

Napa Valley Transportation Authority

625 Burnell Street
Napa, CA 94559



Agenda - Final

**Wednesday, October 16, 2024
1:00 PM**

JoAnn Busenbark Board Room

NVRTA Board of Directors and (County of Napa Board of Supervisors*)

*This meeting is also being noticed as a Board of Supervisors' meeting due to having 2 current Board Members (Supervisors Pedroza and Gregory) and 1 Supervisor-Elect (Councilmember Alessio) in attendance.

All materials relating to an agenda item for an open session of a regular meeting of the NVRTA Board of Directors are posted on the NVRTA 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

2) To join the Zoom meeting by phone: dial 1-669-900-6833, enter meeting ID: 864 1754 4351 If asked for the participant ID or code, press #.

3) Watch live on YouTube: <https://www.youtube.com/channel/UCrplCw9uRmA0EE6w-eKZyw?app=desktop>

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 NVRTA 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 NVRTA 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. Pledge of Allegiance
3. Approval of Board Member Remote Participation
4. Roll Call
5. Adoption of the Agenda
6. Public Comment
7. Chairperson's, Board Members', Metropolitan Transportation Commissioner's, and Association of Bay Area Governments Update
8. Executive Director's Update
9. 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.

10. CONSENT AGENDA ITEMS

- 10.1 **Meeting Minutes of September 18, 2024 (Laura Sanderlin) (Pages 11-16)**

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

Estimated Time: 1:15 p.m.

Attachments: [Draft Minutes](#)

10.2 Disposal of Non-Performing Assets (Antonio Onorato) (Pages 17-23)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board:

(1) Declare certain assets as non-performing, and

(2) Approve Resolution No. 24-13 authorizing the disposal of fixed asset property and inventory items according to the Policies, Practices, and Procedures Chapter 7- Financial Management, Section 7.3: Asset Management; and Federal Transit Administration Circular 5010.1E requirements.

Estimated Time: 1:15 p.m.

Attachments: [Staff Report](#)

10.3 Paratransit Coordinating Council (PCC) Member Appointment to the Napa Valley Transportation Authority Technical Advisory Committee (TAC) (Kathy Alexander) (Pages 24-26)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board appoint Ellen Sweigert as representative of the PCC as a voting member to the NVTA Technical Advisory Committee (TAC).

Estimated Time: 1:15 p.m.

Attachments: [Staff Report](#)

10.4 Notice of Completion for the Napa Valley Vine Trail St. Helena to Calistoga Project (Grant Bailey) (Pages 27-32)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board authorize the Executive Director or designee to: 1) file a Notice of Completion with the Recorder-County Clerk, following satisfactory completion of punchwork and 2) release the contract retention for NVTA Contract No. 22-C11 Napa Valley Vine Trail - St Helena to Calistoga project pending the fulfillment of all terms of the agreement.

Estimated Time: 1:15 p.m.

Attachments: [Staff Report](#)

10.5 Notice of Completion for the James Diemer Drive Bus Stop Improvement Project (Grant Bailey) (Pages 33-28)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board authorize the Executive Director or designee to: 1) file a Notice of Completion with the Recorder-County Clerk and 2) release the contract retention for NVTA Contract No. 24-C14 James Diemer Drive Bus Stop Improvements project pending the fulfillment of all terms of the agreement.

Estimated Time: 1:15 p.m.

Attachments: [Staff Report](#)

10.6 Fund Transfer Agreement with the State of California Department of Transportation (Caltrans) for the Fiscal Year (FY) 2024-25 State Transportation Improvement Program (STIP) Planning, Programming and Monitoring (PPM) Program (Antonio Onorato) (Pages 39-48)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board approve Resolution No. 24-14 authorizing the Executive Director to execute a Fund Transfer Agreement with the State of California Department of Transportation (Caltrans) for Fiscal Year (FY) 2024-25 State Transportation Improvement Program (STIP) Planning, Programming and Monitoring (PPM) Program in the amount of \$74,000.

Estimated Time: 1:15 p.m.

Attachments: [Staff Report](#)

10.7 Purchase Order 24-P4028 to Purchase Electric Vehicle Charging Stations from Contractor's Electrical Distributors (CED) for Future Zero Emission Buses (Rebecca Schenck) (Pages 49-73)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board authorize the Executive Director, or designee, to execute and make minor modifications to Purchase Order 24-P4028 to purchase four (4) ChargePoint Express Plus Power Link Electric Vehicle Charging Stations, in an amount not to exceed \$160,000.

Estimated Time: 1:15 p.m.

Attachments: [Staff Report](#)

10.8 Agreement No. 24-OCE12-E06 with TYLin for Engineering Design Services for the Electric Vehicle Chargers at the Vine Bus Maintenance Facility (Grant Bailey) (Pages 74-81)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board authorize the Executive Director, or designee, to execute and make minor modifications to Agreement No. 23-OCE12-E06 with TYLin for engineering design services associated with electrical vehicle chargers for buses and personal vehicles in an amount not to exceed \$102,000.

Estimated Time: 1:15 p.m.

Attachments: [Staff Report](#)

10.9 Paratransit Coordinating Council (PCC) Member Appointment (Kathy Alexander) (Pages 82-88)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board consider the appointment of Lyall Abbott to the Paratransit Coordinating Council (PCC).

Estimated Time: 1:15 p.m.

Attachments: [Staff Report](#)

11. PRESENTATIONS**11.1 NVTA Project Update (Grant Bailey)**

Recommendation: Information only

Estimated Time: 1:25 p.m.

11.2 Countywide Active Transportation Plan (Patrick Band)

Recommendation: Information only

Estimated Time: 1:40 p.m.

11.3 2025 State Legislative Update (Steve Wallaugh, Platinum Advisors)

Estimated Time: 2:00 p.m.

11.4 2025 Federal Legislative Update (Jessica Aune & Tony Hobbs, Platinum Advisors)

Estimated Time: 2:15 p.m.

12. REGULAR AGENDA ITEMS**12.1 2025 Federal and State Legislative Advocacy Program and Project Priorities and Federal and State Legislative Update (Danielle Schmitz) (Pages 89-125)**

Recommendation: That the Napa Valley Transportation Authority (NVRTA) Board approve the 2025 Federal and State Legislative Advocacy Program and receive the Federal and State Legislative update.

Estimated Time: 2:35 p.m.

Attachments: [Staff Report](#)

12.2 Vine Transit Update (Rebecca Schenck) (Pages 126-133)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board receive the first quarter Fiscal Year (FY) 2024-25 Vine Transit update.

Estimated Time: 2:50 p.m.

Attachments: [Staff Report](#)

12.3 Free Transit and Fare Subsidy Programs (Kate Miller) (Pages 134-139)

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board receive a report on Free Transit and Fare Subsidy Programs.

Estimated Time: 3:05 p.m.

Attachments: [Staff Report](#)

13. CLOSED SESSION**13.1 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:**

Initiation of Litigation pursuant to Government Code Section 54956.9(d)(4) (1 potential case)

Estimated Time: 3:20 p.m.

13.2 PUBLIC EMPLOYMENT
(Pursuant to Government Code Section 54957(b)(1)
Title: Executive Director

Estimated Time: 3:30 p.m.

13.3**CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

(Pursuant to Government Code section 54956.8)

Property APN: 006-195-001, 002 and 003

Agency Negotiator: Executive Director

Negotiating Parties: Paul Irwin, Stan Foltz, Bob Winchell, Walt Blackmon

Under Negotiation: Price and terms of payment

Estimated Time: 3:45 p.m.

14. FUTURE AGENDA ITEMS**15. ADJOURNMENT****15.1 The next Regular Meeting is Wednesday, November 20th.**

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, October 11, 2024.

Laura Sanderlin

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

***This meeting is also being noticed as a Board of Supervisors' meeting due to having 2 current Board Members (Supervisors Pedroza and Gregory) and 1 Supervisor-Elect (Councilmember Alessio) being in attendance.**

Napa Valley Transportation Authority

625 Burnell Street

Napa, CA 94559

Meeting Minutes NVTB Board of Directors

Wednesday, September 18, 2024

1:00 PM

JoAnn Busenbark Board Room

1. Call to Order

Chair Joseph called the meeting to order at 1:02pm.

2. Pledge of Allegiance

Chair Joseph recited the Pledge of Allegiance.

3. Approval of Board Member Remote Participation

None

4. Roll Call

Leon Garcia
Alfredo Pedroza
Mark Joseph
Scott Sedgley
Margie Mohler
Donald Williams
Kevin Eisenberg
Ryan Gregory
Robin McKee-Cant
Anna Chouteau
Non Voting:
Devereaux Smith
Absent:
Paul Dohring
Liz Alessio

5. Adoption of the Agenda

Motion MOVED by GARCIA, SECONDED by CHOUTEAU to APPROVE Agenda Item 5 Adoption of the Agenda as AMENDED by Chair JOSEPH to conduct Agenda Item 12 Closed Session immediately following this action. Motion passed unanimously.

Aye: 16 - Garcia, Joseph, Sedgley, Mohler, Williams, Eisenberg, Gregory, McKee-Cant, and Chouteau

Absent: 8 - Pedroza, Dohring, and Alessio

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6. Public Comment

None

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

Director Smith extended appreciation to staff for hosting PCC at the Vine Maintenance Bus Facility tour.

Director Sedgley suggested a future agenda item regarding a no fare pilot program in effort to promote ridership.

Director Pedroza reported on recent MTC activities.

Director Garcia reported on recent ABAG activities.

8. Executive Director's Update

Director Miller reported:

- NVRTA staffing updates

- Transportation Revenue Select Committee and MTC special meeting topics

- Recent committee meetings held at the Vine Transit Maintenance Facility

- Attendance at two recent Transportation Revenue Measure Executive Group meetings

- Attendance at recent Transportation Task Force meeting

- New bus shelter at Napa Valley College operational

- Napa Valley Forward SR29/Rutherford intersection put on hold and prioritization of Oakville/SR 29 Intersection

- Recent ribbon cutting events

- Office of Transportation Safety awarded \$139,000 grant to the agency

- Plaque to be placed on Vine Trail in memoriam of Jackie Rhodes

9. Caltrans' Update

Amani Meligy and Daniel Chang, Caltrans, provided project update.

10. CONSENT AGENDA ITEMS

Motion MOVED by SEDGLEY, SECONDED by GARCIA to APPROVE Consent Agenda Items 10.1, 10.2, 10.3, 10.5, 10.6, and 10.8. Item 10.4 continued to future meeting and Item 10.7 pulled for discussion by Director Sedgley. Motion passed unanimously.

Aye: 18 - Garcia, Pedroza, Joseph, Sedgley, Mohler, Williams, Eisenberg, Gregory, McKee-Cant, and Chouteau

Absent: 6 - Dohring, and Alessio

10.1 Meeting Minutes of July 17, 2024 (Laura Sanderlin) (Pages 10-13)

Attachments: [Draft Minutes](#)

10.2 Resolution No. 24-11 Authorizing the Destruction of Certain Agency Records (Laura Sanderlin) (Pages 14-22)

Attachments: [Staff Report](#)

***This meeting is also being noticed as a Board of Supervisors' meeting due to having 2 current Board Members (Supervisors Pedroza and Gregory) and 1 Supervisor-Elect (Councilmember Alessio) being in attendance.**

- 10.3** Citizen Advisory Committee (CAC) Member Appointment (Laura Sanderlin) (Pages 23-25)

Attachments: [Staff Report](#)

- 10.4** Paratransit Coordinating Council (PCC) Member Appointments (Kathy Alexander) (Pages 26-28)

Attachments: [Staff Report](#)

Chair Joseph continued Item 10.4.

- 10.5** Michelin Mobility Intelligence Data License Agreement Contract Award (Diana Meehan) (Pages 29-44)

Attachments: [Staff Report](#)

- 10.6** Memorandum of Understanding (MOU) with the County of Napa for Emergency Response Services (Libby Payan) (Pages 45-52)

Attachments: [Staff Report](#)

- 10.7** Amendment to Agreement with Park Engineering for the St. Helena to Calistoga Napa Valley Vine Trail Project (Grant Bailey) (Pages 53-56)

Attachments: [Staff Report](#)

Director Sedgley pulled Item 10.7 to provide comment on the budget amendment for the Vine Trail segment of St. Helena to Calistoga and preventative measures for staying within project budget for the next segment Yountville to St. Helena.

Motion MOVED by SEDGLEY, SECONDED by GREGORY to APPROVE Item 10.7. Motion passed unanimously.

Aye: 17 - Garcia, Pedroza, Joseph, Sedgley, Mohler, Williams, Eisenberg, Gregory, McKee-Cant, and Chouteau

Absent: 6 - Dohring, and Alessio

- 10.8** Active Transportation Advisory Committee (ATAC) Member Appointments (Kathy Alexander) (Pages 57-70)

Attachments: [Staff Report](#)

11. REGULAR AGENDA ITEMS

- 11.1** Amendment 9 to the Napa Valley Transportation Authority (NVTa) Agreement No. 12-08 for the Position of Executive Director (Osman Mufti) (Pages 71-75)

Attachments: [Staff Report](#)

***This meeting is also being noticed as a Board of Supervisors' meeting due to having 2 current Board Members (Supervisors Pedroza and Gregory) and 1 Supervisor-Elect (Councilmember Alessio) being in attendance.**

The Board conducted the Executive Director's performance evaluation at the June and July Board meetings. The Executive Director's employment agreement is set to expire on December 31, 2024. Following direction received in Closed Session, directed by NVT Chair, an amendment for the employment agreement is recommended for approval.

Motion MOVED by PEDROZA, SECONDED by CHOUTEAU to APPROVE Item 11.1 Amendment 9 to Employment Agreement No. 12-08, setting the term end date on June 30, 2025, 5% cost of living increase to base salary and agency funded catch-up to the IRS maximum for CY 2025. Motion carried by the following roll call vote:

Aye: 17 - Garcia, Pedroza, Joseph, Sedgley, Williams, Eisenberg, Gregory, McKee-Cant, and Chouteau

Nay: 1 - Mohler

Absent: 6 - Dohring, and Alessio

11.2 Bilingual Outreach Coordinator Staff Position (Danielle Schmitz) (Pages 76-81)

Attachments: [Staff Report](#)

Motion MOVED by CHOUTEAU, SECONDED by MCKEE-CANT to APPROVE Item 11.1 adding one full time equivalent position in the role of Bilingual Outreach Coordinator. Motion passed unanimously.

Aye: 18 - Garcia, Pedroza, Joseph, Sedgley, Mohler, Williams, Eisenberg, Gregory, McKee-Cant, and Chouteau

Absent: 6 - Dohring, and Alessio

11.3 Vine Trail St. Helena to Calistoga Construction Contract Claim Settlement and Budget Increase (Grant Bailey) (Pages 82-96)

Attachments: [Staff Report](#)

Chair Joseph noted the lack of options had project work halted and the time required to schedule and hold an emergency Board meeting.

Director Williams inquired about jurisdiction legal obligation to future funding and options for cost recovery of design errors. Staff and General Counsel are researching and will bring findings to a future meeting.

Director Eisenberg supports pursuing litigation efforts to recoup costs as private businesses have obligation to fulfill their agreements.

Director Pedroza shares project cost frustrations, notes the project as an asset to the community, and recommends advanced oversight efforts to minimize future exposure.

Public comment made by Chuck McMinn, Vine Trail Coalition, regarding three topics: PG&E claim amount compared to project contingency, Vine Trail Coalition acting as largest contributor to project intends to take on their share of overhead cost, and lessons learned to improve strategy for future project segments.

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Motion MOVED by GREGORY, SECONDED by GARCIA to APPROVE Item 11.3 construction claim settlement and contract closeout for agreement No. 22-11, and Resolution No. 22-11, Revised.

Motion passed unanimously.

Aye: 18 - Garcia, Pedroza, Joseph, Sedgley, Mohler, Williams, Eisenberg, Gregory, McKee-Cant, and Chouteau

Absent: 6 - Dohring, and Alessio

- 11.4** Resolution 24-12 authorizing the Executive Director to Grant an Easement along Devlin Road and Sheehy Court to the County of Napa for the Vine Trail Project (Kate Miller) (Pages 97-103)

Attachments: [Staff Report](#)

Public comment by Chuck McMinn, Vine Trail Coalition, confirming a motion from the Board only indicates approval of the easement agreement subject to CEQA review.

Motion MOVED by PEDROZA, SECONDED by CHOUTEAU to APPROVE Item 11.4 Resolution 24-12 authorizing the Executive Director to grant an easement on APN 057-250-037. Motion passed unanimously.

Aye: 18 - Garcia, Pedroza, Joseph, Sedgley, Mohler, Williams, Eisenberg, Gregory, McKee-Cant, and Chouteau

Absent: 6 - Dohring, and Alessio

- 11.5** Vine Transit Update (Rebecca Schenck) (Pages 104-112)

Attachments: [Staff Report](#)

Information only/No action taken

{Directors Sedgley and Gregory departed meeting at this time}

- 11.6** State and Local Legislative Update (Kate Miller) (Pages 113-144)

Attachments: [Staff Report](#)

Information only/No action taken

12. CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (pursuant to Government Code section 54956.8)

Property APN: 006-195-001, 002 and 003

Agency Negotiator: Executive Director

Negotiating Parties: Paul Irwin, Stan Foltz, Bob Winchell, Walt Blackmon

Under Negotiation: Price and terms of payment

Written comments submitted by CAC members, Patricia Lynch and Michael Baldini. Public comment made by Patricia Lynch supporting the Agency to explore TOD's.

***This meeting is also being noticed as a Board of Supervisors' meeting due to having 2 current Board Members (Supervisors Pedroza and Gregory) and 1 Supervisor-Elect (Councilmember Alessio) being in attendance.**

{Director Alessio entered the meeting at this time}

The Board entered into Closed Session at 1:07pm

{Director Pedroza entered the meeting at 1:20pm, Director Alessio departed meeting at 1:35pm}

The Board returned to Open Session at 1:51pm with no reportable action.

13. FUTURE AGENDA ITEMS

- Free/discounted transit fare program
- Executive Director recruitment discussion
- Vine Transit technology challenges

14. ADJOURNMENT

Chair Joseph adjourned the meeting at 3:48pm.

14.1 The next Regular Meeting is October 16th.

Laura M. Sanderlin, NVTB Board Secretary



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Disposal of Non-Performing Assets

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board:

- (1) Declare certain assets as non-performing, and
- (2) Approve Resolution No. 24-13 (Attachment 1) authorizing the disposal of fixed asset property according to the Policies, Practices, and Procedures Chapter 7- Financial Management, Section 7.3: Asset Management; and Federal Transit Administration Circular 5010.1E requirements.

EXECUTIVE SUMMARY

Staff is requesting the Board to declare capital assets listed in Table 1 as non-performing and approve removing the assets from NVTA's fixed asset portfolio. Disposing of non-performing assets frees up agency resources as continuing to keep the equipment serves no purpose or function and can be costly to maintain and store. The assets being disposed of include vehicles which have outlived their useful lives and are scheduled to be replaced.

FISCAL IMPACT

None. All the non-performing assets have been fully depreciated.



NAPA VALLEY TRANSPORTATION AUTHORITY Board Agenda Memo

TO: Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Antonio Onorato, Director of Administration, Finance and Policy
(707) 259-8779 / Email: anonorato@nvta.ca.gov
SUBJECT: Disposal of Non-Performing Assets

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board:

- (1) Declare certain assets as non-performing, and
- (2) Approve Resolution No. 24-13 (Attachment 1) authorizing the disposal of fixed asset property and inventory items according to the Policies, Practices, and Procedures Chapter 7- Financial Management, Section 7.3: Asset Management; and Federal Transit Administration Circular 5010.1E requirements.

