



RTA BOARD AGENDA

**Wednesday, January 10, 2024 at 9:45 AM
BOARD OF SUPERVISORS' CHAMBERS
COUNTY GOVERNMENT CENTER
1055 Monterey Street, San Luis Obispo, California 93401**

The AGENDA is available/posted at: <http://www.slorta.org>

President: vacant

Board Members:

John Peschong (First District – SLO County)
Bruce Gibson (Second District – SLO County)
Dawn Ortiz-Legg (Third District – SLO County)
Jimmy Paulding (Fourth District – SLO County)
Debbie Arnold (Fifth District – SLO County)
Jim Guthrie (Arroyo Grande)

Vice President: vacant

Heather Moreno (Atascadero)
Daniel Rushing (Grover Beach)
Carla Wixom (Morro Bay)
Fred Strong (Paso Robles)
Ed Waage (Pismo Beach)
Andy Pease (San Luis Obispo)

Individuals wishing accessibility accommodations at this meeting under the Americans with Disabilities Act (ADA) may request such accommodations to aid hearing, visual, or mobility impairment (including Limited English Proficiency) by contacting the RTA offices at (805)541-2228 x4833. Please note that 48 hours advance notice will be necessary to honor a request.

RTA, de acuerdo con la Ley de Estadounidenses con Discapacidades (ADA), acomodará a las personas que requieran una modificación de la adaptación para participar en esta reunión. RTA también se compromete a ayudar a las personas con dominio limitado del inglés a acceder a los servicios públicos esenciales de la agencia y a la información pública en español. Para solicitar una adaptación, por favor llame al (805)541-2228 x4833. Requerimos al menos 48 horas de anticipación para proporcionar adaptaciones razonables.

CALL MEETING TO ORDER, ROLL CALL

PUBLIC COMMENT: The Board reserves this portion of the agenda for members of the public to address the San Luis Obispo Regional Transit Authority Board on any items not on the agenda and within the jurisdiction of the Board. Comments are limited to three minutes per speaker. The Board will listen to all communication, but in compliance with the Brown Act, will not take any action on items that are not on the agenda.

EMPLOYEE RECOGNITION:

- **Bus Operator Retirement:** Will James

A. CONSENT AGENDA:

- A-1 Executive Committee Meeting Minutes of October 11, 2023 (Information)
- A-2 RTA Board Meeting Minutes of November 1, 2023 (Approve)
- A-3 RTA Board Meeting Minutes of December 6, 2023 (Approve)

- A-4 FTA 5307, 5339 and CMAQ Grant Programs Administration (Adopt)
- A-5 FTA Section 5311 Grant Application (Adopt)
- A-6 Low-Carbon Transit Operations Program Grant Application (Adopt)
- A-7 Rural Transit Funds Grant Application (Adopt)
- A-8 California SB-1 State of Good Repair Grant Application (Adopt)
- A-9 FTA Certifications and Assurances (Authorize)
- A-10 Amendment to Bulk Oil/Lubricants Agreement (Authorize)
- A-11 FTA 5307 Santa Maria Urbanized Area Grant Application (Adopt)
- A-12 San Luis Obispo AHSC Grant Application Support Letter (Authorize)

B. INFORMATION AGENDA:

- B-1 Executive Director's Report (Receive)
- B-2 Bus Maintenance Facility Update and CEQA Mitigations 2nd Annual Monitoring Report (Receive)

C. ACTION AGENDA:

None

D. CLOSED SESSION ITEMS:

- D-1 EXECUTIVE DIRECTOR PERFORMANCE EVALUATION (Govt. Code Section 54957)
- D-2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
 - Significant exposure to litigation pursuant to Gov. Code § 54956.9(d)(2)
 - Number of cases: One

E. BOARD MEMBER COMMENTS

The next regularly-scheduled RTA Board meeting is scheduled for March 6, 2024.



San Luis Obispo Regional Transit Authority

Executive Committee Meeting

Minutes 10/11/2023

A-1

Members Present: Debbie Arnold, District 5 Supervisor, **President**
Andy Pease, City of San Luis Obispo, **Vice President**

Members Absent: Ed Waage, City of Pismo Beach, **Past President**

Staff Present: Geoff Straw, Executive Director
Tania Arnold, Deputy Director/CFO
Jon Ansolabehere, RTA Counsel
Pete Rodgers, SLOCOG Executive Director
Daniel Audelo, SLOCOG Transportation Planner

1. **Call to Order and Roll Call: President Debbie Arnold** called the meeting to order at 10:00 a.m. and roll call was taken. A quorum was present.
2. **Public Comment: Eric Greening** noted concern with the pending rainy season and when the first rain occurs and the impact of that rain making the road very slick and additional information should be provided to drivers to ensure they take additional precautions when that occurs. Additionally, there should be a lessons learned process from the storms last year and how information about trips should be shared with riders. Looking forward to a discussion at the RTAC meeting next week.
3. **Consent Items**
A-1 Executive Committee Meeting Minutes of August 9, 2023 (Approve)
Vice President Andy Pease made a motion to approve consent agenda item A-1 and **President Arnold** seconded the motion. The motion passed unanimously via voice vote.

<u>BOARD MEMBER</u>	<u>YES</u>	<u>NO</u>	<u>ABSENT</u>
DEBBIE ARNOLD	X		
ANDY PEASE	X		
ED WAAGE			X

4. **Information Items:**
B-1 Executive Director's Report (Verbal, Receive)
Mr. Straw noted the California Air Resources Board has authorized an exemption for the replacement diesel bus that will be delivered in the first quarter of 2024. Regarding the public comments made during item F-5 at the SLOCOG Board meeting on October 4, 2023, information has been shared with Pete Rodgers that show the immediate need for the new TIRCP and ZETCP funds.

There is an issue with coordinating the timing of the funds but staff will continue to work with SLOCOG on addressing those issues.

Ms. Pease asked why there are timing issues. **Ms. Debbie Arnold** asked if it was hurting the RTA at this point in time. **Mr. Straw** noted it is a new process and setting the information up to make sure it is accounted for is appropriate as the process moves forward.

Mr. Straw continued discussing capital projects including the five battery electric buses the RTA Board authorized the purchase of in November 2022 with funds from the FTA 5339 grant the RTA obtained in FY21-22. Staff has requested updated pricing and will be ready to issue a PO that includes additional DC charger, although the timing doesn't line up with the initial plan of waiting until the first two battery electric buses are delivered because that is now pushed to spring of 2024.

Mr. Straw discussed the status of current recruitments and although not as much progress has been made as staff would like, there is still some significant progress in filling vacancies. The RTA and SLO Transit have kicked off the SRTP process as of October 3, 2023. Passenger surveys will be conducted the week of October 23rd. The first public meeting will be a joint MTC and RTAC meeting in January 2024. Full payment has been received from FEMA and CalOES for the costs associated with the flood damage and repair. We are in discussions with the APCD regarding the funding for the facility and the overhead costs allocated to the project. As a reminder, the RTA Bus Rodeo is scheduled on October 15th from 10 a.m. – 1 p.m.

Ms. Pease discussed the storms this past winter. Additional discussion regarding the flashing light crosswalks that the City has installed and ensuring it isn't an issue for the RTA Operators. **Mr. Straw** thanked Ms. Pease for the information and will follow up with the Operations and Training staff.

Public Comment:

Mr. Greening also discussed the flashing light crosswalks. At the joint MTC and RTAC meeting in January 2024, should that be coordinated with the City of Santa Maria and any transit advisory groups they have? The timing of when the surveys could be turned if not completed was also noted. **Mr. Straw** will follow up with the consultants who will be coordinating the survey effort.

Item was received and filed by the Committee.

B-2 Discussion on Fare-Free on Election Days (Verbal)

Mr. Straw reviewed how other transit agencies have authorized or are considering fare free service during statewide and national elections as a marketing tool and to support elections. The estimated cost for the fixed route service is about \$3,500 on even years where two elections are held. In the past when individual fare free days were offered there were complaints from riders who purchased 31-Day Passes who don't get an additional free day. Staff has not analyzed the cost data for the paratransit service, which would also need to be fare-free.

Ms. Pease noted this would likely have limited impact with the ability of vote by mail for all registered voters now and it should be occurring close to their homes.

Ms. Debbie Arnold noted there are other ways to partner with community groups and this might not be the best return for the effort.

Public Comment:

Mr. Greening noted it is good in concept and helps build trust and discussed prior fare-free days the RTA has operated previously and feedback that had been noted.

Item was received and filed by the Committee.

5. **Action Items:**

C-1 Fiscal Year 2023-24 Operating and Capital Budget Amendment #1 (Recommend)

Ms. Tania Arnold discussed the operating and capital budget amendment process and noted the adjustments being presented do not require additional/new funds. The additional STA that the SLOCOG Board approved at the October 4, 2023 meeting is not included due to it being so nominal. The changes are highlighted in yellow in the budget pages. The amendment also includes a reconciliation adjustment based on the GASB 68 information included in the financial statements, since that adjustment does not impact the cash balance. Changes in operating revenue, capital revenue, operating expenditures and capital expenditures were reviewed.

Mr. Straw noted the engine replacements included as part of this amendment do not require an exemption from CARB. This process is critical to the RTA and done at the mid-life of the vehicles because they have already accumulated a lot of miles.

Ms. Tania Arnold discussed the farebox calculation adjustment that is now being done to pull out the GASB 68 adjustment.

Ms. Tania Arnold concluded the report.

Public Comment:

Mr. Greening noted support for the proposed budget amendment.

Vice President Andy Pease made a motion to approve action agenda item C-1 and **President Arnold** seconded the motion. The motion passed unanimously via voice vote.

<u>BOARD MEMBER</u>	<u>YES</u>	<u>NO</u>	<u>ABSENT</u>
DEBBIE ARNOLD	X		
ANDY PEASE	X		
ED WAAGE			X

6. **Mr. Straw** went over the agenda for the November 1, 2023 Board meeting agenda.

Public Comment: None

7. **Closed session:** None

8. **Adjournment**

The meeting was adjourned at 10:46 a.m.

Next RTA Executive Committee Meeting: **December 13, 2023**

Respectfully Submitted,

Acknowledged by,

Tania Arnold
Deputy Director/CFO

Debbie Arnold
RTA Board President 2023

DRAFT
SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY
BOARD MEETING MINUTES OF NOVEMBER 1, 2023
A-2

BOARD MEMBERS PRESENT:

DEBBIE ARNOLD, FIFTH DISTRICT, COUNTY OF SAN LUIS OBISPO (President)
BRUCE GIBSON, SECOND DISTRICT, COUNTY OF SAN LUIS OBISPO
STEVE GREGORY, CITY OF PASO ROBLES
JIM GUTHRIE, CITY OF ARROYO GRANDE
HEATHER MORENO, CITY OF ATASCADERO
DAWN ORTIZ-LEGG, THIRD DISTRICT, COUNTY OF SAN LUIS OBISPO
ANDY PEASE, CITY OF SAN LUIS OBISPO (Vice President)
JOHN PESCHONG, FIRST DISTRICT, COUNTY OF SAN LUIS OBISPO
DANIEL RUSHING, CITY OF GROVER BEACH
CARLA WIXOM, CITY OF MORRO BAY

BOARD MEMBERS ABSENT:

JIMMY PAULDING, FOURTH DISTRICT, COUNTY OF SAN LUIS OBISPO
ED WAAGE, CITY OF PISMO BEACH (Past President)

STAFF PRESENT:

GEOFF STRAW, EXECUTIVE DIRECTOR
TANIA ARNOLD, DEPUTY DIRECTOR/CFO
ANDY WYLY, MAINTENANCE AND FACILITIES MANAGER
JON ANSOLABEHERE, SAN LUIS OBISPO COUNTY COUNSEL
SHELBY WALKER, HUMAN RESOURCES OFFICER
STEPHANIE FRAUSTO, FACILITIES ASSISTANT MANAGER
SHELLY HORTON, LEAD OPERATIONS SUPERVISOR
TINA BARNES, BUS OPERATOR

CALL MEETING TO ORDER, ROLL CALL: President **Debbie Arnold** called the meeting to order at 9:01 AM and Roll call was taken, a quorum was present.

PUBLIC COMMENT:

Mr. Eric Greening gave a special compliment to **Mr. Omar McPherson** because at the last RTAC meeting he asked for information regarding lessons learned from the most recent rainy season that made for unexpected closures. **Mr. McPherson** was well prepared and has many thoughtful ideas for the next rainy season. Hoping this rainy season will be a little less generous. Everyone needs to be careful. It might be a good idea that when there are no immediate announcements on the buses, that there should be a note to check the RTA website for any alerts and information on service changes.

Mr. Geoff Straw introduced **Ms. Shelly Horton** to announce the employee of the quarter. **Ms. Horton** stated she has the pleasure of introducing **Ms. Tina Barnes** as the Employee of the Quarter. She stated that **Ms. Barnes** has worked for the RTA for seven years and her spirit is energetic and she is a wonderful and faithful employee. **Ms. Barnes** said thank you to the Board and stated that the RTA is a wonderful company to work for. **Mr. Straw** mentioned that the day she was receiving the award, she was helping a Runabout rider. **President Arnold** stated that the Board appreciates all that **Ms. Barnes** does for the RTA.

A. CONSENT AGENDA:

- A-1 Executive Committee Meeting Minutes of August 9, 2023 (Information)
- A-2 RTA Board Meeting Minutes of September 6, 2023 (Approve)
- A-3 Employee Pooling Agreement between SLOCOG and the RTA for Life, Disability and Paid Family Leave Insurance (Approve)
- A-4 FY22-23 Strategic Business Plan Results (Receive)
- A-5 FTA Transit Asset Management Plan Update (Receive)
- A-6 Annual Fiscal & Compliance Audit and Annual Single Audit (Accept)
- A-7 Fueling Services Request for Proposals (Approve)
- A-8 Bus Stop Improvements Request for Proposals (Approve)

Mr. Straw stated that under A-2, there has been a correction note regarding a misspelled name and A-6-33 has a wrong amount noted which the auditors are correcting.

Vice President Andy Pease asked about item A-4 the perception surveys from 2020 and how often the surveys are done and when the next one will be. **Mr. Straw** stated that the Strategic Business Plan calls for every two years, but it was not done during COVID. He stated that they are usually done during March or October and they were surveying last week. RTA will get a draft of the surveys and bring that to the Board in January.

Public Comment:

Mr. Eric Greening on item A-4 he appreciated looking at how we are doing at meeting our standards. He suggested that in the future there should be a standard added to Quality and Efficiency, and that should be on-time service and making all connections that are supposed to be made.

Vice President Andy Pease made a motion to approve the consent agenda, and **Board Member Carla Wixom** seconded the motion. The motion passed unanimously via roll call vote as follows:

BOARD MEMBER	YES	NO	ABSENT
DEBBIE ARNOLD (President)	X		
BRUCE GIBSON	X		
STEVE GREGORY	X (abstained from A-1, A-2)		
JIM GUTHRIE	X		
HEATHER MORENO	X		
DAWN ORTIZ-LEGG	X		
JIMMY PAULDING			X
ANDY PEASE (Vice President)	X		
JOHN PESCHONG	X		
DANIEL RUSHING	X		
ED WAAGE			X
CARLA WIXOM	X		

B. INFORMATION AGENDA:

B-1 Executive Director's Report (Receive)

Mr. Straw stated that an agreement was executed with LSC Transportation Consultants for the Short-Range Transit Plan. The assisted with our SRTTP in 2015/2016. Passenger surveys were conducted the week of October 23, 2023 – October 27, 2023. After the raw data is analyzed, the working papers will be available on our website and he will provide the Board with updates. The schedule for the STRP is included in the staff report and please note that staff will be having a joint meeting of the RTAC and SLO Transit MTC in January 2024.

Mr. Straw mentioned that we have made great strides in recruitment for bus operator candidates. We had seven in training as of the last Board meeting and were able to five of those candidates complete training. Two candidates are currently in training and there are four open positions. He welcomed Ms. Stephanie Frausto to the team, she is the new Facilities Assistant Manager and we are happy to have her as part of the team. **Mr. Brian Crist** was promoted to the Operations Supervisor position. We are currently recruiting for an Administrative Assistant.

Mr. Straw shared that **Mr. Hubert Clark** was the winner of our Annual Bus Rodeo. **Mr. Brian Crist** won second-place and **Ms. Liza Sotelo Rosales** was the third-place winner. We had eleven contestants and lots of family and friends at the event. A special thanks go out to the many volunteer judges (Cal Poly Student ITE Group, in particular) and sponsors Teamsters Local 986, Model 1, and Gillig Corporation.

Mr. Straw provided an update about our marketing and communications. We have implemented a concierge transit planning program to assist the Cuesta College students with trip planning. A Saturday Schedule will be operated the week of Thanksgiving and Christmas. Still working on the Route 27 & 28 realignment planning, working with Grover Beach staff to do some outreach for the neighborhoods that are affected. Annual Bus Ad Sales have hit a new annual record (\$120,000).

