

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

BOARD OF DIRECTORS REGULAR MEETING AGENDA  
APRIL 25, 2008 (Fourth Friday of Each Month)  
\*\*SANTA CRUZ CITY COUNCIL CHAMBERS\*\*  
\*809 CENTER STREET\*  
SANTA CRUZ, CALIFORNIA  
9:00 a.m. – 12:00 p.m.

THE BOARD AGENDA PACKET CAN BE FOUND ONLINE AT [WWW.SCMTD.COM](http://WWW.SCMTD.COM)

## **NOTE: THE BOARD CHAIR MAY TAKE ITEMS OUT OF ORDER**

### **SECTION I: OPEN SESSION - 9:00 a.m.**

1. ROLL CALL
2. ORAL AND WRITTEN COMMUNICATION TO THE BOARD OF DIRECTORS
  - a. Bud Gerstman Re: Bikes on Buses
  - b. Anthony Botelho, AMBAG Re: JARC & NF Funding Support
3. LABOR ORGANIZATION COMMUNICATIONS
4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

### **CONSENT AGENDA**

- 5-1. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF MARCH 2008
- 5-2. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR FEBRUARY 2008
- 5-3. CONSIDERATION OF TORT CLAIMS:  
DENY THE CLAIM OF VERNA CARTER, CLAIM #08-0010;  
DENY THE CLAIM OF RHONDA CARTER, CLAIM #08-0011;  
DENY THE CLAIM OF SHARON O'CONNOR, CLAIM #08-0009
- 5-4. ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR APRIL 16, 2008 AND MINUTES OF FEBRUARY 20, 2008
- 5-5. ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF JANUARY 2008
- 5-6. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR DECEMBER 2007
- 5-7. ACCEPT AND FILE FEBRUARY 2008 RIDERSHIP REPORT

- 5-8. ACCEPT AND FILE METROBASE PROJECT STATUS REPORT
- 5-9. CONSIDERATION OF RECOMMENDATION TO APPROVE ASSESSMENTS FOR COOPERATIVE RETAIL MANAGEMENT DISTRICT
- 5-10. REVIEW AND CONSIDER DIFFERENT DISTRIBUTION METHODS FOR CALL STOP AUDITS AND SELECT METHOD THAT IS THE MOST EQUITABLE
- 5-11. ACCEPT AND FILE METRO'S NOMINATION OF PARACRUZ OPERATOR AURORA TRINIDAD FOR RED CROSS WORKPLACE HERO AWARD
- 5-12. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH NATIONWIDE AUCTION SYSTEMS FOR AUCTION SERVICES
- 5-13. ACCEPT AND FILE CALL STOP AUDIT REPORT FOR THE PERIOD OF JANUARY, FEBRUARY & MARCH 2008
- 5-14. ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE FOR THE MONTH OF FEBRUARY 2008
- 5-15. ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE MARCH 2008 MEETING(S)
- 5-16. CONSIDERATION OF APPROVAL OF RESOLUTION AUTHORIZING SUBMITTAL OF REVISED FY 2009 TDA CLAIM
- 5-17. CONSIDERATION OF SERVICE REVISIONS FOR SUMMER 2008
- 5-18. APPROVE REGULAR BOARD MEETING MINUTES OF MARCH 14 & 28, 2008 AND SPECIAL MINUTES OF MARCH 21, 2008

#### **REGULAR AGENDA**

- 6. PRESENTATION OF EMPLOYEE LONGEVITY AWARDS  
Presented by: Chair Beautz  
**THIS PRESENTATION WILL TAKE PLACE AT THE APRIL 25, 2008 BOARD MEETING**
- 7. CONSIDERATION OF INFORMATION REGARDING SHAW VS. CHIANG/GENEST LAWSUIT  
Presented By: Leslie R. White, General Manager
- 8. CONSIDERATION OF AUTHORIZATION TO OPERATE A SHUTTLE FOR THE UNITED TRANSPORTATION UNION (UTU) SENIOR DINNER **(REVISED)**  
Presented By: Leslie R. White, General Manager

9. **PUBLIC HEARING:** CONSIDERATION OF IDENTIFYING A PRELIMINARY LIST OF UNMET TRANSIT AND PARATRANSIT NEEDS FOR SUBMISSION TO THE SCCRTC **(REVISED)**  
Presented By: Leslie R. White, General Manager  
**PUBLIC HEARING WILL TAKE PLACE AT 9:00 A.M.**
10. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH PAT PIRAS CONSULTING FOR REVIEW OF THE ADA PARATRANSIT ELIGIBILITY PROCESS  
Presented By: Tom Stickel, Maintenance Manager
11. CONSIDERATION OF APPROVAL OF INDEMNIFICATION/HOLD HARMLESS AGREEMENT WITH THE CITY OF CAPITOLA TO ALLOW THE CITY OF CAPITOLA TO USE METRO'S BUS STOPS IN CAPITOLA  
Presented By: Leslie R. White, General Manager
12. CONSIDERATION OF CONTINUING SPONSORSHIP OF LEADERSHIP SANTA CRUZ COUNTY IN ORDER TO PROVIDE EDUCATION ON TRANSPORTATION ISSUES, SERVICES, AND FACILITIES  
Presented By: Leslie R. White, General Manager
13. CONSIDERATION OF FINAL ACCEPTANCE OF METROBASE SERVICE AND FUELING BUILDING AND AUTHORIZATION OF RELEASE OF RETENTION TO ARNTZ BUILDERS, INC.  
Presented By: Frank Cheng, Project Manager
14. ORAL ANNOUNCEMENT: NOTIFICATION OF MEETING LOCATION FOR MAY 23, 2008 – CAPITOLA CITY COUNCIL CHAMBERS, 420 CAPITOLA AVE, CAPITOLA  
Presented By: Chair Beautz
15. REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION: District Counsel
16. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

**SECTION II: CLOSED SESSION**

1. CONFERENCE WITH LABOR NEGOTIATORS  
(Pursuant to Government Code Section 54957.6)
  - a. Agency Negotiators Robyn Slater, Human Resources Manager,  
Chief Spokesperson  
Ciro Aguirre, Operations Manager  
Angela Aitken, Finance Manager  
Mary Ferrick, Base Superintendent
  1. Employee Organization United Transportation Union (UTU), Local  
23, Fixed Route

**SECTION III: RECONVENE TO OPEN SESSION**

17. REPORT OF CLOSED SESSION

**ADJOURN**

**NOTICE TO PUBLIC**

Members of the public may address the Board of Directors on a topic not on the agenda but within the jurisdiction of the Board of Directors or on the consent agenda by approaching the Board during consideration of Agenda Item #2 "Oral and Written Communications", under Section I. Presentations will be limited in time in accordance with District Resolution 69-2-1.

When addressing the Board, the individual may, but is not required to, provide his/her name and address in an audible tone for the record.

Members of the public may address the Board of Directors on a topic on the agenda by approaching the Board immediately after presentation of the staff report but before the Board of Directors' deliberation on the topic to be addressed. Presentations will be limited in time in accordance with District Resolution 69-2-1.

The Santa Cruz Metropolitan Transit District does not discriminate on the basis of disability. The City Council Chambers is located in an accessible facility. Any person who requires an accommodation or an auxiliary aid or service to participate in the meeting, please contact Cindi Thomas at 831-426-6080 as soon as possible in advance of the Board of Directors meeting. Hearing impaired individuals should call 711 for assistance in contacting METRO regarding special requirements to participate in the Board meeting. A Spanish Language Interpreter will be available during "Oral Communications" and for any other agenda item for which these services are needed. This meeting will be broadcast live by Community Television of Santa Cruz on Channel 26.

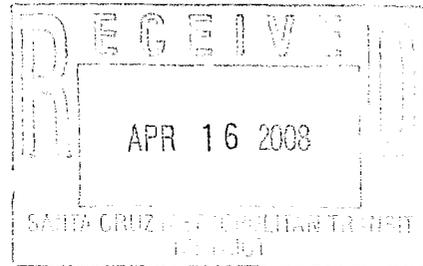
MEMO/FAX RECORD	AVOID ERRORS PUT IT IN WRITING	DATE: 4/14/08
From: Bud Gerstman		
To: MARCOLA TAVARES, CHAIR		
<del>Fax</del> VIA REGULAR MAIL		
Subject: BICYCLES DISPLACING PASSENGERS		No. pages:

I THOUGHT YOU SHOULD BE AWARE THAT BICYCLES  
 ARE DISPLACING PASSENGERS ON THE HIGHWAY 17  
 EXPRESS THIS HAPPENS TO ME AT LEAST TWICE  
 OVER THE PAST SEVERAL MONTHS, ON 2/27/08 AND

3/5/08.

SINCERELY YOURS,

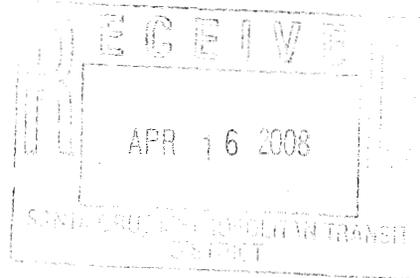
Bud Gerstman



# AMBAG

ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS

April 12, 2008



Mr. Les White  
General Manager  
Santa Cruz Metropolitan Transit District  
370 Encinal Street, Suite 100  
Santa Cruz, CA 95060

Re: METRO's New Freedom and JARC Grant Applications

Dear Mr. White:

As the Metropolitan Planning Organization for the Monterey Bay region, the Association of Monterey Bay Area Governments (AMBAG) is pleased to support two applications the Santa Cruz Metropolitan Transit District (METRO) is submitting for carryover FTA Jobs Access and Reverse Commute (JARC) and New Freedom funding.

METRO's JARC grant will develop a project to provide direct service connecting low income residents in South Santa Cruz County and Watsonville with employment centers at Capitola and Santa Cruz.

The objective of METRO's New Freedom grant application is to increase the availability of ADA Paratransit resources to persons with disabilities by decreasing the number of "no-show" trips which add non-productive cost to the paratransit system.

As two important transit projects, the AMBAG Board of Directors supports METRO's grant applications and respectfully requests Caltrans funding for them.

Sincerely,

Anthony Botelho  
President

CC: Marcela Tavantzis, Chair, Santa Cruz METRO Board of Directors  
Tom Hiltner, Grants/Legislative Analyst, Santa Cruz METRO

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
 CHECK JOURNAL DETAIL BY CHECK NUMBER  
 ALL CHECKS FOR COAST COMMERCIAL BANK

DATE: 03/01/08 THRU 03/31/08

CHECK NUMBER	CHECK DATE	CHECK AMOUNT	VENDOR	VENDOR NAME	VENDOR TYPE	TRANS. NUMBER	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	COMMENT
25057	03/07/08	38.50	002069	A TOOL SHED, INC.		17772	EQUIP RENTAL	38.50	
25058	03/07/08	604.71	001015	A-Z BUS SALES, INC.		17920	REV VEH PARTS	313.32	
						17931	CREDIT MEMO	-580.13	
						17932	REV VEH PARTS	595.10	
						17995	REV VEH PARTS	552.84	
						17996	CREDIT MEMO	-276.42	
25059	03/07/08	285.00	020	ADT SECURITY SERVICES INC.		17910	3/1-5/31 1200 RIVER	285.00	
25060	03/07/08	1,986.53	382	AIRTEC SERVICE		17913	OUT RPR BLDG & IMP	852.14	
						17934	A/C SERVICE-ENCINAL	1,134.39	
25061	03/07/08	189.33	002861	AMERICAN MESSAGING SVCS, LLC		17960	MARCH PAGERS	189.33	
25062	03/07/08	7.10	294	ANDY'S AUTO SUPPLY	0	17795	PARTS & SUPPLIES	7.10	
25063	03/07/08	1,160.92	856	ANGI INTERNATIONAL LLC		17914	REPAIRS/MAINTENANCE	1,160.92	
25064	03/07/08	17,341.74	941	ASSURANT EMPLOYEE BENEFITS		17930	MAR LTD INS	17,341.74	
25065	03/07/08	375.00	478	BEE CLENE	0	17800	CARPET/PACIFIC	375.00	
25066	03/07/08	103.50	001047	BOBBY'S PIT STOP		17669	SMOG CHECK # 105	51.75	
						17781	SMOG CHECK # 108	51.75	
25067	03/07/08	222.30	002189	BUS & EQUIPMENT		17862	REV VEH PARTS	222.30	
25068	03/07/08	551.15	002627	CDW GOVERNMENT, INC.		18011	OFFICE SUPPLIES/IT	551.15	
25069	03/07/08	208.01	002898	CEB		17896	CA EMP 08 UPDATE	208.01	
25070	03/07/08	900.00	983	CENTRAL MAINTENANCE COMPANY		17912	JANITORIAL/RESEARCH	900.00	
25071	03/07/08	256.11	E312	CHENG, FRANK		17928	2/19-2/22 EMP TRAVEL	256.11	
25072	03/07/08	477.50	001113	CLARKE, SUSAN	7	17968	EXT BUS ANNOUNC/AUD	477.50	
25073	03/07/08	300.00	002448	CLEAR VIEW, LLC	0	17884	WINDOWS/RODRIGUEZ	300.00	
25074	03/07/08	17.98	418	COUNTY OF SANTA CRUZ		17671	CNG-FLEET	17.98	
25075	03/07/08	2,454.34	001000	DAIMLER BUSES N. AMERICA INC.		17907	REV VEH PARTS	2,454.34	
25076	03/07/08	82,550.56	001316	DEVCO OIL		17911	2/15-2/25 FUEL FLT	53,315.46	
						18004	2/26-2/29 FUEL FLT	29,235.10	
25077	03/07/08	2,093.51	480	DIESEL MARINE ELECTRIC, INC.		17806	REV VEH PARTS	2,093.51	
25078	03/07/08	7,707.74	085	DIXON & SON TIRE, INC.		17860	TIRES & TUBES	194.68	
						17875	TIRES & TUBES	18.00	
						17876	TIRES & TUBES	207.43	
						17877	TIRES & TUBES	508.00	
						17878	TIRES & TUBES	793.85	
						17879	TIRES & TUBES	817.23	
						17880	TIRES & TUBES	2,508.75	
						17881	TIRES & TUBES	800.10	
						17882	TIRES & TUBES	157.79	
						17997	TIRES & TUBES	501.75	
						17998	TIRES & TUBES	1,200.16	
25079	03/07/08	144.71	E323	GALE, TERRY		17929	2/19-2/22 EMP TRAVEL	144.71	
25080	03/07/08	409.04	282	GRAINGER		17915	REPAIRS/MAINTENANCE	9.66	
						17916	REPAIRS/MAINTENANCE	394.02	
						17917	REPAIRS/MAINTENANCE	5.36	
25081	03/07/08	75,808.44	001035	HARRIS & ASSOCIATES		18014	MB JAN 08 PROF SVCS	75,808.44	
25082	03/07/08	150.00	T155	HILLMAN, PAM		18006	50 PREPAID COUPONS	150.00	
25083	03/07/08	402.95	166	HOSE SHOP, THE		17867	REV VEH PARTS	17.02	
						17868	PARTS & SUPPLIES	6.94	
						17938	REPAIRS/MAINTENANCE	355.94	
						17939	REPAIRS/MAINTENANCE	23.05	
25084	03/07/08	1,056.00	852	LAW OFFICES OF MARIE F. SANG	7	17827	WORKERS COMP CLAIM	64.00	

5-1-1

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
 CHECK JOURNAL DETAIL BY CHECK NUMBER  
 ALL CHECKS FOR COAST COMMERCIAL BANK

DATE: 03/01/08 THRU 03/31/08

CHECK NUMBER	CHECK DATE	CHECK AMOUNT	VENDOR	VENDOR NAME	VENDOR TYPE	TRANS. NUMBER	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	COMMENT
						17841			
						17848	WORKERS COMP CLAIM	80.00	
						17849	WORKERS COMP CLAIM	384.00	
						17850	WORKERS COMP CLAIM	64.00	
						17851	WORKERS COMP CLAIM	256.00	
						18008	WORKERS COMP CLAIM	48.00	
						18009	WORKERS COMP CLAIM	160.00	
25085	03/07/08	239.12	107A	LUMBERMENS		17646	REPAIRS/MAINTENANCE	26.19	
						17796	REPAIRS/MAINTENANCE	158.61	
						17797	REPAIRS/MAINTENANCE	54.32	
25086	03/07/08	676.86	041	MISSION UNIFORM		17611	UNIF/LAUNDRY/FLT	281.69	
						17612	UNIF/LAUNDRY/FLT	55.59	
						17613	UNIF/LAUNDRY/FLT	128.32	
						17614	UNIF/LAUNDRY/FLT	54.05	
						17629	UNIF/LAUNDRY/FAC	51.01	
						17798	UNIF/LAUNDRY/FAC	106.20	
25087	03/07/08	158.97	001454	MONTEREY BAY OFFICE PRODUCTS		17855	3/1-5/31 COPIER/ADM	158.97	
25088	03/07/08	2,107.40	001063	NEW FLYER INDUSTRIES LIMITED		17925	REV VEH PARTS	1,933.44	
						17943	REV VEH PARTS	31.78	
						17955	REV VEH PARTS	142.18	
25089	03/07/08	761.72	004	NORTH BAY FORD LINC-MERCURY		17647	REV VEH PARTS	17.18	
						17673	REV VEH PARTS	394.29	
						17674	REV VEH PARTS	20.41	
						17779	REV VEH PARTS	329.84	
25090	03/07/08	7,926.45	009	PACIFIC GAS & ELECTRIC		17961	1/29-2/27 115 DUBOIS	14.24	
						17962	1/27-2/27 115 DUBOIS	237.30	
						17963	1/29-2/27 115 DUBOIS	142.52	
						17964	1/26-2/26 1200 RIVER	2,061.72	
						17965	1/27-2/27 ENCINAL	3,330.26	
						18016	1/26-2/26 1122 RIVER	504.09	
						18019	1/26-2/26 VERNON	1,636.32	
25091	03/07/08	344.41	043	PALACE ART & OFFICE SUPPLY		17859	OFFICE SUPPLIES/PT	344.41	
25092	03/07/08	360.00	950	PARADISE LANDSCAPE INC	0	17883	MAINTENANCE/WTC	360.00	
25093	03/07/08	1,744.54	002823	PAT PIRAS CONSULTING	7	17853	CONTRACT FOR ADA/504	1,744.54	
25094	03/07/08	494.00	481	PIED PIPER EXTERMINATORS, INC.		17658	FEB PEST CONTROL	183.00	
						17819	FEB PEST CONTROL	241.00	
						17820	FEB PEST CONTROL	70.00	
25095	03/07/08	1,500.00	050	PITNEY BOWES INC.		18005	POSTAGE/MTC	1,500.00	
25096	03/07/08	1,187.53	882	PRINT SHOP SANTA CRUZ	7	17847	OFFICE SUPPLY/ FIN	1,187.53	
25097	03/07/08	225.00	592	R & S ERECTION OF		17918	OUT RPR BLDG & IMP	225.00	
25098	03/07/08	95.66	061A	REGISTER PAJARONIAN		17821	CLASS ADV-PURCH	95.66	
25099	03/07/08	128.00	067	ROTO-ROOTER		17885	OUT RPR BLDG & IMP	128.00	
25100	03/07/08	1,593.21	135	SANTA CRUZ AUTO PARTS, INC.		17642	REV VEH PARTS	143.22	
						17643	REV VEH PARTS	92.23	
						17644	PARTS & SUPPLIES	29.30	
						17645	PARTS & SUPPLIES	79.87	
						17653	REV VEH PARTS	142.68	
						17654	REV VEH PARTS	181.38	
						17655	PARTS & SUPPLIES	38.99	
						17656	PARTS & SUPPLIES	31.95	
						17657	PARTS & SUPPLIES	49.45	

5-1.2

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
 CHECK JOURNAL DETAIL BY CHECK NUMBER  
 ALL CHECKS FOR COAST COMMERCIAL BANK

DATE: 03/01/08 THRU 03/31/08

CHECK NUMBER	CHECK DATE	CHECK AMOUNT	VENDOR	VENDOR NAME	VENDOR TYPE	TRANS. NUMBER	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	COMMENT
						17765	REV VEH PARTS	893.17	
						17857	REV VEH PARTS	68.64	
						18015	CREDIT MEMO	-157.67	
25101	03/07/08	792.00	001523	SANTA CRUZ MEDICAL CLINIC	7	17680	MEDICAL EXAM	66.00	
						17681	MEDICAL EXAM	66.00	
						17682	MEDICAL EXAM	66.00	
						17683	MEDICAL EXAM	66.00	
						17684	MEDICAL EXAM	66.00	
						17685	MEDICAL EXAM	66.00	
						17686	MEDICAL EXAM	66.00	
						17687	MEDICAL EXAM	66.00	
						17688	MEDICAL EXAM	66.00	
						17689	MEDICAL EXAM	66.00	
						17690	MEDICAL EXAM	66.00	
						17691	MEDICAL EXAM	66.00	
25102	03/07/08	5,337.50	079	SANTA CRUZ MUNICIPAL UTILITIES		17946	1/23-2/21 ENCINAL ST	137.65	
						17966	1/23-2/21 1200 RIVER	2,289.92	
						17999	1/23-2/21 DUBOIS	366.83	
						18000	1/23-2/21 1122 RIVER	158.25	
						18001	1/23-2/21 DUBOIS	111.29	
						18021	1/23-2/21 VERNON	392.37	
						18022	1/23-2/21 VERNON	104.27	
						18023	1/23-2/21 GOLF CLUB	959.28	
						18033	1/23-2/21 ENCINAL	817.64	
25103	03/07/08	374.69	788	SCMTD PETTY CASH - FINANCE		17947	PETTY CASH / FINANCE	374.69	
25104	03/07/08	143.11	002459	SCOTT'S VALLEY WATER DISTRICT		18017	12/6-2/7 KINGS VILL	143.11	
25105	03/07/08	72.24	115	SNAP-ON INDUSTRIAL		17957	EMPLOYEE TOOL	72.24	
25106	03/07/08	3,779.15	001036	STANDARD INSURANCE COMPANY		18007	MAR LIFE/AD&D INS	3,779.15	
25107	03/07/08	16,424.93	970	THE MECHANICS BANK		18013	JAN RETAINAGE/MB	16,424.93	
25108	03/07/08	705.89	002504	TIFCO INDUSTRIES		17959	PARTS & SUPPLIES	705.89	
25109	03/07/08	175.35	001038	TWINVISION NA INC.		17908	REV VEH PARTS	175.35	
25110	03/07/08	59,239.46	002829	VALLEY POWER SYSTEMS, INC.		17802	REV VEH PARTS	444.15	
						17803	REV VEH PARTS	4,927.35	
						17804	REV VEH PARTS	342.84	
						17805	REV VEH PARTS	2,765.14	
						17872	REV VEH PARTS	677.28	
						17873	REV VEH PARTS	78.41	
						17874	REBUILD TRANSMISSION	9,594.89	
						17921	SMALL TOOLS	20.28	
						17923	REV VEH PARTS	2,172.16	
						17992	CNG ENGINE	38,216.96	
25111	03/07/08	70.00	682	WEISS, AMY L.	7	17902	FEB INTERPRETER	70.00	
25112	03/07/08	96,830.32	002887	WEST BAY BUILDERS, INC.		18012	CONST SVC MB TO 1/31	96,830.32	
25113	03/07/08	1,510.45	148	ZEP MANUFACTURING COMPANY		17824	CLEANING SUPPLIES	1,510.45	
25116	03/14/08	261.60	002881	ADVANCED ELECTRONICS SOLUTIONS		17945	REV VEH PARTS	261.60	
25117	03/14/08	475.00	001016	ALLARD'S SEPTIC SERVICE	7	17935	HAZ WASTE DISP	475.00	
25118	03/14/08	37.89	002828	ALLIED ELECTRONICS		18077	PARTS & SUPPLIES	37.89	
25119	03/14/08	91.29	001A	AT&T/MCI		18170	JAN/FEB PHONES/RIVER	91.29	
25120	03/14/08	360.59	739	CENTURY CHEVROLET		17990	REV VEH PARTS	360.59	
25121	03/14/08	5,250.00	833	CITRIX SYSTEMS INC.		18010	CITRIX PRES. SERVER	5,250.00	

5-1.3

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
 CHECK JOURNAL DETAIL BY CHECK NUMBER  
 ALL CHECKS FOR COAST COMMERCIAL BANK

DATE: 03/01/08 THRU 03/31/08

CHECK NUMBER	CHECK DATE	CHECK AMOUNT	VENDOR	VENDOR NAME	VENDOR TYPE	TRANS. NUMBER	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	COMMENT
25122	03/14/08	30.92	001346	CITY OF SANTA CRUZ		18169	FEB LANDFILL	30.92	
25123	03/14/08	4,407.73	909	CLASSIC GRAPHICS		18031	OUT RPR REV VEH	4,407.73	
25124	03/14/08	39,118.97	001124	CLEAN ENERGY		18126	LNG/FEB-FLT	39,118.97	
25125	03/14/08	38,048.62	002569	COMERICA BANK		18035	WORK COMP FUND	38,048.62	
25126	03/14/08	12.36	002063	COSTCO		17811	PHOTO PROCESS/OPS	2.24	
						17812	PHOTO PROCESS/OPS	4.73	
						17813	PHOTO PROCESS/OPS	2.86	
						17814	PHOTO PROCESS/OPS	2.53	
25127	03/14/08	4,639.95	504	CUMMINS WEST, INC.		17953	REV VEH PARTS	1,281.66	
						17954	CREDIT MEMO	-1,281.66	
						18124	REV VEH PARTS	4,234.95	
25128	03/14/08	1,856.71	001000	DAIMLER BUSES N. AMERICA INC.		18125	INSITE RENEWAL	405.00	
						17924	REV VEH PARTS	1,571.46	
						18026	REV VEH PARTS	278.84	
						18027	REV VEH PARTS	6.41	
25129	03/14/08	53,027.01	001316	DEVCO OIL		18168	FUEL/FLT	53,027.01	
25130	03/14/08	196.85	085	DIXON & SON TIRE, INC.		17909	TIRES & TUBES	196.85	
25131	03/14/08	153.00	002388	DOGHERRA'S	7	17984	TOW #113	35.00	
						17985	TOW # 321	64.00	
						17986	TOW # 314	54.00	
25132	03/14/08	3,015.53	432	EXPRESS PERSONNEL SERVICES		18151	TEMP/ADM W/E 2/17	1,525.20	
						18152	TEMP/ADM W/E 2/24	1,490.33	
25133	03/14/08	767.06	647	GFI GENFARE		18025	REV VEH PARTS	767.06	
25134	03/14/08	1,112.91	117	GILLIG CORPORATION		17919	REV VEH PARTS	508.50	
						17944	REV VEH PARTS	340.26	
						18003	REV VEH PARTS	264.15	
25135	03/14/08	50.00	E378	GRANADOS-BOYCE, MARIA		18143	COPYRIGHT RELEASE	50.00	
25136	03/14/08	432.42	001097	GREENWASTE RECOVERY, INC.		18098	FEB RESEARCH PARK	204.11	
						18099	FEB KINGS VILLAGE	170.71	
						18100	FEB MT HERMON	57.60	
25137	03/14/08	2,108.72	166	HOSE SHOP, THE		17940	PARTS & SUPPLIES	54.04	
						18075	PARTS & SUPPLIES	1,986.86	
						18076	PARTS & SUPPLIES	67.82	
25138	03/14/08	427.22	036	KELLY-MOORE PAINT CO., INC.		17825	REPAIRS/MAINTENANCE	427.22	
25139	03/14/08	1,123.61	039	KINKO'S INC.		17888	FEB PRINTING/OPS	74.48	
						17889	FEB PRINTING/OPS	227.07	
						17890	FEB PRINTING/OPS	75.44	
						17891	FEB PRINTING/OPS	263.18	
						17892	FEB PRINTING/OPS	483.44	
25140	03/14/08	946.31	766	KRAFT'S BODY SHOP		18106	OUT RPR REV VEH	946.31	
25141	03/14/08	343.42	579	LAB SAFETY SUPPLY, INC.		17994	PARTS & SUPPLIES	343.42	
25142	03/14/08	59.09	107A	LUMBERMENS		17905	REPAIRS/MAINTENANCE	21.11	
						17906	REPAIRS/MAINTENANCE	23.74	
						17948	PARTS & SUPPLIES	14.24	
25143	03/14/08	1,003.10	001358	MARINA MOTOR COMPANY		17983	OUT RPR REV VEH	1,003.10	
25144	03/14/08	650.00	764	MERCURY METALS		17971	RAMP REPAIR # 309	650.00	
25145	03/14/08	726.22	041	MISSION UNIFORM		17815	UNIF & LAUNDRY/FLT	277.06	
						17816	UNIF/LAUNDRY/FLT	139.90	
						17817	UNIF/LAUNDRY/FLT	49.42	
						17818	UNIF/LAUNDRY/FLT	57.11	

5-1.4

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
 CHECK JOURNAL DETAIL BY CHECK NUMBER  
 ALL CHECKS FOR COAST COMMERCIAL BANK

DATE: 03/01/08 THRU 03/31/08

CHECK NUMBER	CHECK DATE	CHECK AMOUNT	VENDOR	VENDOR NAME	VENDOR TYPE	TRANS. NUMBER	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	COMMENT
						17933	UNIF & LAUNDRY	97.45	
						18130	UNIF/LAUNDRY/FAC	22.32	
						18131	UNIF/LAUNDRY/FAC	22.32	
						18132	UNIF/LAUNDRY/FAC	22.32	
						18138	UNIF/LAUNDRY/FAC	22.32	
						18173	UNIF/LAUNDRY/FLT	16.00	
25146	03/14/08	3,819.12	001063	NEW FLYER INDUSTRIES LIMITED		18062	REV VEH PARTS	375.50	
						18063	REV VEH PARTS	243.48	
						18064	REV VEH PARTS	874.68	
						18065	REV VEH PARTS	994.56	
						18066	REV VEH PARTS	924.88	
						18067	REV VEH PARTS	364.99	
						18068	REV VEH PARTS	41.03	
25147	03/14/08	15,414.13	009	PACIFIC GAS & ELECTRIC		18156	1/31-3/3 920 PACIFIC	1,922.51	
						18157	1/26-2/27 DUBOIS	7,522.48	
						18158	1/31-2/29 CNG/FLT	5,969.14	
25148	03/14/08	1,274.49	043	PALACE ART & OFFICE SUPPLY		17854	OFFICE SUPPLY/ADM	977.59	
						18038	OFFICE SUPPLIES/OPS	289.75	
						18039	OFFICE SUPPLY/OPS	2.80	
						18040	OFFICE SUPPLY/OPS	18.20	
						18041	OFFICE SUPPLY/OPS	-62.91	
						18145	OFFICE SUPPLIES/ADM	251.63	
						18146	CREDIT MEMO	-202.57	
25149	03/14/08	5,959.50	001136	PARVUS CORPORATION		18053	RIDERNET BASE SYSTEM	5,164.50	
						18159	WIRELESS INSTALL	530.00	
						18160	WIRELESS INSTALL	265.00	
25150	03/14/08	150.00	481	PIED PIPER EXTERMINATORS, INC.		18050	FEB PEST CONTROL	48.50	
						18051	FEB PEST CONTROL	53.00	
						18052	FEB PEST CONTROL	48.50	
25151	03/14/08	58.95	002094	RICON CORPORATION		18002	REV VEH PARTS	58.95	
25152	03/14/08	941.15	018	SALINAS VALLEY FORD SALES		17823	REV VEH PARTS	941.15	
25154	03/14/08	3,807.08	002713	SANTA CRUZ AUTO TECH, INC.		17926	OUT RPR OTH VEH	273.51	
						17942	OUT RPR OTH VEH	1,025.93	
						17958	OUT RPR OTH VEH	733.68	
						17972	OUT RPR REV VEH	50.15	
						17973	OUT RPR REV VEH	50.15	
						17974	OUT RPR REV VEH	50.15	
						17975	OUT RPR REV VEH	50.15	
						17976	OUT RPR REV VEH	56.60	
						17977	OUT RPR REV VEH	56.60	
						17978	OUT RPR REV VEH	50.15	
						17979	OUT RPR REV VEH	50.15	
						17980	OUT RPR REV VEH	50.15	
						17981	OUT RPR REV VEH	50.15	
						17982	OUT RPR REV VEH	1,259.56	
25155	03/14/08	539.18	135	SANTA CRUZ AUTO PARTS, INC.		17794	PARTS & SUPPLIES	25.67	
						17903	PARTS & SUPPLIES	56.96	
						17904	REV VEH PARTS	107.43	
						17941	PARTS & SUPPLIES	24.80	
						18056	CREDIT MEMO	-38.65	

5-1.5

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
 CHECK JOURNAL DETAIL BY CHECK NUMBER  
 ALL CHECKS FOR COAST COMMERCIAL BANK

DATE: 03/01/08 THRU 03/31/08

CHECK NUMBER	CHECK DATE	CHECK AMOUNT	VENDOR NAME	VENDOR TYPE	TRANS. NUMBER	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	COMMENT
					18057	CREDIT MEMO	-132.91	
					18058	SAFETY SUPPLIES	265.83	
					18059	CREDIT MEMO	-19.27	
					18105	REV VEH PARTS	249.32	
25156	03/14/08	605.00	002700 SANTA CRUZ COUNTY		18116	HEALTH PERMIT/DUBOIS	605.00	
25157	03/14/08	3,770.32	079 SANTA CRUZ MUNICIPAL UTILITIES		18095	2/21-2/29 DUBOIS	1,081.54	
					18096	1/24-2/22 PACIFIC	94.28	
					18097	1/24-2/22 PACIFIC	2,594.50	
25158	03/14/08	188.11	122 SCMTD PETTY CASH - OPS		18144	PETTY CASH/OPS	188.11	
25159	03/14/08	2,465.12	864 TAMC		18043	VIDEO CONFERENCING	1,248.47	
					18044	VIDEO CONFERENCING	1,216.65	
25160	03/14/08	2,707.41	002805 TELEPATH CORPORATION		17927	MAR OUT REP EQUIP	2,707.41	
25161	03/14/08	181.30	170 TOWNSEND'S AUTO PARTS		18060	REV VEH PARTS	25.84	
					18061	REV VEH PARTS	155.46	
25162	03/14/08	600.00	728 TRITON CONSTRUCTION		18114	TESTING/GOLF CLUB	600.00	
25163	03/14/08	9,983.70	057 U.S. BANK		18175	4246044555645971	229.44	
					18176	4246044555645971	679.35	
					18177	4246044555645971	1,249.81	
					18178	4246044555645971	5,803.57	
					18179	4246044555645971	2,021.53	
25164	03/14/08	67.84	007 UNITED PARCEL SERVICE		18166	FRT OUT/FLT	41.84	
					18167	FRT OUT/FLT	26.00	
25165	03/14/08	171.53	002829 VALLEY POWER SYSTEMS, INC.		17922	REV VEH PARTS	171.53	
25166	03/14/08	323.88	221 VEHICLE MAINTENANCE PROGRAM		17956	REV VEH PARTS	323.88	
25167	03/14/08	1,893.37	001506 WESTERN STATES OIL CO., INC.		18028	FUEL & LUBE	1,893.37	
25168	03/14/08	278.10	042 WFCB-OSH COMMERCIAL SERVICES		18082	REPAIRS/MAINTENANCE	141.75	
					18083	REPAIRS/MAINTENANCE	24.20	
					18084	REPAIRS/MAINTENANCE	56.25	
					18085	REPAIRS/MAINTENANCE	55.90	
25169	03/14/08	13.29	186 WILSON, GEORGE H., INC.		17936	REPAIRS/MAINTENANCE	13.29	
25170	03/14/08	67.32	147 ZEE MEDICAL SERVICE CO.		18087	SAFETY SUPPLIES	46.60	
					18088	SAFETY SUPPLIES	20.72	
25171	03/21/08	123.89	001015 A-Z BUS SALES, INC.		18127	REV VEH PARTS	123.89	
25172	03/21/08	38.00	886 ALL PURE WATER	0	18029	OFFICE SUPPLIES/FLT	38.00	
25173	03/21/08	6.38	294 ANDY'S AUTO SUPPLY	0	18196	CREDIT MEMO	-162.19	
					18199	PARTS & SUPPLIES	168.57	
25174	03/21/08	6,255.00	948 ARNTZ BUILDERS, INC.		18226	CONST SVC MB TO 2/29	6,255.00	
25175	03/21/08	1,337.74	001A AT&T/MCI		18225	JAN PHONES/IT	1,337.74	
25176	03/21/08	4,435.66	876 ATCHISON, BARISONE, CONDOTTI &	7	18246	LEGAL SVCS/425 FRONT	3,770.66	
					18247	LEGAL SVCS/RIVER ST	665.00	
25177	03/21/08	771.42	R451 BRENNAN, ELIZABETH/		9152	SETTLEMENT/RISK	771.42	
25178	03/21/08	189.49	002189 BUS & EQUIPMENT		18242	REV VEH PARTS	189.49	
25179	03/21/08	150.63	739 CENTURY CHEVROLET		17989	REV VEH PARTS	60.95	
					18109	REV VEH PARTS	89.68	
25180	03/21/08	5,000.00	002346 CHANEY, CAROLYN & ASSOC., INC.		18233	MAR LEGISLATIVE SVCS	5,000.00	
25181	03/21/08	1,078.91	001346 CITY OF SANTA CRUZ		18241	STORM WATER/FLOOD	1,078.91	
25182	03/21/08	10.34	130 CITY OF WATSONVILLE UTILITIES		18235	2/1-3/1 RODRIGUEZ	10.34	
25183	03/21/08	336.73	001164 CLASSIC GLASS	7	18218	REPAIR/MTC	336.73	
25184	03/21/08	2,500.01	909 CLASSIC GRAPHICS		18032	OUT RPR REV VEH	2,500.01	
25185	03/21/08	368.00	367 COMMUNITY TELEVISION OF		18148	TV COVERAGE 1/25	184.00	

5-1.6

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
 CHECK JOURNAL DETAIL BY CHECK NUMBER  
 ALL CHECKS FOR COAST COMMERCIAL BANK

DATE: 03/01/08 THRU 03/31/08

CHECK NUMBER	CHECK DATE	CHECK AMOUNT	VENDOR	VENDOR NAME	VENDOR TYPE	TRANS. NUMBER	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	COMMENT
						18149	TV COVERAGE 2/22	184.00	
25186	03/21/08	23.05	001000	DAIMLER BUSES N. AMERICA INC.		18162	REV VEH PARTS	23.05	
25187	03/21/08	172.73	001206	DELTA GLASS	7	18185	REV VEH PARTS	172.73	
25188	03/21/08	102.76	085	DIXON & SON TIRE, INC.		17991	TIRES & TUBES	102.76	
25190	03/21/08	640.00	916	DOCTORS ON DUTY		18204	1/25 DRUG TEST	25.00	
						18205	1/30 DRUG TEST	100.00	
						18206	2/7 DRUG TEST	30.00	
						18207	2/12 DRUG TEST	30.00	
						18208	2/12 DRUG TEST	5.00	
						18209	1/29	100.00	
						18210	2/18 DRUG TEST	120.00	
						18211	2/18 DRUG TEST	120.00	
						18212	2/18 DRUG TEST	5.00	
						18213	2/19 DRUG TEST	30.00	
						18214	2/19 DRUG TEST	35.00	
						18215	2/19 DRUG TEST	5.00	
						18216	2/19 DRUG TEST	30.00	
						18217	2/19 DRUG TEST	5.00	
25191	03/21/08	33,118.00	954	DOWNTOWN FORD SALES		18183	2 FORD PICKUPS	33,118.00	
25192	03/21/08	500.00	002862	ECOLOGICAL CONCERNS INC.		18231	WATER DRAINAGE/MB	500.00	
25193	03/21/08	87.50	001492	EVERGREEN OIL INC.		18163	HAZ WASTE DISP	87.50	
25194	03/21/08	1,443.83	432	EXPRESS PERSONNEL SERVICES		18228	TEMP/ADM W/E 3/2	1,443.83	
25195	03/21/08	1,452.82	117	GILLIG CORPORATION		18055	REV VEH PARTS	1,309.60	
						18128	REV VEH PARTS	143.22	
25196	03/21/08	755.94	282	GRAINGER		18018	REPAIRS/MAINTENANCE	755.94	
25197	03/21/08	64.17	546	GRANITEROCK COMPANY		18219	REPAIR/MAINTENANCE	64.17	
25198	03/21/08	89.87	510A	HASLER, INC.		18232	4/1-4/30 RENTAL/ADM	48.83	
						18243	4/1-4/30 RENTAL/PT	41.04	
25199	03/21/08	294.00	001093	KROLL LABORATORY SPECIALISTS		18203	JAN/FEB DRUG TESTS	294.00	
25200	03/21/08	1,721.80	852	LAW OFFICES OF MARIE F. SANG	7	18036	WORKERS COMP CLAIM	976.00	
						18037	WORKERS COMP CLAIM	745.80	
25201	03/21/08	141.23	107A	LUMBERMENS		17937	REPAIRS/MAINTENANCE	23.80	
						17993	REPAIRS/MAINTENANCE	8.78	
						18045	REPAIRS/MAINTENANCE	17.56	
						18046	REPAIRS/MAINTENANCE	13.22	
						18048	ENCINAL FAC DOORBELL	3.41	
						18049	REPAIRS/MAINTENANCE	74.46	
25202	03/21/08	2,181.40	001358	MARINA MOTOR COMPANY		18107	OUT RPR REV VEH	891.56	
						18108	OUT RPR REV VEH	1,289.84	
25203	03/21/08	280.00	E303	MCGLAZE, GILLIAN		18249	3/31-4/4 EMP TRAVEL	280.00	
25204	03/21/08	1,138.92	001052	MID VALLEY SUPPLY		18112	CLEANING SUPPLIES	1,138.92	
25205	03/21/08	597.60	041	MISSION UNIFORM		17949	UNIF/LAUNDRY/FLT	290.50	
						17950	UNIF/LAUNDRY/FLT	58.68	
						17951	UNIF/LAUNDRY/FLT	128.32	
						17952	UNIF/LAUNDRY/FLT	44.78	
						17987	UNIF/LAUNDRY/PT	53.00	
						18133	UNIF/LAUNDRY/FAC	22.32	
25206	03/21/08	561.90	001173	MURPHCO OF FLORIDA, INC		18248	EMP TRAVEL/MCGLAZE	561.90	
25207	03/21/08	3,739.32	001063	NEW FLYER INDUSTRIES LIMITED		18117	REV VEH PARTS	1,279.50	
						18118	REV VEH PARTS	69.98	

5-1.7

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
 CHECK JOURNAL DETAIL BY CHECK NUMBER  
 ALL CHECKS FOR COAST COMMERCIAL BANK

DATE: 03/01/08 THRU 03/31/08

CHECK NUMBER	CHECK DATE	CHECK AMOUNT	VENDOR	VENDOR NAME	VENDOR TYPE	TRANS. NUMBER	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	COMMENT
						18119	REV VEH PARTS	15.28	
						18120	REV VEH PARTS	61.10	
						18121	REV VEH PARTS	1,540.04	
						18239	REV VEH PARTS	773.42	
25208	03/21/08	1,683.23	002721	NEXTEL COMMUNICATIONS		18244	2/4-3/3 PHONES/PT	1,683.23	
25209	03/21/08	3,047.87	009	PACIFIC GAS & ELECTRIC		18224	2/9-3/11 RESEARCH	1,019.49	
						18240	1/25-3/7 KINGS VLG	2,028.38	
25210	03/21/08	1,178.42	043	PALACE ART & OFFICE SUPPLY		18078	OFFICE SUPPLIES/FAC	21.42	
						18142	OFFICE SUPPLIES/PT	635.68	
						18147	OFFICE SUPPLIES/ADM	521.32	
25211	03/21/08	952.00	950	PARADISE LANDSCAPE INC	0	18020	MAR MAINTENANCE	887.00	
						18164	LANDSCAPE/SVTC	65.00	
25212	03/21/08	146.48	050	PITNEY BOWES INC.		17757	4/1-6/30 RENTAL/MTC	146.48	
25213	03/21/08	3,415.00	001071	QQUEST SOFTWARE SYSTEMS, INC.		18245	NETWORKED TIMECLOCK	3,415.00	
25214	03/21/08	123.60	087	RECOGNITION SERVICES		18220	EMP INCENTIVE	123.60	
25215	03/21/08	4,539.15	001169	RITE COUNT	7	18182	BILL CHANGERS	4,539.15	
25216	03/21/08	17,824.59	904	RNL DESIGN		18229	PROF SVCS THRU 1/31	17,291.52	
						18230	PROF SVS THRU 1/31	533.07	
25217	03/21/08	371.44	699	SALINAS CASH REGISTER CO INC		17969	OUT REPAIR EQUIP	185.72	
						17970	OUT REPAIR EQUIP	185.72	
25218	03/21/08	271.25	002713	SANTA CRUZ AUTO TECH, INC.		18030	OUT RPR OTH VEH	271.25	
25219	03/21/08	81.12	135	SANTA CRUZ AUTO PARTS, INC.		18024	PARTS & SUPPLIES	6.18	
						18101	REV VEH PARTS	74.94	
25220	03/21/08	6,289.51	977	SANTA CRUZ TRANSPORTATION, LLC	7	18140	FEB PT SVCS	6,289.51	
25221	03/21/08	30.00	880	SEISINT, INC.		18042	PROF/TECH SVC/RISK	30.00	
25222	03/21/08	2,500.00	002267	SHAW & YODER, INC.		18221	FEB LEGISLATIVE SVCS	2,500.00	
25223	03/21/08	100.00	B016	SKILLICORN, DALE	7	18223	MAR BOARD MTGS	100.00	
25224	03/21/08	120.00	299	STANEK, RICHARD	7	17967	OUT REPAIR EQUIP	120.00	
25225	03/21/08	1,485.00	080	STATE BOARD OF EQUALIZATION		18222	FEB USE TAX PREPAY	1,485.00	
25226	03/21/08	12,060.37	001648	STEVE'S UNION SERVICE		18034	FEB FUEL/PT	12,060.37	
25227	03/21/08	3,802.94	002805	TELEPATH CORPORATION		18238	HANDHELD RADIOS	3,802.94	
25228	03/21/08	23,769.36	970	THE MECHANICS BANK		18198	FEB RETAINAGE/MB	23,769.36	
25229	03/21/08	119.65	007	UNITED PARCEL SERVICE		18200	FRT OUT/FLT	48.19	
						18201	FRT OUT/FLT	28.34	
						18202	FRT OUT/FLT	43.12	
25230	03/21/08	307,472.52	002829	VALLEY POWER SYSTEMS, INC.		18054	REV VEH PARTS	141.56	
						18236	ENG REPOWER #2220	153,665.48	
						18237	ENG REPOWER # 2311	153,665.48	
25231	03/21/08	5,067.80	001083	WATSONVILLE TRANSPORTATION, INC		18139	2/2-2/29 PT SVCS	5,067.80	
25232	03/21/08	264,918.19	002887	WEST BAY BUILDERS, INC.		18197	CONST SVC MB TO 2/29	264,918.19	
25233	03/21/08	567.09	436	WEST PAYMENT CENTER		18181	FEB ACCESS CHARGES	567.09	
25234	03/21/08	695.00	948A	WESTAMERICA BANK TRUST DEPT		18227	FEB RETAINAGE/MB	695.00	
25235	03/21/08	592.36	553	YELLOW FREIGHT SYSTEM, INC.		18234	FRT OUT/FLT	592.36	
25236	03/28/08	335.20	020	ADT SECURITY SERVICES INC.		18319	APR ALARMS/PACIFIC	61.10	
						18320	APR ALARMS/DUBOIS	46.66	
						18321	APR ALARMS/KINGS VLG	42.71	
						18322	APR ALARMS/RIVER ST	58.67	
						18323	APR ALARMS/WTC	46.66	
						18324	APR ALARMS/GOLF CLB	79.40	
25237	03/28/08	209.77	002828	ALLIED ELECTRONICS		18293	REV VEH PARTS	209.77	

5-1.8

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
 CHECK JOURNAL DETAIL BY CHECK NUMBER  
 ALL CHECKS FOR COAST COMMERCIAL BANK

DATE: 03/01/08 THRU 03/31/08

CHECK NUMBER	CHECK DATE	CHECK AMOUNT	VENDOR	VENDOR NAME	VENDOR TYPE	TRANS. NUMBER	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	COMMENT
25238	03/28/08	375.00	001062	ALLTERRA ENVIRONMENTAL INC.		18165	JAN/MAR 08 INSPEC	375.00	
25239	03/28/08	5,438.60	001141	AMERICAN BUSINESS SYSTEMS, INC		18479	SOFTWARE SUPP/UPGRD	5,438.60	
25240	03/28/08	1.30	294	ANDY'S AUTO SUPPLY	0	18155	REV VEH PARTS	1.30	
25241	03/28/08	53.29	M033	BAILEY, NEIL	0	18383	MED PYMT SUPP	53.29	
25242	03/28/08	36.42	M068	BASS, BETTY	0	18405	MED PYMT SUPP	36.42	
25243	03/28/08	9.96	M077	BRADFORD, THOMAS	0	18384	MED PYMT SUPP	9.96	
25244	03/28/08	60.30	M072	BRIDINGER, CHRIS	0	18414	MED PYMT SUPP	60.30	
25245	03/28/08	38.37	M078	BRIDINGER, DENISE	0	18385	MED PYMT SUPP	38.37	
25246	03/28/08	38.37	M079	BROGDON, ROY		18386	MED PYMT SUPP	38.37	
25247	03/28/08	425,102.88	502	CA PUBLIC EMPLOYEES'		18483	APRIL MED INS	425,102.88	
25248	03/28/08	1,316.34	002287	CALIFORNIA SERVICE EMPLOYEES		18484	APRIL MEDICAL	1,316.34	
25249	03/28/08	85.00	E090	CALLEJAS, LETICIA		18487	3/10 MEDICAL EXAM	85.00	
25250	03/28/08	135.50	M022	CAPELLA, KATHLEEN	0	18406	MED PYMT SUPP	135.50	
25251	03/28/08	19.19	M080	CARR, DALE	0	18387	MED PYMT SUPP	19.19	
25252	03/28/08	67.76	M073	CENTER, DOUG	0	18415	MED PYMT SUPP	67.76	
25253	03/28/08	66.93	172	CENTRAL WELDER'S SUPPLY, INC.		18122	SAFETY SUPPLIES	60.30	
						18123	PARTS & SUPPLIES	6.63	
25254	03/28/08	26.65	M036	CERVANTES, GLORIA	0	18388	MED PYMT SUPP	26.65	
25255	03/28/08	407.50	001346	CITY OF SANTA CRUZ		18250	INSPECTION SVCS/MB	407.50	
25256	03/28/08	1,900.63	130	CITY OF WATSONVILLE UTILITIES		18441	1/4-3/5 RODRIGUEZ	65.64	
						18442	CONTAINER/RODRIGUEZ	1,403.08	
						18443	1/4-3/5 RODIRGUEZ	396.02	
						18444	1/4-3/5 RODRIGUEZ	35.89	
25257	03/28/08	4.64	M090	CLARKE, PATRICIA	0	18416	MED PYMT SUPP	4.64	
25258	03/28/08	26,887.61	001124	CLEAN ENERGY		18373	CNG/FLEET	13,242.15	
						18448	CNG/FLT	13,645.46	
25259	03/28/08	17.00	002063	COSTCO		18089	PHOTO PROCESS/OPS	2.20	
						18090	PHOTO PROCESS/OPS	2.64	
						18091	PHOTO PROCESS/OPS	3.18	
						18092	PHOTO PROCESS/OPS	3.92	
						18093	PHOTO PROCESS/OPS	2.53	
						18094	PHOTO PROCESS/OPS	2.53	
25260	03/28/08	60.30	M116	CRAMBLETT, LAWRENCE		18417	MED PYMT SUPP	60.30	
25261	03/28/08	67.76	M092	CRAWFORD, TERRI	0	18418	MED PYMT SUPP	67.76	
25262	03/28/08	224.54	002814	CREATIVE BUS SALES, INC.		17988	REV VEH PARTS	224.54	
25263	03/28/08	1,216.65	R518	CSAA-IIB		18381	SETTLEMENT/RISK	1,216.65	
25264	03/28/08	64.00	E633	DACOSTA, BOSCO		18437	DMV FEES	64.00	
25265	03/28/08	1,691.72	001000	DAIMLER BUSES N. AMERICA INC.		18190	REV VEH PARTS	13.44	
						18191	REV VEH PARTS	1,242.85	
						18273	REV VEH PARTS	272.70	
						18299	REV VEH PARTS	162.73	
25266	03/28/08	26.65	M039	DAVILA, ANA MARIA	0	18389	MED PYMT SUPP	26.65	
25267	03/28/08	128.00	002567	DEPARTMENT OF JUSTICE		18326	FEB FINGERPRINTS	128.00	
25268	03/28/08	38,300.19	001316	DEVCO OIL		18450	3/11-3/23 FUEL/FLT	38,300.19	
25269	03/28/08	3,040.77	085	DIXON & SON TIRE, INC.		18069	TIRES & TUBES	416.47	
						18070	TIRES & TUBES	817.23	
						18071	TIRES & TUBES	793.85	
						18072	TIRES & TUBES	800.10	
						18259	TIRES & TUBES	213.12	
25270	03/28/08	67.76	M096	DRAKE, JUDITH	0	18419	MED PYMT SUPP	67.76	

5-1.9

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
 CHECK JOURNAL DETAIL BY CHECK NUMBER  
 ALL CHECKS FOR COAST COMMERCIAL BANK

DATE: 03/01/08 THRU 03/31/08

CHECK NUMBER	CHECK DATE	CHECK AMOUNT	VENDOR	VENDOR NAME	VENDOR TYPE	TRANS. NUMBER	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	COMMENT
25271	03/28/08	33.40	298	ERGOMETRICS		18327	SCORING SERVICES	33.40	
25272	03/28/08	1,488.00	432	EXPRESS PERSONNEL SERVICES		18480	TEMP/ADM W/E 3/9	1,488.00	
25273	03/28/08	498.75	372	FEDERAL EXPRESS		18488	FEB-MAR MAIL	498.75	
25274	03/28/08	67.76	M099	FIKE, LOUIS	0	18420	MED PYMT SUPP	67.76	
25275	03/28/08	64.00	E634	FORTHUN, PATRICK		18438	DMV FEES	64.00	
25276	03/28/08	6,765.25	001158	FRICKE PARKS PRESS INC		18153	PRINTING/MTC	6,765.25	
25277	03/28/08	134.83	M074	GABRIELE, BERNARD	0	18421	MED PYMT SUPP	134.83	
25278	03/28/08	26.65	M040	GARBEZ, LINDA	0	18390	MED PYMT SUPP	26.65	
25279	03/28/08	53.29	M100	GARCIA, SANTIAGO	0	18391	MED PYMT SUPP	53.29	
25280	03/28/08	455.29	647	GFI GENFARE		18192	REV VEH PARTS	365.72	
						18274	REV VEH PARTS	89.57	
25281	03/28/08	67.76	M101	GOES, ALAN	0	18422	MED PYMT SUPP	67.76	
25282	03/28/08	53.29	M041	GOUVEIA, ROBERT	0	18392	MED PYMT SUPP	53.29	
25283	03/28/08	123.00	632	GOVERNMENT FINANCE OFFICERS		18252	OFFICE SUPPLIES/FIN	123.00	
25284	03/28/08	1,822.71	282	GRAINGER		18347	REPAIRS/MAINTENANCE	20.91	
						18357	MISC SUPPLIES/MB	10.41	
						18358	MISC SUPPLIES/MB	47.36	
						18379	PLATFORM TRUCK/MB	1,744.03	
25285	03/28/08	53.29	M081	HALL, JAMES	0	18393	MED PYMT SUPP	53.29	
25286	03/28/08	65,557.75	001035	HARRIS & ASSOCIATES		18482	2/1-2/29 PROF SVCS	65,557.75	
25287	03/28/08	26.65	M082	HINDIN, LENORE	0	18394	MED PYMT SUPP	26.65	
25288	03/28/08	29,000.00	002116	HINSHAW, EDWARD & BARBARA	7	18338	370 ENCINAL RENT	29,000.00	
25289	03/28/08	49.88	M043	HOLODNICK, JAMES	0	18395	MED PYMT SUPP	49.88	
25290	03/28/08	625.25	166	HOSE SHOP, THE		18317	PARTS & SUPPLIES	317.51	
						18462	PARTS & SUPPLIES	307.74	
25291	03/28/08	60.30	M075	HOWARD, CAROL	0	18423	MED PYMT SUPP	60.30	
25292	03/28/08	64.00	E632	ITALIA, MAURIZIO		18436	DMV FEES	64.00	
25293	03/28/08	15,308.20	002117	IULIANO	7	18336	115 DUBOIS RENT	3,271.61	
						18337	111 DUBOIS RENT	12,036.59	
25294	03/28/08	67.76	M069	JACOBS, KENNETH	0	18407	MED PYMT SUPP	67.76	
25295	03/28/08	4.64	M103	JEMISON, MAURICE	0	18425	MED PYMT SUPP	4.64	
25296	03/28/08	2,706.85	110	JESSICA GROCERY STORE, INC.		18341	CUSTODIAL SERVICES	2,706.85	
25297	03/28/08	73.75	405	JOHN'S ELECTRIC MOTOR SVC	7	18115	OUT RPR EQUIP	73.75	
25298	03/28/08	2,320.00	220	JONES COMPANY, THE ED		18150	EMP INCENTIVE PROGRM	2,320.00	
25299	03/28/08	34.00	E407	JONES, CHRISTINE M.		18360	DMV FEES	34.00	
25300	03/28/08	67.76	M104	JUSSEL, PETE	0	18426	MED PYMT SUPP	67.76	
25301	03/28/08	314.36	M061	KAMEDA, TERRY	0	18408	MED PYMT SUPP	314.36	
25302	03/28/08	36.48	878	KELLY SERVICES, INC.		18382	TEMP/OPS W/E 3/9	36.48	
25303	03/28/08	681.87	039	KINKO'S INC.		18174	GREEN ON 17 BROCHURE	681.87	
25304	03/28/08	4.64	M105	KOHAMA, MARY	0	18427	MED PYMT SUPP	4.64	
25305	03/28/08	188.00	852	LAW OFFICES OF MARIE F. SANG	7	18180	WORKERS COMP CLAIM	188.00	
25306	03/28/08	320.28	107A	LUMBERMENS		18047	REPAIRS/MAINTENANCE	287.02	
						18079	REPAIRS/MAINTENANCE	12.68	
						18080	REPAIRS/MAINTENANCE	9.86	
						18110	REPAIRS/MAINTENANCE	10.72	
25307	03/28/08	4.64	M106	LYALL, JOHN DAVID	0	18428	MED PYMT SUPP	4.64	
25308	03/28/08	1,407.05	001119	MACERICH PARTNERSHIP LP	7	18339	CAPITOLA MALL RENT	1,407.05	
25309	03/28/08	2,179.48	001358	MARINA MOTOR COMPANY		18256	OUT REPAIR #315	2,179.48	
25310	03/28/08	10.00	E303	MCGLAZE, GILLIAN		18478	DMV FEES	10.00	
25311	03/28/08	42.31	013	MCI SERVICE PARTS, INC.		18263	REV VEH PARTS	42.31	

5-1.10

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
 CHECK JOURNAL DETAIL BY CHECK NUMBER  
 ALL CHECKS FOR COAST COMMERCIAL BANK

DATE: 03/01/08 THRU 03/31/08

CHECK NUMBER	CHECK DATE	CHECK AMOUNT	VENDOR	VENDOR NAME	VENDOR TYPE	TRANS. NUMBER	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	COMMENT
25312	03/28/08	808.14	764	MERCURY METALS		18086	RPR/WTC YARD	808.14	
25313	03/28/08	101.90	001052	MID VALLEY SUPPLY		18111	CLEANING SUPPLIES	14.58	
						18113	CLEANING SUPPLIES	99.60	
						18251	CLEANING SUPPLIES	154.81	
						18445	CREDIT MEMO	-167.09	
25314	03/28/08	67.76	M108	MILLER, FOREST	0	18429	MED PYMT SUPP	67.76	
25315	03/28/08	640.15	041	MISSION UNIFORM		18081	UNIF/LAUNDRY/FAC	95.43	
						18134	UNIF/LAUNDRY/FLT	58.68	
						18135	UNIF/LAUNDRY/FLT	299.04	
						18136	UNIF/LAUNDRY/FLT	44.78	
						18137	UNIF/LAUNDRY/FLT	142.22	
25316	03/28/08	212.61	001454	MONTEREY BAY OFFICE PRODUCTS		18328	12/1-2/29 COPIER/ADM	212.61	
25317	03/28/08	64.00	E606	MULLIS, MICHAEL		18361	DMV FEES	64.00	
25318	03/28/08	64.00	E631	NEVIN, JOHN		18435	DMV FEES	64.00	
25319	03/28/08	14,790.22	001063	NEW FLYER INDUSTRIES LIMITED		18193	REV VEH PARTS	291.58	
						18275	REV VEH PARTS	581.14	
						18276	REV VEH PARTS	161.00	
						18277	REV VEH PARTS	548.50	
						18278	REV VEH PARTS	12,316.96	
						18316	REV VEH PARTS	173.01	
						18352	REV VEH PARTS	218.00	
						18353	REV VEH PARTS	218.00	
						18371	REV VEH PARTS	137.69	
						18372	REV VEH PARTS	144.34	
25320	03/28/08	207.80	004	NORTH BAY FORD LINC-MERCURY		18187	REV VEH PARTS	103.90	
						18188	REV VEH PARTS	103.90	
25321	03/28/08	26.65	M050	O'MARA, KATHLEEN	0	18396	MED PYMT SUPP	26.65	
25322	03/28/08	97.39	043	PALACE ART & OFFICE SUPPLY		18141	CREDIT MEMO	-95.99	
						18310	OFFICE SUPPLIES/LGL	179.42	
						18311	OFFICE SUPPLIES/LGL	13.96	
25323	03/28/08	284.66	M057	PARHAM, WALLACE	0	18409	MED PYMT SUPP	284.66	
25324	03/28/08	38.37	M051	PENDRAGON, LINDA	0	18397	MED PYMT SUPP	38.37	
25325	03/28/08	53.29	M109	PEREZ, CHERYL		18398	MED PYMT SUPP	53.29	
25326	03/28/08	1,569.35	R519	PERRIGO'S AUTO BODY		18486	SETTLEMENT/RISK	1,569.35	
25327	03/28/08	247.54	M064	PETERS, TERRIE	0	18410	MED PYMT SUPP	247.54	
25328	03/28/08	450.00	001142	PHYSICIANS MEDICAL GROUP		18284	MEDICAL EXAM/FLT	75.00	
						18285	MEDICAL EXAMS/FLT	75.00	
						18286	MEDICAL EXAM/FLT	75.00	
						18287	MEDICAL EXAM/FLT	75.00	
						18288	MEDICAL EXAM/FLT	75.00	
						18289	MEDICAL EXAM/FLT	75.00	
25329	03/28/08	67.76	M070	PICARELLA, FRANCIS	0	18411	MED PYMT SUPP	67.76	
25330	03/28/08	67.76	M117	POLANCO, ANDRES		18430	MED PYMT SUPP	67.76	
25331	03/28/08	284.66	M058	POTEETE, BEVERLY	0	18412	MED PYMT SUPP	284.66	
25332	03/28/08	791.83	156	PRINT GALLERY, THE		18154	PRINT ROUTE STICKERS	791.83	
25333	03/28/08	3,975.00	001071	QQUEST SOFTWARE SYSTEMS, INC.		18380	TIMECLOCK CARDS	3,975.00	
25334	03/28/08	472.23	883	RCR FABRICATION AND DESIGN		18073	REV VEH PARTS	387.23	
						18074	OUT RPR REV VEH	85.00	
25335	03/28/08	246.60	M005	ROSS, EMERY	0	18404	MED PYMT SUPP	246.60	
25336	03/28/08	53.29	M085	ROSSI, DENISE	0	18399	MED PYMT SUPP	53.29	

5-1-11

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
 CHECK JOURNAL DETAIL BY CHECK NUMBER  
 ALL CHECKS FOR COAST COMMERCIAL BANK

DATE: 03/01/08 THRU 03/31/08

CHECK NUMBER	CHECK DATE	CHECK AMOUNT	VENDOR NAME	VENDOR TYPE	TRANS. NUMBER	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	COMMENT
25337	03/28/08	26.65	M030 ROWE, RUBY		18400	MED PYMT SUPP	26.65	
25338	03/28/08	978.49	001379 SAFETY-KLEEN SYSTEMS, INC.		18281	HAZ WASTE DISP	978.49	
25339	03/28/08	1,798.07	018 SALINAS VALLEY FORD SALES		18129	REV VEH PARTS	1,653.33	
					18290	REV VEH PARTS	144.74	
25340	03/28/08	4.64	M111 SANCHEZ, FELIX	0	18431	MED PYMT SUPP	4.64	
25341	03/28/08	2,052.55	002713 SANTA CRUZ AUTO TECH, INC.		18258	OUT REPAIR # 109	2,052.55	
25342	03/28/08	833.91	135 SANTA CRUZ AUTO PARTS, INC.		18102	REV VEH PARTS	646.18	
					18103	REV VEH PARTS	47.15	
					18104	PARTS & SUPPLIES	51.13	
					18171	PARTS & SUPPLIES	8.94	
					18172	SMALL TOOLS	11.87	
					18269	REV VEH PARTS	68.64	
25343	03/28/08	484.10	001 SBC		18476	MAR REPEATERS/OPS	398.96	
					18477	MAR REPEATERS/OPS	85.14	
25344	03/28/08	1,210.78	681 SCOTTS BODY SHOP	7	18318	OUT RPR OTH VEH	1,210.78	
25345	03/28/08	290.89	M010 SHORT, SLOAN	0	18413	MED PYMT SUPP	290.89	
25346	03/28/08	67.76	M112 SILVA, EDUARDO	0	18432	MED PYMT SUPP	67.76	
25347	03/28/08	53.29	M054 SLOAN, FRANCIS	0	18401	MED PYMT SUPP	53.29	
25348	03/28/08	11,651.11	001075 SOQUEL III ASSOCIATES	7	18340	RESEARCH PARK RENT	11,651.11	
25349	03/28/08	115.00	B017 STONE, MARK	7	18489	3/9-3/12 APTA CONF	115.00	
25350	03/28/08	531.99	002504 TIFCO INDUSTRIES		18294	PARTS & SUPPLIES	17.28	
					18295	PARTS & SUPPLIES	120.50	
					18296	PARTS & SUPPLIES	69.96	
					18297	PARTS & SUPPLIES	353.98	
					18472	CREDIT MEMO	-8.63	
					18473	CREDIT MEMO	-21.10	
25351	03/28/08	26.65	M086 TOLINE, DONALD	0	18402	MED PYMT SUPP	26.65	
25352	03/28/08	11,687.55	982 TRANSPORTATION MANAGEMENT		18377	HASTUS OPTIMIZATION	11,687.55	
25353	03/28/08	139.16	001038 TWINVISION NA INC.		18351	REV VEH PARTS	139.16	
25354	03/28/08	1,548.29	002829 VALLEY POWER SYSTEMS, INC.		18161	REV VEH PARTS	41.72	
					18300	REV VEH PARTS	1,506.57	
25355	03/28/08	100.92	434 VERIZON WIRELESS	0	18481	2 WIRELESS PC CARDS	100.92	
25356	03/28/08	10,871.22	001043 VISION SERVICE PLAN		18485	APR VISION INS	10,871.22	
25357	03/28/08	134.83	M076 VONWAL, YVETTE	0	18433	MED PYMT SUPP	134.83	
25358	03/28/08	3,844.26	676 WEBER, HAYES & ASSOCIATES		18331	PROF SVCS/DUBOIS	3,844.26	
25359	03/28/08	100.63	E495 WHITE, LES		18359	3/7-3/13 EMP TRAVEL	100.63	
25360	03/28/08	60.30	M115 WILLIAMS, CHRIS	0	18434	MED PYMT SUPP	60.30	
25361	03/28/08	258.38	186 WILSON, GEORGE H., INC.		18367	REPAIRS/MAINTENANCE	258.38	
25362	03/28/08	26.65	M088 YAGI, RANDY	0	18403	MED PYMT SUPP	26.65	
25363	03/28/08	271.55	553 YELLOW FREIGHT SYSTEM, INC.		18463	FRT OUT/FLT	271.55	
TOTAL		2,068,985.90	COAST COMMERCIAL BANK		TOTAL CHECKS	303	2,068,985.90	

5-1.12

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** April 25, 2008

**TO:** Board of Directors

**FROM:** Angela Aitken, Finance Manager

**SUBJECT:** MONTHLY BUDGET STATUS REPORTS FOR FEBRUARY 2008.

## I. RECOMMENDED ACTION

**Staff recommends that the Board of Directors accept and file the budget status reports for February 2008.**

## II. SUMMARY OF ISSUES

- **Operating Revenues** for the month of February 2008 were \$184K or 8% over the amount of revenues expected.
- **Consolidated Operating Expenses** for the month of February 2008 were \$314K or 10% under budget.
- **Capital Budget** spending for the month of February 2008 was \$12,151K or 34% of the Capital budget.

## III. DISCUSSION

An analysis of the District's budget status is prepared monthly in order to apprise the Board of Directors of the District's actual revenues, expenses and capital in relation to the adopted operating and capital budgets for the fiscal year. The attached monthly revenue, expense and capital reports represent the status of the District's FY08 operating and capital budgets versus actual expenditures for the month.

The fiscal year has elapsed **67%**.

5-2.1

**A. Operating Revenue**

For the month of February were \$184K or 8% over the amount of revenues expected. Revenue variances are explained in the notes at the end of the revenue report.

**B. Operating Expense by Department**

Total Operating Expenses by Department for the month of February 2008 were \$314K or 10% under budget; 5% above where we were YTD in FY07. Majority of the variance is due to lower than anticipated Personnel, Prof & Tech Fees and Fuel Costs.

**C. Consolidated Operating Expenses**

Consolidated Operating Expenses for the month of February 2008 were \$314K or 10% under budget. Majority of the variance is due to Personnel Expenses, Admin & Bank Fees, Prof & Tech Fees, Repair – Equipment, Fuels & Lube Rev Veh, and Employee Training. Further explanation of these accounts is contained in the notes following the report.

**D. Capital Budget**

A total of \$12,151K or 34% has been expended in the Capital Budget YTD. Of this, \$3,718K or 36% has been spent of the MetroBase line item, \$3,998K or 57% has been spent of the 110 Vernon Purchase & Renovation line item, and \$2,006K or 30% has been spent on the CNG Bus Conversions.

**IV. FINANCIAL CONSIDERATIONS**

None

5-2.2

**IV. ATTACHMENTS**

- Attachment A:** FY08 Operating Revenue for the month ending – 02/29/08  
FY08 Operating Expenses by Department for the month ending – 02/29/08  
FY08 Consolidated Operating Expenses for the month ending – 02/29/08  
FY08 Capital Budget Reports for the month ending – 02/29/08

**FY2008**  
**Operating Revenue**  
**For the month ending - February 29, 2008**

Percent of Year Elapsed - 67%

Revenue Source	Current Period				Year to Date				YTD Year Over Year Comparison				Notes
	Actual	Budget	\$ Var	% Var	Actual	Budget	\$ Var	% Var	Actual	FY07	\$ Var	% Var	
Passenger Fares	\$ 282,557	\$ 287,507	\$ (4,950)	-2%	\$ 2,318,603	\$ 2,300,056	\$ 18,547	1%	\$ 2,318,603	\$ 2,205,412	\$ 113,191	5%	
Paratransit Fares	\$ 16,520	\$ 20,800	\$ (4,280)	-21%	\$ 150,479	\$ 166,400	\$ (15,921)	-10%	\$ 150,479	\$ 147,546	\$ 2,933	2%	
Special Transit Fares	\$ 342,260	\$ 235,271	\$ 106,989	45%	\$ 1,886,750	\$ 1,882,168	\$ 4,582	0%	\$ 1,886,750	\$ 1,667,454	\$ 219,296	13%	
Highway 17 Fares	\$ 77,161	\$ 70,310	\$ 6,851	10%	\$ 550,432	\$ 562,480	\$ (12,048)	-2%	\$ 550,432	\$ 534,181	\$ 16,251	3%	
Highway 17 Payments	\$ 43,313	\$ 38,544	\$ 4,769	12%	\$ 330,606	\$ 308,352	\$ 22,254	7%	\$ 330,606	\$ 300,513	\$ 30,093	10%	
<b>Subtotal Passenger Revenue</b>	<b>\$ 761,811</b>	<b>\$ 652,432</b>	<b>\$ 109,379</b>	<b>17%</b>	<b>\$ 5,236,870</b>	<b>\$ 5,219,456</b>	<b>\$ 17,414</b>	<b>0%</b>	<b>\$ 5,236,870</b>	<b>\$ 4,855,106</b>	<b>\$ 381,764</b>	<b>8%</b>	<b>1</b>
Commissions	\$ 20	\$ 500	\$ (480)	-96%	\$ 3,262	\$ 4,000	\$ (738)	-18%	\$ 3,262	\$ 3,976	\$ (714)	-18%	
Advertising Income	\$ 9,430	\$ 12,083	\$ (2,653)	-22%	\$ 181,675	\$ 96,664	\$ 85,011	88%	\$ 181,675	\$ 143,007	\$ 38,668	27%	2
Rent Income - SC Pacific Station	\$ 7,378	\$ 7,087	\$ 291	4%	\$ 52,290	\$ 56,696	\$ (4,406)	-8%	\$ 52,290	\$ 55,131	\$ (2,841)	-5%	
Rent Income - Watsonville TC	\$ 4,167	\$ 4,124	\$ 43	1%	\$ 29,092	\$ 32,992	\$ (3,900)	-12%	\$ 29,092	\$ 31,605	\$ (2,513)	-8%	
Rent Income - General	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	\$ -	\$ 4,800	\$ (4,800)	-100%	
Interest Income	\$ 80,505	\$ 89,667	\$ (9,162)	-10%	\$ 727,075	\$ 717,336	\$ 9,739	1%	\$ 727,075	\$ 901,734	\$ (174,659)	-19%	3
Other Non-Transp Revenue	\$ 5,612	\$ 23,583	\$ (17,971)	-76%	\$ 127,756	\$ 188,664	\$ (60,908)	-32%	\$ 127,756	\$ 248,153	\$ (120,397)	-49%	4
Sales Tax Revenue	\$ 1,711,600	\$ 1,626,265	\$ 85,335	5%	\$ 11,889,557	\$ 12,005,881	\$ (116,324)	-1%	\$ 11,889,557	\$ 11,840,771	\$ 48,786	0%	5
Transp Dev Act (TDA) - Op Asst	\$ -	\$ -	\$ -	0%	\$ 3,181,018	\$ 3,181,019	\$ (1)	0%	\$ 3,181,018	\$ 3,082,917	\$ 98,101	3%	
FTA Sec 5307 - Op Asst	\$ -	\$ -	\$ -	0%	\$ 3,153,552	\$ 3,153,552	\$ -	0%	\$ 3,153,552	\$ 3,004,546	\$ 149,006	5%	
Repay FTA Advance	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	
FTA Sec 5311 - Rural Op Asst	\$ -	\$ -	\$ -	0%	\$ 149,335	\$ 149,335	\$ -	0%	\$ 149,335	\$ 168,582	\$ (19,247)	-11%	
Transfer from Capital/Proj Mgr	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	
<b>Subtotal Revenue</b>	<b>\$ 2,580,523</b>	<b>\$ 2,415,741</b>	<b>\$ 164,782</b>	<b>7%</b>	<b>\$ 24,731,482</b>	<b>\$ 24,805,595</b>	<b>\$ (74,113)</b>	<b>0%</b>	<b>\$ 24,731,482</b>	<b>\$ 24,340,328</b>	<b>\$ 391,154</b>	<b>2%</b>	
<b>One-Time Revenue</b>													
Carryover from Previous Year	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	
Transfer from Insurance Reserves	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	
FTA Sec 5317 - Op Assistance	\$ -	\$ -	\$ -	0%	\$ 17,785	\$ -	\$ 17,785	0%	\$ 17,785	\$ -	\$ 17,785	0%	
AMBAG Funding	\$ 19,166	\$ -	\$ 19,166	0%	\$ 15,997	\$ -	\$ 15,997	0%	\$ 15,997	\$ -	\$ 15,997	0%	6
<b>Subtotal One-Time Revenue</b>	<b>\$ 19,166</b>	<b>\$ -</b>	<b>\$ 19,166</b>	<b>0%</b>	<b>\$ 33,782</b>	<b>\$ -</b>	<b>\$ 33,782</b>	<b>0%</b>	<b>\$ 33,782</b>	<b>\$ -</b>	<b>\$ 33,782</b>	<b>0%</b>	
<b>Total Operating Revenue</b>	<b>\$ 2,599,689</b>	<b>\$ 2,415,741</b>	<b>\$ 183,948</b>	<b>8%</b>	<b>\$ 24,765,264</b>	<b>\$ 24,805,595</b>	<b>\$ (40,331)</b>	<b>0%</b>	<b>\$ 24,765,264</b>	<b>\$ 24,340,328</b>	<b>\$ 424,936</b>	<b>2%</b>	
<b>Total Operating Expenses</b>	<b>\$ 2,919,339</b>				<b>\$ 22,790,878</b>				<b>\$ 22,790,873</b>	<b>\$ 21,620,267</b>			
<b>Variance</b>	<b>\$ (319,650)</b>				<b>\$ 1,974,386</b>				<b>\$ 1,974,391</b>	<b>\$ 2,720,061</b>			

**Current Period Notes:**

- 1) Passenger Revenue is over budget due to straight lining of the budget, use of accrual basis, and increase in rider ship (students being back to school).
- 2) Advertising Income is under budget due to less than budgeted ad revenue for the month.
- 3) Interest Income is under budget due to Metro Base spending of district funds.
- 4) Other Non-Transp Revenue is behind for the month and YTD due to UTU PERS reimbursement from the County which is collected on a qtrly basis and the budget being straight lined.
- 5) Sales Tax Revenue is above budget for the month due to higher than anticipated receipts for the month. YTD we are 1% behind budget.
- 6) AMBAG funding is received through the Rotational Interns and the SRTP Reimbursements grants.