COMMITTEE RECOMMENDATION

None

BACKGROUND AND DISCUSSION

Staff recommends the Board declare capital assets listed in Table 1 as non-performing and approve removing the assets from NVTA's fixed asset portfolio. Table 1 provides a justification for the disposal, and Table 2 provides the depreciated value of the assets at the time of disposal.

Table 1: Asset and Reason for Disposal

Asset	Disposition Status
Bus 133 (vin: 15GCD201631111911)	Bus no longer used for revenue service, outlived its useful life
Bus 134 (vin: 15GCD201831111912)	Bus no longer used for revenue service, outlived its useful life
Bus 135 (vin: 1N9APACL7DC084172)	Bus will outlive its useful life. Replacement upon receipt of electric Gilligs.
Bus 136 (vin: 1N9APACL9DC084173)	Bus will outlive its useful life. Replacement upon receipt of electric Gilligs.
Bus 137 (vin: 1N9APACL0DC084174)	Bus will outlive its useful life. Replacement upon receipt of electric Gilligs.
Bus 636 (vin: 1FD4E45S48DA01415)	Bus will outlive its useful life. Replacement upon receipt of electric Gilligs.
Bus 637 (vin: 1FD4E45S48DA01401)	Bus will outlive its useful life. Replacement upon receipt of electric Gilligs.
Bus 638 (vin: 1FD4E45S6BDB36555)	Outlived its useful life
Bus 639 (vin: 1FD4E45S8BDB36556)	Outlived its useful life
Bus 641 (vin: 1FDEE3FL9BDB22638)	Outlived its useful life.
Bus 642 (vin: 1FDEE3FLXBDB22639)	Outlived its useful life.
Bus 643 (vin: 1FDEE3FL6BDB22640)	Outlived its useful life, to become shared vehicle
Bus 644 (vin: 1FDEE3FL8BDB22641)	Outlived its useful life, to become shared vehicle
Bus 1702 (vin: 1FD4E45SXXKDC65673)	Outlived its useful life.
Bus 1703 (vin: 1FD4E45S1KDC65674)	Outlived its useful life.
Bus 1704 (vin: 1FD4E45S3KDC65675)	Outlived its useful life.
Bus 1705 (vin: 1FD4E45S5KDC65676)	Outlived its useful life.

Table 2: Assets Value Subject to Disposal

Asset	Original Purchase Price	Depreciation	Depreciated Value	Realized Loss
Bus 133	\$0	\$0	\$0	\$0
Bus 134	\$0	\$0	\$0	\$0
Bus 135	\$492,901	\$492,901	\$0	\$0
Bus 136	\$492,901	\$492,901	\$0	\$0
Bus 137	\$492,901	\$492,901	\$0	\$0
Bus 636	\$56,169	\$56,169	\$0	\$0
Bus 637	\$55,746	\$55,746	\$0	\$0
Bus 638	\$ 59,419	\$59,419	\$0	\$0
Bus 639	\$ 59,419	\$59,419	\$0	\$0
Bus 641	\$66,868	\$66,868	\$0	\$0
Bus 642	\$66,868	\$66,868	\$0	\$0
Bus 643	\$66,868	\$66,868	\$0	\$0
Bus 644	\$66,868	\$66,868	\$0	\$0
Bus 1702	\$0	\$0	\$0	\$0
Bus 1703	\$0	\$0	\$0	\$0
Bus 1704	\$0	\$0	\$0	\$0
Bus 1705	\$0	\$0	\$0	\$0
TOTAL	\$1,976,928	\$1,976,928	\$0	\$0

In accordance with Policies, Practices, and Procedures Chapter 7 – Financial Management, acceptable means of disposal are outlined below. Staff is recommending option d. dispose of the assets in a manner deemed appropriate.

- a. Sell personal property that is no longer needed for Agency use for fair market value.
- b. Trade surplus personal property with another government or public agency if the property received in return is needed for Agency use.
- c. Donate, sell at less than fair market value, or otherwise transfer personal property to another government or public agency if the Agency no longer needs the property for its own use.
- d. Dispose of personal property that is no longer needed for Agency use and that has negligible or no economic value in a manner deemed appropriate by the Agency.

Non-performing or surplus equipment that no longer meets the Agency's needs may be offered to eligible non-profit organizations prior to being placed on the list for auction or disposal.

ALTERNATIVES

NVTa may choose to retain the non-performing assets, however, continuing to keep the equipment serves no purpose or function and can be costly to maintain and store.

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal 3: Use taxpayer dollars efficiently.

Disposing of non-performing assets frees up agency resources to purchase other equipment for usage.

ATTACHMENTS

(1) Resolution 24-13

RESOLUTION No. 24-13

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVTa)
AUTHORIZING THE DISPOSAL OF FIXED ASSETS**

WHEREAS, the Napa Valley Transportation Authority (NVTa) serves as the congestion management agency and designated public transit service provider in Napa County, and

WHEREAS, staff has identified the fixed assets listed in the table below as impaired assets;

Asset	Disposition Status
Bus 133 (vin: 15GCD201631111911)	Bus no longer used for revenue service, outlived its useful life
Bus 134 (vin: 15GCD201831111912)	Bus no longer used for revenue service, outlived its useful life
Bus 135 (vin: 1N9APACL7DC084172)	Bus outlived its useful life.
Bus 136 (vin: 1N9APACL9DC084173)	Bus outlived its useful life.
Bus 137 (vin: 1N9APACL0DC084174)	Bus outlived its useful life.
Bus 636 (vin: 1FD4E45S48DA01415)	Bus outlived its useful life.
Bus 637 (vin: 1FD4E45S48DA01401)	Bus outlived its useful life.
Bus 638 (vin: 1FD4E4FS6BDB36555)	Bus outlived its useful life.
Bus 639 (vin: 1FD4E4FS8BDB36556)	Bus outlived its useful life.
Bus 641 (vin: 1FDEE3FL9BDB22638)	Bus outlived its useful life.
Bus 642 (vin: 1FDEE3FLXBDB22639)	Bus outlived its useful life.
Bus 643 (vin: 1FDEE3FL6BDB22640)	Outlived its useful life, to become shared vehicle
Bus 644 (vin: 1FDEE3FL8BDB22641)	Outlived its useful life, to become shared vehicle
Bus 1702 (vin: 1FD4E4FSXKDC65673)	Outlived its useful life,
Bus 1703 (vin: 1FD4E4FS1KDC65674)	Outlived its useful life,
Bus 1704 (vin: 1FD4E4FS3KDC65675)	Outlived its useful life,
Bus 1705 (vin: 1FD4E4FS5KDC65676)	Outlived its useful life,

WHEREAS, the assets are declared as non-performing; and

WHEREAS, disposal of grant funded property must comply with NVTa Financial Management Policies;

NOW, THEREFORE, BE IT RESOLVED that the Napa Valley Transportation Authority declares that the designated non-performing asset may be properly disposed according to NVTa policy, as appropriate.

Passed and Adopted the 16th day of October, 2024.

Ayes:

Mark Joseph, NVTa Chair

Nays:

Absent:

ATTEST:

Laura Sanderlin, NVTa Board Secretary

APPROVED:

Osman Mufti, NVTa Legal Counsel



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Paratransit Coordinating Council (PCC) Member Appointment to the Napa Valley Transportation Authority Technical Advisory Committee (TAC)

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board appoint Ellen Sweigert as representative of the PCC as a voting member to the NVTA Technical Advisory Committee (TAC).

EXECUTIVE SUMMARY

In accordance with the Joint Powers Agreement for NVTA, the governing body includes one voting member to represent the PCC on the TAC. The position became vacant in May 2024 and the PCC nominated Ellen Sweigert to serve on the TAC.

FISCAL IMPACT

Is there a fiscal impact? No



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Laura Sanderlin, Office Manager/Board Secretary
(707) 259-8633 / Email: lsanderlin@nvta.ca.gov
SUBJECT: Paratransit Coordinating Council (PCC) Member Appointment to the Napa Valley Transportation Authority Technical Advisory Committee

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board appoint Ellen Sweigert as representative of the PCC as a voting member to the NVTA Technical Advisory Committee.

COMMITTEE RECOMMENDATION

At a regular meeting on September 5, 2024, the PCC nominated Ellen Sweigert to serve in the position of representative on the Technical Advisory Committee.

BACKGROUND

The PCC was formed by NVTA to advise the Board on transportation issues related to elderly and persons with disabilities. Ms. Sweigert has served on the PCC since July 2022 as a member representing a social service provider for persons with disabilities.

Per Section 4.4.1 of the Joint Powers Agreement (JPA) for NVTA, the Technical Advisory Committee shall include the Executive Director of NVTA, serving ex-officio; a member nominated by the PCC and appointed by the NVTA Board; and two technical staff members and two alternate technical staff members from each of the JPA Member Jurisdictions, serving ex-officio as designated by the chief administrative officers of the respective Member Jurisdictions.

The PCC representative position became vacant when Member DeRose-Hernandez resigned in May 2024. Board approval will appoint Ms. Sweigert to represent the PCC on the Technical Advisory Committee.

ALTERNATIVES

The Board could decide not to approve the appointment and the position would remain vacant.

STRATEGIC GOALS MET BY THIS PROPOSAL

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

A representative from the PCC serves on the TAC to support the needs of special transportation interests including the elderly and persons with disabilities.

ATTACHMENTS

None



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Notice of Completion for the Napa Valley Vine Trail St Helena to Calistoga Project

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board authorize the Executive Director or designee to: 1) file a Notice of Completion (Attachment 1) with the Recorder-County Clerk, following satisfactory completion of punchwork and 2) release the contract retention for NVTA Contract No. 22-C11 Napa Valley Vine Trail – St Helena to Calistoga project pending the fulfillment of all terms of the agreement.

EXECUTIVE SUMMARY

The Napa Valley Vine Trail – St. Helena to Calistoga project entailed constructing an 8.5-mile segment of a 47-mile multimodal path, enhancing connectivity for both the local community and visitors. Awarded to Ghilotti Construction, the project commenced in June 2022 and reached substantial completion by August 2024, with final punch list work ongoing. Initially bid at \$12.59 million, the projected final construction cost will not exceed \$15.5 million. The increase is due to utility conflicts and archaeological discoveries. Total project costs, including design and management, amounted to \$21 million. NVTA retained 5% of progress payments and seeks authorization to release these funds following the required 35-day lien period, as there are no known contract disputes or payment issues.

FISCAL IMPACT

None.



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Grant Bailey, Program Manager - Engineer
(707) 259-5951/ Email: gbailey@nvta.ca.gov
SUBJECT: Notice of Completion for the Napa Valley Vine Trail St Helena to Calistoga Project

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board authorize the Executive Director or designee to: 1) file a Notice of Completion (Attachment 1) with the Recorder-County Clerk, following satisfactory completion of punchlist work and 2) release the contract retention for NVTA Contract No. 22-C11 Napa Valley Vine Trail – St Helena to Calistoga project pending the fulfillment of all terms of the agreement.

COMMITTEE RECOMMENDATION

None

BACKGROUND

The Napa Valley Vine Trail – St Helena to Calistoga project constructed an 8.5-mile segment of class I path connecting St. Helena to Calistoga. This facility is a portion of the overall Vine Trail, a 47 mile multimodal trail which envisions connecting Calistoga and Vallejo. This segment and the overall Vine Trail will connect trail users to key transportation hubs, providing a critical link for low-income workers to access jobs in the region without relying on expensive car travel. The trail will also improve access to Napa Valley's attractions, enhancing the tourism experience by offering a scenic, sustainable alternative for visitors to reach wineries, restaurants, and landmarks.

The NVTA Board awarded the project to Ghilotti Construction Company, Inc. on March 16, 2022. On June 15, 2022, NVTA issued the Notice to Proceed and project work began June 30, 2022. Substantial completion and beneficial use of the trail were achieved on August 16, 2024. Punchlist work is ongoing and expected to be completed by November

15, 2024 and not later than December 6, 2024. However, the final notice of completion will not be filed with the County Clerk until all punch list items are completed by the contractor and deemed satisfactory by NVTa project management and project stakeholders.

The original construction contract value for this project was \$12,585,896. As of the drafting of this memo not all contract change orders have been finalized but the total estimated final construction cost will not exceed \$15,500,000. Significant challenges were encountered on this project, including underground utility conflicts with local utility providers, design errors, and discovery of archeologically significant artifacts throughout the project site. The total project cost, including preconstruction, design, and construction management activities, is \$21,016,000.

In accordance with standard public works contract administration practice, NVTa retained 5% of all contract progress payments. Retention funds are retained so that in the event of a contract dispute or non-payment by the prime contractor to other contract parties, NVTa can resolve these issues with retention funding. The total retention amount is approximately \$775,000 plus interest. As there are no known contract disputes or non-payment issues, staff is also requesting authorization to release retained contract funds following a mandatory 35-day lien filing period initiated by filing the NOC with the County Clerk.

While there are no known disputes associated with this contract, on September 30, 2024, NVTa submitted a claim for \$2,955,000 to Pacific Gas & Electric Company (PG&E) seeking reimbursement for project delays and additional work due conflicts with existing utility infrastructure and a PG&E gas replacement project in the Vine Trail project alignment.

ALTERNATIVES

NVTa is contractually obligated to release the retention after the filing of the NOC and waiting the mandatory lien filing period.

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal 3: Use taxpayer dollars efficiently.

Filing a NOC with the County Clerk provides public notification of project completion to all contract parties to ensure there are no outstanding issues prior to releasing the contract retention funds.

ATTACHMENT

(1) Notice of Completion

WHEN RECORDED PLEASE RETURN TO:

Recorder - County Clerk
County of Napa
900 Coombs Street, Room 116
Napa, California 94559

Exempt from Recording Fees: Gov. Code 27383

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN, by order of the Board of Directors of the Napa Valley Transportation Authority, pursuant to Section 9204 of the Civil Code of the State of California, as follows:

1. That the construction of the 8.5 mile section of the Napa Valley Vine Trail, a Class I bicycle/pedestrian path, located within the public right of way and/or public easements adjacent to State Route 29 between post mile markers 29.25 and 35.25, adjacent to Dunaweal Ln between 1183 Dunaweal Ln and 1111 Dunaweal Ln, and parallel to Washington St in Calistoga, CA starting at 304 Washington St and terminating at 1458 Lincoln Ave, Calistoga, CA, in the County of Napa, (referred to herein at the St Helena to Calistoga Section), was completed on _____, 2024.

2. That the portion of St Helena to Calistoga Section within the City of St Helena is owned by the City of St Helena, that the portion of the St Helena to Calistoga Section within the unincorporated County of Napa is owned by the County of Napa, and that the portion of the St Helena to Calistoga Section within the City of Calistoga is owned by the City of Calistoga. The address of the owner is as follows:

City of St Helena
1088 College Ave
St Helena, CA 94574

Napa County
1195 3rd St
Napa, CA 94559

City of Calistoga
1232 Washington St
Calistoga, CA 94515

3. That the nature of the title of the stated owners in paragraph 2 is: partially in fee and partially in easement.

4. That the Napa Valley Transportation Authority made and executed a contract titled "Napa Valley Vine Trail – St Helena to Calistoga, NVTA Contract No. 22-C11." with Ghilotti Construction Company, Inc. (whose address is 246 Ghilotti Ave Santa Rosa, CA 95407) (Contractor), bearing the date of May 13, 2024, for the construction of the Napa Valley Vine Trail – St Helena to Calistoga Project, which has now been completed by the Contractor.

5. That Liberty Mutual Surety Claims was surety upon the bond given by the Contractor in accordance with the provisions of Division 3, Part 4, Title XV, Chapter 7 (section 3247 et seq.) of the Civil Code of California.

IN WITNESS WHEREOF, pursuant to approval granted by its Board of Directors at a meeting of the Board convened and held on the 16th day of October 2024, authorizing and directing the execution of this instrument, the Authority has caused this notice to be executed, authenticated by the signature of the Chair of the Board of Directors, and attested by the signature of its Clerk this 16th day of October 2024.

City of St Helena, County of Napa, City of Calistoga
Owner

Owner's Agent: Napa Valley Transportation Authority

By: _____
Mark Joseph, Chair of the Board of Directors

ATTEST: LAURA SANDERLIN
NVTA Board Secretary

By: _____

DECLARATION

The undersigned declare under penalty of perjury that each of them is an officer of the Napa Valley Transportation Authority (NVTa), to wit: Chair and Secretary of the Board of Directors, respectively; that each of them has read the foregoing Notice of Completion and knows the contents thereof; that the same is true of their own knowledge except as to those matters as are therein stated on information and belief, and as to those matters, each believes them to be true.

Executed on _____ at Napa, California.

Mark Joseph, Chair of the Board of Directors of the Napa Valley
Transportation Authority

State of California)
County of _____)

On _____ before me,
_____, personally appeared
_____, who proved to me on
the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon
behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

Approved by the NVTa Date: _____ Processed by: _____ _____ NVTa Board Secretary
--

APPROVED AS TO FORM Legal Counsel By: _____ Date: _____



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Notice of Completion for the James Diemer Drive Bus Stop Improvement Project

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board authorize the Executive Director or designee to: 1) file a Notice of Completion (Attachment 1) with the Recorder-County Clerk and 2) release the contract retention for NVTA Contract No. 24-C14 James Diemer Drive Bus Stop Improvements project pending the fulfillment of all terms of the agreement.

EXECUTIVE SUMMARY

The James Diemer Drive Bus Stop Improvement Project addressed Vine Transit service efficiencies by adding two new bus bays, curbs, sidewalks, a retaining wall, guardrail, and a bus shelter. This eliminated the need for a previously required loop for northbound buses, saving 200 minutes of drive time per weekday (52,000 minutes annually).

The original contract value was \$649,766, with a final construction cost of \$702,464. The full project delivery costs including design, construction, and construction management was \$917,949. NVTA retained 5% of construction progress payments, following standard contract administration practice, and staff now seeks Board authorization to release these funds after a mandatory 35-day lien filing period. There are no known contract disputes or non-payment issues.

FISCAL IMPACT

Yes, projections indicate completion of this project will result in an annual savings in Vine Transit costs of approximately \$142,000.



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Grant Bailey, Program Manager - Engineer
(707) 259-5951/ Email: gbailey@nvta.ca.gov
SUBJECT: Notice of Completion for the James Diemer Drive Bus Stop Improvement Project

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board authorize the Executive Director or designee to: 1) file a Notice of Completion (Attachment 1) with the Recorder-County Clerk and 2) release the contract retention for NVTA Contract No. 24-C14 James Diemer Drive Bus Stop Improvements project pending the fulfillment of all terms of the agreement.

COMMITTEE RECOMMENDATION

None

BACKGROUND

This project involved the expansion of an existing bus stop at the Napa Valley College (NVC) on James Diemer Dr in Napa, CA. Key construction elements included two additional bus bays, curb, gutter, and sidewalk, a retaining wall, metal beam guardrail and a new bus shelter. Construction of this project enabled Vine Transit to reroute its service, eliminating a previously necessary loop for buses traveling northbound, resulting in significant operation efficiency gains: a reduction of 200 minutes of drive time per weekday, or approximately 52,000 minutes annually, which will result in roughly \$142,000 in annual Vine cost reductions.

Given the urgency to complete the project before the fall semester and the lack of bids through the standard procurement process, the NVTA Board authorized staff to directly solicit bids from local contractors. The Executive Director was delegated the authority to award the contract, not to exceed \$650,000. Graniterock Construction, Inc. submitted the

successful bid of \$649,766. The Notice to Proceed was issued on June 26, 2024, and construction began on July 5, 2024. Substantial completion was achieved on August 16, 2024, with transit services beginning on August 21, 2024. All punchlist items are complete except minor pavement restriping, which will be finalized before the October 2024 Board meeting. The Notice of Completion will be filed with the County Clerk after all work and Board approval are finalized.

