, by any Federal agency or department. Contractor is required to comply with 49 CFR 29, Subpart C and must include the requirement to comply with 49 CFR 29, Subpart C in any lower tier covered transaction it enters into.

By signing and submitting its bid or proposal, the bidder or proposer certifies as follows:

The certification in this clause is a material representation of fact relied upon by NVTA. If it is later determined that the bidder or proposer

knowingly rendered an erroneous certification, in addition to remedies available to NVTA, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The bidder or proposer agrees to comply with the requirements of 49 CFR 29, Subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

13. CLEAN AIR AND WATER POLLUTION ACTS

Contractor agrees to comply with the applicable requirements of all standards, orders, or requirements issued under the Clean Air Act (42 U.S.C. § 7401 *et seq.*), the Clean Water Act (33 U.S.C. § 1251 *et seq.*), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR Part 15). The Contractor agrees to report each violation to NVTA and understands and agrees that NVTA will, in turn, report each violation as required to assure notification to FTA and the appropriate EPA Regional Office. (2) The Contractor also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance.

14. LOBBYING

Contractor agrees to comply with the restrictions on the use of federal funds for lobbying activities set forth in 31 U.S.C. § 1352 and 49 CFR Part 20. In addition, in the event the Agreement exceeds \$100,000, Contractor agrees to comply with the Byrd Anti-Lobbying Amendment, 31 U.S.C. 1352, as amended by the Lobbying Disclosure Act of 1995, P.L. 104-65 and shall file the certification required by 49 CFR Part 20, "New Restrictions on Lobbying." Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. 1352. Such disclosures are forwarded from tier to tier up to the recipient. APPENDIX A, 49 CFR PART 20--CERTIFICATION REGARDING LOBBYING Certification for Contracts, Grants, Loans, and Cooperative Agreements (To be submitted with each proposal or offer exceeding \$100,000).

15. INDEMNIFICATION

To the fullest extent permitted by law, Contractor shall hold harmless, defend at its own expense, and indemnify NVTA and the officers, agents, employees and volunteers of NVTA from any and all liability, claims, losses, damages or expenses, including reasonable attorney's fees, for personal injury (including death) or damage to property, from claims that to the extent they arise out of, pertain to, or relate to the negligent acts or omissions of Contractor or its officers, agents, employees, volunteers, contractors and subcontractors in rendering professional services under this Agreement which constitute negligence, recklessness, or willful misconduct, excluding, however, such liability, claims, losses, damages or expenses arising from the negligence or willful acts of NVTA or its officers, agents, employees or volunteers or any third parties. Notwithstanding the foregoing, the parties agree that Contractor's obligation to defend the NVTA is solely limited to reimbursing NVTA for its reasonable costs for defending a claim including reasonable attorney's fee, incurred by NVTA which are

ultimately determined to be due to Contractor's negligence, recklessness or willful misconduct. Each party shall notify the other party immediately in writing of any claim or damage related to activities performed under this Agreement.

16. COMPLIANCE WITH LAWS

Contractor shall comply with any and all laws, statutes, ordinances, rules, regulations, and requirements of the federal, state or local government, and any agency thereof, including, but not limited to NVTA, the U.S. DOT and FTA, which relate to or in any manner affect the performance of this Agreement. Those law, statutes, ordinances, rules, regulations, and procedural requirements that are imposed on NVTA as a Recipient of federal or state funds are hereby in turn imposed on Contractor (including, but not limited to, 49 CFR Part 18, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments"), and are herein incorporated by this reference and made a part hereof.

17. BUY AMERICA REGULATIONS

Contractor agrees to comply with 49 U.S.C. 5323(j) and 49CFR Part 661 which provide that Federal funds may not be obligated unless steel, iron, and manufactured products used in FTA-funded projects are produced in the United States, unless a waiver has been granted by FTA or the product is subject to a general waiver. An Offeror must submit to the FTA recipient the appropriate Buy America certification with all proposals on FTA-funded contracts, except those subject to a general waiver. The Buy America Certification may be found on file in the offices of NVTA. Proposals or offers that are not accompanied by a completed Buy America certification must be rejected as nonresponsive. This requirement does not apply to lower tier subcontractors.

18. COMPLIANCE WITH FTA REGULATIONS

Contractor shall at all times comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the Master Agreement between NVTA and FTA, as they may be amended or promulgated from time to time during the term of this contract. Contractor's failure to so comply shall constitute a material breach of this contract.

19. DAVIS-BACON ACT

(a) Minimum wages

(i) All laborers and mechanics employed or working upon the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph (1)(iv) of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are

deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR Part 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

(ii)(A) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(1) Except with respect to helpers as defined as 29 CFR 5.2(n)(4), the work to be performed by the classification requested is not performed by a classification in the wage determination; and

(2) The classification is utilized in the area by the construction industry; and

(3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination; and

(4) With respect to helpers as defined in 29 CFR 5.2(n)(4), such a classification prevails in the area in which the work is performed.

(B) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-Day period that additional time is necessary.

(C) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(D) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs (a)(1)(ii) (B) or (C) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(iii) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit

which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(iv) If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

(v)(A) The contracting officer shall require that any class of laborers or mechanics which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(1) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(2) The classification is utilized in the area by the construction industry; and

(3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(B) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(C) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(D) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs (1)(iv) (B) or (C) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(b) Withholding

The NVTA shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld from the contractor under this contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to

pay laborers and mechanics, including apprentices, Trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), all or part of the wages required by the contract, the NVTA may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

(c) Payrolls and basic records

(i) Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work (or under the United States Housing Act of 1937, or under the Housing Act of 1949, in the construction or development of the project). Such records shall contain the name, address, and social security number of each worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or Trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and Trainees, and the ratios and wage rates prescribed in the applicable programs.

(ii)(A) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the NVTA for transmission to the Federal Transit Administration. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR part 5. This information may be submitted in any form desired. Optional Form WH-347 is available for this purpose and may be purchased from the Superintendent of Documents (Federal Stock Number 029-005-00014-1), U.S. Government printing office, Washington, DC 20402. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors.