Mr. Straw stated that the price for the battery electric buses has increased by 30%; there will be more discussion about this in item C-2. RTA received full reimbursement from CALOES for damages that happened at our facility due to the flooding in January 2023. Learning experience for all staff. RTA fixed-route ridership has increased 5.3% over the last year, although we are still 40.2% less than pre-pandemic totals. Runabout ridership is up 28%. The regional services for the RTA are where we are seeing the low ridership numbers, while the local fixed-routes are doing better.

Mr. Straw stated that we are slightly below budget through 16.7% of the fiscal year. We typically have a lot of upfront annual costs in the beginning of the fiscal year. The farebox recovery ratio is currently 5.8% (the goal is 15.8%), but the TDA penalties are still suspended for not reaching the farebox recovery goal. The subsidy per passenger-trip for Runabout is \$126.91, which is lower the same time last year and that is due to the increased ability to group multiple pickups during one trip.

Vice President Pease asked if Mr. Straw and staff have had a chance to look over the City of San Luis Obispo's Innovative Transit Study. **Mr. Straw** responded that he has provided comments throughout the study and went to the workshop in September. He stated that there are things from the study that the RTA is also looking into as possible solutions.

Public Comment:

Mr. Greening mentioned that on page B-1-4, it mentions bus stop shelter improvements. The greatest need is to place shelters at stops that do not have them primarily in the North County area and make improvements to some of the existing shelters. He also mentioned that the stop in downtown Santa Margarita needs to be moved because where the bus is able to pick up is actually further down where the bus can actually pick up passengers. **Mr. Straw** responded that staff is aware of the misplaced bus sign that is in the Santa Margarita area and will see about moving it. There is a threshold/goal of 20 daily boardings to merit a shelter. Currently, our focus is replacing the damaged or vandalized shelters.

President Arnold received and filed item B-1.

C. ACTION AGENDA:

C-1 Fiscal Year 2023 -24 Operating and Capital Budget Amendment #1 (Approve)

Ms. Tania Arnold stated that this budget amendment is for both the operating and the capital budgets. The budget for Fiscal Year 23/24 was approved at the May 2023 meeting and had a number of assumptions. One of those assumptions being the arrival of two electric buses and one diesel bus, and the Route 15 cutaway van vehicles. We were hoping they would arrive before the end of the year but supply chain issues delayed their delivery. She stated that none of the adjustments require any additional funding. The STA funding allocated to our region increased at the SLOCOG October Board meeting. The total for the RTA was just shy of \$5,000, but not included as part of the amendment.

Ms. Arnold stated that there is one thing that is new this year (GASB 68 allocation), which is related to pension cost. In previous years, it was not a significant amount, but in 22/23 it became pretty significant. Our fiscal auditors confirmed that we are able to remove the amount from the farebox recovery ratio calculation. We shared this information with our fellow transit partners so they were aware of the adjustment as well.

Ms. Arnold noted some other changes. There is carryover of FTA 5307 and 5339 funds for vehicle procurements. Also an increase in professional technical services, as well as carryover of a large number of vehicle projects and the Short Range Transit Plan.

Ms. Arnold stated this budget amendment was brought to the Executive Committee Meeting and RTAC meeting and both recommended that the Board approve the amendment.

Board Member Dawn Ortiz-Legg thanked **Ms. Arnold** for presentation and appreciated for breaking it all down to us.

Public Comment: None

Board Member Bruce Gibson made a motion to approve action agenda item C-1 and **Board Member Heather Moreno** seconded the motion. The motion passed unanimously via voice vote.

BOARD MEMBER	YES	NO	ABSENT
DEBBIE ARNOLD (President)	X		
BRUCE GIBSON	X		
STEVE GREGORY	X		
JIM GUTHRIE	X		
HEATHER MORENO	X		
DAWN ORTIZ-LEGG	X		
JIMMY PAULDING			X
ANDY PEASE (Vice President)	X		
JOHN PESCHONG	X		
DANIEL RUSHING	X		
ED WAAGE			X
CARLA WIXOM	X		

C-2 Authorize Pursuit of Additional/New Funds for Battery-Electric Buses (Authorize)

Mr. Straw stated that the original Board authorization was \$5,215,200 at November 2022 meeting for the electric buses from Gillig. In May 2022 the price was \$1,052,694.84 per bus but the quote as of October 2023 quote has increased to \$1,370,651 per bus. Spare parts and training still needs to be negotiated and inclusion of the Phase 1b of recharging system still needed as well. The total of the funding shortfall is currently \$2,178,055. Staff continues to seek alternative funding like TIRCP, HVIP,

APCD funding, LCTOP, and VEMT. We are hoping that once we issue the PO, we will receive VEMT and HVIP funding. There is also a new formula TIRCP & ZETCP funding and staff is hoping that helps with the shortfall. Once sufficient funding secured, seek Board approval at future meeting to issue PO. This is a lot of money and SLO City is seeing the same issue.

Board Member Moreno asked that besides the funding that was mentioned where is staff hoping the funding will come from and if it would come from LTF funding. **Mr. Straw** stated that he is hoping the TIRCP & ZETCP funding could be allocated during SLOCOG's December 2024 meeting; if that funding is not provided, then we would not proceed further.

Board Member Ortiz-Legg asked if we are on the same track for vehicle maintenance cost and are there additional cost that we need to think of. **Mr. Straw** stated the fuel & drivetrain costs should go down. We have already built the baseline charging system, which has a design life of twelve years. We have also investigated special items needed for maintenance of the new vehicle types.

President Arnold asked **Mr. Straw** to discuss the weight of the buses. **Mr. Straw** went into the weight of the buses; the weight of the batteries is significant. Weight has been an issue even with the natural gas buses and they can be hard on the roads.

Board Member Ortiz-Legg noted that maybe the delay gives us an opportunity to look into other options that are available, such as hydrogen fuel cell technology. **Mr. Straw** stated that we are a step behind because our facility does not have high-pressure fuel and we do not have the experience. We will likely have to go to hydrogen at some point because of the longer range it provides.

Public Comment:

Mr. Greening it may be timely to revisit the legislative platform to challenge the electrification mandates. It is becoming more questionable among scientists and if there is a climate advantage. The equipment that is used to fix the roads that are damaged by the buses are not electric. There are also social justice issues that come up with finding the materials that are used to build the vehicles. The cost could lead to service cuts or more people driving to avoid the potential higher cost.

Board Member Gibson made a motion to approve action agenda item C-2 and **Vice President Pease** seconded the motion. The motion passed unanimously via roll call vote as follows:

BOARD MEMBER	YES	NO	ABSENT
DEBBIE ARNOLD (President)	X		
BRUCE GIBSON	X		
STEVE GREGORY	X		
JIM GUTHRIE	X		
HEATHER MORENO	X		
DAWN ORTIZ-LEGG	X		
JIMMY PAULDING			X
ANDY PEASE (Vice President)	X		
JOHN PESCHONG	X		
DANIEL RUSHING	X		
ED WAAGE			X
CARLA WIXOM	X		

D. CLOSED SESSION ITEMS: None

E. BOARD MEMBER COMMENTS:

Vice President Pease stated that she attended the Focus on Future conference on behalf of the SLOCOG Board. There was a lot of conversation about the electrification mandate and there are shared frustrations. Good experience and very informative.

The meeting was adjourned at 10:02 AM.

Next regularly-scheduled RTA Board meeting is **January 10, 2023**

Respectfully Submitted,

Acknowledged by,

Shelby Walker, Board Secretary

Debbie Arnold, RTA President 2023

DRAFT
SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY
BOARD MEETING MINUTES OF DECEMBER 6, 2023
A-3

BOARD MEMBERS PRESENT:

DEBBIE ARNOLD, FIFTH DISTRICT, COUNTY OF SAN LUIS OBISPO (President)
ANDY PEASE, CITY OF SAN LUIS OBISPO (Vice President)
KAREN BRIGHT, CITY OF GROVER BEACH
BRUCE GIBSON, SECOND DISTRICT, COUNTY OF SAN LUIS OBISPO
JIM GUTHRIE, CITY OF ARROYO GRANDE
HEATHER MORENO, CITY OF ATASCADERO
DAWN ORTIZ-LEGG, THIRD DISTRICT, COUNTY OF SAN LUIS OBISPO
FRED STRONG, CITY OF PASO ROBLES
CARLA WIXOM, CITY OF MORRO BAY

BOARD MEMBERS ABSENT:

JIMMY PAULDING, FOURTH DISTRICT, COUNTY OF SAN LUIS OBISPO
JOHN PESCHONG, FIRST DISTRICT, COUNTY OF SAN LUIS OBISPO
ED WAAGE, CITY OF PISMO BEACH (Past President)

STAFF PRESENT:

GEOFF STRAW, EXECUTIVE DIRECTOR
TANIA ARNOLD, DEPUTY DIRECTOR/CFO
JON ANSOLABEHERE, SAN LUIS OBISPO COUNTY COUNSEL
ANTHONY KALVANS, ADMINISTRATIVE ASSISTANT

CALL MEETING TO ORDER, ROLL CALL: President Debbie Arnold called the meeting to order at 11:11 AM and roll call was taken, a quorum was present.

PUBLIC COMMENT:

No public comment was received or given for items not on the agenda.

A. CONSENT AGENDA:

There were no items on the consent agenda for the board to review.

B. INFORMATION AGENDA:

There were no informational items for the board to review.

C. ACTION AGENDA:

C-1 Purchase Order for Battery-Electric Buses & Related Equipment (Authorize)

Mr. Straw presented the background for the purchase order and that the item was contingent on the SLOCOG Board approving their item E-2, which allocated over \$33 million from the Transit and Intercity Rail Capital Program (TIRCP) and Zero Emission Transit Capital Program (ZETCP).

Public Comment:

No Public Comment was received or given for this item.

Board Member Strong made a motion to approve action agenda item C-1 and **Board Member Gibson** seconded the motion. The motion passed unanimously via roll call vote.

BOARD MEMBER	YES	NO	ABSENT
DEBBIE ARNOLD (President)	X		
KAREN BRIGHT	X		
BRUCE GIBSON	X		
JIM GUTHRIE	X		
HEATHER MORENO	X		
DAWN ORTIZ-LEGG	X		
JIMMY PAULDING			X
ANDY PEASE (Vice President)	X		
JOHN PESCHONG			X
FRED STRONG	X		
ED WAAGE (Past President)			X
CARLA WIXOM	X		

D. CLOSED SESSION ITEMS: CONFERENCE WITH LEGAL COUNSEL

There were no items on the closed session for the board to review.

E. BOARD MEMBER COMMENTS:

There were no board member comments given.

The meeting was adjourned at 11:16 AM.

Next regularly-scheduled RTA Board meeting is **January 10, 2024**

Respectfully Submitted,

Acknowledged by,

Anthony Kalvans, Administrative Assistant

Debbie Arnold, RTA President 2023

SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY (RTA)

JANUARY 10, 2024

STAFF REPORT

AGENDA ITEM: A-4

TOPIC: FTA 5307, 5339 and CMAQ Grant Programs
Administration

PRESENTED BY: Melissa Mudgett, Grants and Financial Manager

STAFF RECOMMENDATION: Adopt Resolution Seeking Continued Access to
TRAMS in Order to Administer FTA Section 5307,
5339 and CMAQ Grants

BACKGROUND/DISCUSSION:

The cities of Atascadero and Paso Robles and certain limited populations of northern San Luis Obispo County were designated again as an “urbanized area” based upon the results of the 2020 US Census. In addition, the cities of Arroyo Grande, Grover Beach and Pismo Beach and certain limited populations of southern San Luis Obispo County area were designated again as an urbanized area based on the results of the 2020 US Census. The transit agencies in these two small urbanized areas and the San Luis Obispo Council of Governments developed two Operators Agreements relative to the governance and transit planning needs as they relate to Federal Transit Administration (FTA) Sections 5307, 5339 and CMAQ funding eligibility. These Agreements allow the transit agencies to use these FTA funding sources for capital, operating, and planning assistance. However, the FTA requires that there be a single “grant recipient” who will perform grant administration activities for each urbanized area. For the benefit of all transit agencies included in these two urbanized areas, the RTA has served the role of Grant Recipient.

For the RTA to continue serving as the administrator of FTA Section 5307, 5339 and CMAQ grant funding on behalf of the cities of Atascadero and Paso Robles, as well as for South County Transit, FTA requires the RTA (serving as the Grant Recipient) to have access to the electronic grants management program known as Transit Award Management System (TrAMS). The attached resolution grants the RTA Executive Director or designee access to TrAMS to administer FTA Section 5307, 5339 and CMAQ grants based on the Operators Agreement between SLOCOG, the cities of Atascadero and Paso Robles, and the RTA, as well as the Operator Agreement between SLOCOG, South County Transit and the RTA.

STAFF RECOMMENDATION:

Adopt Resolution seeking continued access to TRAMS in order to administer FTA Section 5307, 5339 and CMAQ grants.

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**SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY
RESOLUTION NO. 24-_____**

**A RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE
FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF
THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL
TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C CHAPTER 53 TITLE
23 UNITED STATES CODE AND OTHER FEDERAL STATUTES ADMINISTERED BY
THE FEDERAL TRANSIT ADMINISTRATION**

WHEREAS, the Federal Transit Administration (FTA) has been delegated authority by the United States Department of Transportation to award Federal financial assistance for transit projects; and

WHEREAS, a grant or cooperative agreement for Federal financial assistance will impose certain obligations upon the San Luis Obispo Regional Transit Authority (RTA), and may require the RTA to provide the local share of the project cost; and

WHEREAS, the RTA has or will provide all annual certifications and assurances to the FTA required for the projects included in a grant application; and

WHEREAS, the RTA as the Grantee will file and execute applications on behalf of the cities of Atascadero and El Paso de Robles, the San Luis Obispo Council of Governments (SLOCOG), and for South County Transit, as sub-recipients of FTA Section 5307, 5339, and Congestion Mitigation and Air Quality (CMAQ) funds required for the identified projects.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Board of Directors of the San Luis Obispo Regional Transit Authority:

1. Authorize the Executive Director or designee to execute and file applications for Federal assistance on behalf of RTA with the FTA for Federal Assistance authorized by 49.U.S.C. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the FTA and has received authority from the San Luis Obispo Council of Government, San Luis Obispo, California, the Designated Recipient, to apply for Urbanized Area Formula Program Assistance authorized by 49 U.S.C. 5307, 5339, and CMAQ transferred and administered as 5307.
2. Authorize the Executive Director or designee to execute and file with its application the annual Certifications and Assurances required by the FTA before awarding a Federal assistance grant or cooperative agreement.
3. Authorize the Executive Director or designee to execute and file such applications, assurances or any other documents required by FTA for the purpose of complying with Title VI of the Civil Rights Act of 1964.

4. Authorize the Executive Director or designee to furnish such additional information as the FTA may require in connection with the program of projects identified in applications.
5. The President of the RTA Board of Directors is authorized to execute grant and cooperative agreements with the FTA on behalf of the RTA.

On motion of Director _____, seconded by Director _____, and on the following roll call, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

The foregoing resolution is hereby passed and adopted at a regular meeting of said Board of Directors held on the 10th day of January 2024.

President of the RTA Board of Directors

ATTEST:

Geoff Straw, Executive Director
San Luis Obispo Regional Transit Authority

APPROVED AS TO FORM AND LEGAL EFFECT:

By: _____
Jon Ansolabehere, Legal Counsel
San Luis Obispo Regional Transit Authority

Date: _____

January 10, 2024

DESIGNATION OF SIGNATURE AUTHORITY
for the
TRANSIT AWARD MANAGEMENT SYSTEM
(TrAMS)

The San Luis Obispo Regional Transit Authority hereby authorizes the Executive Director, the Deputy Director/Chief Financial Officer, the Grants and Financial Manager, and the RTA Legal Counsel to be assigned, and to use a Personal Identification Number (PIN) in TrAMS, for the execution of annual Certification and Assurances issued by the Federal Transit Administration (FTA), submission of all FTA grant applications, and the execution of all FTA grant awards, on behalf of the official below and on behalf of San Luis Obispo Regional Transit Authority. This Designation of Signature Authority serves only to authorize the above-referenced persons to take actions in TrAMS; original Certifications and Assurances and original FTA grant agreements must be executed by the Recipient's Designated Official, identified in its Authorizing Resolution, and its legal counsel, unless otherwise delegated in accordance with the Recipient's internal procedures.

Geoff Straw
RTA Executive Director

Jon Ansolabehere
RTA Legal Counsel

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**SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY
JANUARY 10, 2024
STAFF REPORT**

AGENDA ITEM: A-5

TOPIC: FTA Section 5311 Grant Application

PRESENTED BY: Melissa C. Mudgett, Grants and Financial Manager

STAFF RECOMMENDATION: Adopt Resolution Authorizing the Executive Director to Submit a Grant application for the Entire Amount of FTA Section 5311 Funds Apportioned in FY2023-24 for San Luis Obispo County

BACKGROUND/DISCUSSION:

The Federal Transit Administration (FTA) formula grants for Rural Areas Section 5311 program, under 49 U.S.C. Chapter 53 as reauthorized under the FAST Act, provides capital, planning, and operating assistance to support public transportation in rural areas with populations less than 50,000.