The original construction contract value was \$649,766. The total final construction cost for the project was \$702,464, with three change orders issued for a total additional cost of \$52,698. The total project cost, including preconstruction, design, and construction management activities, is \$917,949.

In accordance with standard public works contract administration practice, NVTa retained 5% of all contract progress payments. Funds are retained to settle contract disputes or non-payment by the prime contractor to other contract parties. The total retention amount is approximately \$35,123. As there are no known contract disputes or non-payment issues, staff is also requesting authorization to release retained contract funds following a mandatory 35-day lien filing period initiated by filing the NOC with the County Clerk.

ALTERNATIVES

NVTa is contractually obligated to release the retention after the filing of the NOC and waiting the mandatory lien filing period.

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal 3: Use taxpayer dollars efficiently.

Filing a NOC with the County Clerk provides public notification of project completion to all contract parties to ensure there are no outstanding issues prior to releasing the contract retention funds.

ATTACHMENT

(1) Notice of Completion

WHEN RECORDED PLEASE RETURN TO:

Recorder - County Clerk
County of Napa
900 Coombs Street, Room 116
Napa, California 94559

Exempt from Recording Fees: Gov. Code 27383

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN, by order of the Board of Directors of the Napa Valley Transportation Authority, pursuant to Section 9204 of the Civil Code of the State of California, as follows:

1. That the construction of two new bus bays, curb, gutter and sidewalk, a retaining wall, metal beam guardrail and a new bus shelter (referred to herein as the “James Diemer Dr Bus Stop Improvements Project”) on Assessor’s Parcel Number (APN) 046-450-004, located at approximately 2277 State Highway 221 Napa, CA, in the County of Napa, was completed on _____, 2024.

2. That the James Diemer Dr Bus Stop Improvements Project is owned by the Napa Community College District. The address of the owner is as follows:

Napa Community College District
C/O Facility Department
2277 Napa Vallejo Hwy
Napa, CA 94558

3. That the nature of the title of the stated owners in paragraph 2 is: In fee.

4. That the Napa Valley Transportation Authority made and executed a contract titled “James Diemer Drive Bus Stop Improvements, NVTA Contract No. 24-C14.” with Granite Rock Company (whose address is 350 Technology Dr Watsonville, CA 95076) (Contractor), bearing the date of June 26, 2024, for the construction of the James Diemer Dr Bus Stop Improvements Project, which has now been completed by the Contractor.

5. That Western Surety Company was surety upon the bond given by the Contractor in accordance with the provisions of Division 3, Part 4, Title XV, Chapter 7 (section 3247 et seq.) of the Civil Code of California.

IN WITNESS WHEREOF, pursuant to approval granted by its Board of Directors at a meeting of the Board convened and held on the 16th day of October 2024, authorizing and directing the execution of this instrument, the Authority has caused this notice to be executed, authenticated by the signature of the Chair of the Board of Directors, and attested by the signature of its Clerk this 16th day of October 2024.

Napa Community College District
Owner

Owner's Agent: Napa Valley Transportation Authority

By: _____
Mark Joseph, Chair of the Board of Directors

ATTEST: LAURA SANDERLIN
NVTB Board Secretary

By: _____

DECLARATION

The undersigned declare under penalty of perjury that each of them is an officer of the Napa Valley Transportation Authority (NVTa), to wit: Chair and Secretary of the Board of Directors, respectively; that each of them has read the foregoing Notice of Completion and knows the contents thereof; that the same is true of their own knowledge except as to those matters as are therein stated on information and belief, and as to those matters, each believes them to be true.

Executed on _____ at Napa, California.

Mark Joseph, Chair of the Board of Directors of the Napa Valley
Transportation Authority

State of California)
County of _____)

On _____ before me,
_____, personally appeared
_____, who proved to me on
the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon
behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

Approved by the NVTa Date: _____ Processed by: _____ _____ NVTa Board Secretary
--

APPROVED AS TO FORM Legal Counsel By: _____ Date: _____



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Fund Transfer Agreement with the State of California Department of Transportation (Caltrans) for the Fiscal Year (FY) 2024-25 State Transportation Improvement Program (STIP) Planning, Programming and Monitoring (PPM) Program

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Resolution No. 24-14 (Attachment 1) authorizing the Executive Director to execute a Fund Transfer Agreement with the State of California Department of Transportation (Caltrans) for Fiscal Year (FY) 2024-25 State Transportation Improvement Program (STIP) Planning, Programming and Monitoring (PPM) Program in the amount of \$74,000.

EXECUTIVE SUMMARY

The agency annually applies for Planning, Programming and Monitoring (PPM) funds. NVTA will use the PPM STIP allocation funds to meet local requirements for program planning, programming, and monitoring of STIP projects in Napa County.

FISCAL IMPACT

NVTA will receive \$74,000 in PPM funds in reimbursable expenses monitoring STIP projects.



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Antonio Onorato, Director - Administration, Finance and Policy
(707) 259-8779 / Email: aonorato@nvta.ca.gov
SUBJECT: Fund Transfer Agreement with the State of California Department of Transportation (Caltrans) for the Fiscal Year (FY) 2024-25 State Transportation Improvement Program (STIP) Planning, Programming and Monitoring (PPM) Program

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Resolution No. 24-14 (Attachment 1) authorizing the Executive Director to execute a Fund Transfer Agreement with the State of California Department of Transportation (Caltrans) for Fiscal Year (FY) 2024-25 State Transportation Improvement Program (STIP) Planning, Programming and Monitoring (PPM) Program in the amount of \$74,000.

COMMITTEE RECOMMENDATION

None

BACKGROUND

Each year, PPM funding is provided to county transportation planning agencies to assist with the cost to prepare the county STIP program, to perform oversight of projects receiving STIP funding, and to perform project development support activities for STIP projects. A Resolution committing to meeting Caltrans' terms is required to execute the funding agreement.

ALTERNATIVES

The Board may choose to forego the funding, in which case, the agency would need to use general funds to support oversight of STIP projects.

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal 3: Use taxpayer dollars efficiently. The use of PPM funds to oversee STIP projects minimizes the loss of state funding and ensures that projects are delivered expeditiously.

ATTACHMENT

- (1) Resolution No. 24-14
- (2) STIP PPM Program Fund Transfer Agreement

RESOLUTION No. 24-14

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVTA)
AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE FUND TRANSFER
AGREEMENTS WITH THE STATE OF CALIFORNIA DEPARTMENT OF
TRANSPORTATION (CALTRANS) FOR FY 2024-25 STATE TRANSPORTATION
IMPROVEMENT PROGRAM (STIP) PLANNING,
PROGRAMMING AND MONITORING (PPM) PROGRAM**

WHEREAS, the annual California State Budget Act appropriates State Highway funds under local assistance for the State Transportation Improvement Program (STIP) Planning, Programming, and Monitoring (PPM) Program; and

WHEREAS, NVTA is eligible to receive to receive Federal and/or State funding for certain Transportation Projects, through the California Department of Transportation in the amount of \$74,000 for FY 2024-25 PPM25L-6510(011); and

WHEREAS, NVTA will use these funds to meet the local requirements for program planning, programming, and monitoring STIP projects in Napa County; and

WHEREAS, Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements and/or Fund Transfer Agreements need to be executed with the California Department of Transportation before such funds could be claimed; and

WHEREAS, the NVTA wishes to delegate authorization to execute these agreements and any amendments thereto to the Executive Director be authorized to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements and any amendments thereto with California Department of Transportation; and

WHEREAS, Caltrans has requested the NVTA to execute fund transfer agreements in order to receive the STIP funds:

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Napa Valley Transportation Authority that the Executive Director, Kate Miller, is authorized to execute fund transfer agreements and any amendments thereto with Caltrans to receive FY 2024-25 funds for STIP Planning, Programming and Monitoring Program;

BE IT FURTHER RESOLVED that NVTA agrees to comply with all terms and conditions of the fund transfer agreement.

Passed and adopted this 16th day of October, 2024.

Mark Joseph, NVTA Chair

Ayes:

Nays:

Absent:

ATTEST:

Laura M. Sanderlin, NVTA Board Secretary

APPROVED:

Osman Mufti , NVTA Legal Counsel

STIP PLANNING, PROGRAMMING & MONITORING PROGRAM
FUND TRANSFER AGREEMENT

Project Number: PPM25L-6510(011)
Agreement Number: PPM25L-6510(011)

Location: 04-NAP-0-NVTA
AMS Adv ID:0424000466
PPNO: 1003E

THIS AGREEMENT, effective on July 1, 2024 is between the State of California, acting by and through the Department of Transportation, hereinafter referred to as STATE, and Napa Valley Transportation Authority, a local public agency, hereinafter referred to as ADMINISTERING AGENCY.

WHEREAS the annual California State Budget Act appropriates State Highway funds under local assistance for the State Transportation Improvement Program (STIP) Planning, Programming and Monitoring Program (PPM), and

WHEREAS PPM is defined as the project planning, programming and monitoring activities related to development of the Regional Transportation Improvement Program and the STIP required by Government Code Section 14527, et. seq. and for the monitoring of project implementation for projects approved in these documents, hereinafter referred to as PPM PROJECT, and

WHEREAS the California Transportation Commission (CTC) is tasked to allocate these funds in accordance with the amounts approved in the STIP in accordance with section 14527 (h) of the California Government code:

NOW, THEREFORE, the parties agree as follows:

SECTION I

STATE AGREES:

1. As authorized by Section 14527(h) of the Government Code to release to the ADMINISTERING AGENCY for its PPM PROJECT in an amount not to exceed \$74,000.00 from monies appropriated for the PPM Program as follows:

For Caltrans Use Only

I hereby Certify upon my own personal knowledge that budgeted funds are available for this encumbrance

Accounting Officer



| Date 09/19/2024

| \$74,000.00

2. To pay the ADMINISTERING AGENCY a single lump sum payment upon final execution of this AGREEMENT and the receipt of an original and two copies of a signed initial invoice in the proper form from ADMINISTERING AGENCY in the amount shown in Section 1, Article (1) as promptly as state fiscal procedures will permit.

3. When conducting an audit of the costs claimed under the provisions of this Agreement, to rely to the maximum extent possible on any prior audit of ADMINISTERING AGENCY pursuant to the provisions of State and federal laws. In the absence of such an audit, work of other auditors will be relied upon to the extent that work is acceptable to STATE when planning and conducting additional audits.

SECTION II

ADMINISTERING AGENCY AGREES:

1. To use all state funds paid hereunder only for eligible PPM specific work activities as defined in Attachment A to this AGREEMENT.

2. To use all state funds paid hereunder only for those transportation purposes that conform to Article XIX of the California State Constitution.

3. To prepare and submit to STATE an original and two copies of signed invoice for payment.

4. To prepare a Final Project Expenditure Report including a final invoice reporting actual costs expended in accordance with Attachment A and submit that Report and invoice no later than 60 days following the completion of expenditures. These allocated PPM funds are available for expenditure until June 30, 2027. The Final Report of Expenditures must state that the PPM funds were used in conformance with Article XIX of the California State Constitution and for PPM purposes as defined in this Agreement. Three copies of this report shall be submitted to STATE.

5. COST PRINCIPLES

A) To comply with, and require all project sponsors to comply with Office of Management and Budget Supercircular 2 CFR 200, Cost Principles for State and Local Government, and the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

B) ADMINISTERING AGENCY will assure that its Fund recipients will be obligated to agree that (a) Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allowability of individual Project cost items and (b) those parties shall comply with Federal administrative procedures in accordance with 2 CFR 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Every sub-recipient receiving Funds as a contractor or sub-contractor under this Agreement shall comply with Federal administrative procedures in accordance with 2 CFR 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

C) Any Fund expenditures for costs for which ADMINISTERING AGENCY has received payment or credit that are determined by subsequent audit to be unallowable under Office of Management and Budget Supercircular 2 CFR 200, are subject to repayment by ADMINISTERING AGENCY to STATE. Should ADMINISTERING AGENCY fail to reimburse Fund moneys due STATE within 30 days of demand, or within such other period as may be agreed in writing between the Parties hereto, STATE is authorized to intercept and withhold future payments due ADMINISTERING AGENCY from STATE or any third-party source, including, but not limited to, the State Treasurer, the State Controller and the CTC. The implementation of the Supercircular will cancel 49 CFR, Part 18.

6. THIRD PARTY CONTRACTING

A) ADMINISTERING AGENCY shall not award a construction contract over \$10,000 or other contracts over \$25,000 [excluding professional service contracts of the type which are required to be procured in accordance with Government Code Sections 4525 (d), (e) and (f)] on the basis of a noncompetitive negotiation for work to be performed using Funds without the prior written approval of STATE.

B) Any subcontract or agreement entered into by ADMINISTERING AGENCY as a result of disbursing Funds received pursuant to this Agreement shall contain all of the fiscal provisions of this Agreement; and shall mandate that travel and per diem reimbursements and third-party contract reimbursements to subcontractors will be allowable as project costs only after those costs are incurred and paid for by the subcontractors.

C) In addition to the above, the preaward requirements of third party contractor/consultants with ADMINISTERING AGENCY should be consistent with Local Program Procedures as published by STATE.

7. ACCOUNTING SYSTEM

ADMINISTERING AGENCY, its contractors and subcontractors shall establish and maintain an accounting system and records that properly accumulate and segregate Fund expenditures by line item. The accounting system of ADMINISTERING AGENCY, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles (GAAP), enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices.

8. RIGHT TO AUDIT

For the purpose of determining compliance with this Agreement and other matters connected with the performance of ADMINISTERING AGENCY'S contracts with third parties, ADMINISTERING AGENCY, ADMINISTERING AGENCY's contractors and subcontractors and STATE shall each maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts. All of the above referenced parties shall make such materials available at their respective offices at all reasonable times for three years from the date of final payment of Funds to ADMINISTERING AGENCY. STATE, the California State Auditor, or any duly authorized representative of STATE or the United States Department of Transportation, shall each have access to any books, records, and documents that are pertinent for audits, examinations, excerpts, and transactions, and ADMINISTERING AGENCY shall furnish copies thereof if requested.

9. TRAVEL AND SUBSISTENCE

Payments to only ADMINISTERING AGENCY for travel and subsistence expenses of ADMINISTERING AGENCY forces and its subcontractors claimed for reimbursement or applied as local match credit shall not exceed rates authorized to be paid exempt non-represented State employees under current State Department of Personnel Administration (DPA) rules. If the rates invoiced are in excess of those authorized DPA rates, then Administering Agency is responsible for the cost difference and any overpayments shall be reimbursed to STATE on demand.

SECTION III

IT IS MUTUALLY AGREED:

1. All obligations of STATE under the terms of this AGREEMENT are subject to the availability of the state funds.
2. Eligible expenditures under this AGREEMENT shall be from the effective date of allocation to June 30, 2027.
3. In the event that ADMINISTERING AGENCY fails to implement or complete the PPM program commenced under this Agreement, fails to perform any of the obligations created by this agreement or fails to comply with applicable State laws and regulations, STATE reserves the right to terminate funding for the PPM program or portions thereof, upon written notice to ADMINISTERING AGENCY. An audit may be performed as provided in Section II, Article (8) of this agreement.
4. Neither STATE nor any officer or employee thereof is responsible for any injury, damage or liability occurring or arising by reason of anything done or omitted to be done by ADMINISTERING AGENCY under or in connection with any work, authority or jurisdiction delegated to ADMINISTERING AGENCY under this Agreement. It is understood and agreed that, pursuant to Government Code Section 895.4, ADMINISTERING AGENCY shall fully defend, indemnify and save harmless the State of California, its officers and employees from all claims, suits or actions of every name, kind and description brought for or on account of injury (as defined in Government Code Section 810.8) occurring by reason of anything done or omitted to be done by ADMINISTERING AGENCY under or in connection with any work, authority or jurisdiction delegated to ADMINISTERING AGENCY under this Agreement.
5. As a condition of acceptance of the State funds provided for under this Agreement, ADMINISTERING AGENCY will abide by all State policies and procedures pertaining to the PPM Program.
6. This Agreement shall terminate on December 31, 2027.

STATE OF CALIFORNIA

Department of Transportation

Napa Valley Transportation Authority

By: _____
Office of Project Management Oversight
Division of Local Assistance
Date: _____

By: _____
Title: _____
Date: _____

Attest: _____
Title: _____

Attachment to PPM Agreement Letter

The agency shall prepare a PPM plan, which will become a part of the Fund Transfer Agreement, titled Attachment A.

This plan is a one or two page summary outline of the major activities and, where appropriate, sub activities that will be accomplished with the current year PPM fund allocation. The plan shall outline the specific activities the Agency plans to implement. Indicate the approximate time period and cost for each major activity.

Funds may be moved between the elements. It is expected that work will be accomplished for each element and any revisions will be discussed in the Final Report of Expenditures.

Indicate if this is a single or multi-year plan for this specific allocation and the anticipated date of completion of all expenditures.

Fund allocations for future years should not be requested until this plan's expenditures are near completion.

Expenditures must be completed no later than two years after the fiscal year of allocation.

A Final Report of Expenditures is required within 60 days of completion of expenditures. Current or future allocations may be terminated if this report is not prepared in a timely manner. Unexpended funds shall be returned to the State.

A very simple plan is illustrated below. Details of a plan should be consistent with the activities proposed and funding received.

Attachment A

XYZ RTPA

STIP Planning, Programming and Monitoring Activities Plan (FY 2009/2010)

Activity	Time Period	Cost(\$1,000)
A. Prepare/Review Project Study Reports	9/02-4/03	\$10
B. RTIP Amendment Project Review/Programming	2/02-5/03	\$5
C. STIP Amendment Processing/CTC Coordination	5/02-6/02	\$5
D. Monitoring Implementation	9/02-6/03	\$10
Total		\$30

Anticipated Completion date 6/30/13

rev 08/13/2012



NAPA VALLEY TRANSPORTATION AUTHORITY

COVER MEMO

SUBJECT

Purchase Order 24-P4028 to Purchase Electric Vehicle Charging Stations from Contractor's Electrical Distributors (CED) for Future Zero Emission Buses

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board authorize the Executive Director, or designee, to execute and make minor modifications to Purchase Order 24-P4028 (Attachment 1) to purchase four (4) ChargePoint Express Plus Power Link Electric Vehicle Charging Stations, in an amount not to exceed \$160,000.

EXECUTIVE SUMMARY

NVTA received a Low and No Emissions grant award from the Federal Transit Administration to purchase six (6) 40 ft electric vehicles and charging stations. A contractor will install these Power Links and connect them to a centralized set of Power Blocks that were purchased in 2023 as part of the last electric vehicle charging station installation. The chargers will be installed in the second quarter of 2025 in time for vehicle delivery.

FISCAL IMPACT

Is there a Fiscal Impact? Yes, up to \$160,000; \$29,000 will be funded by the Federal Transit Administration Lo-No Emission grant funds and \$131,000 by Transportation Development Act (TDA) funds. NVTA is expecting to receive a \$125,000 rebate from Pacific Gas and Electric (PG&E) once the chargers are installed which will help offset the TDA funds. This rebate is the result of NVTA's participation in the PG&E Fleet Ready Program.



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 Order 24-P4028 to Purchase Electric Vehicle Charging Stations from Contractor's Electrical Distributors (CED) for Future Zero Emission Buses

RECOMMENDATION

That the Napa Valley Transportation Authority (NVRTA) Board authorize the Executive Director, or designee, to execute and make minor modifications to Purchase Order 24-P4028 (Attachment 1) to purchase four (4) ChargePoint Express Plus Power Link Electric Vehicle Charging Stations, in an amount not to exceed \$160,000.