(B) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(1) That the payroll for the payroll period contains the information required to be maintained under 29 CFR part 5 and that such information is correct and complete;

(2) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part

3;

(3) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(C) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph (3)(ii)(B) of this section.

(D) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

(iii) The contractor or subcontractor shall make the records required under paragraph (3)(i) of this section available for inspection, copying, or transcription by authorized representatives of the Federal Transit Administration or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the Federal agency may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

(d) Apprentices and Trainees

(i) Apprentices - Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training, or with a State Apprenticeship Agency recognized by the Bureau, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractors or subcontractors registered program shall be observed. Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator of the Wage and Hour Division of the

U.S. Department of Labor determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination. In the event the Bureau of Apprenticeship and Training, or a State Apprenticeship Agency recognized by the Bureau, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(ii) Trainees - Except as provided in 29 CFR 5.16, Trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration. The ratio of Trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every Trainee must be paid at not less than the rate specified in the approved program for the Trainee level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the Trainee program. If the Trainee program does not mention fringe benefits, Trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a Trainee rate who is not registered and participating in a Training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any Trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a Training program, the contractor will no longer be permitted to utilize Trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(iii) Equal employment opportunity - The utilization of apprentices, Trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

(e) Compliance with Copeland Act requirements: The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

(f) Subcontracts: The contractor or subcontractor shall insert in any subcontracts the clauses contained in 29 CFR 5.5(a)(1) through (10) and such other clauses as the Federal Transit Administration may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

(g) Contract termination: debarment - A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

(h) Compliance with Davis-Bacon and Related Act requirements: All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

(i) Disputes concerning labor standards: Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

(j) Certification of eligibility:

(i) By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(ii) No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(iii) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

20. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

(a) Overtime requirements: No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

(b) Violation; liability for unpaid wages; liquidated damages : In the event of any violation of the clause set forth in paragraph (1) of this section the contractor and any subcontractor responsible therefore shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1) of this section.

(c) Withholding for unpaid wages and liquidated damages : The (write in the name of the grantee) shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2) of this section.

(d) Subcontracts: The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraphs (1) through (4) of this section and also a clause requiring the

subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1) through (4) of this section. (40 USC 3701-3708)

21. NO GOVERNMENT OBLIGATION TO THIRD PARTIES

(a) Contractor acknowledges and agrees that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this contract and shall not be subject to any obligations or liabilities to NVTA, Contractor, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

(b) The Contractor agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

22. PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS AND RELATED ACT

(a) The Contractor acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. § 3801 et seq. and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 C.F.R. Part 31, apply to its actions pertaining to this Project. Upon execution of the underlying contract, the Contractor certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying contract or the FTA assisted project for which this contract work is being performed. In addition to other penalties that may be applicable, the Contractor further acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986 on the Contractor to the extent the Federal Government deems appropriate.

(b) The Contractor also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government under a contract connected with a project that is financed in whole or in part with Federal assistance originally awarded by FTA under

the authority of 49 U.S.C. § 5307, the Government reserves the right to impose the penalties of 18 U.S.C. § 1001 and 49 U.S.C. § 5307(n)(1) on the Contractor, to the extent the Federal Government deems appropriate. (3) The Contractor agrees to include the above two clauses in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject

23. CARGO PREFERENCE-U.S.FLAG

(a) Agreement Clauses. "Use of United States-flag vessels:

(1) Pursuant to Pub. L. 664 (43 U.S.C. 1241(b)) at least 50 percent of any equipment, materials or commodities procured, contracted for or otherwise obtained with funds granted, guaranteed, loaned, or advanced by the U.S. Government under this agreement, and which may be transported by ocean vessel, shall be transported on privately owned United States-flag commercial vessels, if available.

(2) Within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside

the United States, a legible copy of a rated, 'on-board' commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (a)(1) of this section shall be furnished to the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading).

(b) Contractor and Subcontractor Clauses. "Use of United States-flag vessels: The contractor agrees-

(1) To utilize privately owned United States-flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to this contract, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels.

(2) To furnish within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, 'on-board' commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (b) (1) of this section to the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading).

(3) To insert the substance of the provisions of this clause in all subcontracts issued pursuant to this contract.

24. SAFE OPERATION OF MOTOR VEHICLES

Contractor agrees to comply with the Seat Belt Use and Distracted Driving clauses under 23 U.S.C Section 402 as outlined in Executive Orders No. 13043 and 13513.

25. BUS TESTING

Each third party contract to acquire a new bus model or a bus with significant alterations to an existing model must include provisions to assure compliance with applicable requirements of 49 U.S.C. Section 5318, as amended by MAP-21, and FTA regulations, "Bus Testing," 49 CFR Part 665.

26. PREAWARD REVIEW AND POST DELIVERY REVIEW

Each third party contract to acquire rolling stock must include provisions for compliance with applicable requirements of 49 U.S.C. Section 5323(m) and those provisions of FTA regulations, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 CFR Part 663, that do not conflict with 49 U.S.C. Section 5323(m).

27. SEISMIC SAFETY

The Contractor agrees to comply with the Earthquake Hazards Reduction Act of 1977, as amended, 42 U.S.C. §§ 7701 et seq., in accordance with Executive Order No. 12699, "Seismic Safety of Federal and Federally-Assisted or Regulated New Building Construction," 42 U.S.C. § 7704 note, and comply with implementing U.S. DOT regulations, "Seismic Safety," 49 C.F.R. Part 41 (specifically, 49 C.F.R. § 41.117).

28. FEDERAL CHANGES

The Contractor shall at all times comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the Master Agreement between NVTA and FTA, as they may be amended or promulgated from time to time during the term of this contract. The Contractor's failure to comply shall constitute a material breach of this contract in compliance with 49 CFR Part 18.