5-2.01

Attachment A

**FY2008**  
**Operating Expenses by Department**  
**For the month ending - February 29, 2008**

	Current Period				Year to Date				YTD Year Over Year Comparison				Notes
	Actual	Budget	\$ Var	% Var	Actual	Budget	\$ Var	% Var	Actual FY08	FY07	\$ Var	% Var	
<b>Departmental Personnel Expenses</b>													
700 - SCCIC	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	
1100 - Administration	\$ 77,364	\$ 86,009	\$ (8,645)	-10%	\$ 603,145	\$ 688,072	\$ (84,927)	-12%	\$ 603,145	\$ 585,782	\$ 17,363	3%	
1200 - Finance	\$ 42,845	\$ 51,760	\$ (8,915)	-17%	\$ 356,928	\$ 414,080	\$ (57,152)	-14%	\$ 356,928	\$ 316,330	\$ 40,598	13%	
1300 - Customer Service	\$ 34,514	\$ 43,127	\$ (8,613)	-20%	\$ 265,490	\$ 345,016	\$ (79,526)	-23%	\$ 265,490	\$ 257,086	\$ 8,404	3%	
1400 - Human Resources	\$ 45,859	\$ 49,317	\$ (3,458)	-7%	\$ 339,969	\$ 394,536	\$ (54,567)	-14%	\$ 339,969	\$ 244,865	\$ 95,104	39%	
1500 - Information Technology	\$ 37,654	\$ 41,121	\$ (3,467)	-8%	\$ 319,686	\$ 328,968	\$ (9,282)	-3%	\$ 319,686	\$ 296,485	\$ 23,201	8%	
1700 - District Counsel	\$ 33,681	\$ 38,234	\$ (4,553)	-12%	\$ 263,877	\$ 305,872	\$ (41,995)	-14%	\$ 263,877	\$ 248,429	\$ 15,448	6%	
1800 - Risk Management	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	
2200 - Facilities Maintenance	\$ 71,660	\$ 85,692	\$ (14,032)	-16%	\$ 577,651	\$ 685,536	\$ (107,885)	-16%	\$ 577,651	\$ 598,344	\$ (20,693)	-3%	
3100 - Paratransit Program	\$ 225,416	\$ 251,796	\$ (26,380)	-10%	\$ 1,854,297	\$ 2,014,368	\$ (160,071)	-8%	\$ 1,854,297	\$ 1,744,775	\$ 109,522	6%	
3200 - Operations	\$ 157,567	\$ 178,655	\$ (21,088)	-12%	\$ 1,279,630	\$ 1,429,240	\$ (149,610)	-10%	\$ 1,279,630	\$ 1,309,050	\$ (29,420)	-2%	
3300 - Bus Operators	\$ 1,073,758	\$ 1,153,142	\$ (79,384)	-7%	\$ 8,375,493	\$ 9,225,136	\$ (849,643)	-9%	\$ 8,375,493	\$ 8,238,668	\$ 136,825	2%	
4100 - Fleet Maintenance	\$ 314,828	\$ 347,444	\$ (32,616)	-9%	\$ 2,577,065	\$ 2,779,552	\$ (202,487)	-7%	\$ 2,577,065	\$ 2,331,283	\$ 245,782	11%	
9001 - Cobra Benefits	\$ (281)	\$ -	\$ (281)	0%	\$ (3,210)	\$ -	\$ (3,210)	0%	\$ (3,210)	\$ 567	\$ (3,777)	-666%	
9005 - Retired Employee Benefits	\$ 132,294	\$ 144,500	\$ (12,206)	-8%	\$ 982,365	\$ 1,156,000	\$ (173,635)	-15%	\$ 982,365	\$ 987,078	\$ (4,713)	0%	
Additional Operating Programs	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	
<b>Subtotal Personnel Expenses</b>	<b>\$ 2,247,159</b>	<b>\$ 2,470,797</b>	<b>\$ (223,638)</b>	<b>-9%</b>	<b>\$ 17,792,386</b>	<b>\$ 19,766,376</b>	<b>\$ (1,973,990)</b>	<b>-10%</b>	<b>\$ 17,792,386</b>	<b>\$ 17,158,742</b>	<b>\$ 633,644</b>	<b>4%</b>	
<b>Departmental Non-Personnel Expenses</b>													
700 - SCCIC	\$ -	\$ 21	\$ (21)	-100%	\$ 260	\$ 294	\$ (34)	-12%	\$ 260	\$ 280	\$ (20)	-7%	
1100 - Administration	\$ 58,078	\$ 74,754	\$ (16,676)	-22%	\$ 437,116	\$ 593,222	\$ (156,106)	-26%	\$ 437,116	\$ 442,484	\$ (5,368)	-1%	
1200 - Finance	\$ 42,257	\$ 68,287	\$ (26,030)	-38%	\$ 473,849	\$ 546,296	\$ (72,447)	-13%	\$ 473,849	\$ 379,331	\$ 94,518	25%	
1300 - Customer Service	\$ 4,993	\$ 9,726	\$ (4,733)	-49%	\$ 50,430	\$ 77,808	\$ (27,378)	-35%	\$ 50,430	\$ 43,067	\$ 7,363	17%	
1400 - Human Resources	\$ 2,246	\$ 8,131	\$ (5,885)	-72%	\$ 23,773	\$ 65,048	\$ (41,275)	-63%	\$ 23,773	\$ 68,572	\$ (44,799)	-65%	
1500 - Information Technology	\$ 43,636	\$ 13,268	\$ 30,368	229%	\$ 170,684	\$ 176,164	\$ (5,480)	-3%	\$ 170,684	\$ 101,214	\$ 69,470	69%	
1700 - District Counsel	\$ 1,937	\$ 1,512	\$ 425	28%	\$ 14,909	\$ 12,096	\$ 2,813	23%	\$ 14,909	\$ 10,292	\$ 4,617	45%	
1800 - Risk Management	\$ 23,432	\$ 20,656	\$ 2,776	13%	\$ 41,590	\$ 165,248	\$ (123,658)	-75%	\$ 41,590	\$ 90,781	\$ (49,191)	-54%	
2200 - Facilities Maintenance	\$ 35,130	\$ 44,532	\$ (9,402)	-21%	\$ 332,603	\$ 356,256	\$ (23,653)	-7%	\$ 332,603	\$ 250,921	\$ 81,682	33%	
3100 - Paratransit Program	\$ 50,621	\$ 64,048	\$ (13,427)	-21%	\$ 513,927	\$ 512,384	\$ 1,543	0%	\$ 513,927	\$ 394,663	\$ 119,264	30%	
3200 - Operations	\$ 39,705	\$ 53,692	\$ (13,987)	-26%	\$ 353,926	\$ 429,536	\$ (75,610)	-18%	\$ 353,926	\$ 351,991	\$ 1,935	1%	
3300 - Bus Operators	\$ -	\$ 500	\$ (500)	-100%	\$ 4,793	\$ 7,000	\$ (2,207)	-32%	\$ 4,793	\$ 2,614	\$ 2,179	83%	
4100 - Fleet Maintenance	\$ 370,145	\$ 403,205	\$ (33,060)	-8%	\$ 2,580,108	\$ 3,207,641	\$ (627,533)	-20%	\$ 2,580,108	\$ 2,325,317	\$ 254,791	11%	
9001 - Cobra Benefits	\$ -	\$ -	\$ -	0%	\$ 1,094	\$ -	\$ 1,094	0%	\$ 1,094	\$ -	\$ 1,094	0%	
9005 - Retired Employee Benefits	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	
Additional Operating Programs	\$ -	\$ -	\$ -	0%	\$ (575)	\$ -	\$ (575)	0%	\$ (575)	\$ -	\$ (575)	0%	
<b>Subtotal Non-Personnel Expenses</b>	<b>\$ 672,180</b>	<b>\$ 762,332</b>	<b>\$ (90,152)</b>	<b>-12%</b>	<b>\$ 4,998,487</b>	<b>\$ 6,148,993</b>	<b>\$ (1,150,506)</b>	<b>-19%</b>	<b>\$ 4,998,487</b>	<b>\$ 4,461,527</b>	<b>\$ 536,960</b>	<b>12%</b>	

5-2.02

**FY2008**  
**Operating Expenses by Department**  
**For the month ending - February 29, 2008**

	Current Period				Year to Date				YTD Year Over Year Comparison				Notes
	Actual	Budget	\$ Var	% Var	Actual	Budget	\$ Var	% Var	Actual		\$ Var	% Var	
									FY08	FY07			
<b>Total Departmental Expenses</b>													
700 - SCCIC	\$ -	\$ 21	\$ (21)	-100%	\$ 260	\$ 294	\$ (34)	-12%	\$ 260	\$ 280	\$ (20)	-7%	
1100 - Administration	\$ 135,442	\$ 160,763	\$ (25,321)	-16%	\$ 1,040,261	\$ 1,281,294	\$ (241,033)	-19%	\$ 1,040,261	\$ 1,028,266	\$ 11,995	1%	1
1200 - Finance	\$ 85,102	\$ 120,047	\$ (34,945)	-29%	\$ 830,777	\$ 960,376	\$ (129,599)	-13%	\$ 830,777	\$ 695,661	\$ 135,116	19%	2
1300 - Customer Service	\$ 39,507	\$ 52,853	\$ (13,346)	-25%	\$ 315,920	\$ 422,824	\$ (106,904)	-25%	\$ 315,920	\$ 300,153	\$ 15,767	5%	3
1400 - Human Resources	\$ 48,105	\$ 57,448	\$ (9,343)	-16%	\$ 363,742	\$ 459,584	\$ (95,842)	-21%	\$ 363,742	\$ 313,437	\$ 50,305	16%	
1500 - Information Technology	\$ 81,290	\$ 54,389	\$ 26,901	49%	\$ 490,370	\$ 505,132	\$ (14,762)	-3%	\$ 490,370	\$ 397,699	\$ 92,671	23%	4
1700 - District Counsel	\$ 35,618	\$ 39,746	\$ (4,128)	-10%	\$ 278,786	\$ 317,968	\$ (39,182)	-12%	\$ 278,786	\$ 258,721	\$ 20,065	8%	
1800 - Risk Management	\$ 23,432	\$ 20,656	\$ 2,776	13%	\$ 41,590	\$ 165,248	\$ (123,658)	-75%	\$ 41,590	\$ 90,781	\$ (49,191)	-54%	5
2200 - Facilities Maintenance	\$ 106,790	\$ 130,224	\$ (23,434)	-18%	\$ 910,254	\$ 1,041,792	\$ (131,538)	-13%	\$ 910,254	\$ 849,265	\$ 60,989	7%	6
3100 - Paratransit Program	\$ 276,037	\$ 315,844	\$ (39,807)	-13%	\$ 2,368,224	\$ 2,526,752	\$ (158,528)	-6%	\$ 2,368,224	\$ 2,139,438	\$ 228,786	11%	7
3200 - Operations	\$ 197,272	\$ 232,347	\$ (35,075)	-15%	\$ 1,633,556	\$ 1,858,776	\$ (225,220)	-12%	\$ 1,633,556	\$ 1,661,041	\$ (27,485)	-2%	8
3300 - Bus Operators	\$ 1,073,758	\$ 1,153,642	\$ (79,884)	-7%	\$ 8,380,286	\$ 9,232,136	\$ (851,850)	-9%	\$ 8,380,286	\$ 8,241,282	\$ 139,004	2%	9
4100 - Fleet Maintenance	\$ 684,973	\$ 750,649	\$ (65,676)	-9%	\$ 5,157,173	\$ 5,987,193	\$ (830,020)	-14%	\$ 5,157,173	\$ 4,656,600	\$ 500,573	11%	10
9001 - Cobra Benefits	\$ (281)	\$ -	\$ (281)	0%	\$ (2,116)	\$ -	\$ (2,116)	0%	\$ (2,116)	\$ 567	\$ (2,683)	-473%	
9005 - Retired Employee Benefits	\$ 132,294	\$ 144,500	\$ (12,206)	-8%	\$ 982,365	\$ 1,156,000	\$ (173,635)	-15%	\$ 982,365	\$ 987,078	\$ (4,713)	0%	11
Additional Operating Programs			\$ -	0%	\$ (575)	\$ -	\$ (575)	0%	\$ (575)	\$ -	\$ (575)	0%	
<b>Total Operating Expenses</b>	<b>\$ 2,919,339</b>	<b>\$ 3,233,129</b>	<b>\$ (313,790)</b>	<b>-10%</b>	<b>\$ 22,790,873</b>	<b>\$ 25,915,481</b>	<b>\$ (3,124,608)</b>	<b>-12%</b>	<b>\$ 22,790,873</b>	<b>\$ 21,620,269</b>	<b>\$ 1,170,604</b>	<b>5%</b>	

**Current Period Notes:**

- 1) **Administration** is under budget due to an annual contract paid for in FY07 and Labor negotiations not starting until the April 2008.
- 2) **Finance** is under budget due to Sales Tax Admin Fees paid qtrly and the budget being straight lined.
- 3) **Customer Service** is under budget due to less personnel expenses, graphic services and printing costs incurred in February and YTD.
- 4) **Information Technology** is over budget due to Hastus training being paid in February and budget later in the year.
- 5) **Risk Management** is over budget due to settlement costs paid in February and the budget being straight lined.
- 6) **Facilities Maintenance** is under budget due to equipment repair costs typically paid qtrly or annually on contracts. The budget was straight lined since we can not anticipate when these repair costs will be incurred.
- 7) **Paratransit Program** is under budget due to not being at full complement.
- 8) **Operations** is under budget due to not being at full complement and security expenses lower than anticipated.
- 9) **Bus Operators** is under budget due to not being at full complement.
- 10) **Fleet Maintenance** is under budget due to fuel expenses lower than anticipated.
- 11) **Retired Employee Benefits** is under budget due to the budget being straight lined. Increase will happen towards the end of FY 08 .

5-2.03

**FY2008**  
**Consolidated Operating Expenses**  
**For the month ending - February 29, 2008**

	Current Period				Year to Date				YTD Year Over Year Comparison				Notes
	Actual	Budget	\$ Var	% Var	Actual	Budget	\$ Var	% Var	FY08 Actual	FY07	\$ Var	% Var	
<b>LABOR</b>													
501011 Bus Operator Pay	\$ 616,666	\$ 687,597	\$ (70,931)	-10%	\$ 4,895,845	\$ 5,500,776	\$ (604,931)	-11%	\$ 4,895,845	\$ 4,779,806	\$ 116,039	2%	
501013 Bus Operator Overtime	\$ 148,754	\$ 102,083	\$ 46,671	46%	\$ 901,989	\$ 816,664	\$ 85,325	10%	\$ 901,989	\$ 870,897	\$ 31,092	4%	
501021 Other Salaries	\$ 500,754	\$ 541,357	\$ (40,603)	-8%	\$ 3,944,371	\$ 4,330,856	\$ (386,485)	-9%	\$ 3,944,371	\$ 3,644,521	\$ 299,850	8%	
501023 Other Overtime	\$ 21,564	\$ 19,684	\$ 1,880	10%	\$ 195,492	\$ 157,472	\$ 38,020	24%	\$ 195,492	\$ 184,973	\$ 10,519	6%	
<b>Total Labor -</b>	<b>\$ 1,287,738</b>	<b>\$ 1,350,721</b>	<b>\$ (62,983)</b>	<b>-5%</b>	<b>\$ 9,937,697</b>	<b>\$ 10,805,768</b>	<b>\$ (868,071)</b>	<b>-8%</b>	<b>\$ 9,937,697</b>	<b>\$ 9,480,197</b>	<b>\$ 457,500</b>	<b>5%</b>	
<b>FRINGE BENEFITS</b>													
502011 Medicare/Soc. Sec.	\$ 16,896	\$ 20,139	\$ (3,243)	-16%	\$ 136,793	\$ 161,112	\$ (24,319)	-15%	\$ 136,793	\$ 125,885	\$ 10,908	9%	
502021 Retirement	\$ 161,259	\$ 185,973	\$ (24,714)	-13%	\$ 1,336,083	\$ 1,487,784	\$ (151,701)	-10%	\$ 1,336,083	\$ 1,187,554	\$ 148,529	13%	
502031 Medical Insurance	\$ 415,103	\$ 438,530	\$ (23,427)	-5%	\$ 3,071,496	\$ 3,508,240	\$ (436,744)	-12%	\$ 3,071,496	\$ 3,028,471	\$ 43,025	1%	
502041 Dental Insurance	\$ 41,740	\$ 40,928	\$ 812	2%	\$ 311,528	\$ 327,423	\$ (15,895)	-5%	\$ 311,528	\$ 296,753	\$ 14,775	5%	
502045 Vision Insurance	\$ 11,082	\$ 11,336	\$ (254)	-2%	\$ 87,008	\$ 90,687	\$ (3,679)	-4%	\$ 87,008	\$ 85,659	\$ 1,349	2%	
502051 Life Insurance	\$ 3,733	\$ 4,414	\$ (681)	-15%	\$ 26,960	\$ 35,312	\$ (8,352)	-24%	\$ 26,960	\$ 34,624	\$ (7,664)	-22%	
502060 State Disability	\$ 11,622	\$ 30,599	\$ (18,977)	-62%	\$ 81,109	\$ 244,792	\$ (163,683)	-67%	\$ 81,109	\$ 107,469	\$ (26,360)	-25%	
502061 Disability Insurance	\$ 17,255	\$ 15,926	\$ 1,329	8%	\$ 136,386	\$ 127,408	\$ 8,978	7%	\$ 136,386	\$ 123,328	\$ 13,058	11%	
502071 State Unemp. Ins	\$ 4,433	\$ 8,019	\$ (3,586)	-45%	\$ 52,359	\$ 64,152	\$ (11,793)	-18%	\$ 52,359	\$ 52,625	\$ (266)	-1%	
502081 Worker's Comp Ins	\$ 96,072	\$ 116,390	\$ (20,318)	-17%	\$ 725,189	\$ 931,120	\$ (205,931)	-22%	\$ 725,189	\$ 709,862	\$ 15,327	2%	
502083 Worker's Comp IBNR	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	
502101 Holiday Pay	\$ 2,843	\$ 28,652	\$ (25,809)	-90%	\$ 252,723	\$ 229,216	\$ 23,507	10%	\$ 252,723	\$ 249,156	\$ 3,567	1%	
502103 Floating Holiday	\$ 1,300	\$ 5,467	\$ (4,167)	-76%	\$ 16,320	\$ 43,736	\$ (27,416)	-63%	\$ 16,320	\$ 16,438	\$ (118)	-1%	
502109 Sick Leave	\$ 51,178	\$ 63,400	\$ (12,222)	-19%	\$ 377,712	\$ 507,200	\$ (129,488)	-26%	\$ 377,712	\$ 302,716	\$ 74,996	25%	
502111 Annual Leave	\$ 110,571	\$ 125,133	\$ (14,562)	-12%	\$ 1,092,776	\$ 1,001,064	\$ 91,712	9%	\$ 1,092,776	\$ 1,148,470	\$ (55,694)	-5%	
502121 Other Paid Absence	\$ 6,584	\$ 13,692	\$ (7,108)	-52%	\$ 75,851	\$ 109,535	\$ (33,684)	-31%	\$ 75,851	\$ 123,105	\$ (47,254)	-38%	
502251 Physical Exams	\$ 450	\$ 3,019	\$ (2,569)	-85%	\$ 4,053	\$ 24,152	\$ (20,099)	-83%	\$ 4,053	\$ 5,292	\$ (1,239)	-23%	
502253 Driver Lic Renewal	\$ 83	\$ 433	\$ (350)	-81%	\$ 947	\$ 3,464	\$ (2,517)	-73%	\$ 947	\$ 1,507	\$ (560)	-37%	
502999 Other Fringe Benefits	\$ 7,219	\$ 8,027	\$ (808)	-10%	\$ 70,489	\$ 64,216	\$ 6,273	10%	\$ 70,489	\$ 79,632	\$ (9,143)	-11%	
<b>Total Fringe Benefits -</b>	<b>\$ 959,423</b>	<b>\$ 1,120,077</b>	<b>\$ (160,654)</b>	<b>-14%</b>	<b>\$ 7,855,782</b>	<b>\$ 8,960,613</b>	<b>\$ (1,104,831)</b>	<b>-12%</b>	<b>\$ 7,855,782</b>	<b>\$ 7,678,546</b>	<b>\$ 177,236</b>	<b>2%</b>	
<b>Total Personnel Expenses -</b>	<b>\$ 2,247,161</b>	<b>\$ 2,470,798</b>	<b>\$ (223,637)</b>	<b>-9%</b>	<b>\$ 17,793,479</b>	<b>\$ 19,766,381</b>	<b>\$ (1,972,902)</b>	<b>-10%</b>	<b>\$ 17,793,479</b>	<b>\$ 17,158,743</b>	<b>\$ 634,736</b>	<b>4%</b>	<b>1</b>

5-2.04

**FY2008**  
**Consolidated Operating Expenses**  
**For the month ending - February 29, 2008**

	Current Period				Year to Date				YTD Year Over Year Comparison				Notes
	Actual	Budget	\$ Var	% Var	Actual	Budget	\$ Var	% Var	Actual		\$ Var	% Var	
									FY08	FY07			
<b>SERVICES</b>													
503011 Acctg & Audit Fees	\$ -	\$ 8,333	\$ (8,333)	-100%	\$ 38,665	\$ 66,917	\$ (28,252)	-42%	\$ 38,665	\$ 35,875	\$ 2,790	8%	
503012 Admin & Bank Fees	\$ 822	\$ 19,669	\$ (18,847)	-96%	\$ 87,170	\$ 157,352	\$ (70,182)	-45%	\$ 87,170	\$ 77,307	\$ 9,863	13%	2
503031 Prof & Tech Fees	\$ 3,560	\$ 32,126	\$ (28,566)	-89%	\$ 91,869	\$ 257,008	\$ (165,139)	-64%	\$ 91,869	\$ 141,540	\$ (49,671)	-35%	3
503032 Legislative Services	\$ 7,500	\$ 8,084	\$ (584)	-7%	\$ 60,470	\$ 64,672	\$ (4,202)	-6%	\$ 60,470	\$ 58,275	\$ 2,195	4%	
503033 Legal Services	\$ -	\$ 4,306	\$ (4,306)	-100%	\$ 1,259	\$ 34,448	\$ (33,189)	-96%	\$ 1,259	\$ 1,120	\$ 139	12%	
503034 Pre-Employ Exams	\$ 1,000	\$ 2,083	\$ (1,083)	-52%	\$ 7,107	\$ 16,664	\$ (9,557)	-57%	\$ 7,107	\$ 14,806	\$ (7,699)	-52%	
503041 Temp Help	\$ 3,016	\$ 1,375	\$ 1,641	119%	\$ 77,417	\$ 11,000	\$ 66,417	604%	\$ 77,417	\$ 20,349	\$ 57,068	280%	4
503161 Custodial Services	\$ 6,650	\$ 6,120	\$ 530	9%	\$ 45,654	\$ 48,960	\$ (3,306)	-7%	\$ 45,654	\$ 42,457	\$ 3,197	8%	
503162 Uniform & Laundry	\$ 3,322	\$ 3,743	\$ (421)	-11%	\$ 26,842	\$ 29,944	\$ (3,102)	-10%	\$ 26,842	\$ 25,362	\$ 1,480	6%	
503171 Security Services	\$ 27,581	\$ 36,994	\$ (9,413)	-25%	\$ 220,928	\$ 295,952	\$ (75,024)	-25%	\$ 220,928	\$ 247,122	\$ (26,194)	-11%	5
503221 Classified/Legal Ads	\$ 1,597	\$ 2,383	\$ (786)	-33%	\$ 9,727	\$ 19,064	\$ (9,337)	-49%	\$ 9,727	\$ 11,522	\$ (1,795)	-16%	
503222 Legal Advertising	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	
503225 Graphic Services	\$ -	\$ 1,717	\$ (1,717)	-100%	\$ -	\$ 13,736	\$ (13,736)	-100%	\$ -	\$ 15,810	\$ (15,810)	-100%	
503351 Repair - Bldg & Impr	\$ 5,356	\$ 3,542	\$ 1,814	51%	\$ 61,390	\$ 28,336	\$ 33,054	117%	\$ 61,390	\$ 32,875	\$ 28,515	87%	
503352 Repair - Equipment	\$ 12,768	\$ 26,236	\$ (13,468)	-51%	\$ 117,229	\$ 209,888	\$ (92,659)	-44%	\$ 117,229	\$ 103,705	\$ 13,524	13%	6
503353 Repair - Rev Vehicle	\$ 31,305	\$ 24,255	\$ 7,050	29%	\$ 188,782	\$ 194,040	\$ (5,258)	-3%	\$ 188,782	\$ 177,304	\$ 11,478	6%	7
503354 Repair - Non Rev Vehicle	\$ 6,346	\$ 4,652	\$ 1,694	36%	\$ 19,753	\$ 37,216	\$ (17,463)	-47%	\$ 19,753	\$ 21,518	\$ (1,765)	-8%	
503363 Haz Mat Disposal	\$ 681	\$ 2,042	\$ (1,361)	-67%	\$ 21,760	\$ 16,336	\$ 5,424	33%	\$ 21,760	\$ 20,613	\$ 1,147	6%	
<b>Total Services -</b>	<b>\$ 111,504</b>	<b>\$ 187,660</b>	<b>\$ (76,156)</b>	<b>-41%</b>	<b>\$ 1,076,022</b>	<b>\$ 1,501,533</b>	<b>\$ (425,511)</b>	<b>-28%</b>	<b>\$ 1,076,022</b>	<b>\$ 1,047,560</b>	<b>\$ 28,462</b>	<b>3%</b>	
<b>MOBILE MATERIALS AND SUPPLIES</b>													
504011 Fuels & Lube Non Rev Veh	\$ 11,807	\$ 10,226	\$ 1,581	15%	\$ 102,341	\$ 81,808	\$ 20,533	25%	\$ 102,341	\$ 64,782	\$ 37,559	58%	
504012 Fuels & Lube Rev Veh	\$ 235,212	\$ 269,649	\$ (34,437)	-13%	\$ 1,527,089	\$ 2,139,188	\$ (612,099)	-29%	\$ 1,527,089	\$ 1,325,376	\$ 201,713	15%	8
504021 Tires & Tubes	\$ 13,366	\$ 18,700	\$ (5,334)	-29%	\$ 122,648	\$ 149,600	\$ (26,952)	-18%	\$ 122,648	\$ 100,249	\$ 22,399	22%	9
504161 Other Mobile Supplies	\$ 231	\$ 667	\$ (436)	-65%	\$ 4,603	\$ 5,336	\$ (733)	-14%	\$ 4,603	\$ 4,903	\$ (300)	-6%	
504191 Rev Vehicle Parts	\$ 57,706	\$ 56,800	\$ 906	2%	\$ 479,079	\$ 454,400	\$ 24,679	5%	\$ 479,079	\$ 424,803	\$ 54,276	13%	
<b>Total Mobile Materials &amp; Supplies -</b>	<b>\$ 318,322</b>	<b>\$ 356,042</b>	<b>\$ (37,720)</b>	<b>-11%</b>	<b>\$ 2,235,760</b>	<b>\$ 2,830,332</b>	<b>\$ (594,572)</b>	<b>-21%</b>	<b>\$ 2,235,760</b>	<b>\$ 1,920,113</b>	<b>\$ 315,647</b>	<b>16%</b>	

5-2.05

**FY2008**  
**Consolidated Operating Expenses**  
**For the month ending - February 29, 2008**

	Current Period				Year to Date				YTD Year Over Year Comparison				Notes
	Actual	Budget	\$ Var	% Var	Actual	Budget	\$ Var	% Var	FY08	FY07	\$ Var	% Var	
<b>OTHER MATERIALS &amp; SUPPLIES</b>													
504205 Freight Out	\$ 180	\$ 412	\$ (232)	-56%	\$ 2,414	\$ 3,296	\$ (882)	-27%	\$ 2,414	\$ 1,438	\$ 976	68%	
504211 Postage & Mailing	\$ 3,697	\$ 1,867	\$ 1,830	98%	\$ 11,652	\$ 14,936	\$ (3,284)	-22%	\$ 11,652	\$ 7,939	\$ 3,713	47%	
504214 Promotional Items	\$ -	\$ 2	\$ (2)	-100%	\$ -	\$ 16	\$ (16)	-100%	\$ -	\$ -	\$ -	0%	
504215 Printing	\$ 3,372	\$ 7,401	\$ (4,029)	-54%	\$ 34,634	\$ 59,208	\$ (24,574)	-42%	\$ 34,634	\$ 20,209	\$ 14,425	71%	10
504217 Photo Supply/Processing	\$ 99	\$ 754	\$ (655)	-87%	\$ 3,011	\$ 6,031	\$ (3,020)	-50%	\$ 3,011	\$ 5,206	\$ (2,195)	-42%	
504311 Office Supplies	\$ 7,145	\$ 7,184	\$ (39)	-1%	\$ 53,835	\$ 57,472	\$ (3,637)	-6%	\$ 53,835	\$ 44,632	\$ 9,203	21%	
504315 Safety Supplies	\$ 1,471	\$ 1,521	\$ (50)	-3%	\$ 19,933	\$ 12,168	\$ 7,765	64%	\$ 19,933	\$ 7,963	\$ 11,970	150%	
504317 Cleaning Supplies	\$ 2,930	\$ 4,090	\$ (1,160)	-28%	\$ 36,126	\$ 32,720	\$ 3,406	10%	\$ 36,126	\$ 23,103	\$ 13,023	56%	
504409 Repair/Maint Supplies	\$ 5,932	\$ 3,750	\$ 2,182	58%	\$ 41,185	\$ 30,000	\$ 11,185	37%	\$ 41,185	\$ 32,398	\$ 8,787	27%	
504421 Non-Inventory Parts	\$ 4,848	\$ 3,605	\$ 1,243	34%	\$ 32,388	\$ 28,840	\$ 3,548	12%	\$ 32,388	\$ 20,485	\$ 11,903	58%	
504511 Small Tools	\$ 873	\$ 824	\$ 49	6%	\$ 6,927	\$ 6,592	\$ 335	5%	\$ 6,927	\$ 4,454	\$ 2,473	56%	
504515 Employee Tool Rplcmt	\$ 72	\$ 215	\$ (143)	-67%	\$ 776	\$ 1,720	\$ (944)	-55%	\$ 776	\$ 1,175	\$ (399)	-34%	
Total Other Materials & Supplies -	\$ 30,619	\$ 31,625	\$ (1,006)	-3%	\$ 242,881	\$ 252,999	\$ (10,118)	-4%	\$ 242,881	\$ 169,002	\$ 73,879	44%	
<b>UTILITIES</b>													
505011 Gas & Electric	\$ 20,393	\$ 15,151	\$ 5,242	35%	\$ 143,377	\$ 121,208	\$ 22,169	18%	\$ 143,377	\$ 121,009	\$ 22,368	18%	
505021 Water & Garbage	\$ 8,435	\$ 9,274	\$ (839)	-9%	\$ 77,906	\$ 74,192	\$ 3,714	5%	\$ 77,906	\$ 59,877	\$ 18,029	30%	
505031 Telecommunications	\$ 4,843	\$ 8,021	\$ (3,178)	-40%	\$ 59,926	\$ 64,168	\$ (4,242)	-7%	\$ 59,926	\$ 46,234	\$ 13,692	30%	
Total Utilities -	\$ 33,671	\$ 32,446	\$ 1,225	4%	\$ 281,209	\$ 259,568	\$ 21,641	8%	\$ 281,209	\$ 227,120	\$ 54,089	24%	
<b>CASUALTY &amp; LIABILITY</b>													
506011 Insurance - Property	\$ 5,839	\$ 4,678	\$ 1,161	25%	\$ 29,573	\$ 37,424	\$ (7,851)	-21%	\$ 29,573	\$ 22,908	\$ 6,665	29%	
506015 Insurance - PL & PD	\$ 34,362	\$ 35,000	\$ (638)	-2%	\$ 274,895	\$ 280,000	\$ (5,105)	-2%	\$ 274,895	\$ 336,863	\$ (61,968)	-18%	
506021 Insurance - Other	\$ -	\$ 151	\$ (151)	-100%	\$ 1,007	\$ 1,208	\$ (201)	-17%	\$ 1,007	\$ 474	\$ 533	112%	
506123 Settlement Costs	\$ 23,378	\$ 12,500	\$ 10,878	87%	\$ 41,005	\$ 100,000	\$ (58,995)	-59%	\$ 41,005	\$ 59,542	\$ (18,537)	-31%	11
506127 Repairs - Dist Prop	\$ (79)	\$ -	\$ (79)	0%	\$ (7,203)	\$ -	\$ (7,203)	0%	\$ (7,203)	\$ (104,043)	\$ 96,840	-93%	
Total Casualty & Liability -	\$ 63,500	\$ 52,329	\$ 11,171	21%	\$ 339,277	\$ 418,632	\$ (79,355)	-19%	\$ 339,277	\$ 315,744	\$ 23,533	7%	
<b>TAXES</b>													
507051 Fuel Tax	\$ 223	\$ 888	\$ (665)	-75%	\$ 3,578	\$ 7,104	\$ (3,526)	-50%	\$ 3,578	\$ 7,601	\$ (4,023)	-53%	
507201 Licenses & permits	\$ 4,348	\$ 980	\$ 3,368	344%	\$ 11,188	\$ 7,840	\$ 3,348	43%	\$ 11,188	\$ 10,337	\$ 851	8%	12
507999 Other Taxes	\$ -	\$ 2,058	\$ (2,058)	-100%	\$ 13,315	\$ 16,464	\$ (3,149)	-19%	\$ 13,315	\$ 15,484	\$ (2,169)	-14%	
Total Utilities -	\$ 4,571	\$ 3,926	\$ 645	16%	\$ 28,081	\$ 31,408	\$ (3,327)	-11%	\$ 28,081	\$ 33,422	\$ (5,341)	-16%	

5-2.06

**FY2008**  
**Consolidated Operating Expenses**  
**For the month ending - February 29, 2008**

	Current Period				Year to Date				YTD Year Over Year Comparison				Notes
	Actual	Budget	\$ Var	% Var	Actual	Budget	\$ Var	% Var	FY08	FY07	\$ Var	% Var	
<b><u>PURCHASED TRANSPORTATION</u></b>													
503406 Contr/Paratrans	\$ 5,299	\$ 16,667	\$ (11,368)	-68%	\$ 188,501	\$ 133,336	\$ 55,165	41%	\$ 188,501	\$ 110,428	\$ 78,073	71%	13
Total Purchased Transportation -	\$ 5,299	\$ 16,667	\$ (11,368)	-68%	\$ 188,501	\$ 133,336	\$ 55,165	41%	\$ 188,501	\$ 110,428	\$ 78,073	71%	
<b><u>MISC</u></b>													
509011 Dues & Subscriptions	\$ 2,730	\$ 4,768	\$ (2,038)	-43%	\$ 12,689	\$ 38,144	\$ (25,455)	-67%	\$ 12,689	\$ 58,999	\$ (46,310)	-78%	
509085 Advertising - Rev-Product	\$ -	\$ 1,250	\$ (1,250)	-100%	\$ -	\$ 10,000	\$ (10,000)	-100%	\$ -	\$ -	\$ -	0%	
509101 Emp Incentive Prog	\$ 133	\$ 2,135	\$ (2,002)	-94%	\$ 11,579	\$ 15,279	\$ (3,700)	-24%	\$ 11,579	\$ 294	\$ 11,285	3838%	
509121 Employee Training	\$ 34,126	\$ 1,625	\$ 32,501	2000%	\$ 70,257	\$ 83,000	\$ (12,743)	-15%	\$ 70,257	\$ 21,463	\$ 48,794	227%	14
509123 Travel	\$ 7,368	\$ 4,348	\$ 3,020	69%	\$ 22,413	\$ 34,784	\$ (12,371)	-36%	\$ 22,413	\$ 8,406	\$ 14,007	167%	
509125 Local Meeting Exp	\$ 573	\$ 529	\$ 44	8%	\$ 2,610	\$ 4,232	\$ (1,622)	-38%	\$ 2,610	\$ 4,255	\$ (1,645)	-39%	
509127 Board Director Fees	\$ 1,000	\$ 1,100	\$ (100)	-9%	\$ 8,800	\$ 8,800	\$ -	0%	\$ 8,800	\$ 7,800	\$ 1,000	13%	
509150 Contributions	\$ -	\$ 54	\$ (54)	-100%	\$ 98	\$ 432	\$ (334)	-77%	\$ 98	\$ 240	\$ (142)	-59%	
509197 Sales Tax Expense	\$ -	\$ -	\$ -	0%	\$ (52)	\$ -	\$ (52)	0%	\$ (52)	\$ (3,333)	\$ 3,281	-98%	
509198 Cash Over/Short	\$ (29)	\$ -	\$ (29)	0%	\$ 762	\$ -	\$ 762	0%	\$ 762	\$ (8,337)	\$ 9,099	-109%	
Total Misc -	\$ 45,901	\$ 15,809	\$ 30,092	190%	\$ 129,156	\$ 194,671	\$ (65,515)	-34%	\$ 129,156	\$ 89,787	\$ 39,369	44%	
<b><u>LEASES &amp; RENTALS</u></b>													
512011 Facility Rentals	\$ 58,048	\$ 59,559	\$ (1,511)	-3%	\$ 461,381	\$ 476,474	\$ (15,093)	-3%	\$ 461,381	\$ 505,123	\$ (43,742)	-9%	
512061 Equipment Rentals	\$ 747	\$ 6,273	\$ (5,526)	-88%	\$ 15,137	\$ 50,184	\$ (35,047)	-70%	\$ 15,137	\$ 43,225	\$ (28,088)	-65%	15
Total Leases & Rentals -	\$ 58,795	\$ 65,832	\$ (7,037)	-11%	\$ 476,518	\$ 526,658	\$ (50,140)	-10%	\$ 476,518	\$ 548,348	\$ (71,830)	-13%	
Total Non-Personnel Expenses -	\$ 672,182	\$ 762,336	\$ (90,154)	-12%	\$ 4,997,405	\$ 6,149,137	\$ (1,151,732)	-19%	\$ 4,997,405	\$ 4,461,524	\$ 535,881	12%	
TOTAL OPERATING EXPENSE -	\$ 2,919,339	\$ 3,233,129	\$ (313,790)	-10%	\$ 22,790,878	\$ 25,915,481	\$ (3,124,603)	-12%	\$ 22,790,873	\$ 21,620,267	\$ 1,170,606	5%	

**Current Period Notes:**

- 1) Total Personnel Expenses are below budget due to not being at full complement.
- 2) Admin & Bank Fees are under budget due to Sales Tax Admin Fees paid qtrly and the budget being straight lined.
- 3) Prof & Tech Fees are below budget. Negotiations for the year did not start until April 2008.
- 4) Temp Help is over budget due to vacancies and work loads. This item is only budgeted in Admin.
- 5) Security Services are under budget due to the budget being straight lined and not knowing when additional security will be needed throughout the year.
- 6) Repair - Equipment is typically paid qtrly or annually on contracts. The budget was straight lined since we can not anticipate when these costs will be incurred.
- 7) Repair - Rev Vehicle is over budget due to increased costs in ParaCruz and Fleet.
- 8) Fuels & Lube Rev Veh is under budget. The budget was built on anticipating increased fuel prices for the year.

5-2.07

**FY2008**  
**Consolidated Operating Expenses**  
*For the month ending - February 29, 2008*

	Current Period				Year to Date				YTD Year Over Year Comparison				
	<u>Actual</u>	<u>Budget</u>	<u>\$ Var</u>	<u>% Var</u>	<u>Actual</u>	<u>Budget</u>	<u>\$ Var</u>	<u>% Var</u>	<u>FY08</u>	<u>FY07</u>	<u>\$ Var</u>	<u>% Var</u>	<u>Notes</u>
9) Tires & Tubes													
are under budget due to less than expected expenditures in February.													
10) Printing													
is under budget due to less than anticipated expenditures in February and YTD.													
11) Settlement costs													
are over budget due to higher settlement costs paid in February and the budget being straight lined.													
12) Licenses & Permits													
are over budget due to Health Permits paid once a year in February.													
13) Contr/Paratrans													
is under budget. Less than budgeted rides were needed for the month.													
14) Employee Training													
is over budget due to Hastus training.													
15) Equipment Rental													
is under budget due to less than anticipated expenditures in February and YTD													

5-2.08

**FY2008**  
**CAPITAL BUDGET**  
*For the month ending - February 29, 2008*

	<u>YTD Actual</u>	<u>FY08 Budget</u>	<u>Remaining Budget</u>	<u>% Spent YTD</u>
<b><u>Grant-Funded Projects</u></b>				
MetroBase	\$ 3,717,569	\$ 10,300,000	\$ 6,582,431	36%
Purchase 1217 River Street	\$ 1,239,443	\$ 1,237,500	\$ (1,943)	100%
Purchase 1211 River Street	\$ 778,588	\$ 775,000	\$ (3,588)	100%
CNG Bus Conversions (40 Buses)	\$ 2,006,288	\$ 6,800,000	\$ 4,793,712	30%
Local Bus Replacement (8)	\$ -	\$ 3,400,000	\$ 3,400,000	0%
Pacific Station Project	\$ 13,192	\$ 2,729,494	\$ 2,716,302	0%
H17 Bus Replacement (5)	\$ -	\$ 2,262,000	\$ 2,262,000	0%
Hwy 17 Wireless (Air District)	\$ 42,510	\$ 42,500	\$ (10)	100%
Transmission	\$ 12,365	\$ 15,000	\$ 2,635	82%
<b>Subtotal Grant Funded Projects</b>	<b>\$ 7,809,955</b>	<b>\$ 27,561,494</b>	<b>\$ 19,751,539</b>	<b>28%</b>
<b><u>District Funded Projects</u></b>				
<b><u>IT Projects</u></b>				
ATP - Hastus Run Time Analysis Program - IT/OPS	\$ -	\$ 40,000	\$ 40,000	0%
Qquest Time Clocks	\$ 3,703	\$ 9,000	\$ 5,297	41%
ABS Financial System & Modules	\$ 5,439	\$ 8,000	\$ 2,561	68%
ABS Laser Printer & Software for Checks	\$ 2,940	\$ 7,200	\$ 4,260	41%
Laptops (2) Fleet & Finance	\$ 4,598	\$ 4,000	\$ (598)	115%
FAS - Fixed Asset Mgmt. Software	\$ 3,191	\$ 4,000	\$ 809	80%
Web Access Control Appliance	\$ 3,275	\$ 3,000	\$ (275)	109%
Printer - Ops	\$ 1,665	\$ 1,800	\$ 135	93%
<b><u>Facilities Repair &amp; Improvements</u></b>				
Bus Stop Improvements (20 total)	\$ -	\$ 164,251	\$ 164,251	0%
Bus Stop Improvements (China Grade Turnout) **	\$ 5,689	\$ 121,000	\$ 115,311	5%
Bus Shelters - LNI	\$ 42,371	\$ 45,000	\$ 2,629	94%
2-way Radio & Telephone Recording System (Exacom System)	\$ -	\$ 30,000	\$ 30,000	0%
Reseal Operations Facility Roof	\$ -	\$ 25,600	\$ 25,600	0%
ParaCruz Vehicle Hoist	\$ -	\$ 17,500	\$ 17,500	0%
Replace HVAC at ParaCruz Facility	\$ -	\$ 14,500	\$ 14,500	0%
Repair Parking Lots (Greyhound, Soquel Park & Ride)	\$ 2,500	\$ 5,000	\$ 2,500	50%
Repair Sidewalks & Bus Lanes (Pacific Station)	\$ 4,480	\$ 5,000	\$ 520	90%
Cubicle Walls (ParaCruz)	\$ -	\$ 10,000	\$ 10,000	0%
Digital ID Card Processing Equip. for Pacific Station	\$ -	\$ 15,000	\$ 15,000	0%
Replace Toilets at Pacific Station & (1) Waterless	\$ -	\$ 9,600	\$ 9,600	0%
Bus Operators Lockers	\$ -	\$ 4,800	\$ 4,800	0%
Two-way Radio Portable Radio Hand-paks (4)	\$ 3,803	\$ 3,500	\$ (303)	109%
Coin Machine Replacement - Pacific Station	\$ 4,539	\$ 5,000	\$ 461	91%
Money Counting Program - OPS	\$ -	\$ 2,500	\$ 2,500	0%

5-2.09

**FY2008**  
**CAPITAL BUDGET**  
*For the month ending - February 29, 2008*

	<u>YTD Actual</u>	<u>FY08 Budget</u>	<u>Remaining Budget</u>	<u>% Spent YTD</u>
<b><u>Revenue Vehicle Replacement</u></b>				
Purchase ParaCruz Vans (3)	\$ 108,333	\$ 216,303	\$ 107,970	50%
Rebuild Bus Engines (16 remaining) 1998 Fleet	\$ 41,698	\$ 168,000	\$ 126,302	25%
New John Deere Engines (2)	\$ 76,434	\$ 76,435	\$ 1	100%
<b><u>Non-Revenue Vehicle Replacement</u></b>				
ParaCruz Staff Car	\$ -	\$ 20,000	\$ 20,000	0%
Facility Service Body Truck (2)	\$ -	\$ 60,000	\$ 60,000	0%
Pickup for Fleet (2)	\$ -	\$ 35,000	\$ 35,000	0%
Hybrid - Admin	\$ 26,293	\$ 30,500	\$ 4,207	86%
Supervisor Vehicle	\$ -	\$ 29,500	\$ 29,500	0%
Shuttle Van	\$ -	\$ 27,500	\$ 27,500	0%
<b><u>Maint Equipment</u></b>				
Replace Repeater - Davenport	\$ -	\$ 15,000	\$ 15,000	0%
Wire Welder	\$ 1,649	\$ 2,039	\$ 390	81%
Forklift (Purchased from Casey Printing)	\$ 1,250	\$ 1,250	\$ -	100%
<b><u>Admin</u></b>				
Purchase & Renovation of Vernon Bldg	\$ 3,997,564	\$ 6,964,902	\$ 2,967,338	57%
<b>Subtotal District Funded Projects</b>	<b>\$ 4,341,415</b>	<b>\$ 8,201,680</b>	<b>\$ 3,860,265</b>	<b>53%</b>
<b>TOTAL CAPITAL PROJECTS</b>	<b>\$ 12,151,369</b>	<b>\$ 35,763,174</b>	<b>\$ 23,611,805</b>	<b>34%</b>

5-2.a1D

**FY2008**  
**CAPITAL BUDGET**  
*For the month ending - February 29, 2008*

	<u>YTD Actual</u>	<u>FY08 Budget</u>	<u>Remaining Budget</u>	<u>% Spent YTD</u>
<b><u>CAPITAL FUNDING</u></b>				
Federal Capital Grants	\$ 1,919,689	\$ 3,798,527	\$ 1,878,838	51%
State/Other Capital Grants	\$ 2,061,989	\$ 12,919,865	\$ 10,857,876	16%
AB 3090	\$ 2,463,210	\$ 6,363,000	\$ 3,899,790	39%
STA Funding (Current Year & Prior Year Deferred)	\$ 4,342,328	\$ 7,087,337	\$ 2,745,009	61%
Alternative Fuel Conversion Fund	\$ -	\$ 462,000	\$ 462,000	0%
Bus Stop Improvement Reserves	\$ -	\$ 100,000	\$ 100,000	0%
District Reserves	\$ 1,364,153	\$ 5,032,445	\$ 3,668,292	27%
<b>TOTAL CAPITAL FUNDING</b>	<b>\$ 12,151,369</b>	<b>\$ 35,763,174</b>	<b>\$ 23,611,805</b>	<b>34%</b>

✓

✓

5-2.011

# GOVERNMENT TORT CLAIM

## RECOMMENDED ACTION

TO: Board of Directors

FROM: District Counsel

RE: Claim of: Carter, Verna  
Date of Incident: 09/26/07

Received: 03/20/08 Claim #: 08-0010  
Occurrence Report No.: SC 09-07-22

In regard to the above-referenced Claim, this is to recommend that the Board of Directors take the following action:

- 1. Reject the claim entirely.
- 2. Deny the application to file a late claim.
- 3. Grant the application to file a late claim.
- 4. Reject the claim as untimely filed.
- 5. Reject the claim as insufficient.
- 6. Allow the claim in full.
- 7. Allow the claim in part, in the amount of \$ \_\_\_\_\_ and reject the balance.

By Margaret Gallagher  
Margaret Gallagher  
DISTRICT COUNSEL

Date: 3-21-08

I, Cindi Thomas, do hereby attest that the above Claim was duly presented to and the recommendations were approved by the Santa Cruz Metropolitan Transit District's Board of Directors at the meeting of April 25, 2008.

By \_\_\_\_\_  
Cindi Thomas  
RECORDING SECRETARY

Date: \_\_\_\_\_

MG/lg  
Attachment(s)

CLAIM AGAINST THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

(Pursuant to Section 910 et Seq., Government Code)

Claim # 08-0010

TO: BOARD OF DIRECTORS, Santa Cruz Metropolitan Transit District

ATTN: Secretary to the Board of Directors  
370 Encinal Street, Suite 100  
Santa Cruz, CA 95060

1. Claimant's Name: Verna Mae Carter

Claimant's Address/Post Office Box: \_\_\_\_\_

Claimant's Phone Number: \_\_\_\_\_

2. Address to which notices are to be sent: \_\_\_\_\_

3. Occurrence: \_\_\_\_\_

Date: 9/26/07 Time: 6:30pm? Place: Saguero Ave

Circumstances of occurrence or transaction giving rise to claim: Fell + Hit head on Cash Box when Bus came to sudden stop. Bus started moving before I had a chance to sit down

4. General description of indebtedness, obligation, injury, damage, or loss incurred so far as is known: Hospital Emergency, Xray, Emergency Medical group  
A week of Annual leave for Driven Rhonda Carter

5. Name or names of public employees or employees causing injury, damage, or loss, if known: Unknown Name of Bus Driver  
Not allow person to get to seat before moving

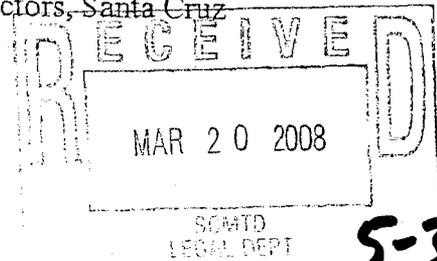
6. Amount claimed now ..... \$ 5,000.00  
Estimated amount of future loss, if known ..... \$ 30,000.00  
TOTAL ..... \$ 35,000.00

7. Basis of above computations: Total amount of Outstanding present bills + Late fees + Suture treatment

Verna Mae Carter for  
CLAIMANT'S SIGNATURE (or Company Representative or Parent of Minor Claimant)

3/20/08  
DATE

Note: Claim must be presented to the Secretary to the Board of Directors, Santa Cruz Metropolitan Transit District



# GOVERNMENT TORT CLAIM

## RECOMMENDED ACTION

TO: Board of Directors

FROM: District Counsel

RE: Claim of: Carter, Rhonda  
Date of Incident: 09/26/07

Received: 03/25/08 Claim #: 08-0011  
Occurrence Report No.: SC 09-07-22 (b)

In regard to the above-referenced Claim, this is to recommend that the Board of Directors take the following action:

- 1. Reject the claim entirely.
- 2. Deny the application to file a late claim.
- 3. Grant the application to file a late claim.
- 4. Reject the claim as untimely filed.
- 5. Reject the claim as insufficient.
- 6. Allow the claim in full.
- 7. Allow the claim in part, in the amount of \$ \_\_\_\_\_ and reject the balance.

By Margaret Gallagher  
Margaret Gallagher  
DISTRICT COUNSEL

Date: 3-31-08

---

I, Cindi Thomas, do hereby attest that the above Claim was duly presented to and the recommendations were approved by the Santa Cruz Metropolitan Transit District's Board of Directors at the meeting of April 25, 2008.

By \_\_\_\_\_  
Cindi Thomas  
RECORDING SECRETARY

Date: \_\_\_\_\_

MG/lg  
Attachment(s)

For: Liseth Guizar

CLAIM AGAINST THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

(Pursuant to Section 910 et Seq., Government Code)

Claim # 08-0011 occurrence # SC 09-07-22

TO: BOARD OF DIRECTORS, Santa Cruz Metropolitan Transit District

ATTN: Secretary to the Board of Directors  
370 Encinal Street, Suite 100  
Santa Cruz, CA 95060

1. Claimant's Name: Rhonda Carter

Claimant's Address/Post Office Box: \_\_\_\_\_

Claimant's Phone Number: \_\_\_\_\_

2. Address to which notices are to be sent: \_\_\_\_\_

3. Occurrence: a senior had groceries and was not allowed to get seated before bus pulled out from curb then pulled into another stop and she fell hitting her head on Metro fare box  
Date: 9/26/07 Time: 10:30 pm? Place: Sequel AVE S.C.  
Circumstances of occurrence or transaction giving rise to claim: I had to stay home from work to watch & feed Carter due to the fact she had a concussion from hitting her head on a Metro fare box. Also transport her to see doctors.

4. General description of indebtedness, obligation, injury, damage, or loss incurred so far as is known: I had to spend one prescheduled vacation day needed for out of town business that I had to reschedule and also I had to use up 4 additional days in my annual leave bank to stay home and take care of Carter

5. Name or names of public employees or employees causing injury, damage, or loss, if known: Metro bus Driver unknown Name

6. Amount claimed now ..... \$ 1,032.00  
Estimated amount of future loss, if known ..... \$ 0  
TOTAL ..... \$ 1,032.00

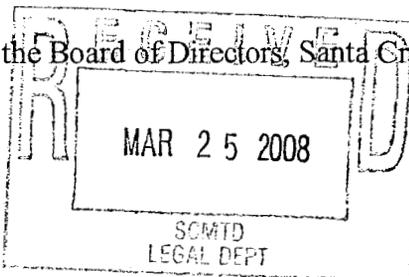
Cost of 5 days Annual leave

7. Basis of above computations: This is total cost per hr. at 5 days of my job - missed to take care of Carter.

[Signature]  
CLAIMANT'S SIGNATURE OR  
COMPANY REPRESENTATIVE'S SIGNATURE OR  
PARENT OF MINOR CLAIMANT'S SIGNATURE

3/25/08  
DATE

Note: Claim must be presented to the Secretary to the Board of Directors, Santa Cruz Metropolitan Transit District



5-3.4

**GOVERNMENT TORT CLAIM**

**RECOMMENDED ACTION**

TO: Board of Directors

FROM: District Counsel

RE: Claim of: O'Connor, Sharon  
Date of Incident: 10/16/07

Received: 02/29/08 Claim #: 08-0009  
Occurrence Report No.: PC 10-07-04

In regard to the above-referenced Claim, this is to recommend that the Board of Directors take the following action:

- 1. Reject the claim entirely.
- 2. Deny the application to file a late claim.
- 3. Grant the application to file a late claim.
- 4. Reject the claim as untimely filed.
- 5. Reject the claim as insufficient.
- 6. Allow the claim in full.
- 7. Allow the claim in part, in the amount of \$\_\_\_\_\_ and reject the balance.

By Margaret Gallagher  
Margaret Gallagher  
DISTRICT COUNSEL

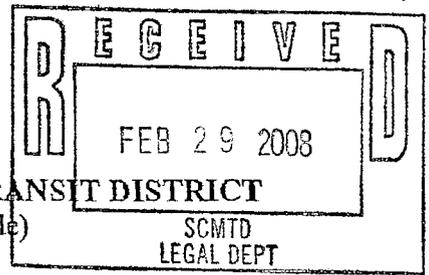
Date: 4-15-08

I, Cindi Thomas, do hereby attest that the above Claim was duly presented to and the recommendations were approved by the Santa Cruz Metropolitan Transit District's Board of Directors at the meeting of April 25, 2008.

By \_\_\_\_\_  
Cindi Thomas  
RECORDING SECRETARY

Date: \_\_\_\_\_

MG/lg  
Attachment(s)



CLAIM AGAINST THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT
(Pursuant to Section 910 et Seq., Government Code)
Claim # 08-0009

TO: BOARD OF DIRECTORS, Santa Cruz Metropolitan Transit District

ATTN: Secretary to the Board of Directors
370 Encinal Street, Suite 100
Santa Cruz, CA 95060

- 1. Claimant's Name: Sharon O'Connor
Claimant's Address/Post Office Box:
Claimant's Phone Number:
2. Address to which notices are to be sent:
3. Occurrence: Wheelchair tipped over while riding in Paracruz van.
Date: 10/16/07 Time: Place:
Circumstances of occurrence or transaction giving rise to claim: Wheelchair was not hooked to van. Wheelchair tipped over while van was moving. Ms. O'Connor sprained her right wrist and right leg, injured her back, wheelchair was broken.
4. General description of indebtedness, obligation, injury, damage, or loss incurred so far as is known: Medical Bills \$125, Wheelchair repair \$127.50, Pain and suffering for injuries sustained, humiliation associated with incident.
5. Name or names of public employees or employees causing injury, damage, or loss, if known: Driver of Santa Cruz Metropolitan Transit District Paracruz van not known
6. Amount claimed now \$ 1000.00
Estimated amount of future loss, if known \$
TOTAL \$
7. Basis of above computations: \$125-medical expenses, \$127.50- for wheelchair repair, remaining for pain, stress and humiliation

CLAIMANT'S SIGNATURE (or Company Representative or Parent of Minor Claimant)

DATE 2.27.08

Note: Claim must be presented to the Secretary to the Board of Directors, Santa Cruz Metropolitan Transit District



## **AGENDA**

April 16, 2008 - 6:00 pm  
METRO Center Conference Room  
920 Pacific Avenue, Santa Cruz, California

1. Roll Call
2. Agenda Additions/Deletions
3. Oral/Written Communication
4. Consideration of Minutes of March 2008
5. Ridership Report for January 2008
6. ParaCruz Operations Status Report for December 2007
7. Discussion of MAC representation and outreach to other transit-related committee meetings
8. Discussion of marketing topics to increase ridership
9. Customer Service Report re: Bike Rack Overloads on Highway 17 Express
10. Letter re: 3/4/08 Incident of Aggression on Highway 17 Express
11. Consideration of reviewing, revising, and prioritizing the list of Unmet Transit and Paratransit Needs
12. Consideration of Revised Elderly & Disabled Discount Fare Program
13. Distribution of MAC Vouchers
14. Communications to METRO General Manager
15. Communications to METRO Board of Directors
16. Items for Next Meeting Agenda
17. Adjournment

*Next Meeting: Wednesday, May 21, 2008 - 6:00 pm  
Santa Cruz Metro Center Conference Room*

**5-4.1**

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**Minutes - METRO Advisory Committee (MAC)**

**February 20, 2008**

The METRO Advisory Committee (MAC) met on Wednesday, February 20, 2008 in the METRO Center Conference Room located at 920 Pacific Avenue in Santa Cruz, California.

Chair Naomi Gunther called the meeting to order at 6:03 p.m.

**1. ROLL CALL:**

**MEMBERS PRESENT**

Dave Williams

Heidi Curry

Mara Murphy, Vice Chair (arrived after roll call)

Naomi Gunther, Chair

Robert Yount

Stuart Rosenstein

**MEMBERS ABSENT**

Dennis Papadopulo

**STAFF PRESENT**

April Warnock, Acting Paratransit Superint.

Ciro Aguirre, Operations Manager

Mary Ferrick, Base Superintendent

**VISITORS PRESENT**

Steve Prince, UTU

**2. AGENDA ADDITIONS/DELETIONS**

There were no additions or deletions to the Agenda. Chair Naomi Gunther asked for a motion to accept the Agenda. Dave Williams stated that it was not necessary for a motion on the agenda, only the minutes.

**VICE CHAIR MARA MURPHY ARRIVED AT THIS TIME**

**3. ORAL/WRITTEN COMMUNICATION**

Dave Williams complimented the ParaCruz personnel who had assisted his friend with a dilemma involving an oversized chair. Mr. Williams especially thanked April Warnock.

Chair Naomi Gunther commented on a fixed route driver who, went out of his way to make sure passengers were aware of the route number after the bus display malfunctioned.

Chair Naomi Gunther stated that the courtesy announcement of a fixed route bus she was riding was a male voice and the register of the voice was low and hard to hear. Ms. Gunther suggested having a female voice for the courtesy announcement like the voice on the Call-Stop announcements.

**4. CONSIDERATION OF MINUTES OF JANUARY 18, 2008**

**ACTION: MOTION: ROBERT YOUNT SECOND: HEIDI CURRY**

**ACCEPT AND FILE MINUTES OF THE JANUARY 18, 2008 MEETING AS PRESENTED.**

Motion passed unanimously with Dennis Papadopulo being absent.

5-4.2

**5. RIDERSHIP REPORT FOR NOVEMBER 2007**

Chair Naomi Gunther asked about the ridership of the newly implemented Route 27. Steve Prince stated that Route 27 has good ridership.

**6. PARACRUZ OPERATIONS STATUS REPORT FOR OCTOBER 2007**

Robert Yount complimented ParaCruz for having some of the best statistics for Paratransit operations in the United States. Vice Chair Mara Murphy asked how many vehicles are in the ParaCruz fleet. April Warnock said that the current ParaCruz Fleet is comprised of 29 minivans, 5 mid-sized buses, and 2 new full-sized vans that are not yet on the road. Ms. Murphy asked where the vehicles were stored. Ms. Warnock described where the vehicles are parked at the ParaCruz facility on Research Park.

Vice Chair Mara Murphy asked how many maintenance personnel ParaCruz has to service the vehicles. April Warnock said that there was one person who serviced vehicles in-house, and that fleet vehicles are outsourced for oil changes, washing and repairs. Ms. Murphy asked how many drivers are on staff. Ms. Warnock answered that there are 29 drivers, and she explained that six minivans are assigned to the subcontractors to perform ParaCruz services--because the district wants subcontractors to use METRO vehicles to only provide ParaCruz service and not their own. Ms. Warnock also said that there must be a 10 percent reserve of vehicles.

Vice Chair Mara Murphy wondered how the fleet is serviced so efficiently. April Warnock said that the fleet is on a rotating inspection schedule so that at any given time a van might need to undergo inspection or service. Ms. Warnock said that vehicles are taken to the car wash after demand has died down or on weekends, and oil changes are done Saturdays when there is a smaller pullout and almost all vehicles can be serviced.

Chair Naomi Gunther asked for any more comments regarding the status report. Robert Yount said that he was amazed at how well the service is performing. Vice Chair Mara Murphy asked for an explanation of a complaint regarding being overcharged. April Warnock described the situation and how she resolved it with a complimentary ParaCruz coupon. Ms. Gunther asked about the customer service report that had been moved to incident status. Ms. Warnock explained that the report had become an incident/accident report once an allegation of injury was made. Ms. Gunther asked if the move meant a specific incident form, and Ms. Warnock said that it meant starting the whole review process. Chair Naomi Gunther asked if the process entailed review and evaluation and asked how often the customer service reports are reviewed. Ms. Warnock said that she reviews and investigates all incidents and, if necessary, she has Mark Hickey interview the driver or she checks with the taxi companies. Ms. Warnock said that she then compiles a letter of response. Ms. Warnock also said that sometimes it might take up to three weeks for her written response to an incident.

**7. CONSIDERATION OF PROPOSED CHANGES TO PARACRUZ SAME DAY SERVICE POLICY**

Ciro Aguirre described the issue at hand, whereby a client discovered upon arrival that her dentist had moved to offices located 3/10 of a mile away. Mr. Aguirre said that the ParaCruz Guide does not allow for same-day changes, and when the client was not taken to the new location of her dentist office, she refused to leave the vehicle until the police arrived. Mr. Aguirre said that the modifications would include allowing for transport to the subsequent area with managerial approval, transport back home, or whatever ideas the committee might consider presenting to the Board of Directors. Mr. Aguirre distributed a copy of the recommendations of ED&TAC.<sup>1</sup> Robert Yount said that at the last BOD meeting Bonnie Morr commented that drivers are in fear of doing anything on their own due to disciplinary problems, and it appeared to Mr. Yount that taking the client the extra few blocks could have easily solved the problem.

Ciro Aguirre said that operators are instructed to strictly follow procedures without deviation, and any personnel who deviate from established practices will be disciplined. Mr. Aguirre said that there was an instance where an operator used their own discretion and alighted a client--who was cognitively impaired--at a secondary location along with the other passengers in the van, and it wasn't until two hours later that someone questioned why the client was sitting unattended. Mr. Aguirre said that the person did not have the cognizant faculties to determine that where she needed to go was four doors down, and the police called ParaCruz to advise that there was a wheelchair person with a ParaCruz lanyard going around in circles at the wharf.

Ciro Aguirre described a scenario where a client arrives at the destination to find it unserviceable and requests transportation to an alternate destination. Mr. Aguirre explained that one of the problems is not knowing whether the client has difficulty making cognizant decisions or if the client is developmentally impaired, and if so, he asked if the client has a problem making a decision on the cuff. Mr. Aguirre said that some of the clients need a person who sits with them to plan out their trips, so now there's a person who, when the trip is planned and then disrupted, may not be capable of making the decision? Mr. Aguirre posed the question of where to draw the line for the maximum distance. Take them back to their place of origin. The other item is whether. The other recommendation is that service be provided with a change, but at an additional cost.

Chair Naomi Gunther asked if existing policy would have allowed for the client to be taken home, or if the recommendation is to make the change. Mr. Aguirre said that the policy that existed before this incident stated that there were no same-day changes. Ms. Gunther opined that the policy itself contributed to the problem at hand because the operator did not have any leeway in making a decision about a secondary location. Mr. Aguirre distributed an excerpt from the ParaCruz Guide detailing the instructions and guidelines that drivers are given.<sup>2</sup> Mr. Rosenstein asked if Mr. Aguirre was recommending that the person just be taken back home. Mr. Aguirre replied that he recommends that the members review the accumulated information and then make a decision on how to best approach the issue.

<sup>1</sup> Attached to the file copy of these minutes.

<sup>2</sup> Attached to the file copy of these minutes.

Stuart Rosenstein said he knew that ParaCruz clients could be picked up if they live within  $\frac{3}{4}$  of a mile from a bus route, and he asked if the same rule applied to the destination. Mr. Aguirre answered that the same rule applies. Robert Yount said that he heartily agreed with the fourth ED&TAC recommendation that a client never be left stranded. April Warnock pointed out that there is a discrepancy there because METRO does not leave anyone stranded; it just does not do ordered pickups. Ms. Warnock said that a van would have returned for the client at the time she had scheduled, or if she had a will-call return, it would have been activated. Ms. Warnock said that ParaCruz has a little flexibility there, but it does not leave people stranded, and she informed the committee of a little known fact that ParaCruz will still pick up even when the client does not have the fare for the return ride home.

Stuart Rosenstein asked if a client arrives at an appointment and the place is not there, could the driver take that client home at that time, or would the client be dropped off and then someone else would pick them up. Mr. Aguirre said that the excerpt of the ParaCruz Guide shows the pre-existing rules, and when the incident was reported, there was a discussion on how to address it internally. Mr. Aguirre said that it was decided that clients who have a problem getting to their destination as scheduled, because it doesn't exist or for whatever reason is closed, would now be transported back home. Mr. Aguirre said that was the internal fix to the whole situation, and said that naturally there is a cost factor associated with the return trip, and that would be similar to the expected payment for a scheduled pick up ride.

Chair Naomi Gunther asked if it was common for one-way trips. April Warnock said that clients must specify when they only want a one-way trip. Mara Murphy asked how often the problem happens. Ms. Warnock said that since the incident in question there have been four other incidences, and that an incident log is being maintained. Ciro Aguirre said that some of the recommendations of the ED&TAC had to do with an interpretation of the same-day change as an opportunity to allow people from the dialysis clinic, in the event that a shunt malfunctions, to be transported to a medical facility. Mr. Aguirre said that the problem therein lies in the fact that when a shunt malfunctions there are two issues: bodily fluids and the possibility that the severity of the condition may require medical attention. Mr. Aguirre said that he had responded to ED&TAC by saying that under no circumstances would ParaCruz be transporting clients who need medical attention because ParaCruz vans are not equipped and ParaCruz personnel are not trained. Mr. Aguirre said another aspect to consider is that there have been clients who have wanted to make same-day changes and accommodations were made at higher levels of METRO to proceed.

April Warnock described an incident where a client had scheduled a ParaCruz trip to the Stroke Center, a complimentary ride by Stroke Center staff to the doctor's office, and then another ParaCruz trip from the doctor's office to home. Ms. Warnock said that when the Stroke Center driver called in sick, the staff at the Stroke Center called ParaCruz and were told that a same-day change was not allowed. Ms. Warnock said that at that time, the Stroke Center staff cancelled the existing ParaCruz trip from the doctor's office to the client's home. According to Ms. Warnock, Stroke Center staff later called back at the time they wanted the client picked up, and were vociferously insisting that the client be picked

up, and after getting no results from ParaCruz staff, the administrator of the Stroke Center called the Admin office and left a message to have Mr. Aguirre return her phone call. Mr. Aguirre said that when he called, the administrator was adamant about transporting the client, and when he told her it could not be done she requested to speak to someone with more authority. Mr. Aguirre said that the administrator then called and spoke with Mark Dorfman, who in turn called back and instructed Mr. Aguirre to make the arrangements.

April Warnock said that transporting the client was very difficult as it was a peak service period. Ms. Warnock said that the original thought was to just put the client on a van going in his direction with other clients, but it became much more difficult. Ms. Warnock said that there was no room on the first van, so a second vehicle was summoned and the client had to ride from the Stroke Center all the way to the Soquel/Aptos area before the operator was finally able to drop off the client at home. Ms. Warnock said that from 9:00 a.m. to 10:00 a.m. and 2:00 p.m. are peak periods, with not much capacity. Ms. Warnock said that both the client and a Stroke Center employee had called to thank the ParaCruz staff, and the employee apologized for some of the things that were said, but overall the whole situation was very troublesome.

Ciro Aguirre noted that there are implications to scheduling aspects, and if vans are already scheduled or full and a case arises such as this, there has to be a way of rescheduling that van -- when capacity drops -- to go somewhere else, which will more than likely inconvenience others with respect to arrival times and ready windows. Mr. Aguirre said that the whole system is not designed to take on unexpected requests, and a change may take much longer than expected, so the warning of a 3-hour window recommended by staff is directly because of this. Chair Naomi Gunther asked if the 3-hour window meant that clients might wait up to 3 hours, or if clients had to wait at least 3 hours. Mr. Aguirre said that the wait could be up to 3 hours.

Chair Naomi Gunther asked what prevents clients from trying to get around the Change policy by canceling a trip and calling again to reschedule. April Warnock said if the changes are made the day before there is not a problem, but she added that ride bookings are recorded so that staff can go back to the recording to verify if any mistakes were made. Ms. Warnock emphasized the point that if a reservationist makes a mistake, an effort is made to correct it, and that a filter in the reservation software prevents any double booking. Ms. Warnock said that if a client did have two conflicting trips, ParaCruz staff will call the day before and ask the client to choose which trip they wish to take.

Dave Williams asked Ciro Aguirre for clarification of the recommendations. Mr. Aguirre clarified the staff proposals for the committee. Mr. Williams stated that he thought same-day trips would be the greatest thing in the world, but he said that it appeared that the recommendations would go beyond resolving the issue of same-day changes, and he wanted to be clear on the recommendations. Mr. Aguirre posed theoretical situations to describe how the recommendations would work. Stuart Rosenstein asked if a statement could be incorporated into the ParaCruz guide to advise clients to verify their destination. Mr. Rosenstein said that it seems more cost effective to just take clients to the secondary location. April Warnock explained how difficult it would be to just take clients to secondary destinations, especially with the fact that most of the rides are double and triple booked,

and will usually have other passengers. Ciro Aguirre said that management must decide whether or not a client may be taken to a secondary destination.

Robert Yount reminded the committee that ParaCruz is not a taxi service, and that it is a complement to regular bus service, and that he did not agree with ED&TAC recommendation that dispatchers be given the ability to approve same-day changes. Mr. Yount said that it is the client's responsibility to know the correct address for their destination. Mr. Yount said that he also agreed with the ED&TAC recommendation that no one ever be left stranded, but he felt that some of their recommendations would effectively create a taxi service. Ciro Aguirre explained that in case it was not feasible to take a client to a secondary location, a manager would make the decision to take the client home.

Robert Yount asked if there were plans to have supervisors drive mobility device-capable vehicles for responding to urgent situations. Mr. Aguirre said that fixed-route supervisors do not have the proper vehicles to do this, and that the ParaCruz Training Coordinator is utilized to handle urgent situations. Vice Chair Mara Murphy asked about back up drivers being utilized for urgent situations. April Warnock said that drivers cannot be forced to come in on overtime, but there is an overtime list and there is also the option of using subcontractors as well. Stuart Rosenstein asked about the impact on other rides, and said that it seemed there would be great change involved with the recommendations. Ms. Murphy asked Ms. Warnock if she thought it would work. Ms. Warnock said that she thought it would work great on Sunday afternoons.

**ACTION: MOTION: DAVE WILLIAMS SECOND:**

**RECOMMEND THAT MANAGERS BE AUTHORIZED TO APPROVE SAME DAY MODIFICATIONS TO PARATRANSIT TRIPS AND RECOMMEND THAT THE DISTRICT ALLOW SAME DAY SERVICE.**

**Motion was withdrawn due to no second.**

**ACTION: MOTION: DAVE WILLIAMS SECOND: ROBERT YOUNT**

**RECOMMEND THAT MANAGERS BE AUTHORIZED TO APPROVE SAME DAY MODIFICATIONS TO PARATRANSIT TRIPS**

**Motion passed unanimously with Dennis Papadopulo being absent.**

Stuart Rosenstein asked how the changes would work. Ciro Aguirre explained the issues again and how the change would remedy the situation. Robert Yount said that he did not support Same-Day service because he thought it would create too many problems. April Warnock said that creating same-day service would be a giant leap forward, but she personally felt that smaller steps should be taken. Chair Naomi Gunther said there is reluctance to over-commit when we already have service that runs well. Mr. Aguirre said that he thought the proposal needed more thought, that the key element is a deficiency in the ParaCruz Guide, and that the MAC recommendation allowing managerial modifications to trips addresses a major portion of the deficiency.

**ACTION: MOTION: ROBERT YOUNT SECOND: STUART ROSENSTEIN**

**RECOMMEND THAT METRO STAFF ADD AN ADVISORY STATEMENT TO THE PARACRUZ CUSTOMER GUIDE TO REMIND CLIENTS TO VERIFY THEIR DESTINATION PRIOR TO THE DATE OF TRAVEL.**

Motion passed unanimously with Dennis Papadopulo being absent.

**ACTION: MOTION: DAVE WILLIAMS SECOND: ROBERT YOUNT**

**RECOMMEND THAT BOARD OF DIRECTORS APPROVE STAFF RECOMMENDATION TO INCORPORATE NECESSARY CHANGES TO PARACRUZ CUSTOMER GUIDE REGARDING SAME DAY SERVICE CHANGES, AND RECOMMEND THAT METRO HOLD A PUBLIC HEARING AS PROPOSED BY STAFF**

Motion passed unanimously with Dennis Papadopulo being absent.