COMMITTEE RECOMMENDATION

None

BACKGROUND

NVRTA received a Federal Transit Administration grant award from the Federal Transit Administration for purchasing six (6) 40 ft electric vehicles and charging stations. The Board approved the purchase of six (6) Gillig electric vehicles in May 2024 and now this action will allow for the purchase of the corresponding chargers. The Express Plus Power Links adhere to SAE J1772 standard and have been proven in other deployments to charge Gillig vehicles.

ALTERNATIVES

The Board could decide not to approve Purchase Order 24-P4028 and wait to purchase the chargers. In that case, the chargers would not be installed when the six buses arrive. NVRTA would have to charge them in rotation using existing chargers, making it impossible to charge every vehicle every night.

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal 3: Use taxpayer dollars efficiently.

Acquiring the chargers now will allow for the new buses to be charged nightly utilizing off peak electrical rates efficiently.

ATTACHMENT(S)

(1) Purchase Order 24-P4028



DRAFT

Purchase

Napa Valley
Transportation
Authority
625 Burnell Street
Napa, CA 94559

Phone: 707-259-8631
Fax: 707-259-8638
www.nvta.ca.gov

VENDOR

CED-CONTRACTORS ELECTRICAL DISTRIBUTORS
1103 MONTAGUE EXPRESSWAY
MILPITAS CA 95035
POC: KEVIN DONOHOE, EV Sales
T: 415.385.0937
E: kdonohoe@yourced.com

Bill To:

NVTA | Accounts Payable
ap@nvta.ca.gov
625 Burnell Street
Napa, CA 94559-2912

Purchase Order #: 24-P4028

Date: 09/30/24

Vendor ID:

Ship To:

NVTA - VINE BUS MAINTENANCE FACILITY
101 SHEEHY COURT
NAPA, CA 94558
POC: David Zenteno, Manager-Maintenance
david.zenteno@transdev.com | 707.251.1098

Requested By	Ship Date	Ship Via	FOB	Buyer	Terms	Tax ID
SCHENCK	TBD ARO	-	ORIGIN	KULICK	Net 30	68-0471080

QTY	Item #	Unit	Description	Unit Price	Total
			JOB NAME: NVTA-ADD STATIONS		
			NVTA PROJ: EV CHARGERS- E-BUS- BUS MAINTENANCE FACILITY		
4		EA	ChargePoint Express Plus 1000, EV-Charging Station,		
			to include engineering design services, review services,		
			2-year fleet software subscription services, activation,		
			commissioning , and Assure Warrant, see details		
			attached.		
			As per Quote Q1179440 Rev #002 dated 09/20/24- DONOHOE		
			CONTINUED ON PAGE 2 OF 22		

NOTICE OF INCLUDED TERMS AND CONDITIONS

This purchase order may be a federally funded contract and as such, certain mandatory terms and conditions may 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; 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(31).

Subtotal \$136,847.96

Tax 7.75% \$10,869.22

Ship \$ 3,400.00

Other -/-

THIS ORDER WILL BECOME VALID UPON RECEIPT OF VENDOR ACCEPTANCE.

TOTAL \$151,117.18

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.

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

DATE

KATE MILLER, Executive Director

DATE

FOR INTERNAL USE ONLY

FUND APPROPRIATION: 8309000-55400-224301

CONTINUATION SHEET

PAGE 2 OF

ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
<u>CHARGEPOINT EXPRESS PLUS 1000</u>					
01	04	EA	CHAPO EXPP-PL1021B-5A1S1-5A1S1-FTA BUY Express Plus Power Link PL1000 , North America, 2x CCS1 200A 4.5m cable, includes 2 Holsters, 2.4m Cable Management Kit, Pedestal, 200mm (8") Touch Display, RFID Reader, Cellular/WiFi, UL listed, single input, 1-Year Warranty, FTA Buy America compliant.	\$ 25,746.41	\$102,985.64
02	04	EA	CHAPO DC-UNIVERSAL-CMT-METRIC Bracket for Power Link	\$ 0.00	\$ 0.00
03	09	EA	CHAPS CPCLD-FLEETENT-DC-2 Fleet Enterprise Cloud Plan Subscription , includes Advanced Station Management features such as: Automatic Software Updates, Fleet Management features including: Access Control and Pricing & Automatic Payment Collection, as well as advanced energy and power management features which include: Time of Use Power Sharing and Energy Management APIs. Real-time dashboards and reports provided for applicable features including 15 min meter data readings and associated advanced energy reports.	\$ 1,757.36	\$ 14,058.88
04	09	EA	CHAPS CPSUPPORT-ACTIVE Initial Station Activation & Configuration , includes activation of cloud services and configuration of radio groups, custom groups, connections, access control, visibility control, pricing, reports and alerts. One time initial service per station.	\$ 312.00	\$ 1,248.00
05	04	EA	CHAPS EXPP-PL1000- COMMISSIONING Commissioning of Express Plus Power Link 1000 , includes on-site validation of electrical capacity, customer side transformers, panels, breakers, wiring, cellular coverage to meet all ChargePoint (CP) and local code requirements. Verifying and testing of installation, ensure station is connected to CP network, completing software updates and pairing configuration.	\$ 760.53	\$ 3,042.12

Configure station and apply policies according to NVTA's specifications. A final Commissioning Report will be provided to NVTA.

Note: If commissioning cannot be performed due to site or installation deficiencies for which CP is not responsible, NVTA will incur a rescheduling fee to cover redeployment costs.

06	04	EA	CHAPS EXPP-PL1000-DUAL-ASSURE-2 2-Year Assurance Warranty Plan for Express Plus Power Link 1000 , includes parts and Labor warranty, remote technical support services, on-site repairs as needed, unlimited configuration changes, and reporting.	\$ 2,671.58	\$10,686.32
07	01	EA	MISC CPS - Engineering Design Design drawing sets prepared by professional engineer contracted by customer to ensure compliance with ChargePoint stations for optimal make ready.	\$ 2,345.00	\$ 2,345.00
08	01	EA	MISC CPS - Engineering Review Review of design drawing sets prepared by professional engineer contracted by customer to ensure compliance with ChargePoint stations for optimal make ready.	\$ 2,482.00	\$ 2,482.00
09	01	EA	FRT – Shipping and Handling	\$ 3,400.00	\$ 3,400.00

SUBTOTAL **\$140,247.96**

TAX – Napa 7.75% \$ 10,869.22

TOTAL **\$151,117.18**

INSTALLATION LOCATION: Vine Bus Maintenance Facility
101 Sheehy Court, Napa CA 94558

WARRANTY: See items 01 and 06

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

ChargePoint® Express Plus

A flexible DC fast charging platform that grows with you.



Express Plus Specifications

Express Plus Power Module

Express Plus Power Module Output

Max Output Power	40 kW
Max Output Current	100 A
Power Conversion Efficiency	Up to 96%

ChargePoint, Inc. reserves the right to alter product offerings and specifications at any time without notice, and is not responsible for typographical or graphical errors that may appear in this document

Power Factor	0.99 at full load
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Express Plus Power Module Specifications

Power Module Dimensions	430 mm (H) x 130 mm (W) x 760 mm (L) (1'5" x 5" x 2'6")
Power Module Weight	45 kg (98.5 lb.)
Power Module Cooling	Liquid Cooled Technology
Harmonics	iTHD < 5% (Complies with IEEE 519)

Express Plus Power Block

Express Plus Power Block Input

Input Rating	3-phase, 400-480Y VAC, 310-260 A 50/60 Hz (200 kW) Optional: 3-phase, 400-480Y VAC, 255-210 A 50/60 Hz (160 kW), 3-phase, 400-480Y VAC, 220-188 A 50/60 Hz (120 kW)
Wiring	L1, L2, L3, Earth
Short Circuit Current Rating	65 kA

Express Plus Power Block Output

Max Output Power	200 kW Optional: 160 kW, 120 kW
Output Voltage, Charging	200 V – 1000 V
Max Current per Output	200 A, 250 A, 300 A, 350 A, 500 A*
Number of Stations Served	One Power Block can serve up to 2 Power Link stations. Additional Power Blocks can be added to serve more stations or increase power output.
Max Power Modules per Power Block	5

* Subject to site configuration and installed stations

Express Plus Power Block Specifications

Power Block Dimensions	2191 mm (H) x 988 mm (W) x 1039 mm (L) (7'3" x 3'3" x 3'5")
Power Block Weight	455 kg (1000 lbs.) without Power Modules
Power Block Enclosure Rating	Type 3R, IP56

Express Plus Power Link

Express Plus Power Link Output

Max Output Power	120 kW, 160 kW, 200 kW, 250 kW, 300 kW, 350 kW with Power Blocks
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Output Voltage, Charging	200 V – 1000 V
CCS1 Max Output Current**	Option 1: 200 A continuous with Power Blocks Option 2: 375 A peak, 350 A continuous with Power Blocks
CCS2 Max Output Current**	Option 1: 250 A continuous with Power Blocks Option 2: 375 A peak, 300 A continuous with Power Blocks
CHAdEMO Max Output Current**	Option 1: NA & EU: 200 A continuous with Power Blocks Option 2: NA: 140 A, EU: 125 A continuous with Power Blocks

**Availability may vary

Express Plus Power Link Specifications

Station Dimensions	2400mm (H) x 720mm (W) x 280mm (D) (7'11" x 2'5" x 11")
Station Footprint	965mm (W) x 635mm (D) (3'2" x 2'1") with Cable Management Kit
Station Weight	250 kg (550 lbs)
Number of Connectors	Up to 2 connectors per station
Supported Connector Types	CHAdEMO, CCS1 (SAE J1772™ Combo), CCS2 (IEC 61851-23)
Cable Length	Standard 4.5 m (15') with Cable Management Kit (CMK). [*] Optional lengths of 7.6 m (25') and 10 m (33') also available.
Station Enclosure Rating	Type 3R, IP56
Locking Holster	Optional
Mounting Type	Ground, Wall, Overhead

^{*}Horizontal reach to typical vehicle charging port is 3.6 m (12 ft)

Functional Interfaces

LCD Display	Full-color 200 mm (8") LCD display (optional)
Authentication	RFID: ISO 15693, ISO 14443, NEMA EVSE 1.2-2015 (UR) Tap to Charge (NFC on Apple & Android) 15118-2 (EIM) Remote: Mobile and in vehicle (if supported by vehicle)

Connectivity Features

Local Area Network	2.4 GHz and 5 GHz WiFi (802.11 b/g/n)
Wide Area Network	4G LTE
Supported Communication Protocols	OCPP 2.0
Service and Maintenance	Remote system monitoring, diagnostic, and proactive maintenance

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Safety and Operational Ratings

Vehicle Safety Communication	CHAdMO – JEVS G104 over CAN, CCS1 – SAE J1772 over PLC and CCS2 — IEC 61851-23
Plug-In Detection	Power terminated per JEVS G104 (CHAdMO), SAE J2931 (CCS1) and IEC 61851-23 (CCS2)
Safety Compliance	Complies with UL 2202, UL 2231-1, UL 2231-2, CSA 107.1 Shipped product will be UL and cUL listed. Complies with IEC 61851-1 and IEC 61851-23. Shipped product will be CE marked.
Surge Protection	Tested to IEC 61000-4-5, Level 5 (6 kV @ 3,000A). In geographic areas subject to frequent thunderstorms, supplemental surge protection at the service panel is recommended.
EMC Compliance	U.S and Canada: FCC 15 subpart A Class A; EU: EN55011, EN55022 and IEC61000-6-3 Class B

Generic Specifications

Operational Altitude	<3,000 m (<9,800 ft)
Operating Temperature	-40°C to 50°C (-40°F to 122°F)
Storage Temperature	-40°C to 70°C (-40°F to 158°F)
Operating Humidity	Up to 95% @ 50°C (122°F) non-condensing

Energy Management Features

Dynamic Power Management	Allows a fixed maximum power output per station or lets the system dynamically manage the power distribution per station.
Remote Energy Management	Manage output power via the ChargePoint Admin Portal, API, and Open ADR 2.0b VEN.

Hardware Ordering Information

The order codes below represent common product configurations. Other product options are available upon request. Please contact ChargePoint Sales for information and order codes. All SKU's displayed include standard cable management and mounting kit. Note, Power Link and Power Block current ratings must match. Eg. 250 A with 250A, 200 A with 200 A.

Description		Order Code
Commercial Models	Express Plus Power Block, 350 A or 300 A rated output	EXPP-PB1000-350A-PD or EXPP-PB1000-300A-PD
	Express Plus Power Link, North America version, 1x CCS1 350 A cable, 1x CHAdMO 200 A cable, Pedestal, with display	EXPP-PL1021B-5A1S1-2A3S1

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	Express Plus Power Link, Europe/UK version, 1x CCS2 300 A cable, 1x CHAdeMO 200 A cable, Pedestal, with display	EXPP-PL1121B-4A2S1-2A3S1
Fleet Models	Express Plus Power Block, 250 A or 200 A rated output	EXPP-PB1000-250A-PD or EXPP-PB1000-200A-PD
	Express Plus Power Link NA Version. 1x CCS1 200A 4.5m cable, Pedestal, No display.	EXPP-PL1011X-2A1S1
	Express Plus Power Link NA Version. Same as above but with 2x CCS1 Connectors	EXPP-PL1021X-2A1S1-2A1S1
	Express Plus Power Link Europe/UK Version. 1x CCS2 250A 4.5m cable, Pedestal, No display.	EXPP-PL1111X-3A2S1
	Express Plus Power Link Europe/UK Version. Same as above but with 2x CCS2	EXPP-PL1121X-3A2S1-3A2S1

Hardware Ordering Information, Cont.

Description		Order Code
Other Connector Options	Cable connectors available include CCS1, CCS2, and/or CHAdeMO. Cables can be ordered with a single or a combination, as well as lengths and amperage depending on application.	Please contact ChargePoint Sales for assistance in ordering
Power Module	EXPP Power Module	EXPP-PM-40kW
Mounting & Template Options	Mounting kits and templates for various mounting are available	Please contact ChargePoint Sales for assistance in ordering
Buy America	Buy America (FTA & FHWA) options available upon request	Add -FTA or -FHWA to part numbers above

Software & Services Ordering Information

Description		Order Code
ChargePoint Enterprise Cloud Plan (Commercial) <i>Note: One token per vehicle. Station activation is included in this plan.</i>		CPCLD-ENTERPRISE-EXPP-n*
ChargePoint Enterprise Cloud Plan (Fleet) <i>Note: One token per vehicle. Station activation is included in this plan.</i>		CPCLD-FLEETENT-EXPP-n*
ChargePoint Assure® — Prepaid Assure Plan for an Express Plus Single Cable station.		EXPP-PL1000-SC-ASSURE-n*
ChargePoint Assure® — Prepaid Assure Plan for an Express Plus Dual Cable station.		EXPP-PL1000-DC-ASSURE-n*
ChargePoint Assure® — Prepaid Assure Plan for Express Plus Power Block.		EXPP-BLOCK-ASSURE-n*

ChargePoint, Inc. reserves the right to alter product offerings and specifications at any time without notice, and is not responsible for typographical or graphical errors that may appear in this document

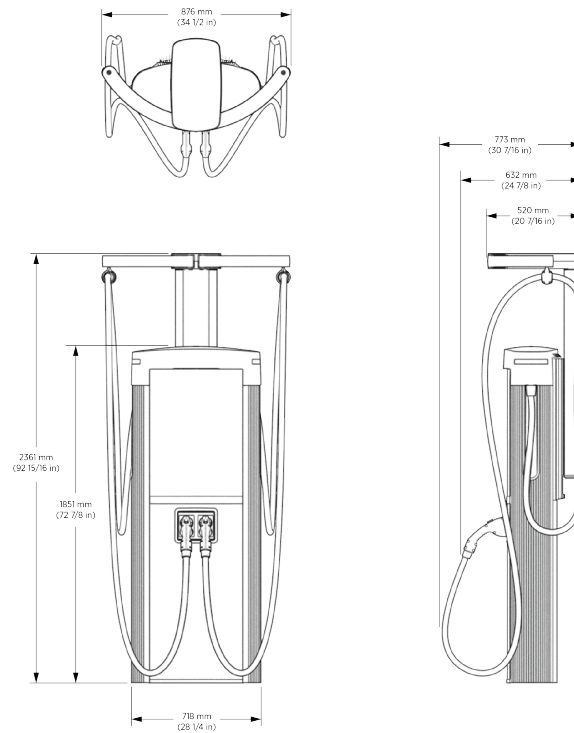
Commissioning Service (Required per Power Block): includes on-site validation and inspection of electrical, mechanical, installation, wiring and civil parameters for the Express Plus Power Block.	EXPP-BLOCK-COMMISSIONING
Commissioning Service (Required per Power Link): includes on-site validation and inspection of electrical, mechanical, installation, wiring and civil parameters for the Express Plus Power Link.	EXPP-PL1000-COMMISSIONING

Note: All Express Plus Power Link stations require a cloud plan.

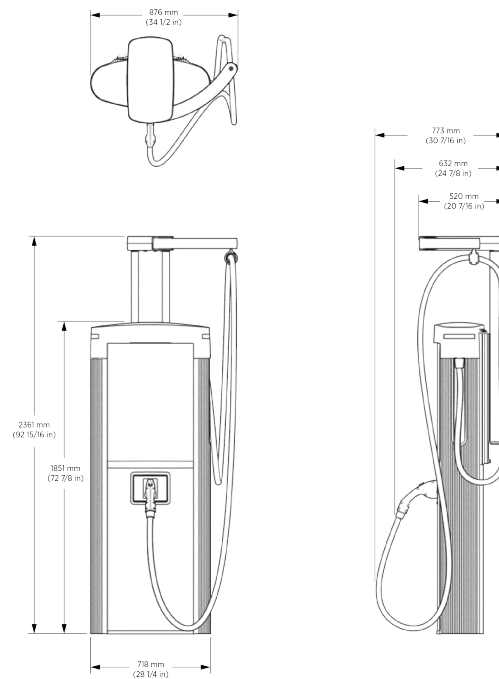
*Substitute *n* for desired years of service (1, 2, 3, 4 or 5 years). Includes parts and labor warranty, remote technical support, on-site repairs when needed, unlimited configuration changes, and reporting.