29. BONDING REQUIREMENTS

For those construction or facility improvement contracts or

subcontracts exceeding \$100,000, FTA may accept the bonding policy and requirements of the recipient, provided that they meet the minimum requirements for construction contracts. Bid Bond Requirements (Construction)

a) Bid Security: A Bid Bond must be issued by a fully qualified surety company acceptable to NVTA and listed as a company currently authorized under 31 CFR, Part 223 as possessing a Certificate of Authority as described thereunder.

b) Rights Reserved: In submitting this Bid, it is understood and agreed by bidder that the right is reserved by NVTA to reject any and all bids, or part of any bid, and it is agreed that the Bid may not be withdrawn for a period of [ninety (90)] days subsequent to the opening of bids, without the written consent of NVTA. It is also understood and agreed that if the undersigned bidder should withdraw any part or all of his bid within [ninety (90)] days after the bid opening without the written consent of NVTA, shall refuse or be unable to enter into this Contract, as provided above, or refuse or be unable to furnish adequate and acceptable Performance Bonds and Labor and Material Payments Bonds, as provided above, or refuse or be unable to furnish adequate and acceptable insurance, as provided above, he shall forfeit his bid security to the extent of NVTA's damages occasioned by such withdrawal, or refusal, or inability to enter into an agreement, or provide adequate security therefor. It is further understood and agreed that to the extent the defaulting bidder's Bid Bond, Certified Check, Cashier's Check, Treasurer's Check, and/or Official Bank Check (excluding any income generated thereby which has been retained by NVTA as provided in [Item x "Bid Security" of the Instructions to Bidders]) shall prove inadequate to fully recompense NVTA for the damages occasioned by default, then the undersigned bidder agrees to indemnify NVTA and pay over to NVTA the difference between the bid security and NVTA's total damages, so as to make NVTA whole. The undersigned understands that any material alteration of any of the above or any of the material contained on this form, other than that requested will render the bid unresponsive.

Performance and Payment Bonding Requirements (Construction) - The Contractor shall be required to obtain performance and payment bonds as follows:

a) Performance bonds

i) The penal amount of performance bonds shall be 100 percent of the original contract price, unless NVTA determines that a lesser amount would be adequate for the protection of NVTA.

ii) NVTA may require additional performance bond protection when a contract price is increased. The increase in protection shall generally equal 100 percent of the increase in contract price. NVTA may secure additional protection by directing the Contractor to increase the penal amount of the existing bond or to obtain an additional bond.

b) Payment bonds

i) The penal amount of the payment bonds shall equal:

(1) Fifty percent of the contract price if the contract price is not more than \$1 million; or

(2) Forty percent of the contract price if the contract price is more than \$1 million but not more than \$5 million; or

(3) Two and one half million if the contract price is more than \$5 million

ii) If the original contract price is \$5 million or less, NVTA may require additional protection as required by subparagraph 1 if the contract price is increased.

Advance Payment Bonding Requirements - The Contractor may be required to obtain an advance payment bond if the contract contains an advance payment provision and a performance bond is not furnished. NVTA shall determine the amount of the advance

payment bond necessary to protect NVTA.

Patent Infringement Bonding Requirements (Patent Indemnity) - The Contractor may be required to obtain a patent indemnity bond if a performance bond is not furnished and the financial responsibility of the Contractor is unknown or doubtful. NVTA shall determine the amount of the patent indemnity to protect NVTA.

Warranty of the Work and Maintenance Bonds

a) The Contractor warrants to NVTA, the Architect and/or Engineer that all materials and equipment furnished under this Contract will be of highest quality and new unless otherwise specified by NVTA, free from faults and defects and in conformance with the Contract Documents. All work not so conforming to these standards shall be considered defective. If required by the NVTA, the Contractor shall furnish satisfactory evidence as to the kind and quality of materials and equipment.

b) The Work furnished must be of first quality and the workmanship must be the best obtainable in the various trades. The Work must be of safe, substantial and durable construction in all respects. The Contractor hereby guarantees the Work against defective materials or faulty workmanship. General Conditions a minimum period of one (1) year after Final Payment by NVTA and shall replace or repair any defective materials or equipment or faulty workmanship during the period of the guarantee at no cost to NVTA. As additional security for these guarantees, the Contractor shall, prior to the release of Final Payment, furnish separate Maintenance (or Guarantee) Bonds in form acceptable to NVTA written by the same corporate surety that provides the Performance Bond and Labor and Material Payment Bond for this Contract. These bonds shall secure the Contractor's obligation to replace or repair defective materials and faulty workmanship for a minimum period of one (1) year after Final Payment and shall be written in an amount equal to ONE HUNDRED PERCENT (100%) of the CONTRACT SUM, as adjusted (if at all).

30. RECYCLED PRODUCTS PREFERENCE

To the extent applicable, the Contractor agrees to comply with the U.S. Environmental Protection Agency (U.S. EPA), "Comprehensive Procurement Guideline for Products Containing Recovered Materials," 40 C.F.R. Part 247, which implements section 6002 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6962. Accordingly, the Contractor agrees to provide a competitive preference for products and services that conserve natural resources, protect the environment, and are energy efficient, except to the extent that the Federal Government determines otherwise in writing.

31. PRIVACY ACT

The Contractor agrees to comply with, and assures the compliance of its employees with, the information restrictions and other applicable requirements of the Privacy Act of 1974, 5 U.S.C. § 552a. Among other things, the Contractor agrees to obtain the express consent of the Federal Government before the Contractor or its employees operate a system of records on behalf of the Federal Government. The Contractor understands that the requirements of the Privacy Act, including the civil and criminal penalties for violation of that Act, apply to those individuals involved, and that failure to comply with the terms of the Privacy Act may result in termination of the underlying contract.

32. BREACHES AND DISPUTE RESOLUTION

In compliance with 49 CFR Part 18/FTA Circular 4220.1F: *Disputes* - Disputes arising in the performance of this Contract which are not resolved by agreement of the parties shall be decided in writing by the authorized representative of NVTA. This decision shall be final and conclusive unless within [ten (10)] days from the date of receipt of its copy, the Contractor mails or otherwise furnishes a written appeal to the NVTA. In connection with any such appeal, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its position. The decision of the NVTA shall be binding upon the Contractor and the Contractor shall abide by the decision.

Performance During Dispute - Unless otherwise directed by NVTA, Contractor shall continue performance under this Contract while matters in dispute are being resolved.