**8. DISCUSSION OF MAC ORIENTATION PROCEDURE AND CREATING A GUIDELINE MANUAL**

Committee members received their MAC binders. Stuart Rosenstein thanked METRO staff for the binders. Chair Naomi Gunther said that the binder would help committee members. Robert Yount said that he had volunteered to add some wording. Mr. Yount said MAC advises the Board, and funding is provided from federal, state, and county sources, usually administered through the Regional Transportation Commission. Mr. Yount said that there are advisory committees to the Regional Transportation Committee and there are several advisory committees to METRO, one of which is the Metro Advisory Committee. Mr. Yount said that the job of the committee is to make recommendations and to guide the Board on anything that is the purview of the Board. Mr. Yount asked if there were any suggestions. Chair Naomi Gunther moved the discussion to next meeting.

**9. DISCUSSION OF CREATING A PLANNED SCHEDULE OF EVENTS FOR THE 2008 MAC MEETINGS**

Vice Chair Mara Murphy suggested that a discussion on creating outreach to young people in order to inspire them to use the METRO system be the special topic for the March 19 meeting. Robert Yount suggested creating an orientation video for UCSC students. Chair Naomi Gunther moved the discussion to next meeting.

**10. DISTRIBUTION OF MAC VOUCHERS**

Ciro Aguirre distributed METRO transit ride vouchers to the MAC Members at this time.

**11. COMMUNICATIONS TO METRO GENERAL MANAGER**

None.

5-4.8

**12. COMMUNICATIONS TO METRO BOARD OF DIRECTORS**

None.

**13. ITEMS FOR NEXT MEETING AGENDA**

- Discussion of Creating a Planned Schedule of Events for the 2008 MAC Meetings
- Discussion of MAC Orientation Procedure and Creating a Guideline Manual

**ADJOURN**

There being no further business, Chair Naomi Gunther thanked everyone for participating and adjourned the meeting at 7:57 p.m.

Respectfully submitted,



ANTHONY TAPIZ  
Administrative Assistant

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** April 25<sup>th</sup>, 2008  
**TO:** Board of Directors  
**FROM:** Wally Brondstatter, Acting Paratransit Superintendent  
**SUBJECT: METRO PARACRUZ OPERATIONS STATUS REPORT**

## I. RECOMMENDED ACTION

**This report is for information only- no action requested**

## II. SUMMARY OF ISSUES

- METRO ParaCruz is the federally mandated ADA complementary paratransit program of the Transit District, providing shared ride, door-to-door demand-response transportation to customers certified as having disabilities that prevent them from independently using the fixed route bus.
- METRO assumed direct operation of paratransit services November 1, 2004.
- Operating Statistics and customer feedback information reported are for the month of January 2008.
- A breakdown of pick-up times beyond the ready window is included.

## III. DISCUSSION

METRO ParaCruz is the federally mandated ADA complementary paratransit program of the Transit District, providing shared ride, door-to-door demand-response transportation to customers certified as having disabilities that prevent them from independently using the fixed route bus.

METRO began direct operation of ADA paratransit service (METRO ParaCruz) beginning November 1, 2004. This service had been delivered under contract since 1992.

There has been discussion regarding ParaCruz on-time performance. It was noted that most statistical data continues to show improvement, the reported percentage of pick ups performed within the "ready window" has remained relatively consistent, hovering at roughly 90%. Staff was requested to provide a break down the pick-ups beyond the "ready window".

5-5.1

The table below displays the percentage of pick-ups within the “ready window” and a breakdown in 5-minute increments for pick-ups beyond the “ready window”.

	<b>January 2007</b>	<b>January 2008</b>
Total pick ups	6802	6847
<b>Percent in “ready window”</b>	<b>91.87%</b>	<b>93.97%</b>
1 to 5 minutes late	2.97%	2.60%
6 to 10 minutes late	1.93%	1.26%
11 to 15 minutes late	1.37%	.69%
16 to 20 minutes late	.82%	.42%
21 to 25 minutes late	.38%	.31%
26 to 30 minutes late	.29%	.18%
31 to 35 minutes late	.19%	.15%
36 to 40 minutes late	.18%	.10%
41 or more minutes late (excessively late/missed trips)	.04%	.09%
<b>Total beyond “ready window”</b>	<b>8.13%</b>	<b>6.03%</b>

During the month of January 2008, ParaCruz received thirteen (13) service complaints and two (2) compliments. Four (4) of the complaints could not be verified. Nine (9) of the service complaints were “not valid”.

**Comparative Operating Statistics This Fiscal Year, Last Fiscal Year through January.**

	<b>January 07</b>	<b>January 08</b>	<b>Fiscal 06-07</b>	<b>Fiscal 07-08</b>
Requested	7886	7556	54,614	54,708
Performed	6802	6847	48,165	50,675
Cancels	18.69%	18.05%	18.89%	16.53%
No Shows	3.21%	2.89%	2.98%	2.51%
Total miles	47,205	45,200	333,314	334,216
Av trip miles	5.00	4.99	5.05	5.14
Within ready window	91.87%	93.97%	90.51%	93.69%
Excessively late/missed trips	3	5	97	22
Call center volume	5077	6089	41,227	43,786
Call average seconds to answer	28	28	28	30
Hold times less than 2 minutes	97%	96%	95%	96%
Distinct riders	785	757	1,374	1,478
Most frequent rider	58 rides	64 rides	262 rides	322 rides
Shared rides	63.7%	64.5%	64.2%	64.8%
Passengers per rev hour	1.78	2.52	1.73	2.48
Rides by supplemental providers	8.01%	3.88%	8.00%	16.25%
Vendor cost per ride	\$24.58	\$21.92	\$23.80	\$22.90
ParaCruz driver cost per ride (estimated)	\$26.82	\$23.79	\$25.77	\$23.93
Rides < 10 miles	81.75%	82.02%	82.25%	72.11%
Rides > 10	18.25%	17.98%	17.75%	27.89%

**IV. FINANCIAL CONSIDERATIONS**

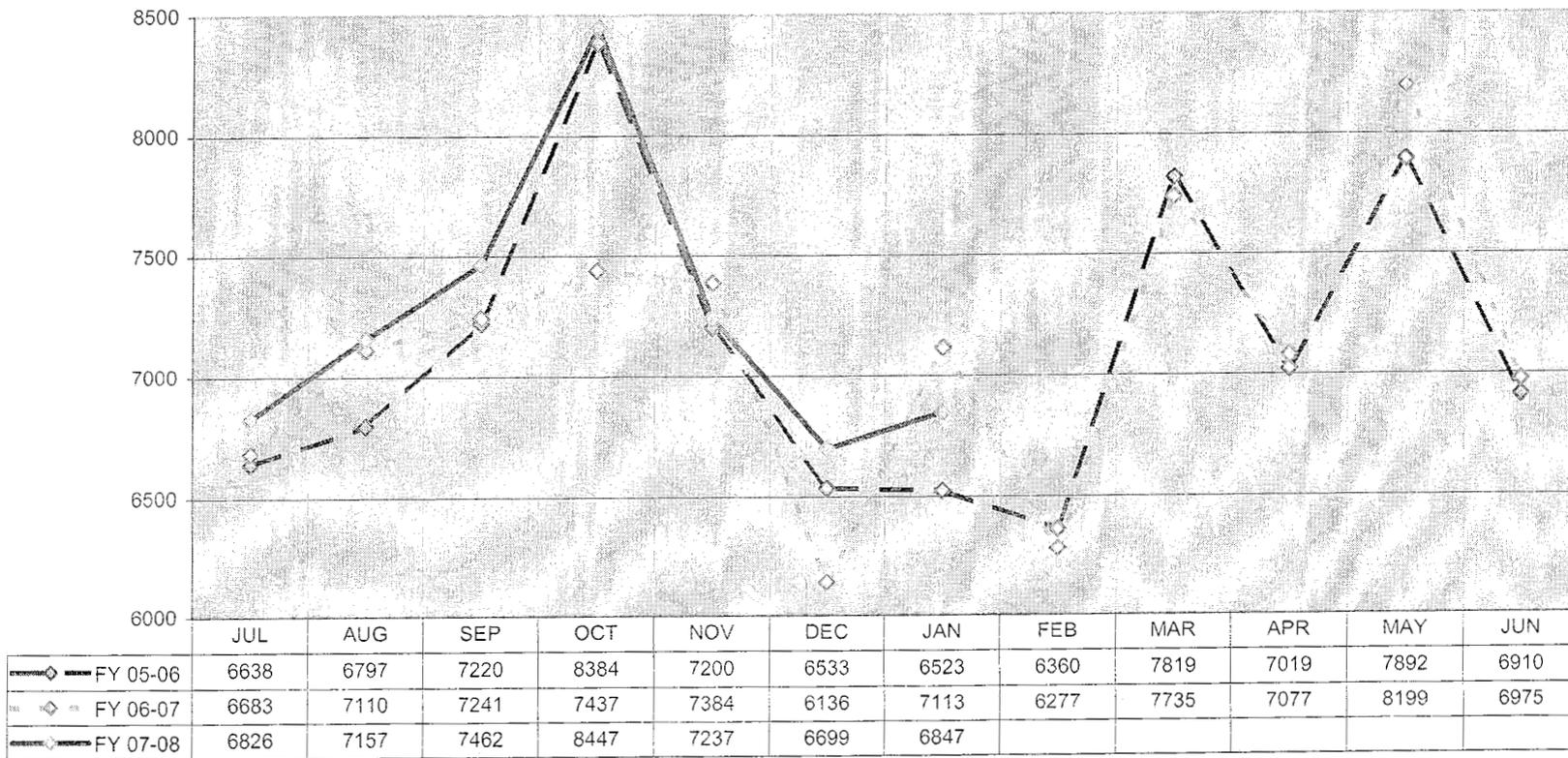
NONE

**V. ATTACHMENTS**

- Attachment A:** Number of Rides Comparison Chart
- Attachment B:** Shared vs. Total Rides Chart
- Attachment C:** Mileage Comparison Chart
- Attachment D:** Year To Date Mileage Chart
- Attachment E:** Daily Drivers vs. Subcontractor Chart

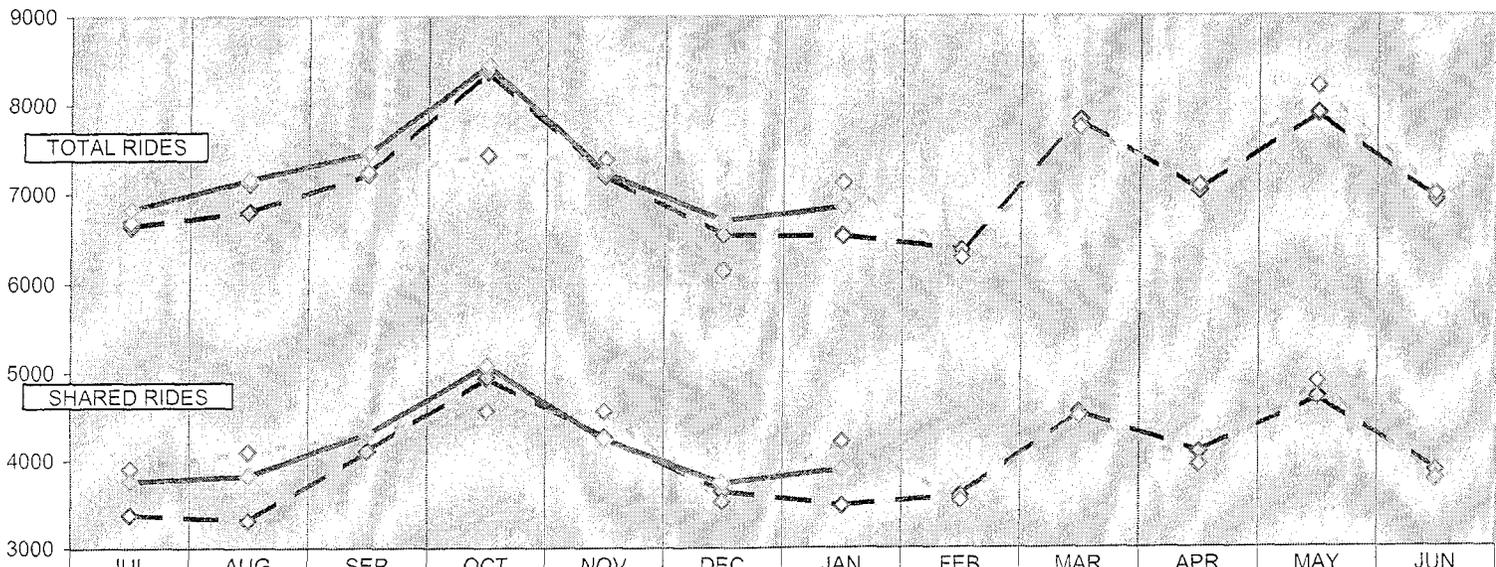
5-5.3

NUMBER OF RIDES COMPARISON



5-5.a1

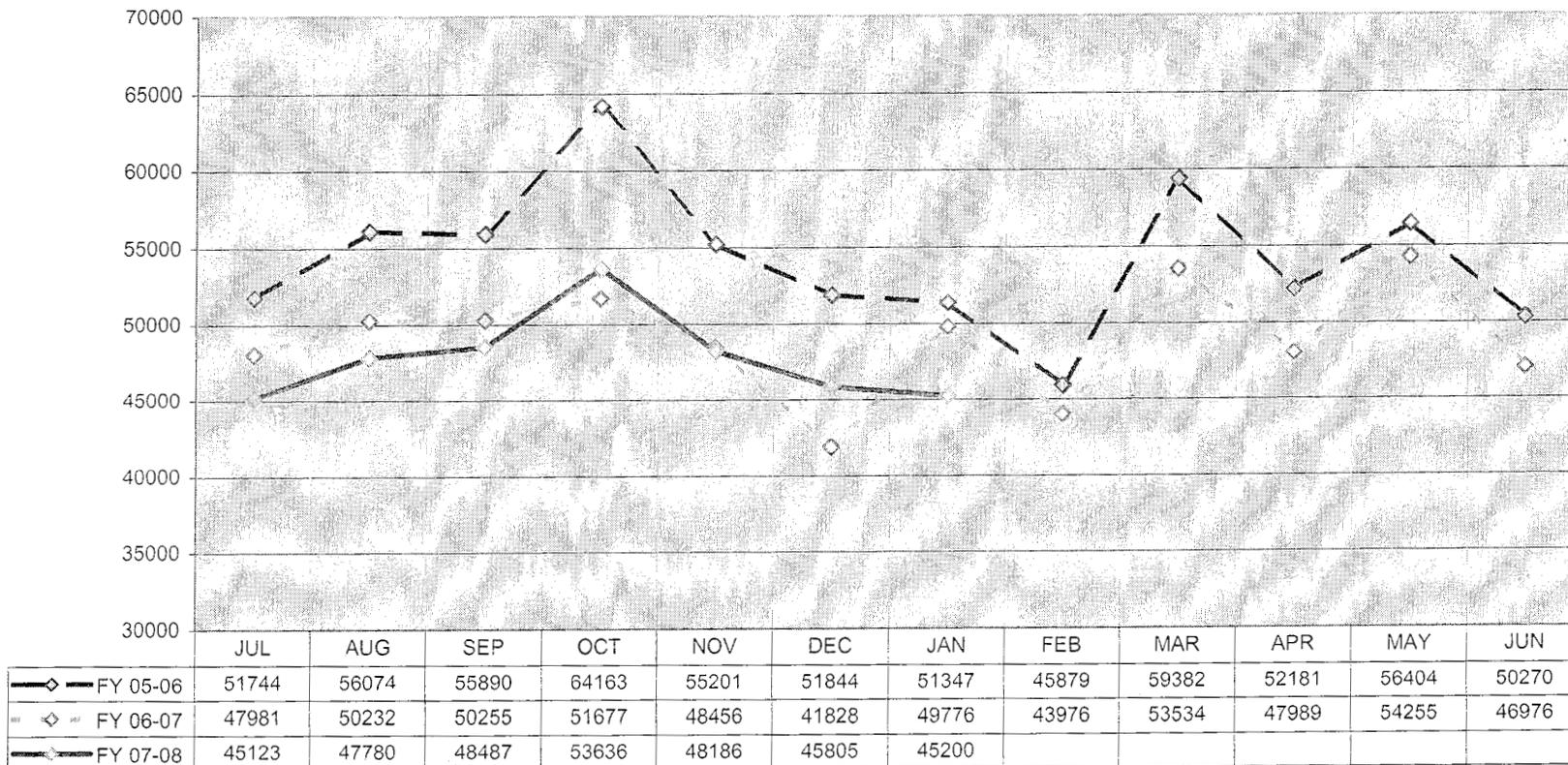
SHARED VS TOTAL RIDES



—◆— FY 05-06	6638	6797	7220	8384	7200	6533	6523	6360	7819	7019	7892	6910
—◆— FY 06-07	6683	7110	7241	7437	7384	6136	7113	6277	7735	7077	8199	6975
—◆— FY 07-08	6826	7157	7462	8447	7237	6699	6847					
---◆--- FY 05-06	3380	3310	4106	4945	4265	3649	3482	3590	4548	4080	4708	3869
---◆--- FY 06-07	3908	4095	4305	4567	4563	3524	4207	3537	4504	3939	4878	3769
---◆--- FY 07-08	3762	3823	4305	5077	4240	3745	3890					

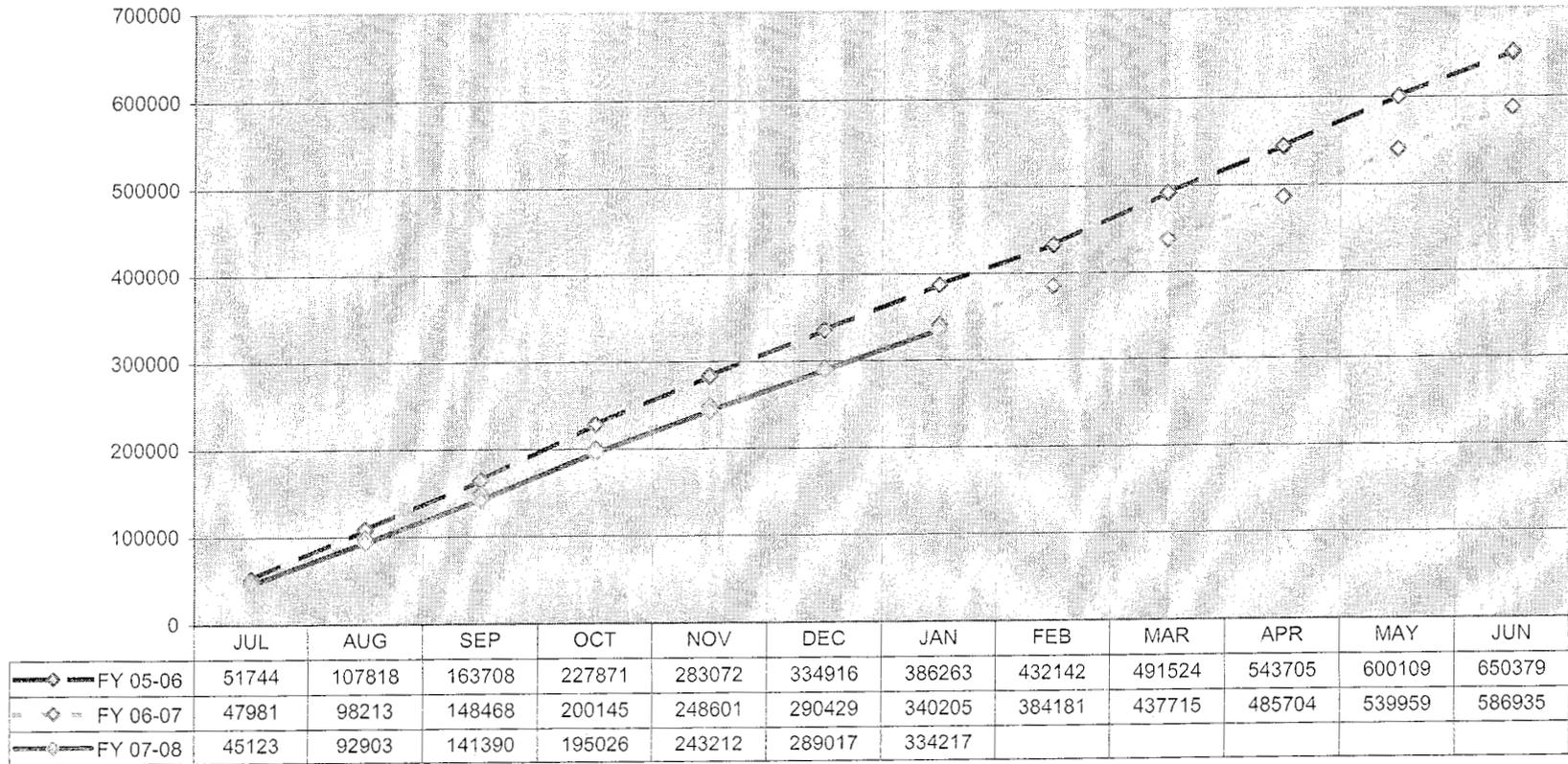
5-5.61

MILEAGE COMPARISON



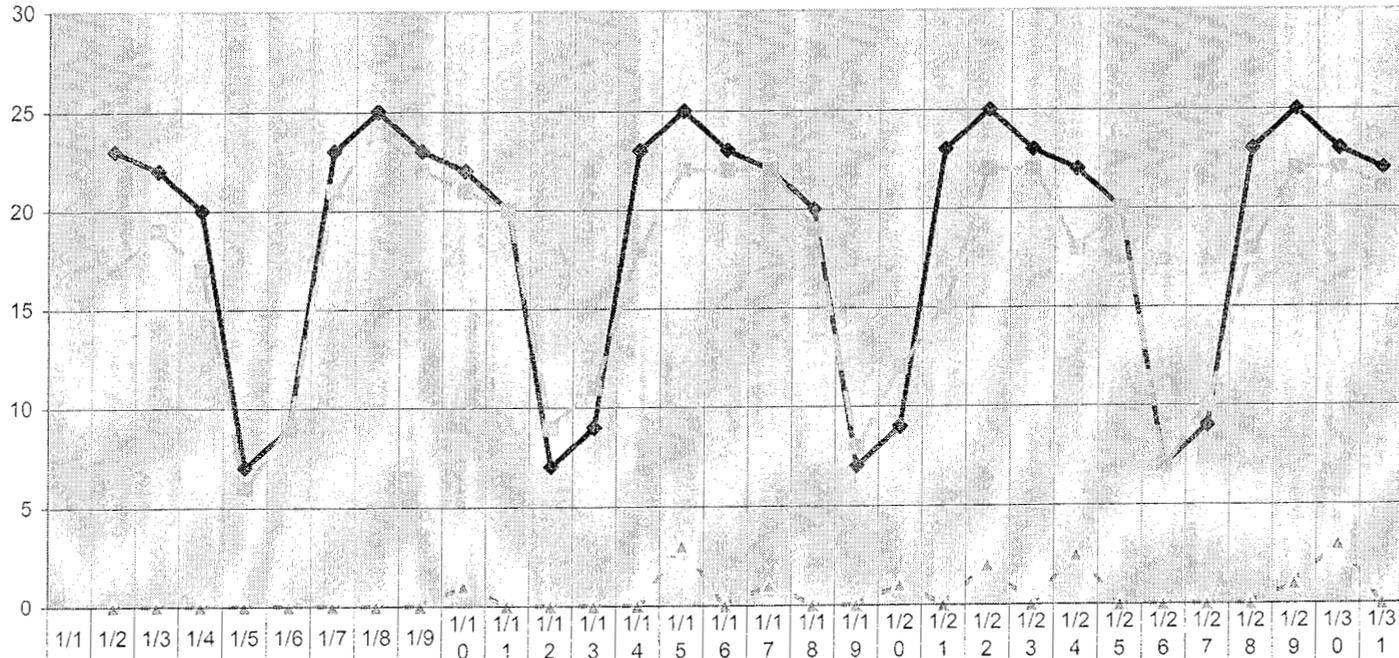
5-5.c1

YEAR TO DATE MILEAGE COMPARISON



5-5.d1

JANUARY DAILY DRIVER vs. SUBCONTRACTOR



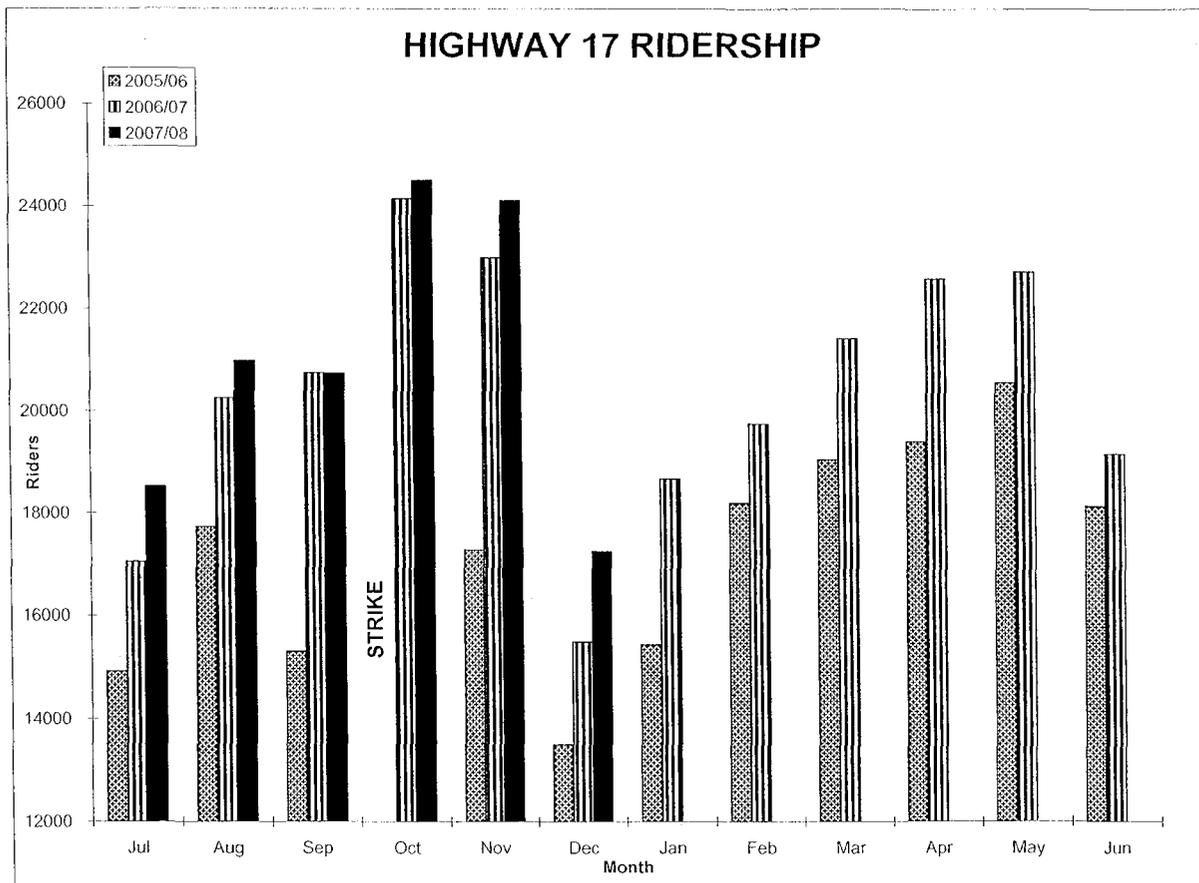
	1/1	1/2	1/3	1/4	1/5	1/6	1/7	1/8	1/9	1/10	1/11	1/12	1/13	1/14	1/15	1/16	1/17	1/18	1/19	1/20	1/21	1/22	1/23	1/24	1/25	1/26	1/27	1/28	1/29	1/30	1/31	
#PC SCHEDULE	23	22	20	7	9	23	25	23	22	20	7	9	23	25	23	22	20	7	9	23	25	23	22	20	7	9	23	25	23	22		
#PC ACTUAL	17	19	17	6	9	21	24	22	21	20	9	11	18	22	22	22	19	8	12	15	22	22	18	20	7	10	18	22	22	21		
# SUBCON	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	0.0	0.0	0.0	0.0	3.0	0.0	1.0	0.0	0.0	0.0	1.0	0.0	2.0	0.0	2.5	0.0	0.0	0.0	0.0	0.0	1.0	3.0	0.0

S-5.e1

Attachment E

# HIGHWAY 17 - DECEMBER 2007

	DECEMBER			YTD		
	This Year	Last Year	%	This Year	Last Year	%
<b>FINANCIAL</b>						
Cost	\$ 139,942	\$ 131,290	6.6%	\$ 850,108	\$ 799,983	6.3%
Farebox	\$ 60,845	\$ 54,100	12.5%	\$ 416,057	\$ 402,616	3.3%
Operating Deficit	\$ 67,141	\$ 66,275	1.3%	\$ 364,076	\$ 355,542	2.4%
Santa Clara Subsidy	\$ 33,570	\$ 33,138	1.3%	\$ 182,038	\$ 177,771	2.4%
METRO Subsidy	\$ 33,570	\$ 33,138	1.3%	\$ 182,038	\$ 177,771	2.4%
San Jose State Subsidy	\$ 1,875	\$ 1,919	(2.3%)	\$ 11,187	\$ 10,260	9.0%
AMTRAK Subsidy	\$ 10,082	\$ 8,995	12.1%	\$ 58,787	\$ 31,564	86.2%
<b>STATISTICS</b>						
Passengers	17,259	15,497	11.4%	126,125	120,705	4.5%
Revenue Miles	40,199	40,199	0.0%	247,488	245,344	0.9%
Revenue Hours	1,508	1,508	0.0%	9,281	9,201	0.9%
Passengers/Day	557	500	11.4%	685	656	4.5%
Passengers/Weekday	694	634	9.6%	816	811	0.7%
Passengers/Weekend	307	257	19.4%	394	328	20.1%
<b>PRODUCTIVITY</b>						
Cost/Passenger	\$ 8.11	\$ 8.47	(4.3%)	\$6.74	\$6.63	1.7%
Revenue/Passenger	\$ 3.53	\$ 3.49	1.0%	\$3.30	\$3.34	(1.1%)
Subsidy/Passenger	\$ 4.00	\$ 4.40	(9.1%)	\$2.98	\$3.03	(1.8%)
Passengers/Mile	0.43	0.39	11.4%	0.51	0.49	3.6%
Passengers/Hour	11.44	10.28	11.4%	13.59	13.12	3.6%
Recovery Ratio	43.5%	41.2%	5.5%	48.9%	50.3%	(2.8%)



**Santa Cruz METRO  
February 2008 Ridership Report**

ROUTE	Miles	Hours	Passes/ Free Rides	UC Student	UC Staff Faculty	Full Fare	Day Pass	Cash S/D Riders	S/D Day Pass	Cabrillo	Total Ridership	Passengers Per Mile	Passengers Per Hour	W/C	Bike
10	5,237.28	439.16	875	29,111	1,981	917	10	62	14	131	33,154	6.33	75.49	32	745
13	2,198.40	188.00	451	13,001	843	318	5	12	6	53	14,707	6.69	78.23	1	331
15	7,635.33	641.20	1,170	44,997	2,182	1,217	11	43	5	203	49,880	6.53	77.79	9	1,145
16	15,956.68	1,324.72	2,591	88,930	4,009	3,662	35	145	12	461	99,978	6.27	75.47	7	2,420
19	5,982.49	439.09	1,118	25,827	1,193	959	9	56	10	106	29,322	4.90	66.78	3	698
3	2,366.02	172.89	1,437	772	160	790	20	149	23	230	3,741	1.57	21.64	28	73
4	1,485.86	153.99	3,319	395	98	460	13	274	39	134	5,046	3.40	32.77	40	110
7	1,094.10	98.01	636	234	30	134	1	52	13	64	1,202	1.10	12.26	4	9
9	455.32	24.15	207	13	39	84	3	6	3	8	366	0.80	15.16	-	2
12A	263.28	19.00	13	850	137	34	-	4	2	-	1,049	3.98	55.21	-	42
20	5,957.44	397.04	1,191	22,532	1,083	1,164	16	84	19	349	26,661	4.48	67.15	5	510
27	1,405.60	120.00	83	5,335	285	95	-	5	-	6	5,815	4.14	48.46	1	195
31	2,238.22	115.14	890	307	117	734	10	29	-	61	2,215	0.99	19.24	11	133
32	750.58	44.46	195	10	5	261	-	6	-	17	516	0.69	11.61	-	19
33	473.67	21.85	144	-	-	84	-	-	-	3	253	0.53	11.58	-	1
34	265.24	16.78	70	1	-	64	-	-	-	-	135	0.51	8.05	-	-
35	37,370.45	1,874.79	20,630	1,300	546	13,305	325	1,096	141	1,113	39,282	1.05	20.95	64	1,508
40	2,386.10	96.86	649	56	4	567	20	51	8	28	1,396	0.59	14.41	-	30
41	3,037.23	126.16	677	323	89	579	16	27	2	85	1,840	0.61	14.58	-	103
42	3,276.51	121.51	392	336	19	348	1	67	2	68	1,258	0.38	10.35	-	72
53	1,169.28	82.59	574	15	10	264	15	64	10	25	989	0.85	11.97	40	24
54	1,902.36	110.49	310	18	16	229	4	33	2	77	699	0.37	6.33	4	19
55	2,832.06	192.51	1,708	19	24	799	20	133	24	835	3,605	1.27	18.73	73	60
56	2,211.09	97.65	518	7	7	268	11	44	5	263	1,133	0.51	11.60	20	10
66	6,324.84	545.92	6,662	1,499	461	5,527	162	652	53	405	15,763	2.49	28.87	118	418
68	4,881.62	399.48	4,893	1,417	316	3,030	92	364	67	323	10,693	2.19	26.77	75	261
68N	1,790.75	128.56	757	472	44	852	2	56	-	62	2,261	1.26	17.59	15	83
69	3,481.06	314.82	4,090	1,288	390	2,999	37	337	36	277	9,633	2.77	30.60	52	292
69A	14,114.12	760.04	8,261	1,183	588	8,985	109	906	121	471	21,500	1.52	28.29	219	669
69N	1,742.90	139.99	880	494	106	887	-	61	1	284	2,759	1.58	19.71	23	162
69W	13,758.74	768.24	9,565	1,436	478	9,505	106	874	78	2,679	25,368	1.84	33.02	170	802
70	2,014.67	165.66	1,800	237	73	1,211	14	140	13	2,313	5,943	2.95	35.87	34	169
71	47,722.17	2,730.82	24,035	2,635	1,387	26,647	296	2,906	250	7,933	68,350	1.43	25.03	391	2,610
72	5,523.08	267.06	1,257	10	37	1,721	69	249	21	91	3,545	0.64	13.27	16	47
74	3,402.08	197.76	750	24	36	1,638	15	233	39	80	2,911	0.86	14.72	13	37
75	6,366.66	384.25	1,835	58	55	2,897	38	405	38	144	5,659	0.89	14.73	70	84
76	1,681.98	88.66	293	7	9	296	15	59	5	1	710	0.42	8.01	3	7
79	1,647.72	96.24	926	16	19	781	23	212	55	77	2,192	1.33	22.78	69	14
88	771.86	77.34	339	6	-	14	-	4	-	5	4,095	5.31	52.95	-	-
91	5,621.68	232.94	1,673	122	155	1,468	39	75	28	781	4,546	0.81	19.52	8	218
UC Supplemental	1,598.80	100.12	35	4,632	210	58	-	3	-	12	4,954	3.10	49.48	-	81
Unknown			148	-	3	-	-	1	-	2	217			-	74
<b>TOTAL</b>	<b>230,415.34</b>	<b>14,315.94</b>	<b>108,047</b>	<b>249,925</b>	<b>17,244</b>	<b>95,852</b>	<b>1,562</b>	<b>9,979</b>	<b>1,145</b>	<b>20,260</b>	<b>515,341</b>	<b>2.24</b>	<b>36.00</b>	<b>1,618</b>	<b>14,287</b>

ROUTE	Monthly Pass	VTA/SC Day Pass	CalTrain	Full Fare	17 Day Pass	S/D Riders	ECO Pass	METRO RIDERSHIP	Passengers Per Mile	Passengers Per Hour	W/C	Bike			
17	43,132.12	1,401.39	11,124	33	47	9,471	115	1,246	7,456	207	23,226	0.54	16.57	29	1,021

Night Owl	5,324.00
TOTAL	5,324.00

February Ridership	543,891
February Revenue	\$ 223,629.79

5-7.1

**Santa Cruz METRO  
February 2007 Ridership Report**

FAREBOX REVENUE AND RIDERSHIP SUMMARY BY ROUTE

ROUTE	REVENUE	RIDERSHIP	UC		UC Staff		S/D		S/D		Cabrillo	Bjke	Passes/ Free Rides
			Student	Faculty	Day Pass	Riders	W/C	Day Pass					
10	\$ 1,342.30	31,170	27,454	1,938	19	62	27	12	119	511	841		
13	\$ 619.18	13,097	11,598	693	3	17	5	7	33	212	384		
15	\$ 1,817.74	44,355	39,155	2,542	14	49	20	6	220	855	1,301		
16	\$ 5,492.61	91,375	80,629	4,068	42	154	31	16	468	1,557	2,780		
19	\$ 1,469.47	27,396	24,033	1,321	7	117	9	12	149	496	948		
3B	\$ 1,187.14	2,385	307	121	25	68	3	9	209	62	964		
4	\$ 1,144.10	4,100	328	45	13	208	31	19	104	94	2,606		
7	\$ 362.12	851	58	18	9	56	3	21	42	18	502		
9	\$ 270.10	350	10	25	4	8	-	1	2	2	150		
12A	\$ 28.32	1,156	947	173	-	1	-	1	3	19	15		
20	\$ 1,748.24	21,771	18,162	957	21	119	2	8	242	396	1,203		
31	\$ 1,241.54	1,801	107	48	13	22	-	2	62	60	774		
32	\$ 281.89	372	16	7	2	5	-	1	10	19	153		
33	\$ 240.30	535	6	1	-	3	-	1	5	2	341		
34	\$ 190.16	192	-	-	-	-	-	-	-	1	68		
35	\$ 23,014.16	35,346	1,074	382	253	873	14	172	1,084	997	18,381		
40	\$ 1,168.20	1,569	28	10	21	70	-	5	21	33	763		
41	\$ 953.92	1,556	216	77	14	43	-	-	77	75	580		
42	\$ 701.57	936	114	15	1	39	1	2	40	95	317		
53	\$ 450.10	669	1	13	3	57	19	5	22	5	335		
54	\$ 348.85	679	8	7	3	31	8	3	97	21	346		
55	\$ 1,495.66	3,499	35	29	15	140	62	27	1,125	67	1,322		
56	\$ 471.09	1,252	12	3	5	34	26	7	385	22	540		
66	\$ 9,317.79	16,116	2,562	463	102	583	96	54	500	352	6,403		
68	\$ 5,402.38	10,076	1,525	354	58	237	35	39	366	208	4,294		
68N	\$ 1,301.02	2,255	532	93	-	26	6	-	75	66	720		
69	\$ 5,225.42	9,761	1,211	413	37	339	48	29	324	237	4,312		
69A	\$ 15,742.01	21,249	1,295	558	112	867	157	97	605	551	8,189		
69N	\$ 1,246.69	2,367	418	91	1	46	10	1	265	128	773		
69W	\$ 16,018.17	23,865	1,545	514	152	797	157	87	2,798	637	8,404		
70	\$ 2,276.31	5,774	258	60	23	86	28	7	2,067	167	1,881		
71	\$ 45,537.15	63,506	2,500	1,208	355	2,394	322	201	8,313	2,015	20,972		
72	\$ 3,086.61	3,536	13	28	28	266	17	13	148	59	1,258		
74	\$ 2,468.46	2,441	9	12	14	159	10	9	58	20	656		
75	\$ 5,671.68	6,270	23	41	64	416	36	57	233	104	2,252		
76	\$ 614.58	651	4	16	4	54	4	15	3	19	218		
79	\$ 1,486.84	1,945	8	38	28	178	68	62	83	13	850		
88	\$ 19.76	3,870	6	4	-	1	-	1	3	5	27		
91	\$ 2,775.66	4,397	160	114	64	68	7	7	783	151	1,527		
UC Supplemental	\$ 341.58	11,597	10,713	420	1	11	1	-	30	178	213		
Unknown	\$ 214.36	448	106	10	2	5	87	2	55	14	134		
<b>TOTAL</b>	<b>\$164,795.23</b>	<b>476,556</b>	<b>227,186</b>	<b>16,930</b>	<b>1,532</b>	<b>8,709</b>	<b>1,351</b>	<b>1,017</b>	<b>21,228</b>	<b>10,543</b>	<b>98,697</b>		

ROUTE	REVENUE	RIDERSHIP	VTASC		17		S/D		METRO	ECO Pass	Bike	Monthly Pass
			Day Pass	CalTrain	Day Pass	Riders	W/C					
17	\$ 40,018.43	19,755	13	38	128	1,094	25	5,295	119	784	9,637	

RIDERSHIP	
Night Owl	4,150
TOTAL	4,150

January Ridership	500,461
January Revenue	\$205,227.60

5-7.2

BUS OPERATOR LIFT TEST \*PULL-OUT\*

VEHICLE CATEGORY	TOTAL BUSES	AVG # DEAD IN GARAGE	AVG # AVAIL. FOR SERVICE	AVG # IN SERVICE	AVG # SPARE BUSES	AVG # LIFTS OPERATING	% LIFTS WORKING ON PULL-OUT BUSES
FLYER/HIGHWAY 17 - 40'	7	2	5	2	3	2	100%
FLYER/LOW FLOOR - 40'	12	3	9	8	1	8	100%
FLYER/LOW FLOOR - 35'	18	3	15	14	1	14	100%
FLYER/HIGH FLOOR - 35'	13	1	12	5	7	5	100%
GILLIG/SAM TRANS - 40'	10	2	8	4	4	4	100%
DIESEL CONVERSION - 35'	15	7	8	7	1	7	100%
DIESEL CONVERSION - 40'	14	3	11	9	2	9	100%
ORION/HIGHWAY 17 - 40'	11	4	7	6	1	6	100%
GOSHEN	2	1	1	0	1	0	100%
TROLLEY	1	0	1	0	1	0	100%
CNG NEW FLYER - 40'	10	2	8	6	2	6	100%

5-7.3

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

## PASSENGER LIFT PROBLEMS

MONTH OF FEBRUARY 2008

BUS #	DATE	DAY	REASON
2201CG	22-Feb	Friday	Kneel doesn't work sometimes.
2308OR	12-Feb	Tuesday	Coach seems (feels) awfully LOW @ R-F (even w/o kneeling-little bit of "bottom out" leaving yard)
8079F	21-Feb	Thursday	Kneel isn't working properly, raises as soon as its lowered.
8080F	4-Feb	Monday	Kneel will not stay down. Every time tried to kneel, driver's chair would go down.
8102F	25-Feb	Monday	Kneel doesn't work well.
8102F	26-Feb	Tuesday	Kneel will not stay down.
9803LF	29-Feb	Friday	Ramp needs lubed graff, on rear wheel well dr/side.
9812LF	7-Feb	Thursday	Kneel alarm is not working.
9813LF	23-Feb	Saturday	Beeper on kneel not working
9814LF	11-Feb	Monday	Kneel light burned out
9815LF	19-Feb	Tuesday	Once in awhile the bus will roll when the door is open and it is kneeled
9827LF	18-Feb	Monday	W/C does not deploy, need to deploy by hand
9832G	12-Feb	Tuesday	Kneel depletes most of air pressure. Using lift depletes air pressure.
9836G	6-Feb	Wednesday	Kneel not working properly. Goes down, but very slowly rises up.
9838G	27-Feb	Wednesday	Ramp won't deploy. Makes a clicking sound.

F New Flyer  
 G Gillig  
 C Champion  
 LF Low Floor Flyer  
 GM GMC  
 CG CNG  
 CN SR855 & SR854  
 OR Orion/Hwy 17

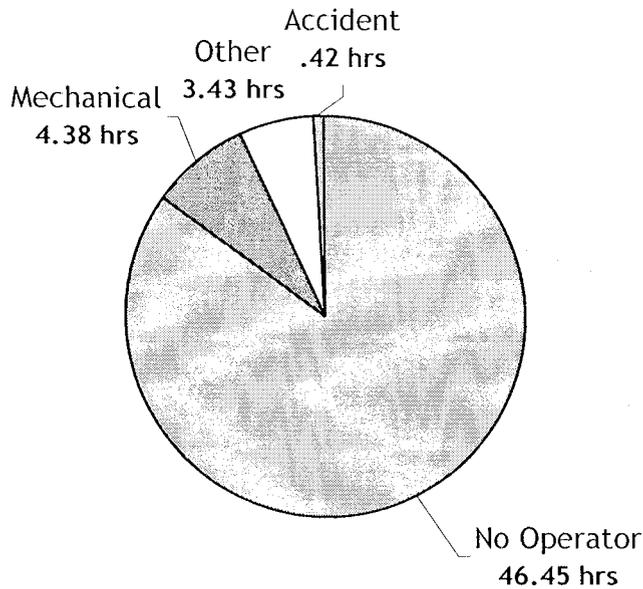
Note: Lift operating problems that cause delays of less than 30 minutes.

5-7.4

Dropped Service for FY 2008

	FY 2005/06		FY 2006/07		FY 2007/08	
	Dropped Hours	Dropped Miles	Dropped Hours	Dropped Miles	Dropped Hours	Dropped Miles
July	0	0	5.00	96.88	5.53	90.97
August	213.92	3,575.86	15.02	276.46	4.93	110.45
September	140.97	2,336.50	11.30	160.72	9.00	191.05
October	STRIKE	STRIKE	37.52	540.19	9.52	122.24
November	113.77	1,780.56	37.55	477.48	3.32	45.89
December	95.61	1,659.66	6.08	143.84	18.97	241.87
January	16.52	286.31	12.24	188.23	49.20	453.86
February	39.22	579.38	13.07	88.59	54.68	714.47
March	21.38	380.68	7.13	133.30		
April	62.57	986.08	4.85	43.67		
May	33.47	551.00	16.00	241.42		
June	20.20	267.47	62.19	802.29		
<b>TOTAL</b>	<b>757.62</b>	<b>12,403.50</b>	<b>227.95</b>	<b>3,193.06</b>	<b>155.15</b>	<b>1,970.80</b>

Dropped Service Breakdown for February 2008



# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** April 25, 2008  
**TO:** Board of Directors  
**FROM:** Frank L. Cheng, Project Manager  
**SUBJECT: CONSIDERATION OF METROBASE STATUS REPORT**

## I. RECOMMENDED ACTION

**That the Board of Directors accept and file the MetroBase Status Report.**

## II. SUMMARY OF ISSUES

- Service Building work
  - Finalizing close out documents for the Service & Fueling Building.
  - METRO has been utilizing the facility for bus washing, CNG fueling, and diesel fueling.
- Maintenance Building
  - West Bay Builders continuing site work on 120 Golf Club Drive property
  - Concrete was poured on the mezzanine level.
  - PG&E will be putting in a new pole on Vernon Street.
  - Concurrent work with AT&T to utilize the new PG&E pole for routing telecommunication wires.

## III. DISCUSSION

METRO, Harris & Associates, and Arntz Builders are finalizing all documents needed to close out the Service & Fueling Building. Now that METRO has been able to utilize the facility, METRO can fuel and wash buses with new equipment. METRO has been fast-fueling CNG and Diesel. Scheduled deliveries are made for LNG and Diesel to keep up with METRO's demand.

West Bay Builders is continuing work on Golf Club Drive for storm and sewer work. Interior work continues with concrete pour on the mezzanine level and CMU wall installation. For PG&E, they are scheduled to install a new pole on Vernon Street. Current work with AT&T will be determined after PG&E installs new pole. AT&T will attempt to use the same PG&E pole to route telecommunicate wires.

Information for the MetroBase Project can be viewed at <http://www.scmtd.com/metrobase>  
Information on the project, contact information, and MetroBase Hotline number (831) 621-9568 can be viewed on the website.

5-8.1

New updates on the MetroBase Project:

- Harris & Associates is finalizing close out documents for the Service & Fueling Building.
- West Bay Builders continuing site work on 120 Golf Club Drive property.
- PG&E installing new pole on Vernon Street.

Previous information regarding the MetroBase Project:

A. Service & Fueling Building (IFB 05-12)

- Substantial completion
- Arntz working on punch-list items.
- Received Caltrans Encroachment Permit. Work completed.
- Department of Fish&Game approved work on outfall construction completed.
- Concrete Driven Piles completed end of May 2006.
- Arntz Builders providing training to METRO employees.
- Public Outreach Newsletter sent to areas possibly affected by construction.
- Notice to Proceed issue effective January 9, 2006 with 365 calendar day construction period.

B. Maintenance Building (IFB 06-01)

- On November 20, 2006, METRO received signed copies of IFB 06-01 from West Bay Builders including agreement to Labor Harmony provisions included in award letter.
- IFB 06-01 Maintenance Building awarded to West Bay Builders for \$15,195,000 contingent upon Labor Harmony provision in award letter.
- Tilt-up panels installed, West Bay Builders working on steel joists.
- RNL contract modified for added Maintenance Building scope
- Harris & Associates contract modified for added Maintenance Building scope.
- Weekly Construction Meetings.

#### **IV. FINANCIAL CONSIDERATIONS**

Funds for the construction of the Service & Fueling, and Maintenance Building Components of the MetroBase Project are available within the funds the METRO has secured for the Project.

#### **V. ATTACHMENTS**

**Attachment: NONE**

5-8.2

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** April 25, 2008  
**TO:** Board of Directors  
**FROM:** Mark J. Dorfman, Assistant General Manager  
**SUBJECT: RECOMMENDATION TO APPROVE ASSESSMENT FOR  
COOPERATIVE RETAIL MANAGEMENT DISTRICT**

## I. RECOMMENDED ACTION

**The purpose of this communication is to request approval for the assessment on property owners for the support of the Cooperative Retail Management District in Downtown.**

## II. SUMMARY OF ISSUES

- The District owns property in the Downtown area that is subject to an assessment for the Downtown Host Program.
- The assessment needs to be renewed for the fiscal year.
- Total cost to the District for the assessment is \$2,547.76, no increase from last year.

## III. DISCUSSION

The District recently received correspondence from the City of Santa Cruz regarding the Cooperative Retail Management Business Real Property Improvement District. Since the District owns property in the downtown area, there is an assessment that is being requested for the coming fiscal year. This assessment funds the Downtown Host Program.

It is recommended that the District support the continued assessment of the levy for this important Downtown project. Total funds for this assessment amount to \$2,547.76.

## IV. FINANCIAL CONSIDERATIONS

There are two assessments for property owned by the District, one for \$1,797.76 and one for \$750.00, for a total of \$2,547.76.

## V. ATTACHMENTS

**Attachment A:** Letters from City of Santa Cruz

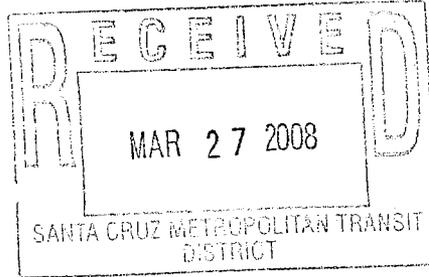
5-9.1



ECONOMIC DEVELOPMENT/REDEVELOPEMENT AGENCY  
337 Locust Street, Santa Cruz CA 95060 • 831 420-5150 • Fax: 831 420-5151 • www.ci.santa-cruz.ca.us • cityra@ci.santa-cruz.ca.us

**CITY COUNCIL  
CITY OF SANTA CRUZ  
NOTICE OF PUBLIC MEETING AND HEARING**

Santa Cruz Metropolitan Transit District  
370 Encinal Street, #100  
Santa Cruz, CA 95060-2101



March 26, 2008

Dear Santa Cruz Property Owner:

**RE: Assessor Parcel Number ("APN"): 05-152-05  
912 Pacific Avenue**

NOTICE IS HEREBY GIVEN that the City Council of the City of Santa Cruz will hold a public meeting to consider: 1) the annual report for FY 2009 prepared by the advisory board to the Cooperative Retail Management (CRM) Business Real Property Improvement District; and; 2) the adoption of a Resolution of Intention to levy an assessment for the period July 1, 2008 through June 30, 2009 for the District and a public hearing to consider the levy of an annual assessment for the District.

The amount of the proposed annual assessment on the entire district will be \$118,503.42. The rate of business promotion assessment shall be imposed on business property owners according to the formulas set forth below:

1. Properties located on Pacific Avenue between Laurel Street and Mission/Water Street shall be assessed \$15.00 per linear foot of property on Pacific Avenue.
2. Properties between Cedar and Front Streets and located on Soquel Avenue; Locust, Cooper, Church, Walnut, Lincoln, Cathcart, Elm and Maple Streets; Plaza, Locust, Commerce, Elm and Birch Lanes; Pearl Alley; Lincoln-Cathcart and Pacific-Front alleyways shall be assessed \$12.00 per linear foot of property on the above-mentioned side streets and alleyways.

The purpose of the assessment is to fund the Downtown Host Program created to enhance safety and security and improve public perceptions of the district. The assessment will also be used to review the need for, and establishment of, common hours for retail merchants and maintenance of private property within the district.

5-9.a1

The amount of the proposed annual assessment for APN 05-152-05 is set forth below:

Pacific Avenue footage: 50.00 x \$15.00	\$750.00
Side street or alleyway footage: 0.00 feet x \$12.00/linear foot	\$0.00
<b>TOTAL Assessment for Fiscal Year 2009:</b>	<b>\$750.00</b>

Properties with frontage on both Pacific Avenue and a side street or alley will only be assessed an additional fee for the side street or alley frontage where a separate business uses the side street or alley as its main entrance.

A public meeting regarding the consideration of the Annual Report and adoption of a Resolution of Intention to levy an annual assessment will be held on **Tuesday, April 22, 2008**, after the hour of 3:00 p.m. If the Resolution of Intention is adopted, a public hearing will be held on **Tuesday, May 13, 2008**, after the hour of 3:00 p.m., at which time the Council will decide the amount of the assessments to be levied. Both public meetings will be held in the Council Chambers, City Hall, 809 Center Street, Santa Cruz, California. Copies of the Annual Report/Plan Work Program, and Budget are available in the City Clerk's office at 809 Center Street, Room 9, Santa Cruz, California or at the Economic Development and Redevelopment Department's office at 337 Locust Street, Santa Cruz, California, or may be viewed on the EDRD web page at [www.ci.santa-cruz.ca.us/ra](http://www.ci.santa-cruz.ca.us/ra).

If the Resolution of Intention is adopted, property owners in the proposed assessment district may file written protests in the City Clerk's office between April 22, 2008 and May 13, 2008 before the close of the public hearing. If protests are submitted by property owners representing 50% or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50%, no further proceedings to create the district shall be taken for at least one year. If the Resolution of Intention is not adopted, the May 13, 2007 public hearing will be cancelled. All interested persons are invited to present their oral or written statements at these hearings.

Further information is available from the City Economic Development and Redevelopment Department, 337 Locust Street, Santa Cruz, California, (831) 420-5150.

LORRIE BREWER, City Clerk  
City of Santa Cruz

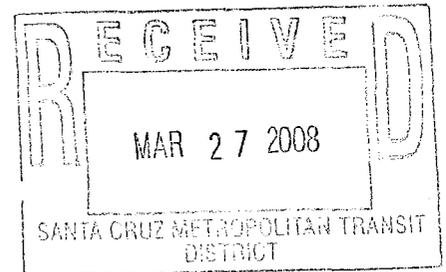


ECONOMIC DEVELOPMENT/REDEVELOPEMENT AGENCY  
337 Locust Street, Santa Cruz CA 95060 • 831 420-5150 • Fax: 831 420-5151 • www.ci.santa-cruz.ca.us • cityra@ci.santa-cruz.ca.us

**CITY COUNCIL  
CITY OF SANTA CRUZ  
NOTICE OF PUBLIC MEETING AND HEARING**

March 26, 2008

Santa Cruz Metropolitan Transit District  
370 Encinal Street, #100  
Santa Cruz, CA 95060



Dear Santa Cruz Property Owner:

**RE: Assessor Parcel Number ("APN"): 05-152-31  
920 Pacific Avenue**

NOTICE IS HEREBY GIVEN that the City Council of the City of Santa Cruz will hold a public meeting to consider: 1) the annual report for FY 2009 prepared by the advisory board to the Cooperative Retail Management (CRM) Business Real Property Improvement District; and, 2) the adoption of a Resolution of Intention to levy an assessment for the period July 1, 2008 through June 30, 2009 for the District and a public hearing to consider the levy of an annual assessment for the District.

The amount of the proposed annual assessment on the entire district will be \$118,503.42. The rate of business promotion assessment shall be imposed on business property owners according to the formulas set forth below:

1. Properties located on Pacific Avenue between Laurel Street and Mission/Water Street shall be assessed \$15.00 per linear foot of property on Pacific Avenue.
2. Properties between Cedar and Front Streets and located on Soquel Avenue; Locust, Cooper, Church, Walnut, Lincoln, Cathcart, Elm and Maple Streets; Plaza, Locust, Commerce, Elm and Birch Lanes; Pearl Alley; Lincoln-Cathcart and Pacific-Front alleyways shall be assessed \$12.00 per linear foot of property on the above-mentioned side streets and alleyways.

The purpose of the assessment is to fund the Downtown Host Program created to enhance safety and security and improve public perceptions of the district. The assessment will also be used to review the need for, and establishment of, common hours for retail merchants and maintenance of private property within the district.

5-9.93

The amount of the proposed annual assessment for APN 05-152-31 is set forth below:

Pacific Avenue footage: 119.85 x \$15.00	\$1,797.76
Side street or alleyway footage: 0.00 feet x \$12.00/linear foot	\$0.00
<b>TOTAL Assessment for Fiscal Year 2009:</b>	<b>\$1,797.76</b>

Properties with frontage on both Pacific Avenue and a side street or alley will only be assessed an additional fee for the side street or alley frontage where a separate business uses the side street or alley as its main entrance.

A public meeting regarding the consideration of the Annual Report and adoption of a Resolution of Intention to levy an annual assessment will be held on **Tuesday, April 22, 2008**, after the hour of 3:00 p.m. If the Resolution of Intention is adopted, a public hearing will be held on **Tuesday, May 13, 2008**, after the hour of 3:00 p.m., at which time the Council will decide the amount of the assessments to be levied. Both public meetings will be held in the Council Chambers, City Hall, 809 Center Street, Santa Cruz, California. Copies of the Annual Report/Plan Work Program, and Budget are available in the City Clerk's office at 809 Center Street, Room 9, Santa Cruz, California or at the Economic Development and Redevelopment Department's office at 337 Locust Street, Santa Cruz, California, or may be viewed on the EDRD web page at [www.ci.santa-cruz.ca.us/ra](http://www.ci.santa-cruz.ca.us/ra).

If the Resolution of Intention is adopted, property owners in the proposed assessment district may file written protests in the City Clerk's office between April 22, 2008 and May 13, 2008 before the close of the public hearing. If protests are submitted by property owners representing 50% or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50%, no further proceedings to create the district shall be taken for at least one year. If the Resolution of Intention is not adopted, the May 13, 2007 public hearing will be cancelled. All interested persons are invited to present their oral or written statements at these hearings.

Further information is available from the City Economic Development and Redevelopment Department, 337 Locust Street, Santa Cruz, California, (831) 420-5150.

LORRIE BREWER, City Clerk  
City of Santa Cruz

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

## STAFF REPORT

**DATE:** April 25, 2008  
**TO:** Board of Directors  
**FROM:** Margaret Gallagher, District Counsel  
**SUBJECT:** REVIEW AND CONSIDER DIFFERENT DISTRIBUTION METHODS FOR CALLSTOP AUDITS AND SELECT METHOD THAT IS THE MOST EQUITABLE

### I. RECOMMENDED ACTION

**Select the Audit method that is weighted by bus usage on weekdays.**

### II. SUMMARY OF ISSUES

- At the November 2001, Board of Directors meeting, staff was authorized to conduct quarterly call stop compliance audits of the internal call stop announcements.
- METRO has 41 active routes serving approximately 1000 active bus stops. On February 23, 2004, all buses and routes, including the Highway 17 service were equipped with the Talking Bus Technology and the system was fully operational.
- At the July 27, 2007, Board meeting, an issue was raised regarding whether the audit was covering the routes throughout the fixed route system on an equal basis. After discussions with the Transit Planner and the General Manager, the auditors were directed to perform their audit based on the distribution of the transit service in four distinct areas of Santa Cruz County.
- At the January 25, 2008 meeting, a question was raised again regarding whether the audit system was being conducted in the most equitable distribution method possible.
- This report is designed to review different audit distribution methods in order to determine which method is the most equitable.

### III. DISCUSSION

Title II of the Americans with Disabilities Act (ADA) addresses public services with a substantial part of it focusing on transportation provided by public entities. As with other civil rights legislation, specific definitions, interpretations, and requirements are spelled out in regulations issued by the implementing agencies. The Department of Transportation (USDOT) issued regulations covering transportation services provided by public entities under Title II. In addition to other requirements, these regulations require METRO on its fixed route system, to announce its bus stops as follows:

1. The entity shall announce at least at transfer points with other fixed routes, other major intersections and destination points, and intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location.
2. The entity shall announce any stop on request of an individual with a disability.
3. Where vehicles or other conveyances for more than one route serve the same stop, the entity shall provide a means by which an individual with a visual impairment or other disability can identify the proper vehicle to enter or be identified to the vehicle operator as a person seeking a ride on a particular route.

At the November 2001, Board of Directors' meeting, METRO staff was authorized to conduct quarterly call stop compliance audits to insure that call stop announcements were being made. Staff contracted with a private investigative firm, to conduct the audits. The investigation firm was authorized to utilize 100 hours to survey the internal announcements at a cost of \$5,000.00 each quarter. METRO has 41 active routes serving approximately 1000 active bus stops.

METRO purchased Talking Bus equipment and programming capabilities in order to assure compliance with the call stop requirements. On February 23, 2004, all buses in Metro's fixed route service, including the Highway 17 service, were equipped with the Talking Bus Technology. The Talking Bus equipment is programmed to announce each stop in the fixed route system that is at least 600 feet from the proceeding bus stop. If the talking bus equipment fails to make the proper announcement, the bus drivers are required to call certain bus stops from an Operations Department list. The auditors inform METRO whether the talking bus equipment is functioning correctly and if not whether the bus operator called a listed stop in accordance with the METRO requirements. Initially, the auditors were instructed to conduct the audits on a random basis without regard to area, service distribution or ridership.

At the July 27, 2007 Board meeting, an issue was raised regarding whether the audit was covering the routes throughout the fixed route system on an equal basis. After discussions with the Transit Planner and the General Manager, the auditors were directed to perform the audit by the following manner, reflecting the distribution of the transit service by area.

- |                      |     |
|----------------------|-----|
| 1. Santa Cruz/UCSC   | 50% |
| 2. Scotts Valley/SLV | 20% |
| 3. Capitola/Live Oak | 20% |
| 4. Watsonville       | 10% |

The Auditor analyzed the audits from December 2005 through March 2008 and produced a chart setting forth the audit distribution per area (See Attachment A).

At the January 25, 2008 regular meeting, there was a question as to whether the audit distribution should be based on the percentage of bus stops in each area, as opposed to transit service by area. The following tables show the percentages of bus stops in each area and the percentage of bus stop usage in each area respectively as follows:

**BY NUMBER OF BUS STOPS - WEEKDAYS:**

Area	Total # of Bus stops	Percentage of total
1. Unincorporated	357	35%
2. Santa Cruz	275	27%
3. Watsonville	245	24%
4. Scotts Valley	62	6%
5. Capitola	56	6%
6. San Jose	17	2%

**Weighted by Bus Stop Usage - WEEKDAYS:**

Area	Total # of Bus stops	Percentage of total
1. Santa Cruz	13831	45%
2. Unincorporated	8333	27%
3. Watsonville	5768	19%
4. Capitola	1160	4%
5. Scotts Valley	1034	3%
6. San Jose	450	1%

Another method of determining equitable distribution of the audit would be to consider the current ridership. According to Ian McFadden, Transit Planner, a large percentage of ridership is allocated to Area One, the Santa Cruz and UCSC area. However, Assistant General Manager Mark Dorfman advised that ridership couldn't be calculated by area because METRO only counts boardings by route but not by specific area. A route can travel through multiple areas.

**IV. FINANCIAL CONSIDERATIONS**

Randomly conducted call stop compliance audits cost approximately \$20,000.00 per year.

**V. ATTACHMENTS**

**Attachment A:** Stop Announcement Audit Comparison

5-10.3

**STOP ANNOUNCEMENT AUDIT COMPARISON**

Table of Results

<u>Quarter</u>	<u>Total Trips</u>	<u>Area 1</u>	<u>Area 2</u>	<u>Area 3</u>	<u>Area 4</u>
January – March 2008	111	54 = 49%	23 = 21%	21 = 19%	13 = 11%
October – December 2007	97	50 = 53%	19 = 20%	18 = 19%	8 = 8%
July – September 2007	119	48 = 41%	23 = 19%	31 = 26%	17 = 14%
April – June 2007	86	30 = 35%	18 = 21%	28 = 32%	10 = 12%
January – March 2007	86	28 = 33%	18 = 21%	28 = 32%	12 = 14%
October – December 2006	92	26 = 28%	13 = 14%	42 = 46%	11 = 12%
July – September 2006	83	21 = 25%	17 = 21%	36 = 43%	9 = 11%
April – June 2006	91	20 = 22%	16 = 18%	40 = 44%	15 = 16%
December 2005 – February 2006	91	28 = 31%	16 = 17%	31 = 34%	16 = 18%

Area Descriptions

Area 1	Santa Cruz/UCSC	03, 04, 07, 09, 10, 13, 15, 16, 19, 20, 40, 41, 42
Area 2	Scotts Valley/SLV	31, 32, 35, 35A
Area 3	Capitola/Live Oak	53, 54, 55, 56, 66, 68, 68N, 69, 69A, 69W, 70, 71
Area 4	Watsonville	69A, 69W, 71, 72, 74, 75, 76, 79, 91

Note: Trips which included Area 3 and Area 4 were split between the two areas  
11 trips with both = Area 3 (5 trips) and Area 4 (6 trips)

5-10.91

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

## STAFF REPORT

**DATE:** April 25, 2008  
**TO:** Board of Directors  
**FROM:** Leslie White, General Manager  
**SUBJECT: ACCEPT AND FILE NOMINATION OF AURORA TRINIDAD FOR RED CROSS WORKPLACE HERO AWARD**

### I. RECOMMENDED ACTION

**No Action necessary, for informational purpose only.**

### II. SUMMARY OF ISSUES

- The American Red Cross for the Santa Cruz County Chapter honors local heroes that are nominated for heroic acts.
- This year, the Red Cross will honor ten special heroes in our community at the 3<sup>rd</sup> Annual Heroes Breakfast on May 21, 2008.
- Santa Cruz METRO has nominated Aurora Trinidad, a METRO ParaCruz Operator as a special hero in our community.

### III. DISCUSSION

The American Red Cross for the Santa Cruz County Chapter honors local heroes that are nominated for heroic acts. This year, the Red Cross will honor ten special heroes in our community at the 3<sup>rd</sup> Annual Heroes Breakfast on May 21, 2008.

Santa Cruz METRO has nominated Aurora Trinidad, a METRO ParaCruz Operator as a Workplace hero in our community. Attached is the completed nomination form that was submitted to the Red Cross. It is METRO's hope that Ms. Trinidad will receive the award from the Red Cross for heroic actions performed in her workplace environment.

### IV. FINANCIAL CONSIDERATIONS

None

### V. ATTACHMENTS

**Attachment A:** Completed Red Cross Nomination Form



HONORING OUR HOMETOWN HEROES

**"Find our Heroes!"**

Help the Red Cross find our Hometown Heroes

Please join the American Red Cross, Santa Cruz County Chapter as we honor our local Heroes. Throughout our community there are seemingly ordinary people who have touched our lives through their selfless acts of courage. These Heroes may have helped save a life, performed an extraordinary act of compassion, or have demonstrated an exceptional spirit of giving. This year we will honor 10 special heroes in our community at the 3<sup>rd</sup> Annual Heroes Breakfast on May 21<sup>st</sup>, 2008.

**2008 Hero Nominees may be:**

- A friend, family member, neighbor, co-worker, etc.
- A professionally trained life saver such as a paramedic, doctor, fireman or policeman
- A Good Samaritan or a role model that has had a significant impact on the community

**Criteria for Nominations:**

- Nominees must live or work in Santa Cruz County
- The heroic act does not need to have occurred in Santa Cruz County
- The heroic act must have occurred after January 1, 2006
- If you have submitted a nomination form within the last two years and your hero has not been selected to receive an award, he or she is still eligible. Please re-submit your nomination for consideration.

**How to Nominate your Hero:**

- **Complete this form.** Please mail or fax this form to the American Red Cross (information on reverse side of form). All forms must be received no later than April 1, 2008. Forms are also available on our website: [www.sccredcross.org](http://www.sccredcross.org). **Proceeds from the Heroes Breakfast will benefit American Red Cross lifesaving programs and services within Santa Cruz County.**

**Step 1: Please choose an award category (must select one category only)**

**Animal Rescue Hero:** An act of heroism that saved an animal's life or an act of heroism by an animal that saved a human life.

**Education Hero:** An act of heroism performed by an individual in an educational environment. This category includes private and public schools, continuing education schools, community colleges and institutions of advanced learning.

**Good Samaritan:** A person who lives or works in Santa Cruz County who has shown an act of heroism in some unusual way or in a time of crisis, or one who has shown an extraordinary and sacrificial commitment to the ongoing serious needs and challenges in Santa Cruz County.

**Law Enforcement Hero:** An act of heroism performed by an individual trained to respond as a part of his or her professional employment. This category includes police, deputy sheriffs, and park rangers.

**Lifetime Achievement:** Sustained action that demonstrates a passionate and dedicated commitment to saving lives and/or promoting the health and well being of others through volunteer activity on local, national, or international level.

**Medical Professional Hero:** An act of heroism performed by an individual trained to respond as a part of his or her professional employment. This category includes physicians, nurses, and any employees in medical settings.

**Military Hero:** An act of heroism performed by a member of the armed services, including the National Guard.

**Rescue Professional Hero:** An act of heroism performed by an individual trained to respond as a part of his or her professional employment. This category includes fire-fighters, lifeguards, 911 dispatchers and Coast Guard personnel.

**Workplace Hero:** An act of heroism performed by an individual in his or her workplace environment.

**Youth Hero:** An act of heroism by an individual under the age of 21.

5-11.91

**FAXED**  
4/1/08 94

**Step 2: Tell us who you are.**

First Name: <u>Leslie</u>	Last Name: <u>White</u>
Street Address: <u>370 Encinal St</u>	Apt: <u>Suite 100</u>
City/State: <u>Santa Cruz, CA</u>	Zip: <u>95060</u>
County of Residence, or where heroic act occurred: <u>Santa Cruz County</u>	
Daytime Phone: <u>(831) 426-6080</u>	Evening Phone:
Email: <u>LeslieWhite@scmtd.com</u>	

**Step 3: Tell us who your hero is.**

First Name: <u>Aurora</u>	Last Name: <u>Trinidad</u>
Street Address: <u>2880 Research Park Dr</u>	Apt: <u>Suite 160</u>
City/State: <u>Soquel, CA</u>	Zip: <u>95073</u>
County of Residence, or where heroic act occurred: <u>Santa Cruz County</u>	
Daytime Phone: <u>(831) 425-4664</u>	Evening Phone:
Email:	

**Step 4: Tell us your hero's story.**

Attach supplemental documents and extra sheets as necessary. All Stories subject to verification.

The Santa Cruz Metropolitan Transit District (METRO) is a public agency that provides public transportation in fixed route bus service and paratransit service. METRO's paratransit service, commonly called METRO ParaCruz, is provided to those customers whose disabilities prevent them from being able to utilize the bus service. Aurora Trinidad, my hero, is a METRO ParaCruz Operator. On February 29, 2008, Ms. Trinidad was operating a minivan with four passengers on board when one of the passengers, who suffers from mental disabilities, became disorientated and started using abusive and foul language, which quickly escalated into threatening actions when he used his cane to repeatedly strike the interior of the van. These actions frightened the other passengers inside the minivan and triggered a panic attack in one. In a calm and steady manner, Ms. Trinidad took control of the situation and promptly contacted METRO Dispatch and summoned help. Further she quickly found a safe place to stop the van and allowed the passenger to deboard the van to secure the safety of the remaining passengers, while at the same time insuring that the deboarded passenger remained out of harm's way. A few minutes later, law enforcement arrived. Ms. Trinidad handled the situation with the utmost graciousness and professionalism. She is to be commended for her heroic actions in deescalating a volatile situation that insured that no one sustained physical injuries.

**Step 5: Send us your completed form by April 1, 2008.**

Submit your completed nomination form to the American Red Cross.

Nomination forms cannot be returned. A third party selection committee will review and consider all nominees. Award winners will be notified by mail and contacted via phone. Hero Award winners must be available to attend the Heroes Breakfast on the morning of May 21, 2008 at the Seascape Golf Club in Aptos.

**Mail this form to:**  
Santa Cruz County  
Chapter  
2960 Soquel Avenue  
Santa Cruz, CA  
95062

**Fax this form to:**  
831-462-5996

**Email this form to:**  
Lsegersin@sccredcross.org

**Deadline for nominations is April 1, 2008.**

**Questions?** Please feel free to call us at  
831-462-2881 ext.14 or send an email to Lindsay at  
Lsegersin@sccredcross.org

5-11.92

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** April 25, 2008  
**TO:** Board of Directors  
**FROM:** Tom Stickel, Manager of Maintenance  
**SUBJECT: CONSIDERATION OF CONTRACT EXTENSION WITH NATIONWIDE AUCTION SYSTEMS FOR AUCTION SERVICES**

## I. RECOMMENDED ACTION

**District staff is recommending that the Board of Directors authorize the General Manager to execute an amendment to the contract with Nationwide Auction Systems for auction services to extend the term of the contract for one (1) additional year.**

## II. SUMMARY OF ISSUES

- The District entered into a contract with Nationwide Auction Systems on June 1, 2006 for auctioning services of the District's surplus vehicles and equipment.
- At the option of the District, this contract may be renewed upon mutual written consent.
- Nationwide Auction Systems has indicated that they are interested in extending the contract an additional one-year period to May 31, 2009.
- District staff recommend that the Board of Directors authorize the General Manager to execute an amendment to the contract with Nationwide Auction Systems for auction services to extend the term of the contract one additional year.

## III. DISCUSSION

The contract with Nationwide Auction Systems for auctioning services of the District's surplus vehicles and equipment is due to expire on May 31, 2008. The original contract was for a one-year term and four additional one-year options. Nationwide Auction Systems is a leading heavy equipment auctioneer service that has contracts with several transit agencies, local governmental agencies and large utility companies. This company has an international customer base for notifying bidders when District surplus vehicles are up for auction.

Nationwide Auction Systems has provided good service under this contract. An extension of the contract would be favorable to the District. Article 3.02 of the contract also allows the District to renew the contract four additional one (1) year terms. Nationwide Auction Systems has also reviewed the contract and has indicated their desire to extend the contract for one additional year with no changes. It is recommended that the Board of Directors authorize the General Manager

5-12.1

to execute an amendment to the contract with Nationwide Auction Systems to extend the contract one (1) additional year.

**IV. FINANCIAL CONSIDERATIONS**

No funds are expended under this contract. District receives ninety (90) percent of the proceeds from the sale of District surplus vehicles and eighty (80) percent of the proceeds from the sale of miscellaneous District surplus equipment.

**V. ATTACHMENTS**

**Attachment A:** Letter from Nationwide Auction Systems

**Attachment B:** Contract Amendment



April 8, 2008

Mr. Lloyd Longnecker  
Purchasing Agent  
Santa Cruz Metropolitan Transit District  
110 Vernon Street, Ste. B  
Santa Cruz, Ca. 95060

Dear Lloyd

RE: Contract Extension for Auctioneering Services No. 05-23, Amendment No. 2

In connection with the above-referenced contract, please be informed that we are in agreement to extend the contract under the same terms and conditions.

Thank you very much again for the trust and confidence you have accorded our organization and be rest assured of the exemplary service we customarily provide and at the same time realize top dollar return from the sale of your surplus assets.