Architectural Drawings

Express Plus Power Link, No Display, Dual Connectors (Fleet Option Only)

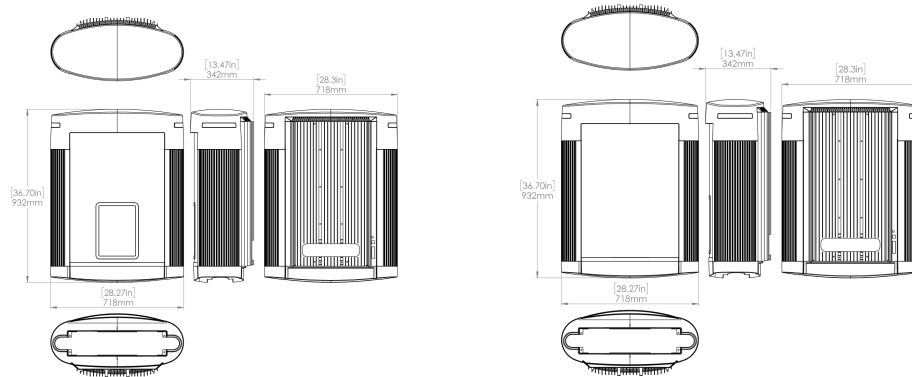


Express Plus Power Link, No Display, Single Connector (Fleet Option Only)

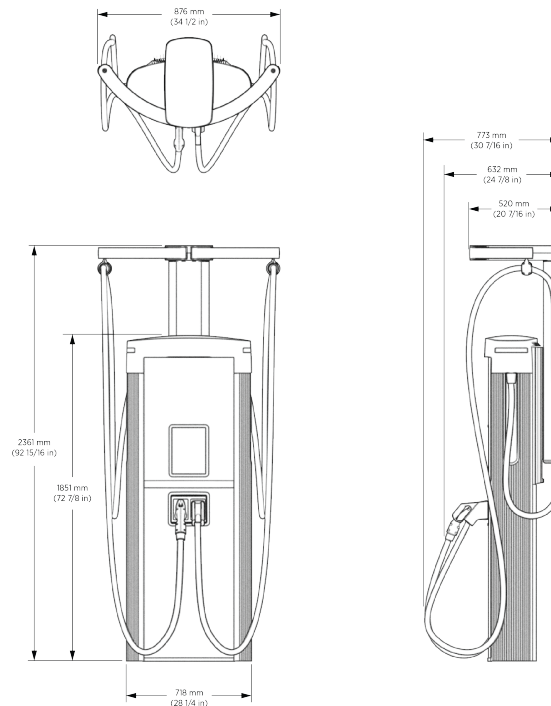


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Express Plus Overhead Mounting Option with or without screen (Fleet Only)

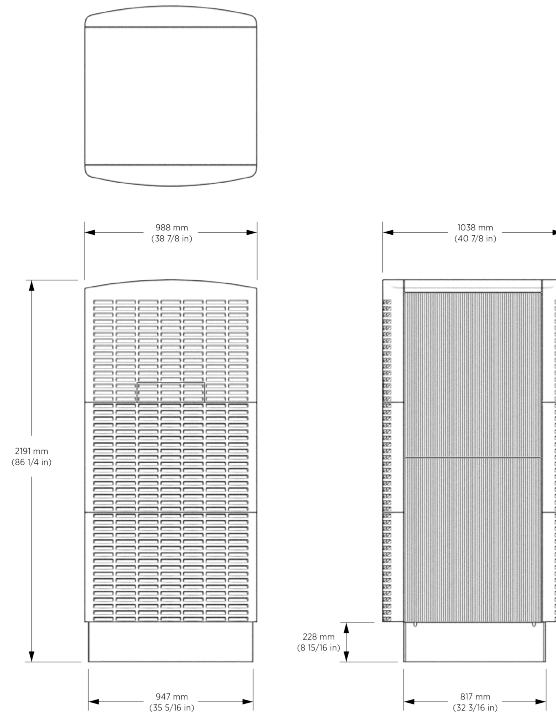


Express Plus Power Link, Commercial Option with Screen

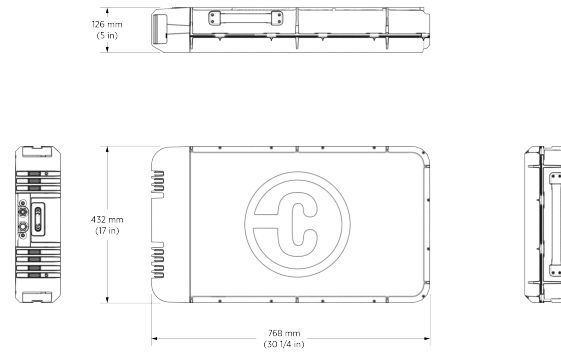


Express Plus Power Block

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Express Plus Power Module



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* Listed by Underwriters Laboratories Inc. 

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REQUIRED FEDERAL CONTRACT 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

REQUIRED FEDERAL CONTRACT CLAUSES

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

REQUIRED FEDERAL CONTRACT CLAUSES

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

REQUIRED FEDERAL CONTRACT CLAUSES

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

REQUIRED FEDERAL CONTRACT CLAUSES

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

REQUIRED FEDERAL CONTRACT CLAUSES

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

REQUIRED FEDERAL CONTRACT CLAUSES

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

REQUIRED FEDERAL CONTRACT CLAUSES

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.

REQUIRED FEDERAL CONTRACT CLAUSES

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

Agreement No. 23-OCE12-E06 with TYLin for Engineering Design Services for the Electric Vehicle Chargers at the Vine Bus Maintenance Facility

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board authorize the Executive Director, or designee, to execute and make minor modifications to Agreement No. 23-OCE12-E06 with TYLin for engineering design services associated with electrical vehicle chargers for buses and personal vehicles in an amount not to exceed \$102,000.

EXECUTIVE SUMMARY

At the new Vine Bus Maintenance Facility NVTA plans to install four (4) more chargers to fuel its next set of electric buses and five (5) level two chargers in the employee parking lot for personal vehicles. NVTA has secured \$125,000 in Transportation Funds for Clean Air grant funds for construction of the personal vehicle chargers and will receive a partial reimbursement from PG&E on the bus chargers. To proceed, NVTA first needs to obtain environmental clearance and design for the project. TYLin has provided a suitable design scope and fee proposal under NVTA's existing architectural and engineering on-call contract. Staff recommends the Board approve a project work order with TYLin for these services for electric vehicle chargers.

FISCAL IMPACT

Yes, this contract has a not to exceed amount of \$102,000 which will be funded by Transportation Development Act funds for design and environmental clearance services.



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Rebecca Schenck, Program Manager – Public Transit
(707) 259-8636 / Email: rschenck@nvta.ca.gov
SUBJECT: Agreement No. 23-OCE12-E06 with TYLin for Engineering Design Services for the Electric Vehicle Chargers at the Vine Bus Maintenance Facility

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board authorize the Executive Director, or designee, to execute and make minor modifications to Agreement No. 23-OCE12-E06 with TYLin for engineering design services associated with electrical vehicle chargers for buses and personal vehicles in an amount not to exceed \$102,000.

COMMITTEE RECOMMENDATION

None

BACKGROUND

When NVTA originally designed the new Bus Maintenance Facility, NVTA worked to “future proof” the facility by placing conduit and upsizing the electrical service to the site. TyLin will use the as-builts and CAD files from the original design to design for the installation of the first set of personal vehicles and the next row of bus chargers. The goal is to complete this design work by the end of the year so that NVTA can bid out the installation of these chargers in early 2025 prior to the arrival of the electric buses.

TYLin has supplied a design scope that fulfills the project needs and a fee proposal that is consistent with the pre-construction delivery budget. Staff recommends the Board approve a project work order with TYLin to provide design and environmental services for these services for electric vehicle chargers.

ALTERNATIVES

- 1) The Board could decide not to approve Agreement No. 23-OCE12-E06 and wait to put together a design for the chargers. In that case the chargers would not be installed when the six buses arrive. NVTa would have to charge the buses in rotation using existing chargers, making it impossible to charge every vehicle every night.
- 2) The Board can decide not to award this contract to TYLin and solicit an independent request for proposals for engineering services for this project. This alternative would add approximately three months to the project schedule.

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal 3: Use taxpayer dollars efficiently.

Hiring consultants for a short term with expertise in a variety of fields is more economically viable than hiring full time employees with the qualifications needed to design the improvements proposed by this project.

ATTACHMENTS

- (1) Draft Agreement No. 23-OCE12-E06 with TYLin

PROJECT WORK ORDER NO. 23-OCE12-E06
ON-CALL A/E & PROJECT DELIVERY SERVICES

PROJECT NAME: EV CHARGING STATIONS – BUS MAINTENANCE FACILITY

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

CONSULTANT DESIGNATED TEAM MEMBERS:

- T.Y. Lin International Staff – see EXHIBIT B attached

Consultant will independently and at its own discretion and liability enter into agreement with sub-consultant(s) listed in their proposal for any services required to complete the project as described in the scope of work.

SCOPE OF SERVICE: Provide PS&E design services, project management, data collection and review services in support of the installation of four (4) electrical vehicle charging stations at the Bus Maintenance Facility – Sheehy Court in Napa as described in the scope of services attached hereto as EXHIBIT A

START DATE: OCTOBER 16, 2024

COMPLETION DATE: DECEMBER 31, 2025

NOT-TO-EXCEED AMOUNT FOR THIS PROJECT: \$92,117

CHARGE NUMBER FOR PAYMENT: TDA

TERMS AND CONDITIONS: This Project Work Order is issued and entered into as of the last date written below in accordance with the terms and conditions set forth in the Master Agreement (23-OCE12) with CONTRACTOR, which terms are hereby incorporated and made part of this Project Work Order.

NVTA

By: _____
KATE MILLER, Executive Director

CONSULTANT
T.Y. Lin International

By: _____
MICHAEL PYRZ, PE
Principal-in-Charge

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

EXHIBIT A

SCOPE OF WORK

- I. GENERAL INFORMATION.** The project will provide infrastructure improvements at the Bus Maintenance Facility. There is currently a single row of bus charging available on the premises, via two (2) Power Blocks, NVTA will need to expand its EV charging capabilities into another row in order to accommodate four (4) additional EV charging stations. This means to replicate the process done, and installing two (2) Power Blocks, which in turn support two (2) ChargePoint PowerLinks each, allowing for eight (8) total charging dispensers. Also included are five (5) Level 2 chargers to be installed in the facilities parking lot area. These five (5) chargers will be powered by the existing building power supply.

II. SCOPE OF SERVICES.

The CONSULTANT will conduct the following tasks:

TASK 1 Project Management

- CONSULTANT will be responsible for managing the project including coordination and approval, contract administration (ie. monthly progress reports), monitoring the Project budget, maintaining and monitoring the Project schedule, Document Control, and leading meetings with stakeholders.
- CONSULTANT will coordinate with and obtain approval from all affected local agencies and companies, including but not limited to the City of Napa Departments of Community Development, Transportation and Public Works, Water, California Regional Water Quality Control Board, Pacific Gas and Electric Company, Comcast, and AT&T. Coordination shall include preparation and processing of all correspondences, check prints, forms, applications, permits, diagrams, and any other necessary items as determined by the NVTA Engineer. CONSULTANT will also assist the NVTA in obtaining review and approval from any affected County, State, and Federal agencies.

Check-ins needed during effort:

- Meet with ChargePoint once the preliminary design is complete
- Verify with PG&E for design and loads
- Scope covers a set of eight (8) chargers, but may need added infrastructure for future rows

Deliverables:

- *Meeting Agendas, Action Item Log, Meeting Minutes.*
- *Monthly Progress Reports and Invoices*
- *Project Schedule*

TASK 2 Data Collection and Review

- CONSULTANT team will conduct an onsite review, and will focus on both civil and electrical conditions relating to the existing charging sets:
 - i. This will include two (2) CONSULTANT staff members.
- CONSULTANT will review project documentation, prior plans, and review permitting needs related to a potential increase in power demand.

Deliverables: Project Design Memo

TASK 3 Civil and Electrical Plans, Specifications and Estimate (PS&E)

- Work shall consist of providing 75%, 95%, and 100% design for the power supply and foundation setting for the charging infrastructure
- Bollards, striping, and other relevant additions will also be included
- All final approved project plans shall be submitted in electronic AutoCAD format. All other documents will be submitted in MS Word, MS Excel, and PDF formats as appropriate.

Deliverables:

- *An initial 75% submittal will be made by TYLin that will include preliminary drawings, and will be reviewed with NVTa. This submittal may be utilized by NVTa for permitting purposes.*
- *95% design submittal which will include: 95% project plans, Technical Specifications, proposed edits to “front end” general specifications, and engineer’s estimate.*
- *100% design submittal which will include: final stamped and signed 100% project plans, final Technical Specifications in electronic MS Word format, stamped and signed Technical Specifications cover sheet in PDF format, an itemized Bid Sheet (MS Excel format), and proposed edits to “front end” general specifications.*

III. OTHER.

- Meetings - CONSULTANT in coordination with NVTa will conduct one (1) kick-off meeting followed by one (1) site visit. Subsequent virtual design progress meetings will be held on a monthly basis (up to eight (8) virtual meetings). PDT meetings will be held on a bi-weekly basis.
- There will be a site layout plan, three (3) electrical sheets, and three (3) civil detail sheets supplied by CONSULTANT.
- CONSULTANT assumes that the same layouts and standards used for the first row of installation will be followed and referenced.
- Information related to as-builts, shop drawings, topographical survey and data provide by NVTa will be utilized by CONSULTANT to assist with PS&E.

IV. PROJECT TIMELINE. The project will take approximately six (6) months to complete with final completion of March 31, 2025.

CONSULTANT must obtain NVTa's approval for any additional services/task performance and their associated costs not listed in the scope of work prior to performance.

EXHIBIT B

COST SUMMARY SHEET

DESCRIPTION	AMOUNT
Task 1 - Project Management & Administration	\$ 31,341.00
Task 2 - Data Collection & Review	\$ 11,050.00
Task 3 - Civil and Electrical Plans, Specs & Estimate	\$ 49,726.00
TOTAL NOT TO EXCEED	\$ 92,117.00

The total amount to be paid to the CONTRACTOR for the scope of work defined under EXHIBIT A shall not exceed \$92,117.00. Subject to Agreement, CONTRACTOR shall periodically invoice NVT A based on progress made towards completion of tasks/deliverables listed above, amounts not to exceed tasks/deliverable totals.



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Paratransit Coordinating Council (PCC) Member Appointment

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board consider the appointment of Lyall Abbott to the Paratransit Coordinating Council (PCC).

EXECUTIVE SUMMARY

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

Board action will appoint Lyall Abbott to the PCC. There are two (2) additional vacancies on the committee and NVTA staff is actively recruiting to fill these positions. These include representatives for: a consumer/user with disabilities; and a member of the public residing in a non-urbanized area.

FISCAL IMPACT

None



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Kathy Alexander, Senior Administrative Technician
(707) 259-8627 / Email: kalexander@nvta.ca.gov
SUBJECT: Paratransit Coordinating Council (PCC) Member Appointment

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board consider the appointment of Lyall Abbott to the Paratransit Coordinating Council (PCC).

COMMITTEE RECOMMENDATION

None

BACKGROUND

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

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

The appointment of Lyall Abbott will fulfill one member of the public residing within an urban area position, listed in Table 1 on the next page.

Table 1. PCC Member List

Member	Original appointment date	Most recent appointment	Term end date	Category Represented
Jeannie Smith	7/20/2022	7/20/2022	7/31/2025	Social services providers for persons with disabilities (1 of 2)
Ellen Sweigert	7/20/2022	7/20/2022	7/31/2025	Social services providers for persons with disabilities (2 of 2)
Tom Collette	10/17/2018	11/17/2021	11/30/2024	Consumer/user 60 years of age or older (1)
Lisa DeRose-Hernandez*	1/20/2021	5/22/2024	05/31/27	Social services provider for persons of limited means (1)
Devereaux Smith	9/27/2023	9/27/2023	9/30/2026	Social services provider for seniors (1)
Heather Stanton	5/22/2024	5/22/2024	5/31/2027	Member of the public residing within an urbanized area (1 of 2)
Lyall Abbott	10/16/24	10/16/24	10/31/2027	Member of the public residing within an urbanized area (2 of 2)
Vacant				Member of the public residing within a non-urbanized area (1)
Vacant				Consumer/user persons with disabilities (1)

*Pending Board Approval on September 18, 2024

ALTERNATIVES

The Board could decide not to appoint Mr. Abott to the PCC resulting in additional vacancies.

STRATEGIC GOALS MET BY THIS PROPOSAL

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

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

ATTACHMENT

- 1) Lyall Abbott, PCC application, redacted



Napa Valley Transportation Authority
625 Burnell Street
Napa, CA 94559
Tel. (707) 259-863 / Fax (707) 259-8638
www.nvta.ca.gov

COMMITTEE APPOINTMENT APPLICATION

Complete applications can be submitted by: (1) faxing to the Human Resources Administrator at (707) 259-8638 or (2) delivered/mailed to the NVTA Attention: Human Resources Administrator, 625 Burnell Street, Napa, CA 94559 or (3) Email to: jobs@nvta.ca.gov.

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

Applicant Information			
Application for Appointment to: (Name of Committee)			
Representing Field of <u>Public rider</u>			
Name:	<u>Abbott</u>	<u>Lycell</u>	<u>W.</u> Date: <u>7/15/2024</u>
	Last	First	M.I.
Address: [REDACTED]			
	Street Address	Apartment/Unit #	
City	<u>Napa</u>	State	<u>CA</u> Zip <u>94559</u>
Phone:	<u>707-655-5513</u>	E-mail Address:	<u>abbott.lycell@gmail.com</u>
Current Occupation (within the last twelve (12) months)			
<u>Retired Massage Therapist</u> <u>Pastor NO employment</u>			
Current License (Professional or Occupational): Date of Issue and/or expiration including status:			
<u>Ordained Pastor</u>			
Education/Experience (a resume may be attached containing this and any other information that would be helpful in evaluating your application)			
<u>Person at large former PEC of Soleno County</u>			



EQUAL EMPLOYMENT OPPORTUNITY DATA

The Napa Valley Transportation Authority is an equal opportunity employer. In accordance with the applicable laws and regulations, the agency does not discriminate on the basis of disability or other prohibited criteria. The information requested below is for statistical reporting and analysis as required by law only. We request that all applicants complete the following information, however **providing this information is voluntary**. This information will be detached from your application and the information will be kept confidential.

Name Lyall Abboer Date 7/15/2024

Position Applied For Person at large Public rider

Sex: ☒ Male ☐ Female Disabled: ☐ Yes ☒ No

Race/Ethnicity: (Check only one.)

☐ **AMERICAN INDIAN/ALASKAN NATIVE**

All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

☐ **BLACK**

Not of Hispanic origin; All persons having origins in any of the Black racial groups of Africa.

☒ **WHITE**

Not of Hispanic origin; All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.

☐ **HISPANIC**

All persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

☐ **ASIAN/PACIFIC ISLANDER**

All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, such as China, Japan, Korea, Vietnam, and Samoa.

☐ **Two or More Races (Non-Hispanic or Latino)** - Persons who identify with two or more racial categories named above.

☐ **Decline to State** - If you choose not to self-identify your race/ethnicity at this time, the federal government requires this employer to determine this information by visual survey and/or other available information.

To assist NVRTA in our recruitment efforts, please indicate how you found out about the job.

☐ Newspaper (specify) _____

☐ Other Publication (specify) _____

☐ Friend

☐ School or other placement office (specify) _____

☐ NVRTA Employee / Website

☐ Other (specify) _____

☒ Walk-in

Community Participation
(nature of activity and community location)

Other Board/Commission/Committee on which you serve/have served

PCC of Solano Co.

References

Please list three individuals familiar with your background

Full Name: Bianca Gonzales Relationship: Mental Health contact
Company: Napa Co. Mental Health Phone: 707-312-2403
Address:

Full Name: Karl Riedel Relationship:
Company: Phone: (415) 785-8744
Address:

Full Name: Carla Padilla Relationship: Staff South Napa Shelter
Company: South Napa Shelter Phone:
Address: 100 Hartle Ct. Napa, CA 94559

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

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

As a rider being dependant on public transportation for the most part have the insight to hopefully improve the current system of renter and future development.

Disclaimer and Signature

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

Signature:



Date: 7/15/2024

I certify that I am not a member, former member, staff, or former staff of MTC or BATA. I further certify that I am not employed by any organization or person that has received or is receiving funding from MTC or BATA, and I am not a former employee nor contracted with any organization that has received or is receiving funding from MTC or BATA within the last year.



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

2025 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 2025 Federal and State Legislative Advocacy Program (Attachment 1) and review 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: 2025 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 2025 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 2025 Programs and Projects Priorities. Attachment 2 is the redlined version showing the changes from the 2024 Legislative Program and Project Priorities. A summary of the changes is included in Table 1 below.