Claims for Damages - Should either party to the Contract suffer injury or damage to person or property because of any act or omission of the party or of any of his employees, agents or others for whose acts

he is legally liable, a claim for damages therefore shall be made in writing to such other party within a reasonable time after the first observance of such injury or damage.

Remedies - Unless this contract provides otherwise, all claims, counterclaims, disputes and other matters in question between the NVTA and the Contractor arising out of or relating to this agreement or its breach will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State in which the NVTA is located.

Rights and Remedies - The duties and obligations imposed by the Contract Documents and the rights and remedies available thereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law. No action or failure to act by the NVTA or Contractor shall constitute a waiver of any right or duty afforded any of them under the Contract, nor shall any such action or failure to act constitute an approval of or acquiescence in any breach thereunder, except as may be specifically agreed in writing.

33. ADA ACCESS REQUIREMENTS

Contractor must comply with the requirements that are applicable to

A. Title I of the Americans with Disabilities Act of 1990 (ADA), as amended, 42 U.S.C. Section 12101 et seq.;

B. Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. Section 794;

C. Section 16 of the Federal Transit Act, as amended, 49 U.S.C. Section 5301 (d);

D. U.S. DOT regulations, "Transportation for Individuals with Disabilities," 49 C.F.R. Parts 27, 37 and 38 and 36 C.F.R. Part 1192;

E. U.S. Architectural and Transportation Barriers Compliance Board, "ADA Accessibility Guidelines for Buildings and Facilities," (ADAAG);

F. U.S. Department of Justice (DOJ) regulations, "Nondiscrimination on the Basis of Disability in State and Local Government Services," 28 C.F.R. Part 35;

G. U.S. DOJ Regulations, "Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities," 28 C.F.R. Part 36;

H. U.S. General Services Administration regulations, "Accommodations for the Physically Handicapped," 41 C.F.R. Subpart 101-19;

I. U.S. Equal Employment Opportunity Commission (EEOC), "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 C.F.R. Part 1630.

J. U.S. Federal Communications Commission regulations, "Telecommunications Relay Services and Related Customer Premises Equipment for the Hearing and Speech Disabled," 47 C.F.R. Part 64, Subpart F.



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Vine Transit Update

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVRTA) Board receive the first quarter Fiscal Year (FY) 2023-24 Vine Transit update.

EXECUTIVE SUMMARY

This report summarizes the Vine's operational performance during the first quarter for Fiscal Year (FY) 2023-24, covering the period July 1 to September 30, 2023. The board memo compares the first quarter of FY 2023-24 to the fourth quarter of FY 2018-19 to provide context on how ridership compares to pre-COVID ridership levels and compares to the prior quarter to provide insight to more recent ridership trends.

FISCAL IMPACT

Is there a Fiscal Impact? No



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Letter

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

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board receive the first quarter Fiscal Year (FY) 2023-24 Vine Transit update.

BACKGROUND

August 13 Service Changes

The most recent schedule changes commenced on Sunday, August 13th to correspond with the start of the school year. As previously presented, the service changes included:

- City of Napa – Renamed all the local routes and added two new ones while reducing the on-demand service area
- Route 10 – Added four additional weekday round trips, bringing the headways down to 30-minutes during peak times, and stopping on the Yountville Veteran's Home property on select trips
- Route 11 – Minor changes to the timetable
- Route 29 – Minor changes to the timetable
- Reinstating the St. Helena and American Canyon School Trippers

This means that the data for this quarter is split between two schedules with one schedule running from July 1, 2023 to August 12, 2023 and the new schedule running from August 13, 2023 to September 30, 2023.

Vine Transit Performance

The first four tables compare ridership across different services in the first quarter of Fiscal Year 2023-2024 (July to September) to the first quarter of Fiscal Year 2018-2019, which was the last first quarter that was unaffected by the COVID-19 pandemic. This allows us to present ridership today compared to pre-COVID levels.

Table 1 shows that the eight fixed routes in the City of Napa in the fourth quarter of FY 2018-19 carried 94,940 riders compared to the 31,064 riders on the four to six fixed routes available in FY 2023-24, a decrease of 69%. The on-demand service operating in the City of Napa served 2,358 riders during the first quarter of FY 2023-24 so the overall decrease in ridership in the City of Napa was 67%. The changes implemented on August 13, 2023 increased the number of fixed routes in Napa in an effort to increase the City of Napa ridership significantly.

Table 1: City of Napa - Comparing Q1 of FY19 & Q4 of FY24

	FY 18/19	FY 23/24	% Difference	Numerical Difference
Napa Local On-Demand	0	2,358	N/A	2,358
Fixed Route	94,940	28,706	-69.76%	-66,234
Total	94,940	31,064	-67.28%	-63,876

Overall, Table 2 shows that the regional routes have recovered faster than the local City of Napa routes. There was a 38 % decrease in ridership on the regional routes from FY 19 to FY 24. The Route 10 is performing the best at 29% below pre-pandemic ridership levels. The August 13th changes brought the Route 10 service hours in line with pre-pandemic levels and aim to make Route 10 ridership rise even further. Regional routes have maintained consistent revenue hours and service types over the past three years, contributing to their swift ridership recovery.

Table 2: Routes 10, 11, 11X, 21 and 29 Ridership – Comparing Q1 of FY19 & Q1 of FY24

	FY 18/19	FY 23/24	% Difference	Numerical Difference
Route 10	57,066	40,127	-29.68%	-16,939
Route 11	63,648	33,738	-46.99%	-29,910
Route 11X	0	944	N/A	944
Route 21	5,323	4,053	-23.86%	-1,270
Route 29	16,815	9,254	-44.97%	-7,561
Total	142,852	88,116	-38.32%	-54,736

Table 3 on the next page indicates that ridership recovery on the community shuttle varies greatly by community. The City of American Canyon is performing basically at pre pandemic ridership levels with a difference of only 14 riders. Meanwhile the Yountville Bee is performing at 62% below pre pandemic levels.