Since FY03-04, the San Luis Obispo Council of Governments (SLOCOG) and the San Luis Obispo Regional Transit Authority (RTA) agreed to program all federal funding from the FTA Section 5311 Program to the RTA. In exchange, SLOCOG programs a similar amount of Transportation Development Act (TDA) funds for rural transit operators in the county. The resulting Rural Transit Funds (RTF) can be used by transit operators that provide public transportation services outside of the three small urbanized areas in San Luis Obispo County.

In connection with the RTF exchange program, the RTA must submit an annual grant application to Caltrans for the FTA Section 5311 funds. The grant application must include a resolution, approved by the RTA Board, authorizing submittal of the grant application and authorizing the Executive Director to execute and file all assurances and any other documentation required by Caltrans and the FTA.

Staff is seeking the Board's approval to submit a grant application for the entire amount of FTA Section 5311 funds for the purchase of various materials, supplies, equipment, and/or operations costs for rural bus services. Once adopted, the attached resolution will become part of the grant application for FTA Section 5311 funding for FY2023-24.

STAFF RECOMMENDATION

Adopt resolution authorizing the Executive Director to submit a grant application for the entire amount of FTA Section 5311 funds apportioned in FY2023-24 for San Luis Obispo County.

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**SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY
RESOLUTION NO. 24-_____**

RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH CALIFORNIA DEPARTMENT OF TRANSPORTATION, AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION ASSISTANCE (FTA) FUNDING UNDER FTA SECTION 5311 (49 U.S.C. SECTION 5311) FORMULA GRANTS FOR RURAL AREAS.

WHEREAS, the U. S. Department of Transportation is authorized to make grants to states through the Federal Transit Administration to support operating assistance projects for non-urbanized public transportation systems under Section 5311 of the Federal Transit Act (**FTA C 9040.1F**); and

WHEREAS, the California Department of Transportation (Department) has been designated by the Governor of the State of California to administer Section 5311 grants for transportation projects for the general public for the rural transit and intercity bus; and

WHEREAS, the San Luis Obispo Regional Transit Authority desires to apply for said financial assistance to permit operation of service in San Luis Obispo County; and

WHEREAS, the San Luis Obispo Regional Transit Authority has, to the maximum extent feasible, coordinated with other transportation providers and users in the region (including social service agencies).

NOW, THEREFORE, BE IT RESOLVED that the San Luis Obispo Regional Transit Authority does hereby authorize the Executive Director, to file and execute applications on behalf of San Luis Obispo Regional Transit Authority with the Department to aid in the financing of capital/operating assistance projects pursuant to Section 5311 of the Federal Transit Act (**FTA C 9040.1F**) for the maximum funding available, as amended.

That the Executive Director or designee is authorized to execute and file all certification of assurances, contracts or agreements or any other document required by the Department; and

That the Executive Director or designee is authorized to execute and file such applications, assurances or any other documents for the purpose of complying with Title VI of the Civil Rights Act of 1964 required by the Department in connection with the application for the Section 5311 projects; and

That Executive Director is authorized to submit and approve request for reimbursement of funds from the Department for the Section 5311 project(s).

On a motion of Director _____, seconded by Director _____, and on the following roll call, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

The foregoing resolution is hereby passed and adopted by the San Luis Obispo Regional Transit Authority Board of Directors at a regular meeting held on the 10th day of January 2024.

President of the RTA Board of Directors

ATTEST:

Geoff Straw, Executive Director
San Luis Obispo Regional Transit Authority

APPROVED AS TO FORM AND LEGAL EFFECT:

By: _____
Jon Ansolabehere, Legal Counsel
San Luis Obispo Regional Transit Authority

Date: _____

SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY

JANUARY 10, 2024

STAFF REPORT

AGENDA ITEM: A-6

TOPIC: Low-Carbon Transit Operations Program Grant Application

PRESENTED BY: Melissa C. Mudgett, Grants and Finance Manager

STAFF RECOMMENDATION: Adopt Resolution Authorizing the RTA Executive Director to Submit a Low-Carbon Transit Operations Program Grant Application for Option 1 of up to \$436,430 to Backfill the Vehicle Local Match for Five Battery Electric Buses, or Option 2 of up to \$436,430 to Fund Routes 27 & 28 Operations

BACKGROUND/DISCUSSION:

Senate Bill (SB) 862, passed in 2014, establish the Low-Carbon Transit Operations Program (LCTOP) as a formulaic program instead of a state-level competitive program and establish LCTOP as a continuous appropriation with 5% of the annual auction proceeds from the California Air Resource Board's Cap-and-Trade Program, for LCTOP beginning in 2015. This program was created to provide operating and capital assistance for transit agencies to support new or expanded bus service and to reduce greenhouse gas (GHG) emissions and improve mobility along with other community benefits, with a priority on serving Disadvantaged Communities (DAC).

Eligible recipients of the LCTOP funds include South County Transit (operated by the RTA), the RTA, SLO Transit, Paso Express, Atascadero Dial-A-Ride and Morro Bay Transit. Eligible projects will support new or expanded bus services (up to five years) or expanded intermodal transit facilities, and may include equipment acquisition, fueling, and maintenance and other costs to operate those services or facilities, with each project reducing greenhouse gas emissions.

The amount of LCTOP available for the San Luis Obispo County regional apportionment in FY23-24 has not yet been determined by the State Controller's Office. Based on prior year allocations, it is estimated that **\$736,430** in LCTOP funds will be available for the regional programming in FY2023-24, since SLOCOG staff has indicated that \$300,000 will be reserved for a possible Fare Subsidy Program.

Applications for LCTOP project nominations are due to the San Luis Obispo Council of Governments (SLOCOG) on February 9, 2024 with the SLOCOG Board of Directors awarding LCTOP funds at its April 3, 2024 meeting.

At its December 6, 2023 meeting, the SLOCOG Board awarded the RTA \$1.778 million in new formula SB125 funds to be applied toward the funding gap of the recent five (5) Battery Electric Bus (BEB) purchase. SB125 funds are comprised of new formula TIRCP funds and Zero Emission Transit Capital Program funds over the next four years. However, following the SLOCOG Board meeting, the State announced that, as a result of the \$68 billion budget shortfall, it is considering pulling back grant funds that are not currently under grant, thus putting the recently identified SB125 funds at risk. Should the prospect of losing the SB125 funds not come to light, the RTA will need to apply for LCTOP and other funds to help backfill this \$1.778 million funding gap (Option 1). Should the SB125 funding be available as anticipated, then the RTA will apply these LCTOP funds towards Route 27 & 28 operations (Option 2).

The RTA Board will need to authorize specific projects and amounts allowing staff to apply for these LCTOP grant funds. Due to the uncertainty of the SB125 funding and the timing of when the State might provide further direction (estimated in March 2024 after applications are due to SLOCOG but before recommended awards in April 2024), the RTA is seeking the Board's authorization for two application options. The RTA intends to submit to SLOCOG two versions of the LCTOP application.

Option 1 would be to apply the LCTOP funds towards the cost of the recent five (5) BEB purchase and potential shortfall resulting from the loss of SB125 funding.

Option 2 would be to apply LCTOP funds towards the operating costs of South County Routes 27 & 28, supporting the recent route revisions that would better serve low-income passengers.

STAFF RECOMMENDATION:

Adopt resolution authorizing the RTA Executive Director to submit a LCTOP grant application for either Option 1 of up to \$436,430 to backfill the vehicle local match for five BEBs, or Option 2 of up to \$436,430 to fund the continued operations of Routes 27 & 28.

ATTACHMENT A

Resolution No. 24-_____

**A RESOLUTION OF THE SAN LUIS OBISPO REGIONAL TRANSIT
AUTHORITY BOARD OF DIRECTORS, AUTHORIZATION SUBMITTAL OF A
GRANT APPLICATION TO THE STATE OF CALIFORNIA
LOW-CARBON TRANSIT OPERATIONS PROGRAM
FY2023-24**

WHEREAS, The San Luis Obispo Regional Transit Authority, on behalf of the South County Transit Committee, is an eligible applicant for Low-Carbon Transit Operations Program funds; and,

WHEREAS, it is anticipated that a total of **\$736,430** will be available in FY2023-24 Low-Carbon Transit Operations Program funds; and

WHEREAS, the San Luis Obispo Regional Transit Authority continues to be a leading agency in sustainability efforts and has set significant goals to reduce greenhouse gas (GHG); and

WHEREAS, the San Luis Obispo Regional Transit Authority is seeking grant funding to optimize the use of local TDA funds provided by the various agencies included in the Joint Powers Agency Agreement; and

WHEREAS, the San Luis Obispo Regional Transit Authority is requesting up to **\$436,430** from the Low Carbon Transit Operations Program to support the procurement of zero-emission vehicle recharging equipment as part of the replacement of five (5) zero-emission electric buses;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the San Luis Obispo Regional Transit Authority Board of Directors authorizes the Executive Director to submit a proposal to the State of California Low-Carbon Transit Operations Program of up to **\$436,430** for local vehicle match for the replacement of five (5) zero-emission electric buses.

BE IT FURTHER RESOLVED, that the President of the Board is directed to sign this resolution to authorize the submittal of said funding requests.

BE IT FURTHER RESOLVED, that the Executive Director is hereby authorized to submit said funding requests.

Upon motion of Director _____, seconded by Director _____, and on the following roll call, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

The foregoing resolution is hereby adopted this 10th day of January, 2024.

President of the RTA Board of Directors

ATTEST:

Geoff Straw, Executive Director
San Luis Obispo Regional Transit Authority

APPROVED AS TO FORM AND LEGAL EFFECT:

By: _____
Jon Ansolabehere, Legal Counsel
San Luis Obispo Regional Transit Authority

Date: _____

ATTACHMENT B

Resolution No. 24-_____

**A RESOLUTION OF THE SAN LUIS OBISPO REGIONAL TRANSIT
AUTHORITY BOARD OF DIRECTORS, AUTHORIZATION SUBMITTAL OF A
GRANT APPLICATION TO THE STATE OF CALIFORNIA
LOW-CARBON TRANSIT OPERATIONS PROGRAM
FY2023-24**

WHEREAS, The San Luis Obispo Regional Transit Authority, on behalf of the South County Transit Committee, is an eligible applicant for Low-Carbon Transit Operations Program funds; and,

WHEREAS, it is anticipated that a total of **\$736,430** will be available in FY2023-24 Low-Carbon Transit Operations Program funds; and

WHEREAS, the San Luis Obispo Regional Transit Authority will continue to provide fixed-route transportation services, including complementary ADA paratransit service, in San Luis Obispo County; and

WHEREAS, the San Luis Obispo Regional Transit Authority is seeking grant funding to optimize the use of local TDA funds provided by the various agencies included in the Joint Powers Agency Agreement; and

WHEREAS, the San Luis Obispo Regional Transit Authority is requesting up to **\$436,430** from the Low Carbon Transit Operations Program to support the expanded bus services for Routes 27 & 28 in South County.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the San Luis Obispo Regional Transit Authority Board of Directors authorizes the Executive Director to submit a proposal to the State of California Low-Carbon Transit Operations Program of up to **\$436,430** for continued operations.

BE IT FURTHER RESOLVED, that the President of the Board is directed to sign this resolution to authorize the submittal of said funding requests.

BE IT FURTHER RESOLVED, that the Executive Director is hereby authorized to submit said funding requests.

Upon motion of Director _____, seconded by Director _____, and on the following roll call, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

The foregoing resolution is hereby adopted this 10th day of January, 2024.

President of the RTA Board of Directors

ATTEST:

Geoff Straw, Executive Director
San Luis Obispo Regional Transit Authority

APPROVED AS TO FORM AND LEGAL EFFECT:

By: _____
Jon Ansolabehere, Legal Counsel
San Luis Obispo Regional Transit Authority

Date: _____

SAN LUIS OBISPO REGIONAL TRANIST AUTHORITY

JANUARY 10, 2024

STAFF REPORT

AGENDA ITEM: A-7

TOPIC: Rural Transit Funds Grant Application

PRESENTED BY: Melissa C. Mudgett, Grants and Finance Manager

STAFF RECOMMENDATION: Adopt Resolution Authorizing the RTA Executive Director to Submit a Rural Transit Fund Grant Application for Option 1 of up to \$1,353,270 to Backfill the Local Match for Five Battery Electric Buses or Option 2 of up to \$1,313,500 to Fund the Local Match for Four (4) 40-ft. Low-Floor Heavy-Duty Diesel-Powered Buses

BACKGROUND/DISCUSSION:

In 2003, the San Luis Obispo Council of Governments and the RTA agreed to exchange Federal Transit Administration (FTA) Section 5311 funds for Transportation Development Act (TDA) funds to create the local Rural Transit Fund (RTF) Program. The RTF program includes the same eligibility of public transportation recipients and projects as the Section 5311 program, and made the access and availability of funds much easier for the rural transit operators, including the RTA. The RTF program has consistently provided much needed funding for transit capital projects and operating revenue for rural public transit operators.

After deducting administrative costs for both SLOCOG and RTA, an estimated **\$717,370** in FY2024-25 RTF program funds and **\$635,900** in FY23-24 RTF carryover funds are anticipated to be available for programming to rural transit operators. Eligible recipients of these rural formula funds include the RTA (rural portions of Routes 9, 10, 12 and 15, and Runabout), the City of Morro Bay, and San Luis Obispo County services (Nipomo Dial-A-Ride). RTF project applications are due to SLOCOG by February 9, 2024. SLOCOG will provide draft recommendations for RTF funds in March with SLOCOG Board adoption scheduled for April 3, 2024.

At its December 6, 2023 meeting, the SLOCOG Board awarded the RTA \$1.778 million in new formula SB125 funds to be applied toward the funding gap of the recent five (5) Battery Electric Bus (BEB) purchase. SB125 funds are comprised of new formula TIRCP funds and Zero Emission Transit Capital Program funds over the next four years. However, following the SLOCOG Board meeting, the State announced that, as a result of the \$68 billion budget shortfall, it is considering pulling back grant funds that are not currently under grant, thus putting the recently identified SB125 funds at risk. Should the prospect of losing the SB125 funds not come to light, the RTA will need to apply for RTF and other funds to help backfill this \$1.778 million funding gap (Option 1). Should the

SB125 funding be available as anticipated, then the RTA will apply these RTF funds towards the local match in the replacement of four (4) standard 40-ft. low-floor heavy-duty diesel-powered buses (Option 2).

The RTA Board will need to authorize specific projects and amounts allowing staff to apply for these RTF grant funds. Due to the uncertainty of the SB125 funding and the timing of when the State might provide further direction (estimated in March 2024 after applications are due to SLOCOG but before recommended awards in April 2024), the RTA is seeking the Board's authorization for two application options. The RTA intends to submit to SLOCOG two versions of the RTF application.

Option 1 would be to apply the RTF funds towards the cost of the recent five (5) BEB purchase and potential shortfall resulting from the loss of SB125 funding.

Option 2 would be to apply RTF funds towards the local match in the replacement of four (4) standard 40-ft. low floor diesel buses.

STAFF RECOMMENDATION:

Adopt Resolution Authorizing the RTA Executive Director to submit an RTF grant application for Option 1 of up to **\$1,353,270** to backfill the local match for five (5) BEBs or Option 2 of up to **\$1,313,500** to fund the local match for four (4) 40-ft. low-floor heavy-duty diesel-powered buses.

ATTACHMENT A

**SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY
RESOLUTION NO. 24-_____**

**A RESOLUTION OF THE SAN LUIS OBISPO REGIONAL TRANSIT
AUTHORITY BOARD OF DIRECTORS,
AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO THE
SAN LUIS OBISPO COUNCIL OF GOVERNMENTS
RURAL TRANSIT FUND PROGRAM FY2024-25**

WHEREAS, The San Luis Obispo Regional Transit Authority is under contract to fully administer transit services for the County of San Luis Obispo; and

WHEREAS, the San Luis Obispo Regional Transit Authority and the County of San Luis Obispo are eligible applicants for Rural Transit Program funds (RTF, formerly FTA Section 5311); and,

WHEREAS, it is anticipated that a total of **\$717,370** in FY2024-25 RTF program funds and **\$635,900** in FY2023-24 RTF carry-over funds will be available for programming to rural transit operators; and

WHEREAS, the San Luis Obispo Regional Transit Authority and the County of San Luis Obispo are in need of various materials, supplies, and equipment, all of which are eligible for purchase under the Rural Transit Fund Program Policies and Procedures; and

WHEREAS, the San Luis Obispo Regional Transit Authority and the County of San Luis Obispo will continue to provide transportation services, including complementary ADA paratransit service, in San Luis Obispo County; and

WHEREAS, the San Luis Obispo Regional Transit Authority and the County of San Luis Obispo are seeking grant funding to optimize the use of local TDA funds provided by the various agencies included in the Joint Powers Agency Agreement; and

WHEREAS, the San Luis Obispo Regional Transit Authority continues to be a leading agency in sustainability efforts and has set significant goals to reduce greenhouse gas (GHG); and

WHEREAS, the San Luis Obispo Regional Transit Authority and the County of San Luis Obispo are requesting up to **\$1,353,270** from the RTF program to fund the local funding match in the replacement of five (5) diesel-powered buses with five (5) zero-emission battery electric buses; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the San Luis Obispo Regional Transit Authority Board of Directors authorizes the Executive Director to submit a proposal to the San Luis Obispo Council of Governments for the Rural

Transit Fund Program of up to **\$1,353,270** for the required capital project local match for the in the replacement of five (5) diesel-powered buses with five (5) zero-emission battery electric buses and related charging equipment.