Table 1: Summary of Legislative Agenda Changes

Item	Reason
Federal Legislative Advocacy Program	
Added Safe Streets and Roads for All program	This grant program can be applied to highway projects in Napa County

Added efforts to support VineGo reimbursement from Medicaid	Could provide additional resources for seniors and disabled
State Legislative Advocacy Program	
Advocate for Transit Oriented Development funding and permit streamlining	This would not only help NVRTA's potential TOD but other housing developments that are in close proximity to transit
Added language around project delivery tools and innovative delivery and funding methods like CM/GC and tolling	This can be applied to projects like SR 37 improvements and potential other highway improvements in Napa County
Regional and Local Advocacy Program	
No changes	
Project Priorities	
Added Passenger rail including City of Napa connection to SMART	Napa/Solano counties are performing a joint rail study to complement the work the State has been doing around passenger rail
Added Transit Oriented Developments at NVRTA's operating center and park and rides.	The Board has supported exploring TOD possibilities next to SGTC

ALTERNATIVES

The Board may elect not to approve the 2025 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 may be lost since the board meets just once a month.

STRATEGIC GOALS MET BY THIS PROPOSAL

The Legislative Agenda meets all 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 NVRTA's priorities.

ATTACHMENT(S)

- (1) 2025 Federal and State Legislative Advocacy Programs and Project Priorities (clean)
- (2) Federal and State Legislative Advocacy Programs and Project Priorities (2025 Advocacy Program redlined)
- (3) September 27, 2024 Federal Legislative Update (Platinum Advisors)
- (4) September 30, 2024 State Legislative Update (Platinum Advisors)
- (5) September 30, 2024 State Matrix (Platinum Advisors)

2025 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 and its successor.
 - Advocate for increased appropriations for the Department of Transportation's (DOT) Safe Streets and Roads for All (SS4A) grant program.
 - 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.
 - Support efforts to address Medicaid reimbursement for paratransit service.

State Legislative Advocacy Program

- Revenues
 - Work closely with state legislators and agencies to renew and 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.
 - Advocate for Transit Oriented Development (TOD) funding and permit streamlining for TOD housing.
 - 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.
 - Advocate for regulatory streamlining around public utility requirements
 - Support project delivery tools and processes related to innovative project funding and delivery including construction manager/general contractor (CM/GC) project delivery, means-based tolling, and resource restoration and enhancement.
- Environment and Resiliency
 - 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.
 - 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.
 -
- Safety
 - Support State efforts to implement Vision Zero policies and programs statewide.
 - Support efforts to expand 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 eligibility screening, applications, and 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.
- Support efforts for Medi-Cal transportation coverage for paratransit service providers.

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 Intersection Improvements
- St. Helena to Yountville Vine Trail
- 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, local street and road operations, and transit including transit signal priority, changeable messaging signs and emergency highway operation systems and battery storage.
- 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 Active Transportation, Vision Zero and Local Roadway Safety 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
- 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
- Passenger rail including into the City of Napa and expansion of the Sonoma Marin Area Rail Transit to Napa and Solano Counties.

Transit Oriented Developments

2025 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 and its successor. (formerly BUILD and TIGER).
- Advocate for increased appropriations for the Department of Transportation's (DOT) Safe Streets and Roads for All (SS4A) grant program.
- 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.
- Support efforts to address Medicaid reimbursement for paratransit service.

State Legislative Advocacy Program

- Revenues

- Work closely with state legislators and agencies to renew and 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.
- Advocate for Transit Oriented Development (TOD) funding and permit streamlining for TOD housing.
- 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.
 - Advocate for regulatory streamlining around public utility requirements
 - Support efforts to expand local and regional authority to support innovative project contract and delivery. Support project delivery tools and processes related to innovative project funding and delivery including construction manager/general contractor (CM/GC) project delivery, means-based tolling, and resource restoration and enhancement.
- 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.
 - 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.
 -
- Safety

- Support State efforts to implement Vision Zero policies and programs statewide.
- Support efforts to implement-expand 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 eligibility screening, applications, and 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.
 - Support efforts for Medi-Cal transportation coverage for paratransit service providers.

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 ~~Intersection Improvements~~ ~~Infrastructure and Travel Demand Management Programs~~
- St. Helena to Yountville Vine Trail
- 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, and transit including ~~autonomous vehicle infrastructure~~ ~~transit signal priority~~, ~~changeable messaging signs~~ and ~~emergency highway operation systems and battery storage~~.
- Projects included in the Countywide Transportation Plan and Plan Bay Area for NVRTA and Napa's jurisdictions
- Pedestrian and Bicycle Infrastructure, Wayfinding, and Safety, included in the Countywide ~~Bicycle and Pedestrian~~ Active Transportation, Vision Zero and Local Roadway Safety Plans ~~-Plans~~
- Improvements included in the Imola Complete Streets Corridor Plan
- Rapid Bus corridor improvements on major corridors including project in NVRTA's 2017 Express Bus Plan
- Upgrades to Soscol Gateway Transit Center and park and ride facilities
- ~~Major Corridor Management, Operations and Control Center Projects~~
- Vine 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
- Passenger rail including into the City of Napa and expansion of the Sonoma Marin Area Rail Transit ~~expansion to Suisun Amtrak/Capital Corridor Station and Vallejo Ferry Terminal~~ Napa and Solano Counties.
- ~~Transit Oriented Developments~~

PLATINUM | ADVISORS

TO: Kate Miller, Executive Director
Napa Valley Transit Authority

FROM: Jessica Aune, Platinum Advisors

RE: Napa Valley Transit Authority September 2024 Monthly Report

DATE: Friday, September 27, 2024

State of Play and Congressional Update

Days before federal funding was set to expire, Congress passed a bipartisan short-term spending measure – known as a continuing resolution (CR) – that would fund the government at current levels through December 20. The CR also provides an additional \$231 million to the Secret Service ahead of the November election and an extra \$10 billion for the Federal Emergency Management Agency’s disaster relief fund. Despite efforts by Speaker of the House Mike Johnson (R-LA) to attach legislation that would bar noncitizens from voting in federal elections to a prior CR that ultimately failed to pass the House, the final version didn't include any controversial provisions to ensure passage in both chambers.

The showdown over funding will now be punted to mere days before the Christmas holiday. Upon their return to Capitol Hill after the election, lawmakers will now have to use part of the lame duck period to reach a compromise on spending bills. Significant disagreements on report language and spending levels remain that could divert leaderships' attention away from other priority legislation, including several extensions for COVID-era health care flexibilities, a children’s online privacy measure, and a small package on any expiring tax provisions. Congress must also pass the Farm Bill – which has already received a short-term extension – and the annual National Defense Authorization Act.

An additional underlying disagreement on FY 2025 spending is how to package all twelve appropriations bills. Several members of the House Republican Conference, including Speaker Johnson, want to avoid a “Christmas omnibus” package. However, past assurances from GOP House leadership about avoiding an omnibus package have fallen short, as demonstrated in the FY 2024 spending bill passed in March.

EPA Gas Car Emissions Rule Rejected by House Republicans

This month, the House passed a disapproval resolution under the Congressional Review Act aimed at repealing an Environmental Protection Agency (EPA) [rule](#) that would impose

new emissions standards for light- and medium-duty vehicles beginning with 2027 models. The final standard is an extension of EPA's 2021 rule that established emissions standards for model years 2023 through 2026.

The regulation allows manufacturers to make their own assessment of the vehicle market and their own decisions about which technologies to apply to which vehicles for any given model year. Separately from the final rule, the EPA has encouraged the vehicle industry to advance zero-emission vehicle technologies, including a transition to hybrid and electric vehicles.

House Republicans have argued that the agency's final regulation under the Clean Air Act would effectively push gas-powered vehicles out of the US marketplace. Ahead of the House vote, the White House [released](#) a Statement of Administration Policy threatening to veto the measure if approved by the Senate.

Commerce Department Proposes Rule Banning 'Connected' Vehicle Imports

The U.S. Commerce Department [announced](#) its plans to issue a notice of proposed rulemaking that aims to block the sale and import of Chinese- and Russian-made hardware and software for connected vehicles. The agency stated that the regulation could potentially bolster US security against a cybersecurity threat from foreign adversaries and other state-sponsored hacking groups.

Specifically, the rule covers "vehicle connectivity systems" – systems and components connecting the vehicle to the outside world, including via Bluetooth, cellular, satellite, and Wi-Fi modules – and "automated driving systems." Biden administration officials have argued that access to those technologies would allow adversaries to access and collect sensitive data and remotely manipulate cars.

The prohibitions on software would take effect for Model Year 2027, and the prohibitions on hardware would take effect for Model Year 2030, or January 1, 2029 for units without a model year.

FHWA Announces Acting Federal Highway Administrator

This month, the Federal Highway Administration (FHWA) [announced](#) that Kristin White will serve as Acting Federal Highway Administrator. She previously served as FHWA Deputy Administrator since May 2024 and originally joined FHWA as Chief Counsel in July 2023. As FHWA Deputy Administrator and part of the FHWA senior leadership team, Kristin White worked to advance key initiatives, from advancing the agency's mission and strategic direction to ensuring FHWA meets its commitments to deliver Bipartisan Infrastructure Law programs.

Prior to joining FHWA, Kristin White served as the Chief Operating Officer of the Intelligent Transportation Society of America (ITS America), a nonprofit founded by Congress to

advance safety and mobility through transportation technology and innovation. She was also the co-founder and Executive Director of Minnesota's Office of Connected and Automated Vehicles (CAV-X), one of the nation's leading tech startups and idea incubators within government that research and deploys transformational technology and policy.

After Administrator Shailen Bhatt stepped down earlier this month, the FHWA became the latest DOT agency to lack a Senate-confirmed leader, along with the Federal Transit Administration, the National Highway Traffic Safety Administration, the Federal Motor Carrier Safety Administration, and the Pipeline and Hazardous Materials Safety Administration.

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: 1/25/202

[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.

Sponsor: Graves, Garret [Rep.-R-LA-6]

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 (CONNECT) 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 EV 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

[H.R.6178](#) — **Bidirectional Electric Vehicle Charging Act of 2023**

Sponsor: Brownley, Julia [Rep.-D-CA-26]

Introduced: 11/02/2023

[H.R.6199](#) — **Build More Housing Near Transit Act of 2023**

Sponsor: Peters, Scott H. [Rep.-D-CA-50]

Introduced: 11/02/2023

[S.3216](#) — **Build More Housing Near Transit Act of 2023**

Sponsor: Schatz, Brian [Sen.-D-HI]

Introduced: 11/02/2023

[S.3246](#) — **Building Safer Streets Act**

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

Introduced: 11/07/2023

[H.R.6376](#) — **To require certain grant recipients of transit and highway transportation projects to establish and contribute to a business uninterrupted monetary program fund, and for other purposes.**

Sponsor: Correa, J. Luis [Rep.-D-CA-46]

Introduced: 11/13/2023

[H.R.6665](#) — **To amend the Internal Revenue Code of 1986 to eliminate certain fuel excise taxes and impose a tax on greenhouse gas emissions to provide revenue for maintaining and building American infrastructure, and for other purposes.**

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

Introduced: 12/07/2023

[S.3477](#) — **A bill to increase access to higher education by providing public transit grants.**

Sponsor: Casey, Robert P., Jr. [Sen.-D-PA]

Introduced: 12/12/2023

[H.R.6964](#) — **To establish limitations on advanced payments for bus rolling stock, and for other purposes.**

Sponsor: Fischbach, Michelle [Rep.-R-MN-7]

Introduced: 01/11/2024

[H.R.6997](#) — **Disaster Contract Improvement Act**

Sponsor: LaLota, Nick [Rep.-R-NY-1]

Introduced: 01/16/2024

[S.3605](#) — **A bill to require the Secretary of Transportation to develop guidelines and best practices for local evacuation route planning, and for other purposes.**

Sponsor: Padilla, Alex [Sen.-D-CA]

Introduced: 01/17/2024

[H.R.7009](#) — **Securing Airport Facilities for Enhanced Parking Act**

Sponsor: Caraveo, Yadira [Rep.-D-CO-8]

Introduced: 01/17/2024

[H.R.7012](#) — **Transit Emergency Relief Act**

Sponsor: D'Esposito, Anthony [Rep.-R-NY-4]

Introduced: 01/17/2024

[H.R.7039](#) — **To amend title 49, United States Code, to establish a program to provide grants to eligible recipients for eligible operating support costs of public transportation, and for other purposes.**

Sponsor: Johnson, Henry C. "Hank," Jr. [Rep.-D-GA-4]

Introduced: 01/18/2024

[H.R.7191](#) — **Save Our Pedestrians Act of 2024**

Sponsor: Carey, Mike [Rep.-R-OH-15]

Introduced: 02/01/2024

[H.R.7273](#) — **Undoing Nationwide Programs and Limiting Unnecessary Grants for Electric Vehicles Act (UNPLUG EVs) Act**

Sponsor: Burlison, Eric [Rep.-R-MO-7]

Introduced: 02/07/2024

[H.R.7286](#) — **Generating Resilient, Environmentally Exceptional National (GREEN) Streets Act**

Sponsor: Huffman, Jared [Rep.-D-CA-2]

Introduced: 02/07/2024

[H.R.7504](#) — **To expand and modify the grant program of the Department of Veterans Affairs to provide innovative transportation options to veterans in highly rural areas, and for other purposes.**

Sponsor: Perez, Marie Gluesenkamp [Rep.-D-WA-3]

Introduced: 02/29/2024

[H.R.7548](#) — **Small Business Transportation Investment Act of 2024**

Sponsor: Miller, Carol D. [Rep.-R-WV-1]

Introduced: 03/05/2024

[S.3924](#) — **Bus Rolling Stock Modernization Act of 2024**

Sponsor: Smith, Tina [Sen.-D-MN]

Introduced: 03/12/2024

[H.R.7980](#) — **End Chinese Dominance of Electric Vehicles in America Act of 2024**

Sponsor: Miller, Carol D. [Rep.-R-WV-1]

Introduced: 04/15/2024

Latest Action: House - 04/17/2024 Ordered to be Reported in the Nature of a Substitute (Amended) by the Yeas and Nays: 22 - 18.

[H.R.8121](#) — **To amend the Intermodal Surface Transportation Efficiency Act of 1991 to prohibit congestion or cordon pricing in a value pricing program, and for other purposes.**

Sponsor: Malliotakis, Nicole [Rep.-R-NY-11]

Introduced: 04/23/2024

[H.R.8253](#) — **To establish a green transportation infrastructure grant program, and for other purposes.**

Sponsor: Garcia, Robert [Rep.-D-CA-42]

Introduced: 05/06/2024

[S.4277](#) — **A bill to establish a green transportation infrastructure grant program, and for other purposes.**

Sponsor: Warren, Elizabeth [Sen.-D-MA]

Introduced: 05/07/2024

[S.4299](#) — **A bill to require the Secretary of Transportation to issue a rule relating to the collection of crashworthiness information under the New Car Assessment Program of the National Highway Traffic Safety Administration, and for other purposes.**

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

Introduced: 05/09/2024

S.4316 — Moving Transit Forward Act of 2024

Sponsor: Van Hollen, Chris [Sen.-D-MD]

Introduced: 05/09/2024

Latest Action: Senate - 07/31/2024 Committee on Banking, Housing, and Urban Affairs. Hearings held.

H.R.8349 — To establish the position of National Roadway Safety Advocate within the Department of Transportation, and for other purposes.

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

Introduced: 05/10/2024

H.R.8357 — To provide that not less than 3 percent of the amounts made available for certain Federal-aid highway programs shall be expended through veteran owned small business concerns, and for other purposes.

Sponsor: Kim, Andy [Rep.-D-NJ-3]

Introduced: 05/10/2024

H.R.8486 — To direct the Secretary of Transportation, in coordination with the Secretary of Housing and Urban Development, to establish a thriving communities grant program.

Sponsor: Torres, Norma J. [Rep.-D-CA-35]

Introduced: 05/21/2024

S.4389 — A bill to amend the Internal Revenue Code of 1986 to promote the increased use of renewable natural gas, to reduce greenhouse gas emissions and other harmful transportation-related emissions that contribute to poor air quality, and to increase job creation and economic opportunity throughout the United States.

Sponsor: Tillis, Thomas [Sen.-R-NC]

Introduced: 05/22/2024

S.4422 — A bill to require original equipment manufacturers of digital electronic equipment to make available certain documentation, diagnostic, and repair information to independent repair providers, and for other purposes.

Sponsor: Lujan, Ben Ray [Sen.-D-NM]

Introduced: 05/23/2024

H.R.8737 — To amend the Infrastructure and Investment and Jobs Act to repeal the authority of the Secretary of Energy and the Secretary of Transportation to maintain an electric vehicle working group, and for other purposes.

Sponsor: Ogles, Andrew [Rep.-R-TN-5]

Introduced: 06/13/2024

[S.4989](#) — Recharge your Electric Car on the Highway to Alleviate Range Gaps Effectively (RECHARGE) Act

Sponsor: Merkley, Jeff [Sen.-D-OR]

Introduced: 08/01/2024

[H.R.9408](#) — Pedestrian Protection Act

Sponsor: Scanlon, Mary Gay [Rep.-D-PA-5]

Introduced: 08/23/2024

[H.R.9531](#) — To make projects in certain counties eligible for funding under the rural surface transportation grant program, and for other purposes.

Sponsor: Valadao, David G. [Rep.-R-CA-22]

Introduced: 09/10/2024

[H.R.9536](#) — To amend title 23, United States Code, and the Infrastructure Investment and Jobs Act with respect to vehicle roadside accidents, and for other purposes.

Sponsor: Carter, Troy A. [Rep.-D-LA-2]

Introduced: 09/11/2024

[S.5038](#) — Stop California from Advancing Regulatory Burden (CARB) Act of 2024

Sponsor: Lee, Mike [Sen.-R-UT]

Introduced 09/12/2024

[H.R.9574](#) — To amend the Clean Air Act to eliminate a waiver under that Act, to eliminate an authorization for States to use new motor vehicle emission and new motor vehicle engine emissions standards identical to standards adopted in California, and for other purposes.

Sponsor: Nehls, Troy E. [Rep.-R-TX-22]

Introduced: 09/12/2024

[H.R.9652](#) — To incentivize innovative transportation corridors to reduce carbon and greenhouse gas (GHG emissions), to provide a tax structure that allows for certain investments in public transportation systems, and to enable the fossil fuel workforce to transition to sustainable work sectors.

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

Introduced: 09/18/2024

Executive Branch

Department of Transportation (DOT)

DOT [announced](#) \$5 million in research funding to Rutgers University Center for Advanced Infrastructure and Transportation (CAIT). This partnership between DOT and Rutgers University will support the development of innovative approaches to decarbonize, promote sustainability, and strengthen the resilience of U.S. transportation infrastructure. Rutgers' CAIT includes partner institutions from academia and the steel and cement industries.

DOT [awarded](#) \$49.46 million in grants to 45 local, regional, and state public entities through the Innovative Finance and Asset Concession Grant Program (IFACGP). The program makes \$100 million available over five years to help public entities scan existing assets to unlock value from them and explore innovative financing and delivery opportunities through, e.g., the Build America Bureau's Transportation Infrastructure Finance and Innovation Act (TIFIA) low-cost loan program. More than 70 percent of the projects include transit-oriented development and downtown redevelopment initiative.

DOT [announced](#) more than \$1 billion in grants through the Safe Streets and Roads for All (SS4A) program. The funding will go directly to 354 local, regional, and tribal communities to improve roadway safety and prevent deaths and serious injuries on both rural and urban roads. The announcement was paired with the National Highway Traffic Safety Administration's release of its early estimates of traffic fatalities for the first half of 2024, estimating that traffic fatalities declined for the ninth straight quarter.