Table 3: Community Shuttles– Comparing Q1 of FY19 & Q1 of FY24

	FY 18/19	FY 23/24	% Difference	Numerical Difference
Calistoga Shuttle	7,049	4,525	-35.81%	-2,524
St. Helena Shuttle	3,615	1,463	-59.53%	-2,152
Yountville Bee	3,611	1,345	-62.75%	-2,266
American Canyon Transit	5,181	5,167	-0.27%	-14
Total	19,456	12,500	-35.75%	-6,956

VineGo Ridership, as shown in Table 4, also remains low compared (-34.56%) to pre-pandemic levels. It's understandable that VineGo ridership has been slow to return given those eligible for VineGo tend to be the most vulnerable to COVID-19.

Table 4: VineGo Ridership – Comparing Q1 of FY19 & Q1 FY24

	FY 18/19	FY 23/24	% Difference	Numerical Difference
VineGo	6,002	3,928	-34.56%	-2,074

While Vine ridership has not rebounded to pre-pandemic levels, there is still a reason to be optimistic as the system is showing year-over-year system ridership gains since the 4th quarter of FY 2019-20. Ridership gains, however, have not been consistent among all routes.

Tables 5- 7, compare the fourth quarter of FY 2022-23 (April 2023 – June 2023) to the first quarter of FY 2023-24 (July 1, 2023 to September 30, 2023) to provide recent ridership trends. City of Napa ridership showed a promising increase over the latter half of the first quarter which resulted in an additional 7,658 riders.

Table 5: City of Napa Ridership – Comparing Q4 of FY23 & Q1 of FY24

	Q4 FY 23	Q1 FY 24	% Difference	Numerical Difference
Local/Route A On-Demand	3,979	2,358	-40.74%	-1,621
Route North	13,217	6,312	-52.24%	-6,905
Route South	3,405	1,244	-63.47%	-2,161
Route West	6,113	3,605	-41.03%	-2,508
Route East	644	1,463	127.17%	819
Route B	0	3,042	N/A	3,042

Route C	0	8,080	N/A	8,080
Route D	0	921	N/A	921
Route E	0	1,184	N/A	1,184
Route F	0	1,690	N/A	1,690
Route G	0	1,165	N/A	1,165
Total	23,379	31,064	32.87%	7,685

Ridership increased 11% compared to the prior quarter on almost all regional and express routes (Table 6). As previously mentioned, these trends aren't surprising given the return of school and the start of harvest.

Beyond ridership on local routes, it is also important to track passengers per revenue hour. This is a measure of the number of people on the bus for every hour that it is in service. It does not include the deadhead, which is the time leading to and from the maintenance yard. In Chart 1 below, which includes data on weekdays, you can see that passengers per revenue hour went up slightly compared to the prior quarter, but it is down compared to the FY 22/23 first quarter. It is down over the prior year because even though ridership went up, the number of revenue hours also rose significantly leading to a decrease in this efficiency measure.

Chart 1: Passengers per Revenue Hour (Weekdays)

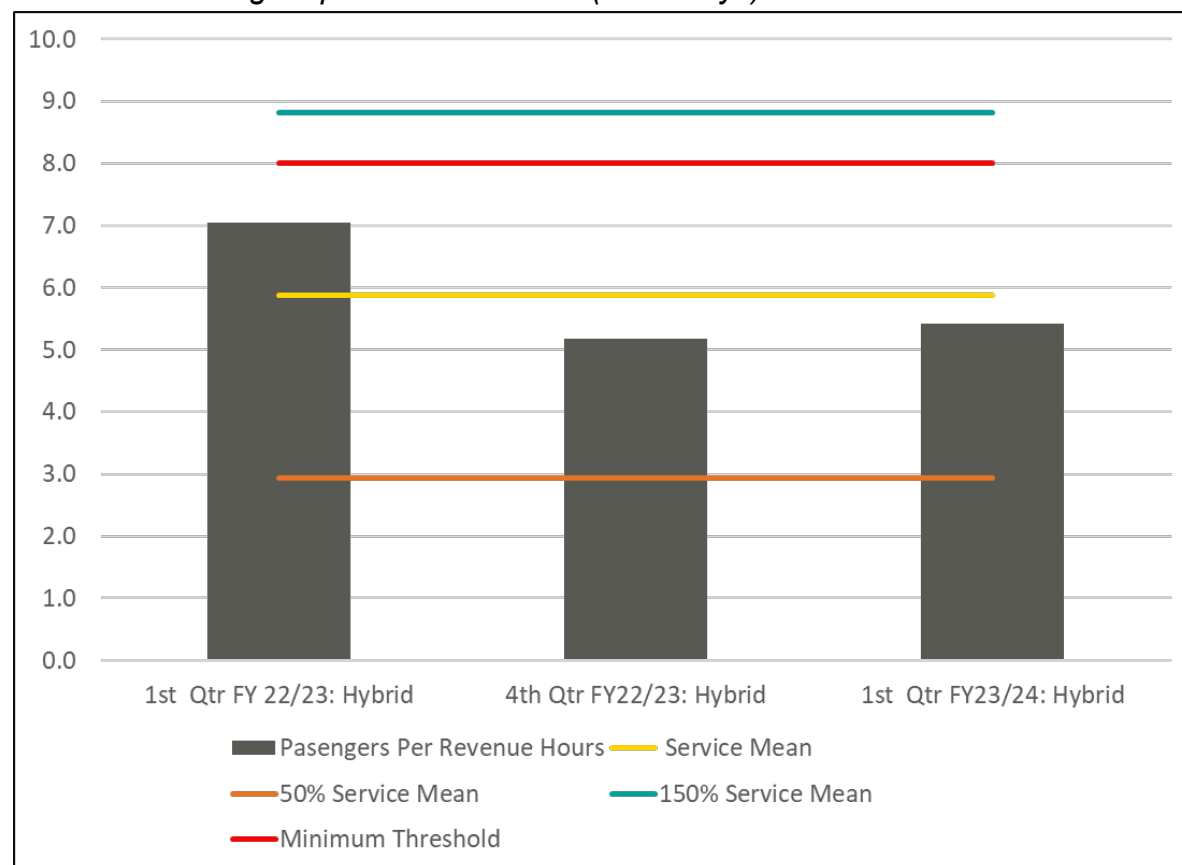


Chart 2 provides a further breakdown of the first quarter FY 23/24 hybrid service (far right column in Chart 1). It shows that the passengers per revenue hour vary a lot by route. The Routes North, East and C have passengers per revenue hour above the 8 minimum threshold. All other fixed routes were in the 3 to 6 range with Vine on-demand (later Route A) coming in below 2 passengers per revenue hour.