BE IT FURTHER RESOLVED, that the President of the Board is directed to sign this resolution to authorize the submittal of said funding requests.

BE IT FURTHER RESOLVED, that the Executive Director is hereby authorized to submit said funding requests.

Upon motion of Director _____, seconded by Director _____, and on the following roll call, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

The foregoing resolution is hereby adopted this 10th day of January 2024.

President of the RTA Board of Directors

ATTEST:

Geoff Straw, Executive Director
San Luis Obispo Regional Transit Authority

APPROVED AS TO FORM AND LEGAL EFFECT:

By: _____
Jon Ansolabehere, Legal Counsel
San Luis Obispo Regional Transit Authority

Date: _____

ATTACHMENT B

**SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY
RESOLUTION NO. 24-_____**

**A RESOLUTION OF THE SAN LUIS OBISPO REGIONAL TRANSIT
AUTHORITY BOARD OF DIRECTORS,
AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO THE
SAN LUIS OBISPO COUNCIL OF GOVERNMENTS
RURAL TRANSIT FUND PROGRAM FY2024-25**

WHEREAS, The San Luis Obispo Regional Transit Authority is under contract to fully administer transit services for the County of San Luis Obispo; and

WHEREAS, the San Luis Obispo Regional Transit Authority and the County of San Luis Obispo are eligible applicants for Rural Transit Program funds (RTF, formerly FTA Section 5311); and,

WHEREAS, it is anticipated that a total of **\$717,370** in FY2024-25 RTF program funds and **\$635,900** in FY2023-24 RTF carry-over funds will be available for programming to rural transit operators; and

WHEREAS, the San Luis Obispo Regional Transit Authority and the County of San Luis Obispo are in need of various materials, supplies, and equipment, all of which are eligible for purchase under the Rural Transit Fund Program Policies and Procedures; and

WHEREAS, the San Luis Obispo Regional Transit Authority and the County of San Luis Obispo will continue to provide transportation services, including complementary ADA paratransit service, in San Luis Obispo County; and

WHEREAS, the San Luis Obispo Regional Transit Authority and the County of San Luis Obispo are seeking grant funding to optimize the use of local TDA funds provided by the various agencies included in the Joint Powers Agency Agreement; and

WHEREAS, the San Luis Obispo Regional Transit Authority and the County of San Luis Obispo are requesting up to **\$1,313,500** from the RTF program to fund the local funding match in the replacement of four (4) 40-foot low-floor heavy-duty diesel-powered buses; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the San Luis Obispo Regional Transit Authority Board of Directors authorizes the Executive Director to submit a proposal to the San Luis Obispo Council of Governments for the Rural Transit Fund Program of up to **\$1,313,500** for the required capital project local

match for the in the replacement of four (4) 40-foot low-floor heavy-duty diesel-powered buses.

BE IT FURTHER RESOLVED, that the President of the Board is directed to sign this resolution to authorize the submittal of said funding requests.

BE IT FURTHER RESOLVED, that the Executive Director is hereby authorized to submit said funding requests.

Upon motion of Director _____, seconded by Director _____, and on the following roll call, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

The foregoing resolution is hereby adopted this 10th day of January 2024.

President of the RTA Board of Directors

ATTEST:

Geoff Straw, Executive Director
San Luis Obispo Regional Transit Authority

APPROVED AS TO FORM AND LEGAL EFFECT:

By: _____
Jon Ansolabehere, Legal Counsel
San Luis Obispo Regional Transit Authority

Date: _____

SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY

JANUARY 10, 2024

STAFF REPORT

AGENDA ITEM: A-8

TOPIC: California SB-1 State of Good Repair Grant Application

PRESENTED BY: Melissa C. Mudgett, Grants and Finance Manager

STAFF RECOMMENDATION: Adopt Resolution Authorizing the RTA Executive Director to Submit a State of Good Repair (SGR) Grant Application for Option 1 of up to \$479,899 to Backfill the Local Match for Five Battery Electric Buses or Option 2 of up to \$479,899 to Fund the Local Match for Four 40-ft. Low-Floor Heavy-Duty Diesel-Powered Buses

BACKGROUND/DISCUSSION:

Senate Bill 1 (SB-1) is a 2017 transportation measure that provides over \$50 billion through 2027 to maintain and improve California's transportation system. SB-1's State of Good Repair (SGR) program will provide approximately \$105 million annually to transit operators in California for eligible transit maintenance, rehabilitation and capital projects. The SGR is funded from Transportation Improvement Fees on vehicle registrations, as permitted under Public Utilities Code (PUC) Section 99312.1 and according to population and transit operator revenues. The SGR Program benefits the public by providing public transportation agencies with a consistent and dependable revenue source to invest in the upgrade, repair and improvement of their agency's transportation infrastructure, and in turn to improve transportation services.

As a recipient agency and pursuant to Public Utilities Code 99312.1(d)(1), the RTA reports annually on all activities completed with SGR funds to the Caltrans and includes the SGR revenues and expenditures in its annual Transportation Development Act fiscal and compliance audit. The SGR program provides capital funding for transit operators to maintain the public transit systems in a state of good repair.

The regional discretionary and operator SGR are unknown at this time as the State Controller's Office has yet to release the FY2024-25 allocation list. However, based upon previous year allocations, the San Luis Obispo Council of Governments (SLOCOG) anticipates **\$479,899** in SGR regional discretionary funding will be available for programming in FY2024-25. Applications for SGR funding are due to SLOCOG by February 9, 2024. SLOCOG will provide draft recommendations for SGR funds in March with SLOCOG Board adoption scheduled for April 3, 2024.

At its December 6, 2023 meeting, the SLOCOG Board awarded the RTA \$1.778 million in new formula SB125 funds to be applied toward the funding gap of the recent five (5) Battery Electric Bus (BEB) purchase. SB125 funds are comprised of new formula TIRCP funds and Zero Emission Transit Capital Program funds over the next four years. However, following the SLOCOG Board meeting, the State announced that, as a result of the \$68 billion budget shortfall, it is considering pulling back grant funds that are not currently under grant, thus putting the recently identified SB125 funds at risk. Should the prospect of losing the SB125 funds not come to light, the RTA will need to apply for SGR and other funds to help backfill this \$1.778 million funding gap (Option 1). Should the SB125 funding be available as anticipated, then the RTA will apply these SGR funds towards the local match in the replacement of four (4) standard 40-ft. low-floor heavy-duty diesel-powered buses (Option 2).

The RTA Board will need to authorize specific projects and amounts allowing staff to apply for these SGR grant funds. Due to the uncertainty of the SB125 funding and the timing of when the State might provide further direction (estimated in March 2024 after applications are due to SLOCOG but before recommended awards in April 2024), the RTA is seeking the Board's authorization for two application options. The RTA intends to submit to SLOCOG two versions of the SGR application.

Option 1 would be to apply the SGR funds towards the cost of the recent five (5) BEB purchase and potential shortfall resulting from the loss of SB125 funding.

Option 2 would be to apply SGR funds towards the local match in the replacement of four (4) standard 40-ft. low floor diesel buses.

STAFF RECOMMENDATION:

Adopt Resolution Authorizing the RTA Executive Director to submit an SGR grant application for Option 1 of up to **\$479,899** to backfill the local match for five BEBs or Option 2 of up to **\$479,899** to fund the Local Match for four 40-ft. low-floor heavy-duty diesel-powered buses.

Attachment A

**San Luis Obispo Regional Transit Authority
Resolution No. 24-_____**

**AUTHORIZATION FOR THE SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY
(RTA) PROJECT LIST FOR THE CALIFORNIA STATE OF GOOD REPAIR (SGR)
FY2024-25 PROGRAM**

WHEREAS, The San Luis Obispo Regional Transit Authority, hereinafter referred to as the RTA, is an eligible recipient of SGR funds in the San Luis Obispo region; and

WHEREAS, it is anticipated that **\$479,899** in SGR regional discretionary funding will be available for programs in FY2024-25; and

WHEREAS, the RTA is an eligible project sponsor and may receive State Transit Assistance funding from the State of Good Repair (SGR) Account now or sometime in the future for transit projects; and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

WHEREAS, Senate Bill 1 (2017) named the Department of Transportation (Department) as the administrative agency for the SGR; and

WHEREAS, the Department has developed guidelines for the purpose of administering and distributing SGR funds to eligible project sponsors; and

WHEREAS, the Department requires eligible SGR recipient agencies to submit an annual list of proposed SGR projects; and

WHEREAS, the RTA continues to be a leading agency in sustainability efforts and has set significant goals to reduce greenhouse gas (GHG); and

WHEREAS, the RTA is requesting up to **\$479,899** from the SGR program to fund the procurement of zero-emission vehicle recharging equipment as part of the replacement of five (5) zero-emission electric buses; and

NOW, THEREFORE, BE IT RESOLVED that the RTA acting as the recipient, does hereby authorize the RTA's FY 2024-25 SGR Project List to include the Zero-Emission Electric Bus Replacement and Recharging Equipment Project.

On a motion by Delegate_____, seconded by Delegate _____, and on the following roll call vote, to wit: the foregoing resolution is hereby adopted this 10th day of January 2024.

AYES:

NOES:

ABSENT:

ABSTAINING:

The foregoing resolution is hereby adopted this 10th day of January 2024.

President of the RTA Board of Directors

ATTEST:

Geoff Straw, Executive Director
San Luis Obispo Regional Transit Authority

APPROVED AS TO FORM AND LEGAL EFFECT:

By: _____
Jon Ansolabehere, Counsel
San Luis Obispo Regional Transit Authority

Date: _____

Attachment B

**San Luis Obispo Regional Transit Authority
Resolution No. 24-_____**

**AUTHORIZATION FOR THE SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY
(RTA) PROJECT LIST FOR THE CALIFORNIA STATE OF GOOD REPAIR (SGR)
FY2024-25 PROGRAM**

WHEREAS, The San Luis Obispo Regional Transit Authority, hereinafter referred to as the RTA, is an eligible recipient of SGR funds in the San Luis Obispo region; and

WHEREAS, it is anticipated that **\$479,899** in SGR regional discretionary funding will be available for programs in FY2024-25; and

WHEREAS, the RTA is an eligible project sponsor and may receive State Transit Assistance funding from the State of Good Repair (SGR) Account now or sometime in the future for transit projects; and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

WHEREAS, Senate Bill 1 (2017) named the Department of Transportation (Department) as the administrative agency for the SGR; and

WHEREAS, the Department has developed guidelines for the purpose of administering and distributing SGR funds to eligible project sponsors; and

WHEREAS, the Department requires eligible SGR recipient agencies to submit an annual list of proposed SGR projects; and

WHEREAS, the RTA is requesting up to **\$479,899** from the SGR program to fund the procurement for the replacement of four (4) 40-ft. low floor heavy duty diesel buses; and

NOW, THEREFORE, BE IT RESOLVED that the RTA acting as the recipient, does hereby authorize the RTA's FY 2024-25 SGR Project List to include the 40-ft. Low-Floor Heavy-Duty Diesel-Powered Bus Replacement Project.

On a motion by Delegate_____, seconded by Delegate _____, and on the following roll call vote, to wit: the foregoing resolution is hereby adopted this 10th day of January 2024.

AYES:

NOES:

ABSENT:

ABSTAINING:

The foregoing resolution is hereby adopted this 10th day of January 2024.

President of the RTA Board of Directors

ATTEST:

Geoff Straw, Executive Director
San Luis Obispo Regional Transit Authority

APPROVED AS TO FORM AND LEGAL EFFECT:

By: _____
Jon Ansolabehere, Counsel
San Luis Obispo Regional Transit Authority

Date: _____

SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY

JANUARY 10, 2024

STAFF REPORT

AGENDA ITEM: A-9

TOPIC: FTA Certifications and Assurances

PRESENTED BY: Melissa Mudgett, Grants and Financial Manager

STAFF RECOMMENDATION: Authorize the Executive Director and RTA Legal Counsel to Execute and Submit the Federal Fiscal Year 2024 Certifications and Assurances

BACKGROUND/DISCUSSION:

Each year, the California Department of Transportation (Caltrans) and the San Luis Obispo Regional Transit Authority (RTA) must recertify to the Federal Transit Administration (FTA) that all applicable Federal requirements are adhered to when administering Federal grants. To this end, Caltrans and the RTA obtain certification from sub-recipient agencies that they too will comply with applicable Federal requirements.

The RTA is required to execute and submit the attached Federal Fiscal Year 2024 Certifications and Assurances documentation to the appropriate agencies to remain an eligible grantee and sub-recipient of FTA funds. The RTA fulfills this requirement annually and ensures that these Federal requirements are followed.

STAFF RECOMMENDATION

Staff recommends the Board authorize the Executive Director and RTA Counsel to execute and submit the Federal Fiscal Year 2024 Certifications and Assurances and authorizations to the appropriate agencies on behalf of the RTA.

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January 10, 2024

U.S. Department of Transportation
Federal Transit Administration, TRO-9
Attention: Mr. Ray Tellis, Regional Administrator
90 Seventh Street, Suite 15-300
San Francisco, CA 94103-6701

Re: **FFY 2024 LEGAL COUNSEL AUTHORIZATION TO PIN IN TRAMS**

Dear Mr. Tellis:

I, Jon Ansolabehere, serving as the Legal Counsel for the San Luis Obispo Regional Transit Authority (RTA), authorize Melissa Mudgett (Grants and Finance Manager) and Tania Arnold (Deputy Director/Chief Financial Officer) to PIN Certification and Assurances on my behalf for the RTA as it relates to the administering Federal Transit Administration (FTA) Sections 5307, 5339, 5311 and CMAQ in the TrAMS system.

I have reviewed the FFY2024 Certifications and Assurances submitted by the grantee and apprised the grantee of the FTA's regulatory requirements as described in the Certifications and Assurances.

Please do not hesitate to contact me if you have any further questions.

Sincerely,

Jon Ansolabehere, RTA Legal Counsel



253 Elks Lane
San Luis Obispo, CA 93401
(805) 541-2228 Fax (805) 781-1291
www.slorta.org

January 10, 2024

Federal Transit Administration (FTA)
Mr. Ray Tellis, Regional Administrator
90 Seventh Street, Suite 15-300
San Francisco, CA 94103-6701

Re: RTA EXECUTIVE AUTHORIZATION TO PIN IN TRAMS FFY24

Dear Mr. Tellis:

I, Geoff Straw, serving as the Executive Director for San Luis Obispo Regional Transit Authority (RTA), authorize Melissa Mudgett (Grants & Finance Manager) and Tania Arnold (Deputy Director/Chief Financial Officer) to pin the Federal Fiscal Year 2023 Certification and Assurances on my behalf for the RTA as it relates to the administering Federal Transit Administration (FTA) Sections 5307, 5339, 5311 and CMAQ in the TrAMS system.

I have reviewed the FFY 2024 Certifications and Assurances submitted by the grantee and apprised the grantee of FTA's regulatory requirements as described in the Certifications and Assurances.

Please do not hesitate to contact me if you have any further questions.

Sincerely,

Geoff Straw
RTA Executive Director



253 Elks Lane
San Luis Obispo, CA 93401-5410
(805) 541-2228 Fax (805) 781-1291
www.slorta.org

January 10, 2024

U.S. Department of Transportation
Federal Transit Administration, TRO-9
Attention: Mr. Ray Tellis, Regional Administrator
90 Seventh Street, Suite 15-300
San Francisco, CA 94103-6701

FFY 2024 JUSTIFICATION FOR THE DELEGATION OF AUTHORIZATION TO PIN IN TRAMS

Dear Mr. Tellis:

On January 10, 2024 the Board representing the San Luis Obispo Regional Transit Authority (RTA) authorized the Legal Counsel and the RTA Official to delegate the authority to PIN in TrAMS to the Deputy Director/Chief Financial Officer and the Grants and Finance Manager for the RTA.

The RTA is a small joint-powers authority that provides transit services throughout the county. As a small agency, the RTA contracts with the county of San Luis Obispo for outside legal attorney services. A financial burden of additional legal fees would be incurred by having the attorney set up to PIN in TrAMS. Additionally, the Deputy Director/Chief Financial Officer serves as the RTA Official in his absence and is the primary executive staff responsible for financial matters relating to the RTA.

The RTA respectfully requests the Federal Transportation Administration consider this information and accept this statement and the Board Authorization as valid justification for the delegation of authority to PIN in TrAMS.