Federal Transit Administration (FTA)

FTA [announced](#) General Directive 24-1: Required Actions Regarding Assaults on Transit Workers, which would require more than 700 transit agencies nationwide to take action to protect frontline transit workers from the risk of assaults. Between 2013-2021, the National Transit Database (NTD) documented a 120 percent increase in the number of assaults against transit workers. General Directive 24-1 requires every transit agency subject to FTA's Public Transportation Agency Safety Plans (PTASP) regulation to do the following:

- Conduct a risk assessment of assaults on the agency's transit workers, specifically on transit vehicles and facilities, using the Safety Management System processes outlined in its Agency Safety Plan.
- If a transit agency has determined it has an unacceptable level of risk of assaults on transit workers, it must identify strategies to mitigate that risk and improve transit worker safety.

- Every transit agency serving a large, urbanized area (with a population of more than 200,000 people) must comply with Public Transportation Agency Safety Plans (PTASP) requirements to involve the joint labor-management Safety Committee when identifying safety risk mitigations and strategies.
- Finally, each transit agency must provide information to FTA within 90 days on the risk level identified in its system, how it is mitigating those risks, and how it is monitoring the safety risk associated with assaults on transit workers.

Federal Highway Administration (FHWA)

FHWA [announced](#) it is providing \$802 million to 36 states, Guam, and Puerto Rico. The funds will be used to support repair needs following natural disasters, extreme weather, or catastrophic events, such as hurricanes, flooding, and mudslides. Repairs as the result of these events will receive federal reimbursement funding under the FHWA's Emergency Relief (ER) program.

FHWA along with the Joint Office of Energy and Transportation, [announced](#) an RFI from stakeholders about EV charging technologies and infrastructure needs for medium- and heavy-duty vehicles. The RFI seeks input in four areas to support medium- and heavy-duty electric vehicles: 1) unique EV charger and station needs; 2) vehicle charging patterns; 3) charging technology and standardization, and 4) workforce, supply chain, and manufacturing to support charging of medium- and heavy-duty battery EVs in DOT vehicle classes four through eight, which include delivery vans, school buses, semi-tractor trucks, fire trucks, dump trucks, and tour buses.

National Highway Traffic Safety Administration (NHTSA)

NHTSA [proposed](#) a new rule to reduce fatalities and serious injuries among pedestrians struck by vehicles. The proposed rule would establish a new Federal Motor Vehicle Safety Standard requiring new passenger vehicles be designed to reduce the risk of serious-to-fatal injuries in child and adult pedestrian crashes.

Federal Aviation Administration (FAA)

FAA [announced](#) \$1.9 billion for 519 grants in its fifth announcement under the Airport Improvement Program (AIP). An additional \$269 million was also announced in FY 2023 Supplemental Discretionary Grants to fund 62 projects at 56 U.S. airports. This competitive grant program under the Airport Improvement Program assists airport owners and operators in the development and improvement of the national airport system. For the first time, the grants include funding for the testing of technologies to reduce, mitigate, and remove contaminants caused by Aqueous Film Forming Foam (AFFF) and other per- and polyfluoroalkyl substances (PFAS).

Joint Office of Energy and Transportation (Joint Office)

The Joint Office [announced](#) that the National Charging Experience Consortium (ChargeX Consortium) released its "[Recommended Actions to Improve Adapter Safety](#)" report. The report shares findings from a Failure Mode and Effects Analysis (FMEA) conducted by the ChargeX Consortium that helps identify gaps in adapters' performance and adherence to common safety requirements. The ChargeX Consortium is a collaboration between the Argonne National Laboratory, Idaho National Laboratory, and the National Renewable Energy Laboratory with organizations representing a cross-section of the EV industry to address three EV charging challenges: payment processing and user interface, vehicle-charger communication, and diagnostic data sharing.

PLATINUM | ADVISORS

September 30, 2024

TO: Kate Miller, Executive Director
Napa Valley Transportation Authority

FR: Steve Wallauch
Platinum Advisors

RE: Legislative Update

Sign/Veto: The Governor has until midnight tonight to sign or veto the remaining bills on his desk. As of this morning the Governor has acted on over 1,100 bills and has about 40 pending. So far, the Governor has vetoed about 16% of the bills. While the Governor signed several artificial intelligence (AI) bills, he vetoed the most far-reaching proposal, SB 1047 (Wiener), which would have required safeguards to be placed on the use of artificial intelligence models. The veto message was three pages long and was accompanied by an announcement to create a commission to develop guardrails on AI.

Fiscal Outlook: The Department of Finance's monthly revenue bulletins continue to a stable fiscal outlook. The month of August receipts were \$710 million, or 5.5 percent, above the Budget Act forecast for August. Strength in August was driven by sales tax and personal income tax which exceeded the forecast by \$435 million and \$332 million, respectively. For the fiscal year to date, revenue exceeds projections by \$1.7 billion, or about 7.5% above the forecast.

- Personal income tax cash receipts were \$332 million, or 4.1 percent, above forecast in August and \$2.1 billion above forecast cumulatively since April.
- Corporation tax cash receipts were \$1 million, or 0.4 percent, below forecast in August as strength in estimated payments and other payments were offset by lower pass-through entity elective tax (PTET) payments and higher refunds. Corporation tax receipts remain \$1.9 billion above forecast cumulatively since April.
- Preliminary sales and use tax receipts were \$435 million, or 12.1 percent, above forecast in August. This strength in August is primarily related to the timing of collections as higher-than-expected cash receipts shifted from July to August.

Special Session: After holding two informational hearings, the Assembly Committee on Petroleum & Gasoline Supply voted last week to advance two bills to the Assembly Floor for consideration. At the hearing, lawmakers rejected a third bill, proposed by the

Assembly's top Republican, to exempt gasoline from the state's cap-and-trade program, which GOP legislators argued would have immediately cut the price of gas and saved drivers' money.

The main bill approved, ABXX 1 (Hart & Aguiar Curry), was proposed by Newsom in the final days of the legislative session. This bill would require oil refineries to maintain a supply of gas using existing storage. It would direct the California Energy Commission to produce specific regulations. The goal is to have larger reserves in case refiners go offline for maintenance, whether planned or unplanned. In recent years, such maintenance has led to sharp price hikes at the pump. Market regulators say the price spikes have cost California drivers up to \$2 billion and directly profit oil companies. Two Democrats on the 19-member committee abstained from voting on the measure and said they want stronger assurances from state regulators that the proposals will bring down the cost of gasoline in California.

The second bill approved was ABXX 9, authored by the committee chair, Assemblymember Petrie-Norris. This bill was introduced a few days before the hearing. ABXX 9 urges the Air Board to proceed with the rule making process to allow the sale of E15, which is gasoline with 15% ethanol content as opposed to current gasoline formula that contains 10% ethanol. California is the only state that does not allow the sales of E15, which has been proven to be a cleaner fuel, but also a cheaper fuel, by about 20 cents per gallon.

If these bills are approved by the Assembly this week, the Senate announced that it will return to Sacramento on October 11th to convene the special session and consider the Assembly proposals.

LEGISLATION

Complete Streets: Senator Wiener was successful once again in moving legislation forward to place in statute requirements that Caltrans must address complete streets needs in its transportation programming. However, this time the Governor signed SB 960 into law.

While Caltrans has adopted similar policies, Senator Wiener, and an extensive list of supporters, including NCTA, believe Caltrans has failed to fully implement those policies. SB 960 requires inclusion of bicycle, pedestrian, and transit priority facilities in the Transportation Asset Management Plan, the State Highway System Management Plan, and the plain language performance report of the State Highway Operation and Protection Program (SHOPP). While the amendments provide some flexibility to Caltrans to phase in these requirements, the overall intent of the bill remains in place.

Warehouse Setback Legislation: AB 98 (Juan Carrillo), one of the session's most controversial measures, was signed into law. The bill mandates a 300-foot setback between new warehouses and sensitive areas, such as homes, schools, and hospitals, in an effort to reduce air pollution from truck traffic. It also requires large warehouses to

implement energy-efficient measures like cool roofing, solar power, and electric vehicle infrastructure.

While environmental advocates see the bill as a step toward addressing the negative health impacts of warehouse operations, industry groups warned it could stifle economic development. On the other side, environmental justice advocates criticized the bill's setbacks as insufficient.

Hydrogen Production Streamlining: In another step toward clean energy, Senator Anna Caballero's [SB 1420](#) was signed into law. This bill would streamline the permitting process for hydrogen production projects that align with state and federal clean energy goals. SB 1420 focuses on expediting projects that avoid fossil fuel inputs and benefit from state or federal funding, including through the Biden Administration's Bipartisan Infrastructure Law. With the award of \$1.2 billion in federal funds for renewable hydrogen initiatives, this legislation is a key step toward advancing the state's hydrogen economy.

One element removed from SB 1420 was language to clarify the definition of clean hydrogen. This was a change supported by CARB but opposed by environmental groups who believe electrolytic hydrogen powered solely by solar or wind energy should be the only type of hydrogen that qualifies as a clean transportation fuel source. This is an effort that will be revisited next year.

PLATINUM | ADVISORS

September 30, 2024

ATTACHMENT 5
NVTB Board Item 12.1
October 16, 2024

TABLE 1: BOARD ADOPTED POSITIONS

	Subject	Status	Board Position
AB 817 (Pacheco D) Open meetings: teleconferencing: subsidiary body	AB 817 would authorize a “subsidiary body” to remotely hold a public meeting if specified conditions are met. <i>AB 817 failed passage in the Senate Local Government Committee because the author would not accept all the amendments proposed by the Committee. Reconsideration of the bill was granted in the event the author changes her mind.</i> The Committee proposed several amendments to narrow the application of the bill to specific types of advisory bodies, which the author accepted. However, there were two amendments the author would not accept. This resulted in the chair voting “no” causing the rest of the committee to hold off, or vote no. The two changes that are holding up this bill include the following: • The provisions of the bill would not apply to advisory bodies where the members are compensated. • Require a quorum to be present at a single public location; however, members of the body that have “specific needs” may count toward the quorum even if they participate remotely.	Senate Local Government Failed Passage Dead	SUPPORT
AB 1837 (Papan D) San Francisco Bay area: public transportation.	AB 1837 remains in the Senate Transportation Committee and will not be moving forward this year. This bill would codify the existing Regional Network Manager Council that consists of specified Bay Area transit general managers. The bill would require MTC to create a council consisting of 11 representatives that would	Senate Transportation Dead	Watch

	Subject	Status	Board Position
	consist of the general managers from the large operators plus 4 additional general managers selected by specified general managers. The bill charges the Council to represent the interests of its stakeholders, provide critical input on regional transit policies, and provide guidance on regional transit policies and plans.		
<u>AB 1904</u> <u>(Ward D)</u> Transit buses: yield right-of-way sign.	Existing law allows Santa Clara VTA and Santa Cruz Metropolitan Transit District to equip buses with a “yield right-of-way” sign to inform motorists when the bus re-entering a traffic lane. AB 1904 would expand the above authorization to allow any transit operators to equip its bus with yield right-of-way signs. Under AB 1904 these signs could be an illuminated sign or a static decal.	Signed Into Law Chapter #555, Statutes of 2024	Support
<u>AB 2719</u> <u>(Wilson D)</u> Vehicles: commercial vehicle inspections.	AB 2719 was approved unanimously by the Assembly Committee on Transportation. This bill creates an alternative safety inspection process for public transit vehicles to ensure their safety and maintains the transit agency's ability to provide reliable, on-time transit service. AB 2719 is sponsored by NVRTA and SolTrans. The purpose of this bill is to create an alternative inspection process that will exempt public transit buses from being required to stop at any roadside inspection station.	Assembly Appropriations Held on Suspense File Dead	Co-Sponsor
<u>AB 2824</u> <u>(McCarty D)</u> Battery; Public Transportation Provider	As amended, AB 2824 would expand the application of existing provisions for battery of a bus operator to also include an agent, employee, or contractor to a public transit operator. The existing penalty for battery includes a fine of up to \$10,000, or up to one year in county jail, or both. The bill would also include imprisonment in state prison for up to 16 months, or 2 years, or 3 years.	Assembly Public Safety Dead	Support

	Subject	Status	Board Position
	AB 2824 will not move forward this year. The author and the sponsors could not reach an agreement on adding provisions to the bill to allow transit operators to issue prohibition orders.		
AB 3214 (Fong, Mike D) Public transit: advertising.	AB 3214 would require the state to prioritize purchasing advertising space offered by public transit operators when implementing a public awareness campaign. This measure will not move forward this year. The author and sponsors will pursue an administrative solution before seeking legislation.	Assembly Transportation Dead	Support
SB 537 (Becker D) City and County of Los Angeles: memorial to forcibly deported Mexican Americans and Mexican immigrants.	SB 537 was removed from the Inactive File and then gutted and amended. As amended, the bill would grant permission to construct a memorial on state property in Los Angeles. The prior version of the bill provided some flexibility for remote participation in public meetings by multi-jurisdictional, cross-county local agencies with appointed members. These provision have been removed.	Signed Into Law Chapter #859, Statutes of 2024	WATCH (prior version)
SB 769 (Gonzalez D) Local government: fiscal and financial training	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. Fiscal and financial training is defined to include the following: • 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.	Assembly Appropriations Held on Suspense File Dead	Watch

	Subject	Status	Board Position
	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.		
SB 925 (Wiener D) San Francisco Bay area: local revenue measure: transportation improvements.	SB 925 was a spot bill that included intent language stating that this bill would authorize MTC to propose a revenue measure to fund the operation, expansion, and transformation of the public transportation system, and other transportation improvements. SB 1031 later became the vehicle for the regional funding measure. SB 925 was amended to address the sale of goods in public spaces in San Francisco.	Assembly Appropriations Held of Suspense File Dead	Watch (prior version)
SB 926 (Wahab D) San Francisco Bay area: public transportation.	SB 926 directs CalSTA to develop a plan to consolidate all transit operations in the Bay Area. The content of this bill has been added to SB 1031.	Senate Transportation Dead	Watch
SB 947 (Seyarto R) Department of Transportation: state highway projects: agreements with public entities: project design changes.	SB 947 would add to the project cost agreement between a local entity and Caltrans a requirement making Caltrans responsible for any additional costs associated with a new project design adopted by Caltrans after the project is included in the state transportation improvement program or the state highway operation and protection program.	Senate Transportation Dead	Watch
SB 960 (Wiener D) Transportation: planning: transit priority projects: multimodal.	SB 960 would place in statute the requirement for Caltrans to include "complete street" improvements to transportation projects. The bill was amended on July 3rd to reflect suggested changes by Caltrans. While the amendments provide some flexibility to Caltrans to phase in these requirements, the overall intent of the bill remains in place. Caltrans suggesting amendments bodes well for SB 960 being signed into law.	Signed Into Law Chapter 630, Statutes of 2024	Support

	Subject	Status	Board Position
	This bill also requires inclusion of bicycle, pedestrian, and transit priority facilities in the Transportation Asset Management Plan, the State Highway System Management Plan, and the plain language performance report of the State Highway Operation and Protection Program (SHOPP). This bill requires any project in the SHOPP to include bicycle, pedestrian, and transit priority projects unless a specified exception applies.		
SB 1031 (Wiener D) San Francisco Bay area: local revenue measure: transportation improvements.	Given growing debate over the content of the bill, Senators Wiener and Wahab decided to shelve the bill for this year in order to provide more time to develop a consensus measure that will be introduced next session. SB 1031 enacts the Connect Bay Area Act, which authorizes MTC to impose specified taxes to fund transportation improvements in the San Francisco Bay Area. The bill also grants MTC the authority to condition the allocation of this revenue to transit operators, and the bill directs CalSTA to study the potential consolidation of transit operators or specific functions of transit operators. The goal of SB 1031 is to create a path to long-term operational stability for Bay Area transit systems, while also investing in transit capital needs and in our roads.	Assembly Desk Dead	Support



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Vine Transit Update

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVRTA) receive the first quarter Fiscal Year (FY) 2024-25 Vine Transit update.

EXECUTIVE SUMMARY

This report summarizes the Vine's operational performance during the first quarter of the current Federal Fiscal Year (FY) 2024-25, covering the period July 1 to September 30, 2024. The board memo compares the first quarter of FY 2024-25 to the same period of FY 2023-24 to provide context on year-over-year ridership levels and compares to the prior quarter to provide insight on more recent ridership trends. Finally, it includes a discussion of radio communication and real-time information as requested by the Board.

FISCAL IMPACT

Is there a Fiscal Impact? No



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

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

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board receive the first quarter Fiscal Year (FY) 2024-25 Vine Transit update.

BACKGROUND

Ridership

Tables 1 - 3, compares the annual difference between first quarter of FY 2023-24 to the same period of FY 2024-25 to show the year-over-year ridership variations.

Table 1 depicts the difference in the City of Napa Ridership in Q1 of Fiscal Year 2023-24 to Q1 of the current federal fiscal year. Although there were two different sets of local routes operated in July – September 2023, there was an overall increase in local ridership of 11.71%.

Table 1: City of Napa Ridership - Comparing Q1 of FY24 & Q1 of FY25

	Q1 FY24*	Q1 FY25	% Difference	Numerical Difference
Local Routes	31,064	34,701	11.71%	3,637

**In the first quarter of FY 2024, there were two different local (City of Napa) routes: (1) the old local routes of N,S,E and W were in service from July 1 – August 12 (2) the newer Routes A-G were in service from August 14 - Present*

Table 2 shows steady overall ridership growth on regional routes of approximately 7% for the quarter. The route showing the largest percentage improvement in ridership is Route

11X at approximately 51%, but the Route 10 traveling up and down the valley during harvest provided the bulk of the numerical increase.

Table 2: Routes 10, 11, 11X, 21 & 29 Ridership – Comparing Q1 of FY24 & Q1 of FY25

	Q1 FY24	Q1 FY25	% Difference	Numerical Difference
Route 10	40,127	45,353	13.02%	5,226
Route 11	33,738	33,680	-0.17%	(58)
Route 11X	944	1,421	50.53%	477
Route 21	4,053	3,484	-14.04%	(569)
Route 29	9,254	9,935	7.36%	681
Total	88,116	93,873	6.53%	5,757

Ridership decreased on the community shuttles overall by about 11% compared to the same quarter last year as shown in Table 3. Calistoga had low July ridership. NVTA received complaints about the air conditioning on these shuttles not keeping up with the high temperatures. Calistoga will be receiving two new shuttles by the end of Q2 and that should put us in a position to make riders more comfortable next summer. Only the Yountville Bee experienced a ridership increase.

Table 3: Community Shuttles– Comparing Q1 of FY24 & Q1 of FY25

	Q1 FY24	Q1 FY25	% Difference	Numerical Difference
Calistoga Shuttle	4,525	3,946	-12.80%	(579)
St. Helena Shuttle	1,463	1,410	-3.62%	(53)
Yountville Bee	1,345	1,413	5.06%	68
American Canyon Transit	5,167	4,313	-16.53%	(854)
Total	12,500	11,082	-11.34%	(1,418)

VineGo ridership rose nominally by about 3% over the last year as seen in Table 4.

Table 4: VineGo Ridership – Comparing Q4 of FY23 & Q4 of FY24

	Q1 FY24	Q1 FY25	% Difference	Numerical Difference
VineGo	3,928	4,055	3.23%	127

Table 5 compares the first quarter of the current federal fiscal year local ridership to the previous quarter (April, May & June of 2024) to provide insight to more recent ridership trends. Route G experienced the most significant ridership growth of nearly 56%. This can be attributed to extending the Route G as part of the August 11th schedule change. The Route was extended further south to serve the Napa Valley College and Health and Human Services, which are two prominent destinations for riders.