Chart 2: Local Service Passengers per Revenue Hour (Weekdays)

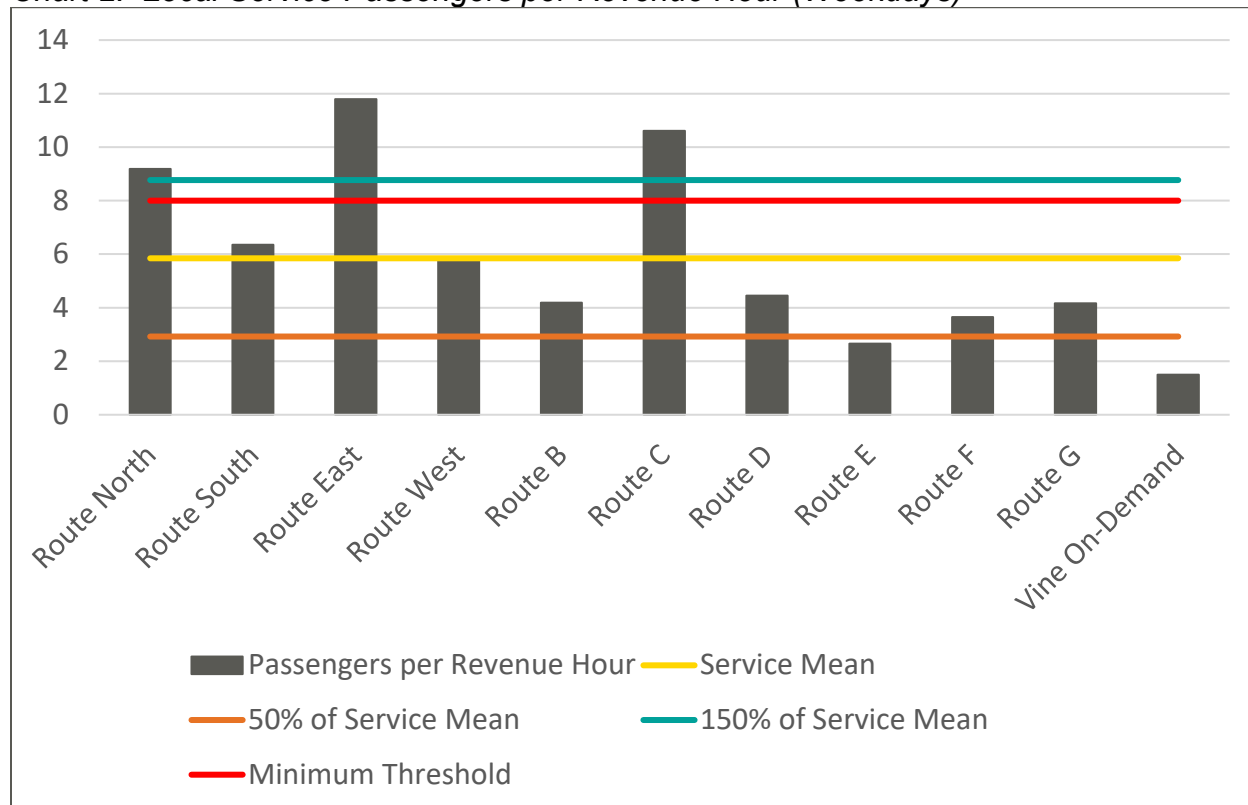


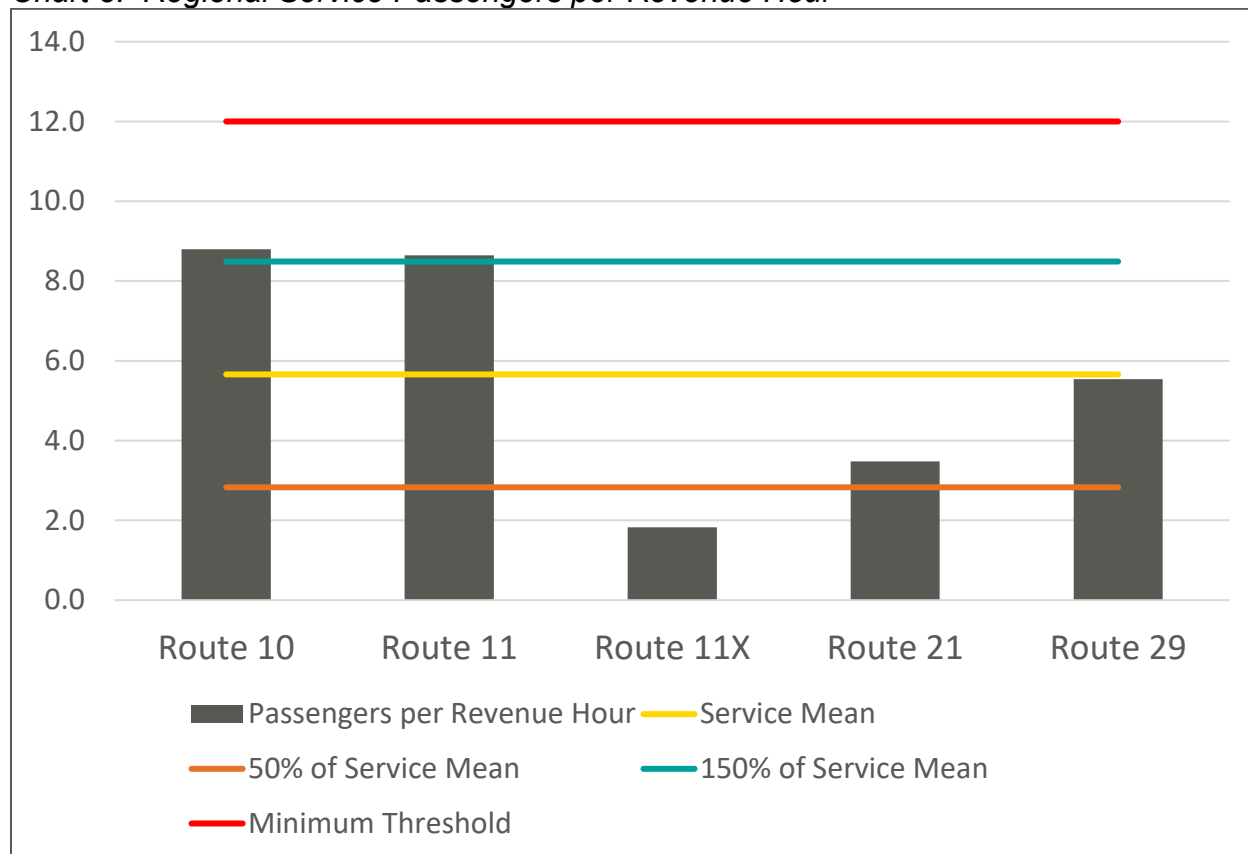
Table 6: Routes 10, 11, 11x, 21 & 29 Ridership – Comparing Q4 of FY23 & Q1 of FY24