Sincerely yours,

REILY PIO RODA  
Executive Vice Pres -General Manager

**SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
SECOND AMENDMENT TO CONTRACT FOR AUCTION SERVICES**

This Second Amendment to Contract for auction services is made effective June 1, 2008 between the Santa Cruz Metropolitan Transit District, a political subdivision of the State of California (“District”) and Nationwide Auction Services (“Contractor”).

I. RECITALS

- 1.1 District and Contractor entered into a Contract for auction services (“Contract”) on June 1, 2006.
- 1.2 The Contract allows for the extension upon mutual written consent.

Therefore, District and Contractor amend the Contract as follows:

II. TERM

- 2.1 Article 3.02 is amended to include the following language:

This Contract shall continue through May 31, 2009. This Contract may be mutually extended by agreement of both parties.

III. REMAINING TERMS AND CONDITIONS

- 3.1 All other provisions of the Contract that are not affected by this amendment shall remain unchanged and in full force and effect.

IV. AUTHORITY

- 4.1.1 Each party has full power to enter into and perform this Second Amendment to the Contract and the person signing this Second Amendment on behalf of each has been properly authorized and empowered to enter into it. Each party further acknowledges that it has read this Second Amendment to the Contract, understands it, and agrees to be bound by it.

SIGNATURES ON NEXT PAGE

Signed on \_\_\_\_\_

DISTRICT-- SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

\_\_\_\_\_  
Leslie R. White  
General Manager

CONTRACTOR -- NATIONWIDE AUCTION SYSTEMS

By \_\_\_\_\_  
Rely Pio Roda  
Executive Vice President, General Manager

Approved as to Form:

\_\_\_\_\_  
Margaret R. Gallagher  
District Counsel

5-12.62

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

## STAFF REPORT

**DATE:** April 25, 2008  
**TO:** Board of Directors  
**FROM:** Margaret Gallagher, District Counsel  
**SUBJECT:** ACCEPT AND FILE CALL STOP AUDIT REPORT FOR THE PERIOD OF JANUARY THROUGH MARCH 2008

### I. RECOMMENDED ACTION

**This report is for informational purposes only. No action is required.**

### II. SUMMARY OF ISSUES

- At the November 2001 Board of Directors meeting, staff was authorized to conduct quarterly call stop compliance audits of the internal call stop announcements.
- Staff contracted with Robert S. Bortnick & Associates, a private investigative firm, to conduct the audit.
- METRO has 41 active routes serving 998 active bus stops. On July 25, 2003, the Talking Bus was activated on all local routes excluding the Highway 17 service.
- On February 23, 2004 all buses and routes, including the Highway 17 service were equipped with the Talking Bus Technology and the system was fully operational.

### III. DISCUSSION

At the November 2001, Board of Directors' meeting, staff was authorized to conduct quarterly call stop compliance audits to insure that call stop announcements were being made. Staff contracted with Robert S. Bortnick & Associates, a private investigative firm, to conduct the audits. Robert S. Bortnick & Associates was authorized to conduct 100 hours to survey the internal announcements at a cost of \$5,000.00 each quarter. METRO has 41 active routes serving 998 active bus stops. METRO purchased Talking Bus equipment and programming capabilities in order to assure compliance with the call stop requirements. On July 25, 2003 the Talking Bus was activated on all local routes. On February 23, 2004, all buses in Metro's fixed route service, including the Highway 17 service, were equipped with the Talking Bus Technology.

Attachment A details the results of the current audit for the period January through March 2008. The results of the audit indicate a compliance rate of 98.7%. Therefore, of the 2,294 possible stop announcements, the announcements were properly announced 2,265 times (98.7%) and failed 29 times (1.3%) during the period. Attachment B provides a summary the results of the call stop audits for the last three years, since the Talking Bus Technology has been in operation.

All compliance issues are referred to the Operations Department for review and appropriate action. Equipment malfunctions are referred to the Maintenance Department and programming errors are referred to the IT Department.

Additionally, METRO's contract security guards complete random external route announcement checks on 25 buses per day at Pacific Station, verifying that each bus announces the route four times within a 2-minute period prior to the bus' departure from Pacific Station. During this period, January through March 2008, the security guards documented 100 possible daily announcements for the 25 buses (4 X each). For this three month period, of the 91 days audited and a total of 100 possible daily announcements, all of the external announcements were announced, a success rate of 100%.

METRO has recently contracted with Susan Clarke, an Independent contractor, to audit the external announcements at the Cavallaro Transit Center and the Watsonville Transit Center. A summary of Ms Clarke's audits from January 1<sup>st</sup> through March 31<sup>st</sup> is described in the following table:

Total external announcements audited at both transit centers during period:	2455
Successful external announcements during period:	2437
Failures of external announcements during period:	18
Percentage of external announcements properly made during period:	99.3%
Percentage of external announcements failed during period:	.7%

Ms. Clarke audited 917 buses, which are each required to make four (4) external announcements before departing the transit centers. Therefore of the 2455 required announcements, 2437 announcements were successful, a 99.3% success rate. Only 18 failures occurred during the period, less than 1% failure rate.

#### **IV. FINANCIAL CONSIDERATIONS**

Randomly conducted call stop compliance audits cost approximately \$20,000.00 per year. An additional \$1,000.00 per month is being expended for the Independent Contractor, Susan Clarke.

---

#### **V. ATTACHMENTS**

- Attachment A:** Stop Announcement Audit Results (January - March 2008)
- Attachment B:** Summary of Audit Results

5-13.2

# Attachment A

ROBERT S. BORTNICK & ASSOCIATES  
PRIVATE INVESTIGATION

CRIMINAL/CIVIL  
CA. LIC. NO. P111733

136 VERNON STREET  
SANTA CRUZ, CALIFORNIA 95060  
TELEPHONE (831) 423-5122  
FAX (831) 459-0430  
E-MAIL: BortnickPI@yahoo.com

## STOP ANNOUNCEMENT AUDIT RESULTS (JAN 2008 – MARCH 2008)

### Statistical Summary

Total number of trips surveyed \_\_\_\_\_ 111  
Total number of trips with talking buses \_\_\_\_\_ 111 (100%)  
Total number of stop announcements surveyed \_\_\_\_\_ 2,294  
Total number of stop announcements made \_\_\_\_\_ 2,265 (98.7%)  
Total number of stop announcements missed \_\_\_\_\_ 29

### Trips – Percentage by Area

Area 1	Santa Cruz/UCSC	54 trips (of 111)	49%
Area 2	Scotts Valley/SLV	23 trips (of 111)	21%
Area 3	Capitola/Live Oak	21 trips (of 111)	19%
Area 4	Watsonville	13 trips (of 111)	11%

(Note: Route 17 trips not applicable to any area, so not included in above percentages)

Table of Results

<u>ROUTE</u>	<u>OP #</u>	<u>BUS #</u>	<u>DATE</u>	<u>CALLS MADE</u>	<u>CALLS MISSED</u>	<u>AREA</u>
03 – Mission & Nat Bridges		9822	01/28/08	19	0	1
03 – Mission & Nat Bridges		9803	03/14/08	26	0	1
03 – Mission & Nat Bridges		9822	03/21/08	32	1	1
03 – Mission & Nat Bridges		2206	03/26/08	19	0	1
04 – Emeline/Harvey West		9806	01/28/08	26	0	1
04 – Harvey West/Emeline		9828	03/28/08	22	3	1
07 – Beach/Lighthouse		9819	01/17/08	21	0	1
07 – Beach/Lighthouse		9805	02/13/08	27	0	1
07 – Beach/Lighthouse		2206	03/12/08	8	0	1
09 – Prospect Heights		9819	03/12/08	15	1	1
10 – UC High St		2233	02/12/08	7	0	1
10 – UC High St		2232	03/13/08	17	1	1
10 – UC High St		9813	03/21/08	18	0	1
10 – UC High St		2233	03/21/08	17	1	1
10 – UC High St		9808	03/26/08	12	0	1
12 – University		9826	03/21/08	54	0	1
13 – UC Walnut		9817	03/13/08	16	0	1
13 – UC Walnut		9826	03/17/08	16	0	1
13 – UC Walnut		9826	03/21/08	17	0	1
13 – UC Walnut		9826	03/21/08	16	0	1
15 – Laurel West		8090	01/17/08	13	0	1
15 – Laurel West		9833	03/14/08	16	0	1
15 – Laurel West		9834	03/17/08	16	0	1
15 – Laurel West		2602	03/21/08	13	0	1
15 – Laurel West		9807	03/21/08	16	0	1
15 – Laurel West		9838	03/21/08	9	0	1
16 – Laurel East		9815	01/18/08	17	0	1
16 – Laurel East		9827	03/07/08	17	0	1
16 – Laurel East		2206	03/13/08	17	0	1
16 – Laurel East		8083	03/14/08	17	0	1
16 – Laurel East		2218	03/21/08	18	0	1
17 – SCMC via SVTC		2308	03/26/08	14	1	n/a
17 – SJ via SVTC		2308	03/26/08	16	0	n/a
19 – UC Lower Bay		9824	01/18/08	17	0	1
19 – UC Lower Bay		9824	02/12/08	13	1	1
19 – UC Lower Bay		9840	03/12/08	30	0	1
19 – UC Lower Bay		9834	03/14/08	16	1	1
19 – UC Lower Bay		9824	03/21/08	16	1	1
19 – UC Lower Bay		9824	03/21/08	19	0	1
19 – UC Lower Bay		9824	03/26/08	13	0	1
20 – UC Westside		9813	01/17/08	28	1	1
20 – UC Westside		2203	03/07/08	25	0	1

Table of Results

<u>ROUTE</u>	<u>OP #</u>	<u>BUS #</u>	<u>DATE</u>	<u>CALLS</u>		<u>AREA</u>
				<u>MADE</u>	<u>MISSED</u>	
20 – UC Westside		9818	03/14/08	17	1	1
20 – UC Westside		2233	03/17/08	44	0	1
20 – UC Westside		9814	03/21/08	44	0	1
20 – UC Westside		9824	03/26/08	43	1	1
20 – UC Westside		2221	03/30/08	20	0	1
20C – Campus Loop		2208	03/21/08	29	0	1
20D – Delaware		9840	03/14/08	19	1	1
27X – UC Express		9832	03/13/08	5	0	1
27X – UC Express		9834	03/21/08	3	1	1
31 – SV Dr/Graham Hill		2208	03/31/08	21	0	2
32 – Graham Hill		9802	03/31/08	20	0	2
32 – Graham Hill 2		2231	03/14/08	21	1	2
35 – Glen Arbor/Bear Creek		Not noted	03/14/08	5	0	2
35 – Glen Arbor/Bear Creek		9811	03/26/08	20	0	2
35 – Glen Arbor/Mt. Store		9807	03/12/08	9	0	2
35 – Glen Arbor/Mt. Store		2214	03/27/08	14	0	2
35 – Glen Arbor/SVTC		2211	03/14/08	13	0	2
35 – Hwy 9/Bear Creek		2211	03/27/08	14	0	2
35 – Hwy 9/Country Club		9815	03/31/08	11	0	2
35 – Santa Cruz		9812	02/12/08	32	0	2
35 – Santa Cruz		2211	03/12/08	10	0	2
35 – Santa Cruz		2214	03/27/08	9	0	2
35 – Santa Cruz		2213	03/27/08	13	0	2
35 – Santa Cruz		2211	03/27/08	13	0	2
35 – Santa Cruz		2214	03/31/08	11	0	2
35 – SC via Glen Arbor		9814	02/01/08	10	0	2
35 – SC via Glen Arbor		9807	03/17/08	22	0	2
35 – SC via Glen Arbor		2213	03/26/08	19	0	2
35A – Glen Arbor/Mt Store		9813	02/01/08	19	0	2
35A – Glen Arbor/Mt Store CC		9807	03/17/08	39	0	2
35A – Hwy 9/Country Club		8082	02/12/08	40	0	2
35A – Hwy 9/Country Club		9807	03/27/08	18	0	2
40 – Santa Cruz		9815	03/30/08	11	0	1
40 – Waddell Crk/Davenport		9815	03/30/08	9	0	1
41 – Bonny Doon		9802	03/17/08	28	0	1
41 – Santa Cruz		9802	03/17/08	23	0	1
42 – Davenport/Bonny Doon		9818	03/14/08	34	1	1
53 – Capitola/Dominican		9816	03/28/08	34	0	3
55 – Rio Del Mar		9806	03/10/08	15	0	3
55 – Rio Del Mar		8083	03/17/08	14	0	3
56 – Capitola Mall		2217	03/17/08	2	0	3
66 – 17 <sup>th</sup> Ave/Cap Mall Ln 2		2217	03/14/08	31	0	3

Table of Results

<u>ROUTE</u>	<u>OP #</u>	<u>BUS #</u>	<u>DATE</u>	<u>CALLS</u>		<u>AREA</u>
				<u>MADE</u>	<u>MISSED</u>	
66 – 17 <sup>th</sup> Ave/Cap Mall Ln 2		2218	03/28/08	30	0	3
66 – 17 <sup>th</sup> Ave/Santa Cruz		2216	01/29/08	31	0	3
66 – 17 <sup>th</sup> Ave/Santa Cruz 2		2217	03/07/08	31	1	3
68 – Capitola Mall		8083	03/17/08	29	3	3
68 – Santa Cruz		9805	03/13/08	8	0	3
68 – Santa Cruz		2219	03/28/08	10	0	3
69 – Cap Mall (via Cap Rd)		2237	01/29/08	19	0	3
69 – Cap Mall (via Cap Rd)		2237	03/10/08	10	0	3
69 – Cap Mall (via Cap Rd)		2205	03/14/08	9	0	3
69 – Santa Cruz		2237	03/12/08	9	0	3
69 – Santa Cruz		9803	03/14/08	18	0	3
69A – Cap Rd/SC		9823	03/17/08	10	0	3
69A – Cap Rd/Watsonville		2202	03/07/08	18	1	3
71 – Clifford/Watsonville		2228	03/21/08	7	1	3
71 – Crestview/SC		9819	03/10/08	47	1	3/4
71 – Crestview/Watsonville		9808	03/10/08	28	0	3/4
71 – Crestview/Watsonville		2227	03/19/08	69	0	3/4
71 – Crestview/Watsonville		2228	03/24/08	12	1	4
72 – Corralitos		2224	03/10/08	38	0	4
72 – Corralitos		2222	03/19/08	16	0	4
72 – Corralitos		2223	03/24/08	15	0	4
72 – Corralitos		2222	03/24/08	15	0	4
74 – Ohlone/Rolling Hills		2223	03/24/08	15	0	4
74 – Ohlone/Rolling Hills		2224	03/24/08	15	0	4
74 – Ohlone/Rolling Hills 2		2222	03/24/08	28	0	4
75 – Green Valley		2234	03/10/08	45	0	4
75 – Green Valley		2237	03/19/08	44	0	4
79 – East Lake		2223	03/24/08	23	0	4
91 – Cab/SC Express		2231	03/19/08	7	3	3/4

## SUMMARY OF THE CALL STOP QUARTERLY AUDIT RESULTS

	Apr-Jun 2005	Jul-Sep 2005	Dec 2005- Feb 2006	Apr-Jun 2006	Jul-Sept 2006	Oct-Dec 2006	Jan-Mar 2007	Apr- Jun 2007	July-Sep 2007	Oct-Dec 2007	Jan-Mar 2008
<b>Call Stops Surveyed</b>	3,061	2,420	3,297	2,747	2,535	2,777	2461	2413	2606	2146	2294
<b>Call Stops Announced</b>	3,003	2,367	3,258	2,693	2,491	2,755	2430	2386	2563	2122	2265
<b>Call Stops Not Announced</b>	58	53	39	54	44	22	31	27	43	24	29
<b>Percent of Call Stops Completed</b>	98.1%	97.8%	98.8%	98%	98.3%	99.2%	98.7%	98.9%	98.4%	98.9%	98.7%
<b>% of Call Stops Not Completed</b>	1.9%	2.2%	1.2%	2%	1.7%	.8%	1.3%	1.1%	1.6%	1.1%	1.3%

5-13.61

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** March 28, 2008  
**TO:** Board of Directors  
**FROM:** Mark J. Dorfman, Assistant General Manager  
**SUBJECT:** UNIVERSITY OF CALIFORNIA – SANTA CRUZ SERVICE UPDATE

## I. RECOMMENDED ACTION

**This report is for information purposes only. No action is required**

## II. SUMMARY OF ISSUES

- UCSC Winter service began on January 8, 2008
- There were twenty (20) school-term days for February 2008 versus nineteen (19) school-term days for February 2007.
- Overall UCSC trips increased by 9.8%.
- Student trips for February 2008 increased by 10.3% versus February 2007.
- Faculty/staff trips for February 2008 increased by 2.0% versus February 2007.
- Revenue received from UCSC for February 2008 was \$316,841 versus \$256,818 for February 2007, an increase of 23.4%.

## III. DISCUSSION

There was a 28.3% increase in February Night Owl ridership compared to a year ago. Although some of the increase can be attributed there being an extra day this year compared to last, the average ridership per day is up 18.9%.

Also of note was the increase in faculty/staff ridership of 2.0%, the first increase since January 2007. However, faculty/staff ridership per day is down (5.4%). A look at weekend ridership shows faculty staff ridership is down compared to last year. It is apparent that the 2.0% increase in faculty-staff ridership is a product of the extra day of service this year.

## IV. FINANCIAL CONSIDERATIONS

NONE

5-14.1

**V. ATTACHMENTS**

- Attachment A: UC Ridership Chart**
- Attachment B: UC Student Billable Trips**
- Attachment C: UCSC Faculty / Staff Billable Trips**

UC Ridership Chart

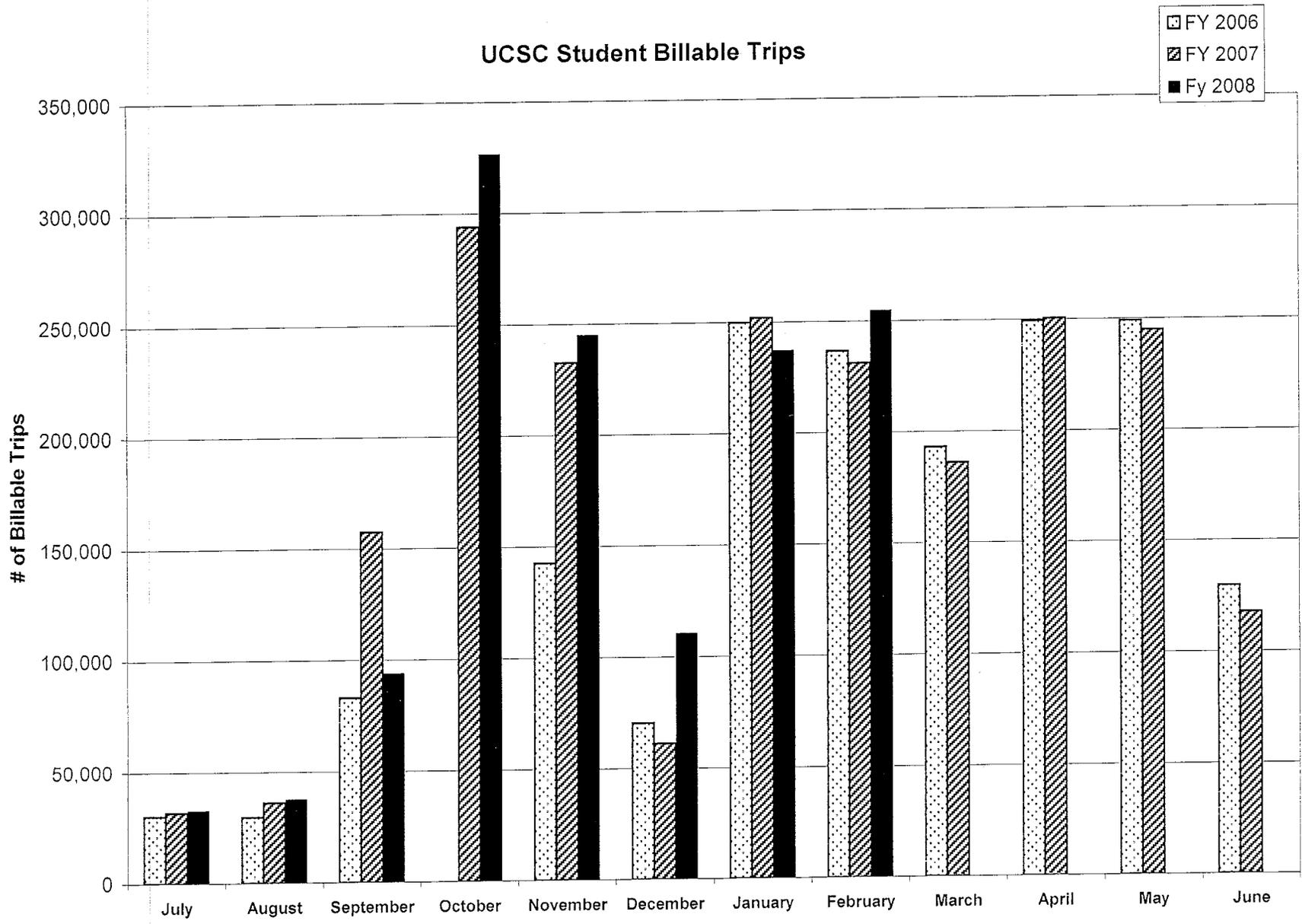
Dec-07	Student Ridership			Faculty/ Staff Ridership			Average Student Ridership Per School Term Day			Average Faculty/Staff Ridership <i>Per Weekday</i>		
	FY 2007	FY 2006	%	FY 2007	FY 2006	%	FY 2007	FY 2006	%	FY 2007	FY 2006	%
Regular Service	110,576	61,157	80.8%	11,376	11,711	-2.9%	11,456.9	7,665.0	49.5%	498.2	518.9	-4.0%
Supplemental	1,865	2,581	-27.7%	93	172	-45.9%	207.2	516.2	-59.9%	10.3	34.4	-70.0%
Night Owl	2,754	1,228	124.3%	21	22	-4.5%	140.4	142.8	-1.7%	0.9	1.1	-20.5%
27x	1,745	-	n/a	125	-	n/a	91.8	-	n/a	6.6	-	n/a
<b>TOTAL</b>	<b>116,940</b>	<b>64,966</b>	<b>80.0%</b>	<b>11,615</b>	<b>11,905</b>	<b>-2.4%</b>	<b>11,896.3</b>	<b>8,324.0</b>	<b>42.9%</b>	<b>515.9</b>	<b>554.4</b>	<b>-6.9%</b>

\* There were 9 school-term days in December 2007 versus 5 school-term days in December 2006.

5-14.21

Attachment A

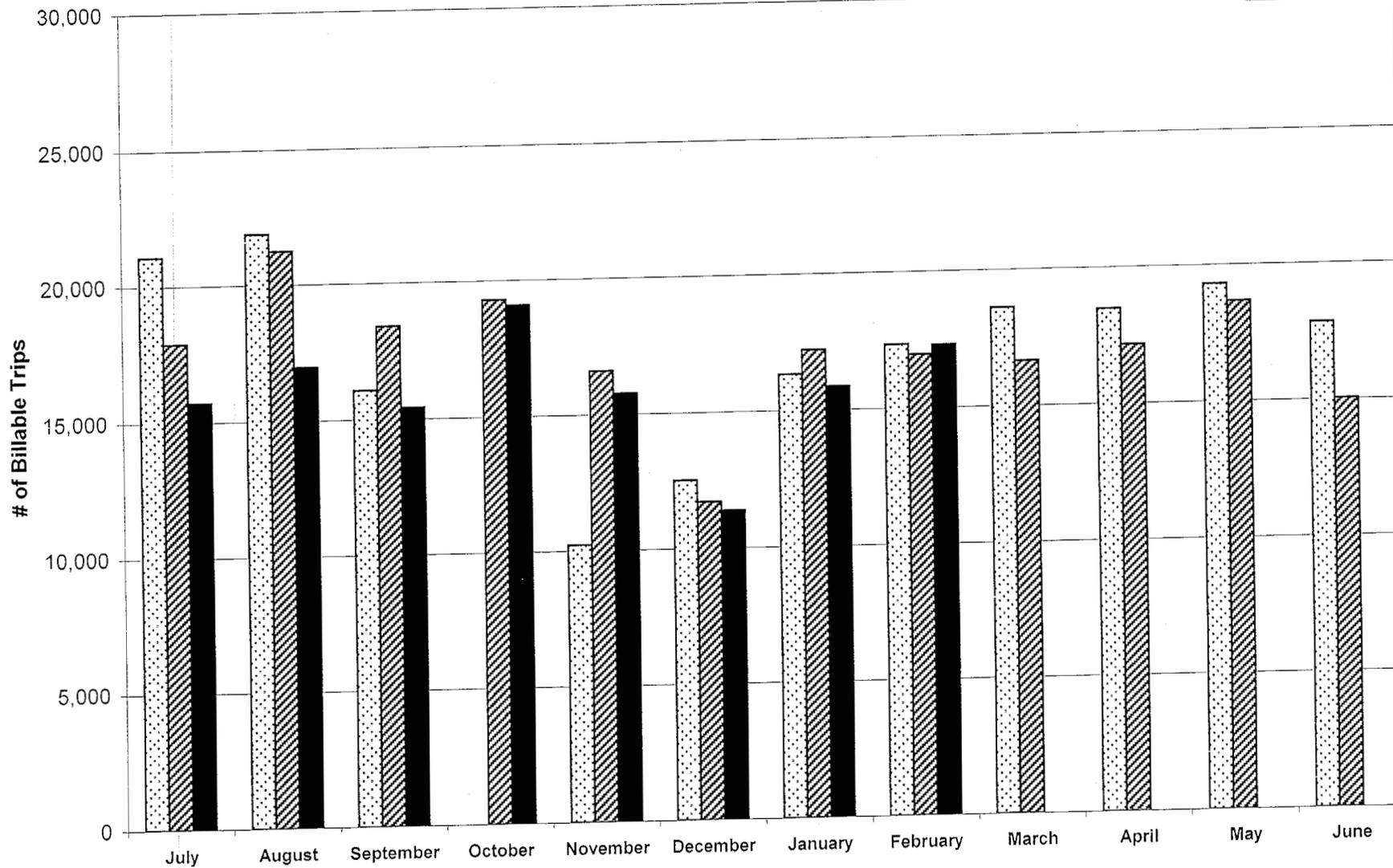
### UCSC Student Billable Trips



5-14.51

### UCSC Faculty Staff Billable Trips

FY 2006  
FY 2007  
FY 2008



S-14.c1

Attachment C

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** April 25, 2008  
**TO:** Board of Directors  
**FROM:** Mark J. Dorfman, Assistant General Manager  
**SUBJECT: ACCEPT AND FILE VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR PREVIOUS MEETINGS**

## I. RECOMMENDED ACTION

**That the Board of Directors accept and file the voting results from appointees to the Santa Cruz County Regional Transportation Commission.**

## II. SUMMARY OF ISSUES

- Per the action taken by the Board of Directors, staff is providing the minutes from the most recent meetings of the Santa Cruz County Regional Transportation Commission.
- Each month staff will provide the minutes from the previous month's SCCRTC meetings.

## III. DISCUSSION

The Board requested that staff include in the Board Packet information relating to the voting results from the appointees to the Santa Cruz County Regional Transportation Commission. Staff is enclosing the minutes from these meetings as a mechanism of complying with this request.

## IV. FINANCIAL CONSIDERATIONS

There is no cost impact from this action.

## V. ATTACHMENTS

- Attachment A:** Minutes of the March 6, 2008 Regular SCCRTC Meeting  
**Attachment B:** Minutes of the March 20, 2008 Transportation Policy Workshop

5-15.1

SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION  
AND  
SERVICE AUTHORITY FOR FREEWAY EMERGENCIES

Minutes

Thursday, March 6 2008  
9:00 a.m.

Board of Supervisors Chambers  
701 Ocean St  
Santa Cruz CA 95060

The meeting convened at 9:10 am.

1. Roll Call

Members Present: Jan Beautz Ellen Pirie  
Dene Bustichi Emily Reilly  
Tony Campos Antonio Rivas  
Neal Coonerty Pat Spence  
Randy Johnson Mark Stone  
Kirby Nicol Marcela Tavantzis  
Aileen Loe (ex-officio)

Staff Present: George Dondero Yesenia Parra  
Luis Mendez Kim Shultz  
Gini Pineda Karena Pushnik  
Grace Blakeslee

2. Oral Communications

**Jack Nelson** brought his bike to demonstrate that cycling is a practical mode of transportation. He advocated for a rail trail, saying it would help to decongest the freeway.

3. Additions or Deletions to Consent and Regular Agendas

Commissioner Beautz asked to pull Item 5. Chair Campos designated the Item as 23.1.

Commissioner Bustichi arrived.

**CONSENT AGENDA** (Rivas/Pirie, as amended)

4. Approved Minutes of the February 7, 2008 Regular SCCRTC Meeting

## POLICY

No Consent Items

## PROJECTS and PLANNING

5. Authorize a Federal Appropriation Request for the Pajaro/Watsonville Junction Rail Station - Moved to Regular Agenda as Item 23.1

## COMMISSION BUDGET AND EXPENDITURES

6. Accepted Status Report on Transportation Development Act (TDA) Revenues
7. Approved Amendments to the FY 07 -08 Budget and Work Program (Resolution 15-08)

## ADMINISTRATION

No Consent Items

## COMMITTEE MINUTES

8. Accepted Draft Minutes of the February 11, 2008 Bicycle Committee Meeting
9. Accepted Draft Minutes of the February 12, 2008 Elderly & Disabled Transportation Committee Meeting
10. Accepted Draft Minutes of the February 14, 2008 Budget and Administration/Personnel Committee Meeting

## INFORMATION/OTHER

11. Accepted Monthly Meeting Schedule
12. Accepted Correspondence Log
13. Accepted Letters from SCCRTC Committees and Staff to Other Agencies
  - a. Letter from the Bicycle Committee to the County Redevelopment Agency Regarding Bicycle Access to 9<sup>th</sup> Avenue from east Cliff Drive

5-15.a2

- b. Letter from the Bicycle Committee to the City of Santa Cruz Regarding Appreciation for Soquel Avenue Bike Lanes and Soquel Avenue/Capitola Road Intersection Improvement
  - c. Letter from the Bicycle Committee to the County of Santa Cruz Public Works Department Regarding Highway 9 Bicycle Safety Improvement Project in Bicycle Plan
  - d. Letter from the Elderly and Disabled Transportation Advisory Committee to the Santa Cruz Metropolitan Transit District Regarding METRO Request for input on ParaCruz Same Day Service Change Policy
  - e. Letter from SCCRTC to the Department of Planning and Community Development Regarding Notice of Intent to Issue a Mitigated Negative Declaration for the Monterey Bay Marine Sanctuary Visitor Center
14. Accepted Miscellaneous Written Comments from the Public on SCCRTC Projects and Transportation Issues
15. Accepted Information Items - None

SERVING AS THE SERVICE AUTHORITY FOR FREEWAY EMERGENCIES (SAFE)

16. Accepted Budget and Administration/Personnel Committee and Staff Recommendations Regarding Freeway Service Patrol Program on Highway 1 Contract Amendment (Resolution 16-08)

REGULAR AGENDA

17. Commissioner Reports - None
18. Director's Report

Executive Director George Dondero noted that the Rail Acquisition Committee Meeting will be held on March 17, 2008 and not on March 10<sup>th</sup> as stated on page 11-1.

Mr. Dondero said that he and staff have scheduled 11 presentations with groups or agencies to present information on the Highway 1 HOV Lanes project and that two of them were completed. He said that anyone interested in scheduling a presentation should contact the SCCRTC at 460 3200.

Mr. Dondero reported on a meeting held on February 28<sup>th</sup> with officers and the Executive Director of the Transportation Agency for Monterey County (TAMC) to discuss issues of mutual interest. More meetings will be planned in the future.

Director Dondero announced that he will be meeting with the RTC's legislative assistants in Sacramento on March 17<sup>th</sup> and that the SCCRTC will participate in the Santa Cruz Chamber of Commerce's annual Business Fair on March 19<sup>th</sup>.

Commissioner Nicol complimented Mr. Dondero and staff on an "exceedingly well done presentation" at the Capitola City Council last week.

19. Caltrans Report - Taken Out of Order after Item 20

Jennifer Calate gave a PowerPoint presentation which highlighted activities completed in 2007 and anticipated projects for 2008.

Among the projects that made significant progress in 2007 was the Highway 1/17 Merge Lanes Project which is funded with State Transportation Improvement Program (STIP) funds. Work on that project includes bridge reconstruction, installation of concrete median barriers, soundwalls, and additional cameras within the scope of the project.

Projects designated as those that preserve and protect the state highway system are funded with State Highway Operation and Protection Program (SHOPP) funds. Completed projects for 2007 include improvements to Highway 17 at Laurel Curve and improvements to Highway 152/Main Street in Watsonville.

Caltrans also completed maintenance projects throughout the county.

Ms. Calate listed work on Highway 17 at Glenwood Curve and the Highway 129 Chittendon Pass Realignment Project as safety projects anticipated for 2008.

Commissioners discussed the off-ramp at Pasatiempo Drive saying that the closure affects both residents of the area and patrons of the Peachwood's restaurant. It was noted that the Pasatiempo off-ramp will not be closed until the Emeline off-ramp is reopened and that there will be signage regarding the detour. Commissioner Reilly said that the signage needs to be in place before motorists reach the ramp closure.

In response to a question from Commissioner Coonerty, it was confirmed that all work on the Highway 17 Glenwood Curves project will take place at night.

20. Highway 1 HOV Lanes Project - On-Call Right-of-Way Consultant Contract - Taken Out of Order after Item 18

Senior Planner Kim Shultz gave the staff report saying that Caltrans requires that a certified right-of-way consultant, knowledgeable of state regulations, perform the right-of-way data research and valuation to be included in the Project Report accompanying the environmental document. Mr. Shultz added that public meetings and informational open houses are part of the proposed scope of work.

Commissioner Beautz moved and Commissioner Nicol seconded to approve the staff recommendations that the Regional Transportation Commission adopt a resolution authorizing the Executive Director to execute an on-call consultant contract with Bender Rosenthal, Inc., in the amount of \$106,000 for right-of-way support services associated with the Highway 1 HOV Lanes Project.

The motion (Resolution 17-08) passed unanimously.

21. Review of Items to be Discussed in Closed Session - N/A

Mr. Dondero announced that there was no Closed Session.

Chair Campos re-designated Item 5 as Item 21.1.

- 21.1 Authorize a Federal Appropriation Request for the Pajaro/Watsonville Junction Rail Station - Formerly Item 5

Commissioner Beautz asked why this item was on the agenda.

Executive Director George Dondero said that the RTC planned to submit a federal appropriation request for a 511 program, but could not because the Commission did not have sufficient information to apply. He said that the Transportation Agency for Monterey County has asked repeatedly in the past for support for the rail station since it is estimated that about 80% of the ridership would come from Santa Cruz County. He said that the rail station received strong support from the Transportation Funding Task Force. He added that the deadline to apply for the federal appropriation was before the RTC meeting and that

5-15.a5

staff only had three days to prepare the application. He added that the application could be withdrawn at the Commission's direction.

Commissioners discussed the amount requested and the specific purpose for the funding.

Commissioner Rivas moved and Commissioner Pirie seconded to approve the staff recommendation that the Regional Transportation Commission (RTC) authorize the Executive Director to request a federal appropriation for the Pajaro/Watsonville Rail Station.

Commissioner Beutz said that one reason that she asked to pull the item is that the appropriation request may conflict with requests made by the SCMTD.

**Les White**, SCMTD, explained the earmark process saying that this request would not compete with Metro's three requests from the bus side of the program. He added that there could be indirect implications because transportation funding was very constrained across the board. He advised that the Commission ask as many legislators as possible to support its request.

The motion passed unanimously.

22. Oral and Written Communications Regarding Closed Session-  
N/A

**CLOSED SESSION** - Removed from Agenda

Conference with Real Property Negotiator Pursuant to Government Code 54956.8 for Acquisition of the Santa Cruz Branch Rail Line Property: Santa Cruz Branch Rail Line from Watsonville Junction to Davenport

Agency Negotiator: Kirk Trost, Miller, Owen & Trost

Negotiation Parties: SCCRTC, Union Pacific

Under Negotiation: Price and Terms

**OPEN SESSION**

23. Report on Closed Session - N/A
24. Next Meetings/Adjournment



REGIONAL TRANSPORTATION COMMISSION  
Transportation Policy Workshop

MINUTES

Thursday, March 20, 2008  
9:00 am  
SCCRTC Conference Room  
Santa Cruz, CA 95060

Members Present: Jan Beautz                      Kirby Nicol  
                         Dene Bustichi                      Ellen Pirie  
                         Gustavo Gonzalez (Alt.)              Emily Reilly  
                         Neal Coonerty                      Mark Stone  
                         Randy Johnson                      Marcela Tavantzis  
                         David Koch (Alt.)                      Pat Spence

1. Introductions

Self introductions were made.

2. Oral Communications

Executive Director George Dondero welcomed SCCRTC intern Erich Friedrich. Mr. Friedrich will be with the Commission for six months and with the SCMTD for six months funded by a grant from Caltrans.

Deputy Director Luis Mendez noted that there are two documents on the AMBAG website for public review through April 28, 2008: the Coordinated Public Transit – Human Services Transportation Plan and the Monterey Bay Region Public Participation Plan, both required by the Safe, Accountable, Flexible and Efficient Equity Act – a Legacy for Users (SAFETEA-LU).

3. Additions/Deletions to the Agenda

Mr. Dondero said that RTC Chair Campos requested to postpone the Closed Session until the April 17 TPW meeting because he had not received all of Mr. Dondero's performance reviews.

**Consent Agenda** (Pirie/Nicol)

4. Accepted Report on Transportation Research Board Annual Meeting and Meetings with Federal Legislators

**Jack Nelson**, referring to the table on page 4-7 which showed the increase in petroleum imports for the US over the last 25 years, said that the decisions of the RTC affect where we go in the future regarding foreign policy.

5-15.61

Commissioner Stone commented that the report shows that the trend for federal transportation investment is becoming more program driven and that the more that the Federal Transportation Authority makes broad decisions, the more likely the possibility that small areas could be negatively affected.

### Regular Agenda

#### 5. Highway 1 HOV Lanes Project – Public Review Period for the Draft Environmental Document

Senior Planner Kim Shultz said that Rich Krumholz, Caltrans District 5 Director, indicated in his letter on page 5-3 that Caltrans intends to provide a 45-day review period. Mr. Shultz also commented on the fact that Caltrans is the lead agency for the environmental document and determines the length of the public review of the environmental document.

Dave Murray, Caltrans District 5, said that a 45-day review period is normal practice. He noted that excellent public outreach has already been done regarding the project and said that the review period could be extended if necessary. He added that Caltrans planned on having two public hearings during the review period. Mr. Murray said that a 45-day review period would move the project forward resulting in a cost savings at the end of the project.

Mr. Shultz said that the document, which will be quite extensive, would be available on the SCCRTC website and in libraries. He said that staff intends to provide the document on CD's and that hard copies would also be available.

Commissioners discussed the review period and whether it was sufficient to ensure public trust in the process. Comparisons were made to the review for the Mission Street/Highway 1 project and it was pointed out that the Mission Street project had a very active Task Force that was a model in public outreach for two years.

Commissioner Pirie said that she is uncomfortable that the Commission is on record requesting a 30-day review period and moved that the RTC ask Caltrans to extend the review period to 60 days. Commissioner Coonerty seconded.

**Jack Nelson** said that there will be some new issues, such as California Environmental Quality Act (CEQA) requirements for global warming, which were not required in the past and asked for a 90-day review period.

**Peter Scott**, Campaign for Sensible Transportation, asked for a 60-day review period, saying that the document is voluminous and that there is a tremendous amount of public interest. He said that the comparison between the Mission Street and the HOV Lanes Projects is not warranted because the Mission Street project had a very active Task Force and that the public was involved with the design review.

5-15.62

The motion carried with Commissioners Stone, Reilly, Koch, Tavantzis, Bustichi, Coonerty and Pirie voting "aye" and Commissioners Nicol, Johnson, Gonzalez, Beautz and Spence voting "no".

6. Transportation Demand Management (TDM) in Santa Cruz County: An Assessment

Senior Planner Tegan Speiser said that in response to input from the Commission, a revised Transportation Demand Management report was prepared along with a table organized by organization (rather than transportation mode or program type). Ms. Speiser said that staff was following up on the Commission's request to track the success of individual programs but that some of the process measures are intermediate measures. She said that not only do people need real transportation choices but they also need incentives and personalized help.

Ms. Speiser addressed the recommendations on pages 59-61 which include confirming the RTC's commitment to multi modal transportation options; continuing to require performance measures; forming an alliance of local TDM providers to pool resources and avoid duplication of services; consider conducting an origin and destination study, consider establishing a regional 511 system, consider allocating funding to promote multi-passenger modes of travel; and determining the role of the Commute Solutions program.

Ms. Speiser also summarized how the Commute Solutions program could be more effective. She noted that the name "Commute Solutions" narrows the number of likely users who approach the program and that the Commission may want to rethink how to categorize what the program does.

Commissioners discussed attitudes towards carpooling and whether broadening the appeal to those interested in "casual" carpooling would be practical. It was noted that individuals wishing to participate in any rideshare program would have tools with which to screen potential riders, but that each person was ultimately responsible for their own safety.

Commissioner Beautz went on record saying that she thought that the One in Five Campaign was a failure and a waste of money.

Commissioner Coonerty congratulated Ecology Action for having specific programs, identified targets and clear reports.

Situations at UCSC and Cabrillo College were compared. It was noted that community colleges are limited in their ability to raise fees and that they tend to have part-time or older students who have many destinations in a given day besides the college campus. Ecology Action is actively working with Cabrillo's administration to increase carpooling.

Commissioner Bustichi suggested that one of the goals in the RTC Commitment to Transportation Demand Management be "reducing congestion".

Gine Johnson, Santa Cruz Area Transportation Management Agency, and Sandra Coley, Pajaro Valley Transportation Management Agency, spoke about their programs and how they manage to leverage their funding.

Commissioner Spence asked that any origin and destination study include colleges and schools.

Commissioners agreed that, considering budget constraints, it was important to use funding more effectively by finding out what programs really work rather than putting more money into programs with limited success.

Commissioner Tavantzis suggested the bulletin board approach on a rideshare website for "casual carpooling" that allows people to take responsibility for their own matches. She asked that the Commission include the SCMTD in any planning if it decides to do advertising or promotion regarding bus transportation. Ms. Tavantzis also requested to see what methodology would be used before conducting an origin/destination study.

Ms. Speiser noted that one of the staff recommendations was to conduct an employer survey, which could include attitudinal questions about carpooling and what incentives work. The survey could be on-line.

**Jack Nelson** urged science based decisions and supported an origin and destination study. He added that casual ridesharing could lead to more carpooling.

**Peter Scott** said that there is inadequate bike parking at Dominican Hospital.

Commissioner Stone moved to approve the staff recommendations that the Regional Transportation Commission (RTC):

1. Review and accept with comments as appropriate the revised Draft Assessment of Transportation Demand Management activities in Santa Cruz County; and
2. Approve the staff recommendations found on pages 59-60 of the report

with the addition of adding "reducing congestion" to the RTC's goals.

Commissioner Beautz wanted stronger criticism of the One in Five Program and Commissioner Stone added the instruction that staff work with Commissioner Beautz to develop suitable language to the motion.

Commissioner Coonerty seconded and the motion passed unanimously.

## 7. FY 08-09 Budget and Work Program

Deputy Director Luis Mendez gave the staff report. He said that Transportation Development Act (TDA) revenues, which are dependent on sales tax revenues, were below projections and that additional shortfalls are anticipated. Mr. Mendez said that figures are readjusted by the state Controller's office as they proceed from projected to actual revenues. He said that amounts allocated to TDA recipients are lower partly because of lower revenues and partly because there were surplus revenues last year. He added that it may be necessary to dip into TDA reserves to meet current obligations.

Mr. Mendez said that State Transit Assistance (STA) funds for FY 08-09 show an estimated increase due to recent legislation regarding Public Transportation Account (PTA) spillover funds, but the final amount of funding will not be known until the state budget is adopted.

Mr. Mendez said that most budget numbers are preliminary estimates and that final numbers, which show carry over and actual expenditures, will be known in the fall.

Mr. Mendez reviewed the Work Program which includes state-mandated responsibilities and Commission priorities.

Commissioners discussed aspects of the Budget and Work Program. It was asked whether the Commute Solutions marketing line item could be used to market transit options. Staff indicated that it could.

Commissioner Nicol moved and Commissioner Stone seconded to approve the Budget and Administration/Personnel (B&A/P) Committee and staff recommendation that the Regional Transportation Commission (RTC) adopt the attached resolution approving the draft FY08-09 Budget and Work Program.

The motion (Resolution 18-08) passed unanimously.

## 8. Santa Cruz Branch Rail Line Acquisition Project – Proposition 116 Application

Deputy Director Luis Mendez said that recent negotiations indicate that all due diligence work necessary to purchase the Santa Cruz Branch Rail Line will resume soon and that the RTC needs \$500,000 of additional Proposition 116 funds to complete the work. He said that California Transportation Commission (CTC) staff suggested that the RTC request a waiver of Guideline #34 in order to allow more than 5% of the total grant application to be used for pre-construction work. He added that the application for Proposition 116 funding is based on preserving and improving the rail corridor and not on developing passenger rail.

Commissioner Spence asked if the estimated completion costs listed on page 8-2 will need to be increased. Mr. Mendez said that the figures were adjusted

5-15.65

recently but that the final estimate from Geomatrix has not yet been received and that the figures could be higher.

Ms. Spence said that she is disappointed that this application is being presented at this time and not at a regular commission meeting, adding that the staff report is sending signals that the intention of the Commission is heading in a different direction, i.e. the pursuit of recreational/passenger rail, and that the public has a right to know what is in the report.

Deputy Director Mendez said that long lead times required by Caltrans to place items on the CTC agenda made it necessary to bring the item before the Commission at this time.

**Bill Comfort** said that procurement for preservation of the corridor is the intent of the Commission, but that references to passenger rail and recreational rail appear in the application.

Mr. Mendez replied that the project description on page 8-9 indicates that the passenger/recreational rail refers to the one mile section of Union Pacific track that Big Trees Railroad uses for its service between Felton and the Boardwalk.

Commissioner Coonerty moved and Commissioner Stone seconded to approve the staff recommendations that the Regional Transportation Commission:

1. Review and approve with revisions as appropriate the attached Uniform Transit Application for \$500,000 in Proposition 116 funds for right-of-way work connected with acquisition of and improvements to the Santa Cruz Branch Rail Line right-of-way (ROW);
2. Adopt a resolution authorizing the Executive Director to submit a Uniform Transit Application for \$500,000 in Proposition 116 funds for right-of-way work related to acquisition of the Santa Cruz Branch Rail Line ROW for corridor preservation and to make improvements to the rail line; and
3. Direct staff to seek letters of support from legislators, business groups, community groups, agencies and individuals in support of the above mentioned Uniform Transit Application.

**Mike Keogh** asked if the appraisal work, scheduled to be completed in May 2008, will be made public at that time and if the updated structural assessment estimates have been made public. Mr. Mendez affirmed that as soon as the work is complete it will be made public. Mr. Keogh asked that the public have adequate time to review the lease investigation report.

Commissioner Beautz suggested that the language on page 8-9 would be clearer if it were changed to say ". . . to ensure continued operation of the existing freight and existing recreational rail service . . ." She added that rail stations and park and ride lots, mentioned in the application form on page 8-8 are huge issues. The maker of the motion agreed to adding the word "existing" as shown above.

5-15.66

Commissioner Stone pointed out that items included on the application form on page 8-8 indicate what would be able to be funded with this funding source, but that the Commission's intended scope of work is stated on page 8-9.

**Peter Scott** said he is very supportive of this action and glad to see progress.

Commissioner Spence departed the meeting at 11:25 a.m.

The motion (Resolution 19-08) passed unanimously.

9. Oral and Written Communications Regarding Closed Session – N/A

**Closed Session** – Removed from Agenda

10. Annual Performance Review for Executive Director Pursuant to Government Code 54957

11. Conference with Real Property Negotiator Pursuant to Government Code 54956.8 for Acquisition of the Santa Cruz Branch Rail Line Property: Santa Cruz Branch Rail Line from Watsonville Junction to Davenport

- |                         |                                  |
|-------------------------|----------------------------------|
| a. Agency Negotiator:   | Kirk Trost, Miller, Owen & Trost |
| b. Negotiation Parties: | SCCRTC, Union Pacific            |
| c. Under Negotiation:   | Price and Terms                  |

**Reconvene to Open Session** – N/A

12. Report on Closed Session – N/A

13. Next Meetings / Adjournment

The meeting adjourned at 11:30 a.m.

The next SCCRTC meeting is scheduled for Thursday, April 3, 2008 at 9:00 a.m. at the County Board of Supervisors Chambers, 701 Ocean Street, 5<sup>th</sup> Floor, Santa Cruz, CA

The next Transportation Policy Workshop is scheduled for Thursday, April 17, 2008 at 9:00 a.m. at the SCCRTC Offices, 1523 Pacific Avenue, Santa Cruz, CA

Respectfully submitted,

---

Gini Pineda, Staff

5-15.67

**ATTENDEES**

Sandra Coley  
Theresia Rogerson  
Peter Scott  
Jack Nelson  
Hill Comfort  
Cliff Walters  
Gine Johnson  
Lex Rau  
Les White  
Piet Canin  
Mike Keogh  
Bill Comfort

PVTMA  
CTSC  
CFST  
  
Sierra Railroad  
Ecology Action  
  
SCMTD  
Ecology Action

\\Rtcserv2\shared\TPW\TPW 2008\0308\TPW Minutes0308.doc

5-15.68

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** April 25, 2008  
**TO:** Board of Directors  
**FROM:** Mark Dorfman, Assistant General Manager  
**SUBJECT: CONSIDERATION OF A RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE TDA CLAIM FOR FY 2008.**

## I. RECOMMENDED ACTION

**Adopt a resolution authorizing staff to submit an amended claim to the Santa Cruz County Regional Transportation Commission for FY 2008 Transportation Development Act (TDA) funds.**

## II. SUMMARY OF ISSUES

- In March, 2007, METRO staff submitted a claim to the Santa Cruz County Regional Transportation Commission (SCCRTC) for \$6,362,037 in TDA funds based upon SCCRTC's estimate of TDA revenue to be received during the coming year.
- In October, SCCRTC staff informed METRO that the actual amount of TDA funds available to Santa Cruz County would be \$6,385,364, an increase of \$23,327 for FY 2008.
- On April 10, 2008, the SCCRTC Budget and Administration Committee reduced the FY 2008 TDA allocation to METRO to \$6,313,334 due to a TDA revenue shortfall.
- Adopting the attached Resolution will authorize METRO staff to submit a second amended claim to the SCCRTC for the decreased amount of TDA funds.

## III. DISCUSSION

TDA funds are derived from  $\frac{1}{4}$  cent of the 7.25 percent state sales tax collected countywide and returned to Santa Cruz County. The County Auditor forecasts the amount of TDA revenue anticipated to be earned in Santa Cruz County during the coming fiscal year. In March, 2007, the District submitted a claim to the SCCRTC for \$6,362,037 in TDA funds based upon the estimate.

In October, 2007, the SCCRTC informed METRO that the actual amount of TDA revenue to be returned to Santa Cruz County from the State would increase slightly from the March estimate, raising the FY2008 TDA allocation to \$6,385,364. The Board authorized and METRO staff submitted an amended claim for the revised amount.

5-16.1

At the April 10, 2008 meeting of the SCCRTC Budget and Administration Committee, the SCCRTC amended its FY 2008 budget to reflect a shortfall in TDA revenue. The budget amendment reduced the amount of TDA funds available to METRO by \$72,030. METRO will make a second amendment to the FY 2008 TDA/STA claim to reduce TDA funding to the amount actually available.

Adopting the attached resolution (Attachment A) will authorize staff to submit an amended claim (Attachment B) to the SCCRTC for the amount TDA/STA funds now available for FY 2008.

#### **IV. FINANCIAL CONSIDERATIONS**

The amended TDA claim will reduce the amount of TDA revenue in the District's FY 2008 Operating Budget from \$6,385,364 to \$6,313,334.

#### **V. ATTACHMENTS**

**Attachment A:** Resolution Authorizing Submittal of Amended FY 2008 TDA Claim

**Attachment B:** Amended FY2008 TDA/STA Claim

BEFORE THE BOARD OF DIRECTORS OF THE  
SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
**Attachment A**

Resolution No. \_\_\_\_\_

On the Motion of Director: \_\_\_\_\_

Duly Seconded by Director: \_\_\_\_\_

The Following Resolution is Adopted:

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
AUTHORIZING AN AMENDED CLAIM TO THE  
SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION  
FOR TRANSPORTATION DEVELOPMENT ACT FUNDS**

**WHEREAS**, in accordance with Article 1, Section 99210 of the Public Utilities Code the Santa Cruz Metropolitan Transit District is a transit operator; and

**WHEREAS**, in accordance with Article 1, Section 99214 of the Public Utilities Code the Santa Cruz County Regional Transportation Commission is the Transportation Planning Agency for Santa Cruz County; and

**WHEREAS**, in accordance with Article 4, Section 99260(a) of the Public Utilities Code, claims may be filed with the transportation planning agency by transit operators for the support of public transportation systems; and

**WHEREAS**, in accordance with 6655 of the California Code of Regulations, the Transportation Planning Agency may revise the allocation instruction to the County Auditor for payment to claimants when necessary to reconcile the Transportation Development Act apportionment estimate with actual figures,

**NOW, THEREFORE, BE IT RESOLVED**, that the General Manager of the Santa Cruz Metropolitan Transit District is authorized to submit an amended claim in the amount of \$6,313,334 for Public Transit Operations for FY 2008. Said claim accompanies this resolution and is incorporated by reference.

**PASSED AND ADOPTED** this 25<sup>th</sup> day of April, 2008 by the following vote:

**AYES:** Directors -

**NOES:** Directors -

**ABSTAIN:** Directors -

**ABSENT:** Directors -

5-16.a1

**APPROVED** \_\_\_\_\_  
JAN BEAUTZ  
Board Chair

**ATTEST** \_\_\_\_\_  
LESLIE R. WHITE  
General Manager

**APPROVED AS TO FORM:**

\_\_\_\_\_  
MARGARET GALLAGHER  
District Counsel

5-16.a2

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

## Attachment B

**DATE:** April 25, 2008

**TO:** Executive Director, SCCRTC

**FROM:** General Manager, SCMTD

**SUBJECT: FY 2008 PUBLIC TRANSPORTATION CLAIM DISBURSEMENT  
REQUIREMENT**

Disbursement of the Santa Cruz Metropolitan Transit District's FY 2008 claims for the amended amount of \$6,313,334 in TDA funds and \$2,270,625 in STA funds is requested as follows:

1. TDA FUNDING FOR FY 2008

<u>Disbursement Schedule</u>	<u>Operating Funds</u>	<u>Total Disbursement</u>
First Quarter	\$ 1,596,341	\$ 1,596,341
Second Quarter	\$ 1,596,341	\$ 1,596,341
Third Quarter	\$ 1,596,341	\$ 1,596,341
Fourth Quarter	\$ 1,524,311	\$ 1,524,311
	<u>\$ 6,313,334</u>	<u>\$ 6,313,334</u>

2. STA FUNDING FOR FY 2008

<u>Disbursement Schedule</u>	<u>Capital Funds</u>	<u>Total Disbursement</u>
First Quarter	\$ 567,656	\$ 567,656
Second Quarter	\$ 567,656	\$ 567,656
Third Quarter	\$ 567,656	\$ 567,656
Fourth Quarter	\$ 567,656	\$ 567,656
	<u>\$ 2,270,625</u>	<u>\$ 2,270,625</u>

The TDA disbursement schedule will provide revenue for METRO's FY 2008 operating budget. The STA funds will be used to fund transit projects included in the District's Capital Improvement Program.

**AMENDED PUBLIC TRANSPORTATION CLAIM  
FISCAL YEAR 2008**

**TO:** SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION  
1523 Pacific Avenue  
Santa Cruz, CA 95060

**FROM:** SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
370 Encinal Street, Suite 100  
Santa Cruz, CA 95060

This applicant, the Santa Cruz Metropolitan Transit District, qualified pursuant to Section 99203 of the Public Utilities Code, hereby requests in accordance with Article 4, Section 6630 of the California Code of Regulations that its claim for Local Transit Funds be approved in the amount of:

**TDA Funding:**

Six million, three hundred thirteen thousand, three hundred thirty-four dollars (\$6,313,334)

**STA Funding:**

Two million, two hundred seventy thousand, six hundred twenty-five dollars (\$2,270,625)

for Fiscal Year 2008, to be drawn from the local transportation trust fund of the following county in the amount shown below:

<u>COUNTY</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
Santa Cruz	Transportation Development Act	\$6,313,334
Santa Cruz	State Transit Assistance Funds	\$2,270,625

When approved, please transmit this claim for payment. Approval of the claim and payment by the County Auditor to this operator is subject to such monies being on hand and available for distribution, and to the provisions that such monies shall be used only in accordance with the terms of the approved annual financial plan.

**SANTA CRUZ METROPOLITAN TRANSIT DISTRICT**

BY: \_\_\_\_\_  
LESLIE R. WHITE  
General Manager

DATE: April 25, 2008

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** April 25, 2008  
**TO:** Board of Directors  
**FROM:** Mark Dorfman, Assistant General Manager  
**SUBJECT:** **CONSIDERATION OF SERVICE REVISIONS FOR SUMMER 2008.**

## I. RECOMMENDED ACTION

**Staff recommends Board consideration for approval of proposed service revisions for June 2008.**

## II. SUMMARY OF ISSUES

- Peak hour service is added to the new Watsonville Civic Plaza.
- Beach Street will not be served on the weekends during the summer.

## III. DISCUSSION

Staff is proposing modest modifications to service for the Summer 2008 Bid. The changes are as follows:

### A. Route 91 Express –Add loop to the new Watsonville Civic Plaza

The new Watsonville Civic Plaza is open and METRO has received requests to serve the new facility. Staff has reviewed options and is proposing to serve the Plaza with the Route 91.

As part of this service modification a re-route of Route 91 was necessary. This route will now use Main Street rather than Rodriquez and will utilize the two bus stops (outbound and inbound) on Main at Rodriquez (see attachments A & B). Although the facility will not be open for the first trips in either direction, staff felt that for consistency it was important for all trips to use the same routing. This proposal is expected to be cost neutral.

### B. Route 19 University via Lower Bay – Weekend Service

Currently the weekend Route 19 serves Beach Street and the Boardwalk inbound to Pacific Station. But due to the creation of the bi-directional bike lane early last year METRO did not serve Beach Street between 11:50 AM and 4:50 PM due to the heavy traffic in the area. To do so would have caused significant on-time performance issues with the Route 19. Staff proposes the same approach this year.

5-17.1

**C. Route 68 Live Oak via Broadway/Portola**

Route 68 will once again be re-routed for the summer bid to avoid the heavy traffic common in the lower Ocean Street area. The route will use Broadway to and from Pacific Station. It will return to its regular routing in the fall.

**IV. FINANCIAL CONSIDERATIONS**

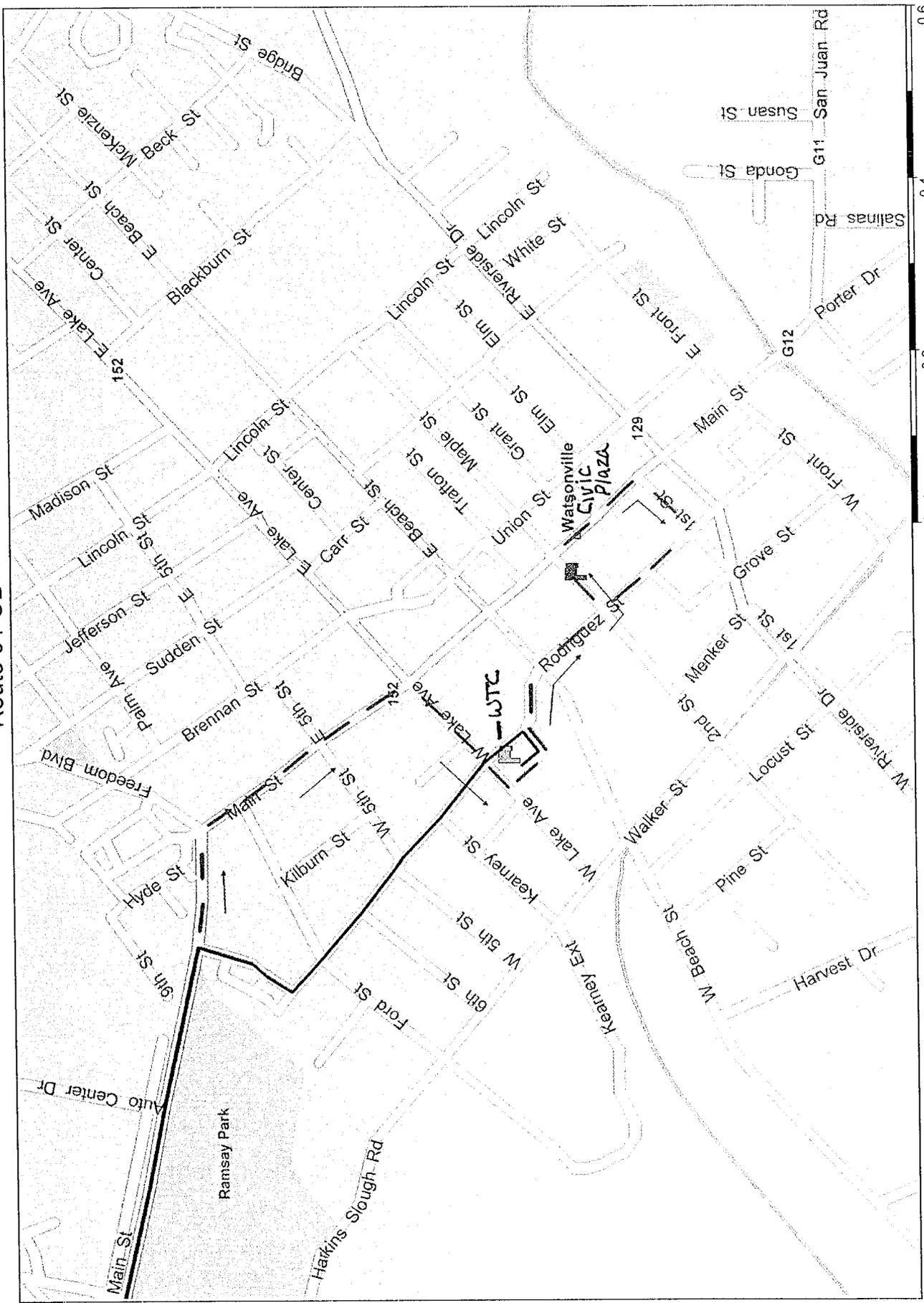
These modifications are expected to be cost-neutral.

**V. ATTACHMENTS**

**Attachment A - Route 91 Outbound**

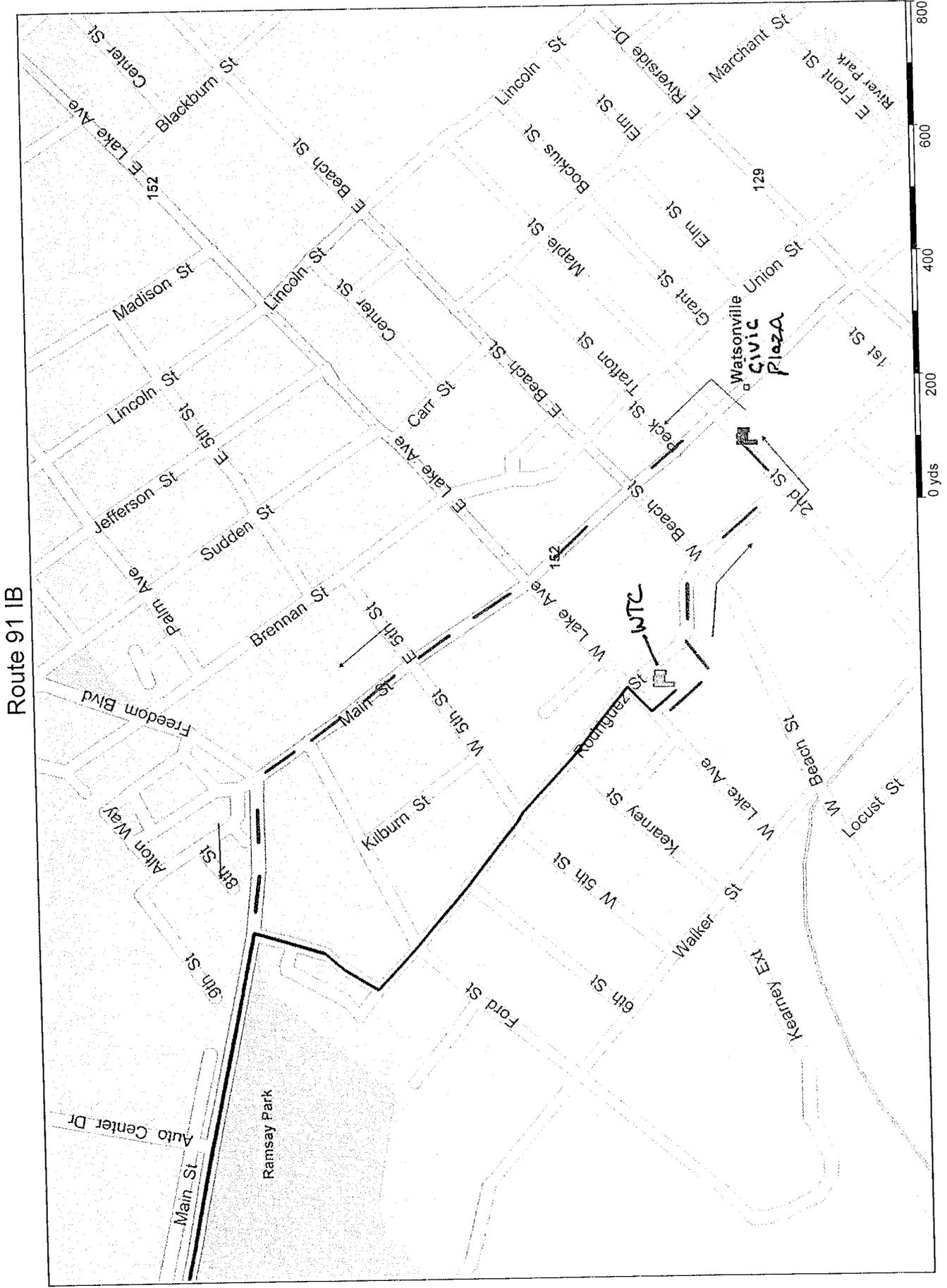
**Attachment B – Route 91 Inbound**

Route 91 OB



Copyright © 1985-2005 Microsoft Corp. and/or its suppliers. All rights reserved. <http://www.microsoft.com/streets/>  
 © 2004 NAVTEQ. All rights reserved. This data includes information taken with permission from Canadian authorities © Her Majesty the Queen in Right of Canada. © Copyright 2004 by TeleAtlas North America, Inc. All rights reserved.

5-17.a1



Copyright © 1988-2005 Microsoft Corp. and/or its suppliers. All rights reserved. <http://www.microsoft.com/press/>  
© 2004 NAVTEQ. All rights reserved. This data includes information taken with permission from Canadian authorities © Her Majesty the Queen in Right of Canada. © Copyright 2004 by TeleAtlas North America, Inc. All rights reserved.

5-17-5

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**Minutes- Board of Directors**

**March 14, 2008**

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, March 14, 2008 at the District's Administrative Office, 370 Encinal Street, Santa Cruz, CA.

Vice Chair Bustichi called the meeting to order at 9:00 a.m.

## **SECTION 1: OPEN SESSION**

### **1. ROLL CALL:**

#### **DIRECTORS PRESENT**

Jan Beautz (arrived after roll call)  
Dene Bustichi  
Donald Hagen  
Michelle Hinkle  
Kirby Nicol  
Emily Reilly  
Mike Rotkin  
Dale Skillicorn  
Pat Spence  
Mark Stone

#### **DIRECTORS ABSENT**

Marcela Tavantzis  
Ex-Officio Donna Blitzler

#### **STAFF PRESENT**

Ciro Aguirre, Operations Manager  
Angela Aitken, Finance Manager  
Wally Brondstatter, Acting Paratransit Super.  
Frank Cheng, MetroBase Project Manager  
Mark Dorfman, Assistant General Manager  
Mary Ferrick, Fixed Route Superintendent

Margaret Gallagher, District Counsel  
Debbie Kinslow, Asst Finance Manager  
Robyn Slater, Human Resources Manager  
Tom Stickel, Maintenance Manager  
April Warnock, Acting Asst. Paratransit Super.  
Les White, General Manager

#### **EMPLOYEES AND MEMBERS OF THE PUBLIC WHO VOLUNTARILY INDICATED THEY WERE PRESENT**

Bob Yount, MAC

### **2. ORAL AND WRITTEN COMMUNICATION TO THE BOARD OF DIRECTORS**

Written:

None.

Oral:

None.

**3. LABOR ORGANIZATION COMMUNICATIONS**

None.

**4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS**

None.

**CONSENT AGENDA**

**5-1. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF FEBRUARY 2008**

No questions or comments.

**5-2. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR JANUARY 2008**

No questions or comments.

**5-3. CONSIDERATION OF TORT CLAIMS:  
DENY THE CLAIM OF ESPERANZA BELMONTES, CLAIM #08-0008;**

No questions or comments.

**5-4. ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR MARCH 19, 2008 AND MINUTES OF JANUARY 16, 2008**

No questions or comments.

**5-5. ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF DECEMBER 2007**

Director Rotkin asked if the “Call average seconds to answer” is an area that could be a concern. Wally Brondstatter offered to look into this and provide more information at the next meeting.

Les White added that an outline of the District’s performance standards and how they compare to the actual operating statistics could be presented at a future Board meeting.

**5-6. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR NOVEMBER 2007**

No questions or comments.

**5-7. ACCEPT AND FILE JANUARY 2008 RIDERSHIP REPORT**

Director Rotkin asked what “Other” means on the Dropped Service breakdown pie chart on Page #5-7.5. Les White replied that this is usually traffic congestion.

Director Nicol asked for clarification regarding 2008 ridership decreasing over 2007, but that revenue increased. Mark Dorfman replied that this might be an anomaly that staff would research this and provide a response.

**CHAIR BEAUTZ ARRIVED**

**5-8. ACCEPT AND FILE METROBASE PROJECT STATUS REPORT**

No questions or comments.

**5-9. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH BROWN, ARMSTRONG, ET AL FOR FINANCIAL AND TAX AUDIT SERVICES**

No questions or comments.

**5-10. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH MISSION LINEN AND UNIFORM SERVICE FOR UNIFORM, FLAT GOODS AND LAUNDRY SERVICES**

No questions or comments.

**5-11. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH AIRTECH SERVICE FOR HVAC MAINTENANCE SERVICES**

No questions or comments.

**5-12. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A LEASE AMENDMENT FOR THE PROPERTY LOCATED AT 370 ENCINAL STREET**

No questions or comments.

**5-13. NOTIFICATION OF ACTION TAKEN IN CLOSED SESSION REGARDING: SETTLEMENT WITH THE PRINTERY AND AUTHORIZATION TO PURCHASE PROPERTIES LOCATED AT 1211 AND 1217 RIVER STREET, SANTA CRUZ**

No questions or comments.

**5-14. NOTIFICATION OF ACTION TAKEN IN CLOSED SESSION REGARDING: SETTLEMENT WITH ARNTZ BUILDERS, INC.**

No questions or comments.

**5-15. CONSIDERATION OF APPROVAL OF RESOLUTIONS AUTHORIZING SUBMITTAL OF FY 2009 TDA & STA CLAIMS**

No questions or comments.

**REGULAR AGENDA**

**6. PRESENTATION OF EMPLOYEE LONGEVITY AWARDS:**

This presentation will take place at the March 28, 2008 Board meeting.

**7. PUBLIC HEARING: CONSIDERATION OF REVISIONS TO METRO'S PARACRUZ PARATRANSIT PLAN REGARDING SAME DAY SERVICE**

Public Hearing will be held at the March 28, 2008 Board Meeting.

**Summary:**

Ciro Aguirre reported on an incident that occurred on January 7, 2008 involving a customer that scheduled a ride for a doctor's appointment and upon arriving at the destination, discovered the office had moved approximately .3 of a mile. The existing policy did not allow for same day changes, so it was not an option for the ParaCruz driver to take the passenger to an alternate location.

As a result of this incident, staff reviewed the policy and implemented an interim procedure whereby a manager would be available to make a determination regarding same day service changes of this nature. E&D TAC and MAC also provided suggestions.

Although the Staff Report indicates that the staff recommendation is to have a manager available to make decisions which might include returning the passenger to their starting location or revising their destination address with the consent of their emergency contact, Mr. Aguirre reported that METRO staff has opted to return the passenger to their residence rather than an alternate address due to the concern that the passenger may be unable to make cognizant decisions on their own regarding their destination. Mr. Aguirre said that another concern is the potential distance of a new destination from the original and potential liability of transporting a person to a location other than their original destination.

**Discussion:**

Director Rotkin expressed concern about a person in this situation automatically be returned to their residence because they may have a caregiver that would not be present at the time. Wally Brondstatter replied that whether the passenger was taken to an alternate destination or returned home, ParaCruz would place a call to the caregiver and also the new destination informing them of the situation.

There was a discussion about potential liability and the confusion over the staff recommendation. Mr. Aguirre and Mr. Brondstatter explained that they were giving the Board more information and

several options to choose from. The Board requested a clear recommendation from staff to be considered and commented on at the Public Hearing to be held on March 28<sup>th</sup>.

8. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH GIRO, INC. FOR THE PURCHASE OF HASTUS ATP RUN TIME ANALYSIS PROGRAM**

**Summary:**

Tom Stickel reported that District utilizes HASTUS software to develop the bus operators' runs or schedules. This run time analysis module is only available from Giro, Inc. who is the developer of the HASTUS software program.

9. **CONSIDERATION OF AUTHORIZATION TO ADD PROPERTY INSURANCE COVERAGE TO THE RECENTLY COMPLETED AND OCCUPIED "1200 RIVER STREET BUILDING B" PROPERTY FOR FY08**

**Summary:**

Angela Aitken reported that on February 15, 2008 METRO moved into the recently completed Service and Fueling facility. The 30-day grace period expires tomorrow, which is why action is being requested on this item today. Staff is currently in the process of gathering required documentation for obtaining a quote for flood insurance on this property which will then be presented to the Board for approval.

**ACTION: MOTION: DIRECTOR STONE SECOND: DIRECTOR SKILLICORN**

**Authorize adding property insurance coverage to the recently completed and occupied "1200 River Street Building B" property with Lexington insurance Company for an annual premium of \$23,435.00**

**Motion passed unanimously with Director Tavantzis being absent.**

10. **CONSIDERATION OF TORT CLAIMS:  
DENY THE REQUEST OF JOHN KUHRYS TO FILE A LATE CLAIM AND DENY THE CLAIM AS UNTIMELY**

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY**

**Deny the claim filed by John Kuhry as untimely and deny the claimant John Kuhry's request to file a late claim**

**Motion passed unanimously with Director Tavantzis being absent.**

11. **CONSIDERATION OF APPROVAL OF CHANGES TO THE PAYROLL SPECIALIST CLASS SPECIFICATION**

**Summary:**

Robyn Slater reported that the incumbent recently retired and the job description needed to be reviewed and revised, as it has not been updated since 1990. The proposed modifications have been reviewed and approved by the union.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR SPENCE**

**Approve changes to Payroll Specialist Class Specification which modernize the position description and add more details regarding the tasks performed in this position**

**Motion passed unanimously with Director Tavantzis being absent.**

12. **ORAL ANNOUNCEMENT: SPECIAL MEETING TO BE HELD AT 9:00 A.M. ON MARCH 21, 2008 AT 370 ENCINAL STREET**

Vice Chair Bustichi announced that the a Special Board Meeting will be held at 9:00 a.m. on March 21, 2008 at 370 Encinal Street to discuss the Pacific Station Redevelopment Project.

**ADJOURN**

There being no further business, Vice Chair Bustichi adjourned the meeting at 10:57 a.m.