Regards,

Geoff Straw,
Executive Director

FORM OF
OPINION OF COUNSEL

January 10, 2024

Geoff Straw, Executive Director
San Luis Obispo Regional Transit Authority
253 Elks Lane
San Luis Obispo, CA 93401

RE: Opinion of Counsel - Federal Transit Administration grant applications

Dear Mr. Straw:

As you know, the undersigned below is an attorney at law admitted to practice in the state of California and is legal counsel to San Luis Obispo Regional Transit Authority (the "Applicant"). This communication will serve as the requisite opinion of counsel to be filed with the Federal Transit Administration (FTA), United States Department of Transportation, in connection with the application of the Applicant for Federal transportation assistance authorized by Chapter 53 of title 49, United States Code and other Federal statutes authorizing activities administered by the Federal Transit Administration.

1. The Applicant is authorized by the San Luis Obispo Regional Transit Authority Joint Powers Agreement to own, operate and administer a county-wide public transportation system within the boundaries of the seven incorporated cities and unincorporated County of San Luis Obispo with the concurrence of the metropolitan planning organization (San Luis Obispo Council of Governments).
2. The authority of the Applicant to provide funds for the non-Federal share of Federal assistance for eligible transportation-related activities is set forth in Article IV, Section 1 of the San Luis Obispo Regional Transit Authority Joint Powers Agreement dated April 16, 2013.
3. I have reviewed the pertinent Federal, State, and local laws, and I have concluded that there is no legal impediment to your filing an application for Federal financial assistance for eligible transportation activities. Furthermore, as a result of my examination, I find that there is currently no pending or threatened litigation or other action which might in any way adversely affect the capability of the Applicant to carry out transportation-related activities.
4. The Applicant has received authority from the Designated Recipient (California State Department of Transportation) to apply for and receive Urbanized Area Formula Program assistance authorized by 49 U.S.C. 5307, 5339, 5311, CMAQ and any FTA discretionary funding.

5. The Applicant is hereby advised to seek and file with FTA a new Opinion of Counsel if there is a material change in circumstances affecting the matters contained herein and upon which this Opinion of Counsel is based.

Very truly yours,

Jon Ansolabehere

By: Jon Ansolabehere
RTA Legal Counsel

Not every provision of every certification will apply to every applicant or award. If a provision of a certification does not apply to the applicant or its award, FTA will not enforce that provision. Refer to FTA's accompanying Instructions document for more information.

Text in italics is guidance to the public. It does not have the force and effect of law, and is not meant to bind the public in any way. It is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

CATEGORY 1. CERTIFICATIONS AND ASSURANCES REQUIRED OF EVERY APPLICANT.

All applicants must make the certifications in this category.

1.1. Standard Assurances.

The certifications in this subcategory appear as part of the applicant's registration or annual registration renewal in the System for Award Management (SAM.gov) and on the Office of Management and Budget's standard form 424B "Assurances—Non-Construction Programs". This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
- (b) Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- (c) Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- (d) Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- (e) Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).

- (f) Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:
- (1) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin, as effectuated by U.S. DOT regulation 49 CFR Part 21;
 - (2) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex, as effectuated by U.S. DOT regulation 49 CFR Part 25;
 - (3) Section 5332 of the Federal Transit Law (49 U.S.C. § 5332), which prohibits any person being excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance from FTA because of race, color, religion, national origin, sex, disability, or age.
 - (4) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps, as effectuated by U.S. DOT regulation 49 CFR Part 27;
 - (5) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age;
 - (6) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
 - (7) The comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - (8) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - (9) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing;
 - (10) Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and,
 - (11) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- (g) Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (“Uniform Act”) (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases. The requirements of the Uniform Act are effectuated by U.S. DOT regulation 49 CFR Part 24.

- (h) Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- (i) Will comply, as applicable, with the provisions of the Davis–Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.
- (j) Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- (k) Will comply with environmental standards which may be prescribed pursuant to the following:
 - (1) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
 - (2) Notification of violating facilities pursuant to EO 11738;
 - (3) Protection of wetlands pursuant to EO 11990;
 - (4) Evaluation of flood hazards in floodplains in accordance with EO 11988;
 - (5) Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
 - (6) Conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.);
 - (7) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and
 - (8) Protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93–205).
- (l) Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- (m) Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et seq.).
- (n) Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- (o) Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§ 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded

- animals held for research, teaching, or other activities supported by this award of assistance.
- (p) Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
 - (q) Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 CFR Part 200, Subpart F, “Audit Requirements”, as adopted and implemented by U.S. DOT at 2 CFR Part 1201.
 - (r) Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing the program under which it is applying for assistance.
 - (s) Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a sub-recipient from:
 - (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect;
 - (2) Procuring a commercial sex act during the period of time that the award is in effect; or
 - (3) Using forced labor in the performance of the award or subawards under the award.

1.2. Standard Assurances: Additional Assurances for Construction Projects.

This certification appears on the Office of Management and Budget’s standard form 424D “Assurances—Construction Programs” and applies specifically to federally assisted projects for construction. This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency; will record the Federal awarding agency directives; and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
- (b) Will comply with the requirements of the assistance awarding agency with regard to the drafting, review, and approval of construction plans and specifications.
- (c) Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work confirms with the approved plans and specifications, and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

1.3. Procurement.

The Uniform Administrative Requirements, 2 CFR § 200.324, allow a recipient to self-certify that its procurement system complies with Federal requirements, in lieu of submitting to certain pre-procurement reviews.

The applicant certifies that its procurement system complies with:

- (a) U.S. DOT regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 1201, which incorporates by reference U.S. OMB regulatory guidance, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 200, particularly 2 CFR §§ 200.317–200.326 “Procurement Standards;
- (b) Federal laws, regulations, and requirements applicable to FTA procurements; and
- (c) The latest edition of FTA Circular 4220.1 and other applicable Federal guidance.

1.4. Suspension and Debarment.

Pursuant to Executive Order 12549, as implemented at 2 CFR Parts 180 and 1200, prior to entering into a covered transaction with an applicant, FTA must determine whether the applicant is excluded from participating in covered non-procurement transactions. For this purpose, FTA is authorized to collect a certification from each applicant regarding the applicant’s exclusion status. 2 CFR § 180.300. Additionally, each applicant must disclose any information required by 2 CFR § 180.335 about the applicant and the applicant’s principals prior to entering into an award agreement with FTA. This certification serves both purposes.

The applicant certifies, to the best of its knowledge and belief, that the applicant and each of its principals:

- (a) Is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily or involuntarily excluded from covered transactions by any Federal department or agency;
- (b) Has not, within the preceding three years, been convicted of or had a civil judgment rendered against him or her for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction; violation of Federal or State antitrust statutes, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; or commission of any other offense indicating a lack of business integrity or business honesty;

- (c) Is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any offense described in paragraph (b) of this certification;
- (d) Has not, within the preceding three years, had one or more public transactions (Federal, State, or local) terminated for cause or default.

1.5. Coronavirus Response and Relief Supplemental Appropriations Act, 2021, and CARES Act Funding.

The applicant certifies that, to the maximum extent possible, and consistent with the Consolidated Appropriations Act, 2021 (Public Law 116–260):

- (a) Funds made available under title IV of division M of the Consolidated Appropriations Act, 2021 (Public Law 116–260), and in title XII of division B of the CARES Act (Public Law 116–136; 134 Stat. 599) shall be directed to payroll and operations of public transit (including payroll and expenses of private providers of public transportation); or
- (b) The applicant certifies that the applicant has not furloughed any employees.

CATEGORY 2. PUBLIC TRANSPORTATION AGENCY SAFETY PLANS

This certification is required of each applicant under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), each rail operator that is subject to FTA’s state safety oversight programs, and each State that is required to draft and certify a public transportation agency safety plan on behalf of a small public transportation provider pursuant to 49 CFR § 673.11(d). This certification is required by 49 CFR § 673.13.

This certification does not apply to any applicant that receives financial assistance from FTA exclusively under the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310), the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or combination of these two programs.

If the applicant is an operator, the applicant certifies that it has established a public transportation agency safety plan meeting the requirements of 49 CFR Part 673.

If the applicant is a State, the applicant certifies that:

- (a) It has drafted a public transportation agency safety plan for each small public transportation provider within the State, unless the small public transportation provider provided notification to the State that it was opting-out of the State-drafted plan and drafting its own public transportation agency safety plan; and
- (b) Each small public transportation provider within the state has a public transportation agency safety plan that has been approved by the provider’s Accountable Executive

(as that term is defined at 49 CFR § 673.5) and Board of Directors or Equivalent Authority (as that term is defined at 49 CFR § 673.5).

CATEGORY 3. TAX LIABILITY AND FELONY CONVICTIONS.

If the applicant is a business association (regardless of for-profit, not for-profit, or tax exempt status), it must make this certification. Federal appropriations acts since at least 2014 have prohibited FTA from using funds to enter into an agreement with any corporation that has unpaid Federal tax liabilities or recent felony convictions without first considering the corporation for debarment. E.g., Consolidated Appropriations Act, 2021, Pub. L. 116-260, div. E, title VII, §§ 744–745. U.S. DOT Order 4200.6 defines a “corporation” as “any private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association”, and applies the restriction to all tiers of subawards. As prescribed by U.S. DOT Order 4200.6, FTA requires each business association applicant to certify as to its tax and felony status.

If the applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, the applicant certifies that:

- (a) It has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and
- (b) It has not been convicted of a felony criminal violation under any Federal law within the preceding 24 months.

CATEGORY 4. LOBBYING.

If the applicant will apply for a grant or cooperative agreement exceeding \$100,000, or a loan, line of credit, loan guarantee, or loan insurance exceeding \$150,000, it must make the following certification and, if applicable, make a disclosure regarding the applicant’s lobbying activities. This certification is required by 49 CFR § 20.110 and app. A to that part.

This certification does not apply to an applicant that is an Indian Tribe, Indian organization, or an Indian tribal organization exempt from the requirements of 49 CFR Part 20.

4.1. Certification for Contracts, Grants, Loans, and Cooperative Agreements.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (a) 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.
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to 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 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.
 - (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients 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 section 1352, title 31, U.S. Code. 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.

4.2. Statement for Loan Guarantees and Loan Insurance.

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to 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 this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

CATEGORY 5. PRIVATE SECTOR PROTECTIONS.

If the applicant will apply for funds that it will use to acquire or operate public transportation facilities or equipment, the applicant must make the following certification regarding protections for the private sector.

5.1. Charter Service Agreement.

To enforce the provisions of 49 U.S.C. § 5323(d), FTA's charter service regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following Charter Service Agreement. 49 CFR § 604.4.

The applicant agrees that it, and each of its subrecipients, and third party contractors at any level who use FTA-funded vehicles, may provide charter service using equipment or facilities acquired with Federal assistance authorized under the Federal Transit Laws only in compliance with the regulations set out in 49 CFR Part 604, the terms and conditions of which are incorporated herein by reference.

5.2. School Bus Agreement.

To enforce the provisions of 49 U.S.C. § 5323(f), FTA's school bus regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following agreement regarding the provision of school bus services. 49 CFR § 605.15.

- (a) If the applicant is not authorized by the FTA Administrator under 49 CFR § 605.11 to engage in school bus operations, the applicant agrees and certifies as follows:
 - (1) The applicant and any operator of project equipment agrees that it will not engage in school bus operations in competition with private school bus operators.
 - (2) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Mass Transit Regulations, or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
- (b) If the applicant is authorized or obtains authorization from the FTA Administrator to engage in school bus operations under 49 CFR § 605.11, the applicant agrees as follows:
 - (1) The applicant agrees that neither it nor any operator of project equipment will engage in school bus operations in competition with private school bus operators except as provided herein.
 - (2) The applicant, or any operator of project equipment, agrees to promptly notify the FTA Administrator of any changes in its operations which might jeopardize the continuation of an exemption under § 605.11.
 - (3) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Transit Administration regulations or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
 - (4) The applicant agrees that the project facilities and equipment shall be used for the provision of mass transportation services within its urban area and that any other

use of project facilities and equipment will be incidental to and shall not interfere with the use of such facilities and equipment in mass transportation service to the public.

CATEGORY 6. TRANSIT ASSET MANAGEMENT PLAN.

If the applicant owns, operates, or manages capital assets used to provide public transportation, the following certification is required by 49 U.S.C. § 5326(a).

The applicant certifies that it is in compliance with 49 CFR Part 625.

CATEGORY 7. ROLLING STOCK BUY AMERICA REVIEWS AND BUS TESTING.

7.1. Rolling Stock Buy America Reviews.

If the applicant will apply for an award to acquire rolling stock for use in revenue service, it must make this certification. This certification is required by 49 CFR § 663.7.

The applicant certifies that it will conduct or cause to be conducted the pre-award and post-delivery audits prescribed by 49 CFR Part 663 and will maintain on file the certifications required by Subparts B, C, and D of 49 CFR Part 663.

7.2. Bus Testing.

If the applicant will apply for funds for the purchase or lease of any new bus model, or any bus model with a major change in configuration or components, the applicant must make this certification. This certification is required by 49 CFR § 665.7.

The applicant certifies that the bus was tested at the Bus Testing Facility and that the bus received a passing test score as required by 49 CFR Part 665. The applicant has received or will receive the appropriate full Bus Testing Report and any applicable partial testing reports before final acceptance of the first vehicle.

CATEGORY 8. URBANIZED AREA FORMULA GRANTS PROGRAM.

If the applicant will apply for an award under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), or any other program or award that is subject to the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310); “flex funds” from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)); projects that will receive an award authorized by the Transportation Infrastructure Finance and Innovation Act (“TIFIA”) (23 U.S.C. §§ 601–609) or State Infrastructure Bank Program (23 U.S.C. § 610) (see 49 U.S.C. § 5323(o)); formula awards or competitive awards to urbanized areas under the Grants for

Buses and Bus Facilities Program (49 U.S.C. § 5339(a) and (b)); or low or no emission awards to any area under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(c)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5307(c)(1).

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out the program of projects (developed pursuant 49 U.S.C. § 5307(b)), including safety and security aspects of the program;
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities;
- (c) Will maintain equipment and facilities in accordance with the applicant's transit asset management plan;
- (d) Will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a project financed under this section, a fare that is not more than 50 percent of the peak hour fare will be charged for any—
 - (1) Senior;
 - (2) Individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design; and
 - (3) Individual presenting a Medicare card issued to that individual under title II or XVIII of the Social Security Act (42 U.S.C. §§ 401 et seq., and 1395 et seq.);
- (e) In carrying out a procurement under 49 U.S.C. § 5307, will comply with 49 U.S.C. §§ 5323 (general provisions) and 5325 (contract requirements);
- (f) Has complied with 49 U.S.C. § 5307(b) (program of projects requirements);
- (g) Has available and will provide the required amounts as provided by 49 U.S.C. § 5307(d) (cost sharing);
- (h) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning);
- (i) Has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation;
- (j) Either—
 - (1) Will expend for each fiscal year for public transportation security projects, including increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation system, at least

- 1 percent of the amount the recipient receives for each fiscal year under 49 U.S.C. § 5336; or
- (2) Has decided that the expenditure for security projects is not necessary;
- (k) In the case of an applicant for an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census, will submit an annual report listing projects carried out in the preceding fiscal year under 49 U.S.C. § 5307 for associated transit improvements as defined in 49 U.S.C. § 5302; and
- (l) Will comply with 49 U.S.C. § 5329(d) (public transportation agency safety plan).

CATEGORY 9. FORMULA GRANTS FOR RURAL AREAS.

If the applicant will apply for funds made available to it under the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), it must make this certification. Paragraph (a) of this certification helps FTA make the determinations required by 49 U.S.C. § 5310(b)(2)(C). Paragraph (b) of this certification is required by 49 U.S.C. § 5311(f)(2). Paragraph (c) of this certification, which applies to funds apportioned for the Appalachian Development Public Transportation Assistance Program, is necessary to enforce the conditions of 49 U.S.C. § 5311(c)(2)(D).

- (a) The applicant certifies that its State program for public transportation service projects, including agreements with private providers for public transportation service—
 - (1) Provides a fair distribution of amounts in the State, including Indian reservations; and
 - (2) Provides the maximum feasible coordination of public transportation service assisted under 49 U.S.C. § 5311 with transportation service assisted by other Federal sources; and
- (b) If the applicant will in any fiscal year expend less than 15% of the total amount made available to it under 49 U.S.C. § 5311 to carry out a program to develop and support intercity bus transportation, the applicant certifies that it has consulted with affected intercity bus service providers, and the intercity bus service needs of the State are being met adequately.
- (c) If the applicant will use for a highway project amounts that cannot be used for operating expenses authorized under 49 U.S.C. § 5311(c)(2) (Appalachian Development Public Transportation Assistance Program), the applicant certifies that—
 - (1) It has approved the use in writing only after providing appropriate notice and an opportunity for comment and appeal to affected public transportation providers; and
 - (2) It has determined that otherwise eligible local transit needs are being addressed.

**CATEGORY 10. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS AND THE
EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS
PILOT PROGRAM.**

If the applicant will apply for an award under any subsection of the Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), including an award made pursuant to the FAST Act's Expedited Project Delivery for Capital Investment Grants Pilot Program (Pub. L. 114-94, div. A, title III, § 3005(b)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5309(c)(2) and Pub. L. 114-94, div. A, title III, § 3005(b)(3)(B).

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award,
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
- (c) Will maintain equipment and facilities acquired or improved under its Award in accordance with its transit asset management plan; and
- (d) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning).