Table 5: City of Napa Ridership - Comparing Q4 of FY24 & Q1 of FY25

	Q4 FY24	Q1 FY25	% Difference	Numerical Difference
Napa Local On-Demand (Route A)	980	980	0.00%	0
Route B	6,581	8,026	21.96%	1,445
Route C	14,683	13,675	-6.87%	(1,008)
Route D	1,962	2,805	42.97%	843
Route E	2,816	2,665	-5.36%	(151)
Route F	3,534	3,411	-3.48%	(123)
Route G	2,016	3,139	55.70%	1,123
Total	32,572	34,701	6.54%	2,129

Table 6 compares regional routes to the previous quarter, which experienced an overall increase of approximately 6%. Route 11X experienced the most significant ridership increase of nearly 35%. A new stop was added to the 11X at Devlin at Airport Road as part of the August 11th schedule change. This gives the riders the opportunity to travel to and from the new Vine Bus Maintenance Facility and surrounding warehousing district near the airport in a faster manner. The same stop is served by Route 11, however, Route 11 has more stops on its route than Route 11X.

Table 6: Routes 10, 11, 11X, 21 & 29 Ridership – Comparing Q4 of FY24 & Q1 of FY25

	Q4 FY24	Q1 FY25	% Difference	Numerical Difference
Route 10	39,363	45,353	15.22%	5,990
Route 11	34,038	33,680	-1.05%	(358)
Route 11X	1,056	1,421	34.56%	365
Route 21	4,184	3,484	-16.73%	(700)
Route 29	9,674	9,935	2.70%	261
Total	88,315	93,873	6.29%	5,558

Table 7 compares the community shuttles to the previous quarter, which shows that overall ridership remained relatively stagnant. American Canyon Transit experienced a decline of about 12%, which can be attributed student ridership - schools did not resume until the week of August 12, which is about halfway through the first quarter of the current fiscal year. All other services experienced an increase in ridership. Calistoga's increase can be attributed to the fact that in May a second shuttle was added. Ridership for Q4 of FY24 is negatively impacted because only one shuttle was operating in the month of April.

Table 7: Community Shuttles– Comparing Q4 of FY24 & Q1 of FY25

	Q4 FY24	Q1 FY25	% Difference	Numerical Difference
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Calistoga Shuttle	3,455	3,946	14.21%	491
St. Helena Shuttle	1,319	1,410	6.90%	91
Yountville Bee	1,394	1,413	1.36%	19
American Canyon Transit	4,887	4,313	-11.75%	(574)
Total	11,055	11,082	0.24%	27

Finally, Table 8 depicts a slight decrease in VineGo ridership, which is one of the first decreases quarter-over-quarter since the beginning of the COVID-19 pandemic. Staff will closely monitor the ridership during the next quarter to see if this trend continues. New VineGo vehicles are arriving around December/January, which will replace the 2007 vehicles. This will enhance the rider experience by offering a more comfortable and smoother ride, which could result in ridership gains.

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

	Q1 FY24	Q1 FY25	% Difference	Numerical Difference
VineGo	4,288	4,055	-5.43%	(233)

Chart 1 breaks down the fixed route data by route across first quarters dating back to pre-COVID levels and also adds in the prior quarter (April – June 2024) to visually show the changes over time. The local routes and routes 10 and 11 have all experienced the same general trend of a slow recovery with ridership trending in the right direction. All of the other routes have experienced nominal increases and decreases, but overall ridership has remained relatively stagnant since COVID.

Chart 1: Total Fixed Route Ridership Change

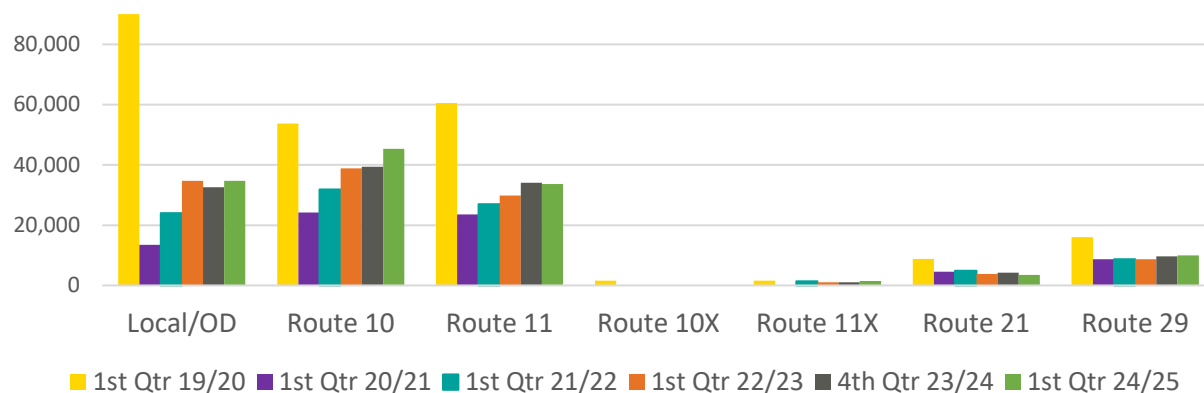
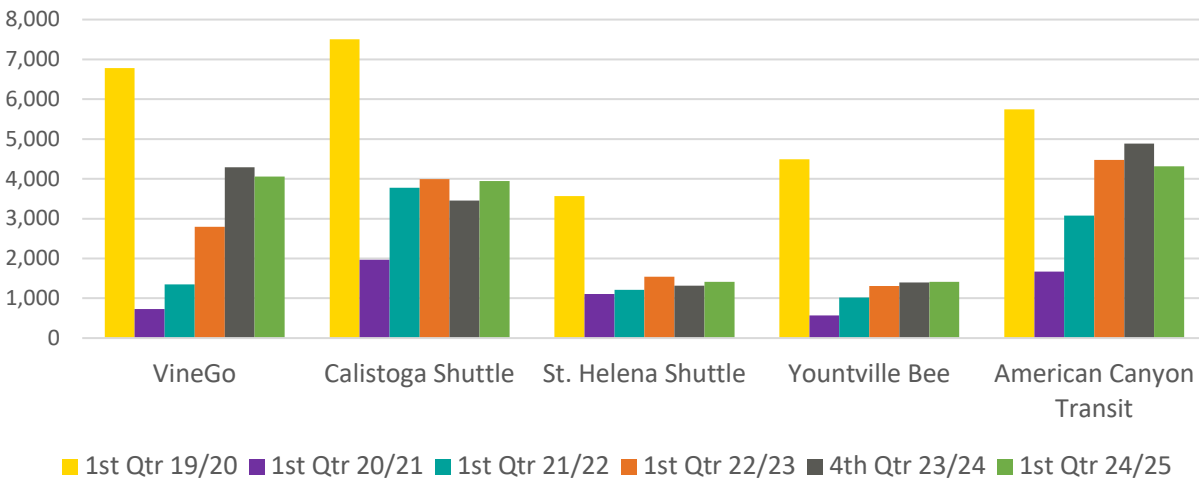


Chart 2 below takes the demand response data and segments it across the different services over the same period as Chart 1. There are differences across the jurisdictional services. St. Helena Shuttle and the Yountville Bee remain below 50% of pre-COVID levels while American Canyon Transit is inching closer to pre-COVID ridership levels. However, all services are trending upwards since the height of the COVID-19 pandemic.

Chart 2: Total Demand Response Ridership Change



Marketing Efforts

September was Transit Month, which was a successful celebration for Vine Transit. Staff made a concerted effort to post on social media channels and was able to increase its social media engagement by 691% (the average of the results below).

Vine Transit September Social Media Efforts:

Facebook:

Reach increased 658% (compared to the month prior)

Content interaction – increased 1,200%

Link clicks – increased 100%

Instagram:

Reach – increased 666%

Content interaction – increased 833%

Nextdoor:

19,531 impressions

Free rides were offered on all routes on September 27th. Additionally, staff setup a table at the transit center during peak travel times and gave away free branded stickers, hats, t-shirts, keychains and carabiners to express our gratitude to our riders.

Direct outreach efforts during the first quarter of this current fiscal year included:

- Distributing Mobility Assistance Informational Brochures with a Meals on Wheels delivery in July, reaching approximately 788 seniors throughout Napa Valley
- Attending City of Napa's National Night Out on August 6th
- Attending American Canyon's Meet Me in the Streets on August 14
- Attending UpValley Family Center's Back to School Night Celebration on August 30th
- Presenting to residents at Rohlffs Manor on September 17th
- Presenting to the Senior Center on September 27th

In the coming weeks, a call for artists will be sent out in the North Bay to solicit artwork for a new bus wrap. A selection committee will choose their top three favorite artists based on artistic style and design for a bus wrap for the new Gillig Electric buses that are expected to arrive in Napa around June/July 2025.

Vine Transit Technologies and Challenges

At its September meeting, the Board requested additional information about Vine Transit communications technology. Below is a summary of communication systems currently used to deploy Vine Transit services and a brief summary of the challenges associated with those technologies.

The *Computer Aided Dispatch* and Automated Vehicle Location (CAD/AVL) system is necessary to provide real time arrival information on Vine fixed route buses and to coordinate bus deployment with scheduling software.

Challenges:

- NVTA currently has a severe vehicle shortage and often times a bus without CAD/AVL technology is substituted for a fixed route bus that is out of service.
- Drivers neglect to log in or login properly
- Signal strength in various areas outside the City of Napa is weak or non-existent which interferes with bus/base station communications
- Connections between the Mobile Data Terminal and the internet are necessary to upload data – there are limited connections until the solar canopies are completed.
- Unstable router connectivity due to vibration and old router technology (currently being replaced)

Significant efforts are underway to resolve these challenges with the CAD/AVL provider and Transdev staff. If new measures that are in place are unsuccessful, staff will recommend that NVTA procure a new CAD/AVL contract in the next 12 months.

Radios

NVTA currently operates a low-band radio system that it inherited from the City of Napa for fixed Route and the County of Napa for paratransit around 1998. The radio system is now obsolete, and NVTA received funding in 2023 to upgrade to high-band radios.

Challenges:

- NVTA needs cooperation from the County of Napa and the City of Napa to accommodate this frequency on radio towers that allow for coverage through Napa County and into Solano and Contra Costa County, which has caused significant delays in NVTA's ability to move forward with the new system. During a 10-month process with the City of Napa, NVTA's consultant, Day Wireless, has submitted an updated application to the Federal Communications Commission on September 19th and once approved NVTA can replace all its radios within the month.

CAD/AVL and Radio communications are not the only means for identify the location of the bus but are the most sophisticated. Transdev can use the Lytx DriveCam but is typically used in more urgent situations. The Lytx system allows dispatchers to see "breadcrumbs" of where that bus traveled during the day and a live video of the drive. It is not a program that is open all the time but is useful for reviewing driver or rider behavior. The Lytx system has to positively ID a missing person, which is particularly critical for identifying whether a person is safe during an emergency evacuation.

ATTACHMENTS

None



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Free Transit and Fare Subsidy Programs

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board receive a report on Free Transit and Fare Subsidy Programs.

EXECUTIVE SUMMARY

At its September 18, 2024 meeting, the Board of Directors requested an agenda item to discuss a Free Fare program. Staff will provide a report on free fare programs currently being offered in the North Bay, how they are subsidized, and hurdles that would need to be overcome to provide a Free Transit program in Napa. Staff will also share about fare subsidy programs currently provided by NVTA and its jurisdiction partners, and other subsidy program opportunities.

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: Free Fare and Fare Subsidy Programs

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board receive a report on Free Transit and Fare Subsidy Programs.

COMMITTEE RECOMMENDATION

None

BACKGROUND

At its September 18, 2024 meeting the NVTA Board requested an agenda item on Free Fare Programs. Free fare programs are emerging around the region, and in the North Bay, as a means to encourage new ridership. Free fare programs are useful for removing the confusion associated with how to pay fares, and therefore eliminate a barrier that impedes new riders. Free fares also speed up the system as patrons can just board without pausing to access their fare media card or to get the correct change. Finally free fares support community members who are on limited budgets and/or do not have the resources to pay fares.

NVTA currently provides the following fare subsidies:

- All fares on fixed route and VineGo services are heavily subsidized. Fares currently make up only 6% or \$816,000 of the Vine \$13.7 million operating budget and 4.6% or \$62,000 of the \$1.3 million Vine-Go operating budget. If riders were required to pay for the full cost, they would be charged \$24.64 per ride on the Vine and \$49.56 per ride on VineGo.

- Standard adult fares are currently the highest fare any person pays for riding Vine Transit. An adult fare is \$2 on local and regional service, \$3.50 for Express Service, \$6 for the Route 29 to BART. Seniors and disabled individuals pay half that amount for riding a Vine local or regional bus and up to twice that amount on VineGo. Youth fares are \$1.25. NVRTA also provides day passes: \$7 for adults, \$5 for youth, and \$3.5 for senior/disabled passes; 20-Ride Passes: \$30 for adults, \$21 for youth, and \$15 for senior/disabled passes; and 31-Day Passes: \$55 for adults; \$37 for youth, and \$25.50 for senior/disabled passes. Route 29 to BART 31-day passes are \$125.
- Fares on the shuttle services operating in the Cities of American Canyon, Calistoga, and St. Helena and in the Town of Yountville are subsidized by the local jurisdictions, determined by the individual jurisdiction's desired approach. On American Canyon and St. Helena Shuttles, Adult rides are \$1 and everyone else pays \$0.50. On the Calistoga Shuttle, residents pay a \$1 and some visitors staying at participating hotels ride for free. In Yountville, all rides are free. The jurisdictions all pay the difference between what it is collected in fares and the 10% to 15% mandatory farebox required by the Transportation Development Act (TDA).
- Other Fare Programs Offered by NVRTA include:
 - NVRTA participates in the Metropolitan Transportation Commission's Clipper START program which funds half of a single ride for low-income adults 18-64 with household incomes of 200% of the federal poverty level or less.
 - Napa Valley College students, pending Napa Valley College Board approval on October 17th, will receive a pass in exchange for paying \$7.79 a semester for full time students and \$3.89 a semester for part time students as part of the assessed student fees. Students show their ID which allows them to ride all Vine services for free. A reciprocal agreement with the Solano Transportation Authority allows them to ride Soltrans, Fairfield, and Vacaville Transit systems for free and in exchange, students attending Solano Community Colleges may ride Vine Transit for free.
 - Free fares for all riders are provided during BottleRock and LaOnda which has been generously subsidized by the Latitude 38 Entertainment the Napa Valley Vintners who typically provide a combined amount of \$10,000.
 - NVRTA also has on occasion participated in promotional opportunities providing free fares for a day during events such as Transit Month and Clean Air Days during the months of September and October. These promotions are funded through NVRTA's marketing budget.

Free Fare Programs Offered by North Bay Transit Systems:

- **Marin Transit** – Marin Transit has offered free fares to low-income youth (K-12) since the early 2000s. The annual cost ranges between \$420k to \$565k per year and is subsidized through Marin County Measure A. A free fare pass is also offered for seniors and ADA eligible riders that qualify for Medi-Cal. The program is funded by Marin County Measure B. The annual cost is \$15k. The program began in 2020 and there is currently not sunset date. Marin Transit also partners with Marin County social service agencies which provide \$100k per year for free transit fares to community members living in shelters and transitional housing.
- **Petaluma Transit** – Petaluma launched a free fare 2-year pilot program for all riders, which began on July 1, 2024. The system's FY 2023-24 farebox revenue was \$203,830. The transit manager anticipates an additional cost associated with the program of between \$50,000-\$150,000 based on the expanded ridership anticipated. The program is being paid for by the City of Petaluma's general fund (\$180,000), Sonoma County's Climate Resilience fund (PG&E settlement) for K-12 student fares (\$100,000 per year for two years), and Sonoma County Measure M/Go Sonoma Fund (\$130,000 per year).
- **Santa Rosa City Bus** – City Bus launched a K-12 free fare program beginning in 2021 and because ridership was so low, the system managed to subsidize it through small Transportation for Clean Air (TFCA) Grant (\$150,000), a non-sustainable fund source, until 2023. In July 2023, the City launched an expanded program that is scheduled to expire in June 2026. The program is being funded through Sonoma County's Climate Resilience fund in the amount of \$907,195. When these funds are exhausted, the City is expecting to receive a smaller amount from the Sonoma County Transportation Authority (SCTA) Measure M; which is insufficient to fund the entire program and the City will look for other grant opportunities to backfill the shortfall. Youth ridership has increased by 70.4% since pre-pandemic ridership.
- **Sonoma County Transit** – Sonoma County launched a K-12 free fare in July 2023 which is expected to sunset in June 2025. The program is being funded through Sonoma County's Climate Resilience fund. Sonoma County Transit is receiving \$181,463. It also received a small amount of TFCA funds. Youth ridership increased by 86%. Like Santa Rosa City Bus, Sonoma County is expecting to receive Measure M Go Sonoma Funds in the future.
- **Sonoma Marina Area Rail Transit (SMART)** – SMART, for now, is offering free fares for youth and seniors. The annual cost of this program is \$282,000 and is currently being backfilled by SMART's sales tax (Measure Q), with a small amount (0.5%) through additional adult riders. The free fare program has resulted in

significant increases in youth/senior riders; 99% and 144% increase respectively, while adult ridership has gone up by 12%. Overall, SMART ridership has increased by 30% since the free fare launch in April 2024. The program is scheduled to sunset in June 30, 2025.

It should be noted that many of the increased ridership figures above only reflect youth or senior ridership, but all systems are showing a nominal growth in adult ridership because adults ride more with their children and/or dependent older adults who are riding for free. It should also be noted that even with subsidies, the smaller systems will not meet their respective statutory farebox recovery ratio, with the distinction of Marin Transit and SMART.

Additional Opportunities to provide Free and Subsidized Fares

- Free Fares: Vine's total farebox revenues in FY 2024 were \$656,531. Vine's Youth and ADA/Senior farebox revenues in FY 2024 were \$108,953. In order to provide free transit program or one that is for K-12 youth, ADA-eligible, and seniors), new revenues, outside the existing fund sources that NVTa currently receives, must be identified. Revenue options could include:
 - County or City of Napa subsidies
 - Napa County Office of Education
 - Napa Valley Unified School District
 - Businesses (typically more than 50 employees)
 - Homeowner Associations (typically more than 50 participants)
 - One time grant opportunities (such as TFCA and Low-Carbon Transit Operations Program (LCTOP) but these subsidies are small, extremely rare and typically not sustainable)
- Measure U: If the voters support Measure U, NVTa may use a portion of its administrative fees to continue the MTC subsidies for low-income adults when the program budget is exhausted.

Transportation Development Act (TDA) Statutory Farebox Recovery Ratio

TDA is the largest revenue source that NVTa receives for transit operations and makes up about 30%-40% of the Vine operating budget. The current law requires that agencies receiving TDA funds meet a 20% farebox recovery ratio for fixed route service, 10% for non-urbanized areas (shuttles and ADA services). The Metropolitan Transportation Commission may adjust the farebox recovery ratio on fixed route to 15% which is the current requirement for the Vine. This means that 20% of the total adjusted Vine fixed operating budget and 10% for shuttle services and VineGo services must be paid through fares for fixed route operations or non-state and federal fund sources. Currently, those fund sources include RM3 (Route 29), advertising revenues, subsidies from the cities of Calistoga, St. Helena, and American Canyon, and the Town of Yountville, and one-off type subsidies such as the previously mentioned Latitude 38/Vintner subsidy. Transit

properties cannot use state (including tda and State Transit Assistant (STA) funds) or federal funds to meet the statutory farebox recovery ratio.

Since the pandemic, the Governor has suspended the farebox recovery requirement, but the most recent suspension will expire on June 30, 2026. It is well recognized that the farebox recovery ratio is not a meaningful metric to assess the efficacy of a transit system and the State Transit Transformation Task Force efforts are expected to identify and recommend different standards as part of its October 2025 report to the legislature. At this time NVTa is preparing for the return of the farebox ratio.

ALTERNATIVES

Not applicable

STRATEGIC GOALS MET BY THIS PROPOSAL

Not applicable

ATTACHMENT(S)

None