Respectfully submitted,

CINDI THOMAS  
Administrative Services Coordinator

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

March 28, 2008

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, March 28, 2008 at the Santa Cruz City Council Chambers, 809 Center Street, Santa Cruz, CA.

Chair Beautz called the meeting to order at 9:03 a.m.

## **SECTION 1: OPEN SESSION**

### **1. ROLL CALL:**

#### **DIRECTORS PRESENT**

Jan Beautz  
Dene Bustichi (arrived after roll call)  
Donald Hagen  
Michelle Hinkle  
Kirby Nicol  
Emily Reilly  
Mike Rotkin (arrived after roll call)  
Pat Spence  
Mark Stone  
Marcela Tavantzis

#### **DIRECTORS ABSENT**

Dale Skillicorn  
Ex-Officio Donna Blitzer

#### **STAFF PRESENT**

Ciro Aguirre, Operations Manager  
Angela Aitken, Finance Manager  
Wally Brondstatter, Acting Paratransit Super.  
Mark Dorfman, Assistant General Manager  
Mary Ferrick, Fixed Route Superintendent

Margaret Gallagher, District Counsel  
Debbie Kinslow, Asst Finance Manager  
Robyn Slater, Human Resources Manager  
April Warnock, Acting Asst. Paratransit Super.  
Les White, General Manager

#### **EMPLOYEES AND MEMBERS OF THE PUBLIC WHO VOLUNTARILY INDICATED THEY WERE PRESENT**

Carolyn Derwing, Schedule Analyst  
Juan Flores, Bus Operator  
Michael Miller, Bus Operator  
Bonnie Morr, UTU

Jose Polanco, Bus Operator  
Amy Weiss, Spanish Interpreter  
Bob Yount, MAC

### **2. ORAL AND WRITTEN COMMUNICATION TO THE BOARD OF DIRECTORS**

#### **Written:**

- a. Daniel Bronson Re: ParaCruz
- b. Darrell Johnson, Seniors Council Re: ParaCruz Same Day Svc Changes

Oral:  
None.

**DIRECTOR ROTKIN ARRIVED**

**3. LABOR ORGANIZATION COMMUNICATIONS**

Bonnie Morr, UTU, stated that fixed route labor negotiations begin next week and that UTU is looking forward to a positive, productive process and not a repeat of the 2005 negotiations.

**4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS**

**VICE CHAIR BUSTICHI ARRIVED**

A chart prepared by Director Spence for Item #7 and a revised Page #4 of today's Regular Agenda were distributed and are attached to the file copy of these minutes.

**CONSENT AGENDA**

- 5-1. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF FEBRUARY 2008
- 5-2. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR JANUARY 2008
- 5-3. CONSIDERATION OF TORT CLAIMS:  
DENY THE CLAIM OF ESPERANZA BELMONTES, CLAIM #08-0008;
- 5-4. ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR MARCH 19, 2008 AND MINUTES OF JANUARY 16, 2008
- 5-5. ACCEPT AND FILE REVISED PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF DECEMBER 2007
- 5-6. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR NOVEMBER 2007
- 5-7. ACCEPT AND FILE JANUARY 2008 RIDERSHIP REPORT
- 5-8. ACCEPT AND FILE METROBASE PROJECT STATUS REPORT
- 5-9. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH BROWN, ARMSTRONG, ET AL FOR FINANCIAL AND TAX AUDIT SERVICES
- 5-10. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH MISSION LINEN AND UNIFORM SERVICE FOR UNIFORM, FLAT GOODS AND LAUNDRY SERVICES
- 5-11. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH AIRTECH SERVICE FOR HVAC MAINTENANCE SERVICES
- 5-12. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A LEASE AMENDMENT FOR THE PROPERTY LOCATED AT 370 ENCINAL STREET
- 5-13. NOTIFICATION OF ACTION TAKEN IN CLOSED SESSION REGARDING: SETTLEMENT WITH THE PRINTERY AND AUTHORIZATION TO PURCHASE PROPERTIES LOCATED AT 1211 AND 1217 RIVER STREET, SANTA CRUZ
- 5-14. NOTIFICATION OF ACTION TAKEN IN CLOSED SESSION REGARDING: SETTLEMENT WITH ARNTZ BUILDERS, INC.

- 5-15. **CONSIDERATION OF APPROVAL OF RESOLUTIONS AUTHORIZING SUBMITTAL OF FY 2009 TDA & STA CLAIMS**
- 5-16. **APPROVE REGULAR BOARD MEETING MINUTES OF FEBRUARY 8 & 22, 2008**
- 5-17. **ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE FOR THE MONTH OF JANUARY 2008**
- 5-18. **ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE FEBRUARY 2008 MEETING(S)**
- 5-19. **CONSIDERATION OF AUTHORIZING THE DISPOSAL OF TWO (2) 1988 NEW FLYER BUSES, TWO (2) 1985 CHEVROLET SERVICE BODY TRUCKS, TWO (2) 1985 DODGE PICKUPS, TWO (2) CHEVROLET CHEVETTE SEDAN CARS, EIGHTY-ONE (81) BIKE RACKS, ONE (1) LOT OF SUPPORT PARTS FOR THE ABOVE LISTED VEHICLES AND ONE (1) 3-ROOM TRAILER**

**ACTION: MOTION: DIRECTOR NICOL SECOND: DIRECTOR REILLY**

**Approve the Consent Agenda.**

**Motion passed unanimously with Director Skillicorn being absent.**

**REGULAR AGENDA**

**6. PRESENTATION OF EMPLOYEE LONGEVITY AWARDS:**

The following employees were presented with longevity awards for their years of service

**TEN YEARS**

Carolyn Derwing, Schedule Analyst (Continued from February)  
Juan I. Flores, Bus Operator (Continued from February)  
Michael I. Miller, Bus Operator (Continued from February)  
Jose G. Polanco, Bus Operator (Continued from February)

**FIFTEEN YEARS**

Samuel Garcia, FM Lead Mechanic

**TWENTY YEARS**

Pete N. Legorreta, Transit Supervisor (Continued from February)

**7. PUBLIC HEARING: CONSIDERATION OF REVISIONS TO METRO'S PARACRUZ PARATRANSIT PLAN REGARDING SAME DAY SERVICE (REVISED)**

**Summary:**

Ciro Aguirre reported on an incident that occurred on January 7, 2008 involving a customer that scheduled a ride for a doctor's appointment and upon arriving at the destination, discovered the office had moved approximately .3 of a mile. The existing policy did not allow for same day

changes, so it was not an option for the ParaCruz driver to take the passenger to an alternate location.

As a result of this incident, staff reviewed the policy and implemented an interim procedure whereby a manager would be available to make a determination regarding same day service changes of this nature. E&D TAC and MAC also provided suggestions.

Staff recommendation is to have a manager available to make decisions which might include returning the passenger to their starting location or revising their destination address with the consent of their emergency contact with no alteration to the same day change language in the ParaCruz Guide.

**ACTION: MOTION: DIRECTOR BUSTICHI SECOND: DIRECTOR ROTKIN**

**Adopt the same day change procedure whereby a manager will be contacted by the ParaCruz Dispatcher who will then make a decision regarding any changes to the destination address. This might include returning the passenger to there home location or revising the destination address with the consent of their emergency contract. Staff is not recommending at this time to broaden the definition of same-day service**

**CHAIR BEAUTZ OPENED THE PUBLIC HEARING AT 9:25 A.M.**

Bob Yount, MAC, reported that MAC had spent a lot of time considering this item and requested clarification regarding if there would be a charge to customer if they were transported back home or to an alternate destination.

Les White clarified that there would be no additional charge.

**CHAIR BEAUTZ CLOSED THE PUBLIC HEARING AT 9:30 A.M.**

**Motion passed unanimously with Director Skillicorn being absent.**

**8. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH GIRO, INC. FOR THE PURCHASE OF HASTUS ATP RUN TIME ANALYSIS PROGRAM**

**Summary:**

Mark Dorfman reported that District utilizes HASTUS software to develop the bus operators' runs or schedules. An approval of sole-source procurement is necessary because this run time analysis module is only available from Giro, Inc. who is the developer of the HASTUS software program.

**ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR ROTKIN**

**Authorize the General Manager to execute a contract with GIRO, Inc. for the purchase of the HASTUS-ATP Run Time Analysis Program for an amount not to exceed \$40,000.00 in**

**accordance with the Procurement by Noncompetitive Proposals Requirements under the Federal Transit Administration Circular 4220.1E**

**Motion passed unanimously with Director Skillicorn being absent.**

**9. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH NORTHSTAR, INC. FOR MAINTENANCE AND SERVICE OF THE LCNG FUELING STATION**

**Summary:**

Mark Dorfman reported that this is a five-year maintenance contract for the new LCNG Fueling Station.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY**

**Authorize the General manager to execute a contract with Northstar, Inc. for maintenance and service of District's LCNG Fueling Station**

**Motion passed unanimously with Director Skillicorn being absent.**

**10. CONSIDERATION OF STATUS OF FEDERAL LEGISLATION AND REPORT REGARDING THE AMERICAN PUBLIC TRANSPORTATION ASSOCIATION 2008 LEGISLATIVE CONFERENCE**

**Summary:**

Les White, Vice Chair Bustichi and Director Stone gave a report on their recent attendance of the 2008 APTA Legislative Conference in Washington, DC where they also met with members of Congress and Congressional Staff to discuss pending legislation that would affect METRO. The meetings were a success and follow-up phone calls to METRO were received by both Congressman Farr and Congresswoman Eshoo's offices and the "Smart Card" is included in both of their top five projects.

Given the timeframe of the Pacific Station Project, it is very positive to move ahead with implementing the Smart Card now while maintaining the priority of the Pacific Station Project.

METRO representatives and UTU Chair Bonnie Morr made a big impact in DC in providing a united front by attending and participating in meetings together.

**Discussion:**

Vice Chair Bustichi and Director Stone added that METRO is very well-served by Les White, who is well-known, well-received and respected in DC and that Mr. White's national connections in the transit industry are very beneficial to METRO as well.

**11. CONSIDERATION OF ADOPTION OF RESOLUTION AUTHORIZING APPLICATION FOR PROPOSITION 1B TRANSIT SECURITY FUNDS**

**Summary:**

Mark Dorfman reported that METRO proposes to submit application for three transit security projects: enhancing security a METRO facilities, to start to establish a pilot video-surveillance program on-board buses, and to upgrade the current dispatch radio console.

**Discussion:**

Bonnie Morr reported that while the union supports these applications, they should be involved in the dialog regarding the cameras.

**ACTION: MOTION: DIRECTOR STONE SECOND: DIRECTOR NICOL**

**Authorize staff to submit applications through the SCCRTC to the California Office of Homeland Security and to execute grant agreements to obligate California Transit Security Program funds for METRO security projects**

**Motion passed unanimously with Director Skillicorn being absent.**

**12. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO ISSUE A CHANGE ORDER IN THE CONTRACT WITH NEW FLYER OF AMERICA FOR THE PURCHASE OF COMPRESSED NATURAL GAS BUSES**

**Summary:**

Mark Dorfman reported that the bulk of the cost increase if due to modifying a transit bus to be suitable for use on Hwy 17. The actual increase per bus is less than what the PPI increase would be.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY**

**Authorize the General Manager to issue a Change Order in the contract with New Flyer of America for the purchase of Compressed natural Gas (CNG) buses in the amount of \$731,198.76**

**Motion passed unanimously with Director Skillicorn being absent.**

**13. CONSIDERATION OF APPROVAL OF FY 09 & FY10 LINE ITEM BUDGET FOR REVIEW & CLAIMS PURPOSES**

**Summary:**

Angela Aitken reported that this is the preliminary line item two-year budget for FY 09 and FY 10 that the Board will see twice more in May and twice more in June.

**Discussion:**

Director Rotkin stated that METRO should be very aware of the economy and may want to make some adjustments in anticipation of increased ridership due to the rapid rise of fuel costs.

Les White explained the current CTA lawsuit regarding the state intercepting transit funds.

Director Tavantzis expressed concern that the TDA figure is being relied on too heavily and that other jurisdictions are predicting a decrease in sales tax revenue. Les White responded that the recommendations from the state level are higher and they are lower at the local level. METRO is monitoring this very closely and will make revisions as needed.

Vice Chair Bustichi requested a list of possible options for areas of the budget to be cut so that the Board can prioritize them ahead of time and implement them as needed.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY**

**Adopt the two-year preliminary line item Operating and Capital Budget for FY 09 and FY 10, for review and TDA/STA claims purposes and continue to monitor sales tax revenue closely and make appropriate revisions as needed prior to adopting the final budget in June**

**Motion passed unanimously with Director Skillicorn being absent.**

**14. REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION: District Counsel**

Margaret Gallagher reported that the Board would have a conference with its Labor Negotiators regarding UTU, Local 23, Fixed Route, and a conference with its Legal Counsel regarding the worker's compensation claim of Martin Gilbert.

**15. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION**

None.

**SECTION II: CLOSED SESSION**

Chair Beautz adjourned to Closed Session at 10:33 a.m. and reconvened to Open Session at 11:54 a.m.

**SECTION III: RECONVENE TO OPEN SESSION**

**16. REPORT OF CLOSED SESSION**

Margaret Gallagher reported that the Board took no reportable action in Closed Session.

**ADJOURN**

There being no further business, Chair Beutz adjourned the meeting at 11:55 a.m.

Respectfully submitted,

CINDI THOMAS  
Administrative Services Coordinator

DRAFT

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**SPECIAL Open Session Minutes- Board of Directors**

**March 21, 2008**

A SPECIAL Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, March 21, 2008 at the District's Administrative Office, 370 Encinal Street, Santa Cruz, CA.

Chair Beautz called the meeting to order at 9:04 a.m.

## **SECTION 1: OPEN SESSION**

### **1. ROLL CALL:**

#### **DIRECTORS PRESENT**

Jan Beautz  
Dene Bustichi  
Donald Hagen  
Michelle Hinkle  
Kirby Nicol  
Emily Reilly  
Mike Rotkin (arrived after roll call)  
Dale Skillicorn  
Pat Spence  
Mark Stone  
Marcela Tavantzis

#### **DIRECTORS ABSENT**

Ex Officio Donna Blitzer

#### **STAFF PRESENT**

Ciro Aguirre, Operations Manager  
Frank Cheng, MetroBase Project Manager  
Mark Dorfman, Assistant General Manager

Mary Ferrick, Base Superintendent  
Margaret Gallagher, District Counsel  
Debbie Kinslow, Asst. Finance Manager

#### **EMPLOYEES AND MEMBERS OF THE PUBLIC WHO VOLUNTARILY INDICATED THEY WERE PRESENT**

Jim Adams, Roma Design Group  
Ceil Cirillo, City of Santa Cruz RDA  
Katherine Donovan, City of Santa Cruz RDA  
Tom Hiltner, Grants/Legislative Analyst  
Cal Hollis, Keyser/Marston  
Virginia Johnson, Ecology Action

Sandra Lipperd, UTU  
Bonnie Lipscomb, City of Santa Cruz RDA  
Bonnie Morr, UTU  
Adam Schlenger, Ecology Action  
Bob Yount, MAC

Chair Beautz explained that today's Special Meeting is being held to discuss funding and design options for the Pacific Station Redevelopment Project.

**2. CONSIDERATION OF PROPOSITION 1C TRANSIT ORIENTED DEVELOPMENT FUNDING FOR PACIFIC STATION**

**Summary:**

Mark Dorfman reported that METRO had anticipated approximately \$4million in Proposition 1C Transit Oriented Development (TOD) Housing Program funding for the Pacific Station Redevelopment project. However, Tom Hiltner, METRO's Grants/Legislative Analyst, has researched the funding requirements and it has been determined that the project has not reached the minimum threshold requirements to develop a qualifying application for the first round of this funding.

METRO staff recently met with staff at the City of Santa Cruz Redevelopment Agency (RDA) to review the TOD Housing Program grant application guidelines and the feasibility of developing and submitting a qualifying application by the March 7, 2008 deadline, the first of three application cycles for this program. Based upon consideration of the guidelines, it has been determined that the Pacific Station project has not progressed to the point yet where it would meet the minimum requirements for a qualifying infrastructure development grant. Specifically, the residential developer must have site control at the time of application, but a developer has not been identified yet. Also, the application requires a current financial feasibility assessment based upon the number and type of housing units, committed funding and operating proforma. These scope-defining decisions have not been made for this project yet and the housing market has changed dramatically since Roma Design Group produced the conceptual designs for the project in 2002.

**DIRECTOR ROTKIN ARRIVED**

Les White explained that METRO anticipates being able to move forward with plans for a mixed-use facility and compete for this funding in the second solicitation round in Fall 2008 or the third round in 2009.

**3. CONSIDERATION OF DESIGN OPTIONS, ECONOMIC FEASIBILITY PROJECTIONS, AND POTENTIAL PARTNERSHIP INFORMATION REGARDING THE PACIFIC STATION REDEVELOPMENT PROJECT**

A Draft "request for proposals" (RFP) for Architectural/Design Services prepared by City RDA staff and information regarding design options and financial feasibility of the options prepared by Roma Design Group and Keyser/Marston were distributed and are attached to the file copy of these minutes.

Les White explained that information is being presented to the Board today to assist in making future decisions including whether a mixed-use or a traditional transit facility project is the best course to pursue.

**Summary:**

Mr. White gave a brief history of the project which began in 1999 with the Metro Accessible Transit Services Forum (MASTF) indicating to METRO staff that it was difficult for passengers with mobility impairments to transfer from bus to bus at the Santa Cruz METRO Center because buses do not have consistent stopping locations. The redesign and expansion of METRO Center would address the limited capacity and functional problems by providing sufficient space for buses to have specific route “docks” and would also have the potential to address other downtown Santa Cruz issues such as limited office space and housing. The development and sale of the airspace above the transit center would be used to offset METRO’s costs associated with the transit related portion of the project.

Mr. White explained that METRO has been working with the City RDA on the development of a renovation project at METRO Center, which is now known as Pacific Station. The City RDA contacted Roma Design Group to develop the conceptual design for a mixed-use facility as a part of the project.

Bonnie Lipscomb, City RDA, introduced herself and reported that although Ceil Cirillo is officially retiring in May, her commitment to the project and that of the RDA staff continues. Ms. Lipscomb reported that RDA is very committed to this project, particularly the housing and parking components, and had just received a commitment to go forward with the project from the City of Santa Cruz regarding the conceptual use of the city-owned parking lot as part of the METRO project. Ms. Lipscomb added that by around 2011, the RDA would have almost \$5 million to contribute to this project.

Virginia Johnson, Ecology Action, introduced their Board Chair, Alan Schlenger, and explained that Ecology Action is very interested in becoming a financial partner in this project and an occupant in the finished building and they also bring a considerable amount of transit marketing experience to the table.

Ceil Cirillo gave a brief summary of the project history and reported that now there is potential partnership interest including a developer for the residential aspect, Ecology Action for office space, and potential for a commitment from the RDA regarding the housing component and some type of relationship with the City regarding parking.

Directors Reilly and Rotkin commented on this mixed–use project remaining a very high priority for Congressman Sam Farr.

Jim Adams, Roma Design Group, gave a PowerPoint presentation on the history of the initial project design plans and explained that these plans are conceptually showing possibilities of the relationship of different components including transit, housing, office, retail, parking, and childcare co-existing on the same site with no decisions made yet regarding details such whether it will be mixed-use, the number and configuration of bus bays, parking spaces, housing units, etc.

**Discussion:**

During the presentation, there was a lengthy discussion about parking and the number of spaces required for different types of projects. Director Spence requested a table outlining all of this information in one place.

The discussion then turned to whether or not to include childcare. It was determined that this would not be a requirement but should remain a possibility as long as it was at least cost-neutral.

Bonnie Morr, UTU, commented that ventilation, lighting, and visibility are extremely important and they also make the public feel safer.

Cal Hollis, Keyser/Marston, explained that he has worked with several transit agencies on mixed-use projects and the common mission is that the joint development does not get in the way of the transit aspect and that the project be either cost-neutral at worst or preferably cost-beneficial in order to offset the transit related costs to the agency. Mr. Hollis explained that the RFP for a developer should include a list of allowable uses, preferred uses, and required uses.

Different types of residential housing were discussed including owned, rented, student, market rate and/or affordable, etc. The Board agreed that METRO is not a housing agency but that rentals handled through a property manager could be an option. Bonnie Lipscomb stated that the RDA would be making a recommendation based on age and income levels.

Many Directors spoke in favor of pursuing a mixed-use option that is cost-neutral or cost-beneficial and remaining flexible on things like the number and type of housing, the possibility of childcare, retail and/or office space, parking, etc. which may be best determined by the City and RDA for the best fit in the community.

Ceil Cirillo requested direction from the Board prior to issuing the RFP for Architectural/Design Services and suggested that a new MOU among the City, the RDA and METRO could be developed in order to evidence the RDA's commitment to the project.

**ACTION: MOTION: DIRECTOR TAVANTZIS SECOND: DIRECTOR REILLY**

**Proceed with the RFP for the Design Consultant/Architectural Services with parameters that first and foremost the project is a transit facility in terms of the architect selection and their experience working with transit systems. In terms of the office space, it is a great fit that Ecology Action wishes to become a partner and occupant of the finished building. In terms of the housing, METRO is interested in rentals with the City or RDA to recommend the appropriate ratio of market rate and affordable units based on community needs. METRO to conduct architect solicitation and selection at a time that does not conflict with staff's scheduled work on other projects. Project to be cost neutral at worst or cost beneficial to the District meeting the following mixed-use goals: 1) that it be functional, safe, desirable and an improvement in the quality of transit**

**service for both passengers and employees; and 2) that is be a contributor rather than a detractor to the financial health of METRO**

**Discussion:**

Tom Hiltner clarified that in contrast to the \$4.4 million MetroBase funding that METRO received this week which was awarded on the basis of a conceptual project, the Proposition 1C funding is very project-specific. METRO would not be in a position to apply for it until the after the RFP was issued, and the architectural firm selected has completely finished the design including determining the specific number of housing units, the retail space and the parking. Then METRO could compete for this funding in the second solicitation round in Fall 2008 or the third round in 2009 and be awarded \$4.6 to \$6.8 million dollars.

Virginia Johnson stated that Ecology Action could raise the extra funds necessary if METRO builds green.

**Motion passed unanimously with all Directors present.**

**ADJOURN**

There being no further business, Vice Chair Beautz adjourned the meeting at 10:55 a.m.

Respectfully submitted,

CINDI THOMAS  
Administrative Services Coordinator

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** April 25, 2008  
**TO:** Board of Directors  
**FROM:** Robyn Slater, Human Resources Manager  
**SUBJECT: PRESENTATION OF EMPLOYEE LONGEVITY AWARDS**

## I. RECOMMENDED ACTION

**Staff recommends that the Board of Directors recognize the anniversaries of those District employees named on the attached list and that the Board Chair present them with awards.**

## II. SUMMARY OF ISSUES

- None.

## III. DISCUSSION

Many employees have provided dedicated and valuable years to the Santa Cruz Metropolitan Transit District. In order to recognize these employees, anniversary awards are presented at five-year increments beginning with the tenth year. In an effort to accommodate those employees that are to be recognized, they will be invited to attend the Board meetings to receive their awards.

## IV. FINANCIAL CONSIDERATIONS

None.

## V. ATTACHMENTS

**Attachment A:** Employee Recognition List

**SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
EMPLOYEE RECOGNITION**

**TEN YEARS**

None

**FIFTEEN YEARS**

None

**TWENTY YEARS**

Paula R. Flagg, Administrative Assistant  
Joseph H. Hyman, Facilities Maintenance Worker II

**TWENTY-FIVE YEARS**

None

**THIRTY YEARS**

None

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** April 25, 2008

**TO:** Board of Directors

**FROM:** Leslie R. White, General Manager

**SUBJECT: CONSIDERATION OF INFORMATION REGARDING SHAW VS. CHAING/GENEST LAWSUIT FILED IN RESPONSE TO THE DIVERSION OF TRANSIT FUNDS IN FY 2008 BY THE CALIFORNIA STATE LEGISLATURE.**

## I. RECOMMENDED ACTION

**That the Board of Directors receive and review information regarding the Shaw vs. Chaing/Genest lawsuit filed in response to the diversion of State Transit Funding by the California State Legislature in FY 2008.**

## II. SUMMARY OF ISSUES

- METRO receives funding from the State of California through the State Transit Assistance (STA) program that is contained within the State Public Transportation Account (PTA).
- Funding from the STA is provided to the Santa Cruz County Regional Transportation Commission (SCCRTC) based on a formula of population and locally generated transit revenue.
- In previous years the SCCRTC has passed the STA funds through to METRO.
- If funded at the statutory level by the State of California, the STA program would provide approximately \$7.5 million to Santa Cruz annually. Approximately \$5.3 million was lost to Santa Cruz in FY 2008 as a result of the action of the Legislature.
- In adopting the FY 2008 Budget the California State Legislature diverted approximately \$1.259 billion from the PTA to the General Fund.
- On September 6, 2007 the California Transit Association filed a lawsuit (Shaw vs. Chaing/Genest) against the State of California based upon the proposed uses of the funds that were diverted from the PTA to the State General Fund.
- On November 30, 2007 Judge Jack Sapunor of the Sacramento County Superior Court heard arguments from both the Plaintiffs and the Defendants regarding the Shaw vs. Chaing/Genest lawsuit.
- On January 29, 2008 Judge Sapunor issued his Preliminary Decision regarding the Shaw vs. Chaing/Genest lawsuit. Judge Sapunor has subsequently upheld the provisions of his Preliminary Decision despite objections from both sides.

- Judge Sapunor found partially in favor of the Plaintiffs and partially in favor of the Defendants. The Decision of Judge Sapunor required the State to return approximately \$409 million in transit funds to the PTA.
- In January 2008 the State Legislature complied with the Sapunor Decision and returned \$409 million to the PTA. Two days later the Legislature passed a Supplemental Budget Bill that re-diverted the \$409 million to the General Fund for home to school transportation costs that the Sapunor Decision had indicated would be a legal use of the funds.
- On February 20, 2008 the California Transit Association Executive Committee voted to formally appeal the Sapunor Decision. The State of California also indicated that it was the intention of the State to appeal the decision.
- The California Transit Association will be seeking support from both Member Agencies and other interested parties in the form of legal briefs supporting the appeal.
- I have attached the Sapunor Decision and both parties' objections to this Staff Report for your information.

### III. DISCUSSION

METRO receives funding from the State of California through the State Transit Assistance (STA) program that is contained within the State Public Transportation Account (PTA). Funding from the STA is provided to the Santa Cruz County Regional Transportation Commission (SCCRTC) based on a formula of population and locally generated transit revenue. In previous years the SCCRTC has passed the STA funds through to METRO. If funded at the statutory level by the State of California, the STA program would provide approximately \$7.5 million to Santa Cruz annually. In adopting the FY 2008 Budget the California State Legislature diverted approximately \$1.259 billion from the PTA to the General Fund. Approximately \$5.3 million was lost to Santa Cruz in FY 2008 as a result of the action of the Legislature.

On September 6, 2007 the California Transit Association filed a lawsuit (Shaw vs. Chaing/Genest) against the State of California based upon the proposed uses of the funds that were diverted from the PTA to the State General Fund. On November 30, 2007 Judge Jack Sapunor of the Sacramento County Superior Court heard arguments from both the Plaintiffs and the Defendants regarding the Shaw vs. Chaing/Genest lawsuit. On January 29, 2008 Judge Sapunor issued his Preliminary Decision regarding the Shaw vs. Chaing/Genest lawsuit. Judge Sapunor has subsequently upheld the provisions of his Preliminary Decision despite objections from both sides. Judge Sapunor found partially in favor of the Plaintiffs and partially in favor of the Defendants. The Decision of Judge Sapunor required the State to return approximately \$409 million in transit funds to the PTA.

In January 2008 the State Legislature complied with the Sapunor Decision and returned \$409 million to the PTA. Two days later the Legislature passed a Supplemental Budget Bill that re-diverted the \$409 million to the General Fund for home to school transportation costs that the Sapunor Decision had indicated would be a legal use of the funds.

On February 20, 2008 the California Transit Association Executive Committee voted to formally appeal the Sapunor Decision. The State of California also indicated that it was the intention of the State to appeal the decision. The California Transit Association will be seeking support from both Member Agencies and other interested parties in the form of legal briefs supporting the appeal.

I have attached the Sapunor Decision and both parties' objections to this Staff Report for your information.

#### **IV. FINANCIAL CONSIDERATIONS**

The continued diversion of funds from the PTA/STA at the level of FY 2008 will result on the loss of approximately \$30 million from Santa Cruz over the next six years.

#### **V. ATTACHMENTS**

**Attachment A:** Sapunor Decision with Plaintiffs and Defendants Objections

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SACRAMENTO

<b>DATE</b>	: JANUARY 29, 2008	<b>DEPT. NO</b>	: 20
<b>JUDGE</b>	: HON. JACK SAPUNOR	<b>CLERK</b>	: TEMMERMAN
<b>JOSH SHAW, Taxpayer and Executive Director of California Transit Association; and the CALIFORNIA TRANSIT ASSOCIATION, a nonprofit corporation, Petitioners,</b>  <b>VS.</b>  <b>JOHN CHIANG, California State Controller; and MICHAEL C. GENEST, California Director of Finance, in their official capacity, Respondents.</b>		<b>Case No.: 07CS01179</b>	
<b>Nature of Proceedings:</b>		<b>PETITION FOR WRIT OF MANDATE, DECLARATORY RELIEF, INJUNCTION AND ATTORNEYS' FEES; STATEMENT OF DECISION</b>	

Set forth below is the Court's proposed Statement of Decision. Either party may, within 15 days after service of this proposed Statement of Decision, serve and file objections to the proposed statement of decision, in accordance with California Rule of Court 3.1590. The Court then shall consider any timely objections and issue a final Statement of Decision.

I.  
Introduction

This petition for writ of mandate and complaint for declaratory and injunctive relief ("Petition") challenges appropriations in the 2007-08 state budget act and related trailer bills. Petitioners' principal argument is that the challenged legislation violates Public Utilities Code § 99310.5 and Revenue and Taxation Code § 7102(a)(1)-(3), as amended by Proposition 116, because it diverts \$1,187,909,982 from the Public Transportation Account (the "PTA") for purposes other than "transportation planning or mass transportation." Petitioners further allege that the legislation is unconstitutional because it uses PTA revenues to fund the State's obligation to repay the Transportation Investment Fund for prior suspensions of transfers of gasoline sales tax revenues, as constitutionally required by Propositions 2 and 1A. The Petition seeks a writ of

**BOOK : 20**  
**DATE : JANUARY 29, 2008**  
**CASE NO. : 07CS01179**  
**CASE TITLE : SHAW v. CHIANG**

**Superior Court of California,  
County of Sacramento**

**BY: F. TEMMERMAN,**  
Deputy Clerk

**7.01**

mandate and/or injunction prohibiting Respondents from diverting the challenged appropriations from the PTA; a declaration that use of PTA funds for the purposes set forth in the challenged legislation would violate Proposition 116 (and Propositions 2 and 1A); and an injunction enjoining the future use of PTA revenues except for transportation planning and mass transportation purposes.

As described more fully below, this case requires the Court to decide whether the challenged legislation is constitutionally invalid as an act in excess of the Legislature's powers. The Court's role as a reviewing court is simply to ascertain and give effect to the voters' intent. The Court does not pass upon the wisdom, expediency, or policy of the ballot measures or of the 2007-08 state budget act and related trailer bills. Even if legislation is unwise, inexpedient, or bad public policy, it still may be within the Legislature's constitutional authority. Moreover, in considering the constitutionality of a legislative act, the Court must presume its validity. Unless conflict with a provision of the Constitution is clear and unquestionable, the Court must uphold the act.

Applying these principles here, the Court concludes that the majority of the challenged appropriations are allowed. However, the Court concludes that the appropriation of \$409,000,000 in PTA funds to reimburse the General Fund for debt service payments on bonds made in prior fiscal years violates Proposition 116, and is beyond the Legislature's constitutional authority.

## II. Background Facts

### A. Summary of Background Legislation

This case requires an understanding of the history of several ballot measures approved prior to the legislation challenged in this lawsuit: namely, Proposition 108, Proposition 111, Proposition 116, Proposition 192, Proposition 2, Proposition 42, and Proposition 1A. A brief history of these measures is set forth below.

In June 1990, California's voters approved Propositions 108, 111, and 116. Proposition 108 is known as the Passenger Rail and Clean Air Bond Act of 1990, and is codified at Streets & Highway Code section 2701 *et seq.* It authorizes the sale of \$1 billion in general obligation bonds for the acquisition of rights-of-way, capital expenditures, and acquisition of rolling stock for intercity rail, commuter rail, and urban rail transit and for capital improvements which directly support rail transportation. (Sts. & Hy. Code §§ 2701.06, 2701.10, 2701.15.)

Proposition 116, an initiative measure, is known as the Clean Air and Transportation Improvement Act of 1990. Proposition 116 authorizes the sale of \$1.99 billion in general obligation bonds primarily for "rail projects," including rights-of-way, terminals and stations,

BOOK : 20  
DATE : JANUARY 29, 2008  
CASE NO. : 07CS01179  
CASE TITLE : SHAW v. CHIANG

Superior Court of California,  
County of Sacramento

BY: F. TEMMERMAN, *Flem*  
Deputy Clerk

7.92

Attachment Package  
Page 6

rolling stock, grade separations, maintenance facilities, capital expenditures, but also for paratransit vehicles, bicycle facilities, a railroad museum, and water-borne ferry vessels and facilities. (Pub. Util. Code §§ 99690.5, 99613.)

In addition to authorizing the sale of bonds, Proposition 116 also added Public Utilities Code section 99611. Section 99611 provides, in relevant part:

"It is the intent of the people of California, in enacting this part, that bond funds shall not be used to displace existing sources of funds for rail and other forms of public transportation, including, but not limited to, funds that have been provided pursuant to Article XIX of the California Constitution, the Transportation Planning and Development Account in the State Transportation Fund . . . and local transportation sales taxes; that any future comprehensive transportation funding legislation shall not offset or reduce the amounts otherwise made available for transit purposes by this act; and that funding for public transit should be increased from existing sources including fuel taxes and sales tax on fuels."  
(Pub. Util. Code § 99611.)

Proposition 116 also amended Public Utilities Code section 99310.5. Section 99310.5 governs the use of funds in the Transportation Planning and Development Account, which is now known as the Public Transportation Account (or PTA). (See Pub. Util. Code § 99310.) Prior to 1990, Public Utilities Code section 99310.5 provided that funds in the PTA "shall be available, when appropriated by the Legislature, for transportation purposes as specified." Proposition 116 amended section 99310.5 to designate the PTA as a "trust fund" and to provide that funds in the account shall be available "only for transportation planning and mass transportation purposes, as specified by the Legislature." (*Id.*)

Proposition 116 also amended Revenue and Taxation Code section 7102. Section 7102 governs the disposition of state sales and use tax revenues after they are deposited into the Retail Sales Tax Fund. As amended by Proposition 116, section 7102 requires the State to quarterly estimate the "spillover" and "diesel fuel sales tax" revenues and transfer such amounts to the PTA.<sup>1</sup> In addition, Proposition 116 added section 7102, subdivision (d) [now subdivision (e)], providing that the "Legislature may amend this section, by statute passed in each house of the Legislature by rollcall vote entered in the journal, two-thirds of the membership concurring, if the statute is consistent with, and furthers the purposes of this section."

Proposition 111 is known as the "The Traffic Congestion Relief and Spending Limitation Act of 1990." It is undisputed that Proposition 111 increased the gas excise tax by (ultimately)

---

<sup>1</sup> "Spillover" revenue is the amount by which gasoline sales tax revenues at the 4.75% rate exceed the amount generated from sales tax on all other goods at the 0.25% rate. "Diesel fuel sales tax" revenue is the net revenue at the 4.75% rate from the sales and use tax imposed on diesel fuel, liquefied petroleum gas, and natural gas

**BOOK** : 20  
**DATE** : JANUARY 29, 2008  
**CASE NO.** : 07CS01179  
**CASE TITLE** : SHAW v. CHIANG

**Superior Court of California,  
County of Sacramento**

BY: F. TEMMERMAN, *Flem*  
Deputy Clerk

nine cents per gallon. It also is undisputed that Proposition 111 required the sales tax revenues on this incremental increase in the gas excise tax to be transferred quarterly to the PTA.

In 1996, the voters approved Proposition 192. Proposition 192, another bond measure, is known as the Seismic Retrofit Bond Fund of 1996. It is codified at Government Code § 8879 *et seq.* Proposition 192 authorizes the sale of \$2 billion in bonds for the seismic retrofit of state-owned highways and bridges, including toll bridges, throughout the state.<sup>2</sup> (Gov. Code § 8879.3.)

In 1998, the voters approved Proposition 2. Proposition 2 is a legislative constitutional amendment. It added article XIX A to the California Constitution, which restrict the conditions under which funds in the PTA can be "borrowed" by the General Fund and used for non-transportation purposes. Specifically, Proposition 2 provides that funds in the PTA may be "loaned" to the General Fund, but only if certain conditions are met. (See Cal. Const. art. XIX A, § 1.)

In 2002, the voters approved Proposition 42, another legislative constitutional amendment. Prior to 2002, gasoline sales tax revenues not transferred to the PTA were deposited in the General Fund and used for general governmental purposes. (See, e.g., Rev. & Tax. Code § 7102(b).) Proposition 42 changed that. Proposition 42 added Article XIX B to the California Constitution. Article XIX B, section 1 provides that all moneys received by the State under the Sales and Use Tax Law upon the sale, storage, use, or other consumption of motor vehicle fuel that are deposited in the General Fund shall instead be transferred to the "Transportation Investment Fund."

Article XIX B, section 1 also specifies how moneys in the Transportation Investment Fund shall be allocated. For the 2008-09 fiscal year and beyond, moneys shall be allocated 20 percent to "public transit and mass transportation;" 40 percent to transportation capital improvement projects; 20 percent to street and highway maintenance by cities; and 20 percent to street and highway maintenance by counties. (Cal. Const. art. XIX B, § 1.) For fiscal years 2003-04 to 2007-08, moneys must be allocated in accordance with section 7104 of the Revenue and Taxation Code, as that section read on March 6, 2002. (*Id.*) As it read on March 6, 2002, section 7104 conditionally required a portion of the funds to be transferred to the PTA. Specifically, section 7104 provided that 20 percent of the amount remaining (if any) after specified allocations to the Traffic Congestion Relief Fund shall be transferred to the PTA for appropriation by the Legislature as follows: 50 percent to the Department of Transportation for funding of bus and passenger rail services and public transit capital improvement projects pursuant to Public Utilities Code § 99315, subdivisions (a) or (b); 20 percent to the Controller for allocation to local transportation planning agencies and county transportation commissions

---

<sup>2</sup> It also authorizes funds to be used to reimburse the State Highway Account and the Consolidated Toll Bridge Fund for Phase Two retrofit expenditures incurred in the 1994-95 and 1995-96 fiscal years. (Gov. Code § 8879.3(c))

**BOOK** : 20  
**DATE** : JANUARY 29, 2008  
**CASE NO.** : 07CS01179  
**CASE TITLE** : SHAW v. CHIANG

**Superior Court of California,  
County of Sacramento**

**BY: F. TEMMERMAN, *Femm***  
Deputy Clerk

pursuant to Public Utilities Code § 99314; and 20 percent to the Controller for allocation to local transportation planning agencies and county transportation commissions pursuant to Public Utilities Code § 99313.

As originally adopted, article XIX B, section 1 authorized the State to suspend the transfer of revenues from the General Fund to the Transportation Investment Fund in whole or in part, if the Governor has issued a proclamation declaring that the transfer will result in a significant negative fiscal impact on the government functions funded by the General Fund and the Legislature enacts a statute by a two-thirds vote authorizing such suspension. The State suspended the transfer twice between 2002 and 2006. In 2003-04, the transfer was partially suspended, and in 2004-05 the full amount of the transfer was suspended.

In November 2006, the voters adopted Proposition 1A. Proposition 1A, a legislative constitutional amendment, amended article XIX B to, among other things, further limit the conditions under which the Proposition 42 transfer of gasoline sales tax revenues can be suspended. After Proposition 1A, suspensions can occur only if the Governor issues a proclamation that declares suspension of the transfer is necessary due to a "severe state fiscal hardship." In addition, Proposition 1A amended article XIX B to provide that the transfer to the Transportation Investment Fund shall not be suspended for more than two fiscal years during any ten consecutive year period, and that no suspensions can occur unless prior suspensions (excluding those made prior to 2007-08) have been repaid in full. Further, as amended, article XIX B requires the State to use its General Fund to repay, no later than June 30, 2016, certain amounts that were not transferred to the Transportation Investment Fund because of the suspensions that occurred in 2003-04 and 2004-05. (See Cal. Const. art. XIX B, § 1, subdivision (f)(1).) For simplicity, the Court hereafter shall refer to these mandatory re-payments as the "Prop. 1A Gas Tax Reimbursements."

**B. Summary of Challenged Legislation**

Against this historical background, the Court now proceeds to describe the legislation at issue in this lawsuit. By way of overview, there are four legislative bills at issue: Senate Bills 77, 78, and 79, and Assembly Bill 193.

Senate Bill 79 amends Revenue and Taxation Code section 7102, subdivision (a)(1) by adding two new subdivisions (G) and (H) pertaining to the allocation of "spillover" revenues. As described above, section 7102, subdivision (a)(1) generally requires all "spillover" revenues to be transferred quarterly to the PTA. However, commencing in fiscal year 2001-02, the Legislature began amending section 7102, subdivision (a)(1) for the purpose of limiting/diverting the amount of such transfers. (See Rev. & Tax Code § 7102, subdivisions (a)(1)(A) through (F).) In some fiscal years, the Legislature diverted all of the spillover revenues so that no transfers were made to the PTA. (Rev. & Tax Code § 7102(a)(1)(D), (E).) In other fiscal years, the Legislature merely diverted a portion of the total amount of funds that otherwise would be transferred to the

**BOOK : 20**  
**DATE : JANUARY 29, 2008**  
**CASE NO. : 07CS01179**  
**CASE TITLE : SHAW v. CHIANG**

**Superior Court of California,  
County of Sacramento**

**BY: F. TEMMERMAN, *F. Temmerman***  
**Deputy Clerk**

PTA. (Rev. & Tax Code § 7102(a)(1)(A), (B), (C), (F).) New subdivisions (G) and (H) continue this practice. These two new subdivisions provide:

"(G) For the 2007-08 fiscal year, the first one hundred fifty-five million four hundred ninety-one thousand eight hundred thirty-seven dollars (\$155,491,837) in revenue estimated pursuant to this paragraph each quarter shall, notwithstanding any other provision of this paragraph or any other provision of law, be transferred quarterly to the Mass Transportation Fund. If revenue in any quarter is less than that amount, the transfer in the subsequent quarter or quarters shall be increased so that the total transferred for the fiscal year is six hundred twenty-one million nine hundred sixty-seven thousand three hundred forty-eight dollars (\$621,967,348).

"(H) For the 2008-09 fiscal year and every fiscal year thereafter, 50 percent of the revenue estimated pursuant to this paragraph each quarter shall, notwithstanding any other provision of this paragraph or any other provision of law, be transferred to the Mass Transportation Fund." (Rev. & Tax Code § 7102(a)(1)(G), (H).)

Thus, as a result of SB 79, for the 2007-08 fiscal year, up to \$621,967,348 of "spillover" revenues that otherwise would have been transferred to the PTA will instead be transferred to a newly-established "Mass Transportation Fund." Similarly, for the 2008-09 fiscal year and beyond, 50 percent of any additional "spillover" revenues shall also be transferred to the Mass Transportation Fund.

Assembly Bill 193 adds section 7103 to the Revenue and Taxation Code. Section 7103 establishes the Mass Transportation Fund described above. Section 7103, subdivision (a) also provides that moneys in the Mass Transportation Fund "may be used for, but shall not necessarily be limited to," the following transportation purposes: (1) payment of debt service on transportation bonds, or reimbursement to the General Fund for past debt service payments on transportation bonds; (2) funding of the Department of Developmental Services for Regional Center transportation; (3) reimbursement to the General Fund for payments made by the General Fund pursuant to subdivision (f) of Section 1 of Article XIX B of the California Constitution; and (4) funding of home-to-school transportation and Small School District Transportation programs. (Rev. & Tax Code § 7103(a).)

For fiscal year 2007-08, of the \$621,967,348 in spillover revenues diverted to the Mass Transportation Fund, Revenue & Taxation Code section 7103, subdivision (b) provides that \$539,289,348 shall be transferred to the Transportation Debt Service Fund and that the remaining \$82,678,000 shall be transferred to the General Fund to "offset" the Prop. 1A Gas Tax Reimbursements (i.e., the payments required from the General Fund pursuant to article XIX B, section 1, subdivision (f)).

**BOOK** : 20  
**DATE** : JANUARY 29, 2008  
**CASE NO.** : 07CS01179  
**CASE TITLE** : SHAW v. CHIANG

**Superior Court of California,  
County of Sacramento**

BY: F. TEMMERMAN, *Flem*  
Deputy Clerk

**7.9b**

Attachment Package  
Page 10

AB 193 also adds Government Code section 16965. Section 16965 establishes the Transportation Debt Service Fund. As its name implies, the Transportation Debt Service Fund is dedicated to the payment of debt service on bonds, including the bonds issued pursuant to Propositions 108, 116, and 192.

Of the \$539,289,348 transferred to the Transportation Debt Service Fund from the Mass Transportation Fund pursuant to Revenue and Taxation Code § 7103(b), Government Code section 16965(b) authorizes the Director of Finance to transfer up to \$339,289,345 to the General Fund for the purpose of offsetting the cost of current debt service payments for bonds issued pursuant to Propositions 108, 116, and 192. (Gov. Code § 16965(b).) (The \$339,289,345 breaks down between the three bond measures as follows: (i) \$70,983,363 for Proposition 108; (ii) \$123,973,493 for Proposition 116; and (iii) \$144,332,489 for Proposition 192. (Gov. Code § 16965(b).) Section 16965(b) authorizes the Director of Finance to transfer the remaining \$200,000,000 to the General Fund for the purpose of offsetting the cost of debt service payments for public transportation-related general obligation bond expenditures made from the General Fund "in prior fiscal years." (Gov. Code § 16965(b).) The Department of Finance has determined that this \$200,000,000 will be used to reimburse the General Fund for past debt service payments on Proposition 108 bonds.

Unlike SB 79 and AB 193, which pertain to the use of "spillover" revenues diverted from the Retail Sales Tax Fund, SB 77 and 78 involve appropriations of funds from the PTA.

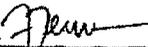
Senate Bill 78 adds section 24.80 to the Budget Act. It authorizes the Director of Finance to transfer \$409,000,000 from the PTA to the General Fund in the 2007-08 fiscal year for the purpose of reimbursing the General Fund for debt service payments on public transportation bonds made in prior fiscal years.<sup>3</sup> Section 24.80(c) expressly finds that funding debt service on bonds benefiting public transportation is a component of the State's mass transportation program. The Department of Finance has determined that this \$409,000,000 has been (or will be) used to reimburse the General Fund for past debt service payments on Proposition 108 bonds.

Senate Bill 78 also adds section 56 to the Budget Act. Section 56 transfers \$99,120,000 from the PTA to the State School Fund, as part of the Home-to-School Transportation and Small School District Transportation programs. The Home-to-School Transportation program provides funding to local school districts and counties for transportation of students to and from public schools. The Small School District Transportation program provides funding to small school districts and county offices of education to comply with federal safety standards either through the purchase of new school buses or the reconditioning of existing buses.

<sup>3</sup> The total reimbursement, however, may not reduce the balance in the PTA below a "prudent reserve," as determined by the Director of Finance.

**BOOK** : 20  
**DATE** : JANUARY 29, 2008  
**CASE NO.** : 07CS01179  
**CASE TITLE** : SHAW v. CHIANG

**Superior Court of California,  
County of Sacramento**

**BY: F. TEMMERMAN,**   
Deputy Clerk

Senate Bill 77 appropriates \$128,806,000 from the PTA to the Department of Developmental Services for local assistance to Regional Centers. This appropriation is for transporting developmentally disabled persons receiving vocational rehabilitation services at Regional Centers. (See 17 C.C.R. § 58520.)

In summary, for fiscal year 2007-08, SB 79 and AB 193 transfer \$621,967,348 of spillover revenues directly from the Retail Sales Tax Fund to the Mass Transportation Fund. Of this amount, \$82,678,000 is then transferred to the General Fund to offset the Prop. 1A Gas Tax Reimbursements, and the remaining \$539,289,348 is transferred to the Transportation Debt Service Fund. Of the amount transferred to the Transportation Debt Service Fund, \$339,289,345 is transferred to the General Fund for current debt service payments on Propositions 108, 116, and 192 bonds, and the remaining \$200,000,000 is transferred to the General Fund for past debt service payments on Proposition 108 bonds. Thus, to further summarize, SB 79 and AB 193 transfer \$621,967,348 from the Retail Sales Tax Fund to the General Fund to offset the Prop. 1A Gas Tax Reimbursements and fund current and past debt service payments on transportation bonds. In addition, commencing in fiscal year 2008-09, SB 79 permanently diverts 50 percent of future spillover revenues from the Retail Sales Tax Fund to the Mass Transportation Fund for the purposes described above.

SB 78 appropriates \$409,000,000 from the PTA to reimburse the General Fund for past debt service payments on Proposition 108 bonds, and appropriates \$99,120,000 from the PTA to fund the Home-to-School Transportation and Small School District Transportation programs. And SB 77 appropriates \$128,806,000 from the PTA to pay the costs of transporting developmentally disabled persons receiving vocational rehabilitation services.

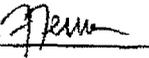
C. Petitioners' Claims

In this proceeding, Petitioners do not challenge the amendments to Revenue and Taxation Code § 7102(a)(1) which limited/diverted spillover revenues in fiscal years 2001-02, 2002-03, 2003-04, 2005-06, and 2006-07. (See Rev. & Tax. Code § 7102(a)(1)(A) through (E).) Petitioners contend that these amendments were improper, but do not challenge them here. The legislation challenged in this Petition only involves appropriations for fiscal year 2007-08 and beyond.

Petitioners also do not challenge the diversion of \$70,983,363 in spillover revenues to pay for current debt service on bonds issued pursuant to Proposition 108 for fiscal year 2007-08. Petitioners concede for purposes of this lawsuit that funding *current* debt service on bonds issued pursuant to Proposition 108 bonds is a legitimate "mass transportation" purpose within the meaning of Proposition 116. However, Petitioners challenge all of the other appropriations described above. Specifically, the Petition challenges the following appropriations in fiscal year 2007-08:

BOOK : 20  
DATE : JANUARY 29, 2008  
CASE NO. : 07CS01179  
CASE TITLE : SHAW v. CHIANG

Superior Court of California,  
County of Sacramento

BY: F. TEMMERMAN,   
Deputy Clerk

7.28

- (1) \$144,332,489 in spillover revenues diverted from the Retail Sales Tax Fund to the General Fund to offset current debt service payments on bonds issued pursuant to Proposition 192;
- (2) \$123,973,493 in spillover revenues diverted from the Retail Sales Tax Fund to the General Fund to offset current debt service payments on bonds issued pursuant to Proposition 116;
- (3) \$200,000,000 in spillover revenues diverted from the Retail Sales Tax Fund to the General Fund to reimburse the General Fund for past debt service payments on bonds issued pursuant to Proposition 108;
- (4) \$82,678,000 in spillover revenues diverted from the Retail Sales Tax Fund to the General Fund to offset current Prop. 1A Gas Tax Reimbursements;
- (5) \$409,000,000 in funds appropriated from the PTA to the General Fund to reimburse the General Fund for past debt service payments on bonds issued pursuant to Proposition 108;
- (6) \$128,806,000 in funds appropriated from the PTA to the Department of Developmental Services for local assistance to Regional Centers; and
- (7) \$99,120,000 in funds appropriated from the PTA to the Department of Education for the Home-to-School Transportation and Small School District Transportation programs.

Petitioners challenge the \$144,332,489 appropriation on the grounds it violates Public Utilities Code § 99310.5 and Revenue and Taxation Code section 7102, as amended by Proposition 116. Petitioners contend that the spillover revenues are PTA funds and therefore, pursuant to Public Utilities Code § 99310.5, the revenues are available "only for transportation planning and mass transportation purposes." Petitioners contend that mass transportation means public mass transit, or public transportation, not general transportation infrastructure. Seismic retrofitting of state-owned highways and bridges, Petitioners argue, is not a "transportation planning" or "mass transportation" purpose. Thus, Petitioners contend PTA funds cannot be used to pay the current debt service on Proposition 192 bonds. Petitioners further contend that the State cannot circumvent the restrictions on PTA funds in Public Utilities Code § 99310.5 by diverting the spillover revenues from the Retail Sales Tax Fund before they are transferred into the PTA. Petitioners contend that Revenue and Taxation Code § 7102(a) imposes a mandatory duty on the State to transfer spillover revenues from the Retail Sales Tax Fund to the PTA, and that Proposition 116 prevents the Legislature from amending section 7102 in a manner inconsistent with the purposes of Proposition 116 and the PTA trust fund account.

**BOOK** : 20  
**DATE** : JANUARY 29, 2008  
**CASE NO.** : 07CS01179  
**CASE TITLE** : SHAW v. CHIANG

**Superior Court of California,  
 County of Sacramento**

**BY: F. TEMMERMAN,**   
 Deputy Clerk

Petitioners challenge the \$123,973,493 appropriation on the grounds it violates Public Utilities Code § 99611, as added by Proposition 116. Section 99611 specifies that it is the intent of the people in enacting Proposition 116 that the bond funds approved in the measure "shall not be used to displace existing sources of funds for rail and other forms of public transportation, including but not limited to funds that have been provided pursuant to Article XIX of the California Constitution, [and] the [PTA] . . ." (Pub. Util. Code § 99611.) As described above, Petitioners contend that Revenue and Taxation Code § 7102 and Public Utilities Code § 99310.5 impose a mandatory obligation on the State to transfer spillover revenues from the Retail Sales Tax Fund to the PTA and to use those revenues only for "transportation planning and mass transportation purposes." Because Petitioners contend that mass transportation means public transportation, Petitioners argue that spillover revenues are an existing source of funds for public transportation. Thus, Petitioners contend that by directing that \$123,973,493 of spillover revenues be transferred from the PTA for payments on Proposition 116 bonds, the Legislature effectively has "displaced" existing public transportation funds to service the bonds.

Petitioners challenge the appropriation of \$200,000,000 in spillover revenues, and \$409,000,000 in PTA funds, to reimburse the General Fund for *past* debt service payments on Proposition 108 bonds on the grounds these appropriations serve no "transportation planning or mass transportation" purpose and are a thinly-veiled attempt to divert PTA funds for general governmental purposes. Petitioner asserts that the Legislature does not have the power to broaden the uses for which PTA funds are available beyond "transportation planning and mass transportation purposes."

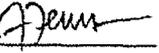
Petitioners challenge the appropriation of \$128,806,000 in funds appropriated from the PTA to the Department of Developmental Services for local assistance to Regional Centers, and \$99,120,000 in funds appropriated from the PTA to the Department of Education for the Home-to-School Transportation and Small School District Transportation programs, on the grounds these are not transportation planning or mass transportation purposes.

Finally, Petitioners challenge the \$82,678,000 appropriation to offset current Prop. 1A Gas Tax Reimbursements on the ground that using transportation funds to backfill the General Fund's constitutional obligation to reimburse the Transportation Investment Fund for the suspended transfers that occurred in 2003-04 and 2004-05 is contrary to both Proposition 116 and Proposition 1A. Petitioners contend that this appropriation conflicts with Proposition 116 because it would result in spillover revenues being used for non-transportation planning and non-mass transportation purposes. Petitioners contend that this appropriation also conflicts with the intent of Proposition 1A because it would result in no net repayment of the suspended transfers of Prop. 42 transportation funds.

For fiscal year 2008-09 and beyond, Petitioners challenge the diversion of 50 percent of all spillover revenues from the Retail Sales Tax Fund to the Mass Transportation Fund because

**BOOK** : 20  
**DATE** : JANUARY 29, 2008  
**CASE NO.** : 07CS01179  
**CASE TITLE** : SHAW v. CHIANG

**Superior Court of California,  
County of Sacramento**

**BY: F. TEMMERMAN,**   
Deputy Clerk

the transfer would allow the Legislature to use these funds for purposes other than transportation planning and mass transportation. (See Rev. & Tax. Code § 7102(a)(1)(H).)

Respondents, in contrast, argue that the Petition should be denied for substantive and procedural reasons.

Substantively, Respondents argue that of the \$1,187,909,982 in appropriations challenged by Petitioners, only \$565,942,634 was appropriated from the PTA. Respondents contend only the appropriations from the PTA are governed by the restrictions of Public Utilities Code § 99310.5. In respect to these PTA appropriations, Respondents assert that the challenged transfers fully comport with the restrictions of Public Utilities Code § 99310.5.

In respect to the non-PTA appropriations (the spillover revenues), Respondents contend that the only relevant issue before the Court is whether the Legislature properly amended Revenue and Taxation Code § 7102(a)(1), to add subdivisions (G) and (H), diverting the spillover revenues from the Retail Sales Tax Fund to the Mass Transportation Fund. Respondents assert that the amendment was proper and must be upheld.

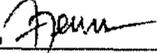
According to Respondents, Proposition 116 allows amendments to section 7102 that are consistent with, and further the purposes of, section 7102. The purpose of section 7102, Respondents argue, is broader than merely funding the PTA. Rather, it is to provide for the distribution of all State sales and use tax revenues that have been deposited in the Retail Sales Tax Fund. Respondents assert that any amendment is consistent with and furthers the purposes of that section so long as it distributes sales and use tax revenue to fund the general operations of the government. Because the challenged amendments to section 7102(a)(1), subdivisions (G) and (H), are consistent with this purpose, the amendments are valid and Petitioners' challenge to the transfers from the Retail Sales Tax Fund must be rejected.

Moreover, even if Public Utilities Code § 99310.5 applies to the diverted spillover revenues, Respondents assert that the challenged appropriations nevertheless are valid. Respondents assert that all of the appropriations are for a "mass transportation" purpose within the meaning of Public Utilities Code § 99310.5. Respondents argue that Petitioners' interpretation of the phrase "mass transportation" is unduly narrow. Respondents deny that mass transportation is synonymous with "mass transit," "public mass transportation," or "public transportation." Respondents interpret the phrase "mass transportation" to include any means or system of conveyance of a large number of people or things, including, potentially, highways and bridges.

In respect to the appropriations for current debt service payments on Proposition 116 bonds, Respondents contend that Petitioners' interpretation of Public Utilities Code § 99611 renders the provision unconstitutional and that, in any event, there is no evidence that bond funds have displaced public transportation funds.

**BOOK** : 20  
**DATE** : JANUARY 29, 2008  
**CASE NO.** : 07CS01179  
**CASE TITLE** : SHAW v. CHIANG

**Superior Court of California,  
County of Sacramento**

**BY: F. TEMMERMAN,**   
**Deputy Clerk**

In respect to the appropriations for past debt service payments on Proposition 108 bonds, Respondents contend Petitioners are making a "baseless distinction" between the payment of current debt service on Proposition 108 bonds – which Petitioners concede is proper – and payment of past debt service on Proposition 108 bonds – which Petitioners contend is not proper.

And in respect to the appropriations for Prop. 1A Gas Tax Reimbursements, Respondents contend that such backfilling is permissible because there is no law that prohibits the General Fund from receiving reimbursement for its constitutional obligation.

Procedurally, Respondents argue that Petitioners' challenges are barred by laches. According to Respondents, the Legislature has been diverting spillover revenues and appropriating PTA funds for agricultural worker transportation and seismic retrofit programs since 2001. Respondents contend this established a practice, and that the Legislature and the Department of Finance relied on the legitimacy of this practice in preparing the 2007-08 budget. Respondents argue that to allow Petitioners to now challenge the legitimacy of this established practice would be prejudicial to Respondents.

Furthermore, Respondents argue that even if the Court were to find that one or more of the challenged appropriations does not fully comply with the law, the petition for writ of mandate should be denied on equitable grounds because it will have detrimental consequences for the State's 2008-09 budget.

Finally, Respondents assert the Petition should be denied because the verification of the Petition is defective.

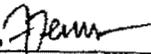
III.  
Standard of Review

As described above, this Petition alleges that various provisions of the 2007-08 Budget Act and related trailer bills are unconstitutional because they conflict with an initiative statute (Proposition 116) and three legislative constitutional amendments (Propositions 42, 2 and 1A).

In interpreting a constitutional amendment or voter initiative, courts apply the same principles that govern construction of a statute. The paramount task is to ascertain and effectuate legislative intent. Courts turn first to the language of the constitutional text or initiative statute, giving the words their ordinary meaning, in the context of the nature and purpose of the enactment. When the language is clear and unambiguous, the plain meaning of the language governs. (*Hayden v. Robertson Stephens, Inc.* (2007) 150 Cal.App.4th 360, 367.) As a judicial body, it is the role of the courts to interpret the laws as they are written; courts cannot insert or omit words to cause the meaning of the measure to conform to a presumed intent that is not expressed. (*Knight v. Superior Court* (2005) 128 Cal.App.4th 14, 23.) Where there is ambiguity

**BOOK** : 20  
**DATE** : JANUARY 29, 2008  
**CASE NO.** : 07CS01179  
**CASE TITLE** : SHAW v. CHIANG

**Superior Court of California,  
County of Sacramento**

**BY: F. TEMMERMAN,**   
Deputy Clerk

in the language of the measure, however, courts may consider ballot summaries, arguments, and other indicia of voters' intent in determining the meaning of a ballot measure. (*Professional Engineers v. Kempton* (2007) 40 Cal.4th 1016, 1037.)

In general, the law-making authority of the State is vested in the Legislature and that body may exercise any and all legislative powers which are not expressly or by necessary implication denied to it by the Constitution. (*Professional Engineers v. Wilson* (1998) 61 Cal.App.4th 1013, 1020.) Thus, in considering the constitutionality of a legislative act, the court presumes its validity and resolves all doubts in favor of the act. Unless conflict with a constitutional provision is clear, the court must uphold the act. (*Id.* at p. 1025.)

On the other hand, it also is the duty of the courts to "jealously guard" the people's initiative and referendum power. Thus, it has long been a judicial policy to apply a liberal construction to this power whenever it is challenged in order that the right to initiative and referendum is "not improperly annulled." (*Proposition 103 Enforcement Project v. Quackenbush* (1998) 64 Cal.App.4th 1473, 1486; see also *Professional Engineers v. Kempton* (2007) 40 Cal.4th 1016, 1044.)

IV.  
Discussion

A. Is the Petition procedurally barred?

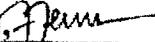
As an initial matter, Respondents contend that the Petition should be denied on procedural grounds because Petitioners have unreasonably delayed in seeking relief; issuance of a writ will not promote the ends of justice; and the Petition is not properly verified. Each of these contentions is rejected.

Petitioners have not unreasonably delayed in seeking relief. The transfers challenged by Petitioners are unique to the 2007-08 Budget Act. The fact that Petitioners could have filed lawsuits challenging similar enactments in prior years is wholly irrelevant. Moreover, the public cannot be estopped from challenging the legality of an illegally established practice. An established practice that is not legal does not become legal by the mere passage of time.

Neither is writ relief barred on the grounds it will not promote the ends of justice. Issuance of a writ, if ordered, will promote the ends of justice by prohibiting illegal appropriations and furthering the will of the people. Whatever detrimental effects this may have on the State's 2008-09 budget is a consequence of the illegal Acts, not this Court's decision. If the Court were to adopt Respondents' argument, writ relief would rarely, if ever, be available in lawsuits against the State.

BOOK : 20  
DATE : JANUARY 29, 2008  
CASE NO. : 07CS01179  
CASE TITLE : SHAW v. CHIANG

Superior Court of California,  
County of Sacramento

BY: F. TEMMERMAN,   
Deputy Clerk

Respondents' challenge to the verification of the First Amended Petition is likewise rejected. The First Amended Petition on which the verifications were based differed from the filed Petition in only one immaterial respect: the First Amended Petition that was reviewed and verified contained blanks for a legal citation to Assembly Bill 193. All material facts in the Petitioner were properly verified. Moreover, even if the verification is defective, the failure to verify a pleading is not a jurisdictional matter, but a mere defect in pleading, which may be waived by proceeding to trial without proper objection. (*United Farm Workers of America v. Agric Labor Relations Bd.* (1985) 37 Cal.3d 912, 915; *Ware v. Stafford* (1962) 206 Cal.App.2d 232, 237; *People v. Birch Sec. Co.* (1948) 86 Cal.App.2d 703, 707-708.) The proper objection where a party fails to verify a pleading is a motion to strike. (*Zavala v. Board of Trustees* (1993) 16 Cal.App.4th 1755, 1761.) When Respondents proceeded to trial without principally objecting to the lack of verification, they waived any right to object to the verification. (*Id.*)

**B. Does Public Utilities Code § 99310.5 apply to the transfers of spillover revenues challenged by Petitioners?**

The amendments to Revenue and Taxation Code § 7102(a)(1), subdivisions (G) and (H) transfer from the Retail Sales Tax Fund to the Mass Transportation Fund \$621,967,348 in spillover revenues that would otherwise have been transferred into the PTA. Petitioners argue that these amendments violate Proposition 116. Petitioners contend that Public Utilities Code § 99310.5 and Revenue & Taxation Code § 7102, as amended by Proposition 116, impose a mandatory obligation on the State to transfer spillover revenues from the Retail Sales Tax Fund to the PTA, and to use those revenues only for "transportation planning and mass transportation purposes."

Respondents argue that Petitioners have improperly framed the issue. Respondents assert that Public Utilities Code § 99310.5, by its terms, applies only to funds in the PTA trust fund account. In this case, the challenged spillover revenues were not transferred into the PTA account because the amendments to Revenue & Taxation Code § 7102(a)(1) diverted the spillover revenues directly from the Retail Sales Tax Fund to the Mass Transportation Fund. Therefore, Respondents argue, the only issue before the Court is whether the Legislature had the power to amend Revenue & Taxation Code § 7102(a)(1) in this manner. Respondents assert that it did.

The Court agrees with Respondents that the threshold issue before the Court is whether the Legislature had the power to amend Revenue & Taxation Code § 7102(a)(1). There is a constitutional limitation on the Legislature's power to amend initiative statutes. (*Foundation for Taxpayer & Consumer Rights v. Garamendi* (2005) 132 Cal.App.4th 1354, 1364-1365.) Article II, section 10, subdivision (c) of the California Constitution provides that the Legislature may amend or repeal an initiative statute only by another statute approved by the electors, "unless the initiative statute permits amendment or repeal without their approval." (Cal. Const. art. II, § 10(c).) The power of the electors to decide whether the Legislature can amend or repeal an

BOOK : 20  
DATE : JANUARY 29, 2008  
CASE NO. : 07CS01179  
CASE TITLE : SHAW v. CHIANG

Superior Court of California,  
County of Sacramento

BY: F. TEMMERMAN,   
Deputy Clerk

initiative statute is absolute and includes the power to enable legislative amendment subject to conditions attached by the voters. (*Foundation for Taxpayer & Consumer Rights, supra*, at pp. 1364-1365; *Amwest Surety Ins. Co. v. Wilson* (1995) 11 Cal.4th 1251, 1251.) It is common for an initiative measure to include a provision authorizing the Legislature to amend the initiative without voter approval so long as the amendment furthers a purpose of the initiative. (See *Amwest, supra*, at pp. 1251-1252; see also *Professional Engineers v. Kempton* (2007) 40 Cal.4th 1016, 1026; *Proposition 103 Enforcement Project v. Quackenbush* (1998) 64 Cal.App.4th 1473, 1484.) Where an initiative measure grants the Legislature the power to amend a measure to further its purposes, a court, in determining whether an amendment is valid, applies a presumption of constitutionality to the amendment and upholds the amendment if there is any reasonable basis to conclude that the amendment serves the purposes of the initiative statute. (*Amwest, supra*, at pp. 1251-1253.) In determining the purposes of the measure, a court is not limited to the general statement of purpose found in the initiative, and may look to many sources, including the historical context of the measure and the ballot arguments. (*Id.* at pp. 1256-1257.)

Revenue & Taxation Code § 7102, at issue here, is an initiative statute. It was amended and re-enacted by virtue of the voters' approval of Proposition 116. (See Cal. Const. art. II, § 9; *Yoshisato v. Superior Court* (1992) 2 Cal.4th 978, 990 fn. 6.)

Proposition 116 allows amendments to Revenue & Taxation Code section 7102 subject to conditions. Section 7102, subdivision (e) provides, in relevant part, "[t]he Legislature may amend this section, by [two-thirds vote], if the statute is consistent with, and furthers the purposes of this section." (Rev. & Tax. Code § 7102(e).)

Respondents correctly observe that the power that Proposition 116 gives to the Legislature is atypical in that amendments to Section 7102 need only further the purposes of "this section" – meaning § 7102 – and not the purposes of the broader initiative.<sup>4</sup>

Petitioners dispute this interpretation and argue that even though the statute uses the term "section," the voters' must have intended to preclude amendments inconsistent with the purposes of the "trust" fund. Why else, Petitioners query, would the voters have amended Revenue & Taxation Code § 7102, subdivision (a) to direct spillover revenues to the trust fund?<sup>5</sup> However, in making this argument, Petitioners ignore that the voters also amended section 7102 to allow the Legislature to amend "this section" by statute passed by two-thirds vote provided the statute is consistent with and furthers the purposes of "this section." Where the language of a statute is

<sup>4</sup> Section might also be interpreted as reference to the "section" of the initiative (§ 4) setting forth the amendments to Revenue & Taxation Code section 7102. However, that is a distinction without a difference since the only purpose of section 4 of the initiative was to describe the amendments to Revenue & Taxation Code section 7102. The term "section" cannot reasonably be interpreted as a reference to a "part" of the initiative since the text of the initiative clearly distinguished between these two terms. (See, e.g., Pub. Util. Code §§ 99605, 99611.)

<sup>5</sup> To the extent this rhetorical question requires an answer, one possibility is that the voters intended to conform Revenue & Taxation Code § 7102(a) to the amendments to Public Utilities Code § 99310.5.

BOOK : 20  
DATE : JANUARY 29, 2008  
CASE NO. : 07CS01179  
CASE TITLE : SHAW v. CHIANG

Superior Court of California,  
County of Sacramento

BY: F. TEMMERMAN,   
Deputy Clerk

clear on its face, a court may not add to a statute or rewrite it to conform to an assumed intent that is not apparent in its language. (*Professional Engineers v. Kempton* (2007) 40 Cal.4th 1016, 1037.) Here, the term "section" has an accepted meaning, (see *Black's Law Dictionary* [6th Ed. 1990], at p. 1353), and the Court cannot rewrite the statute to state something different.<sup>6</sup>

Moreover, even if the Court were to conclude that the term "section" is ambiguous, there is no extrinsic evidence of intent in the ballot materials or anywhere else to support Petitioners' interpretation. While the text of the initiative makes clear the voters intended to designate the PTA as a trust fund, there is nothing in the ballot summaries, arguments, or analysis discussing the trust fund, or suggesting that the voters intended to preclude the Legislature from changing the amount of sales and use tax revenues allocated to the trust fund.<sup>7</sup> (*Cf.* Pub. Util. Code § 99605 [empowering Legislature to amend part if the statute is consistent with and furthers the purposes of this part, provided no changes are made in the way in which funds are allocated pursuant to Chapter 3, except Section 99684].) The only evidence of the voters' intent regarding the trust fund is the text of the initiative statute itself, which is no basis to overturn the presumption of constitutionality supporting the Legislature's acts. For these reasons, the Court concludes the Legislature may amend section 7102, by a two-thirds vote, provided the statute is consistent with, and furthers the purposes of section 7102.

Here, it is undisputed that the 2007-08 Budget Act's amendments were passed in each house of the Legislature by a two-thirds vote of the membership. Thus, the only remaining question is whether the amendments are consistent with, and further the purposes of, the section. The Court concludes that the amendments are consistent with, and further the purposes of, the section.

The purpose of section 7102 is broader than funding the PTA. Rather, section 7102 is a bucket-type distribution statute that governs the disposition of all state sales and use taxes deposited into the Retail Sales Tax Fund. (*See* Rev. & Tax. Code § 7102 ["The money in the fund shall . . . be drawn [for refunds] . . . or be transferred in the following manner: . . .".]) Although some of its provisions govern the transfer of spillover revenues to the PTA, section 7102 also governs the transfer of revenues to other funds, including the General Fund. The purpose of section 7102, therefore, is to provide for the distribution of all state sales and use tax revenues that have been deposited in the Retail Sales Tax Fund.

The amendments to Revenue and Taxation Code § 7102, subdivisions (a)(1)(G) and (H), are consistent with and further the purposes of section 7102 because the amendments distribute sales and use tax revenues for the general operation of the government. Accordingly, the

<sup>6</sup> Neither can the Court pass upon the wisdom, expediency, or policy of this enactment (*Professional Engineers v. Kempton* (2007) 40 Cal 4th 1016, 1043 )

<sup>7</sup> Because it was not raised in this proceeding, the Court expresses no opinion on whether Proposition 116 violated the single-subject rule of the California Constitution because the provisions of the initiative measure embraced more than one subject (*See* Cal Const art. IV, § 9; *Senate of the State of Cal v Jones* (1999) 21 Cal.4th 1142.)

**BOOK** : 20  
**DATE** : JANUARY 29, 2008  
**CASE NO.** : 07CS01179  
**CASE TITLE** : SHAW v. CHIANG

**BY: F. TEMMERMAN,**   
**Deputy Clerk**  
**County of California,**

7.216

Legislature had the power to amend § 7102(a)(1). And because the amendments are valid, Petitioners' claim that the transfer of \$621,967,348 in spillover revenues violates Public Utilities Code § 99310.5 must be rejected. By its terms, Public Utilities Code § 99310.5 only applies to funds in the PTA account. By virtue of the amendments, the spillover revenues never were deposited in the PTA.

C. Do the provisions of Proposition 116 preclude the use of spillover revenues for payment of current debt service on Proposition 116 bonds?

Proposition 116, the Clean Air and Transportation Improvement Act of 1990, authorizes the sale of \$1.99 billion in bonds primarily for "rail projects." From the statement of intent set forth in Public Utilities Code § 99611, the voters intended Proposition 116 to increase funds for rail and other public transportation projects without reducing or displacing existing sources of funds for public transportation. (See Pub. Util. Code § 99611.) Petitioners allege that using spillover revenues to reimburse the General Fund for payment of current debt service on Proposition 116 bonds would have the effect of displacing a source of funds for public transportation and, therefore, violate Proposition 116. Respondents contend, however, that Petitioners' argument fails because (1) as a factual matter, there is no evidence that bond funds have displaced public transportation funds; (2) as a matter of law, section 99611 does not apply to the displacement of non-public transportation funds; and (3) Petitioners' interpretation would render section 99611 an unconstitutional restriction on the Legislature's plenary power to appropriate money.

The Court agrees with Respondents. In enacting Proposition 116, the voters intended to increase mass transit spending without depleting or displacing existing public transportation funds. (*Professional Engineers v. Wilson* (1998) 61 Cal.App.4th 1013, 1022.) The PTA is an existing public transportation fund. (See discussion *infra*.) However, the spillover revenues were not deposited into the PTA. As discussed above, the Legislature validly amended Revenue and Taxation Code § 7102, subdivisions (a)(1) to divert the spillover revenues directly from the Retail Sales Tax Fund to the Mass Transportation Fund. Moneys in the Mass Transportation Fund are not restricted to public transportation purposes. (See Rev. & Tax Code § 7103.) And there is no evidence that moneys in the Mass Transportation Fund (or the General Fund) specifically earmarked for public transportation were used for this bond debt reimbursement. (See *Wilson, supra*, at p. 1023.) Thus, there is no evidence that bond funds have displaced public transportation funds.

Further, as a matter of law, section 99611 does not apply to non-public transportation funds. (See *Wilson, supra*, at p. 1022.) Because the diverted spillover revenues were not transferred into the PTA, they were not public transportation funds. To the extent Petitioners construe section 99611 as prohibiting the Legislature from servicing bond debt with any moneys that *could* be used to fund public transportation, then Petitioners' interpretation must be rejected

BOOK : 20  
DATE : JANUARY 29, 2008  
CASE NO. : 07CS01179  
CASE TITLE : SHAW v. CHIANG

Superior Court of California,  
County of Sacramento

BY: F. TEMMERMAN,   
Deputy Clerk

7.017

as inconsistent with Proposition 116 and as an unconstitutional limitation on the Legislature's authority.<sup>8</sup>

D. Does Proposition 1A prohibit the appropriation of \$82,678,000 in spillover revenues to offset the Prop. 1A Gas Tax Reimbursements?