**CATEGORY 11. GRANTS FOR BUSES AND BUS FACILITIES AND LOW OR NO
EMISSION VEHICLE DEPLOYMENT GRANT PROGRAMS.**

If the applicant is in an urbanized area and will apply for an award under subsection (a) (formula grants) or subsection (b) (competitive grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(a)(3) and (b)(6), respectively.

If the applicant is in a rural area and will apply for an award under subsection (a) (formula grants) or subsection (b) (competitive grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 9 for Formula Grants for Rural Areas (49 U.S.C. § 5311). This certification is required by 49 U.S.C. § 5339(a)(3) and (b)(6), respectively.

If the applicant, regardless of whether it is in an urbanized or rural area, will apply for an award under subsection (c) (low or no emission vehicle grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(c)(3).

Making this certification will incorporate by reference the applicable certifications in Category 8 or Category 9.

CATEGORY 12. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAMS.

If the applicant will apply for an award under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program (49 U.S.C. § 5310), it must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5310(e)(1). Making this certification will incorporate by reference the certification in Category 8, except that FTA has determined that (d), (f), (i), (j), and (k) of Category 8 do not apply to awards made under 49 U.S.C. § 5310 and will not be enforced.

In addition to the certification in Category 8, the applicant must make the following certification that is specific to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program. This certification is required by 49 U.S.C. § 5310(e)(2).

The applicant certifies that:

- (a) The projects selected by the applicant are included in a locally developed, coordinated public transit-human services transportation plan;
- (b) The plan described in clause (a) was developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers, and other members of the public;
- (c) To the maximum extent feasible, the services funded under 49 U.S.C. § 5310 will be coordinated with transportation services assisted by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services; and
- (d) If the applicant will allocate funds received under 49 U.S.C. § 5310 to subrecipients, it will do so on a fair and equitable basis.

CATEGORY 13. STATE OF GOOD REPAIR GRANTS.

If the applicant will apply for an award under FTA's State of Good Repair Grants Program (49 U.S.C. § 5337), it must make the following certification. Because FTA generally does not review the transit asset management plans of public transportation providers, this certification is necessary to enforce the provisions of 49 U.S.C. § 5337(a)(4).

The applicant certifies that the projects it will carry out using assistance authorized by the State of Good Repair Grants Program, 49 U.S.C. § 5337, are aligned with the applicant's most recent

transit asset management plan and are identified in the investment and prioritization section of such plan, consistent with the requirements of 49 CFR Part 625.

CATEGORY 14. INFRASTRUCTURE FINANCE PROGRAMS.

If the applicant will apply for an award for a project that will include assistance under the Transportation Infrastructure Finance and Innovation Act (“TIFIA”) Program (23 U.S.C. §§ 601–609) or the State Infrastructure Banks (“SIB”) Program (23 U.S.C. § 610), it must make the certifications in Category 8 for the Urbanized Area Formula Grants Program, Category 10 for the Fixed Guideway Capital Investment Grants program, and Category 13 for the State of Good Repair Grants program. These certifications are required by 49 U.S.C. § 5323(o).

Making this certification will incorporate the certifications in Categories 8, 10, and 13 by reference.

CATEGORY 15. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

If the applicant will apply for an award under FTA’s Urbanized Area Formula Grants Program (49 U.S.C. § 5307), Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339) programs, the applicant must make the following certification. The applicant must make this certification on its own behalf and on behalf of its subrecipients and contractors. This certification is required by 49 CFR § 655.83.

The applicant certifies that it, its subrecipients, and its contractors are compliant with FTA’s regulation for the Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, 49 CFR Part 655.

CATEGORY 16. RAIL SAFETY TRAINING AND OVERSIGHT.

If the applicant is a State with at least one rail fixed guideway system, or is a State Safety Oversight Agency, or operates a rail fixed guideway system, it must make the following certification. The elements of this certification are required by 49 CFR §§ 659.43, 672.31, and 674.39.

The applicant certifies that the rail fixed guideway public transportation system and the State Safety Oversight Agency for the State are:

- (a) Compliant with the requirements of 49 CFR Part 659, “Rail Fixed Guideway Systems; State Safety Oversight”;
- (b) Compliant with the requirements of 49 CFR Part 672, “Public Transportation Safety Certification Training Program”; and
- (c) Compliant with the requirements of 49 CFR Part 674, “State Safety Oversight”.

CATEGORY 17. DEMAND RESPONSIVE SERVICE.

If the applicant operates demand responsive service and will apply for an award to purchase a non-rail vehicle that is not accessible within the meaning of 49 CFR Part 37, it must make the following certification. This certification is required by 49 CFR § 37.77.

The applicant certifies that the service it provides to individuals with disabilities is equivalent to that provided to other persons. A demand responsive system, when viewed in its entirety, is deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

- (a) Response time;
- (b) Fares;
- (c) Geographic area of service;
- (d) Hours and days of service;
- (e) Restrictions or priorities based on trip purpose;
- (f) Availability of information and reservation capability; and
- (g) Any constraints on capacity or service availability.

CATEGORY 18. INTEREST AND FINANCING COSTS.

If the applicant will pay for interest or other financing costs of a project using assistance awarded under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), the Fixed Guideway Capital Investment Grants Program (49 U.S.C. § 5309), or any program that must comply with the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310), “flex funds” from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)), or awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the following certification. This certification is required by 49 U.S.C. §§ 5307(e)(3) and 5309(k)(2)(D).

The applicant certifies that:

- (a) Its application includes the cost of interest earned and payable on bonds issued by the applicant only to the extent proceeds of the bonds were or will be expended in carrying out the project identified in its application; and
- (b) The applicant has shown or will show reasonable diligence in seeking the most favorable financing terms available to the project at the time of borrowing.

CATEGORY 19. CONSTRUCTION HIRING PREFERENCES.

If the applicant will ask FTA to approve the use of geographic, economic, or any other hiring preference not otherwise authorized by law on any contract or construction project to be assisted with an award from FTA, it must make the following certification. This certification is required by the Consolidated Appropriations Act, 2021, Pub. L. 116-260, div. L, title I, § 199(b).

The applicant certifies the following:

- (a) That except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the contract requires resides in the jurisdiction;
- (b) That the grant recipient will include appropriate provisions in its bid document ensuring that the contractor does not displace any of its existing employees in order to satisfy such hiring preference; and
- (c) That any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

CATEGORY 20. CYBERSECURITY CERTIFICATION FOR RAIL ROLLING STOCK AND OPERATIONS.

If the applicant operates a rail fixed guideway public transportation system, it must make this certification. This certification is required by 49 U.S.C. § 5323(v), a new subsection added by the National Defense Authorization Act for Fiscal Year 2020, Pub. L. 116-92, § 7613 (Dec. 20, 2019). For information about standards or practices that may apply to a rail fixed guideway public transportation system, visit <https://www.nist.gov/cyberframework> and <https://www.cisa.gov/>.

The applicant certifies that it has established a process to develop, maintain, and execute a written plan for identifying and reducing cybersecurity risks that complies with the requirements of 49 U.S.C. § 5323(v)(2).

CATEGORY 21. PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS FORMULA AND DISCRETIONARY PROGRAM (TRIBAL TRANSIT PROGRAMS).

Before FTA may provide Federal assistance for an Award financed under either the Public Transportation on Indian Reservations Formula or Discretionary Program authorized under 49 U.S.C. § 5311(c)(1), as amended by the FAST Act, (Tribal Transit Programs), the applicant must select the Certifications in Category 21, except as FTA determines otherwise in writing.

Tribal Transit Program applicants may certify to this Category and Category 1 (Certifications and Assurances Required of Every Applicant) and need not make any other certification, to meet Tribal Transit Program certification requirements. If an applicant will apply for any program in addition to the Tribal Transit Program, additional certifications may be required.

FTA has established terms and conditions for Tribal Transit Program grants financed with Federal assistance appropriated or made available under 49 U.S.C. § 5311(c)(1). The applicant certifies that:

- (a) It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
- (b) It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
- (c) It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, “Transit Asset Management,” 49 CFR Part 625. Its Award will achieve maximum feasible coordination with transportation service financed by other federal sources.
- (d) With respect to its procurement system:
 - (1) It will have a procurement system that complies with U.S. DOT regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 1201, which incorporates by reference U.S. OMB regulatory guidance, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 200, for Awards made on or after December 26, 2014,
 - (2) It will have a procurement system that complies with U.S. DOT regulations, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,” 49 CFR Part 18, specifically former 49 CFR § 18.36, for Awards made before December 26, 2014, or
 - (3) It will inform FTA promptly if its procurement system does not comply with either of those U.S. DOT regulations.
- (e) It will comply with the Certifications, Assurances, and Agreements in:
 - (1) Category 05.1 and 05.2 (Charter Service Agreement and School Bus Agreement),
 - (2) Category 06 (Transit Asset Management Plan),
 - (3) Category 07.1 and 07.2 (Rolling Stock Buy America Reviews and Bus Testing),
 - (4) Category 09 (Formula Grants for Rural Areas),
 - (5) Category 15 (Alcohol and Controlled Substances Testing), and
 - (6) Category 17 (Demand Responsive Service).

**FEDERAL FISCAL YEAR 2024 CERTIFICATIONS AND ASSURANCES FOR FTA
ASSISTANCE PROGRAMS**

(Signature pages alternate to providing Certifications and Assurances in TrAMS.)

Name of Applicant: SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY

The Applicant certifies to the applicable provisions of categories 01–21. X

Or,

The Applicant certifies to the applicable provisions of the categories it has selected:

Category	Certification
01 Certifications and Assurances Required of Every Applicant	_____
02 Public Transportation Agency Safety Plans	_____
03 Tax Liability and Felony Convictions	_____
04 Lobbying	_____
05 Private Sector Protections	_____
06 Transit Asset Management Plan	_____
07 Rolling Stock Buy America Reviews and Bus Testing	_____
08 Urbanized Area Formula Grants Program	_____
09 Formula Grants for Rural Areas	_____
10 Fixed Guideway Capital Investment Grants and the Expedited Project Delivery for Capital Investment Grants Pilot Program	_____
11 Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs	_____

- | | | |
|----|-------------------------------------------------------------------------|-------|
| 12 | Enhanced Mobility of Seniors and Individuals with Disabilities Programs | _____ |
| 13 | State of Good Repair Grants | _____ |
| 14 | Infrastructure Finance Programs | _____ |
| 15 | Alcohol and Controlled Substances Testing | _____ |
| 16 | Rail Safety Training and Oversight | _____ |
| 17 | Demand Responsive Service | _____ |
| 18 | Interest and Financing Costs | _____ |
| 19 | Cybersecurity Certification for Rail Rolling Stock and Operations | _____ |
| 20 | Tribal Transit Programs | _____ |
| 21 | Emergency Relief Program | _____ |

CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE
AFFIRMATION OF APPLICANT

Name of the Applicant: SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all federal laws, regulations, and requirements, follow applicable federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in the federal fiscal year, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

The Certifications and Assurances the Applicant selects apply to each Award for which it now seeks, or may later seek federal assistance to be awarded by FTA during the federal fiscal year.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. § 3801 et seq., and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. § 1001 apply to any certification, assurance, or submission made in connection with a federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute

Certifications and Assurances

Fiscal Year 2024

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature: _____ Date: _____

Name: GEOFF STRAW Authorized Representative of Applicant
EXECUTIVE DIRECTOR

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY

As the undersigned Attorney for the above-named Applicant, I hereby affirm to the Applicant that it has authority under state, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA assisted Award.

Signature: _____ Date: _____

Name: JON ANSOLABEHERE Attorney for Applicant
COUNTY COUNSEL & LEGAL COUNSEL FOR RTA

Each Applicant for federal assistance to be awarded by FTA must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney's signature within TrAMS, provided the Applicant has on file and uploaded to TrAMS this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.

SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY

JANUARY 10, 2024

STAFF REPORT

AGENDA ITEM: A-10

TOPIC: Amendment to Bulk Oils and Lubricants Agreement

PRESENTED BY: Geoff Straw, Executive Director

STAFF RECOMMENDATION: Authorize Executive Director to Amend the Bulk Oils and Lubricants Agreement for Industry Standard Price Adjustments at a Cost Not-to-Exceed \$161,937.

BACKGROUND/DISCUSSION:

At its September 1, 2021 meeting, the RTA Board of Directors authorized the RTA Executive Director to solicit proposals from qualified firms to provide bulk oil & lubricant services. At its November 3, 2021 meeting, the RTA Board of Directors authorized the RTA Executive Director to award the contract to JB Dewar of San Luis Obispo to provide to the RTA bulk oils, grease, coolant and other vehicle lubricants for the engines, transmissions, and hydraulic systems used in both our revenue and non-revenue vehicles.

On March 8, 2022, the RTA was informed of an industry wide general price increase from 15% to up to 25% on all lubricating oils and greases, effective March 28, 2022. This increase included the rising cost of materials and freight increase for package and bulk truck orders. On May 11, 2022, the RTA Executive Director approved an amendment to the agreement to account for the temporary surcharge of \$10,000 annually for the original three-year term of the agreement (Amendment No. 1). The surcharge was set to terminate at the end of the three-year term.

In October 2023, the industry once again announced a general price increase in the U.S. market of all lubricating oils and greases up to 15% due to the increasing costs of raw materials impacting the manufacturing of bulk oils and lubricant products. On November 28, 2023, the RTA's contracted provider of Bulk Oils and Lubricants (JB Dewar), notified the RTA that the industry-wide price movement will be effective beginning in January 2024.

The Bulk Oils and Lubricant agreement is currently in its third year. During the duration of the contract, JB Dewar has provided prompt service and remains committed to providing the RTA with the overall best value possible. Some of the services JB Dewar had provided include:

- Consistent visits by JB Dewar representatives to check oil tanks to avoid runouts
- Providing pertinent industry information as product trends evolve

- Bringing factory representatives to the RTA to discuss new and current products
- Provide accurate timely billing and response to billing questions
- Provide technical / mechanical assistance as needed.

The industry-wide general price increases are a result of the U.S. market for lubricating oils and grease products and are outside the control of the vendor. Staff remains satisfied with the level of service and product provided by the vendor. Therefore, staff recommends approving the recommended price adjustment and applying the price increase to the remainder of Year 3 (January 1, 2024 – June 30, 2024). Staff further recommends exercising the optional 4th year (FY25) and 5th year (FY26) of the Agreement with JB Dewar with a projected Consumer Price Index (CPI) increase of 13% and 10% respectively. To account for the continued increase in the costs of raw materials, staff is recommending an amendment to the original Agreement at a total cost not-to-exceed \$161,937 (Amendment No. 2). The proposed amendment is within budgeted amounts and no additional funding is needed as part of this action.

	Agreement	Recommended	Difference	% CPI Change
Year 3 – FY24	\$ 52,831	\$ 62,341	\$ 9,510	15%
Year 4 – FY25	\$ 0	\$ 72,024	\$ 72,024	13%
Year 5 – FY26	\$ 0	\$ 80,403	\$ 80,403	10%
Recommended Price Adjustment			\$161,937	

STAFF RECOMMENDATION

Authorize Executive Director to amend the Bulk Oils and Lubricants Agreement with JB Dewar for the remaining term of the five-year agreement at a Cost Not-to-Exceed \$161,937.

AMENDMENT NO. 2 TO BULK OILS AND LUBRICANTS AGREEMENT

SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY (RTA) AGREEMENT TO PROVIDE BULK OILS AND LUBRICANTS SERVICES

This Amendment No. 2 to Bulk Oils and Lubricants Agreement ("Amendment No. 2") is made this ____ day of _____, 2024 (the "Effective Date"), by and between the San Luis Obispo Regional Transit Authority ("RTA") and J.B. Dewar, Inc., a _____ Corporation ("Contractor").

WHEREAS, on November 3, 2021, RTA and Contractor entered into a "Bulk Oils and Lubricants Agreement 2021-02-M" (the "Original Agreement") wherein Contractor agreed to provide bulk oils, grease, coolant and other vehicle lubricants to RTA's Bus Maintenance Facility ("BMF") for engines, transmission and hydraulic systems used in RTA's revenue and non-revenue vehicles pursuant to a Request for Proposals dated September 3, 2021;

WHEREAS, the Original Agreement has a term of three years with two one-year time extensions for a total of five years;

WHEREAS, the Original Agreement included fixed unit pricing based on an estimated quantity per year for the entire five-year term. The fixed unit pricing included a consumer price index increase of 2% each year;

WHEREAS, due to circumstances beyond Contractor's reasonable control, including acts of war and unprecedented supply chain disruptions, the price of fuel and oil has substantially increased impacting Contractor's ability to provide bulk oils, grease, coolant and other vehicle lubricants pursuant to the terms of the Original Agreement;

WHEREAS, RTA finds that these circumstances are not unique to Contractor and that similar impacts are being felt in the industry nationwide;

WHEREAS, on May 11, 2022, the RTA and Contractor executed an Amendment No. 1 to the Original Agreement ("Amendment No. 1") wherein the RTA agreed to pay a temporary surcharge do account for nationwide price increases in oil, grease and coolant with an overall not to exceed amount of \$10,000 annually;

WHEREAS, the RTA finds that it is in the best interests of RTA to continue to agree to the industry standard price adjustment to account for the unprecedented rise in the price of fuel and oil.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, RTA and Contractor agree as follows:

1. Recitals. The above recitals are true and correct and incorporated herein by this reference.
2. Amendment to Amendment No. 1. Section 12 of the Original Agreement as amended by Amendment No. 1 is hereby amended as follows:

12. COMPENSATION

The CONTRACTOR shall perform all the services described in Section 2 in an amount not to exceed \$129,328.00, as set forth in Exhibit A. Said amount shall

include all labor, materials, taxes, profit, overhead, insurance, delivery costs, subcontractor costs, and other costs and expenses incurred by the CONTRACTOR.