	Q4 FY 23	Q1 FY 24	% Difference	Numerical Difference
Route 10	36,103	40,127	11.15%	4,024
Route 11	29,405	33,738	14.74%	4,333
Route 11X	673	944	40.27%	271
Route 21	3,482	4,053	16.40%	571
Route 29	9,226	9,254	0.30%	28
Total	78,889	88,116	11.70%	9,227

Passenger per revenue hour data on the weekdays on the regional routes shows that Routes 10 and 11 continue to be our most efficient regional routes. The Routes 10 and 11 have passengers per revenue hour over 8, but still below the pre-COVID minimum

threshold of 12 passengers per revenue hour. The least productive route remains the Route 11X, which is geared towards Ferry commuters. It is a combination of a history of missed trips on the Route 11X and moving the City of Napa stop away from Soscol Gateway Transit Center and to the Imola Park and Ride.

Chart 3: Regional Service Passengers per Revenue Hour



Ridership increased on the community shuttles by 8% compared to the fourth quarter of the current fiscal year as seen in Table 7. Only the St. Helena Shuttle experienced a small ridership decrease with school out for July and part of August.

Table 7: Community Shuttles– Comparing Q4 of FY23 & Q1 of FY24

	Q4 FY 23	Q1 FY 23	% Difference	Numerical Difference
Calistoga Shuttle	3,934	4,525	15.02%	591
St. Helena Shuttle	1,588	1,463	-7.87%	-125
Yountville Bee	1,087	1,345	23.74%	258
American Canyon Transit	4,922	5,167	4.98%	245
Total	11,531	12,500	8.40%	969

VineGo ridership closely followed the prior quarter as COVID outbreaks at some adult daycare programs closed the programs for a few days in September. Ridership remained relatively flat compared to the previous quarter as seen in Table 8.

Table 8: VineGo Ridership – Comparing Q4 of FY23 & Q1 of FY24

	Q4 FY 23	Q1 FY 24	% Difference	Numerical Difference
VineGo	3,934	3,928	-0.15%	-6

Table 9 shows Q1 ridership over the past five fiscal years to provide an even broader context on the fluctuations of ridership pre and post-COVID.

Table 9: Ridership – Comparing Q1 of FYs 2019-24

	Q1 FY20	Q1 FY21	Q1 FY22	Q1 FY23	Q1 FY24
Fixed Route	205,412	60,936	86,938	112,332	116,822
Demand Response	28,092	19,535	21,191	18,721	18,786
Total	233,504	80,471	108,129	131,053	135,608

Chart 4 below breaks down the fixed route data in Table 9 across 1st quarters and also adds in the prior quarter to visually show the changes. The narrative differs by route. For Routes 10 and 11, there has been an increase in ridership first quarter to first quarter after the initial COVID impact in the first quarter of FY 20/21. For Express Routes like 11X, 21 and 29, ridership has remained consistently low since the onset of COVID. Finally for the Local Routes/OD in the City of Napa, the ridership has been more sporadic since COVID, but overall are significantly below pre-COVID levels