The subject legislation transfers \$82,678,000 in spillover revenues from the Retail Sales Tax Fund to the General Fund (via the Mass Transportation Fund) for the purpose of offsetting the General Fund's constitutional mandate to repay the suspended Proposition 42 transfers to the Transportation Investment Fund that occurred in 2003-04 and 2004-05 (i.e., the Prop. 1A Gas Tax Reimbursements). Petitioners contend that this appropriation conflicts with Proposition 1A because it would result in no net repayment of the suspended Proposition 42 transportation funds.

Petitioners are correct that the appropriation effectively would result in no net repayment of the suspended transportation funds. However, the Court agrees with Respondents that this backfilling is not unlawful. There is no law that prohibits the General Fund from being reimbursed for its ultimate obligation to re-pay the suspended transfers. (*See Wilson, supra*, at pp. 1020-1021 [upholding use of funds from the State Highway Account to reimburse the General Fund for current debt service payments on bonds based, in part, on fact that bond measures do not prohibit reimbursement].) Accordingly, Petitioners' challenge to this appropriation is rejected.

E. Are the appropriations from the PTA trust fund prohibited by Public Utilities Code § 99310.5?

In addition to challenging \$621,967,348 of spillover revenues diverted from the Retail Sales Tax Fund, Petitioners also challenge \$565,942,634 in funds appropriated from the PTA. Specifically, the Petition challenges \$409,000,000 in PTA funds transferred to the General Fund to "reimburse" the General Fund for past debt service payments on bonds issued pursuant to Proposition 108; \$128,806,000 in PTA funds transferred to the Department of Developmental Services for local assistance to Regional Centers; and \$99,120,000 in PTA funds transferred to the Department of Education for the Home-to-School and Small School District Transportation programs. Petitioners allege that all of these transfers violate Public Utilities Code § 99310.5 because the funds are not being used for "transportation planning" or "mass transportation" purposes.

<sup>8</sup> The intent of the enactment was to increase public transportation spending without displacing or depleting existing public transportation funds. The intent of the enactment was not to guarantee a particular level of transportation funding or to restrict how the Legislature spends non-public transportation funds.

**BOOK** : 20  
**DATE** : JANUARY 29, 2008  
**CASE NO.** : 07CS01179  
**CASE TITLE** : SHAW v. CHIANG

Superior Court of California,  
County of Sacramento

BY: F. TEMMERMAN   
Deputy Clerk

Respondents do not dispute that Public Utilities Code § 99310.5 restricts the use of funds in the PTA to transportation planning and mass transportation purposes, but Respondents contend that the challenged transfers fully comport with these use restrictions. Respondents argue that Petitioners' interpretation of the phrase "mass transportation" is unduly narrow. Respondents argue that the phrase "mass transportation" was not intended to be synonymous with "public transportation." Rather, Respondents contend, it was intended to include any means or system of conveyance of a large number of people or things. Respondents assert that each of the challenged transfers falls within the scope of this definition.

After considering the arguments of the parties and the evidence presented, the Court is persuaded by Petitioners' argument that the voters intended the phrase "mass transportation" to be synonymous with "mass transit" or "public transit." The Court reaches this conclusion for a number of reasons.

First, and most important, is the fact that the voters specifically amended section 99310.5 to designate the PTA a "trust fund" and to specify that funds in the account shall be available not just for any "transportation purposes," but "only for transportation planning and mass transportation purposes."<sup>9</sup> The claim by Respondents that "mass transportation" should include any means or system of transportation would render these amendments superfluous. Thus, Respondents' interpretation fails to give meaning to the amendments enacted by Proposition 116. Petitioners' interpretation, in contrast, gives meaning to the amendments enacted by Proposition 116 and is consistent with Proposition 116's broader purpose to increase funding for rail transportation and other forms of public transit. (See Argument in Favor of Proposition 116, Pet. Appx., Exh 1.)

Second, Public Utilities Code § 99611, added by Proposition 116, specifically refers to the trust fund as an "existing source[] of funds for rail and other forms of public transportation." (Pub. Util. Code § 99611; see also *Professional Engineers v. Wilson* (1998) 61 Cal.App.4th 1013, 1022.) This suggests that the voters, in approving Proposition 116, intended the phrase "mass transportation" to be synonymous with "public transportation."<sup>10</sup>

Third, this interpretation is consistent with the dictionary meaning of the term "mass transportation," i.e., the transportation of large numbers of passengers from one place to another

<sup>9</sup> The qualifying phrase "as specified by the Legislature" authorizes the Legislature to determine the particular "transportation planning" and "mass transportation" purposes for which PTA funds shall be used, but it does not give the Legislature the power to define "mass transportation" to mean something different than what was intended by the voters. (See *C&C Construction, Inc v Sacramento Municipal Utility District* (2004) 122 Cal App.4th 284, 300-302 [holding Legislature lacks constitutional authority to re-define "discrimination" for purposes of Proposition 209] )

<sup>10</sup> It also is noteworthy that, after adoption of Proposition 116, the Legislature changed the name of the trust fund account from the Transportation Planning and Development Account to the "Public Transportation Account." (Pub Util Code § 99310, Stats 1997 ch 622 § 32 (SB 45), see also Pub. Util Code § 99312(d) ["and the remainder of revenue shall remain in the Public Transportation Account to fund other state public transportation priorities"] )

**BOOK** : 20  
**DATE** : JANUARY 29, 2008  
**CASE NO.** : 07CS01179  
**CASE TITLE** : SHAW v. CHIANG

**Superior Court of California,  
County of Sacramento**

BY: F. TEMMERMAN, *Flem*  
Deputy Clerk

by means of a public conveyance. (See Webster's Third New International Dictionary (1986) at pp. 1388, 2430; Pet. Appx., Exh. 12; see also 49 U.S.C. § 5302(a)(7), (10), (14).)

The Court next considers whether the \$565,942,634 in challenged appropriations from the PTA were for "mass transportation" purposes.<sup>11</sup>

Petitioners contend that transporting public school children and the disabled are not mass transportation purposes because the services are not available to the general public. However, the Court is not persuaded public transportation services must be available to every member of the general public to serve a mass transportation purpose within the meaning of Public Utilities Code § 99310.5. Rather, in the Court's view, mass transportation services may include not only general transportation services provided to the public at large, but also specialized transportation services indiscriminately provided to some portion of the public. (See Pet. Appx., Exh. 12 [defining mass transportation to include both "general" and "special" services]; 49 U.S.C. § 5302(a)(7), (10) [defining mass transportation as transportation by a conveyance that provides general or special transportation to the public]; see also Cal. Pub. Util. Code §§ 99238, 99401.5.) Thus, the Court finds that expenditures for transporting public school children and the disabled serve "mass transportation" purposes within the meaning of section 99310.5.

To the extent Petitioners allege that the Home-to-School Transportation and/or Small School District Transportation programs may include expenditures that do not serve "mass transportation" purposes, such as in lieu payments to parents to transport their own children to school, the Court would be inclined to agree. However, there is no evidence to support Petitioners' claim that the challenged appropriations will be used for these illegitimate purposes as opposed to the legitimate purposes described above. Thus, this claim must fail.

In respect to the \$409,000,000 transfer to reimburse the General Fund for past debt service payments on Proposition 108 bonds, however, the Court agrees with Petitioners that this transfer does not serve any transportation planning or mass transportation purpose.

In reaching this conclusion, the Court distinguishes between using PTA funds to "reimburse" the General Fund for current debt service payments, and using PTA funds to reimburse the General Fund for past debt service payments. In the first instance, the funds are essentially passed through the General Fund and used to pay the current debt service on the bonds. In effect, the current debt service is paid with the PTA funds. (See, e.g., *Automobile Club of Washington v. City of Seattle* (1959) 55 Wn.2d 161, 165.) In the second instance, the debt service already was paid in prior fiscal years. Thus, the effect of this transfer is simply to transfer funds from the PTA to the General Fund, at which point the funds may be used without restrictions for any general governmental purpose.

---

<sup>11</sup> It is undisputed the appropriations were not for "transportation planning" purposes.

BOOK : 20  
DATE : JANUARY 29, 2008  
CASE NO. : 07CS01179  
CASE TITLE : SHAW v. CHIANG

Superior Court of California,  
County of Sacramento

BY: F. TEMMERMAN, *F. Temmerman*  
Deputy Clerk

In *Professional Engineers v Wilson* (1998) 61 Cal.App.4th 1013, the Court of Appeal was faced with the first type of "reimbursement." The Court considered whether current Proposition 108 and 116 bond payments could be made using funds "reimbursed" (i.e., transferred) to the General Fund from the State Highway Account for this purpose. In considering this issue, the Court looked at how State Highway Account funds are allowed to be used, and how the restricted funds actually were going to be used. The Court concluded that State Highway Account funds can be used for any work within the powers and duties of the Department, including bond debt on rail mass transit projects. Because the State Highway Account funds at issue were going to be used for this purpose, the Court concluded that the challenged transfer did not violate the purposes for which State Highway Account funds can be spent. The Court concluded that current bond debt payments could be made with funds transferred to the General Fund from the State Highway Account. (*Id.* at p. 1029.) In its opinion, however, the Court expressly stated that the distinction between reimbursement and obligation should not be taken too far: "Funding restrictions cannot be ignored through the guise of a theoretical legal 'obligation.'" (*Id.* at p. 1021.)

In this case, the distinction between reimbursement and obligation has been taken too far.<sup>12</sup> Here, unlike in *Professional Engineers*, there is no connection between the "obligation" to be reimbursed and the actual use of the dedicated funds. The bond obligations are not going to be paid with funds transferred to the General Fund from the PTA; those obligations no longer exist, having been retired in prior fiscal years.<sup>13</sup> Thus, the PTA funds will not be used to pay the debt service on the bonds. Instead, the funds simply will be transferred to the General Fund, where they can be used for any governmental purpose. This "reimbursement" in no way serves a "mass transportation" purpose.<sup>14</sup> As a result, the "reimbursement" violates the purposes for which PTA funds can be spent under Public Utilities Code § 99310.5.<sup>15</sup>

F. Conclusion

<sup>12</sup> Indeed, if Respondents' position is adopted, then restrictions on dedicated funds would be rendered virtually meaningless: the State simply could look over its prior General Fund expenditures and, to the extent it identifies sums paid for purposes consistent with the dedicated fund, it could use the dedicated funds to "reimburse" its General Fund in that amount.

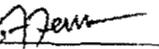
<sup>13</sup> The funds used to pay the debt service on the bonds in prior fiscal years were not borrowed or advanced from the General Fund on behalf of the PTA. There is no existing obligation to be reimbursed.

<sup>14</sup> It makes no difference that the Legislature found that funding debt service on bonds benefiting public transportation is a component of the state's mass transportation program. The \$409,000,000 appropriation is not funding debt service on bonds. It is reimbursing the General Fund for past debt service on bonds. The Legislature did not find that reimbursing the General Fund benefits the state's mass transportation program, and even if it had, such a finding would be unreasonable. If anything, the reimbursement results in a net decrease in the amount of funds reserved for mass transportation purposes.

<sup>15</sup> Although the Legislature has the power to amend section 99310.5 by statute passed by two-thirds vote if the statute is consistent with and furthers the purposes of "this section," the Court concludes that amending section 99310.5 to allow trust funds to be used for any purpose, or even any transportation purpose, would not be consistent with the purposes of the section.

BOOK : 20  
 DATE : JANUARY 29, 2008  
 CASE NO. : 07CS01179  
 CASE TITLE : SHAW v. CHIANG

Superior Court of California,  
 County of Sacramento

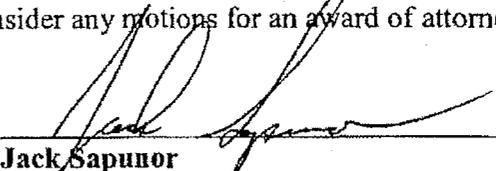
BY: F. TEMMERMAN,   
 Deputy Clerk

7.921

For the reasons discussed above, the Court concludes that the transfer of \$409,000,000 from the PTA to the General Fund for the purpose of reimbursing the General Fund for past debt service payments on Proposition 108 bonds is contrary to Public Utilities Code § 99310.5. Judgment shall be entered granting the Petition to the extent it seeks to invalidate the portion of SB 78 authorizing the \$409,000,000 transfer from the PTA to the General Fund and enjoin such transfer, but denying the Petition in all other respects.

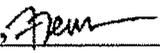
Petitioners are directed to prepare a formal judgment and peremptory writ of mandate consistent with this Court's ruling; submit them to opposing counsel for approval as to form; and thereafter submit them to the Court for signature and entry of judgment in accordance with Rule of Court 3.1312. Petitioners shall be entitled to recover their costs upon appropriate application. The Court reserves jurisdiction to consider any motions for an award of attorney fees.

Date: January 29, 2008

  
\_\_\_\_\_  
**Jack Sapunor**  
**Judge of the Superior Court of California**  
**County of Sacramento**

**BOOK** : 20  
**DATE** : JANUARY 29, 2008  
**CASE NO.** : 07CS01179  
**CASE TITLE** : SHAW v. CHIANG

**Superior Court of California,**  
**County of Sacramento**

**BY: F. TEMMERMAN,**   
**Deputy Clerk**

**CERTIFICATE OF SERVICE BY MAILING**  
**(C.C.P. Sec. 1013a(4))**

I, the undersigned deputy clerk of the Superior Court of California, County of Sacramento, do declare under penalty of perjury that I did this date place a copy of the Court's Ruling in envelopes addressed to each of the parties, or their counsel of record as stated below, with sufficient postage affixed thereto and deposited the same in the United States Post Office at Sacramento, California.

RICHARD D. MARTLAND, ESQ.  
NIELSEN MERKSAMER LAW FIRM, LLP  
1415 L STREET, STE. 1200  
SACRAMENTO, CA 95814

JAMES R. PARRINELLO, ESQ.  
NIELSEN MERKSAMER LAW FIRM, LLP  
591 REDWOOD HIGHWAY, #4000  
MILL VALLEY, CA 94941

KURT ONETO, ESQ.  
NIELSEN MERKSAMER LAW FIRM, LLP  
1415 L STREET, STE. 1200  
SACRAMENTO, CA 95814

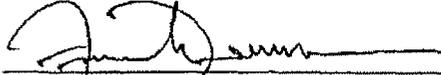
CHRIS SKINNELL, ESQ.  
NIELSEN MERKSAMER LAW FIRM, LLP  
591 REDWOOD HIGHWAY, #4000  
MILL VALLEY, CA 94941

MARGARET C. TOLEDO  
DEPUTY ATTORNEY GENERAL  
1300 I STREET, STE. 125  
SACRAMENTO, CA 94244-2550

Dated: January 29, 2008

Superior Court of California,  
County of Sacramento

By:

  
\_\_\_\_\_  
Frank Temmerman,  
Deputy Clerk

BOOK : 20  
DATE : JANUARY 29, 2008  
CASE NO. : 07CS001179  
CASE TITLE : SHAW v. CHIANG

Superior Court of California,  
County of Sacramento

BY: F. TEMMERMAN,   
\_\_\_\_\_  
Deputy Clerk

7.023

1 RICHARD D. MARTLAND, ESQ. (S.B. NO. 33162)  
 2 KURT ONETO, ESQ. (S.B. NO. 248301)  
 3 Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP  
 4 1415 L Street, Suite 1200  
 5 Sacramento, CA 95814  
 6 Telephone: (916) 446-6752  
 7 Facsimile: (916) 446-6106

8 JAMES R. PARRINELLO, ESQ. (S.B. NO. 63415)  
 9 CHRIS SKINNELL, ESQ. (S.B. NO. 227093)  
 10 Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP  
 11 591 Redwood Highway, #4000  
 12 Mill Valley, CA 94941  
 13 Telephone: (415) 389-6800  
 14 Facsimile: (414) 388-6874

15 Attorneys for Petitioners Josh Shaw, Taxpayer and  
 16 Executive Director of California Transit Association;  
 17 and California Transit Association, a nonprofit corporation

18 SUPERIOR COURT OF CALIFORNIA  
 19 COUNTY OF SACRAMENTO

20	JOSH SHAW, Taxpayer and Executive Director of )	Case No. 07CS 01179
21	California Transit Association, and the )	
22	CALIFORNIA TRANSIT ASSOCIATION, a )	
23	nonprofit corporation, )	
24	)	<b>PETITIONERS' OBJECTION TO</b>
25	Petitioners, )	<b>STATEMENT OF DECISION</b>
26	)	
27	vs. )	
28	)	
29	JOHN CHIANG, California State Controller and )	Date: January 29, 2008
30	MICHAEL C. GENEST, California Director of )	Time:
31	Finance, in their official capacity, )	Dept: 20
32	)	Judge: Hon. Jack Sapunor
33	Respondents. )	
34	)	
35	)	
36	)	

37 Pursuant to California Rules of Court section 3.1590 this Statement of Objection is filed in  
 38 response to the court's Proposed Statement of Decision issued January 29, 2008 in the above captioned  
 matter.

7.a 24

**I. Does Revenue and Taxation Code Section 7102(e) Give the Legislature Unfettered Discretion to Divert Revenues Required to be Deposited in the Public Transportation Account by Section 7102(a) for Any Government Purpose?**

Petitioners respectfully object to the court's interpretation that Revenue and Taxation Code section 7102(e)<sup>1</sup> authorizes the Legislature to redirect for any government purpose revenues that would otherwise be required to be deposited in the Public Transportation Account (PTA). The Court's interpretation is totally inconsistent with prior actions of the Legislature. Why would the Legislature have placed Proposition 2 on the ballot, restricting the ability of the Legislature to borrow funds from the PTA, if the Legislature thought it had the power to simply divert the money for general government purposes before it goes into the PTA? Why would the Legislative Analyst in describing Proposition 2 to the voters state:<sup>2</sup>

*Under current law, revenues from the sales tax on diesel fuel and part of the sale tax on gasoline must be deposited in the Public Transportation Account for use only for public transportation and transportation planning purposes. Currently, these funds may be loaned to the State General Fund. Loans must be repaid with interest. (Emphasis added.)*

If the court's interpretation is correct, the Legislature's placement of Proposition 2 on the ballot inflicted a classic hoax on the voters. The amendment language in Public Utilities Code section 99310.5(c) and Revenue and Taxation code section 7102(e), both added by Proposition 116, are identical. The court correctly construes section 99310.5(c) to preclude any amendments that would permit funds in the PTA to be used for purposes other than transportation planning or mass transportation purposes. However, the court concludes that the provisions in section 7102(e) would not preclude any amendments circumventing the transfer requirements of section 7102(a), an integral part of the Public Transportation Account and one of the two principal purposes of section 7102.

Prior to Proposition 116 there were no amendment provisions to section 7102. This meant the Legislature could amend section 7102 in any manner it chose. After amendment by proposition 116, section 7102 contained only two subdivisions addressing the distribution of revenues: subdivision (a)

<sup>1</sup> Previously section 7102(d).  
<sup>2</sup> Pet. Appx., Exh. 2 [Bate p. 11]

7.925

1 distributing revenues to the PTA, and subdivision (b) distributing revenues to the General Fund.<sup>3</sup>  
2 Proposition 116 preserved the Legislature's amendment power but conditioned it on two-thirds vote  
3 and the requirement that the power be exercised consistent with and further the "purposes" of the  
4 section. There would be no need to require that any amendment further the purpose of the General  
5 Fund. Support of any government program would further the purpose of the General Fund. However,  
6 requiring that amendments dealing with the transfer of revenues to the PTA must further the purpose  
7 of the trust fund would serve a significant purpose. The court gives no effect to this purpose and  
8 concludes the singular purpose of section 7102 is simply to distribute sales and use tax revenues for  
9 any government purpose. Under this interpretation, the requirement that any amendments be  
10 consistent with and further the purposes of section 7102 becomes meaningless because the single  
11 purpose adopted by the court embraces the universe of General Fund governmental programs. In  
12 effect, all that Proposition 116 practically achieved was to require a two-thirds vote of the Legislature  
13 to amend section 7102.

14 While the court correctly observes there are no ballot summaries, arguments or analysis  
15 discussing the trust fund, the court's conclusion that the trust language itself is not sufficient to  
16 overcome the presumption of constitutionality of the Legislature's action ignores 1) the statutory  
17 scheme; i.e., the integrated nature of the trust and its source of funds, and 2) the Legislature's  
18 subsequent action placing Proposition 2 on the ballot. The trust Fund was created by Public Utilities  
19 Code section 99310.5. The decision recognizes that section 99310.5(c) would not permit the trust  
20 fund to be used for purposes other than transportation planning or mass transportation purposes. The  
21 trust nature of the PTA is referenced in Revenue and Taxation Code section 7102(a). While voter  
22 intent can never be proven with absolute certainty, it is reasonable to conclude that the reasonable  
23 expectation of the voters was that as the revenues identified in section 7102(a) are the only basis for  
24 the trust's existence and that as transfer of those revenues to the PTA is an integral part of the trust  
25 obligation, then any amendment that would divert revenues from the PTA for general government  
26  
27

28 <sup>3</sup> Pet. Appx., Exh. I [Bate p. 10]

7.a26

1 purposes would be inconsistent with the creation of the trust fund and the mechanism for funding the  
2 trust fund.

3 Under the court's interpretation, the Public Transportation Account becomes largely irrelevant.  
4 Going forward, the issue of using PTA revenues for past and current debt service on any bond issue, or  
5 providing transportation to schools and vocational rehabilitation could be avoided simply by not  
6 depositing any PTA revenues in the PTA. Under the court's broad interpretation of section 7102(e),  
7 the obligation of the Director of Finance and the Board of Equalization to identify PTA revenues could  
8 be eliminated entirely.

9 The question that must be addressed is whether it is reasonable to assume the voters would  
10 have created a trust fund and the mechanism for funding it but permit the Legislature to destroy it. The  
11 court avoids this issue by declaring the language to be clear on its face. For the reasons stated above,  
12 we disagree that section 7102 has only one purpose that need be considered in any amendment. A  
13 recent decision of the California Supreme Court is instructive on the need, where possible, to construe  
14 initiative language in a manner that upholds the reasonable expectation of the voters even though that  
15 expectation is not expressly documented in ballot arguments or official analyses.<sup>4</sup> In 1911 the  
16 Legislature submitted two measures to the voters. One conferred on the Legislature plenary power  
17 over legislation dealing with the then California Railroad Commission, the successor to the Public  
18 Utilities Commission. The other measure conferred on the people of the state the power of initiative  
19 and referendum. Both measures were adopted by the voters.

20 In 2005, Proposition 80 qualified for the November 2005 General Election ballot. Proposition  
21 80 would have made various changes in the powers of the Public Utilities Commission. A judicial  
22 challenge was filed in the Court of Appeal for the Third District challenging the power of the people  
23 through the initiative process to usurp the plenary power conferred on the Legislature in 1911 over the  
24 Public Utilities Commission. The pertinent language of the 1911 measure (ACA No. 6) conferred on  
25 the Legislature:

26 "plenary power, *unlimited by other provisions of this constitution*, but  
27 consistent with this article, to confer additional authority and jurisdiction

28 <sup>4</sup> *Independent Energy Producers Assn. v. McPherson* (2006) 38 Cal.4<sup>th</sup> 1020.

7.a27

1 upon the commission, to establish the manner and scope of review of  
2 commission action in a court of record, and to enable it to fix just  
3 compensation for utility property taken by eminent domain."  
(Emphasis added.)<sup>5</sup>

4  
5 A unanimous panel of the Court of Appeal found the above quoted language unambiguous and  
6 ordered the measure off the ballot. Upon the filing of a petition for review, the Supreme Court  
7 immediately ordered the measure to be placed on the ballot and held further proceedings in abeyance  
8 until after the election. The measure failed but the court took up whether the above language  
9 precluded the use of the initiative power in any circumstance where the powers of the California Public  
10 Utilities Commission were involved. There were no ballot pamphlets, ballot arguments or official  
11 summaries to provide guidance for the court. The court ultimately concluded:  
12

13 When the October 10, 1911, election is viewed as a whole, *it appears*  
14 *most improbable that* - at the same election in which the voters  
15 overwhelming approved a far-reaching measure incorporating a broad  
16 initiative power as part of the California Constitution - they intended  
17 without any direct or explicit statement to this effect, to limit the use of  
the initiative power by virtue of the language in ACA No. 6. (Id. at 1042;  
Emphasis added.)

18 Similarly, when the voters approved Proposition 116, it is improbable they intended that the  
19 trust, for all practical purposes, could be destroyed by the amendment provisions in section 7102(e).  
20 The obvious purpose of Proposition 116 was to create a protected revenue source for transportation  
21 planning and mass transportation purposes. The purpose of the caveat that any amendment be  
22 "consistent with and further the purposes of this section" was to protect the revenue source by *limiting*  
23 the power of the Legislature to amend section 7102. Instead, the proposed decision gives the  
24 Legislature and the Administration unfettered discretion to destroy the dedicated source of funding that  
25 Propositions 116 and 2 were intended to protect.  
26  
27  
28

<sup>5</sup> Id. at 1037.

7.928

1 The people have no real protection from the actions of the Legislature or the Administration  
 2 other than through their exercise of the initiative power and in seeking relief from the courts when  
 3 laws enacted by initiative have been violated, as has occurred here. We believe the court's expansive  
 4 interpretation of section 7102(e) severely encroaches on the peoples reserved power of initiative. As  
 5 stated in *Amador Valley Joint Union High Sch. Dist. v. State Bd. of Equalization* (1978) 22 Cal.3d  
 6 208, 219 "It is a fundamental precept of our law that, although the legislative power under our  
 7 constitutional framework is firmly vested with the Legislature, 'the people reserve to themselves  
 8 powers of initiative and referendum.' [Citation omitted.] It follows from this that '[the] power of  
 9 initiative must be liberally construed . . . to promote the democratic process.'" [Citation omitted.] See  
 10 also *Brosnahan v. Brown* (1982) 32 Cal.3d 236, 241: "... as we so very recently acknowledged in  
 11 *Amador*, it is our solemn duty jealously to guard the sovereign people's initiative power, 'it being one  
 12 of the most precious rights of our democratic process. (Id. At p. 248)' Consistent with prior precedent,  
 13 *we are required to resolve any reasonable doubts in favor of the exercise of this precious right.*"  
 14 (Italics original.)

15 In *Amwest Surety Ins. Co. v. Wilson* (1995) 11 Cal.4th 1243, 1255-1256 the Supreme Court  
 16 expressed concern that if drafters of initiative measures perceive that amendment provisions are  
 17 largely unenforceable, they will leave them out with the result that minor technical glitches can only be  
 18 corrected by a vote of the people. This statement is clear recognition that the Court considers  
 19 amendment provisions a serious and constructive part of the initiative process.

20 **II. Is School Busing a Mass Transportation Purpose?**

21 The court concludes that mass transportation includes "special services" which, according to  
 22 the court's proposed decision, includes school busing. The court cites to Petitioner's Exhibit 12, 49  
 23 U.S.C. § 5302(a)(7), (10), and Public Utilities Code §§ 99238 and 99401.5. Petitioner's Exhibit 12 is  
 24 the California Department of Transportation's definition of "Mass Transportation," which expressly  
 25 excludes school buses:

26 MASS TRANSPORTATION

27 Mass Transportation by bus, or rail, or other conveyance, either publicly or  
 28 privately owned, which provides to the public general or special service[d]

7.a29

1 on a regular and continuing basis. *Does not include school buses, charter,*  
2 *or sightseeing service. See also "Public Transportation." (Emphasis*  
3 *added.)*

4 Title 49 U.S.C § 5302(a)(7) excludes school buses from mass transportation:

5 (7) Mass Transportation. The term "mass transportation" means  
6 transportation by a conveyance that provides regular and continuing  
7 general or special transportation to the public but *does not include school*  
8 *bus, charter, or sightseeing transportation. (Emphasis added.)*

9 Title 49 U.S.C. § 5302(a)(10) defines "public transportation" as mass transportation. Thus, public  
10 transportation does not include school buses.

11 A fair reading of Public Utilities Code §§ 99238 and 99401.5 indicates that specialized services  
12 refer to paratransit type programs, not school buses. For example, section 99401.5(b)(1) requires that  
13 the local transportation planning agency make an annual assessment of

14 "the size and location of identifiable groups likely to be transit dependent  
15 or transit disadvantaged, *including but not limited to, the elderly, the*  
16 *handicapped, including individuals eligible for paratransit and other*  
17 *special transportation services pursuant to Section 12143 of Title 42 of*  
18 *the United States Code (the Americans With Disabilities Act of 1990 (42*  
19 *U.S.C. Sec. 12101 et seq.)), and persons of limited means, including but*  
20 *not limited to, recipients under the CalWORKs program. (Emphasis*  
21 *added.)*

22 Section 99238 requires each planning agency to provide for the establishment of a social  
23 services transportation advisory council whose responsibilities, among others, are to identify the need  
24 for "specialized transportation services." (Subdivision (c)(1).) This term generally refers to services  
25 for seniors and the handicapped. (See Vehicle Code § 9107(d), exempting van pool vehicles providing  
26 "specialized transportation services" to seniors and the handicapped from weight fees, and Revenue  
27 and Taxation Code section 10789(a), exempting vehicles providing "specialized transportation  
28 services" to seniors and the handicapped from specified license fees.)

7.930

In sum, not only are school buses expressly precluded from the cited mass transportation definitions in Petitioners' Exhibit 12 and 49 U.S.C. § 5302, the term "specialized transportation services" in Public Utilities Code §§ 99238 and 99401.5 refers generally to special transportation of the elderly and handicapped, not school buses.

**CONCLUSION**

For the reasons stated above, petitioners respectfully object to the proposed Statement of Decision and request the Court to consider these objections in preparing and issuing its Statement of Decision.

Dated: February \_\_\_\_, 2008

Respectfully Submitted,

Nielsen, Merksamer, Parrinello,  
Mueller & Naylor, LLP

\_\_\_\_\_  
Richard D. Martland  
Attorneys for Petitioners

7.931

1 EDMUND G. BROWN JR.  
 Attorney General of the State of California  
 2 CHRISTOPHER E. KRUEGER  
 Senior Assistant Attorney General  
 3 CONSTANCE L. LELOUIS  
 Supervising Deputy Attorney General  
 4 MARGARET CAREW TOLEDO  
 State Bar No. 181227  
 5 Deputy Attorney General  
 1300 I Street, Suite 125  
 6 P.O. Box 944255  
 Sacramento, CA 94244-2550  
 7 Telephone: (916) 322-6114  
 Fax: (916) 324-8835  
 8 E-mail: Margaret.Toledo@doj.ca.gov  
 Attorneys for Respondents JOHN CHIANG,  
 9 California State Controller and  
 MICHAEL C. GENEST,  
 10 California Director of Finance

11  
 12 SUPERIOR COURT OF CALIFORNIA  
 13 COUNTY OF SACRAMENTO  
 14  
 15

16 **JOSH SHAW, Taxpayer and Executive Director of**  
**California Transit Association; and the**  
 17 **CALIFORNIA TRANSIT ASSOCIATION, a**  
**nonprofit corporation,**

Petitioners,

19  
 20 v.

21 **JOHN CHIANG, California State Controller and**  
**MICHAEL C. GENEST, California Director of**  
**Finance, in their official capacity,**

22 Respondents.  
 23

Case No. 07CS01179

**RESPONDENTS'**  
**OBJECTIONS TO**  
**PROPOSED STATEMENT OF**  
**DECISION**

Dept: 20  
 Judge: Hon. Jack Sapunor  
 Action Filed: September 6, 2007

24  
 25 Pursuant to Code of Civil Procedure section 634, Rule of Court, Rule 3.1590, and this  
 26 Court's January 29, 2008 order, Respondents John Chiang, the California State Controller, and  
 27 Michael C. Genest, the California Director of Finance, (collectively "Respondents") file the  
 28 following objections to the Court's January 29, 2008 Proposed Statement of Decision.

1           1.   Objection 1

2           Respondents object to the proposed Statement of Decision's statement at page 2,  
3 paragraph 1, lines 2-3: "The Petition seeks . . . a declaration that use of PTA funds for the  
4 purposes set forth in the challenged legislation would violate Proposition 116 (and Propositions 2  
5 and 1A)."

6           Respondents object because the prayer for declaratory relief of the First Amended  
7 Petition does not make reference to Propositions 2 or 1A. (First Amended Petition at p. 13.)

8           2.   Objection 2

9           Respondents object to the proposed Statement of Decision's statement at page 5,  
10 paragraph 5: "However, commencing in fiscal year 2001-02, the Legislature began amending  
11 section 7102, subdivision (a)(1) for the purpose of limiting/diverting the amount of such  
12 transfers."

13           Respondents object because the word "divert" is inaccurate and ambiguous. As this  
14 Court properly concluded, the Legislature had the power to amend Revenue and Taxation Code  
15 section 7102, subdivision (a)(1).

16           3.   Objection 3

17           Respondents object to the proposed Statement of Decision's statement at page 5,  
18 paragraph 5: "In some fiscal years, the Legislature diverted all of the spillover revenues so that  
19 no transfers were made to the PTA."

20           Respondents object because the word "diverted" is inaccurate and ambiguous. As this  
21 Court properly concluded, the Legislature had the power to amend Revenue and Taxation Code  
22 section 7102, subdivision (a)(1).

23           4.   Objection 4

24           Respondents object to the proposed Statement of Decision's statement at page 5,  
25 paragraph 5: "In other fiscal years, the Legislature merely diverted a portion of the total amount  
26 of funds that otherwise would be transferred to the PTA."

27    ///

28    ///

1 Respondents object because the word "diverted" is inaccurate and ambiguous. As this  
2 Court properly concluded, the Legislature had the power to amend Revenue and Taxation Code  
3 section 7102, subdivision (a)(1).

4 **5. Objection 5**

5 Respondents object to the proposed Statement of Decision's statement at page 6,  
6 paragraph 6: "For fiscal year 2007-08, of the \$621,967,348 in spillover revenues diverted to the  
7 Mass Transportation Fund, Revenue and Taxation Code section 7103, subdivision (b) provides  
8 that \$538,289,348 shall be transferred to the Transportation Debt Service Fund and that the  
9 remaining \$82,678,000 shall be transferred to the General Fund to 'offset' the Proposition 1A  
10 Gas Tax Reimbursements . . . ."

11 Respondents object because the word "diverted" is inaccurate and ambiguous. As this  
12 Court properly concluded, the Legislature had the power to amend Revenue and Taxation Code  
13 section 7102, subdivision (a)(1).

14 **6. Objection 6**

15 Respondents object to the proposed Statement of Decision's statement at page 7,  
16 paragraph 3: "Unlike SB 79 and AB 193, which pertain to the use of 'spillover' revenues diverted  
17 from the Retail Sales Tax Fund, SB 77 and 78 involve appropriations of funds from the PTA."

18 Respondents object because the word "diverted" is inaccurate and ambiguous. As this  
19 Court properly concluded, the Legislature had the power to amend Revenue and Taxation Code  
20 section 7102, subdivision (a)(1).

21 Respondents also object because the word "appropriations" is inaccurate. Senate Bill  
22 78 adds section 24.80 to the Budget Act, and provides that "the Director of Finance is authorized  
23 to reimburse four hundred nine million dollars (\$409,000,000) in General Fund expenditures for  
24 the purposes of offsetting the cost of debt service payments made in prior fiscal years for public  
25 transportation related general obligation bond expenditures in the 2007-08 fiscal year from the  
26 Public Transportation Account." (Pet. App. at pp. 42-43 (Bates).)

27 ///

28 ///

7. q 34

1           7.   Objection 7

2           Respondents object to the proposed Statement of Decision's statement at page 7,  
3 paragraph : "It authorizes the Director of Finance to transfer \$409,000,000 from the PTA to the  
4 General Fund in the 2007-2008 fiscal year for the purpose of reimbursing the General Fund for  
5 debt service payments on public transportation bonds made in prior fiscal years."

6           Respondents object because the word "transfer" is inaccurate and ambiguous. Section  
7 24.80, subdivision (a) provides that "the Director of Finance is authorized to reimburse four  
8 hundred nine million dollars (\$409,000,000) in General Fund expenditures for the purposes of  
9 offsetting the cost of debt service payments made in prior fiscal years for public transportation  
10 related general obligation bond expenditures in the 2007-08 fiscal year from the Public  
11 Transportation Account." (Pet. App. at pp. 42-43 (Bates).)

12           8.   Objection 8

13           Respondents object to the proposed Statement of Decision's statement at page 8,  
14 paragraph 2: "In addition, commencing in fiscal year 2008-09, SB 79 permanently diverts 50  
15 percent of future spillover revenues from the Retail Sales Tax Fund to the Mass Transportation  
16 Fund for the purposes described above."

17           Respondents object because the word "diverts" is inaccurate and ambiguous. As this  
18 Court properly concluded, the Legislature had the power to amend Revenue and Taxation Code  
19 section 7102, subdivision (a)(1).

20           9.   Objection 9

21           Respondents object to the proposed Statement of Decision's statement at page 8,  
22 paragraph 3: "SB 78 appropriates \$409,000,000 from the PTA to reimburse the General Fund for  
23 past debt service payments on Proposition 108 bonds . . . ."

24           Respondents also object because the word "appropriates" is inaccurate. Senate Bill 78  
25 adds section 24.80 to the Budget Act and provides that "the Director of Finance is authorized to  
26 reimburse four hundred nine million dollars (\$409,000,000) in General Fund expenditures for the  
27 purposes of offsetting the cost of debt service payments made in prior fiscal years for public

28    ///

1 transportation related general obligation bond expenditures in the 2007-08 fiscal year from the  
2 Public Transportation Account." (Pet. App. at pp. 42-43 (Bates).)

3 **10. Objection 10**

4 Respondents object to the proposed Statement of Decision's statement at page 8,  
5 paragraph 4: "In this proceeding, Petitioners do not challenge the amendments to Revenue and  
6 Taxation Code § 7102(a)(1) which limited/diverted spillover revenues in fiscal years 2001-02,  
7 2002-03, 2003-04, 2005-06, and 2006-07."

8 Respondents object because the word "diverted" is inaccurate and ambiguous. As this  
9 Court properly concluded, the Legislature had the power to amend Revenue and Taxation Code  
10 section 7102, subdivision (a)(1).

11 **11. Objection 11**

12 Respondents object to the proposed Statement of Decision's statement at page 8,  
13 paragraph 5: "Petitioners also do not challenge the diversion of \$70,983,363 in spillover revenues  
14 to pay for current debt service on bonds issued pursuant to Proposition 103 for fiscal year 2007-  
15 08."

16 Respondents object because the word "diversion" is inaccurate and ambiguous. As this  
17 Court properly concluded, the Legislature had the power to amend Revenue and Taxation Code  
18 section 7102, subdivision (a)(1).

19 **12. Objection 12**

20 Respondents object to the proposed Statement of Decision's statement at page 9,  
21 paragraph 1: "\$144,332,489 in spillover revenues diverted from the Retail Sales Tax Fund to the  
22 General Fund to offset current debt service payments on bond issued pursuant to 192."

23 Respondents object because the word "diverted" is inaccurate and ambiguous. As this  
24 Court properly concluded, the Legislature had the power to amend Revenue and Taxation Code  
25 section 7102, subdivision (a)(1).

26 **13. Objection 13**

27 Respondents object to the proposed Statement of Decision's statement at page 9,  
28 paragraph 2: "\$123,973,493 in spillover revenue diverted from the Retail Sales Tax Fund to the

1 General Fund to offset current debt service payments on bonds issued pursuant to Proposition  
2 116."

3 Respondents object because the word "diverted" is inaccurate and ambiguous. As this  
4 Court properly concluded, the Legislature had the power to amend Revenue and Taxation Code  
5 section 7102, subdivision (a)(1).

6 **14. Objection 14**

7 Respondents object to the proposed Statement of Decision's statement at page 9,  
8 paragraph 3: "\$200,000,000 in spillover revenues diverted from the Retail Sales Tax Fund to the  
9 General Fund to reimburse the General Fund for past debt service payments on bonds issued  
10 pursuant to Proposition 108."

11 Respondents object because the word "diverted" is inaccurate and ambiguous. As this  
12 Court properly concluded, the Legislature had the power to amend Revenue and Taxation Code  
13 section 7102, subdivision (a)(1).

14 **15. Objection 15**

15 Respondents object to the proposed Statement of Decision's statement at page 9,  
16 paragraph 4: "\$2,678,000 in spillover revenue diverted from the Retail Sales Tax Fund to the  
17 General Fund to offset current Prop. 1A Gas Tax Reimbursements."

18 Respondents object because the word "diverted" is inaccurate and ambiguous. As this  
19 Court properly concluded, the Legislature had the power to amend Revenue and Taxation Code  
20 section 7102, subdivision (a)(1),

21 **16. Objection 16**

22 Respondents object to the proposed Statement of Decision's statement at page 9,  
23 paragraph 5: "\$409,000,000 in funds appropriated from the PTA to the General Fund to reimburse  
24 the General Fund for past debt service payments on bonds issued pursuant to Proposition 108."

25 Respondents object because the word "appropriated" is inaccurate. Senate Bill 78 adds  
26 section 24.80 to the Budget Act and provides that "the Director of Finance is authorized to  
27 reimburse four hundred nine million dollars (\$409,000,000) in General Fund expenditures for the  
28 purposes of offsetting the cost of debt service payments made in prior fiscal years for public

1 transportation related general obligation bond expenditures in the 2007-08 fiscal year from the  
2 Public Transportation Account." (Pet. App. at pp. 42-43 (Bates).)

3 **17. Objection 17**

4 Respondents object to the proposed Statement of Decision's statement at page 10,  
5 paragraph 2: "Petitioners challenge the appropriation of \$200,000,000 in spillover revenues, and  
6 \$409,000,000 in PTA funds . . . ."

7 Respondents object because the word "appropriation" is inaccurate. Senate Bill 78  
8 adds section 24.80 to the Budget Act and provides that "the Director of Finance is authorized to  
9 reimburse four hundred nine million dollars (\$409,000,000) in General Fund expenditures for the  
10 purposes of offsetting the cost of debt service payments made in prior fiscal years for public  
11 transportation related general obligation bond expenditures in the 2007-08 fiscal year from the  
12 Public Transportation Account." (Pet. App. at pp. 42-43 (Bates).)

13 **18. Objection 18**

14 Respondents object to the proposed Statement of Decision's statement at page 10,  
15 paragraph 4: "Finally, Petitioners challenge the \$82,678,000 appropriation to offset current Prop.  
16 1A Gas Tax Reimbursements . . . ."

17 Respondents object because the word "appropriation" is inaccurate. The challenged  
18 \$82,678,000 is a reimbursement to the General Fund. (Rev. & Tax., § 7103, subd. (a)(3).)

19 **19. Objection 19**

20 Respondents object to the proposed Statement of Decision's statement at page 10,  
21 paragraph 5: "For fiscal year 2008-09 and beyond, Petitioners challenge the diversion of 50  
22 percent of all spillover revenues from the Retail Sales Tax Fund to the Mass Transportation Fund  
23 . . . ."

24 Respondents object because the word "diversion" is inaccurate and ambiguous. As this  
25 Court properly concluded, the Legislature had the power to amend Revenue and Taxation Code  
26 section 7102, subdivision (a)(1).

27 ///

28 ///

1           **20. Objection 20**

2           Respondents object to the proposed Statement of Decision's statement at page 11,  
3 paragraph 3: "Substantively, Respondents argue that of the \$1,187,909.982 in appropriations  
4 challenged by Petitioners, only \$565,942,634 was appropriated from the PTA."

5           Respondents object because the word "appropriations" and "appropriated" is  
6 inaccurate. Senate Bill 78 adds section 24.80 to the Budget Act and provides that "the Director  
7 of Finance is authorized to reimburse four hundred nine million dollars (\$409,000,000) in  
8 General Fund expenditures for the purposes of offsetting the cost of debt service payments made  
9 in prior fiscal years for public transportation related general obligation bond expenditures in the  
10 2007-08 fiscal year from the Public Transportation Account." (Pet. App. at pp. 42-43 (Bates).)

11           Respondents also object because the total amount of PTA funds at issue is  
12 \$636,926,000, not \$565,942,364. The sum of \$128,806,000 and \$99,120,000 and \$409,000,000  
13 is \$636,926,000.

14           **21. Objection 21**

15           Respondents object to the proposed Statement of Decision's statement at page 11,  
16 paragraph 4: "In respect to the non-PTA appropriations (the spillover revenues), Respondents  
17 contend that the only relevant issue before the Court is whether the Legislature properly amended  
18 Revenue and Taxation Code § 7102(a)(1), add subdivisions (G) and (H), diverting the spillover  
19 revenues from the Retail Sales Tax Fund to the Mass Transportation Fund."

20           Respondents object because the word "diverting" is inaccurate and ambiguous. As  
21 this Court properly concluded, the Legislature had the power to amend Revenue and Taxation  
22 Code section 7102, subdivision (a)(1).

23           **22. Objection 22**

24           Respondents object to the proposed Statement of Decision's statement at page 12,  
25 paragraph 1: "In respect to the appropriations for past debt service payments on Proposition 108  
26 bonds . . . ."

27           Respondents object because the word "appropriations" is inaccurate. Senate Bill 78  
28 adds section 24.80 to the Budget Act and provides that "the Director of Finance is authorized to

1 reimburse four hundred nine million dollars (\$409,000,000) in General Fund expenditures for the  
2 purposes of offsetting the cost of debt service payments made in prior fiscal years for public  
3 transportation related general obligation bond expenditures in the 2007-08 fiscal year from the  
4 Public Transportation Account." (Pet. App. at pp. 42-43 (Bates).)

5 **23. Objection 23**

6 Respondents object to the proposed Statement of Decision's statement at page 12,  
7 paragraph 3: "According to Respondents, the Legislature has been diverting spillover revenues  
8 and appropriating PTA funds for agricultural worker transportation and seismic retrofit programs  
9 since 2001."

10 Respondents object because the word "diverting" is inaccurate and ambiguous. As this  
11 Court properly concluded, the Legislature had the power to amend Revenue and Taxation Code  
12 section 7102, subdivision (a)(1).

13 **24. Objection 24**

14 Respondents object to the proposed Statement of Decision's statement at page 14,  
15 paragraph 1: "The First Amended Petition on which the verifications were based differed from  
16 the filed Petition in only one immaterial respect: the First Amended Petition that was reviewed  
17 and verified contained blanks for legal citation to Assembly Bill 193. All material facts in the  
18 Petition were properly verified."

19 Respondents object because the Statement of Decision omits the significant fact that at  
20 the time the verifications were signed Assembly Bill 193 had not been passed. (Compare  
21 Verifications of First Amended Petition [dated September 20, 2007] and Pet. Supp. App. at p. 57  
22 (Bates) [dated October 8, 2007].) Thus, the verifications were false when signed.

23 **25. Objection 25**

24 Respondents object to the proposed Statement of Decision's statement at page 14,  
25 paragraph 3: "In this case, the challenged spillover revenues were not transferred into the PTA  
26 account because the amendments to Revenue & Taxation Code § 7102(a)(1) diverted the  
27 spillover revenues directly from the Retail Sales Tax Fund to the Mass Transportation Fund."

28 ///

1 Respondents object because the word "diverted" is inaccurate and ambiguous. As this  
2 Court properly concluded, the Legislature had the power to amend Revenue and Taxation Code  
3 section 7102, subdivision (a)(1).

4 **26. Objection 26**

5 Respondents object to the proposed Statement of Decision's statement at page 17,  
6 paragraph 3: "As discussed above, the Legislature validly amended Revenue and Taxation Code  
7 § 7102, subdivisions (a)(1) to divert the spillover revenues directly from the Retail Sales Tax  
8 Fund to the Mass Transportation Fund."

9 Respondents object because the word "divert" is inaccurate and ambiguous. As this  
10 Court properly concluded, the Legislature had the power to amend Revenue and Taxation Code  
11 section 7102, subdivision (a)(1).

12 **27. Objection 27**

13 Respondents object to the proposed Statement of Decision's statement at page 18,  
14 paragraph 4: "In addition to challenging \$621,967,348 of spillover revenues diverted from the  
15 Retail Sales Tax Fund, Petitioners also challenge \$565,942,634 in funds appropriated from the  
16 PTA."

17 Respondents object because the word "diverted" is inaccurate and ambiguous. As this  
18 Court properly concluded, the Legislature had the power to amend Revenue and Taxation Code  
19 section 7102, subdivision (a)(1).

20 Respondents also object because the total amount of PTA funds at issue is  
21 \$636,926,000, not \$565,942,364. The sum of \$128,806,000 and \$99,120,000 and \$409,000,000  
22 is \$636,926,000.

23 Respondents also object because the word "appropriated" is inaccurate to describe the  
24 reimbursement of the General Fund for past debt service payments. Senate Bill 78 adds section  
25 24.80 to the Budget Act and provides that "the Director of Finance is authorized to reimburse  
26 four hundred nine million dollars (\$409,000,000) in General Fund expenditures for the purposes  
27 of offsetting the cost of debt service payments made in prior fiscal years for public transportation

28 ///

1 related general obligation bond expenditures in the 2007-08 fiscal year from the Public  
2 Transportation Account." (Pet. App. at pp. 42-43 (Bates).)

3 **28. Objection 28**

4 Respondents object to the proposed Statement of Decision's statement at page 20,  
5 paragraph 2: "The Court next considers whether the \$565,942,643 in challenged appropriations  
6 from the PTA were for 'mass transportation' purposes."

7 Respondents object because the total amount of PTA funds at issue is \$636,926,000,  
8 not \$565,942,364. The sum of \$128,806,000 and \$99,120,000 and \$409,000,000 is  
9 \$636,926,000.

10 **29. Objection 29**

11 Respondents object to the proposed Statement of Decision's statement at page 21,  
12 footnote 14: "The \$409,000,000 appropriation is not funding debt service on bonds."

13 Respondents object because the word "appropriation" is inaccurate. Senate Bill 78  
14 adds section 24.80 to the Budget Act and provides that "the Director of Finance is authorized to  
15 reimburse four hundred nine million dollars (\$409,000,000) in General Fund expenditures for the  
16 purposes of offsetting the cost of debt service payments made in prior fiscal years for public  
17 transportation related general obligation bond expenditures in the 2007-08 fiscal year from the  
18 Public Transportation Account." (Pet. App. at pp. 42-43 (Bates).)

19 Dated: February 13, 2008

20

Respectfully submitted,

21

EDMUND G. BROWN JR.  
Attorney General of the State of California

22

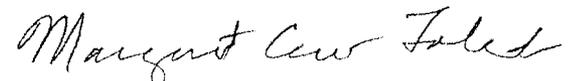
CHRISTOPHER E. KRUEGER  
Senior Assistant Attorney General

23

CONSTANCE L. LELOUIS  
Supervising Deputy Attorney General

24

25



26

MARGARET CAREW TOLEDO  
Deputy Attorney General  
Attorneys for Respondents

27

28

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: Shaw, Josh, et al. v. John Chiang, et al.

No.: 07CS01179

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550.

On February 13, 2008, I served the attached

**RESPONDENTS' OBJECTIONS TO PROPOSED STATEMENT OF DECISION**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Sacramento, California, addressed as follows:

Richard D. Martland, Esq. Kurt Oneto, Esq. Nielsen Merksamer Parrinello Mueller & Naylor, LLP 1415 "L" Street Suite 1200 Sacramento, CA 95814 E-mail Address: rmartland@nmgovlaw.com <i>VIA FIRST CLASS MAIL and ELECTRONIC MAIL</i>	James R. Parrinello, Esq. Christopher E. Skinnell, Esq. Nielsen Merksamer Parrinello Mueller & Naylor, LLP 591 Redwood Highway, #4000 Mill Valley, CA 94941 E-mail Address: cskinnell@nmgovlaw.com <i>VIA FIRST CLASS MAIL and ELECTRONIC MAIL</i>
---	---

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on February 13, 2008, at Sacramento, California.

Brenda Sanders

Declarant



Signature

1 EDMUND G. BROWN JR.  
 Attorney General of the State of California  
 2 CHRISTOPHER E. KRUEGER  
 Senior Assistant Attorney General  
 3 CONSTANCE L. LELOUIS  
 Supervising Deputy Attorney General  
 4 MARGARET CAREW TOLEDO  
 State Bar No. 181227  
 5 Deputy Attorney General  
 1300 I Street, Suite 125  
 6 P.O. Box 944255  
 Sacramento, CA 94244-2550  
 7 Telephone: (916) 322-6114  
 Fax: (916) 324-8835  
 8 E-mail: Margaret.Toledo@doj.ca.gov  
 Attorneys for Respondents JOHN CHIANG,  
 9 California State Controller and  
 MICHAEL C. GENEST,  
 10 California Director of Finance

11  
 12 SUPERIOR COURT OF CALIFORNIA  
 13 COUNTY OF SACRAMENTO  
 14  
 15

16 **JOSH SHAW, Taxpayer and Executive Director of**  
**California Transit Association; and the**  
 17 **CALIFORNIA TRANSIT ASSOCIATION, a**  
**nonprofit corporation,**

18 Petitioners,

19 v.

20 **JOHN CHIANG, California State Controller and**  
 21 **MICHAEL C. GENEST, California Director of**  
**Finance, in their official capacity,**

22 Respondents.  
 23

Case No. 07CS01179

**[PROPOSED] JUDGMENT**

Date:  
 Time:  
 Dept: 20  
 Judge: Hon. Jack Sapunor

Action Filed: September 6, 2007

24 In accordance with the Court's Statement of Decision filed January 29, 2008, IT IS  
 25 HEREBY ADJUDGED AND DECREED as follows:

26 1. The Court declares that subdivision (a) of section 24.80, of the Budget Act of  
 27 2007, added by section 71 of Chapter 172, Statutes of 2007 authorizing the California Director of  
 28 Finance to transfer four hundred nine million dollars (\$409,000,000) from the Public

7.944



**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Shaw, Joshi, et al. v. John Chiang, et al.**

No.: **07CS01179**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550.

On February 13, 2008, I served the attached

**LETTER ADDRESSED TO THE HONORABLE JACK SAPUNOR DATED  
FEBRUARY 13, 2008 RE PROPOSED JUDGMENT AND PROPOSED WRIT OF  
MANDATE;**

**[PROPOSED] WRIT OF MANDATE; and**

**[PROPOSED] JUDGMENT**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Sacramento, California, addressed as follows:

Richard D. Martland, Esq. Kurt Oneto, Esq. Nielsen Merksamer Parrinello Mueller & Naylor, LLP 1415 "L" Street Suite 1200 Sacramento, CA 95814 E-mail Address: <a href="mailto:rmartland@nmgovlaw.com">rmartland@nmgovlaw.com</a> <i>VIA FIRST CLASS MAIL and ELECTRONIC MAIL</i>	James R. Parrinello, Esq. Christopher E. Skinnell, Esq. Nielsen Merksamer Parrinello Mueller & Naylor, LLP 591 Redwood Highway, #4000 Mill Valley, CA 94941 E-mail Address: <a href="mailto:cskinnell@nmgovlaw.com">cskinnell@nmgovlaw.com</a> <i>VIA FIRST CLASS MAIL and ELECTRONIC MAIL</i>
---	---

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on February 13, 2008, at Sacramento, California.

\_\_\_\_\_  
Brenda Sanders  
Declarant

\_\_\_\_\_  
*Brenda Sanders*  
Signature

**7.946**

1 EDMUND G. BROWN JR.  
 Attorney General of the State of California  
 2 CHRISTOPHER E. KRUEGER  
 Senior Assistant Attorney General  
 3 CONSTANCE L. LELOUIS  
 Supervising Deputy Attorney General  
 4 MARGARET CAREW TOLEDO  
 State Bar No. 181227  
 5 Deputy Attorney General  
 1300 I Street, Suite 125  
 6 P.O. Box 944255  
 Sacramento, CA 94244-2550  
 7 Telephone: (916) 322-6114  
 Fax: (916) 324-8835  
 8 E-mail: Margaret.Toledo@doj.ca.gov  
 Attorneys for Respondents JOHN CHIANG,  
 9 California State Controller and  
 MICHAEL C. GENEST,  
 10 California Director of Finance

11  
 12 SUPERIOR COURT OF CALIFORNIA  
 13 COUNTY OF SACRAMENTO  
 14  
 15

16 **JOSH SHAW, Taxpayer and Executive Director of**  
**California Transit Association; and the**  
 17 **CALIFORNIA TRANSIT ASSOCIATION, a**  
**nonprofit corporation,**

18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28  
 Petitioners,

v.

**JOHN CHIANG, California State Controller and**  
**MICHAEL C. GENEST, California Director of**  
**Finance, in their official capacity,**

Respondents.

Case No. 07CS01179

**[PROPOSED] WRIT OF  
 MANDATE**

Date:  
 Time:  
 Dept: 20  
 Judge: Hon. Jack Sapunor

Action Filed: September 6, 2007

TO: RESPONDENTS JOHN CHIANG, California State Controller and MICHAEL C.  
 GENEST, California Director of Finance:

WHEREAS, section 71 of Chapter 172, Statutes of 2007, adds subdivision (a) of  
 section 24.80, to the Budget Act of 2007; and

7.247

1           WHEREAS, subdivision (a) of section 24.80, authorizes the Director of Finance to  
2 reimburse the General Fund from the Public Transportation Account in the amount of four  
3 hundred nine million dollars (\$409,000,000) for the purpose of offsetting the cost of debt service  
4 payments made in prior fiscal years for public transportation related general obligation bond  
5 expenditures; and

6           WHEREAS, the Director of Finance has authorized the transfer of four hundred nine  
7 million dollars (\$409,000,000) from the Public Transportation Account to the General Fund to  
8 offset the cost of debt service made in prior years from the General Fund for bonds issued  
9 pursuant to Proposition 108; and

10           WHEREAS, the Controller has transferred the four hundred nine million dollars  
11 (\$409,000,000) from the Public Transportation Account to the General Fund to offset the cost  
12 of debt service made in prior years from the General Fund for bonds issued pursuant to  
13 Proposition 108; and

14           WHEREAS, the Court has concluded that revenues in the Public Transportation  
15 Account are dedicated to transportation planning and mass transportation purposes pursuant to  
16 Public Utilities Code section 99310.5; and

17           WHEREAS, the Court has concluded that reimbursement of the General Fund for  
18 payment from the General Fund of prior debt service on transportation related general obligation  
19 bonds issued pursuant to Proposition 108 is not for transportation planning or mass  
20 transportation purposes and would be in violation of Public Utilities Code section 99310.5; and

21           WHEREAS, a judgment has been entered in this proceeding ordering that a peremptory  
22 writ of mandate issue under seal of this Court,

23           YOU ARE HEREBY ORDERED:

24           Within 30 days of service of the writ of mandate, to transfer four hundred nine million  
25 dollars (\$409,000,000) from the General Fund to the Public Transportation Account to be used  
26 for transportation planning or mass transportation purposes.

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

This writ may be served upon the parties by personal delivery or overnight delivery to the parties' counsel of record. Respondents State Controller and Director of Finance are ordered to file returns to the writ setting forth what you have done to comply on or before April 30, 2008 at 4:00 p.m.

Dated: \_\_\_\_\_, 2008

\_\_\_\_\_  
Clerk of the Superior Court

SA2007102415

7.949

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: Shaw, Josh, et al. v. John Chiang, et al.

No.: 07CS01179

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550.

On February 13, 2008, I served the attached

**LETTER ADDRESSED TO THE HONORABLE JACK SAPUNOR DATED  
FEBRUARY 13, 2008 RE PROPOSED JUDGMENT AND PROPOSED WRIT OF  
MANDATE;**

**[PROPOSED] WRIT OF MANDATE; and**

**[PROPOSED] JUDGMENT**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Sacramento, California, addressed as follows:

Richard D. Martland, Esq. Kurt Oneto, Esq. Nielsen Merksamer Parrinello Mueller & Naylor, LLP 1415 "L" Street Suite 1200 Sacramento, CA 95814 E-mail Address: rmartland@nmgovlaw.com <i>VIA FIRST CLASS MAIL and ELECTRONIC MAIL</i>	James R. Parrinello, Esq. Christopher E. Skinnell, Esq. Nielsen Merksamer Parrinello Mueller & Naylor, LLP 591 Redwood Highway, #4000 Mill Valley, CA 94941 E-mail Address: cskinnell@nmgovlaw.com <i>VIA FIRST CLASS MAIL and ELECTRONIC MAIL</i>
---	---

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on February 13, 2008, at Sacramento, California.

Brenda Sanders

Declarant



Signature

**7.950**

MUND G. BROWN JR.  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555  
Telephone: (916) 322-6114  
Facsimile: (916) 324-8835  
E-Mail: Margaret.Toledo@doj.ca.gov

February 13, 2008

The Honorable Jack Sapunor  
Gordon D. Schaber Downtown Courthouse  
720 Ninth Street  
Department 20, Courtroom 3  
Sacramento, CA 95814-1398

RE: Shaw, Josh et al. v. John Chiang, et al.  
Superior Court of California, County of Sacramento, Case No. 07CS01179

Dear Judge Sapunor:

Pursuant to California Rule of Court 3.1312, Respondents John Chiang, California State Controller, and Michael C. Genest, California Director of Finance, hereby submit a proposed judgment and a proposed writ of mandate.

On February 7, 2008, Richard Martland, counsel for petitioners, emailed me a copy of petitioners' proposed judgment and proposed writ of mandate. Today Mr. Martland and I discussed the documents. I disapprove of petitioners' proposed judgment and proposed writ of mandate because (1) the \$409,000,000 already has been transferred from the Public Transportation Account to the General Fund and therefore, the prohibitory language of petitioners' proposed judgment and proposed writ of mandate is ambiguous and creates uncertainty regarding compliance; and (2) the language of the proposed writ of mandate does not comply with Civil Procedure Code section 1087 which requires the writ to command the party "to do the act required to be performed." (Civ. Proc. Code, § 1087.)

Respondents' enclosed proposed judgment and proposed writ of mandate address these two issues and make other necessary revisions. Specifically, petitioners' proposed judgment should be revised as follows:

1. Page 2, paragraph 1, line 7: delete "is an unlawful violation," insert "violates"
2. Page 2, paragraph 2: delete the entire paragraph, insert "A writ of mandate shall issue under the seal of this Court commanding respondents to transfer from the General Fund four hundred nine million dollars (\$409,000,000) to the Public Transportation Account to be used for transportation planning or mass transportation purposes."

7.951

Petitioners' proposed writ of mandate should be revised as follows:

1. Page 2, paragraph 2, line 6: delete quotation marks around the word "public"
2. Page 2, line 10: insert a new paragraph "WHEREAS, the Controller has transferred the four hundred nine million dollars (\$409,000,000) from the Public Transportation Account to the General Fund to offset the cost of debt service made in prior years from the General Fund for bonds issued pursuant to Proposition 108; and"
3. Page 2, paragraph 5, line 16: delete "generally, or bonds" and delete "specifically"
4. Page 2, paragraph 7, lines 23-26: delete lines 23 to 26, insert "Within 30 days of service of the writ of mandate, to transfer four hundred nine million dollars (\$409,000,000) from the General Fund to the Public Transportation Account to be used for transportation planning or mass transportation purposes."
5. Page 3, line 1: delete "fax, email"
6. Page 3, line 3: insert "April 30, 2008" as the return date or a date at least 60 days from the entry of judgment.

All of these revisions are included in respondents' enclosed proposed judgment and proposed writ of mandate. Respondents' proposed judgment and proposed writ of mandate fully comport with the Court's Statement of Decision finding that the \$409,000,000 transfer to the General Fund violates Public Utilities Code section 99310.5 because it unwinds the invalidated transfer. In contrast, petitioners' proposed judgment and proposed writ of mandate do not. Respondents respectfully request that the Court enter respondents' proposed judgment.

Sincerely,



MARGARET CAREW TOLEDO  
Deputy Attorney General

For EDMUND G. BROWN JR.  
Attorney General

MCT:bls

Enclosures: [Proposed] Judgment  
[Proposed] Writ of Mandate

Cc: Richard D. Martland, Esq.  
Kurt Oneto, Esq.

7.952

February 13, 2008

Page 3

James R. Parrinello, Esq.  
Christopher E. Skinnell, Esq.

7.a53

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT



DATE: April 25, 2008

TO: Board of Directors

FROM: Leslie R. White, General manager

SUBJECT: **CONSIDERATION OF PROVISION OF A BUS AND OPERATOR TO SUPPORT THE UNITED TRANSPORTATION UNION LOCAL 23 SENIOR DINNER SCHEDULED TO BE HELD MAY 24, 2008.**

## I. RECOMMENDED ACTION

**That the Board of Directors approve supporting the United Transportation Union Senior Dinner scheduled to be held on May 24, 2008 by providing a bus and operator for the event.**

## II. SUMMARY OF ISSUES

- For many years the United Transportation Union Local 23 (UTU 23) sponsored a Dinner for Senior Citizens in Santa Cruz County.
- For the past three years the UTU 23 has suspended the provision of the Senior Dinner.
- Bonnie Morr, Chair, UTU 23 has informed METRO that the UTU 23 will reinstate the provision of the Senior Dinner this year and has scheduled the event to be held on May 24, 2008. The location for the event is the Santa Cruz Senior Center on Market Street which does not lend itself to convenient access by users of public transit.
- In prior years METRO has provided a bus and operator to provide transportation services for senior citizens who would like to attend the senior dinner, but do not have transportation services available.
- METRO staff believes that assisting to support the UTU Senior Dinner would improve labor/management relations and provide a valuable benefit to citizens who rely on public transit.
- METRO staff recommends that the Board of Directors approve the provision of a bus and operator to assist UTU 23 in the provision of the Senior Dinner.

## III. DISCUSSION

For many years the United Transportation Union Local 23 (UTU 23) sponsored a Dinner for Senior Citizens in Santa Cruz County. For the past three years the UTU 23 has suspended the provision of the Senior Dinner.





Bonnie Morr, Chair, UTU 23 has informed METRO that the UTU 23 will reinstate the provision of the Senior Dinner this year and has scheduled the event to be held on May 24, 2008. The location for the event is the Santa Cruz Senior Center on Market Street which does not lend itself to convenient access by users of public transit. In prior years METRO has provided a bus and operator to provide transportation services for senior citizens who would like to attend the senior dinner, but do not have transportation services available.

METRO staff believes that assisting to sponsor the UTU Senior Dinner would improve labor/management relations and also provide a valuable benefit to citizens who rely on public transit. METRO staff recommends that the Board of Directors approve the provision of a bus and operator to assist UTU 23 in the provision of the Senior Dinner.

#### IV. FINANCIAL CONSIDERATIONS

The provision of a bus and operator to support the UTU 23 Senior Dinner would cost approximately \$500.00. Funds to support this event are available in the FY 2008 METRO Operating Budget.

#### V. ATTACHMENTS

None



# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT



**DATE:** April 25, 2008

**TO:** Board of Directors

**FROM:** Leslie R. White, General Manager

**SUBJECT: PUBLIC HEARING: CONSIDERATION OF ADOPTION OF THE LIST OF UNMET TRANSIT AND PARATRANSIT NEEDS TO BE SUBMITTED TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION.**

## I. RECOMMENDED ACTION

**That the Board of Directors adopt, after holding a Public Hearing, the list of unmet transit and paratransit unmet needs for submission to the Santa Cruz County Regional Transportation Commission.**

## II. SUMMARY OF ISSUES

- Annually the Santa Cruz County Regional Transportation Commission (SCCRTC) adopts a list of unmet transit needs pursuant to the requirements of the State of California Transportation Development Act (TDA).
- On August 24, 2007 the Board of Directors approved the submission of a prioritized list of unmet needs in both the paratransit and fixed route service areas. The list of unmet needs was incorporated into an overall list of unmet needs (attachment A) that was adopted by the SCCRTC on September 6, 2007.
- On April 11, 2008 the Board of Directors directed staff to make modifications to the list of unmet needs (attachment B) and transmit the list to the Metro Advisory Committee (MAC) for their review and recommendations.
- The MAC reviewed the list of unmet transit and paratransit needs on April 16, 2008 and prepared comments and recommendations (attachment C) for consideration by the Board of Directors.
- METRO staff recommends holding a public hearing on the unmet needs list, adopting a final list, and authorizing the General Manager to transmit the adopted list to the SCCRTC.
- The SCCRTC currently anticipates holding a public hearing and taking action with respect to the unmet needs list later this year.





### III. DISCUSSION

One of the sources of operating funds for METRO is derived from the proceeds of a ¼ cent sales tax collected by the State of California in Santa Cruz County pursuant to the Transportation Development Act (TDA). The receipts from this tax are transmitted to the Santa Cruz County Regional Transportation Commission (SCCRTC) by the State of California. The SCCRTC distributes the TDA funds to a number of recipients with METRO receiving the majority of the funds for transit operating expenses. Pursuant to the provisions of the TDA the SCCRTC annually adopts a list of unmet transit and paratransit needs. The SCCRTC conducts an extensive outreach process to identify unmet needs.

On August 24, 2007 the Board of Directors approved the submission of a prioritized list of unmet needs in both the paratransit and fixed route service areas. The list of unmet needs was incorporated into an overall list of unmet needs (attachment A) that was adopted by the SCCRTC on September 6, 2007. The SCCRTC has indicated that they would like to have METRO review the attached list of unmet needs to determine if there are items that should be added, deleted, or reprioritized based upon events that have occurred over the past year.

On April 11, 2008 the Board of Directors directed staff to make modifications to the list of unmet needs (attachment B) and transmit the list to the Metro Advisory Committee (MAC) for their review and recommendations. The MAC reviewed the list of unmet transit and paratransit needs on April 16, 2008 and prepared comments and recommendations (attachment C) for consideration by the Board of Directors.

METRO staff recommends holding a public hearing on the unmet needs list, adopting a final list, and authorizing the General Manager to transmit the adopted list to the SCCRTC. The SCCRTC currently anticipates holding a public hearing and taking action with respect to the unmet needs list later this year.

### IV. FINANCIAL CONSIDERATIONS

The information obtained in the listing of unmet transit/paratransit needs will demonstrate that the current operation and capital funds contained in the FY 2008 METRO Budget are inadequate to meet all of the transit and paratransit needs in Santa Cruz.

### V. ATTACHMENTS

- Attachment A:** SCCRTC List of Unmet Specialized Transportation/Transit Needs- September 6, 2007.
- Attachment B:** List of Unmet Transit and Paratransit Needs, as modified by the Board of Directors, April 11, 2008.
- Attachment C:** Comments and Recommendations from the April 16, 2008 MAC Meeting.



**List of Unmet Specialized Transportation/Transit Needs  
Adopted by the Santa Cruz County  
Regional Transportation Commission on September 6, 2007**

Prioritized:

**H** - High priority items are those items that fill a gap or absence of service. The Metro Transit District noted three levels of High priority with H1 being the top priority.

**M** - Medium priority items are items that supplement existing service.

**L** - Low priority items should become more specific and then be planned for, as funds are available.

**General**

1. H - Expanded publicity necessary about existing specialized transportation services including ADA paratransit, non-ADA paratransit, Medi-Cal rides and mobility training for people to use regular fixed route buses
2. H - Lack of safe travel paths between senior and/or disabled living areas and bus stops (examples: Capitola Road and side streets, trailer park at Antionelli, Pleasant Care facility)
3. H - Shortage of transportation services for low-income children and their families, including a lack of transportation for people transitioning from welfare to work (1)
4. H - Availability of accessible local taxi services for seniors and disabled persons (1)
5. M - Expansion of the program currently in place in some jurisdictions to all jurisdictions in the county that requires homeowners to make improvements to sidewalks adjacent to their property when the property is sold
6. M - Amend local taxi ordinances to facilitate improved service to seniors and individuals with disabilities
7. L - Lack of direct paratransit and accessible transit connections with neighboring counties — including Monterey (Pajaro), San Benito, Santa Clara and other points north

**Paratransit/Specialized Transportation**

8. H - Shortage of projected funding for all specialized transportation (including fixed route, ADA and non-ADA Paratransit) to meet the needs of the senior population expected to increase over the next 15 to 30 years
9. H - Lack of specialized transportation for all areas outside the ADA Paratransit service area, with special emphasis on priority destinations



10. H - Need for coordinated and seamless-to-the-public system of specialized transportation with a Mobility Management Center (central information point, one stop shop)
11. M - Shortage of programs and operating funds for 'same day' medical trips on paratransit
12. M - Shortage of programs and operating funds for 'same day' non-medical trips
13. M - Shortage of volunteer drivers in Santa Cruz County including for the Volunteer Center Transportation Program and the American Red Cross out-of-county medical ride program, particularly in south county
14. M - Shortage of affordable special care trips and gurney vehicles for medically fragile individuals and those needing "bed to bed" transportation
15. M - Provide transportation for all senior meal sites in the county to meet unmet needs
16. M - Assure the availability of taxi scrip to meet need for "safety net" services (1)
17. L - Need for the Consolidated Transportation Services Agency to acquire an improved operations and maintenance facility
18. L - Need for Ongoing provision of ADA Paratransit certification, provided by Metro, at group facilities (1)

### Transit

19. H1 - Complete MetroBase Facility Phase 1 and Phase 2 including Operations Building and Parking Structure
20. H2 - Redevelop Santa Cruz Metro Center as mixed use facility incorporating local transit service, regional transit service, paratransit service, intercity bus service, commercial office functions, passenger service facilities, parking facilities, and both market rate and affordable housing
21. H2 - Funding to maintain existing services and facilities.
22. H2 - Complete conversion of vehicles (revenue and non-revenue) to alternate fuels.
23. H2 - Four (4) small fixed route replacement buses for rural service.
24. H2 - Fourteen (14) full sized fixed route replacement buses.
25. H2 - Replace thirty-four (34) paratransit vans with larger capacity minibuses.
26. H2 - Identify and obtain funding to support the future levels of paratransit service that will be required
27. H2 - Revise and improve web site to enhance effectiveness and visibility.





28. H2 - Increased frequencies for Route 71 evening service: 2x an hour until 9PM vs. 7PM.
29. H2 - Acquire and develop permanent operation and maintenance facility for ParaCruz to accommodate increased fleet size and growth in future service.
30. H2 - Place thirty (30) 1998 fixed route buses.
31. H3 - Implement "yield to bus" program to improve travel times
32. H3 - Implement marketing programs to increase visibility and enhance public awareness of METRO services
33. H3 - Extend highway 17 service to Watsonville
34. H3 - Add AM/PM and weekend Route 79 service.
35. H3 - Purchase Automated Vehicle Location/Passenger (AVL) Counting System.
36. H3 - Installation of Transponders on all buses for Preemptive Signal Control on major corridors improving traffic flow, reducing travel time, and improving on-time performance.
37. H3 - Increase weekend Hwy 17 service frequencies
38. H3 - Add early morning Route 70 service to Cabrillo College.
39. H3 - Additional night UCSC service, including Route 20.
40. H3 - Extension of Highway 17/Amtrak service to UCSC at key times.
41. H3 - East/West Express service to UCSC and Cabrillo and from Watsonville on 69W.
42. H3 - Express service between San Lorenzo Valley and both UCSC and Cabrillo College.
43. H3 - Expanded service between UCSC and Westside University activity centers such as Long Marine Lab, Wrigley building offices, Texas Instruments building offices.
44. H3 - Service from the UC Inn to UCSC.
45. H3 - Restore service to Gault Street and La Posada area simultaneously with the restoration of service to senior centers and senior living complexes such as Independence Square.  
(2 for italicized text)
46. H3 - Expanded service to new residential and commercial areas in Watsonville.
47. H3 - Continue to improve bus stops to be ADA accessible





48. H3 - Purchase Farebox Magnetic Card Reader System, coordinated with Monterey-Salinas Transit, to allow persons with lower incomes to take advantage of multi-ride purchase discounts.
49. H3 - Route 66 using 7th Avenue inbound and outbound (between Capitola Road and Soquel Avenue).
50. H3 - Add early morning Route 35 service.
51. H3 - Implement circulator service in Santa Cruz, Watsonville, Capitola, and Scotts Valley.
52. H3 - Service from Santa Cruz County to Los Gatos.
53. H3 - Expanded bicycle capacity and access on the fixed route system.
54. H3 - Increase window of service on Route 4.
55. H3 - Equip ParaCruz Vehicles with Mobile Data Terminals (MDT) for improved manifest display, immediate additions/deletions/confirmations to trips, improved communication and tracking
56. H - Continued need for transit to unserved low income and senior housing areas in south county (examples: Stonecreek Apartments in Watsonville and the San Andreas Migrant Labor Camp) (2)
57. H/M (3) – Bus and ParaCruz service on all holidays
58. M - Expanded evening and late night service on major fixed routes to improve service accessibility
59. M - Implement automated "Reminder" phone call system for ParaCruz to remind riders of scheduled trip in advance, reducing "missed trips" and improve efficiency.
60. M - Web-based Trip Planner for fixed route bus service to improve customer trip planning capability via computer.
61. M - Automated phone-based trip planning providing Metro route information and or trip planning coordination via telephone and voice activated menu.
62. M - Install bus shelters at high usage stops
63. M - Need to prioritize bus shelter replacement based on high usage by seniors and people with disabilities (2)
64. M - 30-minute peak frequencies on collector and arterial routes.
65. M - Braille and raised numbers on bus signage at bus stops indicating which bus routes are being offered at each stop.