Notwithstanding anything herein the contrary, as of the Effective Date, RTA agrees to pay a temporary surcharge from 15% to up to 23% the industry price adjustment from 10% to up to 15% per unit of oil, grease and coolant set forth in Table C of Contractor's proposal (the "Surcharge Price Adjustment") for the remaining term of Year 3, Year 4 and Year 5 of the Agreement with an overall not-to-exceed amount of \$10,000,161,937.00 annually for the outstanding Agreement term. The Surcharge Price Adjustment shall be reviewed annually for positive or negative adjustments and mutually agreed upon by RTA and Contractor. The Surcharge Price Adjustment shall terminate upon termination of the initial three-year five-year term of the Original Agreement or when the average price of Brent crude oil normalizes and is within 5% the Original Agreement estimated prices per unit.

3. Original Agreement. Except as amended in this Amendment No. 2, all terms and conditions in the Original Agreement and Amendment No. 1 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 2 by their duly authorized officers as of the Effective Date.

RTA:
SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY
By: Geoff Straw

CONTRACTOR:
J.B. DEWAR, INC.
By: Bryan Cook

Signature: _____
Title: RTA Executive Director

Signature: _____
Title: Business Development Specialist

By: Tania Arnold

ATTEST: _____
Title: Deputy Director / CFO

By: Anthony Kalvans

Signature: _____
Secretary for RTA

APPROVED AS TO FORM:
By: Jon Ansolabehere

Signature: _____
County Counsel/Attorney for RTA

**SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY
JANUARY 10, 2024
STAFF REPORT**

AGENDA ITEM: A-11

TOPIC: FTA Section 5307 Santa Maria Urbanized Area Grant Application

PRESENTED BY: Melissa C. Mudgett, Grants and Financial Manager

STAFF RECOMMENDATION: Adopt Resolution Authorizing Executive Director to Submit Application to SBCAG for FTA Section 5307 Small Urbanized Area Funding in the Amount of \$852,640 for the Continued Existing Local Service of RTA Route 10 Operations for Fiscal Years 2024/25, 2025/26 and 2026/27

BACKGROUND/DISCUSSION:

Each year the Federal Transit Administration (FTA) distributes FTA Section 5307 transit operating and capital assistance funds to urbanized areas. The funds are apportioned on the basis of population and population density. The California Department of Transportation (Caltrans) is the federally designated recipient of FTA 5307 funding for small urbanized areas in California.

On December 14, 2023, the Santa Barbara County Associations of Governments (SBCAG), as the Metropolitan Planning Organization (MPO) for Santa Barbara County, authorized the FTA Section 5307 program call for projects for the Lompoc and Santa Maria Urbanized Areas for the three-year cycle Fiscal Years 2024/25, 2025/26 and 2026/27. The FTA Section 5307 Small Urbanized Area Transit funding identified in the Santa Maria Urbanized Area call for projects is based on Federal Fiscal Year 2023 Apportionments and excludes Small Transit Intensive Cities (STIC) Apportionments, which is depicted in the table below.

Urbanized Area	FY 24/25	FY 25/26	FY 26/27	Totals
Santa Maria	\$4,248,541	\$4,248,541	\$4,148,541	\$12,745,623

To be eligible for funding consideration, all projects requesting FTA Section 5307 funds must submit screening information demonstrating the project need. The call for projects will **close on February 15, 2024**. As a Designated Grantee of FTA funds, Santa Maria Area Rapid Transit (SMART), will score the funding applications received based upon the below criteria for FTA Section 5307 projects.

Project Category*	Points
1) Operating or Capital Subsidy for Existing Local Service	45
<i>a) Serves continuing local transit needs of urbanized area residents</i>	15
<i>b) Effective and cost-efficient use of public funds</i>	15
<i>c) Consistent with required Federal, state and local planning documents</i>	15
2) Operating or Capital Subsidy for Expanded Local Service	30
<i>a) Expands local transit needs of urbanized area residents</i>	10
<i>b) Effective and cost-efficient use of public funds</i>	10
<i>c) Consistent with required Federal, state and local planning documents</i>	10
3) Operating or Capital Subsidy for Existing Regional Transit Service	15
<i>a) Serves continuing regional transit needs of urbanized area residents</i>	5
<i>b) Alleviates peak-period congestion</i>	5
<i>b) Effective and cost-efficient use of public funds</i>	2.5
<i>c) Consistent with existing local transit service</i>	2.5
4) Operating or Capital Subsidy for Expanded Regional Transit Service	10
<i>a) Expands regional transit options for urbanized area</i>	3
<i>b) Reduces peak-period congestion</i>	3
<i>b) Effective and cost-efficient use of public funds</i>	2
<i>c) Integrated with existing local transit & regional transit service</i>	2
Total (Maximum Points Sections 1-4)	100

*Projects may score in more than one category

Following the application review and scoring period, SMART will submit to SBCAG a funding recommendation for the Santa Maria Urbanized Area by March 2024. After projects have been reviewed and scored, SBCAG staff will present projects recommended for funding at its June 2024 SBCAG Board meeting.

Route 10 Fixed-Route Operations

Staff intends to submit an application in the amount of \$852,640 for the continued existing local service of Route 10, based on ridership from the city of San Luis Obispo into Santa Maria, for approximately 16% of fully-allocated Route 10 operating costs.

FY 24/25		FY 25/26		FY 26/27		TOTAL APPLICATION
Amount	% Rte 10 Operating Costs	Amount	% Rte 10 Operating Costs	Amount	% Rte 10 Operating Costs	
\$270,440	16%	\$284,000	16%	\$298,200	16%	\$852,640

The Route 10 fixed-route service is integral to connectivity for customers who transfer to other regional services and RTA routes serving the Central Coast. Route 10 customers include commuters working in Santa Maria, San Luis Obispo, the Five Cities Area, at Cal Poly, at Cuesta College or going to school at one of the campuses or trade schools in the region. Intermodal connections with South County Transit in the Five Cities Area,

the Amtrak Station in San Luis Obispo and the principal passenger facilities in San Luis Obispo and Santa Maria offer convenient transfer opportunities for customers. The RTA's Route 10 remains a critical link for the region's residents who rely on intercity service as their connection to employment, school, medical and recreation in the region. The RTA also provides ADA Paratransit service (Runabout) that operates along the Route 10 corridor and to the City of Santa Maria. It is important to note, that these paratransit services directly benefit the communities of Santa Maria. While these paratransit services provided by the RTA are also eligible for funding from the Santa Maria Urbanized Area, the RTA is not seeking reimbursement for ADA Paratransit services in its FY24/25 – FY26/27 application.

STAFF RECOMMENDATION

Authorize the Executive Director to submit an application to SBCAG for FTA Section 5307 Small Urbanized Area funding in the amount of \$852,640 for the continued existing local service of RTA Route 10 for fiscal years 2024/25, 2025/26 and 2026/27.

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SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY

JANUARY 10, 2024

STAFF REPORT

AGENDA ITEM: A-12

TOPIC: San Luis Obispo AHSC Grant Application Support Letter

PRESENTED BY: Geoff Straw, Executive Director

STAFF RECOMMENDATION: Authorize Executive Director to Submit Support Letter

BACKGROUND/DISCUSSION:

The Housing Authority of the City of San Luis Obispo (HASLO) is contemplating submittal of an application to the California Department of Housing and Community Development (HCD) for an Affordable Housing and Sustainable Communities (AHSC) program grant. This project would be located along the Monterey Street corridor, which is served by the RTA's Route 9 fixed-route service. For the past several weeks, RTA staff has been meeting virtually with the City of San Luis Obispo and other interested parties to support an application that might include transit enhancements in the project's vicinity.

The AHSC program is administered by the Strategic Growth Council and implemented by the HCD to fund land-use, housing, transportation, and land preservation projects to support infill and compact development that reduce greenhouse gas ("GHG") emissions. Funding for the AHSC Program is provided from the Greenhouse Gas Reduction Fund (GGRF), an account established to receive Cap-and-Trade auction proceeds. The project might include transit enhancements such as the purchase of additional battery-electric buses and related recharging infrastructure, implementation of GPS-based transit signal priority, and possible additional operating funds to re-establish RTA Route 14, which was suspended in 2020 due to pandemic-related reductions in demand for service to the Cuesta College campus.

The attached draft letter merely commits the RTA to work in earnest with HASLO and the City of San Luis Obispo to secure any agreements necessary to facilitate deployment of the grant funds, implementation of Route 14 services, and purchase of new vehicles and related infrastructure described in the event the project is successful in an AHSC grant award.

STAFF RECOMMENDATION

Authorize the Executive Director to finalize and submit the AHSC agreement letter to AHSC officials.



179 Cross Street, Suite A
San Luis Obispo, CA 93401
(805) 781-4472 Fax (805) 781-1291
www.slorta.org

January 10, 2024

Derek Johnson
City Manager, City of San Luis Obispo
1000 Spring Street
Paso Robles, CA 93446

RE: **City of San Luis Obispo AHSC Application**

Dear Mr. Johnson:

The San Luis Obispo Regional Transit Authority understands that the Housing Authority of the City of San Luis Obispo (HASLO) and the City of San Luis Obispo are applying for grant funding through the State's Affordable Housing and Sustainable Communities (AHSC) program. Included within the application is a request for funding additional intercity fixed-route services to be provided by, and two new Battery-Electric Buses and related infrastructure to be provided to, the RTA. Under the AHSC grant proposal, neither the RTA nor any of its member jurisdictions are required to provide local funding commitments.

Should the application for AHSC funding be successful, the RTA agrees to work in earnest with HASLO and the City of San Luis Obispo to secure any agreements necessary to facilitate deployment of the grant funds, implementation of additional services, and purchase of new vehicles and related infrastructure described in the application.

Sincerely,

Geoff Straw
Executive Director

The Regional Transit Authority is a Joint Powers Agency serving residents and visitors of:

Arroyo Grande Atascadero Grover Beach Morro Bay Paso Robles Pismo Beach San Luis Obispo and The County of San Luis Obispo

A-12-2

**SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY
JANUARY 10, 2024
STAFF REPORT**

AGENDA ITEM: B-1

TOPIC: Executive Director's Report

PRESENTED BY: Geoff Straw, Executive Director

STAFF RECOMMENDATION: Receive and File

BACKGROUND/DISCUSSION:

Bus Operator Will James Retires after 19 Years of Safe Driving

RTA Bus Operator Will James retired in November 2023 after 19 years driving in the Five Cities Area. He achieved an outstanding safety milestone – he was *never* involved in a preventable vehicle collision during his 19-year tenure. This equates to approximately 500,000 miles of driving without a crash. Please join me in recognizing this incredible feat and in wishing Mr. James a long and healthy retirement.

Update on Joint Short-Range Transit Plan Study:

Staff continues to work closely with the consultant team, as well as our partners at SLO Transit and SLOCOG, to conduct the Joint SRTP study. We expect to receive a summary of the passenger survey findings by year-end. As noted at the prior Board meeting, we will post all Working Papers and other study products on the RTA and SLO Transit websites. Once receive the survey results, I will forward a summary to Board members and your relevant jurisdiction staff members. As a reminder, I expect the consultant team to present the Draft Report to the RTA Board in Fall 2024.

Operations & Maintenance:

As of late December, the RTA currently has five open Bus Operator bids due to an ongoing but improving shortage of drivers. Since the RTA Board's meeting in November, two Bus Operators (Wendi S. and Jean W.) completed training and entered revenue service. However, one other candidate failed to make satisfactory progress during the training process and is no longer with our agency. One more candidate is nearing the end of his training period (Luis V.) and he will likely enter revenue service in mid-January. Four more candidates are in the permitting or background phases.

Please join me in welcoming new Administrative Assistant / Board Clerk Anthony Kalvans to the RTA team. Anthony began working with us in mid-December, and he has a proven track record working at a public entity. In addition, he formerly served as a member of the SLCOOG Citizens Transportation Advisory Committee.

Finally, below is a picture of the operations supervisor/management group – these folks help support the Bus Operators in keeping the wheels turning every day.



Marketing & Communications:

Since we last reported at the RTA Board meeting in November, our recent marketing initiatives include:

- Updated and published our Special Needs Ride Guide, which is a brochure we provide to all Runabout applicants to guide them toward less-costly transportation options in our region.
- Restarted the Bus Operator recruitment campaign , which features actual RTA Bus Operators in the photos (see sample at right). Ran it earlier in the year and had really good response, so we are hopeful it will help us recruit good candidates again.
- Developed and distributed new Holiday Schedule marketing materials. Ran a Saturday Schedule during the Thanksgiving week and the week of Christmas.
- Currently developing the RTA Winter newsletter. Will distribute a digital copy to all Board members when it is completed.



- Welcomed Stephanie Frausto (recently-hired Facilities Assistant Manager) to the Bus Stop Improvement Plan team. Recent achievements include the repair of damaged lighting in 18 North County bus shelters. More to come.
- Bus stop marketing material repairs and updates: ongoing, including the purchase of new Transit Tracker signage in North County that have become sun-damaged since initially posted in 2017.
- Planning marketing materials and a ribbon-cutting event once the two new battery-electric buses arrive in late-March/early-April.

Finance and Administration:

Our unaudited year-end operating and financial results for the first five months of FY23-24 (~42% of the fiscal year) are presented in the tables and graphs beginning on page B-1-5. A summary narrative of this year-to-date information is as follows:

- RTA core fixed-route annual ridership totaled 191,161, which is an increase of 6.7% over last year (179,142) but still 36.6% lower than the pre-pandemic total of 301,439. We still have a lot of catching-up to do. Interestingly, the Paso Express ridership is actually up 6.5% in comparison to pre-pandemic levels (50,820 vs. 47,702), while South County Transit ridership has almost caught up to pre-pandemic levels (82,115 vs. 84,889). These results are in line with the experience of many intercity fixed-route operators across the world, where the ridership of local fixed-route operators has essentially recovered while longer/intercity routes continue to lag behind.
- Runabout ridership totaled 11,319 over the past five months, which is an 9.3% increase compared to the first five months of FY22-23 (10,358). The pre-pandemic total was 17,918.
- Trends over the past five years for ridership and productivity, which is defined as the average number of passenger-boardings per service hour. The graphs beginning on page B-1-7 illustrate the significant pandemic-related drop in ridership beginning in March 2020, ridership recovery beginning in January 2021, and sustaining through the end of November 2023.
- In terms of year-to-date financial results, staff worked hard to keep operating and capital costs within budget in light of the recovering ridership and other financial challenges. Some important takeaways include:
 - In terms of overall non-capital expenses, we expended slightly below budget – 37% through the 42% of the budget year.
 - Not surprisingly, the farebox recovery ratio for core fixed-route services continues to suffer due to lower ridership compared to pre-pandemic

periods at only 9.7%, which is slightly higher than the FY22-23 result (8.7%). Runabout's ratio remains low at 3.0%, but is higher than the FY22-23 result (2.6%). The results will remain below our standards until such time that recent high inflation abates and/or ridership recovers.

- The YTD subsidy per passenger-trip on core fixed-route services is slightly lower in comparison to last year (\$13.91 for the first five months in FY23-24 vs. \$14.71 in FY22-23), despite the increasing cost of items/services. The Runabout subsidy per passenger-trip remains high (\$126.84 vs. \$119.68).