Chart 4: Total Ridership Change

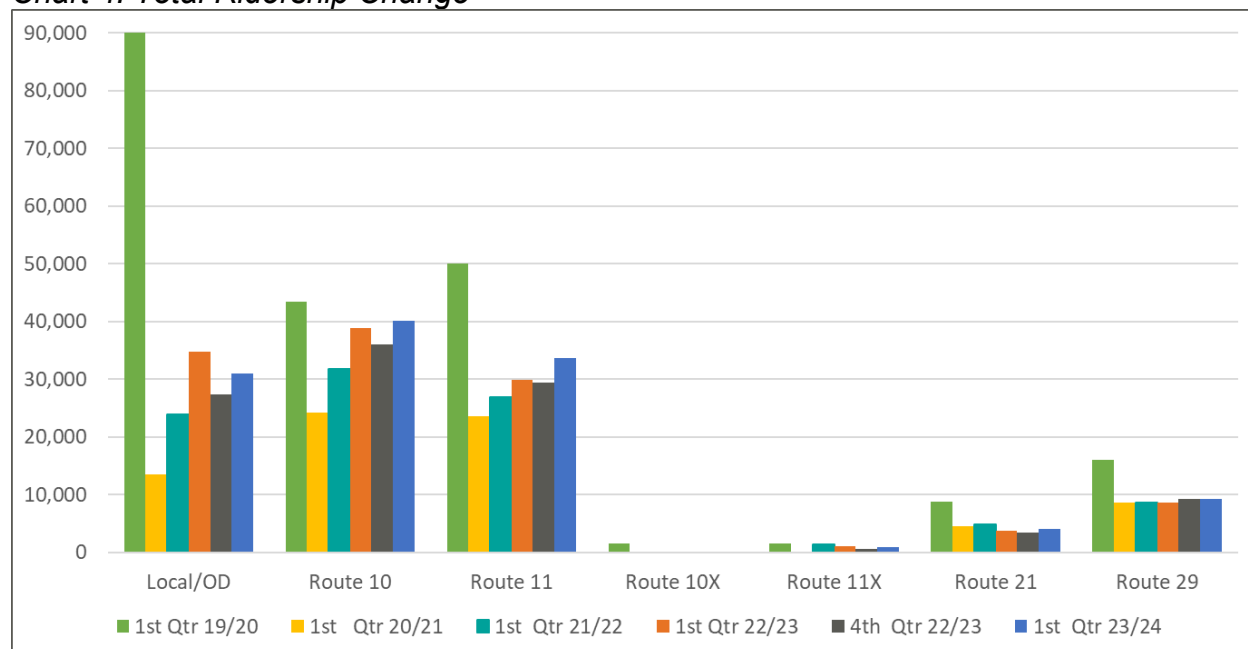


Chart 5 below takes the demand response data from Table 9 and segments it across the different services. Once again there are differences across the service's responses to COVID with services like the St Helena Shuttle and the Yountville Bee remaining at below 50% of pre-COVID levels while at the other end of the spectrum services like American Canyon Transit are close to pre COVID ridership levels.

Chart 5: Total Demand Response Ridership Change

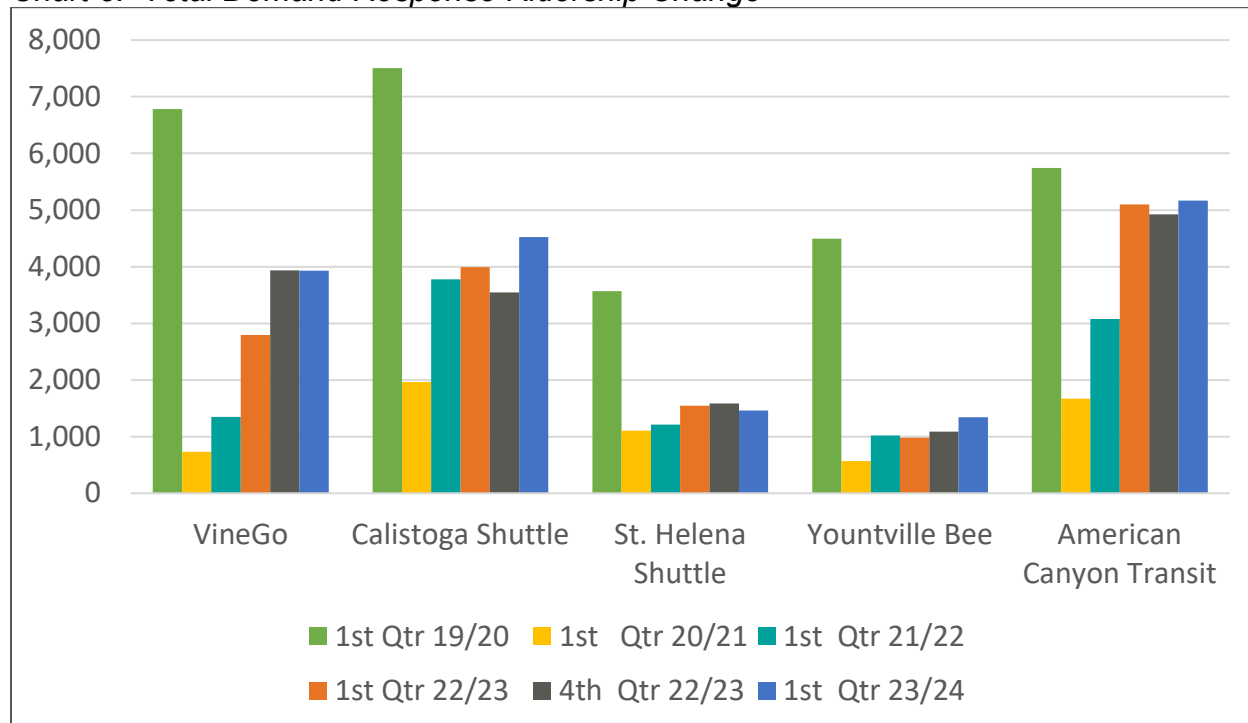


Table 10 shows full fiscal year ridership over the past five years to add further context on the annual fluctuations of ridership pre and post-COVID. The data shows a significant decline in ridership in FY 21 followed by a slow, but consistent recovery.

Table 10: Overall Ridership – Comparing FYs 2019 - 24

	FY19	FY20	FY21	FY22	FY23
Fixed Route	957,403	736,341	236,775	369,444	413,166
Demand Response	103,701	88,485	78,711	71,821	74,829
Total	1,061,104	824,826	315,486	441,265	487,995

Table 11 shows the on-time performance for Vine fixed route services. NVTA's acceptable threshold for on-time performance is 90% (using the following thresholds: 1 minute early and 5 minutes late). The table only shows routes that operated over the entire quarter. Given the number of new drivers, mechanical issues and associated

system challenges, most routes are showing low on-time performance. Data was not available for the local routes that started on August 13th.

Table 11: On-Time Performance for Q4 of FY23

	On-Time	Early	Late
Route 10	44.8%	16.9%	38.4%
Route 11	64.1%	9.9%	27.6%
Route 11X	47.5%	13.5%	39.0%
Route 21	42.8%	26.4%	30.8%
Route 29	49.5%	18.1%	32.4%

Finally, the Vine missed trips significantly declined from the fourth quarter of FY 2023 to the first quarter of FY 2024 as NVTA was able to hire more drivers and the number of COVID 19 infections and exposures decreased among current drivers. Mechanical issues now represent a greater percentage of missed trips as the Vine fleet ages, especially those in September.

Table 12: Missed Trips During Q1 of FY 2023 and FY 2024

	Regular Missed Trips		On-Demand Missed Trips	
	Q1 of FY 2023	Q1 of FY 2024	Q1 of FY 2023	Q1 of FY 2024
July	86	10	52	1
August	91	33	99	2
September	82	27	68	12
Total	259	70	219	16

ATTACHMENTS

None