9.94



- 66. L - Install audio and video surveillance system for all buses.
- 67. L - Bi-directional service on local Watsonville routes
- 68. L - Fare free service to students under the age of 13

*Notes*

- 1. Upgraded priority from E/D TAC recommendations or new language added based on Metro Board discussion at 8/10/07 meeting
- 2. This transit need was proposed by the E/D TAC
- 3. The Elderly & Disabled Transportation Advisory Committee and the Metro Board differ in the priority designation of holiday service with the E/D TAC rating this item as a high priority and the Metro Board rating it as a medium priority

*X:\E&D\LAC\UNAME\F\2007\FINAL\0907-unformat.doc*



9.25

**List of Unmet Specialized Transportation/Transit Needs  
Adopted by the Santa Cruz County  
Regional Transportation Commission on September 6, 2007**

**Revised April 11, 2008- METRO Board of Directors**

Prioritized:

**H** - High priority items are those items that fill a gap or absence of service. The Metro Transit District noted three levels of High priority with H1 being the top priority.

**M** - Medium priority items are items that supplement existing service.

**L** - Low priority items should become more specific and then be planned for, as funds are available.

**General**

1. H - Expanded publicity necessary about existing specialized transportation services including ADA paratransit, non-ADA paratransit, Medi-Cal rides and mobility training for people to use regular fixed route buses
2. H - Lack of safe travel paths between senior and/or disabled living areas, medical facilities and bus stops (examples: Capitola Road and side streets, trailer park at Antionelli, Pleasant Care facility)
3. H - Shortage of transportation services for low-income children and their families, including a lack of transportation for people transitioning from welfare to work (1)
4. H - Availability of accessible local taxi services for seniors and disabled persons (1)
5. M - Expansion of the program currently in place in some jurisdictions to all jurisdictions in the county that requires homeowners to make improvements to sidewalks adjacent to their property when the property is sold
6. M - Amend local taxi ordinances to facilitate improved service to seniors and individuals with disabilities
7. **M** - Lack of direct paratransit and accessible transit connections with neighboring counties — including Monterey (Pajaro), San Benito, Santa Clara and other points north

**Paratransit/Specialized Transportation**

8. H - Shortage of projected funding for all specialized transportation (including fixed route, ADA and non-ADA Paratransit) to meet the needs of the senior population expected to increase over the next 15 to 30 years



9. H - Lack of specialized transportation for all areas outside the ADA Paratransit service area, with special emphasis on priority destinations
10. H - Need for coordinated and seamless-to-the-public system of specialized transportation with a Mobility Management Center (central information point, one stop shop)
11. M - Shortage of programs and operating funds for 'same day' medical trips on paratransit
12. M - Shortage of programs and operating funds for 'same day' non-medical trips
13. M - Shortage of volunteer drivers in Santa Cruz County including for the Volunteer Center Transportation Program and the American Red Cross out-of-county medical ride program, particularly in south county
14. M - Shortage of affordable special care trips and gurney vehicles for medically fragile individuals and those needing "bed to bed" transportation
15. M - Provide transportation for all senior meal sites in the county to meet unmet needs
16. M - Assure the availability of taxi scrip to meet need for "safety net" services (1)
17. L - Need for the Consolidated Transportation Services Agency to acquire an improved operations and maintenance facility
18. L - Need for Ongoing provision of ADA Paratransit certification, provided by Metro, at group facilities (1)

### Transit

19. H1 - Complete MetroBase Facility Phase 1 and Phase 2 including Operations Building and Parking Structure.
20. H2 - Redevelop Santa Cruz Metro Center as mixed use facility incorporating local transit service, regional transit service, paratransit service, intercity bus service, commercial office functions, passenger service facilities, parking facilities, and both market rate and affordable housing, **and potentially child-care facilities.**
21. H2 - Funding to maintain existing services and facilities.
22. H2 - Complete conversion of vehicles (revenue and non-revenue) to alternate fuels.
23. H2 - Four (4) small fixed route replacement buses for rural service.
24. H2 - Fourteen (14) full sized fixed route replacement buses.





25. H2 - Replace thirty-four (34) paratransit vans with larger capacity minibuses.
26. H2 - Identify and obtain funding to support the future levels of paratransit service that will be required.
27. H2 - Revise and improve web site to enhance effectiveness and visibility.
28. H2 - Increased frequencies for Route 71 evening service: 2x an hour until 9PM vs. 7PM.
29. H2 - Acquire and develop permanent operation and maintenance facility for ParaCruz to accommodate increased fleet size and growth in future service.
30. H2 - Replace thirty (30) 1998 fixed route buses.
31. H3 - Implement marketing programs to increase visibility and enhance public awareness of METRO services.
32. H3 - Extend highway 17 service to Watsonville.
33. H3 - Add AM/PM and weekend Route 79 service.
34. H3 - Purchase Automated Vehicle Location/Passenger (AVL) Counting System.
35. H3 - Installation of Transponders on all buses for Preemptive Signal Control on major corridors improving traffic flow, reducing travel time, and improving on-time performance.
36. H3 - Increase weekend Hwy 17 service frequencies.
37. H3 - Add early morning Route 70 service to Cabrillo College.
38. H3 - Additional night UCSC service, including Route 20.
39. H3 - Extension of Highway 17/Amtrak service to UCSC at key times.
40. H3 - East/West Express service to UCSC and Cabrillo and from Watsonville on 69W.
41. H3 - Express service between San Lorenzo Valley and both UCSC and Cabrillo College.
42. H3 - Expanded service between UCSC and Westside University activity centers such as Long Marine Lab, Wrigley building offices, Texas Instruments building offices.
43. H3 - Service from the UC Inn to UCSC.
44. H3 - Restore service to Gault Street, La Posada area, Blackburn Street (Santa Cruz), Independence Square (Watsonville), simultaneously with the restoration of service to senior residences and centers and areas of high density concentrations of mobility challenged individuals.





45. H3 - Expanded service to new residential and commercial areas in Watsonville.
46. H3 - Continue to improve bus stops to be ADA accessible.
47. H3 - Purchase **Smart Card Fare Collection System**, coordinated with Monterey-Salinas Transit, to allow persons with lower incomes to take advantage of multi-ride purchase discounts.
48. H3 - Route 66 using 7th Avenue inbound and outbound (between Capitola Road and Soquel Avenue).
49. H3 - Add early morning Route 35 service.
50. H3 - Implement circulator service in Santa Cruz, Watsonville, Capitola, and Scotts Valley.
51. H3 - Service from Santa Cruz County to Los Gatos.
52. **L3 - Expand bicycle capacity and access on the fixed route system by promoting the Folding Bikes in Buses Program to compliment the recently installed 3 position bike racks on all fixed route service.**
53. H3 - Increase window of service on Route 4.
54. H3 - Equip ParaCruz Vehicles with Mobile Data Terminals (MDT) for improved manifest display, immediate additions/deletions/confirmations to trips, improved communication and tracking.
55. H - Continued need for transit to unserved low income and senior housing areas in south county (examples: Stonecreek Apartments in Watsonville and the San Andreas Migrant Labor Camp) (2)
56. H/M (3) – Bus and ParaCruz service on all holidays
57. M - Expanded evening and late night service on major fixed routes to improve service accessibility.
58. M - Implement automated "Reminder" phone call system for ParaCruz to remind riders of scheduled trip in advance, reducing "missed trips" and improve efficiency.
59. M - Web-based Trip Planner for fixed route bus service to improve customer trip planning capability via computer.
60. M - Automated phone-based trip planning providing Metro route information and or trip planning coordination via telephone and voice activated menu.
61. M - Install bus shelters at high usage stops.
62. M - Need to prioritize bus shelter replacement based on high usage by seniors and people





with disabilities (2)

63. M - 30-minute peak frequencies on collector and arterial routes.
64. M - Braille and raised numbers on bus signage at bus stops indicating which bus routes are being offered at each stop.
65. L - Install audio and video surveillance system for all buses.
66. L - Bi-directional service on local Watsonville routes.
67. L - Fare free service to students under the age of 13.

*Notes:*

1. Upgraded priority from E/D TAC recommendations or new language added based on Metro Board discussion at 8/10/07 meeting.
2. This transit need was proposed by the E/D TAC.
3. The Elderly & Disabled Transportation Advisory Committee and the Metro Board differ in the priority designation of holiday service with the E/D TAC rating this item as a high priority and the Metro Board rating it as a medium priority.



9.65



Attachment C

M E M O R A N D U M

**Date:** April 17, 2008  
**To:** Board of Directors  
**From:** Naomi Gunther, MAC Chair  
**Subject:** Metro Advisory Committee Recommendations

On April 16, 2008 the Metro Advisory Committee met and made the following recommendations:

1. MAC recommends that the BOD revise current METRO policy to prohibit full-sized bicycles inside H17 Express coaches after September 2008, and that the BOD hold a public hearing on the proposed policy change.
2. MAC recommends the installation of signage inside METRO coaches to call attention to noise etiquette and the use of cellular phones and music players.
3. MAC recommends re-prioritizing the following items on the revised SCCRTC List of Unmet Specialized Transportation/Transit Needs:
  - #52. **M** – Expand bicycle capacity and access on the fixed route system by promoting the Folding Bikes in Buses Program to complement the recently installed 3 position bike racks on all fixed route service.
  - #56. **H1** – Bus and ParaCruz service on all holidays.
  - #64. **H1** – Braille and raised numbers on bus signage at bus stops indicating which bus routes are being offered at each stop.
  - #68. **H1** – Fare free service to students under the age of 13.

The Members of the MAC appreciate your consideration of our recommendations.

9.c1

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** April 25, 2008  
**TO:** Board of Directors  
**FROM:** Tom Stickel, Manager of Maintenance  
**SUBJECT:** CONSIDERATION OF AWARD OF CONTRACT WITH PAT PIRAS CONSULTING FOR REVIEW OF ADA PARATRANSIT ELIGIBILITY PROCESS

## I. RECOMMENDED ACTION

**District Staff recommends that the Board of Directors authorize the General Manager to execute a contract with Pat Piras Consulting for Review of ADA Paratransit Eligibility Process.**

## II. SUMMARY OF ISSUES

- A competitive procurement was conducted to solicit proposals from qualified firms.
- Two firms submitted proposals for the District's review.
- A three-member evaluation committee comprised of District staff reviewed and evaluated the proposals.
- The evaluation committee is recommending that a contract be established with Pat Piras Consulting for Review of ADA Paratransit Eligibility Process.

## III. DISCUSSION

The Santa Cruz Metropolitan Transit District (METRO) requested proposals from qualified firms to conduct an analytical review of METRO's ADA Paratransit Eligibility Process. METRO is seeking an objective opinion as to whether or not the current eligibility process incorporates industry best practices and seeks recommendations to further refine the process to assure that applicants receive the appropriate eligibility determination, ensuring that only persons who meet the federal regulatory criteria, strictly applied, shall be certified as METRO ParaCruz eligible. Recommendations should include specific resources and staff training opportunities.

On February 11, 2008 District Request for Proposal No. 08-22 was mailed to fifteen firms, was legally advertised, and a notice was posted on the District's web site. On March 14, 2008, proposals were received and opened from two firms. These firms are listed in Attachment A. A three-member evaluation committee comprised of District staff have reviewed and evaluated the proposals.

The evaluation committee used the following criteria as contained in the Request for Proposals:

Criteria	Points Possible
1. Qualifications of Project Team and Proposed Scope of Work	25
2. Project Understanding, Familiarity with Area and Approach	20
3. Previous Work in this Field (References)	20
4. Quality of Submittal	15
5. Ability to Meet Project Timelines	10
6. Project Cost	10
7. Disadvantaged Business Enterprise Participation	5
<b>Total Points Possible</b>	<b>105</b>

Based on the above criteria, the selection committee is recommending that the Board of Directors authorize the General Manager to execute a contract with Pat Piras Consulting for Review of ADA Paratransit Eligibility Process for an amount not to exceed \$ 26,438. Contractor will provide services meeting all District specifications and requirements.

#### IV. FINANCIAL CONSIDERATIONS

Funding for this contract is contained in the Paratransit Budget.

#### V. ATTACHMENTS

**Attachment A:** Ranking of Firms Submitting a Proposal

**Attachment B:** Contract with Pat Piras Consulting

**Note: The RFP along with its Exhibits and any Addendum(s) are available for review at the Administration Office of METRO or online at [www.scmttd.com](http://www.scmttd.com)**

**LIST OF FIRMS SUBMITTING A PROPOSAL**

1. **Pat Piras Consulting**  
892 Grant Ave, San Lorenzo, CA
2. **Nelson Nygaard Consulting Associates**  
785 Market Street, Suite 1300, San Francisco, CA

**CONTRACT FOR REVIEW OF ADA PARATRANSIT  
ELIGIBILITY PROCESS (08-22)**

THIS CONTRACT is made effective on May 5, 2008 between the SANTA CRUZ METROPOLITAN TRANSIT DISTRICT, a political subdivision of the State of California ("District"), and PAT PIRAS CONSULTING ("Contractor").

1. RECITALS

1.01 District's Primary Objective

District is a public entity whose primary objective is providing public transportation and has its principal office at 370 Encinal Street, Suite 100, Santa Cruz, California 95060.

1.02 District's Need for Review of ADA Paratransit Eligibility Process

District has the need for Review of ADA Paratransit eligibility process. In order to obtain these services, the District issued a Request for Proposals, dated February 11, 2008, setting forth specifications for such services. The Request for Proposals is attached hereto and incorporated herein by reference as Exhibit "A".

1.03 Contractor's Proposal

Contractor is a firm/individual qualified to provide review of ADA Paratransit eligibility process and whose principal place of business is 892 Grant Avenue, San Lorenzo, California. Pursuant to the Request for Proposals by the District, Contractor submitted a proposal for review of ADA Paratransit eligibility process, which is attached hereto and incorporated herein by reference as Exhibit "B."

1.04 Selection of Contractor and Intent of Contract

On April 25, 2008 District selected Contractor as the offeror whose proposal was most advantageous to the District, to provide the review of ADA Paratransit eligibility process described herein. This Contract is intended to fix the provisions of these services.

District and Contractor agree as follows:

2. INCORPORATED DOCUMENTS AND APPLICABLE LAW

2.01 Documents Incorporated in this Contract

The documents below are attached to this Contract and by reference made a part hereof. This is an integrated Contract. This writing constitutes the final expression of the parties' contract, and it is a complete and exclusive statement of the provisions of that Contract, except for written amendments, if any, made after the date of this Contract in accordance with Section 13.14.

A. Exhibit "A"

Santa Cruz Metropolitan Transit District's "Request for Proposals" dated February 11, 2008 including Addendum No. 1 dated February 26, 2008.

B. Exhibit "B" (Contractor's Proposal)

Contractor's Proposal to the District for review of ADA Paratransit eligibility process, signed by Contractor and dated March 14, 2008.

2.02 Conflicts

Where in conflict, the provisions of this writing supersede those of the above-referenced documents, Exhibits "A" and "B". Where in conflict, the provisions of Exhibit "A" supercede Exhibit "B".

2.03 Recitals

The Recitals set forth in Article 1 are part of this Contract.

3. DEFINITIONS

3.01 General

The terms below (or pronouns in place of them) have the following meaning in the contract:

3.01.01 CONTRACT - The Contract consists of this document, the attachments incorporated herein in accordance with Article 2, and any written amendments made in accordance with Section 13.14.

3.01.02 CONTRACTOR - The Contractor selected by District for this project in accordance with the Request for Proposals issued February 11, 2008.

3.01.03 CONTRACTOR'S STAFF - Employees of Contractor.

3.01.04 DAYS - Calendar days.

3.01.05 OFFEROR - Contractor whose proposal was accepted under the terms and conditions of the Request for Proposals issued February 11, 2008.

3.01.06 PROVISION - Any term, agreement, covenant, condition, clause, qualification, restriction, reservation, or other stipulation in the contract that defines or otherwise controls, establishes, or limits the performance required or permitted by either party.

3.01.07 SCOPE OF WORK (OR "WORK") - The entire obligation under the Contract, including, without limitation, all labor, equipment, materials, supplies, transportation, services, and other work products and expenses, express or implied, in the Contract.

4. TIME OF PERFORMANCE

4.01 Term

The term of this Contract will extend through July 31, 2008 and shall commence upon the issuance of the contract by the District.

At the option of the District, this contract agreement may be extended upon mutual written consent.

5. COMPENSATION

5.01 Terms of Payment

District shall compensate Contractor in an amount not to exceed the amounts/rates agreed upon by the District. District shall reasonably determine whether work has been successfully performed for purposes of payment. Compensation shall be made within thirty (30) days of District written approval of Contractor's written invoice for said work. Contractor understands and agrees that if he/she exceeds the \$26,438 maximum amount payable under this contract, that it does so at its own risk.

5.02 Invoices

Contractor shall submit invoices with a purchase order number provided by the District on a monthly basis. Contractor's invoices shall include detailed records showing actual time devoted, work accomplished, date work accomplished, personnel used, and amount billed per hour. Expenses shall only be billed if allowed under the Contract. Telephone call expenses shall show the nature of the call and identify location and individual called. Said invoice records shall be kept up-to-date at all times and shall be available for inspection by the District (or any grantor of the District, including, without limitation, any State or Federal agency providing project funding or reimbursement) at any time for any reason upon demand for not less than four (4) years after the date of expiration or termination of the Contract. Under penalty of law, Contractor represents that all amounts billed to the District are (1) actually incurred; (2) reasonable in amount; (3) related to this Contract; and (4) necessary for performance of the project.

6. NOTICES

All notices under this Contract shall be deemed duly given upon delivery, if delivered by hand; or three (3) days after posting, if sent by registered mail, receipt requested; to a party hereto at the address hereinunder set forth or to such other address as a party may designate by notice pursuant hereto.

DISTRICT

Santa Cruz Metropolitan Transit District  
370 Encinal Street  
Suite 100  
Santa Cruz, CA 95060  
Attention: General Manager

CONTRACTOR

Pat Piras Consulting  
892 Grant Avenue  
San Lorenzo CA 94580  
Attention: Principal/Director

7. AUTHORITY

Each party has full power and authority to enter into and perform this Contract and the person signing this Contract on behalf of each has been properly authorized and empowered to enter into this Contract. Each party further acknowledges that it has read this Contract, understands it, and agrees to be bound by it.

Signed on \_\_\_\_\_

DISTRICT--SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

\_\_\_\_\_  
Leslie R. White  
General Manager

CONTRACTOR—PAT PIRAS CONSULTING

\_\_\_\_\_  
Patrisha Piras  
Principal/Director

Approved as to Form:

\_\_\_\_\_  
Margaret Rose Gallagher  
District Counsel

**EXHIBIT -A-**

**SANTA CRUZ METROPOLITAN TRANSIT DISTRICT**

---

**Request for Proposals (RFP)**

**For Review of ADA Paratransit Eligibility Process**

**District RFP No. 08-22**

---

**Date Issued: February 11, 2008**

**Proposal Deadline: 5:00 P.M., March 12, 2008**

---



---

**Contents of this RFP**

Part I.	Instructions to Offerors
Part II.	General Information Form
Part III.	Specifications
Part IV.	General Conditions
Part V.	Contract/Agreement
Part VI.	FTA Requirements for Non-Construction Contracts
Part VII.	Protest Procedures

## **PART I**

### **INSTRUCTIONS TO OFFERORS**

1. **GENERAL:** These instructions form a part of the contract documents and shall have the same force as any other portion of the contract. Failure to comply may subject the proposal to immediate rejection.
2. **OFFEROR RESPONSIBILITY:** The District has made every attempt to provide all information needed by offerors for a thorough understanding of project terms, conditions, and requirements. It is expressly understood that it is the responsibility of offerors to examine and evaluate the work required under this RFP and the terms and conditions under which the work is performed. By submitting a proposal, Offeror represents that it has investigated and agrees to all terms and conditions of this RFP.
3. **DELIVERY OF PROPOSALS TO THE DISTRICT:** Proposals (1 original and 4 copies) must be delivered to the District Purchasing Office, 110 Vernon Street, Suite B, Santa Cruz, California, 95060 on or before the deadline noted in the RFP.

Any contract or purchase order entered into as a result of this RFP shall incorporate the RFP and the proposal submitted by successful offeror. In the event of conflict between the proposal and any other contract document, the other contract document shall prevail unless specified otherwise by the District. Telephone or electronic proposals will not be accepted.

4. **LATE PROPOSALS:** Proposals received after the date and time indicated herein shall not be accepted and shall be returned to the Offeror unopened.

Requests for extensions of the proposal closing date or time will not be granted. Offerors mailing proposals should allow sufficient mail time to ensure timely receipt of their proposals before the deadline, as it is the offerors responsibility to ensure that proposals arrive before the closing time.

5. **MULTIPLE PROPOSALS:** An offeror may submit more than one proposal. At least one of the proposals shall be complete and comply with all requirements of this RFP. However, additional proposals may be in abbreviated form, using the same format, but providing only the information that differs in any way from the information contained in the master proposal. Master proposals and alternate proposals should be clearly labeled.
6. **PARTIAL PROPOSALS:** No partial proposals shall be accepted.
7. **WITHDRAWAL OR MODIFICATION OF PROPOSALS:** Proposals may not be modified after the time and date proposals are opened. Proposals may be withdrawn by Offeror before proposal opening upon written request of the official who is authorized to act on behalf of the Offeror.
8. **CHANGES TO THE RFP RECOMMENDED BY OFFERORS:** All requests for clarification or modification of the RFP shall be made in writing. Offerors are required to provide the value of each proposed modification and a brief explanation as to why the change is requested. Value shall be defined as the cost or savings to the District and the advantage to the District of the proposed change.
9. **ADDENDA:** Modifications to this RFP shall be made only by written addenda issued to all RFP holders of record. Verbal instructions, interpretations, and changes shall not serve as official expressions of the District, and shall not be binding. All cost adjustments or other changes resulting from said addenda shall be taken into consideration by offerors and included in their proposals.
10. **OFFEROR'S PROPOSAL TO THE DISTRICT:** Offerors are expected to thoroughly examine the scope of work and terms and conditions of the RFP. Offerors' terms, conditions, and prices shall constitute a firm offer to the District that cannot be withdrawn by the Offeror for ninety (90) calendar days after the closing date for

proposals, unless a longer time period is specified by the District in the RFP. Offerors shall identify all proprietary information in their proposals. Information identified as proprietary shall not be made available to the public or other offerors.

11. **SINGLE OFFEROR RESPONSIBILITY:** Single Offeror responsibility is required under this RFP. Each Offeror responding to this RFP must respond to all professional services and provide all materials, equipment, supplies, transportation, freight, special services, and other work described or otherwise required herein.
12. **EXPERIENCE AND QUALIFICATIONS:** Offeror may be required upon request of the District to substantiate that Offeror and its proposed subcontractors have the skill, experience, licenses, necessary facilities, and financial resources to perform the contract in a satisfactory manner and within the required time.
13. **SUBCONTRACTING:** The requirement for single-point responsibility does not prohibit subcontracts or joint ventures provided that the single successful Offeror assumes the following responsibilities: (1) serves as the sole general contractor with the District; (2) assumes full responsibility for the performance of all its subcontractors, joint venturers, and other agents; (3) provides the sole point of contact for all activities through a single individual designated as project manager; (4) submits information with its proposal documenting the financial standing and business history of each subcontractor or joint venturer; and, (5) submits copies of all subcontracts and other agreements proposed to document such arrangement.

Without limiting the foregoing, any such legal documents submitted under item "5" above must (a) make the District a third-party beneficiary thereunder; (b) grant to the District the right to receive notice of and cure any default by the successful offeror under the document; and (c) pass through to the District any and all warranties and indemnities provided or offered by the subcontractor or similar party.

14. **EVALUATION CRITERIA AND AWARD OF CONTRACT:** The award of the contract will be made to the responsible Offeror whose proposal is most advantageous to the District. Specific evaluation criteria are identified in the Specifications section of the RFP.
15. **DISTRICT'S PREROGATIVE:** The District reserves the right to contract with any single firm or joint venture responding to this RFP (without performing interviews), based solely upon its evaluation and judgment of the firm or joint venture in accordance with the evaluation criteria. This RFP does not commit the District to negotiate a contract, nor does it obligate the District to pay for any costs incurred in preparation and submission of proposals or in submission of a contract.

The District reserves and holds at its discretion the following rights and options in addition to any others provided by the Public Utility Code, Section 98000 and the Public Contract Code: (1) to reject any or all of the proposals; (2) to issue subsequent requests for proposals; (3) to elect to cancel the entire request for proposals; (4) to waive minor informalities and irregularities in proposals received; (5) to enter into a contract with any combination of one or more prime contractors, subcontractors, or service providers; (6) to approve or disapprove the use of proposed subcontractors and substitute subcontractors; (7) to negotiate with any, all, or none of the respondents to the RFP.

16. **EXECUTION OF CONTRACT:** The final contract shall be executed by the successful offeror and returned to the District Administrative Office no later than ten (10) calendar days after the date of notification of award by the District. All required bonds and insurance certificates shall also be submitted by this deadline. In the event successful offeror does not submit any or all of the aforementioned documents on or before the required deadline, the District may award the contract to another offeror; in such event, District shall have no liability and said party shall have no remedy of any kind against the District.
17. **DISADVANTAGED AND WOMEN'S BUSINESS ENTERPRISES:** The Board of Directors of the Santa Cruz Metropolitan Transit District has adopted a Disadvantaged Business Enterprise Policy to promote the participation of disadvantaged business enterprises (DBE) in all areas of District contracting to the maximum extent practicable. Consistent with the DBE Policy, the successful offeror selected for this project shall take all necessary and reasonable steps to ensure that DBE firms have the maximum practicable opportunity to participate in the performance of this project and any subcontracting opportunities thereof.

18. NONDISCRIMINATION: The Santa Cruz Metropolitan Transit District will not discriminate with regard to race, color, creed, ancestry, national origin, religion, sex, sexual preference, marital status, age, medical condition or disability in the consideration for award of contract.

***ADDITIONAL INSTRUCTIONS TO OFFERORS ARE SET FORTH IN  
OTHER SECTIONS OF THIS REQUEST FOR PROPOSALS***



Listing of major sub consultants proposed (if applicable), their phone numbers, and areas of responsibility (indicate which firms are DBE's):

---

---

---

---

---

**CERTIFICATION OF PROPOSED CONTRACTOR REGARDING DEBARMENT,  
SUSPENSION AND OTHER INELIGIBILITY AND VOLUNTARY EXCLUSION**

(Contractor) \_\_\_\_\_ certifies to the best of its knowledge and belief, that it and its principals:

Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency;

Have not within a three year period preceding this bid been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;

Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and

Have not within a three year period preceding this bid had one or more public transactions (Federal, State or local) terminated for cause or default.

If the Proposed Subcontractor is unable to certify to any of the statements in this certification, it shall attach an explanation to this certification.

(Contractor) \_\_\_\_\_, CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. SECTIONS 3801 ET. SEQ. ARE APPLICABLE THERETO.

\_\_\_\_\_  
Signature and Title of Authorized Official

**LOBBYING CERTIFICATION**  
**(Only for Contracts above \$100,000)**

**Lobbying Certification for Contracts Grants, Loans and Cooperative Agreements (Pursuant to 49 CFR Part 20, Appendix A)**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal Contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal Contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal Contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form--LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions and as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96).
- (3) The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subcontracts, sub grants, and Contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Bidder/Offeror certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Bidder/Offeror understands and agrees that the provisions of 31 U.S.C. A 3801, et. seq. apply to this certification and disclosure, if any.

Firm Name \_\_\_\_\_

Signature of Authorized Official \_\_\_\_\_

Name and Title of Authorized Official \_\_\_\_\_

Date \_\_\_\_\_

**BUY AMERICA PROVISION**  
**(Only for Contracts above \$100,000)**

This procurement is subject to the Federal Transit Administration Buy America Requirements in 49 CFR part 661.

A Buy American Certificate, as per attached format, must be completed and submitted with the bid. A bid which does not include the certificate will be considered non-responsive.

A false certification is a criminal act in violation of 18 U.S.C. 1001. Should this procurement be investigated, the successful bidder/proposer has the burden of proof to establish that it is in compliance.

A waiver from the Buy America Provision may be sought by SCMTD if grounds for the waiver exist.

Section 165(a) of the Surface Transportation Act of 1982 permits FTA participation on this contract only if steel and manufactured products used in the contract are produced in the United States.

**BUY AMERICA CERTIFICATE**

The bidder hereby certifies that it will comply with the requirements of Section 165(a) or (b) (3) of the Surface Transportation Assistance Act of 1982, and the applicable regulations in 49 CFR Part 661.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Company Name: \_\_\_\_\_

Title: \_\_\_\_\_

OR

The bidder hereby certifies that it cannot comply with the requirements of Section 165(a) or (b) (3) of the Surface Transportation Act of 1982, but may qualify for an exception to the requirement pursuant to Section 165(b)(2) or (b)(4) of the Surface Transportation Assistance Act of 1982, as amended, and regulations in 49 CFR 661.7.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Company Name: \_\_\_\_\_

Title: \_\_\_\_\_

# CONTRACTOR DBE INFORMATION

CONTRACTOR'S NAME \_\_\_\_\_

CONTRACTOR'S ADDRESS \_\_\_\_\_

DBE GOAL FROM CONTRACT \_\_\_\_\_ %

FED. NO. \_\_\_\_\_

COUNTY \_\_\_\_\_

AGENCY \_\_\_\_\_

CONTRACT NO. \_\_\_\_\_

PROPOSAL AMOUNT \$ \_\_\_\_\_

PROPOSAL OPENING DATE \_\_\_\_\_

DATE OF DBE CERTIFICATION \_\_\_\_\_

SOURCE \*\* \_\_\_\_\_

This information must be submitted during the initial negotiations with the District. By submitting a proposal, offeror certifies that he/she is in compliance with the District's policy. Failure to submit the required DBE information by the time specified will be grounds for finding the proposal non-responsive.

CONTRACT ITEM NO.	ITEM OF WORK AND DESCRIPTION OF WORK OR SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED *	CERTIFICATION FILE NUMBER	NAME OF DBE	DOLLAR AMOUNT DBE ***	PERCENT DBE
----------------------	--	------------------------------	-------------	-----------------------------	----------------

TOTAL CLAIMED DBE  
PARTICIPATION      \$ \_\_\_\_\_ %

\_\_\_\_\_  
SIGNATURE OF CONTRACTOR

\_\_\_\_\_  
DATE

\_\_\_\_\_  
AREA CODE/TELEPHONE

(Detach from proposal if DBE information is not submitted with proposal.)

- \* If 100% of item is not to be performed or furnished by DBE, describe exact portion, including plan location of work to be performed, of item to be performed or furnished by DBE.
- \*\* DBE's must be certified on the date proposals are opened.
- \*\*\* Credit for a DBE supplier who is not a manufacturer is limited to 60% of the amount paid to the supplier.

**NOTE:** Disadvantaged business must renew their certification annually by submitting certification questionnaires in advance of expiration of current certification. Those not on a current list cannot be considered as certified.

# CONTRACTOR DBE INFORMATION

CONTRACT ITEM NO.	ITEM OF WORK AND DESCRIPTION OF WORK OR SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED *	CERTIFICATION FILE NUMBER	NAME OF DBE	DOLLAR AMOUNT DBE ***	PERCENT DBE
----------------------	--	------------------------------	-------------	-----------------------------	----------------

---

---

TOTAL CLAIMED DBE  
PARTICIPATION      \$ \_\_\_\_\_      \_\_\_\_\_ %

---

---

## PART III

### SPECIFICATIONS FOR REVIEW OF ADA PARATRANSIT ELIGIBILITY PROCESS

#### 1. INTRODUCTION

The Santa Cruz Metropolitan Transit District (METRO) is requesting proposals from qualified firms to undertake the following activities related to conduct an analytical review of METRO's ADA Paratransit Eligibility Process. METRO is seeking an objective opinion as to whether or not the current eligibility process incorporates industry best practices and seeks recommendations to further refine the process to assure that applicants receive the appropriate eligibility determination, ensuring that only persons who meet the federal regulatory criteria, strictly applied, shall be certified as METRO ParaCruz eligible. Recommendations should include specific resources and staff training opportunities.

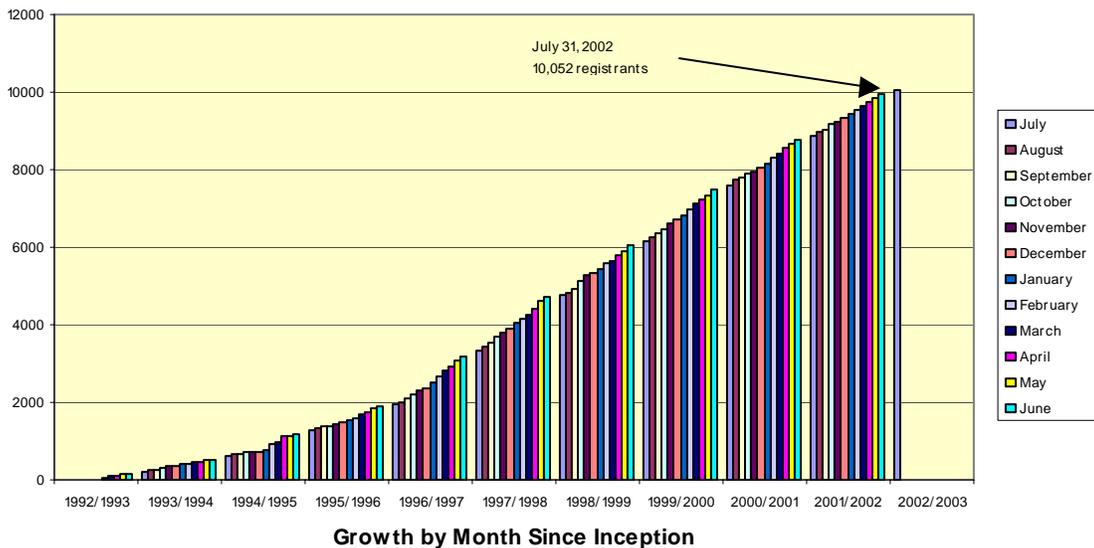
#### 2. HISTORY OF ADA PARATRANSIT ELIGIBILITY PROCESS

The initial process allowed individuals to "self-certify" by telephone. The process was modified in 1994 to a paper application with verification by a medical professional familiar with the individual's disability (and that standard was broadly applied to include social workers, physical therapists, etc.). Applicants were given a 30-day grace period while their application was processed.

METRO did not take an active role in the paratransit program. There was no staff dedicated to paratransit. Processing applications was a Customer Service function. If the application was filled out and signed by a medical professional the application was approved.

For the first ten years, no one maintained the eligibility status of anyone using the service. No application was ever denied. Once approved, no one's eligibility ever expired, except in a very limited number of "temporary" cases. Typically, a rider who filed an application for temporary eligibility was allowed to ride indefinitely. There was no method for finding that a registrant had passed away and removing them from the "active" list.

METRO ParaCruz Registrants



From July 1992 (the beginning of the program) through the end of February 1999, there were 4,899 applications processed. In March 1999, the Board of Directors reviewed the paratransit certification process and expressed concern over the rapid growth of paratransit ridership and its relative impact on the METRO's ability to continue providing trips to eligible passengers. Staff was directed to develop a comprehensive re-certification program that would accurately determine an applicant's eligibility as defined by the ADA. The number of registrants continued to grow. Passengers experienced trip denials as a result of capacity constraints. This was an unacceptable condition and could not be allowed to continue. The paper application process as it was administered was lax and easily abused.

In a comprehensive operational and financial audit, it was found that the same passenger may have multiple applications on file and multiple ID numbers. There was no mechanism for METRO staff to verify that those using the service met ADA-eligibility criteria.

Late in 2000 and continuing into 2001, consulting teams conducted a comprehensive audit of METRO’s paratransit policies, operations, and billing practices, including the eligibility process. The resulting recommendations included moving to in-person functional assessments for eligibility.

10,052 applications were on file as of July 31, 2002. The anticipated demand in fiscal year 02-03 was 120,000 trips.

Beginning in August 2002 METRO, in conjunction with *Disabled Services at Orthopaedic Hospital* (ORTHO) conducted a complete re-certification of existing passengers and moved to an in-person eligibility interview process, based on a functional assessment, rather than a medical model. Originally anticipated to take three years, the re-certification project was completed in eighteen months. Beginning in August 2004, the eligibility assessment function moved from ORTHO’s contracted staff to METRO’s Eligibility Coordinator, where it continues to reside.

**3. TASKS TO BE COMPLETED BY THE CONSULTANT/DELIVERABLES**

The tasks shown below are the minimum required tasks that METRO believes is required to complete a review of METRO’s ADA paratransit eligibility process. Proposers are encouraged to identify additional tasks and activities that they believe will enhance the quality of the project. METRO reserves the right through the negotiation process to revise these tasks and to select tasks that in its sole discretion believes best meets the needs of the District.

Proposers are required to clearly identify all tasks and associated costs. All proposed tasks and activities must be conducted in a manner that ensures no disruption METRO’s ability to operate ADA paratransit service.

**3.1 Tasks To Be Performed For ADA Paratransit Eligibility Process Review**

- 3.1.1 Review procedures for eligibility determinations, certification and appeal process.
- 3.1.2 Review passenger database management and passenger identification numbers.
- 3.1.3 Review METRO’s Eligibility Services Coordinator service performance and problem resolution procedures.
- 3.1.4 Prepare a report detailing any deficiencies found and provide recommendations for improvement. Recommendations should include specific resources and staff training opportunities.

**4. EVALUATION CRITERIA AND SELECTION OF SUCCESSFUL OFFEROR**

**4.1 Evaluation Criteria**

Proposals received will be evaluated by a evaluation committee comprised of METRO staff using the following criteria.

<b>Criteria</b>	<b>Points Possible</b>
1. Qualifications of Project Team and Proposed Scope of Work	25
2. Project Understanding, Familiarity with Area and Approach	20
3. Previous Work in this Field (References)	20
4. Quality of Submittal	15
5. Ability to Meet Project Timelines	10
6. Project Cost	10
7. Disadvantaged Business Enterprise Participation	5
<b>Total Points Possible</b>	<b>105</b>

**4.2 Selection of Successful Offeror**

Oral interviews may be conducted to assist in the final selection.

- 4.2.1 METRO reserves the right to make the selection within ninety (90) calendar days from the date proposals are opened, during which period proposals shall not be withdrawn.

- 4.2.2 METRO reserves the right to delay making a selection in order to permit proper study and analysis of all proposals received and/or reject any or all proposals received.
- 4.2.3 METRO reserves the right to investigate the qualifications of all firms under consideration, or confirm any part of the information furnished by the firm, and to require further evidence of professional capabilities, which are considered necessary for the successful performance of the contract.
- 4.2.4 METRO reserves the right to enter negotiations based on Initial Proposals, without regard to Oral Presentations. Officers should submit their best proposal to METRO, with this in mind.

**5. TIMELINE**

All proposals must include a comprehensive project timeline in their submissions that identifies the beginning and ending dates for each of the required tasks, together with an hourly and cost breakdown of each task by project member.

**6. QUESTIONS, CLARIFICATIONS AND MODIFICATIONS OF RFP**

All requests for clarification or modification of the RFP shall be made in writing. All communications must be directed to:

Lloyd Longnecker, Purchasing Agent  
Santa Cruz Metropolitan Transit District  
110 Vernon Street, Suite B  
Santa Cruz, CA. 95060

Tel: (831)-426-0199  
Fax: (831)-469-1958  
E-mail: llongnecker@scmttd.com

**7. DELIVERY OF PROPOSALS TO THE DISTRICT**

Proposals (1 original and 4 copies) must be delivered on or before 5:00 P.M. on March 12, 2008 to the following address:

Santa Cruz Metropolitan Transit District  
110 Vernon Street, Suite B  
Santa Cruz, CA. 95060

Proposals must be marked: RFP No. 08-22 Review of ADA Paratransit Eligibility Process

## PART IV

### GENERAL CONDITIONS TO THE CONTRACT

#### 1. GENERAL PROVISIONS

##### 1.01 Governing Law & Compliance with All Laws

This Contract is governed by and construed in accordance with the laws of California. Each party will perform its obligations hereunder in accordance with all applicable laws, rules, and regulations now or hereafter in effect. Contractor shall ensure throughout the terms of this Agreement that all federal, state and local laws and requirements are met including any requirements District is obligated to perform because of receipt of grant funding. Contractor shall also be required to fulfill its obligation as a federal and/or state and/or local sub-recipient of grant funding.

##### 1.02 Right to Modify Contract

District may extend the term of this Contract, expand the Scope of Work, or otherwise amend the Contract. Any such extension, expansion or amendment shall be effective only upon written agreement of the parties in accordance with Section 13.14.

#### 2. TERMINATION

##### 2.01 Termination for Convenience

2.01.01 The performance of Work under this Contract may be terminated by the District upon fifteen (15) days' notice at any time without cause for any reason in whole or in part, whenever the District determines that such termination is in the District's best interest.

2.01.02 Upon receipt of a notice of termination, and except as otherwise directed by the District, the Contractor shall: (1) stop work under the Contract on the date and to the extent specified in the notice of termination; (2) place no further orders or subcontracts for materials, services, or facilities, except as may be necessary for completion of such portion of the Work under the Contract as is not terminated; (3) terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the notice of termination; (4) assign to the District in the manner, at the time, and to the extent directed by the District all of the rights, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case the District shall have the right, at its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts; (5) settle all outstanding liabilities and claims arising out of such termination or orders and subcontracts, with the approval or ratification of the District, to the extent the District may require, which approval or ratification shall be final for all the purposes of this clause; (6) transfer title to the District and deliver in the manner, at the time, and to the extent, if any, directed by District the fabricated or unfabricated parts, work in progress, completed work, supplies and other material produced as a part of, or acquired in connection with the performance of, the work terminated and the completed or partially completed plans, drawings, information and other property which, if the Contract had been completed, would have been required to be furnished to the District; (7) use its best efforts to sell, in the manner, at the time, to the extent, and at the price(s) directed or authorized by the District, any property of the types referred to above provided, however, that the Contract shall not be required to extend credit to any purchaser, and may acquire any such property under the conditions prescribed by and at a price(s) approved by the District, and provided further, that the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made to the District to the Contractor under this Contract or shall otherwise be credited to the price or cost of the Work covered by this Contract or paid in such other manner as the District may direct; (8) complete performance of such part of the Work as shall not have been terminated by the notice of termination; and (9) take such action as may be necessary, or as the District may direct, for the protection or preservation of the property related to this Contract which is in the possession of the Contractor and in which the District has or may acquire an interest.

##### 2.02 Termination for Default

2.02.01 The District may, upon written notice of default to the Contractor, terminate the whole or any part of this Contract if the Contractor: (1) fails to complete the Scope of Work within time period stated in the Specifications section of the IFB; (2) fails to perform any of the other provisions of the Contract; or (3) fails to make progress as to endanger performance of this Contract in accordance with its provisions.

2.02.02 If the Contract is terminated in whole or in part for default, the District may procure, upon such terms and in such manner as the District may deem appropriate, supplies or services similar to those so terminated. Without limitation to any other remedy available to the District, the Contractor shall be liable to the District for any excess costs for such similar supplies or services, and shall continue the performance of this Contract to the extent not terminated under the provisions of this clause.

2.02.03 If, after notice of termination of this Contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the default was excusable under the provisions of this clause, the rights and obligations of Contractor and District shall be considered to have been terminated pursuant to termination for convenience of the District pursuant to Article 2.01 from the date of Notification of Default.

### 2.03 No Limitation

The rights and remedies of the District provided in this Article 2 shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Contract.

## 3. FORCE MAJEURE

### 3.01 General

Neither party hereto shall be deemed to be in default of any provision of this Contract, or for any failure in performance, resulting from acts or events beyond the reasonable control of such party. For purposes of this Contract, such acts shall include, but not be limited to, acts of God, civil or military authority, civil disturbance, war, strikes, fires, other catastrophes, or other "force majeure" events beyond the parties' reasonable control; provided, however, that the provisions of this Section 3 shall not preclude District from canceling or terminating this Contract (or any order for any product included herein), as otherwise permitted hereunder, regardless of any force majeure event occurring to Contractor.

### 3.02 Notification by Contractor

Contractor shall notify District in writing as soon as Contractor knows, or should reasonably know, that a force majeure event (as defined in Section 3.01) has occurred that will delay completion of the Scope of Work. Said notification shall include reasonable proofs required by the District to evaluate any Contractor request for relief under this Article 3. District shall examine Contractor's notification and determine if the Contractor is entitled to relief. The District shall notify the Contractor of its decision in writing. The District's decision regarding whether or not the Contractor is entitled to force majeure relief shall be final and binding on the parties.

### 3.03 Losses

Contractor is not entitled to damages, compensation, or reimbursement from the District for losses resulting from any "force majeure" event.

## 4. PROFESSIONAL STANDARDS

Contractor shall at all times during the term of this Contract possess the technical ability, experience, financial ability, overall expertise, and all other skills, licenses, and resources necessary to perform and complete the scope of work in a timely, professional manner so as to meet or exceed the provisions of this Contract.

## 5. PROFESSIONAL RELATIONS

### 5.01 Independent Contractor

No relationship of employer and employee is created by this Contract. In the performance of its work and duties, Contractor

is at all times acting and performing as an independent contractor in the practice of its profession. District shall neither have nor exercise control or direction over the methods by which Contractor performs services pursuant to this Contract (including, without limitation, its officers, shareholders, and employees); provided, however, that Contractor agrees that all work performed pursuant to this Contract shall be in strict accordance with currently approved methods and practices in its profession, and in accordance with this Contract. The sole interest of District is to ensure that such services are performed and rendered in a competent and cost effective manner.

5.02 Benefits

Contractor (including, without limitation, its officers, shareholders, subcontractors and employees) has no claim under this Contract or otherwise against the District for social security benefits, workers' compensation benefits, disability benefits, unemployment benefits, vacation pay, sick leave, or any other employee benefit of any kind.

6. INDEMNIFICATION FOR DAMAGES, TAXES AND CONTRIBUTIONS

6.01 Scope

Contractor shall exonerate, indemnify, defend, and hold harmless District (which for the purpose of Articles 6 and 7 shall include, without limitation, its officers, agents, employees and volunteers) from and against:

6.01.01 Any and all claims, demands, losses, damages, defense costs, or liability of any kind or nature which District may sustain or incur or which may be imposed upon it for injury to or death of persons, or damage to property as a result of, or arising out of, or in any manner connected with the Contractor's performance under the provisions of this Contract. Such indemnification includes any damage to the person(s) or property (ies) of Contractor and third persons.

6.01.02 Any and all Federal, state and local taxes, charges, fees, or contributions required to be paid with respect to Contractor, Contractor's officers, employees and agents engaged in the performance of this Contract (including, without limitation, unemployment insurance, social security, and payroll tax withholding).

7. INSURANCE

7.01 General

Contractor, at its sole cost and expense, for the full term of this Contract (and any extensions thereof), shall obtain and maintain at minimum all of the following insurance coverage. Such insurance coverage shall be primary coverage as respects District and any insurance or self-insurance maintained by District shall be excess of Contractor's insurance coverage and shall not contribute to it.

7.02 Types of Insurance and Minimum Limits

Contractor shall obtain and maintain during the term of this Contract:

- (1) Worker's Compensation and Employer's Liability Insurance in conformance with the laws of the State of California (not required for Contractor's subcontractors having no employees).
- (2) Contractors vehicles used in the performance of this Contract, including owned, non-owned (e.g. owned by Contractor's employees), leased or hired vehicles, shall each be covered with Automobile Liability Insurance in the minimum amount of \$1,000,000.00 combined single limit per accident for bodily injury and property damage.
- (3) Contractor shall obtain and maintain Comprehensive General Liability Insurance coverage in the minimum amount of \$1,000,000.00 combined single limit, including bodily injury, personal injury, and property damage. Such insurance coverage shall include, without limitation:
  - (a) Contractual liability coverage adequate to meet the Contractor's indemnification obligations under this contract.
  - (a) Full Personal Injury coverage.

- (a) Broad form Property Damage coverage.
- (a) A cross-liability clause in favor of the District.

- (4) Contractor shall obtain and maintain Professional Liability Insurance coverage in the minimum amount of \$1,000,000.00.

### 7.03 Other Insurance Provisions

- (1) As to all insurance coverage required herein, any deductible or self-insured retention exceeding \$5,000.00 shall be disclosed to and be subject to written approval by District.
- (2) If any insurance coverage required hereunder is provided on a "claims made" rather than "occurrence" form, Contractor shall maintain such insurance coverage for three (3) years after expiration of the term (and any extensions) of this Contract.
- (3) All required Automobile Liability Insurance and Comprehensive or Commercial General Liability Insurance shall contain the following endorsement as a part of each policy: "The Santa Cruz Metropolitan Transit District is hereby added as an additional insured as respects the operations of the named insured."
- (4) All the insurance required herein shall contain the following clause: "It is agreed that this insurance shall not be canceled until thirty (30) days after the District shall have been given written notice of such cancellation or reduction."
- (5) Contractor shall notify District in writing at least thirty (30) days in advance of any reduction in any insurance policy required under this Contract.
- (6) Contractor agrees to provide District at or before the effective date of this Contract with a certificate of insurance of the coverage required.
- (6) All insurance shall be obtained from brokers or carriers authorized to transact business in California and are satisfactory to the District.

## 8. SINGLE PROPOSAL

If only one proposal is received in response to the RFP, Offeror may be required to submit to District within five (5) days of District demand, a detailed cost proposal. The District may conduct a cost or price analysis of the cost proposal to determine if the proposal price(s) are fair and reasonable. Offeror shall cooperate with District in compiling and submitting detailed information for the cost and price analysis.

## 9. NO DISCRIMINATION

The Contractor 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 recipient deems appropriate.

## 10. DISADVANTAGED BUSINESS ENTERPRISES

The Board of Directors of the Santa Cruz Metropolitan Transit District has adopted a Disadvantaged Business Enterprise Policy to promote the participation of disadvantaged business enterprises (DBE's) in all areas of District contracting to the maximum extent practicable. Consistent with the DBE Policy, the Contractor shall take all necessary and reasonable steps to ensure that DBE firms have the maximum practicable opportunity to participate in the performance of this project and any subcontracting opportunities thereof.

## I. PROMPT PAYMENT

### 11.01 Prompt Progress Payment to Subcontractors

The prime contractor or subcontractor shall pay to any subcontractor not later than 10-days of receipt of each progress payment, in accordance with the provision in Section 7108.5 of the California Business and Professions Code concerning prompt payment to subcontractors. The 10-days is applicable unless a longer period is agreed to in writing. Any delay or postponement of payment over 30-days may take place only for good cause and with the District's prior written approval. Any violation of Section 7108.5 shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies of that Section. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

A. Prompt Payment of Withheld Funds to Subcontractors

The District shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the District of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30 days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the District. Any delay or postponement of payment may take place only for good cause and with the District's prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of: a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance; and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

Prime subcontractors must include the prompt payment language of paragraph 1 in all subcontracts, regardless of subcontractor's DBE status. Failure of a prime contractor to uphold prompt payment requirements for subcontractors will result in District withholding reimbursement for completed work.

12. RESERVED

13. MISCELLANEOUS PROVISIONS

13.01 Successors and Assigns

The Contract shall inure to the benefit of, and be binding upon, the respective successors and assigns, if any, of the parties hereto, except that nothing contained in this Article shall be construed to permit any attempted assignment which would be unauthorized or void pursuant to any other provision of this Contract.

13.02 Survival of Rights and Obligations

In the event of termination, the rights and obligations of the parties which by their nature survive termination of the services covered by this Contract shall remain in full force and effect after termination. Compensation and revenues due from one party to the other under this Contract shall be paid; loaned equipment and material shall be returned to their respective owners; the duty to maintain and allow inspection of books, accounts, records and data shall be extended as provided in Section 13.15; and the hold harmless agreement contained in Article 6 shall survive.

13.03 Limitation on District Liability

The District's liability is, in the aggregate, limited to the total amount payable under this Contract.

13.04 Drug and Alcohol Policy

Contractor shall not use, possess, manufacture, or distribute alcohol or illegal drugs during the performance of the Contract or while on District premises or distribute same to District employees.

13.05 Publicity

Contractor agrees to submit to District all advertising, sales promotion, and other public matter relating to any service

furnished by Contractor wherein the District's name is mentioned or language used from which the connection of District's name therewith may, within reason, be inferred or implied. Contractor further agrees not to publish or use any such advertising, sales promotion or publicity matter without the prior written consent of District.

13.06 Consent to Breach Not Waiver

No provision hereof shall be deemed waived and no breach excused, unless such waiver or consent shall be in writing and signed by the party claimed to have waived or consented. Any consent by any party to, or waiver of, a breach by the other, whether express or implied, shall not constitute a consent to, waiver of, or excuse for any other different or subsequent breach.

13.07 Attorneys' Fees

In the event that suit is brought to enforce or interpret any part of this Contract, the prevailing party shall be entitled to recover as an element of its costs of suit, and not as damages, a reasonable attorney's fee to be fixed by the court. The "prevailing party" shall be the party who is entitled to recover its costs of suit, whether or not the suit proceeds to final judgment. A party not entitled to recover its costs shall not recover attorney's fees. No sum for attorney's fees shall be counted in calculating the amount of a judgment for purposes of determining whether a party is entitled to recover its costs or attorney's fees.

13.08 No Conflict of Interest

Contractor represents that it currently has no interest, and shall not have any interest, direct or indirect, that would conflict in any manner with the performance of services required under this Contract.

13.09 Prohibition of Discrimination against Qualified Handicapped Persons

Contractor shall comply with the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, pertaining to the prohibition of discrimination against qualified handicapped persons in federally-assisted programs.

13.10 Cal OSHA/Hazardous Substances

13.10.01 Contractor shall comply with California Administrative Code Title 8, Section 5194, and shall directly (1) inform its employees of the hazardous substances they may be exposed to while performing their work on District property, (2) ensure that its employees take appropriate protective measures, and (3) provide the District's Manager of Facility Maintenance with a Material Safety Data Sheet (MSDS) for all hazardous substances to be used on District property.

13.10.02 Contractor shall comply with Cal OSHA regulations and the Hazardous Substance Training and Information Act. Further, said parties shall indemnify the District against any and all damage, loss, and injury resulting from non-compliance with this Article.

13.10.03 Contractor will comply with the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) California Health and Safety Code Section 25249.5 - 25249.13. Contractor will ensure that clear and reasonable warnings are made to persons exposed to those chemicals listed by the State of California as being known to cause cancer or reproductive toxicity.

13.10.04 Contractor shall be solely responsible for any hazardous material, substance or chemical released or threatened release caused or contributed to by Contractor. Contractor shall be solely responsible for all clean-up efforts and costs.

13.11 Non-Assignment of Contract

The Contractor shall not assign, transfer, convey, sublet, or otherwise dispose of the Contract or Contractor's right, title or interest in or to the same or any part thereof without previous written consent by the District; and any such action by Contractor without District's previous written consent shall be void.

13.12 No Subcontract

Contractor shall not subcontract or permit anyone other than Contractor or its authorized staff and subcontractors to perform any of the scope of work, services or other performance required of Contractor under this Contract without the prior written consent of the District. Any such action by Contractor without District's previous consent shall be void.

13.13 Severability

If any provision of this Contract is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions shall continue in full force and effect, and shall in no way be affected, impaired or invalidated.

13.14 All Amendments in Writing

No amendment to this Contract shall be effective unless it is in writing and signed by duly authorized representatives of both parties.

13.15 Audit

This Contract is subject to audit by Federal, State, or District personnel or their representatives at no cost for a period of four (4) years after the date of expiration or termination of the Contract. Requests for audits shall be made in writing, and Contractor shall respond with all information requested within ten (10) calendar days of the date of the request. During the four-year period that the Contract is subject to audit, Contractor shall maintain detailed records substantiating all costs and expenses billed against the Contract.

13.16 Smoking Prohibited

Contractor, its employees and agents shall not smoke in any enclosed area on District premises or in a District vehicle.

13.17 Responsibility for Equipment

13.17.01 District shall not be responsible nor held liable for any damage to person or property consequent upon the use, or misuse, or failure of any equipment used by Contractor, or any of its employees, even though such equipment be furnished, rented or loaned to Contractor by District.

13.17.02 Contractor is responsible to return to the District in good condition any equipment, including keys, issued to it by the District pursuant to this Agreement. If the contractor fails or refuses to return District-issued equipment within five days of the conclusion of the contract work the District shall deduct the actual costs to repair or replace the equipment not returned from the final payment owed to contractor or take other appropriate legal action at the discretion of the District.

13.18 Grant Contracts

13.18.01 Contractor shall ensure throughout the terms of this Agreement that all federal, state and local laws and requirements are met including any requirements District is obligated to perform because of receipt of grant funding. Contractor shall also be required to fulfill its obligation as a federal and/or state and/or local sub-recipient of grant funding.

13.19 Time of the Essence

13.19.01 Time is of the essence in this Contract

## PART V

### CONTRACT FOR REVIEW OF ADA PARATRANSIT ELIGIBILITY PROCESS (08-22)

THIS CONTRACT is made effective on \_\_\_\_\_, 2008 between the SANTA CRUZ METROPOLITAN TRANSIT DISTRICT, a political subdivision of the State of California ("District"), and \_\_\_\_\_ ("Contractor").

#### 1. RECITALS

##### 1.01 District's Primary Objective

District is a public entity whose primary objective is providing public transportation and has its principal office at 370 Encinal Street, Suite 100, Santa Cruz, California 95060.

##### 1.02 District's Need for Review of ADA Paratransit Eligibility Process

District has the need for Review of ADA Paratransit eligibility process. In order to obtain these services, the District issued a Request for Proposals, dated February 11, 2008, setting forth specifications for such services. The Request for Proposals is attached hereto and incorporated herein by reference as Exhibit "A".

##### 1.03 Contractor's Proposal

Contractor is a firm/individual qualified to provide review of ADA Paratransit eligibility process and whose principal place of business is \_\_\_\_\_. Pursuant to the Request for Proposals by the District, Contractor submitted a proposal for review of ADA Paratransit eligibility process, which is attached hereto and incorporated herein by reference as Exhibit "B."

##### 1.04 Selection of Contractor and Intent of Contract

On \_\_\_\_\_, District selected Contractor as the offeror whose proposal was most advantageous to the District, to provide the review of ADA Paratransit eligibility process described herein. This Contract is intended to fix the provisions of these services.

District and Contractor agree as follows:

#### 2. INCORPORATED DOCUMENTS AND APPLICABLE LAW

##### 2.01 Documents Incorporated in this Contract

The documents below are attached to this Contract and by reference made a part hereof. This is an integrated Contract. This writing constitutes the final expression of the parties' contract, and it is a complete and exclusive statement of the provisions of that Contract, except for written amendments, if any, made after the date of this Contract in accordance with Section 13.14.

##### A. Exhibit "A"

Santa Cruz Metropolitan Transit District's "Request for Proposals" dated February 11, 2008

##### B. Exhibit "B" (Contractor's Proposal)

Contractor's Proposal to the District for review of ADA Paratransit eligibility process, signed by Contractor and dated March 12, 2008.

2.02 Conflicts

Where in conflict, the provisions of this writing supersede those of the above-referenced documents, Exhibits "A" and "B". Where in conflict, the provisions of Exhibit "A" supercede Exhibit "B".

2.03 Recitals

The Recitals set forth in Article 1 are part of this Contract.

3. DEFINITIONS

3.01 General

The terms below (or pronouns in place of them) have the following meaning in the contract:

3.01.01 CONTRACT - The Contract consists of this document, the attachments incorporated herein in accordance with Article 2, and any written amendments made in accordance with Section 13.14.

3.01.02 CONTRACTOR - The Contractor selected by District for this project in accordance with the Request for Proposals issued February 11, 2008.

3.01.03 CONTRACTOR'S STAFF - Employees of Contractor.

3.01.04 DAYS - Calendar days.

3.01.05 OFFEROR - Contractor whose proposal was accepted under the terms and conditions of the Request for Proposals issued February 11, 2008.

3.01.06 PROVISION - Any term, agreement, covenant, condition, clause, qualification, restriction, reservation, or other stipulation in the contract that defines or otherwise controls, establishes, or limits the performance required or permitted by either party.

3.01.07 SCOPE OF WORK (OR "WORK") - The entire obligation under the Contract, including, without limitation, all labor, equipment, materials, supplies, transportation, services, and other work products and expenses, express or implied, in the Contract.

4. TIME OF PERFORMANCE

4.01 Term

The term of this Contract will be for a period not to exceed one (1) year and shall commence upon the issuance of the contract by the District.

At the option of the District, this contract agreement may be extended upon mutual written consent.

5. COMPENSATION

5.01 Terms of Payment

District shall compensate Contractor in an amount not to exceed the amounts/rates agreed upon by the District. District shall reasonably determine whether work has been successfully performed for purposes of payment. Compensation shall be made within thirty (30) days of District written approval of Contractor's written invoice for said work. Contractor understands and agrees that if he/she exceeds the \$\_\_\_\_\_ maximum amount payable under this contract, that it does so at its own risk.

5.02 Invoices

Contractor shall submit invoices with a purchase order number provided by the District on a monthly basis. Contractor's invoices shall include detailed records showing actual time devoted, work accomplished, date work accomplished, personnel used, and amount billed per hour. Expenses shall only be billed if allowed under the Contract. Telephone call expenses shall show the nature of the call and identify location and individual called. Said invoice records shall be kept up-to-date at all times and shall be available for inspection by the District (or any grantor of the District, including, without limitation, any State or Federal agency providing project funding or reimbursement) at any time for any reason upon demand for not less than four (4) years after the date of expiration or termination of the Contract. Under penalty of law, Contractor represents that all amounts billed to the District are (1) actually incurred; (2) reasonable in amount; (3) related to this Contract; and (4) necessary for performance of the project.

6. NOTICES

All notices under this Contract shall be deemed duly given upon delivery, if delivered by hand; or three (3) days after posting, if sent by registered mail, receipt requested; to a party hereto at the address hereunder set forth or to such other address as a party may designate by notice pursuant hereto.

DISTRICT

Santa Cruz Metropolitan Transit District  
370 Encinal Street  
Suite 100  
Santa Cruz, CA 95060  
Attention: General Manager

CONTRACTOR

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attention: \_\_\_\_\_

7. AUTHORITY

Each party has full power and authority to enter into and perform this Contract and the person signing this Contract on behalf of each has been properly authorized and empowered to enter into this Contract. Each party further acknowledges that it has read this Contract, understands it, and agrees to be bound by it.

Signed on \_\_\_\_\_

DISTRICT  
SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

\_\_\_\_\_  
Leslie R. White  
General Manager

CONTRACTOR

By \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
Margaret Rose Gallagher  
District Counsel

## **PART VI**

### **FEDERAL TRANSIT ADMINISTRATION REQUIREMENTS FOR NON-CONSTRUCTION CONTRACTS**

#### **1.0 GENERAL**

This Contract is subject to the terms of a financial assistance contract between the Santa Cruz Metropolitan Transit District and the Federal Transit Administration (FTA) of the United States Department of Transportation.

#### **2.0 INTEREST TO MEMBERS OF OR DELEGATES TO CONGRESS**

In accordance with 18 U.S.C. 431, no member of, nor delegates to, the Congress of the United States shall be admitted to a share or part of this Contract or to any benefit arising therefrom.

#### **3.0 INELIGIBLE CONTRACTORS**

Neither Contractor, subcontractor, nor any officer or controlling interest holder of Contractor or subcontractor, is currently, or has been previously, on any debarred bidders list maintained by the United States Government.

#### **4.0 EQUAL EMPLOYMENT OPPORTUNITY (Not applicable to contracts for standard commercial supplies and raw materials)**

In connection with the execution of this Contract, the Contractor shall not discriminate against any employee or application for employment because of race, religion, color, sex, age (40 or over), national origin, pregnancy, ancestry, marital status, medical condition, physical handicap, sexual orientation, or citizenship status. The Contractor shall take affirmative action to insure that applicants employed and that employees are treated during their employment, without regard to their race, religion, color, sex national origin, etc. Such actions 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. Contractor further agrees to insert a similar provision in all subcontracts, except subcontracts for standard commercial supplies or raw materials.

#### **5.0 TITLE VI CIVIL RIGHTS ACT OF 1964**

During the performance of this Contract, the Contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "Contractor"), agrees as follows:

##### **5.1 Compliance with Regulations**

The Contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this Contract.

##### **5.2 Nondiscrimination**

The Contractor, with regard to the work performed by it during the Contract, shall not discriminate on the grounds of race, religion, color, sex, age or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited in Section 21.5 of the Regulations, including employment practices when the Contract covers a program set forth in Appendix B of the regulations.

##### **5.3 Solicitations for Subcontracts, Including Procurements of Materials and Equipment**

In all solicitations either by competitive bidding or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or

supplier shall be notified by the Contractor of the Contractor's obligations under this Contract and the Regulations relative to nondiscrimination on the grounds of race, religion, color, sex, age or national origin.

#### 5.4 Information and Reports

The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the District or the Federal Transit Administration (FTA) to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information is required or a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the District, or the Federal Transit Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.

#### 5.5 Sanctions for Noncompliance

In the event of the Contractor's noncompliance with the nondiscrimination provisions of this Contract, the District shall impose such contract sanctions as it or the Federal Transit Administration may determine to be appropriate, including, but not limited to:

- (a) Withholding of payments to the Contractor under the Contract until the Contractor complies; and/or,
- (b) Cancellation, termination or suspension of the Contract, in whole or in part.

#### 5.6 Incorporation of Provisions

The Contractor shall include the provisions of Paragraphs (1) through (6) of this section in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the District or the Federal Transit Administration 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 supplier as a result of such direction, the Contractor may require the District to enter into such litigation to protect the interests of the District, and, in addition, the Contractor may request the services of the Attorney General in such litigation to protect the interests of the United States.

#### 6.0 CLEAN AIR AND FEDERAL WATER POLLUTION CONTROL ACTS (Applicable only to contracts in excess of \$100,000)

Contractor shall comply with all applicable standards, orders or requirements issued under Section 306 of the Clean Air Act (42 USC 1857[h]), Section 508 of the Clean Water Act (33 USC 1368), Executive Order 11738, and Environmental Protection Agency Regulations (40 CFR, Part 15), which prohibit the use under non-exempt Federal contracts, grants or loans of facilities included on the EPA List of Violating Facilities. Contractor shall report all violations to FTA and to the USEPA Assistant Administrator for Enforcement (EN0329).

## 7.0 CONSERVATION

Contractor shall recognize mandatory standards and policies relating to energy efficiency which are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 USC Section 6321, et seq.).

## 8.0 AUDIT AND INSPECTION OF RECORDS (Applicable only to sole source or negotiated contracts in excess of \$10,000)

Contractor agrees that the District, the Comptroller General of the United States, or any of their duly authorized representatives shall, for the purpose of audit and examination, be permitted to inspect all work, materials, payrolls and other data and records with regard to the project, and to audit the books, records and accounts with regard to the project. Further, Contractor agrees to maintain all required records for at least three years after District makes final payments and all other pending matters are closed.

## 9.0 LABOR PROVISIONS (Applicable only to contracts of \$2,500.00 or more that involve the employment of mechanics or laborers)

### 9.1 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 work week in which he or she is employed on such work to work in excess of eight (8) hours in any calendar day or in excess of forty (40) hours in such work week unless such laborer or mechanic receives compensation at a rate not less than one and one-half (1 1/2) times the basic rate of pay for all hours worked in excess of eight (8) hours in any calendar day or in excess of forty (40) hours in such work week, whichever is greater.

### 9.2 Violation; Liability for Unpaid Wages; Liquidated Damages

In the event of any violation of the clause set forth in subparagraph (b)(1) of 29 CFR Section 5.5, 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 (in the case of work done under contract for the District of Columbia or a territory, to such district or to such territory), 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 subparagraph (b)(1) of which such individual was required or permitted to work in excess of eight (8) hours in excess of the standard work week of forty (40) hours without payment of the overtime wages required by the clause set forth in subparagraph (b)(1) of 29 CFR Section 5.5.

### 9.3 Withholding for Unpaid Wages and Liquidated Damages

DOT or the District 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 monies 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 subparagraph (b)(2) of 29 CFR Section 5.5.

### 9.4 Nonconstruction Grants

The Contractor or subcontractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three (3) years from the completion of the Contract for all laborers and mechanics, including guards and watchmen, working on the Contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made and actual wages paid. Further, the District shall require the contracting officer to insert in any such contract a clause providing that the records to be maintained under this paragraph shall be made available by the Contractor or subcontractor for inspection, copying or transcription by authorized representatives of DOT and the Department of Labor, and the Contractor or subcontractor will permit such representatives to interview employees during working hours on the job.

## 9.5 Subcontracts

The Contractor or subcontractor shall insert in any subcontracts the clauses set forth in sub-paragraph (1) through (5) of this paragraph and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in subparagraphs (1) through (5) of this paragraph.

## 10.0 CARGO PREFERENCE (Applicable only to Contracts under which equipment, materials or commodities may be transported by ocean vehicle in carrying out the project)

The Contractor agrees:

- 10.1 To utilize privately owned United States-flag commercial vessels to ship at least fifty percent (50%) of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners and tankers) involved, whenever shipping any equipment, materials or commodities pursuant to this section, to the extent such vessels are available at fair and reasonable rates for United States- flag commercial vessels.
- 10.2 To furnish within 30 days following the date of loading for shipments originating within the United States, or within thirty (30) working days following the date of loading for shipment 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 (1) above, to the District (through the prime Contractor in the case of subcontractor bills-of-lading) and to the Division of National Cargo, Office of Market Development, Maritime Administration, 400 Seventh Street, S.W., Washington D. C. 20590, marked with appropriate identification of the project.
- 10.3 To insert the substance of the provisions of this clause in all subcontracts issued pursuant to this Contract.

## 11.0 BUY AMERICA PROVISION

This procurement is subject to the Federal Transportation Administration Buy America Requirements in 49 CFR 661. A Buy America Certificate, if required format (see Form of Proposal or Bid Form) must be completed and submitted with the proposal. A proposal that does not include the certificate shall be considered non-responsive. A waiver from the Buy America Provision may be sought by the District if grounds for the waiver exist. Section 165a of the Surface Transportation Act of 1982 permits FTA participation on this Contract only if steel and manufactured products used in the Contract are produced in the United States. In order for rolling stock to qualify as a domestic end product, the cost of components produced in the United States must exceed sixty percent (60%) of the cost of all components, and final assembly must take place in the United States.

## 12.0 DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION

### 12.1 Policy

It is the policy of the U.S. Department of Transportation that Disadvantaged Business Enterprises as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Agreement. Consequently, the DBE requirements of 49 CFR Part 26 apply to this Agreement.

### 12.2 DBE Obligation

District and Contractor agree to insure that Disadvantaged Business Enterprises as defined in 49 CFR Part 26 have the maximum opportunity to participate in the performance of contracts and subcontracts under this Agreement. In this regard, District and Contractor shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 to insure that Disadvantaged Business Enterprises have the maximum opportunity to compete for and perform Contracts. District and Contractor shall not discriminate on the basis of race, creed, color, national origin, age or sex in the award and performance of DOT-assisted Contracts.

### 12.3 Transit Vehicle Manufacturers

Transit vehicle manufacturers must certify compliance with DBE regulations.

### 13.0 CONFLICT OF INTEREST

No employee, officer or agent of the District shall participate in selection, or in the award of administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when (1) the employee, officer or agent; (2) any member of his or her immediate family; (3) his or her partner; or (4) an organization that employs, or is about to employ, has a financial or other interest in the firm selected for award. The District's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from Contractors, potential Contractors or parties of sub agreements.

### 14.0 MOTOR VEHICLE EMISSION REQUIREMENTS (Applicable only to Contracts involving the purchase of new motor vehicles)

The Contractor must provide a certification that:

- (a) The horsepower of the vehicle is adequate for the speed, range, and terrain in which it will be required and also to meet the demands of all auxiliary equipment.
- (b) All gases and vapors emanating from the crankcase of a spark-ignition engine are controlled to minimize their escape into the atmosphere.
- (c) Visible emission from the exhaust will not exceed No. 1 on the Ringlemann Scale when measured six inches (6") from the tail pipe with the vehicle in steady operation.
- (d) When the vehicle has been idled for three (3) minutes and then accelerated to eighty percent (80%) of rated speed under load, the opacity of the exhaust will not exceed No. 2 on the Ringlemann Scale for more than five (5) seconds, and not more than No. 1 on the Ringlemann Scale thereafter.

### 15.0 MOTOR VEHICLE SAFETY STANDARDS (Applicable only to contracts involving the purchase of new motor vehicles)

The Contractor will assure that the motor vehicles purchased under this contract will comply with the Motor Vehicle Safety Standards as established by the Department of Transportation at 49 CFR Parts 390 and 571.

### 16.0 DEBARRED BIDDERS

The Contractor, including any of its officers or holders of a controlling interest, is obligated to inform the District whether or not it is or has been on any debarred bidders' list maintained by the United States Government. Should the Contractor be included on such a list during the performance of this project, Contractor shall so inform the District.

### 17.0 PRIVACY (Applicable only to Contracts involving the administration of any system of records as defined by the Privacy Act of 1974, on behalf of the Federal Government)

#### 17.1 General

The District and Contractor agree:

- (a) To comply with the Privacy Act of 1974, 5 U.S.C. 552a (the Act) and the rules and regulations issued pursuant to the Act when performance under the Contract involves the design, development or operation of any system of records on individuals to be operated by the District, its contractors or employees to accomplish a Government function.
- (b) To notify the Government when the District or Contractor anticipates operating a system of records on behalf of the Government in order to accomplish the requirements of this Agreement, if such system contains information about individuals which information will be retrieved by the individual's name or other identifier assigned to the individual. A system of records subject to the Act may not be employed in the performance of this Agreement until the necessary approval and publication requirements applicable to the system have been carried out. The District or Contractor, as appropriate, agrees to correct, maintain, disseminate, and use such records in accordance with the requirements of the Act, and to comply with all applicable requirements of the Act.

- (c) To include the Privacy Act Notification contained in this Agreement in every subcontract solicitation and in every subcontract when the performance of Work under the proposed subcontract may involve the design, development or operation of a system of records on individuals that is to be operated under the Contract to accomplish a Government function; and
- (d) To include this clause, including this paragraph in all in subcontracts under which Work for this Agreement is performed or which is awarded pursuant to this Agreement or which may involve the design, development, or operation of such a system of records on behalf of the Government.

## 17.2 Applicability

For purposes of the Privacy Act, when the Agreement involves the operation of a system of records on individuals to accomplish a Government function, the District, third party contractors and any of their employees are considered to be employees of the Government with respect to the Government function and the requirements of the Act, including the civil and criminal penalties for violations of the Act, are applicable except that the criminal penalties shall not apply with regard to contracts effective prior to September 27, 1975. In addition, failure to comply with the provisions of the Act or of this clause will make this Agreement subject to termination.

## 17.3 Definitions

The terms used in this clause have the following meanings:

- (a) "Operation of a system of records" means performance of any of the activities associated with maintaining the system of records on behalf of the Government including the collection, use and dissemination of records.
- (b) "Records" means any item, collection or grouping of information about an individual that is maintained by the District or Contractor on behalf of the Government, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.
- (c) "System of records" on individuals means a group of any records under the control of the District or Contractor on behalf of the Government from which information is retrieved by the name of the individual or by some identifying number, symbol or other identifying particular assigned to the individual.

## 18.0 PATENT RIGHTS (Applicable only to research and development contracts)

If any invention, improvement or discovery of the District or contractors or subcontractors is conceived or first actually reduced to practice in the course of or under this project which invention, improvement, or discovery may be patentable under the Patent Laws of the United States of America or any foreign country, the District (with appropriate assistance of any contractor or subcontractor involved) shall immediately notify the Government (FTA) and provide a detailed report. The rights and responsibilities of the District, third party contractors and subcontractors and the Government with respect to such invention will be determined in accordance with applicable Federal laws, regulations, policies and any waivers thereof.