STAFF RECOMMENDATION

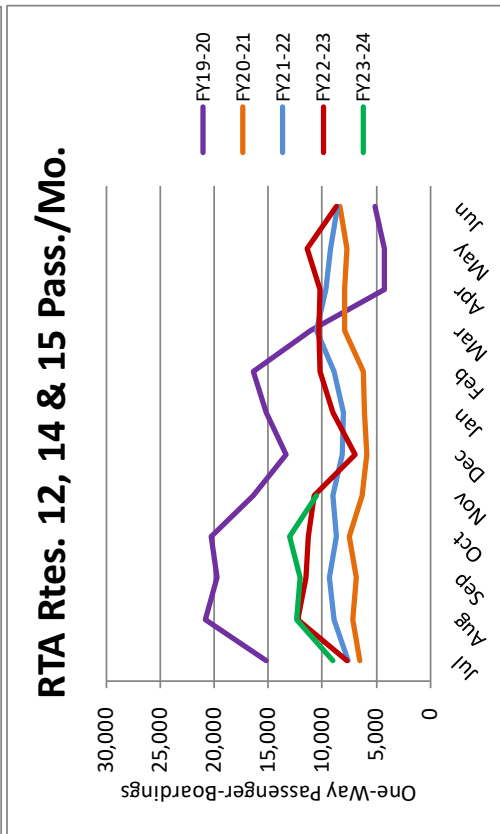
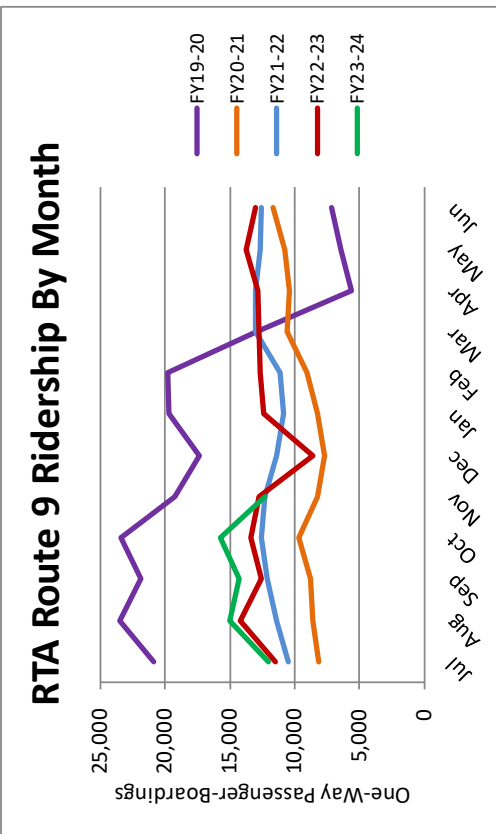
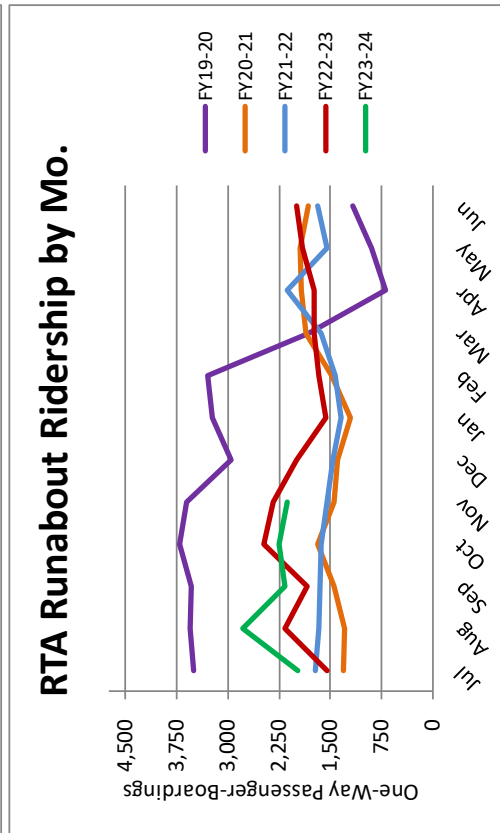
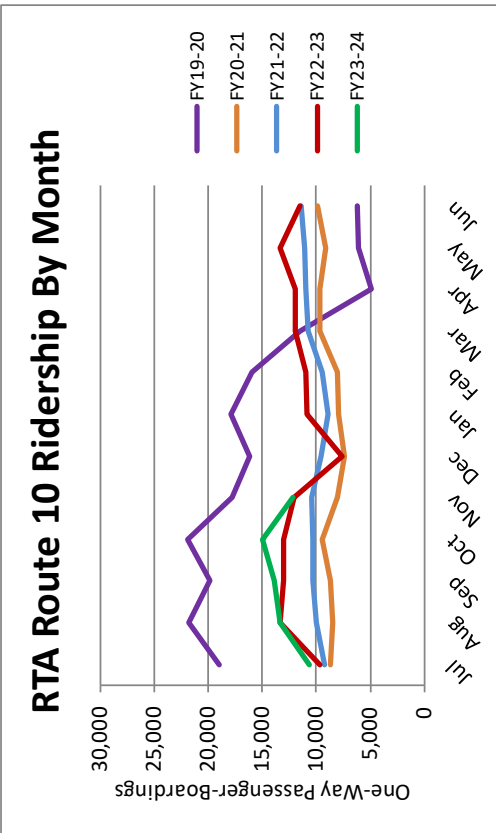
Accept this as an information item.

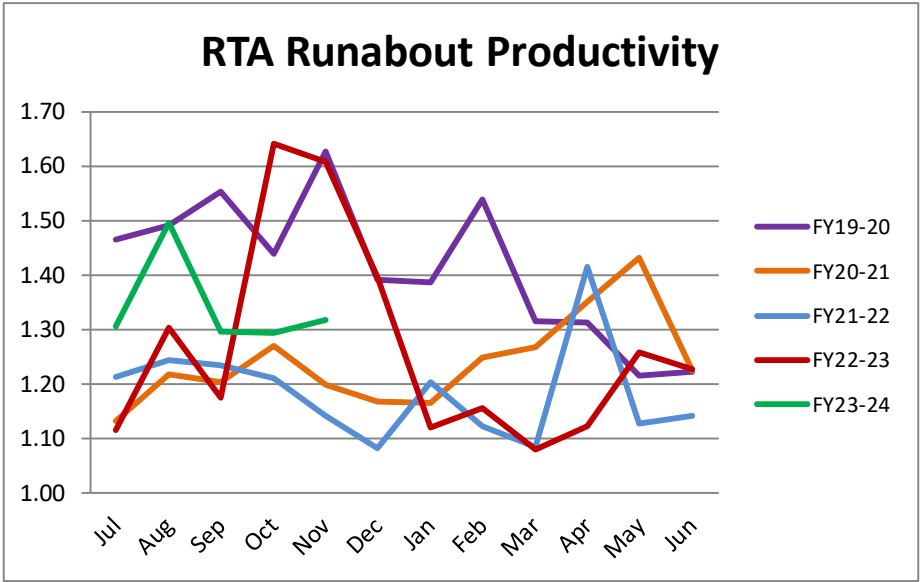
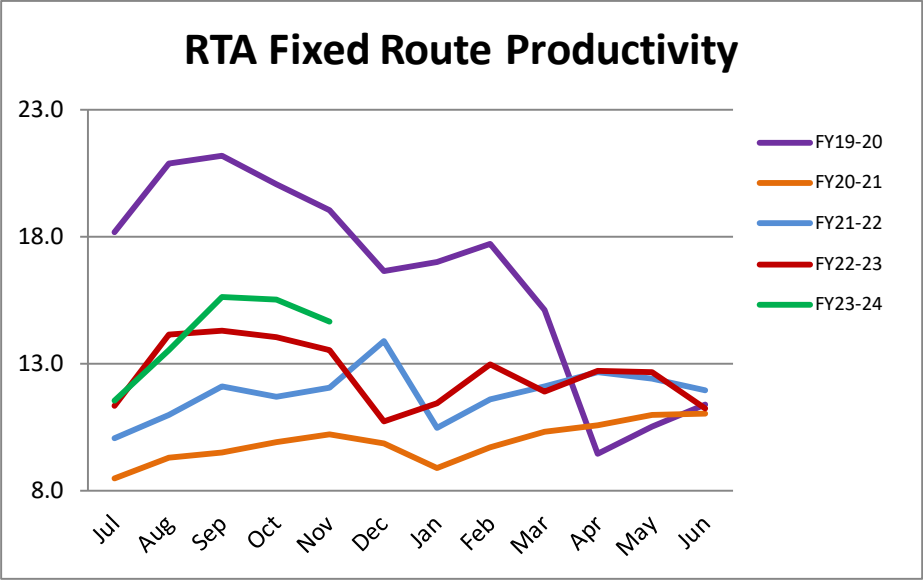
SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY
YEAR TO DATE THRU NOVEMBER 30, 2023
CURRENT FISCAL YEAR - 2023/2024

	RT 9 P.R., TEMP., ATAS., S.M., CAL POLY, S.L.O.	RT 10 S.M., NIPOMO, A.G., S.L.O.	RT 12 MORRO BAY, CUESTA, SAN LUIS	RT 14 CUESTA, SAN LUIS TRIPPER	RT 15 SAN SIM., CAMBRIA, CAYUCOS, M.B.	TOTAL RTA CORE SERVICES	RUNABOUT	SERVICES PROVIDED FOR THE CITY OF PASO ROBLES	SERVICES PROVIDED FOR SOUTH COUNTY TRANSIT	SERVICES PROVIDED FOR THE COUNTY OF SLO	SYSTEM TOTAL
REVENUES:											
FARES	\$ 104,736	\$ 108,396	\$ 62,284	\$ 286	\$ 9,068	\$ 284,770	\$ 45,032	\$ 60,773	\$ 45,165	\$ 8,652	\$ 444,392
TOTAL ROUTE REVENUES	\$ 104,736	\$ 108,396	\$ 62,284	\$ 286	\$ 9,068	\$ 284,770	\$ 45,032	\$ 60,773	\$ 45,165	\$ 8,652	\$ 444,392
EXPENDITURES:											
ADMINISTRATION	\$ 186,589	\$ 159,403	\$ 107,324	\$ 1,446	\$ 47,620	\$ 502,382	\$ 304,296	\$ 22,951	\$ 55,567	\$ 45,367	\$ 930,563
MARKETING	10,719	9,111	6,210	92	2,680	28,812	-	-	-	-	28,812
OPERATIONS/CONTINGENCY	659,773	575,474	383,965	4,997	171,297	1,795,506	1,013,514	328,313	697,891	197,356	4,032,581
FUEL	143,315	143,870	85,591	1,095	45,255	419,126	90,571	33,093	90,234	17,790	650,813
INSURANCE	67,779	68,047	40,533	511	21,439	198,309	72,304	18,715	47,050	8,750	345,128
TOTAL EXPENDITURES	\$ 1,068,175	\$ 955,904	\$ 623,624	\$ 8,140	\$ 288,292	\$ 2,944,135	\$ 1,480,685	\$ 403,073	\$ 890,742	\$ 269,263	\$ 5,987,898
FAREBOX RATIO	9.8%	11.3%	10.0%	3.5%	3.1%	9.7%	3.0%	15.1%	5.1%	3.2%	7.4%
SERVICE MILES	129,133.7	129,646.9	77,118.2	990.9	40,660.6	377,550.2	137,283.0	35,633.8	89,416.8	16,846.0	656,729.8
SERVICE HOURS	5,033.5	4,280.7	2,913.1	39.1	1,255.8	13,522.1	8,411.7	2,779.0	5,791.0	1,722.0	32,225.8
RIDERSHIP (Automatic Counters)	69,308	64,834	51,037	741	5,241	191,161	11,319	51,732	82,118	6,353	342,683
RIDERS PER MILE	0.54	0.50	0.66	0.75	0.13	0.51	0.08	1.45	0.92	0.38	0.52
RIDERS PER HOUR	13.8	15.1	17.5	18.9	4.2	14.1	1.3	18.6	14.2	3.7	10.6
COST PER PASSENGER	\$ 15.41	\$ 14.74	\$ 12.22	\$ 10.98	\$ 55.01	\$ 15.40	\$ 130.81	\$ 7.79	\$ 10.85	\$ 42.38	\$ 17.47
SUBSIDY PER PASSENGER	\$ 13.90	\$ 13.07	\$ 11.00	\$ 10.60	\$ 53.28	\$ 13.91	\$ 126.84	\$ 6.62	\$ 10.30	\$ 41.02	\$ 16.18

RTA Budget vs. Actual Expenses

		Adopted Budget FY 2023-24	Year to Date FY 2023-24	Percent of Total Budget FY 2023-24
	Hours	83,260	30,504	36.6%
	Miles	1,776,120	639,884	36.0%
Administration:				
Labor	operations cost	1,260,560	474,237	37.6%
Labor - Administration Workers Comp	operations cost	45,630	19,074	41.8%
Office Space Rental	operations cost	58,030	22,864	39.4%
Property Insurance	operations cost	239,060	183,625	76.8%
Professional Technical Services	operations cost	247,410	70,134	28.3%
Professional Development	operations cost	91,450	22,686	24.8%
Operating Expense	operations cost	398,380	150,392	37.8%
Marketing and Reproduction	hourly	148,920	28,812	19.3%
North County Management Contract	operations cost	(55,770)	(23,238)	41.7%
County Management Contract	operations cost	(114,950)	(47,896)	41.7%
SCT Management Contract	operations cost	(133,360)	(55,567)	41.7%
Total Administration		2,185,360	845,123	38.7%
Service Delivery:				
Labor - Operations	hourly	7,545,070	2,681,651	35.5%
Labor - Operations Workers Comp	hourly	346,030	144,647	41.8%
Labor - Maintenance	hourly	1,809,490	658,832	36.4%
Labor - Maintenance Workers Comp	hourly	94,750	39,607	41.8%
Fuel	miles	1,651,890	650,802	39.4%
Insurance	miles	855,850	345,139	40.3%
Special Transportation (for SLOCAT and Paso)	n/a	33,740	12,352	36.6%
Maintenance (parts, supplies, materials)	miles	1,029,610	354,420	34.4%
Maintenance Contract Costs	miles	167,990	79,117	47.1%
Total Operations		13,534,420	4,966,568	36.7%
Capital/Studies:				
Computer System Maintenance/Upgrades		180,750	5,107	2.8%
Miscellaneous Capital				
Maintenance Equipment		46,500	9,567	20.6%
Vehicle ITS/Camera System		138,000		
Bus Stop Improvements		467,480	11,745	2.5%
Large Capital Repairs		869,800	-	0.0%
Vehicles				
Support Vehicles		256,070	104,824	40.9%
Fixed Route Vehicles		3,130,460	323,189	10.3%
Trolley Vehicles		293,200	-	0.0%
Cutaway and Dial A Ride Vehicles		177,280	-	0.0%
Runabout Vehicles		834,500	-	0.0%
Total Capital Outlay		6,394,040	454,433	7.1%
Contingency	hourly	187,680	-	0.0%
PERS Buyout		178,310	74,295	41.7%
Loan Repayments		472,140	52,944	11.2%
Short Range Transit Plan		250,000	3,043	1.2%
Management Contracts		304,080	126,700	41.7%
TOTAL FUNDING USES		23,506,030	6,523,105	27.8%
TOTAL NON-CAPITAL EXPENDITURES		16,389,850	6,065,630	37.0%





SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY

JANUARY 10, 2024

STAFF REPORT

AGENDA ITEM: B-2

TOPIC: Bus Maintenance Facility CEQA Mitigations 2nd Annual Monitoring Report

PRESENTED BY: Geoff Straw, Executive Director

STAFF RECOMMENDATION: Accept as Information

BACKGROUND/DISCUSSION:

The RTA Board of Directors adopted a Mitigated Negative Declaration (MND) report for the *RTA Bus Maintenance Facility* project on September 6, 2017. The Board also adopted a Mitigation Monitoring/Reporting Program at the same meeting. The City of San Luis Obispo subsequently required the RTA to re-examine the MND due to slight changes to the project that were identified during the design development phase, as well as the need to address the City's Water Resources Status Report that was updated after the RTA certified its MND in 2017. The amended report was submitted to the City in June 2019; no changes to the mitigations monitoring process were included. By issuing building permits, the City accepted the amendments to the RTA's MND.

The MND identified four *Pre-Construction* mitigation measures, ten *During Construction* mitigation measures, and one *Post-Construction/Operations* mitigation measure. As reported in January 2023, all four *Pre-Construction* and all ten *During Construction* mitigations measures were appropriately implemented, and no further annual reporting is necessary.

Staff also identified at the January 2023 RTA Board meeting that the sole *Post-Construction/Operations* mitigation (see below) was in the process of being fully implemented, and the no diesel idling signs were posted in February 2023 near the parts delivery door so that delivery drivers are sufficiently notified.

Post-Construction / Operations

AQ-3 Measures to Reduce Operational Idling Emissions

To help reduce the emissions impact from diesel buses and equipment at the proposed facility, RTA will implement the following idling control techniques:

1. *California Diesel Idling Regulations*
 - a. *On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for*

operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:

- 1. Shall not idle the vehicle's primary diesel engine for greater than 5-minutes at any location, except as noted in Subsection (d) of the regulation; and*
 - 2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.*
- b. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5-minute idling limit.*
 - c. The specific requirements and exceptions in the regulations can be reviewed at the following web sites: <https://ww2.arb.ca.gov/our-work/programs/atcm-to-limit-vehicle-idling> and <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/sbidling/fro.pdf>.*
- 2. Diesel Idling Restrictions Near Sensitive Receptors. In addition to the state required diesel idling requirements, the RTA shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:*
 - a. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;*
 - b. Use of alternative fueled or electric equipment is recommended as feasible; and Signs that specify the no idling areas must be posted and enforced at the site.*

The RTA continues to fully adhere to the mitigations identified in the *Post-Construction/Operations* section.

As required by our *Policy and Procedures for Environmental Evaluation of RTA Projects* adopted in May 2016, staff will report our compliance with mitigations monitoring annually to the RTA Board for a period of five years. This report represents the second required annual report.

STAFF RECOMMENDATION

Accept and file this second annual Mitigations Monitoring Report as an information item.