## 19.0 RIGHTS IN DATA (Applicable only to research and development contracts)

The term "subject data" as used herein means recorded information, whether or not copyrighted, that is delivered or specified to be delivered under this Contract. The term includes graphic or pictorial delineation in media such as drawings or photographs; text in specifications or related performance or design-type documents, machine forms such as punched cards, magnetic tape or computer memory printouts; and information retained in computer memory. Examples include, but are not limited to, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identifications and related information. The term does not include financial reports, cost analyses and similar information incidental to contract administration.

All "subject data" first produced in the performance of this Agreement shall be the sole property of the Government. The District and Contractor agree not to assert any rights at common law or equity and not to establish any claim to statutory copyright in such data. Except for its own internal use, the District and Contractor shall not publish or reproduce such data in whole or in part, or in any manner or form, nor authorize others to do so, without the written consent of the Government until such time as the Government may have released such data to the public. This restriction, however, does not apply to Agreements with academic institutions.

The District and Contractor agree to grant and do hereby grant to the Government and to its officers, agents, and employees acting within the scope of their official duties, a royalty-free, non-exclusive and irrevocable license throughout the world:

- (a) To publish, translate, reproduce, deliver, perform, use and dispose of, in any manner, any and all data not first produced or composed in the performance of this Contract but which is incorporated in the work furnished under this Contract; and
- (b) To authorize others so to do.

District and Contractor shall indemnify and save and hold harmless the Government, its officers, agents, and employees acting within the scope of their official duties against any liability, including costs and expenses, resulting from any willful or intentional violation by the District and Contractor of proprietary rights, copyrights or rights of privacy, arising out of the publication, translation, reproduction, delivery, performance, use, or disposition of any data furnished under this Contract.

Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

The third and fourth paragraphs under Section 19.0 above are not applicable to material furnished to the District or Contractor by the Government and incorporated in the work furnished under the Contract, provided that such incorporated material is identified by the District or Contractor at the time of delivery of such work.

In the event that the project, which is the subject of this Agreement, is not completed, for any reason whatsoever, all data generated under that project shall become subject data as defined in the Rights in Data clause in this Contract and shall be delivered as the Government may direct. This clause shall be included in all subcontracts under this Contract.

## 20.0 NEW RESTRICTIONS ON LOBBYING

### 20.1 Prohibition

- (a) Section 1352 of Title 31, U.S. Code, provides in part that no appropriated funds may be expended by the recipient of a Federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following covered Federal actions: the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (b) The prohibition does not apply as follows:
  - (i) Agency and legislative liaison by Own Employees.
  - (ii) Professional and technical services by Own Employees.
  - (iii) Reporting for Own Employees.
  - (iv) Professional and technical services by Other than Own Employees.

### 20.2 Disclosure

- (a) Each person who requests or receives from an agency a Federal contract shall file with that agency a certification, included in Form of Proposal or Bid Forms, that the person has not made, and will not make, any payment prohibited by Section 20.1 of this clause.
- (b) Each person who requests or receives from an agency a Federal contract shall file with that agency a disclosure form, Standard Form-LLL, "Disclosure of Lobbying Activities," if such person has made or has agreed to make any payment using non- appropriated funds (to include profits from any covered Federal action), which would be prohibited under Section 20.1 of this clause if paid for with appropriated funds.

- (c) Each person shall file a disclosure form at the end of each calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed by such person under paragraph (c)(2) of this section. An event that materially affects the accuracy of the information reported includes:
  - (i) a cumulative increase of \$25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered Federal action; or
  - (ii) a change in the person(s) or individual(s) influencing or attempting to influence a covered Federal action; or
  - (iii) a change in the officer(s), employee(s), or Member(s) contacted to influence or attempt to influence a covered Federal action.
- (d) Any person who requests or receives from a person referred to in paragraph (c)(i) of this section a subcontract exceeding \$100,000 at any tier under a Federal contract shall file a certification, and a disclosure form, if required, to the next tier above.
- (e) All disclosure forms, but not certifications, shall be forwarded from tier to tier until received by the person referred to in paragraph (c)(i) of this section. That person shall forward all disclosure forms to the agency.

### 20.3 Agreement

In accepting any contract resulting from this solicitation, the person submitting the offer agrees not to make any payment prohibited by this clause.

### 20.4 Penalties.

- (a) Any person who makes an expenditure prohibited under Section 20.1 of this clause shall be subject to a civil penalty of not less than \$10,000 for each such expenditure.
- (b) Any person who fails to file or amend the disclosure form to be filed or amended if required by this clause, shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
- (c) Contractors may rely without liability on the representations made by their sub- contractors in the certification and disclosure form.

### 20.5 Cost allowability

Nothing in this clause is to be interpreted to make allowable or reasonable any costs which would be unallowable or unreasonable in accordance with Part 31 of the Federal Acquisition Regulation. Conversely, costs made specifically unallowable by the requirements in this clause will not be made allowable under any of the provisions of Part 31 of the Federal Acquisition Regulation.

## PART VII

### SANTA CRUZ METROPOLITAN TRANSIT DISTRICT PROTEST PROCEDURES

#### PROCUREMENT PROTESTS

All protests shall be filed, handled and resolved in a manner consistent with the requirements of Federal Transit Administration (FTA) Circular 4220.1E Third Party Contracting Guidelines dated June 19, 2003 and the Santa Cruz Metropolitan Transit District's (DISTRICT) Protest Procedures which are on file and available upon request.

Current FTA Policy states that: "Reviews of protests by FTA will be limited to:

- (1) a grantee's failure to have or follow its protest procedures, or its failure to review a complaint or protest; or
- (2) violation of Federal law or regulation.

An appeal to FTA must be received by the cognizant FTA regional or Headquarters Office within five (5) working days of the date the protester learned or should have learned of an adverse decision by the grantee or other basis of appeal to FTA" (FTA Circular 4220.1E, Section 7, paragraph 1., Written Protest Procedures)

Protests relating to the content of this Request for Proposal (RFP) package must be filed within ten (10) calendar days after the date the RFP is first advertised. Protests relating to a recommendation for award solicited by this RFP must be filed by an interested party within five (5) calendar days after the staff's written recommendation and notice of intent to award is issued to the offerors. The date of filing shall be the date of receipt of protests or appeals by the DISTRICT.

All Protests shall be filed in writing with the Assistant General Manager, Santa Cruz Metropolitan Transit District, 370 Encinal Street, Suite 100, Santa Cruz, CA 95060. **No other location shall be acceptable.** The DISTRICT will respond in detail to each substantive issue raised in the protest. The Assistant General Manager shall make a determination on the protest normally within ten (10) working days from receipt of protest. Any decision rendered by the Assistant General Manager may be appealed to the Board of Directors. The Protester has the right within five (5) working days of receipt of determination to file an appeal restating the basis of the protest and the grounds of the appeal. In the appeal, the Protester shall only be permitted to raise factual information previously provided in the protest or discovered subsequent to the Assistant General Manager's decision and directly related to the grounds of the protest. The Board of Directors has the authority to make a final determination and the Board of Director's decision shall constitute the DISTRICT's final administrative remedy.

In the event the protestor is not satisfied with the DISTRICT's final administrative determination, they may proceed within 90 days of the final decision to State Court for judicial relief. The Superior Court of the State of California for the County of Santa Cruz is the appropriate judicial authority having jurisdiction over Proposal Protest(s) and Appeal(s). Bid includes the term "offer" or "proposal" as used in the context of negotiated procurements.

The Offeror may withdraw its protest or appeal at any time before the DISTRICT issues a final decision.

Should the DISTRICT postpone the date of proposal submission owing to a protest or appeal of the solicitation specifications, addenda, dates or any other issue relating to this procurement, the DISTRICT shall notify, via addendum, all parties who are on record as having obtained a copy of the solicitation documents that an appeal/protest had been filed, and the due date for proposal submission shall be postponed until the DISTRICT has issued its final decision.

A letter of protest must set forth the grounds for protest and shall be fully supported with technical data, test results, or other pertinent information related to the subject being protested. The Protestor is responsible for adhering to the DISTRICT's protest procedures.

An Offeror may seek FTA review of the DISTRICT's decision. A protest appeal to the FTA must be filed in accordance with the provisions of FTA circular 4220.1E. Any appeal to the FTA shall be made not later than five (5) working days after a final decision is rendered under the DISTRICT's protest procedure. Protest appeals should be filed with:

Federal Transit Administration  
Regional Administrator Region IX  
201 Mission Street, Suite 2210  
San Francisco, CA 94105-1839



**SANTA CRUZ METROPOLITAN TRANSIT DISTRICT**

**ADDENDUM NO. 1**

**REQUEST FOR PROPOSALS (RFP) No. 08-22**

**FOR REVIEW OF ADA PARATRANSIT ELIGIBILITY PROCESS**

February 26, 2008

Receipt of this Addendum No. 1 shall be acknowledged in your proposal response. Any adjustment resulting from this addendum shall be included in the RFP. Where in conflict, the terms and conditions of this addendum supersede those in the Request for Proposal. The purpose of this addendum is to answer questions received.

1. Question: What is your budget for this project?

***Answer: \$30,000.***

2. Question: What is the timeline for this project?

***Answer: See table below***

<b>EVENT</b>	<b>DATE</b>
Proposal Due Date	March 14, 2008, 5:00 P.M.
Evaluation of Proposals Received	March 17 <sup>th</sup> through March 21 <sup>st</sup>
Board Action	April 11, 2008
Process of Contract Documents	April 11 <sup>th</sup> through April 18 <sup>th</sup>
Approximate Start of Contract	April 21, 2008
Project Completion	June 13, 2008

3. Question: If there is a plan for community input on this assignment, what level is anticipated?

***Answer: The report from the audit will be presented to the General Manager who will then present the report to the Metro Board of Directors. The need for community input will be based on the results of the report. If recommendations are made requiring changes to our Board approved ParaCruz Guide, it is likely that community input will be solicited from the METRO Advisory Committee and the Regional Transportation Commission Elderly and Disabled Transit Advisory Committee, the Board would then allow time for public comments to made.***

4. Question: Could you please clarify the number of staff currently involved in the eligibility function (is it just the Eligibility Coordinator or are there others involved)?

***Answer: The Eligibility Coordinator is the only person who is performing all aspects***

*of Eligibility Assessments at this time. This person was trained in accordance with criteria developed by Art Hulscher of Orthopaedic Hospital. A recent move to our Metro Center location has allowed for the Administrative Assistant to provide additional support to the Eligibility Coordinator especially when scheduled or unscheduled absence occurs. The Administrative Assistant provides additional Customer Service functions such as reviewing voice mail, contacting, coordinating and confirming appointment schedules, and letter writing. This person has shown significant interest and aptitude respective of the Eligibility Assessment processes and procedures and would be considered, with proper training, to provide assessments as a "back-up" for the Eligibility Coordinator in the event of a long term absence.*

- 5 Question: Given that the first task requires a review of the whole process, could you please explain why the need for a separate task 3 1 2 (*Review passenger database management and passenger identification numbers*)? Have there been specific problems related to database management that will need to be examined?  
*Answer: A review of the Eligibility Coordinators database, and how maintained, would be desired because of discrepancies encountered between the Paratransit Operations database and the Eligibility Coordinators database. In one instance the Paratransit database reflected 130 deceased persons, while the Eligibility Coordinator's database reflected those persons as active. How does the Eligibility Coordinator obtain information to update and maintain the database, what reports could or should be reviewed and how often should the database be updated. Are there issues to privacy clauses that would preclude updating the database? In some instances there have been duplicity of assigned numbers.*
6. Question: Who will be the SCMTD Project Manager?  
*Answer: Ciro Aguirre, METRO's Manager of Operations*
7. Question: Part III of the Specifications, Pages III-1 and -2 of the RFP indicate that there were slightly over 10,000 registered eligible names as of July 2002. How many are known or believed to be identified as eligible now or as of the completion of the Orthopaedic re-certification?  
*Answer: The number of registered eligible names has been reduced to approximately 3,500 as of November 2007.*
- 8 Question: Please also note that the due date for proposals (March 12th) is right in the middle of the APTA Legislative Conference in DC, so if any late amendments or information occur, they may need to be sent electronically as well as United States Postal Service Is it possible to request a change of submittal date to Friday, March 14th to accommodate this industry-wide conflict?  
*Answer: Proposal due date has been changed to March 14, 2008, 5:00 P.M.*

Lloyd Longnecker  
Purchasing Agent

# PAT PIRAS CONSULTING

## EXHIBIT - B

PROPOSAL to the SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
District RFP No. 08-22

**Proposal for Review of ADA Paratransit Eligibility Process**

Proposal Due Date (as amended): MARCH 14, 2008, 5:00pm



892 Grant Avenue San Lorenzo, CA 94580  
Phone: (510) 278-1631 Fax: (510) 278-4429 Email: [piras@ix.netcom.com](mailto:piras@ix.netcom.com)

COPY

# PAT PIRAS CONSULTING

892 Grant Avenue San Lorenzo, CA 94580  
Phone: (510) 278-1631 Fax: (510) 278-4429 Email: [piras@ix.netcom.com](mailto:piras@ix.netcom.com)

March 13, 2008

Mr. Lloyd Longnecker, District Buyer  
Santa Cruz Metropolitan Transit District  
District Purchasing Office  
110 Vernon Street, Suite B  
Santa Cruz, CA 95060

**Re: District RFP No. 08-22  
Proposal for Review of ADA Paratransit Eligibility Process  
Proposal Due Date (as amended): MARCH14, 2005, 5:00pm**

Dear Mr. Longnecker:

This letter transmits a proposal by **Pat Piras Consulting** to conduct a review of Santa Cruz METRO's ADA Paratransit Eligibility Process.

**Pat Piras Consulting** has sincerely enjoyed our previous work with METRO staff, the METRO Advisory Committee (MAC), and local riders and students, and we look forward to the opportunity to be of further service to the Santa Cruz community.

**Pat Piras Consulting** possesses unique qualifications in the field of disability access, particularly with regard to transportation programs and services. I was the only consultant invited by USDOT to participate on the Federal Advisory Committee that helped to develop the ADA transportation regulations, and have carefully monitored their implementation (and recent administrative expansion without public comment opportunity) since that time. We have brought together a team that is unparalleled in its practical operations expertise regarding ADA transportation provisions and which can provide real-life experience and "lessons learned" from other significant transit properties. We hope that METRO will agree that we are the most capable and qualified team to conduct the required services and analysis, for the benefit of the District and its customers.

We are pleased to include Park Woodworth of King County Metro staff, as a key member of the proposed team. Park is a renowned national expert in paratransit, human service coordination, and accessibility issues. Park's creative approaches to enforcing trip-by-trip and conditional eligibility for riders in the Seattle area has resulted in a decrease in paratransit demand from FY 2006 to FY 2007. That kind of insight can be very beneficial for SCMTD and for Santa Cruz County taxpayers.

The proposed consulting team also includes Lisa Sharp-Piras as our database and technical analyst. Lisa lived for many years in Santa Cruz County and is familiar with the geography and community. Overall, we hope that METRO will agree that the **Pat Piras Consulting** team is a very good group of people to work with.

We are not just consultants. We have set up and run eligibility programs on both coasts. I have even served as a "secret" applicant for eligibility in several systems, so I know first-hand what it can be like to go through the process, and some of the ways that "dysfunctionality" can be perhaps, more apparent than real.

Recognizing METRO's concerns about financial prospects, we have done our best to control costs while providing the highest quality service to meet METRO's needs. We propose a firm price totaling \$26,438.00 for the conduct of this evaluation and all associated costs. No excess costs are included, and we are available to discuss ways to best carry out this project, at METRO's convenience.

As a follow-up to the previous ADA "Program review", I have not yet given up on using students with disabilities for key insights into such projects. To the extent possible, we would recruit a small group of students with disabilities to go through the certification process and then write up their experiences in a structured format. We propose to pay each one a small stipend for completion of the report.

We anticipate no problem in meeting all provisions of the contract documents enclosed with the RFP package, and agree with the provisions of the "Professional Services Agreement" included therein. We have suggested a one-week extension to the RFP's anticipated "Project Completion" date in order to accommodate a presentation and request for comments for the June MAC meeting.

I know of no financial, business, or other relationship with the District or any of its officers or officials that may have an impact on the outcome of the work. I know of no current clients who may have a financial interest in the outcome of the work.

This letter acknowledges receipt of Addendum No.1, dated February 26, 2008. The required "General Information Form" and related forms (Debarment, Lobbying, Buy America, and DBE) follow this cover letter.

This proposal constitutes a firm offer and shall not be withdrawn or modified for a period of ninety calendar days after the closing date for submittals.

If you have any questions regarding this proposal or desire any further information, please do not hesitate to contact me at the information above.

Sincerely,



Patrisha Piras, Principal/Director

cc: Park Woodworth  
Lisa Sharp-Piras

## **REQUIRED FORMS**

**General information Form  
Certification Regarding Debarment  
Lobbying Certification  
Buy America Provision  
Contractor DBE Information**

PART II

GENERAL INFORMATION FORM

Review of ADA Paratransit Eligibility Process RFP No. 08-22  
(To be completed by the offeror and placed at the front of your proposal)

PAT PIRAS CONSULTING      13 MARCH 08  
 Legal Name of Firm      Date  
892 GRANT AVENUE, SAN LORENZO CA 94580  
 Firm's Address  
(510) 278-1631      (510) 278-4429  
 Telephone Number      FAX Number  
SOLE PROPRIETORSHIP      186-38-6109  
 Type of Organization (Partnership, Corporation, etc )      Tax ID Number

Offeror understands and agrees that, by his/her signature, if awarded the contract for the project, he/she is entering into a contract with the District that incorporates the terms and conditions of the entire Request for Proposals package, including the General Conditions section of the Request for Proposals. Offeror understands that this proposal constitutes a firm offer to the District that cannot be withdrawn for ninety (90) calendar days from the date of the deadline for receipt of proposals. If awarded the contract, offeror agrees to deliver to the District the required insurance certificates within ten (10) calendar days of the Notice of Award.

Patrisa Piras  
 Signature of Authorized Principal  
PATRISHA PIRAS, PRINCIPAL/DIRECTOR  
 Name of Principal-in-Charge and Title

PATRISHA PIRAS, PRINCIPAL/DIRECTOR  
 Name of Project Manager and Title  
PATRISHA PIRAS, PRINCIPAL/DIRECTOR      piras@ix.netcom.com  
 Name, Title, Email Address and Phone Number of Person To Whom Correspondence Should be Directed  
(510) 278-1631

892 GRANT AVENUE SAN LORENZO CA 94580  
Addresses Where Correspondence Should Be Sent

ALL, including CONTRACT MANAGEMENT & COMPLIANCE  
Areas of Responsibility of Name Contractor

Listing of major sub consultants proposed (if applicable), their phone numbers, and areas of responsibility (indicate which firms are DBE's):

PARK WOODWORTH (206) 780-2252 or (206) 263-4494  
Review of procedures & practices, ADA Compliance, Reports

LISA SHARP-PIRAS (408) 227-5093  
Database review & Technical assistance

DBE-eligible

**CERTIFICATION OF PROPOSED CONTRACTOR REGARDING DEBARMENT,  
SUSPENSION AND OTHER INELIGIBILITY AND VOLUNTARY EXCLUSION**

(Contractor) PAT PIRAS CONSULTING certifies to the best of its knowledge and belief, that it and its principals:

Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency;

Have not within a three year period preceding this bid been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;

Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and

Have not within a three year period preceding this bid had one or more public transactions (Federal, State or local) terminated for cause or default.

If the Proposed Subcontractor is unable to certify to any of the statements in this certification, it shall attach an explanation to this certification.

(Contractor) PAT PIRAS CONSULTING CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. SECTIONS 3801 ET. SEQ. ARE APPLICABLE THERETO.

Patrick Piras PRINCIPAL/  
DIRECTOR  
Signature and Title of Authorized Official

**LOBBYING CERTIFICATION**  
(Only for Contracts above \$100,000)

**Lobbying Certification for Contracts Grants, Loans and Cooperative Agreements (Pursuant to 49 CFR Part 20, Appendix A)**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal Contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal Contract, grant, loan, or cooperative agreement
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal Contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form--LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions and as amended by "Government wide Guidance for New Restrictions on Lobbying." 61 Fed. Reg. 1413 (1/19/96)
- (3) The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subcontracts, sub grants, and Contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Bidder/Offeror certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Bidder/Offeror understands and agrees that the provisions of 31 U.S.C. A 3801 et seq apply to this certification and disclosure, if any.

Firm Name PAT PIRAS CONSULTING  
Signature of Authorized Official Patricia Piras  
Name and Title of Authorized Official PATRISHA PIRAS, PRINCIPAL / DIRECTOR  
Date 13 MARCH 08

**BUY AMERICA PROVISION**  
(Only for Contracts above \$100,000)

This procurement is subject to the Federal Transit Administration Buy America Requirements in 49 CFR part 661

A Buy American Certificate, as per attached format, must be completed and submitted with the bid. A bid which does not include the certificate will be considered non-responsive. -NA-

A false certification is a criminal act in violation of 18 U.S.C. 1001. Should this procurement be investigated, the successful bidder/proposer has the burden of proof to establish that it is in compliance.

A waiver from the Buy America Provision may be sought by SCMID if grounds for the waiver exist.

Section 165(a) of the Surface Transportation Act of 1982 permits FTA participation on this contract only if steel and manufactured products used in the contract are produced in the United States.

**BUY AMERICA CERTIFICATE**

The bidder hereby certifies that it will comply with the requirements of Section 165(a) or (b) (3) of the Surface Transportation Assistance Act of 1982, and the applicable regulations in 49 CFR Part 661

Date: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Title: \_\_\_\_\_

OR

The bidder hereby certifies that it cannot comply with the requirements of Section 165(a) or (b) (3) of the Surface Transportation Act of 1982, but may qualify for an exception to the requirement pursuant to Section 165(b)(2) or (b)(4) of the Surface Transportation Assistance Act of 1982, as amended, and regulations in 49 CFR 661.7

Date: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Title: \_\_\_\_\_

*Pat Pias Consulting  
certifies that it will  
comply with applicable  
requirements  
Patricia Pias  
13 March 08*

### CONTRACTOR DBE INFORMATION

CONTRACTOR'S NAME PAT PIRAS CONSULTING CONTRACTOR'S ADDRESS 892 GRANT AVENUE  
 DBE GOAL FROM CONTRACT NA % SAN LORENZO CA 94580  
 FED. NO. \_\_\_\_\_ PROPOSAL AMOUNT \$ 26,438<sup>00</sup>  
 COUNTY \_\_\_\_\_ PROPOSAL OPENING DATE 14 MARCH 08  
 AGENCY \_\_\_\_\_ DATE OF DBE CERTIFICATION - NA -  
 CONTRACT NO. \_\_\_\_\_ SOURCE \*\* \_\_\_\_\_

This information must be submitted during the initial negotiations with the District. By submitting a proposal, offeror certifies that he/she is in compliance with the District's policy. Failure to submit the required DBE information by the time specified will be grounds for finding the proposal non-responsive.

CONTRACT ITEM NO.	ITEM OF WORK AND DESCRIPTION OF WORK OR SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED *	CERTIFICATION FILE NUMBER	NAME OF DBE	DOLLAR AMOUNT DBE ***	PERCENT DBE
-------------------	--	---------------------------	-------------	-----------------------	-------------

PAT PIRAS CONSULTING IS A WHOLLY-OWNED FEMALE BUSINESS AND IS ELIGIBLE FOR DBE-CERTIFICATION, BUT HAS CHOSEN TO NOT PURSUE THIS COURSE.

TOTAL CLAIMED DBE PARTICIPATION \$ 0 0%

Patricia Piras  
 SIGNATURE OF CONTRACTOR  
 AREA CODE/TELEPHONE 510-278-1631

13 March 08  
 DATE

(Detach from proposal if DBE information is not submitted with proposal.)

- \* If 100% of item is not to be performed or furnished by DBE, describe exact portion, including plan location of work to be performed, of item to be performed or furnished by DBE.
  - \*\* DBE's must be certified on the date proposals are opened.
  - \*\*\* Credit for a DBE supplier who is not a manufacturer is limited to 60% of the amount paid to the supplier.
- NOTE:** Disadvantaged business must renew their certification annually by submitting certification questionnaires in advance of expiration of current certification. Those not on a current list cannot be considered as certified.

## CONTRACTOR DBE INFORMATION

CONTRACT ITEM NO.	ITEM OF WORK AND DESCRIPTION OF WORK OR SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED *	CERTIFICATION FILE NUMBER	NAME OF DBE	DOLLAR AMOUNT DBE ***	PERCENT DBE
----------------------	--	------------------------------	-------------	-----------------------------	----------------

-NA-

TOTAL CLAIMED DBE  
PARTICIPATION

\$ \_\_\_\_\_ %

# **PAT PIRAS CONSULTING**

**PROPOSAL to the SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
District RFP No. 08-22**

**Proposal for Review of ADA Paratransit Eligibility Process  
Proposal Due Date (as amended): March 14, 2008, 5:00pm**

## **CONTENTS**

Understanding of the Project	1
Proposed Work Scope	2
Schedule & Timeline	4
Personnel Qualifications & Assignments	5
Cost Proposal	7
References for Pat Piras Consulting	8

## **ATTACHMENTS**

"Required Forms" are included at the front of proposal (following cover letter)  
per RFP instructions

Resumes:                      Patrisha (Pat) Piras  
   Park Woodworth  
   Lisa Sharp-Piras

**892 Grant Avenue                      San Lorenzo, CA 94580**  
**Phone: (510) 278-1631      Fax: (510) 278-4429      Email: [piras@ix.netcom.com](mailto:piras@ix.netcom.com)**

**PROPOSAL to the SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
Proposal for Review of ADA Paratransit Eligibility Process**

**District RFP No. 08-22  
Proposal Due Date (as amended): MARCH14, 2005, 5:00pm**

**UNDERSTANDING of the PROJECT**

The Santa Cruz Metropolitan Transit District (hereafter referred to as SCMTD or METRO or the District) has issued a Request for Proposals (RFP) for a review of its eligibility process for the complementary paratransit program required by the regulations of the U.S. Department of Transportation (USDOT) pursuant to the Americans with Disabilities Act (ADA) of 1990. In order to be worthwhile as an expenditure of the District's limited public funds, such a review must be an objective, thorough, and constructive assessment of what SCMTD's adopted policies and procedures are for implementing this program, how District personnel carry out their tasks in practice, and how well the overall program complies with the requirements and intent of the applicable USDOT regulations.

It is clear from the historical material presented in Part III(2) of the RFP ("History of ADA Paratransit Eligibility Process") that SCMTD (or others acting on its behalf) has come a very long way from its earliest implementation of the eligibility requirement. The description of the "first ten years" of the program is both mind-boggling and frightening – a program with no controls, serious implications for abuse and impermissible capacity constraints, and a framework that virtually ensured unrealistic community expectations. The re-certification processes begun as a result of Board concerns from 1999 have reduced problems such as duplications or multiple names and "permanent cancels" previously included in the roster so that the number of "individuals" in the program has been reduced from more than 10,000 in 2002 to approximately 3,500 actually-eligible persons as of late 2007.

In addition to provisions clarifying the three statutory "categories" of paratransit eligibility and related requirements such as companions and attendants, the adopted ADA regulations include statements such as:

- "The process shall strictly limit ADA paratransit eligibility to individuals specified ..." (49 CFR 37.125(a))
- "If an individual meets the eligibility criteria ... with respect to some trips but not others, the individual shall be ADA paratransit eligible only for those trips for which he or she meets the criteria." (49 CFR 37.123(b)). *Note:* this is sometimes known as "trip-by-trip" or "conditional" eligibility.
- "Under the ADA, complementary paratransit is not intended to be a comprehensive system of transportation for individuals with disabilities." (Preamble, 56 FR 173, page 45601).

The paratransit eligibility program should not be onerous or exclusionary, but it does need to protect the rights of those persons who are “truly eligible” for complementary paratransit service, and must respect privacy and personal dignity, as well as the rights of the tax-paying public who are responsible for financial support of the service. It should ensure that all applicants are treated equitably and comparably, and be sensitive to dealing with “agency” personnel who are trying to maximize benefits for their clients.

In order to balance and achieve all of these requirements, which admittedly may sometimes seem contradictory, we suggest that the review of the eligibility program include the following Recommended Goals for the project:

- Ensure compliance with ADA
- Compare established policies and procedures, including published documents with actual practices. Identify any gaps in policies & procedures. Include the appeals process and outcomes.
- Identify trends and best practices from other operators
- Identify opportunities for cost savings and/or efficiencies
- Identify staff skills and training needs
- Review visitor-eligibility information and practices

The proposed workscope submitted by **Pat Piras Consulting** is designed to assist SCMTD to achieve all of these objectives in a cost-effective manner, and to ensure a firm baseline for the future of the ParaCruz program.

## **PROPOSED WORK SCOPE**

The RFP (Section III(3)) identifies four primary tasks for the conduct of this project. We think this is a reasonable framework and have added a fifth (meetings) in order to identify the level of work effort anticipated for this important information and outreach part of the project.

### Task 1. Review procedures for eligibility determinations, certification and appeal process

This comprehensive task is the heart of the project and will include review of existing documents, written procedures and policies, public information materials (such as the ParaCruz Customer Guide), etc. We will analyze the extent to which these documents are (or are not) consistent with actual practices, and identify where changes or improvements appear to be appropriate. We would also review documents used for communications with applicants, both for compliance and clarity.

As part of the task, following the concept used in the previous ADA Program Review, we will try to find several (two to four) students with disabilities (or other individuals as available) who are not already paratransit-certified (including at least one who probably should not be), and ask them to apply for eligibility. We will construct a structured report for them to complete regarding their experiences. A small stipend would be paid for

their report completion.

We would also request to sit in on a few appeals hearings, to the extent they occur, to observe how they are conducted, how materials are presented and interactions occur, and how determinations are made and followed up.

Whether here or in Task 3, we would suggest that a small sample of applicants' files be reviewed, honoring confidentiality, of course, to determine how procedures were followed (or not) and how customers were communicated with. We would also suggest a short structured interview with several previous applicants (both successful and denied) to solicit their opinions of the process.

As noted earlier, the review should include identification of how visitors' request for eligibility and service are handled.

All of these elements will be compiled into the Draft Report, with focus on how the current program complies with ADA requirements and where improvements may be recommended. Where relevant, estimated costs and resources for suggested changes will be included.

#### Task 2. Review passenger database management and passenger identification numbers

This would include a review of the eligibility database, how it is structured, how entries are made, how and how often information is transferred to Trapeze™, how the eligibility database is maintained and how often "reviewed," and backup capability and procedures for the system. A random sampling of passenger names, ID numbers, and other key information (such as equipment used or need for a PCA) will be included. Documentation similar in content to that described for Task 1 will be prepared for the Draft Report.

As noted elsewhere, we are able to call upon "outside assistance" regarding nuances of the Trapeze™ software system, should the need arise.

#### Task 3. Review METRO's Eligibility Services Coordinator service performance and problem resolution procedures

We will interview the Eligibility Coordinator and the Administrative Assistant to determine their understanding of their function and responsibilities, as well as their understanding of the requirements and non-discrimination basis for the ADA. Some of the information described under Task 1 (e.g., customer communication) will be relevant to this Task also, and will be reported where most appropriate. This Task should be careful to not become a personnel/staff review, but instead should focus on the functioning of the office, including the extent to which it has adequate resources.

I have already publicly acknowledged throughout California that I think that the PVC

“frame” for measuring wheelchair size three-dimensionally is “brilliant in its simplicity” so I must acknowledge up-front that this contribution by a former manager will not be treated objectively.

Task 4. Prepare a report detailing any deficiencies found and provide recommendations for improvement. Recommendations should include specific resources and staff training opportunities

Information, findings, and recommendations from all Tasks will be compiled into a Draft Report, with focus on how the current program complies with ADA requirements and where improvements may be recommended. In such cases, “best practices” that can be identified from other operators, or appropriate training resources that may be beneficial, will be cited. Where relevant, estimated costs and resources for suggested changes would be included.

As a side note, at my suggestion, APTA (in conjunction with Project ACTION) will be updating a CD-ROM compilation of paratransit best practices that had been put together several years ago. It is hoped that this version will receive some level of peer review, rather than just what individual properties send in because they *think* they’re doing something laudable. Relevant practices and/or findings from the METRO review could be candidates for submittal.

We recommend that the Draft Report should be finalized following review by MAC at their June meeting. An electronic copy of all materials will also be provided for METRO.

Tasks 5. Meetings and Presentations

The recommended schedule and description of community outreach in Addendum #1 allows flexibility in how and when such activities would occur. We are firm believers in the public involvement process, and will be willing to participate in a reasonable number of meetings as can be allowed within the budget proposed. We understand that, in addition to the METRO Advisory Committee (MAC), other presentations may be desirable with the SCMTD Board of Directors and the Elderly & Disabled Transit Advisory Committee of the Regional Transportation Commission.

The combination of all these tasks will result in a draft report for review by METRO staff and, we assume, MAC. In order to accommodate such review, we have proposed an extra week in the schedule to bring the Draft to the June MAC meeting for their input and comment. The Report would then be finalized for METRO’s use.

**SCHEDULE & TIMELINE**

In accordance with the RFP and Addendum #1, the following schedule is proposed to meet the rather tight timeframe laid out. We propose to extend the “Project Completion” date by one week in order to allow a timely review of the Draft Report by MAC at their

regular meeting on June 18<sup>th</sup>. The report should then be able to be finalized by the end of that week, especially if MAC also receives a preliminary briefing at their May meeting. As set forth in the Addendum, a reasonable number of other presentations such as to the SCMTD Board or to the RTC E&D TAC, can be accommodated.

Week Ending	April		May				June			July		
	11	25	2	9	16	23	30	6	13	20	27	or TBD
Contract approval	*											
Kick-off Mtg/ Finalize Workscope		*										
Review Procedures												
Review Database												
Review Performance												
Develop Recommendations												
MAC Briefing							?			*		
Draft Report								*				
Final Report									(per RFP)	*		
Board/RTC Presentation											?	?

## PERSONNEL QUALIFICATIONS & ASSIGNMENTS

**Pat Piras Consulting** is proposing a small, highly professional team to conduct the proposed eligibility review. I have known and worked with both of the proposed subcontractors for many years. Resumes for all team members are included at the end of this proposal as an Attachment. We are all “good people” to work with.

METRO staff know Pat Piras well from my recent work on the review of the District’s “programs, activities, and services” with respect to ADA compliance, as well as from long-time involvement in the American Public Transportation Association. Our earlier review project took somewhat longer than expected for several reasons, including a delay from the UTU strike and scheduling difficulties in arranging for review meetings such as MAC. However it also identified a number of issues, some of which had been overlooked by previous consultants, that I was able to bring to METRO’s attention and which were promptly addressed. Probably one of my favorite “solutions”, referred to as the “duh” finding, was to identify that the only place where information was available

about large-print versions of *Headways* was in the regular-size-print version of that document. As another example of my work in this field, a few years ago, I sat in on the NTI course on "Comprehensive ADA Paratransit Eligibility" and provided a critique for the Director of the Institute. Recently, several METRO personnel participated in the day-long course on ADA Compliance that I teach for the Caltrans/CalACT RTAP program, and most of them gave me very positive evaluations.

Park Woodworth is a nationally known expert on paratransit, human service coordination, and accessibility issues, as well as technology applications, with whom I have worked for more than 20 years. In fact, for my first consulting job, he was the client contact at Tri-Met. He is practical, efficiency-oriented, and creative, with a wry sense of humor. He has been responsible for the King County ordinance which defines numerous "beyond ADA" services so that different charges and service criteria can be appropriately applied. He has also enforced conditional eligibility determinations and their application to trip requests, to the extent that ADA paratransit demand for King County was reduced from 2006 to 2007. He is currently Chair of the Standards and Research Subcommittee of the APTA Access Committee.

Lisa Sharp-Piras (yes, she's my sister-in-law) will serve as our technical and database expert for the project. A long-time resident of Santa Cruz County, she is familiar with the geographic area, as well as having excellent analytical and documentation skills. If supplemental technical information is required regarding interface with the Trapeze™ scheduling software, we are able to call on the assistance of other colleagues who include some of the original developers of the program.

To accomplish the goals of this project, we propose the following distribution of professional labor-hours by person and task:

<b>TASK</b>	<b>Piras</b>	<b>Woodworth</b>	<b>Sharp-Piras</b>	<b>Total</b>
1. Kick-off Mtg/ Finalize Workslope	5	2	2	9
2. Review Procedures & Practices	25	16	9	50
3. Review Database	6		30	36
4. Review Performance	20	18	4	42
5. Meetings	10		2	12
6. Draft Report	22	11	6	39
7. Final Report	15	3	2	20
<b>Total</b>	<b>103</b>	<b>50</b>	<b>55</b>	<b>208</b>

**Pat Piras Consulting** will be responsible for management and supervision of both subcontractors. Because each of them would be serving on this project as a supplement to other professional activities, submittal of "information documenting the financial standing and business history of each subcontractor" as identified in the RFP

(page I-2) is somewhat inappropriate and irrelevant and should not be necessary. No formal contract with these individuals is anticipated, due to my long-time relationship with each of them; I have found, unfortunately, that subcontracts too often cause more problems than they avoid.

**COST PROPOSAL**

A firm fixed price of \$26,438.00 is proposed for this contract. We have done our best to limit costs on behalf of the District, and believe that the project as described can be completed satisfactorily for this level of work effort. If METRO wishes to discuss or negotiate any part of the proposed work, we are available to do so. Please note that my hourly rate for this project has not increased since my previous proposal to METRO three years ago (and is lower than charged to other clients), and no overhead rate, management fee, or "profit" is included in the proposed cost. Hourly rates for all personnel are fully loaded.

**Labor**

Patrisha Piras	103	hours @	\$135	\$13,905.00
Park Woodworth	50	hours @	\$110	\$6,250.00
Lisa Sharp-Piras	55	hours @	\$60	\$4,125.00

**Direct Expenses**

Mileage (Pat)	5 RT	@120 miles @	\$0.45	\$270.00
Mileage (Lisa)	2 RT	@ 70 miles @	\$0.45	\$63.00
Airfare (Park)	1 RT	(SEA-SJC)		\$500.00
Car rental (Park)	2 days	@ \$75		\$150.00
Lodging & Per Diem				
Pat	3	@	\$175	\$525.00
Park	2	@	\$175	\$350.00
Misc (includes student stipends)				\$300.00

**TOTAL** \$26,438.00

## REFERENCES for PAT PIRAS CONSULTING

Please feel free to contact any of the following regarding Piras's qualifications and performance:

### Hampton Roads Transit (Norfolk area, Virginia) – ADA Paratransit Update

In 2000, two local transit systems (Pentran and Tidewater Regional Transit) were merged to form HRT. Each had previously developed their own ADA complementary paratransit system, and one (TRT) had been sued for noncompliance. After settlement, Pat Piras was asked to provide special services to “unify” the two paratransit programs and to develop a new, fully-compliant ADA program and procedures for the system. This included implementation of a new in-person “functional eligibility” procedure for all ADA certifications and re-certifications. Extensive public outreach has helped to develop a system whose changes are accepted by the eligible public. As part of the project, Piras developed an electronic interview form for eligibility staff so that they could enter information directly to computer records without repeat transcription. Subsequent projects have included assistance with procurement for a contractor for all aspects of on-the-street service provision and development of a regional “public transit-human services transportation” Coordinated Plan.

*Contact:* Michael Townes, President/Executive Director  
*Address:* 3400 Victoria Blvd., Hampton, VA  
*Phone:* 757-222-6000 xt. 6160  
*Fax:* 757-222-6195  
*Email:* mtownes@hrtransit.org  
*Timeframe:* January 2001 – ongoing (task order basis)

### Access Services, Inc. (Los Angeles) – Technical Assistance

This is a series of task-order projects to provide technical assistance to the ADA paratransit provider and Consolidated Transportation Service Agency for Los Angeles County. Examples of services includes: “undercover” investigation of contractor and local agency compliance with ADA service requirements, community meeting facilitation, specialized research projects, recruitment assistance for senior staff position, development of RFP for demand estimation & forecasting, assistance with development of elements for a “personalized eligibility” concept, and expert witness services for litigation.

*Contact:* Shelly Lyons Verrinder, Executive Director  
*Address:* P.O. Box 71684, Los Angeles, CA 90071  
*Phone:* 213-270-6000 xt. 6116  
*Fax:* 213-270-6057  
*Email:* verrinder@asila.org  
*Timeframe:* December 2000 – ongoing (task order basis)

### Insight Enterprises/Peninsula Center for Independent Living (IEPCIL) – Project Report

In 2004, IEPCIL received a grant from the Virginia Board for People with Disabilities to conduct a statewide survey of resources and gaps in transportation services for residents with disabilities. After the survey and case studies were

compiled, they realized that they needed outside assistance to present the results in a way that would be useful to transportation professionals, as well. Pat Piras was asked to compile the Final Report for the project on a very short timeline. The project report was then presented to a Statewide annual meeting. Subsequent discussions have been undertaken with the local transit district and with other agencies to consider development of a local brokerage program or other coordination options.

*Contact:* Ralph Shelman, Executive Director

*Address:* 2021-A Cunningham Drive, Suite 2, Hampton, VA 23666

*Phone:* 757-827-0275 xt. 9

*Fax:* 757-827-0655

*Timeframe:* June – October 2005

## **RESUMES**

**Patrisha (Pat) Piras**

**Park Woodworth**

**Lisa Sharp-Piras**

# PAT PIRAS CONSULTING

892 Grant Avenue San Lorenzo, CA 94580  
Phone: (510) 278-1631 Fax: (510) 278-4429 Email: [piras@ix.netcom.com](mailto:piras@ix.netcom.com)

## Resume of Patrisha Piras

### **Experience:**

#### **Pat Piras Consulting, San Lorenzo, California**

January 2001 to Present, Position: *Principal/Director*

Responsible for day-to-day consulting work, business development and client relations for a transit/paratransit management consulting firm in Northern California. Clients include public agencies, private sector firms, and community organizations. Recent assignments include:

- ADA/504 Compliance Review of Facilities, Activities and Services for Santa Cruz Metropolitan Transit District, CA
- Update of ADA Paratransit Plan and in-person eligibility recertification program, plus development of SAFETEA-LU Human Services Coordination Plan (Hampton Roads Transit, VA)
- ADA Technical Assistance & Special Reviews (Insight Enterprises/Peninsula Center for Independent Living, Hampton Roads Transit, Access Services LA, Link Transit, King County Transit, MV Transit)
- Training sessions on "ADA Regulations" and "Coordination" for California RTAP program
- Explanation of ADA transportation issues to staff of Internal Revenue Service
- Trainings for community groups regarding Environmental Justice issues in transportation

#### **Laidlaw Transit Services, Overland Park, Kansas**

1997 to 2000, Position: *Director of Paratransit*

Responsible for compliance oversight for paratransit services of national management firm.

Examples of duties included:

- Development of disability training and evaluation programs for management and operations personnel
- Training for new project start-ups
- Evaluation of project improvements and performance recoveries/turn-arounds
- Assisted Safety staff with development and delivery of training materials

#### **International Institute for Surface Transportation Policy Studies (now The Mineta Transportation Institute) at San Jose State University, San Jose, California**

1993 to 1997, Position: *Director of Research Programs*

- Oversaw policy research program and all research projects, including overall editorial review
- Managed work of faculty and student researchers
- Primary liaison to federal & state funding agencies and private project sponsors
- Management of information resources, including website and Institute library
- Supervised staff and student assistants

Specific projects in developing the Institute's initial research program included:

- The Information SuperHighway and California Societal Changes
- Analysis of Federal Budget "Outlay" Rates on Transportation Funding
- Public/Private Partnerships for Transit-Oriented Development
- Development of an International Conference on Surface Transportation Policy Issues
- NAFTA's Transportation Impacts on California
- Security Issues for Transportation Agencies and Facilities

**Pat Piras Consulting Services, San Lorenzo, California**

1986 to 1993 Position: *Principal/Sole Proprietor*

- Conducted public transit planning and service evaluation studies
- Advised public agencies and private sector clients
- Responsible for all proposal development, financial & recordkeeping activities

Examples of specific projects included:

- Financial Analysis for SF Bay Area Regional Paratransit Plan
- Volunteer Transportation Study (Portland, OR)
- Social Service Transportation Inventory & Action Plan (Mendocino County)
- Triennial Performance Audits for rural and small operators
- Transit Development Plans (North San Luis Obispo County, Nevada County, San Bernardino Access)
- Development and Evaluation of RFPs for Transit & Paratransit Services
- Feasibility Study of Transportation for Two Private Hospitals
- Service Reliability Study (Central Contra Costa Transit)
- Evaluation and Comparison of Private Sector Transit Service Contracting (Santa Clara CTA)

**Metropolitan Transportation Commission, Oakland, California**

1979 to 1986. Position: *Senior Planner/Analyst*

- Administered State and Federal funding programs
- Oversaw annual budget analysis of transit operators
- Developed policy/action recommendations to Agency Committees
- Represented Agency to public, policy bodies, Federal & State agencies
- Staff Liaison to Advisory Committees
- Directed activities and training of professional/clerical staff
- SCR 74 (Peninsula Mass Transit) Study, Team Leader

**Dave Systems, Inc. (subsequently DAVE Transportation), various locations in New Jersey and California**

1973 to 1979, *Multiple positions*

- Operations Manager for Dial-A-Ride and "E&H" Paratransit systems (Turlock and San Mateo County, CA)
- Development, Implementation, and Evaluation of New Systems throughout California
- Training Specialist: developed company-wide Operations & Empathy programs, wrote first Procedures Manual for Demand-Responsive Transit Services
- Dispatcher/Scheduler for first-ever general public Dial-A-Ride system, sponsored by UMTA Service & Methods Demonstration program in Haddonfield, NJ

**Education:**

- Juris Doctor, Hastings College of the Law, University of California
- Bachelor of Science, Mathematics, Pennsylvania State University
- Graduate courses completed in Instructional Media, Statistics, Marketing Research

**Publications/Presentations:**

- “The Politics of Mobility: Tools for Equitable Mobility”, TRB Conference on Rural & Intercity Public Transportation (2004) and TRB Annual Meeting (2005)
- Organizer/moderator/presenter for sessions on Environmental Justice at several APTA Conferences (2004 Annual Meeting, 2002-2007 Bus & Paratransit, 2003 Rail)
- “TDA History: The Role of Lawsuits”, CalACT 2004
- Organizer/Team Leader, “The Great Dispatching Challenge (manual vs. computer)”, 2004
- “Making the Hard Choices in ADA Service Decisions: What Board Members Need to Know”, APTA Transit Board Members Conference (2001 and 2002), APTA Bus & Paratransit Conference (2002)
- ADA Issues session for “Paratransit Scheduling & Dispatching”, University of Wisconsin/Milwaukee Extension Program, 1990 to 1997
- “Issues Relating to Transportation of HIV-positive Passengers”, COMOTRED (International Conference on Transportation for Elderly & Disabled), Lyons, France, 1992
- “Working Together: Citizen Participation Makes a Difference”, COMOTRED, Cambridge, England, 1981.

**Professional Affiliations:**

- Publicly-elected member of the Board of Directors, Alameda-Contra Costa Transit District, Oakland, CA (1990 – 2004)
- Only consultant appointed by USDOT to Federal Advisory Committee on Americans with Disabilities Act (1991)
- American Public Transportation Association (APTA)
  - Chair, Regulatory Affairs Subcommittee of Access Committee
  - Co-Chair, Technical Oversight Committee for Accessibility Standards Program
  - Vice-Chair, Environmental Justice Subcommittee of Policy & Planning Committee
  - Member, Subcommittee on Intergovernmental Affairs (formerly Task Force on Coordination)
  - Member, Research & Technology Committee
  - Former Chair, At-Large Members of the Legislative Steering Committee
  - Former member, Governing Boards Committee.
- Transportation Research Board (TRB), National Academy of Sciences
  - Current member of Committees on Paratransit (AP060), Environmental Justice (ADD50), and Rural Public & Intercity Bus Transportation (AP055)
  - Panelist, Transit Cooperative Research Program
  - Appointed member, Committee on Congressional Study of “Contracting for Bus and Demand-Responsive Transit Services” (Special Report #258)
  - Former member of Committees on Public Involvement in Transportation, Social & Economic Factors in Transportation, Accessible Transportation and Mobility, and Local Transportation Finance
  - Steering Committee, National Conferences on Rural & Intercity Transportation
  - Steering Committee, National Conferences on Accessible Transportation
- California Association for Coordinated Transportation (CalACT), Founding Member
- California Attorney General’s Commission on Disabilities (Volunteer)
- Conference of Minority Transportation Officials (COMTO) – Northern Calif. Chapter
- Women’s Transportation Seminar (WTS), Bay Area Chapter Founding Member
- State Bar of California - Member #87590 (inactive)

## **PARK WOODWORTH**

301 Fir Acres Dr NW  
Bainbridge Is , WA 98110  
(206) 780-2252 (home)  
(206) 263-4494 (work)  
parkwoodworth@aol.com

### **EDUCATION:**

Occidental College, A.B., 1967  
Portland State University, M.S., 1972  
Northwestern School of Law, Lewis and Clark College, J.D., 1975

### **PROFESSIONAL EXPERIENCE:**

#### **KING COUNTY METRO TRANSIT**

1995 to present

PRESENT TITLE: Manager, Paratransit/Rideshare Operations

DUTIES: Manage the Accessible Services and Rideshare units that provide more than 3 million yearly rides using a fleet of over 1700 vehicles. With a fiscal team, develop and manage a budget of approximately sixty million dollars. Develop technology plans for the section and manage technology projects. Manage the procurement, maintenance and sale of revenue vehicles. Serve on the Metro Transit Management Team and report to the General Manager. Participate as a voting member on the Smartcard, On-Board Systems and Radio steering committees. Serve occasionally as acting General Manager, and in that capacity, twice managed Metro wide responses to increased terrorist risk. Responsible for responding to official American's with Disabilities Act (ADA) service complaints for all modes of Metro service. Activities in Accessible Services since 1995 include managing a Citizen Task Force and using their report to develop new paratransit policies adopted by the King County Council, doubling fleet size, procurement of service contractors, the startup of several operation and maintenance facilities, creation of a single call taking, scheduling and dispatch center, the installation of vehicle maintenance systems and the installation of mobile data terminals in all Access paratransit vehicles. Developed effective eligibility process to enable ride by ride eligibility determinations that was one factor in reducing demand for paratransit trip in 2007. Activities in Rideshare Operations include the expansion to over 1000 commuter vans, the development of a vanpool information system, the installation of vehicle maintenance tracking systems and the development of the first public Internet trip-planning program that went statewide.

#### **PRIVATE CONSULTING AND TEACHING**

1992 to present

DUTIES: Operated a consulting firm that, through a contract with the Oregon Department of Transportation, provided driver safety-training classes to over 50 transit operators throughout the state of Oregon. Provide consulting services regarding the ADA for both fixed-route and paratransit

including assisting SCANA Transit in Columbia, S.C. in making the legal case that they were not required to provide complementary paratransit service. Four times a year from 1998 to 2005 taught a full day class on transit technology for Pepperdine University or the University of the Pacific.

**TRIMET (TRANSPORTATION DISTRICT OF OREGON)**

1979 to 1995

LAST TITLE: Director of Accessible Program Development

DUTIES: Directed the development of accessible programs and the meeting of ADA laws. Chaired TriMet's ADA Task Force, and staffed the citizen's Committee on Accessible Transportation. Reviewed construction plans, operating policies and signage for all modes for compliance with accessibility laws; monitored fixed-route, light rail and paratransit service and was responsible for resolving civil rights complaints regarding service accessibility. Served as Exclusion Hearings Officer Pro Tem. Represented TriMet on the Oregon Public Transportation Plan Advisory Committee and the Portland Taxicab Board of Review.

From 1979 to 1992 directed the operations of the Paratransit Department including the 103 vehicle (LIFT) service providing fixed route and door-to-door services, a 20 agency coordinated volunteer program, and the Regional Carpool Program. Directed the procurement of maintenance, dispatch, and facilities; the installation of radio base stations and repeater equipment, and microcomputer networks; the creation of an insurance cooperative, a risk management and quality assurance group; and new administrative and operational structures and policies. State legislative experience includes the development of the dedicated special transportation fund concept and management of the successful 1989 effort to double the funding level.

**MULTNOMAH COUNTY COMMUNITY ACTION AGENCY**

1975 to 1979

LAST TITLE: Acting Director

DUTIES: Supervised the operation of a public community action agency in Portland, Oregon with a staff of 80 people and a budget of 2 million dollars; developed budgets, work plans, grant applications, personnel policies and contracts as part of the management of two senior centers, and programs in special transportation, housing, weatherization, youth, food and nutrition, and senior counseling.

**PORTLAND PUBLIC AND LOS ANGELES CITY SCHOOLS**

1967 to 1972

TITLES: Teacher, Tutorial Consultant and Work Experience Coordinator

DUTIES: Taught special education classes for grades 7 through 12 at Lincoln High School in East Los Angeles; developed and supervised tutorial programs in elementary and secondary schools in Los Angeles. Coordinated vocational preparation for special education students in Portland; placed and supervised students in work positions.

**ACTIVITIES AND AWARDS:**

Member, Transportation Research Board Project Panels, "Use Of Rear-Facing Position for Common Wheelchairs on Transit Buses", "Communicating with Persons with Disabilities in a Multimodal Transit Environment", "Cost-Effectiveness of Transportation Services for Handicapped Persons" and "ADA Paratransit Eligibility Certification Practices".

Member, Amtrak Customer Advisory Committee, 1996-2001

Service Award, Oregon Transit Association, 1989 and 1994

Portland Taxicab Board of Review 1993-1995

Project Action Steering Committee, 1995 to 2001

# LISA A. SHARP-PIRAS

367 Curie Dr. San Jose, CA 95119 • 408-227-5093 • [piras@sbcglobal.net](mailto:piras@sbcglobal.net)

---

## SENIOR DOCUMENT CONTROL PROFESSIONAL

Energetic / Organized / Proficient Computer skills / Team Player

- Established Document Control Department and implemented Product Data Management (PDM) system to track part numbers and Engineering Changes Orders (ECO).
  - Proficient in All Microsoft Products, Agile Software, ASK ManMan and MAPICS PDM, File Maker Pro
  - Collaborated ISO 9000 Certification
  - Strong PC Troubleshooting skills
  - Trained Singapore employees for Quality Inspection on two different products
  - Created and implemented Technical Support File Maker Pro Database
  - Promoted to Quality Supervisor after only 9 months from Quality Inspector.
  - Respected and recognized by management for solo Product Maturity Testing
- 

## PROFESSIONAL EXPERIENCE

### CONEXANT SYSTEMS, Scotts Valley, CA (1997 – 2002)

#### Technical Support Associate Engineer

2000 - 2002

- Technical interface between customers and software design engineers.
- Effectively resolved technical support phone and email problems.
- Provided feedback for maintenance of Frequently Asked Questions (FAQs) for company web site.
- Performed Customer Services function in support of Sales.
- Answered incoming calls and processed orders.
- Managed process from sale through shipment of product.

#### Document Services Manager

1997 - 2000

- Recruited to set up Document Control Department. Set up Product Data Management (PDM) system, Agile Product Management software.
- Developed and implemented procedures
- Created company-wide part numbering and Engineering Change Order (ECOs) scheme.
- Evaluated and resolved Engineering Change Requests.

**Lisa A. Sharp (408-227-5093)**

**PHASE METRICS, Fremont, CA (1997)**

**Senior Engineering Change Analyst**

Primary interface between manufacturing and process engineers for evaluation and resolution of Printed Circuit Board Assemblies (PCBA).

- Solved discrepancies of Engineering Change Orders and Deviation Requests.
- Maintained Part lists and Bill of Materials (BOMs) on MAPICS PDM system.
- Quickly became proficient in MAPICS PDM. Selected after only 4 months as primary trainer to insure proper navigation and use of product.

**SEAGATE TECHNOLOGY, Scotts Valley, CA (1982 –1993)**

**Process Documentation Manager** 1992 to 1993

Managed and evaluated 10 employees with responsibility for software and process Engineering Change order releases. Including documenting all products worldwide and released software to facilities in Scotts Valley CA, Singapore and Bangkok, Thailand. Released Manufacturing Change Orders (MCOs) for Scotts Valley manufacturing lines including incorporating line Deviations Orders.

**Documentation Supervisor** 1990 to 1992

Managed and evaluated three employees. Reviewed Engineering Change analysts ECOs for accuracy to Change Control Board (CCB). Chaired CCB meetings. Worked closely with Design Engineering, Materials, and Marketing to obtain and supply critical information for manufacturing Printed Circuit boards to customer's specifications for Singapore facility. Chaired daily calls to Thailand and Singapore for manufacturing issues and resolution.

**Senior Engineering Change Analyst** 1986 to 1990

Collaborated with Design Engineering, Materials and Marketing to incorporate customer and Deviation Requests into ECOs. Worked with Cross-functional/Global Teams in Thailand and Singapore manufacturing facilities. Maintained Bill of Materials, parts and Approved Vendor Lists into ASK ManMan. Expedited urgent ECOs when necessary.

**EDUCATION:**        **Associate of Arts – Liberal Arts, Cabrillo College, Aptos, CA**  
                          **Management and Leadership classes**  
                          **Microsoft Access, Excel and Word classes**

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

## STAFF REPORT

**DATE:** April 25, 2008

**TO:** Board of Directors

**FROM:** Leslie White, General Manager

**SUBJECT: CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN INDEMNIFICATION/HOLD HARMLESS AGREEMENT WITH THE CITY OF CAPITOLA TO ALLOW THE CITY OF CAPITOLA TO USE METRO'S BUS STOPS IN CAPITOLA**

### I. RECOMMENDED ACTION

**Authorize the General Manager to Execute an Indemnification Agreement with the City of Capitola to all the City to Use METRO's Bus Stops in Capitola.**

### II. SUMMARY OF ISSUES

- The City of Capitola has decided to move forward with a Citywide shuttle pilot program this summer. It will run on weekends and holidays only, if approved by the Capitola's City Council. The Council will vote on whether or not to proceed on April 24, 2008.
- If approved, the City of Capitola would like to use the Metro's stops along the route for its shuttle program.
- If METRO authorizes the use of its bus stop by the City of Capitola, there is a need to enter into an indemnification/hold harmless agreement by the two entities.

### III. DISCUSSION

The City of Capitola has decided to move forward with a Citywide shuttle pilot program this summer. It will run on weekends and holidays only, if approved by the Capitola's City Council. The Council will vote on whether or not to proceed on April 24, 2008. If approved, the City of Capitola would like to use METRO's stops along the route for its shuttle program.

METRO has revised an Indemnification Agreement drafted by the City of Capitola, which is attached for the Board's review, showing the proposed changes.

Also attached is the proposed Route Map for the Citywide Shuttle, showing the Shuttle's stops and METRO's stops.

**IV. FINANCIAL CONSIDERATIONS**

None.

**V. ATTACHMENTS**

**Attachment A:** Proposed Indemnification Agreement between METRO and the City of Capitola

**Attachment B:** Citywide Shuttle – Route Map

## INDEMNIFICATION/HOLD HARMLESS AGREEMENT

The City of Capitola, a municipal corporation ("City"), hereby enters into this indemnification/hold harmless agreement with the Santa Cruz Metropolitan Transit District, a public transit district duly organized in accordance with the laws of the State of California ("~~District~~METRO").

## RECITALS

The ~~District~~METRO, within the jurisdictional limits of the City of Capitola, has established bus stops and bus shelters on public rights-of-way as well as at the Capitola Mall. ~~District~~METRO busses which provide transportation service to members of the public use these bus stops/shelters as designated locations to pick up and drop off bus passengers in accordance with a published schedule to the best of its ability.

The City of Capitola is running a pilot citywide shuttle program in 2008, beginning on Memorial Day Weekend and continuing on weekends and holidays throughout the summer months whereby the City contracts with a private transportation company for the transportation of tourists and residents. The citywide shuttle follows a fixed route between various remote parking areas in the City, Capitola Village/Capitola Beach area, and the commercial corridor along 41<sup>st</sup> Avenue. A number of ~~District~~METRO bus stops/shelters are located along this fixed route. (see attached map)

The City has requested that the beach shuttle during its months of operation be allowed to pick up and drop off shuttle patrons at these ~~District~~METRO bus stops/shelters and the ~~District~~METRO does not object to the use of its bus stops/shelters for this purpose provided that the City indemnifies the ~~District~~METRO relative to this use and that the City's shuttle does not interfere with or disrupt METRO's fixed route service and its use of these bus stops and shuttles. Now therefore, the City and ~~District~~METRO agree as follows:

## AGREEMENT

I. In consideration for the ~~District's~~METRO's agreement not to object to the City's use of the ~~District's~~METRO's bus stops/shelters as referenced above, the City hereby agrees on behalf of itself, its agents and employees, that the City will indemnify and hold harmless the ~~District~~METRO and the ~~District's~~METRO's respective officers, agents, employees, and servants (hereinafter jointly referred to as "Releasees") from all damages, losses, claims, suits or actions of any kind or nature whatsoever, including attorney's fees brought for or on account of damage to property, or injuries to or death of any person, resulting or alleged to resulted directly or indirectly, wholly or partially, from the City beach shuttle's use of ~~District~~METRO's bus stops/shelters.

II. Additionally, the City hereby agrees to indemnify Releasees against and hold Releasees harmless from, all damages, losses, claims, suits or actions of any kind

whatsoever, including attorney's fees, which Releasees may sustain or incur, in whole or in part, as a consequence of the City negligence or intentional misconduct, or that of its beach shuttle contractor, in the use of ~~District~~ METRO bus stops/shelters.

III. In further consideration of the ~~District's~~ METRO's agreement not to protest the City citywide shuttle's use of ~~District~~ METRO bus stops/shelters, as set forth herein, the City hereby agrees not to assert any claim against, sue, attach the property of, or prosecute Releasees for damage alleged to have been caused in whole or in part by the City's use, or that of the City's beach shuttle contractor, of ~~District~~ METRO bus stops/shelters.

IV. In further consideration of the METRO's agreement not to protest the City citywide shuttle's use of METRO bus stops/shelters, City hereby agrees not to interfere, disrupt, delay or prevent METRO's transit services from utilizing its bus stops/shelters in accordance with its published schedules. In the event that METRO's transit services are off-schedule for whatever reason, the City shuttle service shall defer to METRO's use of its bus stops/shelters first.

Dated:

---

City of Capitola  
By: Richard C. Hill, City Manager

Dated:

---

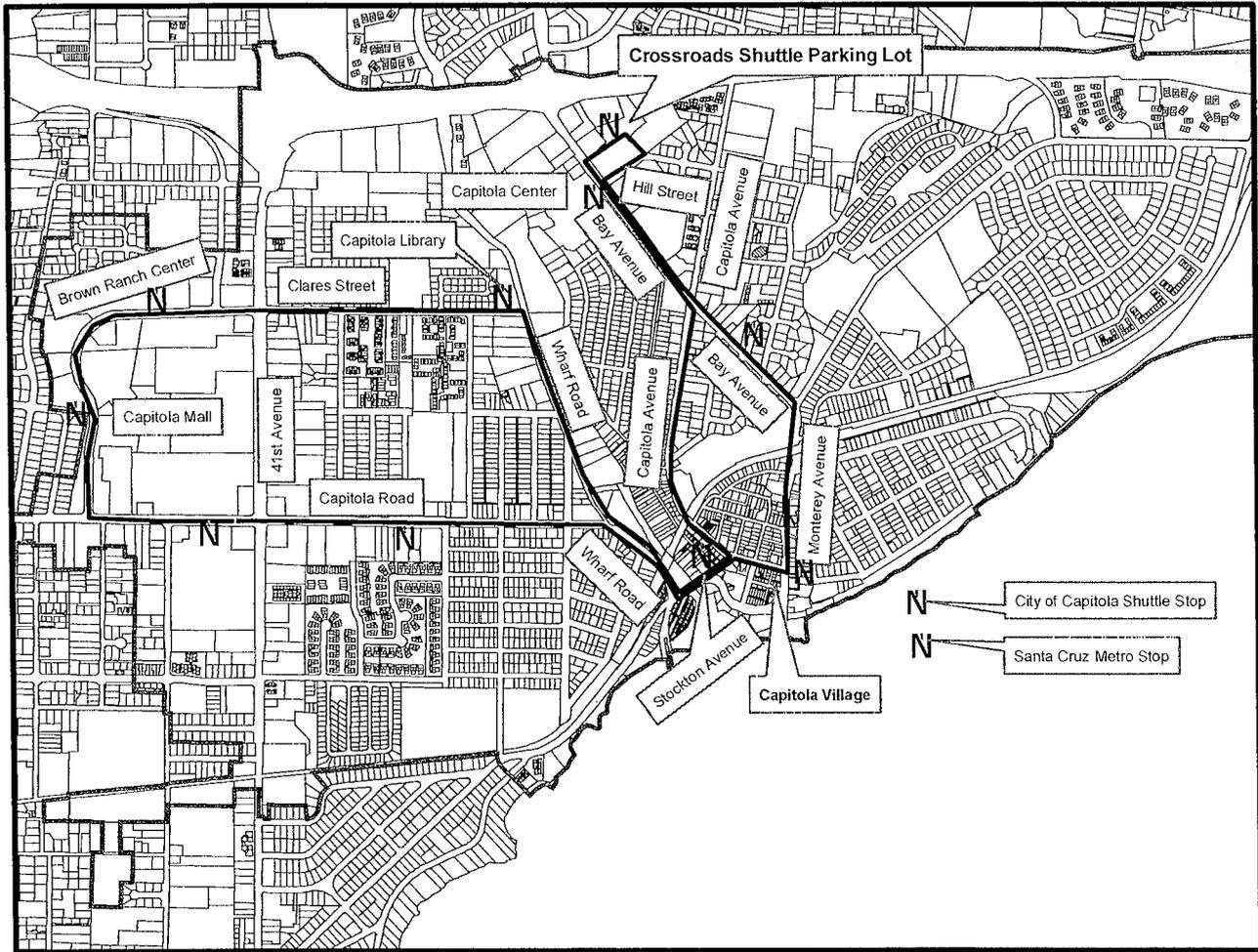
Santa Cruz Metropolitan Transit District  
By: Les White, General Manager

Approved As To Form

---

John G. Barisone, City Attorney

# Citywide Shuttle - Route Map



0 700 1,400 2,800 Feet

4

City of Capitola

11.61

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** April 25, 2008

**TO:** Board of Directors

**FROM:** Leslie R. White, General Manager

**SUBJECT: CONSIDERATION OF CONTINUING SPONSORSHIP OF LEADERSHIP SANTA CRUZ COUNTY IN ORDER TO PROVIDE EDUCATION ON TRANSPORTATION ISSUES, SERVICES, AND FACILITIES AND TO PROVIDE THE OPPORTUNITY FOR METRO STAFF TO PARTICIPATE IN THE PROGRAM.**

## I. RECOMMENDED ACTION

**That the Board of Directors approve METRO continuing to be a sponsor of the Leadership Santa Cruz County Program, providing information regarding public transit services and facilities to the class Members, and providing a bus on May 30, 2006 for a tour of various facilities and activities, and providing a bus for a similar function on June 13, 2008.**

## II. SUMMARY OF ISSUES

- The Leadership Santa Cruz County program provides information regarding activities throughout the County for a class of approximately 50 individuals annually.
- In 2005 the Board of Directors approved METRO becoming a sponsor of the Leadership Santa Cruz County Program by providing information regarding services and facilities, and by providing a bus for one day to tour various facilities and view activities. The Board has continued the sponsorship of Leadership Santa Cruz County in 2006 and 2007.
- The Leadership Santa Cruz County staff has requested that METRO continue to be a sponsor of the program by providing information to members of the class and by providing a bus for a tour of various facilities on May 30, 2008. This year Leadership Santa Cruz County is also requesting that METRO provide a bus for a similar tour on June 13, 2008.
- Prior to 2005 METRO had not participated in providing information to the Leadership Santa Cruz County classes nor sponsored the program. In 2007/2008 a Member of the METRO staff took advantage of the Leadership Santa Cruz County by participating in the program. The program is provided to METRO staff members at no cost in exchange for the bus service that METRO has provided through its sponsorship.
- The cost of becoming a sponsor of Leadership Santa Cruz County would be the cost of providing the bus for the facilities tour on May 30, 2008, and for providing the bus

for a similar tour on June 13, 2008, which is estimated to be approximately \$1,200 combined.

- Staff recommends that the Board of Directors approve the request from Leadership Santa Cruz County staff.

### **III. DISCUSSION**

The Leadership Santa Cruz County Program provides information about, and orientation to, various programs and facilities annually for approximately 50 individuals from the community. Many of these individuals hold key leadership positions in the community.

In 2005 METRO received a request for program sponsorship from Gary W. Smith, Executive Director of Leadership Santa Cruz County. The requested sponsorship was in the form of providing a bus for a tour of facilities, and a presentation by METRO of information about the system, services, facilities and projects. The Board of Directors approved the sponsorship request and the event was very successful. METRO has continued to be a sponsor of the program in 2006 and 2007. Leadership Santa Cruz County has requested that METRO continue to be a sponsor of the program by providing support, including the bus on two different days, for programs this year. A copy of the request letter from Gary W. Smith is attached to this Staff Report. Participating in the Leadership Santa Cruz County program provides an opportunity to orient individuals regarding the benefits of a strong public transit system.

Prior to 2005 METRO had not participated in providing information to the Leadership Santa Cruz County classes nor sponsored the program. In 2007/2008 a Member of the METRO staff took advantage of the Leadership Santa Cruz County by participating in the program and has found it to be very beneficial. Based on this experience METRO intends to send additional staff members to the program next year. The program is provided to METRO staff members at no cost in exchange for the bus service that METRO provides through its sponsorship

Staff recommends that the Board of Directors approve the request to continue sponsorship of Leadership Santa Cruz County, including the provision of a bus for a tour of facilities and activities on May 30, 2008 and June 13, 2008.

### **IV. FINANCIAL CONSIDERATIONS**

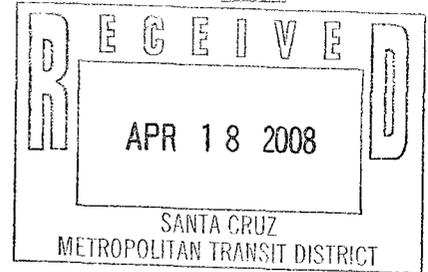
The cost of becoming a sponsor of the Leadership Santa Cruz County program through providing a bus for a facilities tour on May 30, 2008 and June 13, 2008 would be approximately \$1,200 plus presentation materials.

### **V. ATTACHMENTS**

**Attachment A:** Letter from Gary W. Smith, April 14, 2008.



Attachment A



April 14, 2008

Les White, General Manager
Santa Cruz County Metropolitan Transit District
370 Encinal St.
Santa Cruz, CA 95060

Dear Les,

Thank you for considering this request from Leadership Santa Cruz County to host a bus trip for about 50 Leadership class members. We will be visiting a number of agricultural locations on this tour. As we travel from venue to venue I would like to have you and/or your representative highlight Transit District operations in Santa Cruz County. My hope is to encourage more support and rider-ship for the bus system in Santa Cruz County. We are also interested in hearing more about the Highway 17 Express bus and connections with other county transportation systems (Monterey County and Santa Clara County transit systems). Your leadership challenges and future plans for the Transit District system in Santa Cruz County would also be welcomed topics.

We would appreciate the use of your bus on two LSCC travel days; the first event is Friday, May 30, 2007 (Agriculture Day). We would like to meet at 10:00 AM at the Santa Cruz County Fairgrounds and return at 4:30 PM. The second event is June 13th (Environment Day). We will meet at Long's Marine Lab in Santa Cruz at 9:30 AM and will travel to Big Creek Lumber and back to Long's at about 4:30 PM.

Thank you again for considering our request; we sincerely appreciate your support and would be willing to give you a free admission to our next class year. We have really enjoyed having Liseth in our class this year. Please contact me at 724-7665 should you have any questions.

Sincerely,

[Handwritten signature of Gary W. Smith]

Gary W. Smith
Executive Director,
Leadership Santa Cruz County

Leadership Santa Cruz County www.leadershipscc.org

270 Evening Hill Lane, Watsonville, CA 95076 Phone & Fax: (831)724-7665

E-Mail: leadershipscc@cruzio.com

12.a1

- Corporate Sponsors: Big Creek Lumber Company, Coast Commercial Bank, Dominican Hospital, GraniteRock Company, Santa Cruz County Assoc. of Realtors, Santa Cruz Community Credit Union, Santa Cruz Medical Foundation, Santa Cruz Seaside Company. Program Supporters: Apex Adventures, Aptos Chamber of Commerce, Beckmann's Bakery, Capitola/Soquel Chamber of Commerce, Cemex, Cruzio, the Internet Store, Mount Hermon Christian Conference Center, Pajaro Valley Chamber of Commerce, Santa Cruz Chamber of Commerce, Scotts Valley Chamber of Commerce.

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** April 25, 2008  
**TO:** Board of Directors  
**FROM:** Frank L. Cheng, Project Manager  
**SUBJECT: CONSIDERATION OF FINAL ACCEPTANCE OF METROBASE SERVICE AND FUELING BUILDING AND AUTHORIZATION OF RELEASE OF RETENTION TO ARNTZ BUILDERS, INC.**

## I. RECOMMENDED ACTION

**That the Board of Directors consider Final Acceptance of the MetroBase Service & Fueling Building and authorize the General Manager to release the retention to Arntz Builders, Inc.**

## II. SUMMARY OF ISSUES

- On January 9, 2006, Arntz Builders began construction on the Service & Fueling Building.
- On February 14, 2008, METRO came to an agreement for Substantial Completion and began fueling buses with new facility.
- West America Bank is the holder of the retention payments for Arntz Builders.
- METRO recommends Final Acceptance of Service & Fueling Building.
- Release of the retention to Arntz Builders.

## III. DISCUSSION

On January 9, 2006, Arntz Builders, the general contractor, began construction on the Service & Fueling Building Component of the MetroBase Project. On February 14, 2008, METRO began using the building to wash and fuel buses. Up until the facility was operational, METRO was fueling buses with the CNG slow-fill station and diesel fueling at Devco. CNG slow-fill took about an hour per bus, and METRO only had ten nozzles for fueling so approximately eight to ten hours. Diesel fueling at Devco took about five minutes. With the new facility, CNG fueling is one to two minutes and seven minutes for Diesel. Efficiency has been achieved in the construction of the Service & Fueling Building.

On February 14, 2008, Arntz Builders and METRO came to an agreement for Substantial Completion. Arntz has provided manuals and warranties needed to complete the punch list items, METRO can begin a final close out of the project. Any mechanic's lien, stop notices, or bond rights will be released upon Final Acceptance. Attached is the letter that will be sent to West America Bank, the holder of the retention payments. The amount

held by West America Bank is \$888,194.93 and interest. This letter will complete the process for Final Acceptance.

Staff recommends Final Acceptance and that the Board of Directors authorize the General Manager to release the retention to Arntz Builders, Inc. for the Service & Fueling Building Component of the MetroBase Project.

#### **IV. FINANCIAL CONSIDERATIONS**

Funds for the construction of the Service & Fueling Building Component of the MetroBase Project have been paid to the contractor.

#### **V. ATTACHMENTS**

**Attachment A: West America Bank Release Retention Letter, April 25, 2008.**

*Santa Cruz Metropolitan  
Transit District*



April 25, 2008

West America Bank  
Attn: Kathleen Layton  
2893 Sunrise Blvd Suite 106  
Rancho Cordova, CA 95742

The purpose of this letter is to notify you that Santa Cruz Metropolitan Transit District is authorizing West America Bank to release the retention of account WAB00137600 to Arntz Builders, Inc. According to the asset summary of 3/31/08, the principal in the account is \$888,194.93 and an accumulated interest. By the release of retention, Arntz Builders will release all liens, stop notices, and bond rights for the Santa Cruz METRO job on 1122 River Street, Santa Cruz, CA 95060 in which the address was changed to 1200B River Street, Santa Cruz, CA 95060.

Sincerely,

Les White  
General Manager  
Santa Cruz METRO

*110 Vernon Street, Suite B, Santa Cruz, CA 95060  
Fleet Maintenance (831) 469-1954 • Purchasing (831) 426-0199  
FAX (831) 469-1958*

13.a1