

SAN JOAQUIN REGIONAL TRANSIT DISTRICT
BOARD OF DIRECTORS - AGENDA

THE BOARD OF DIRECTORS OF THE SAN JOAQUIN REGIONAL TRANSIT DISTRICT WILL HOLD ITS REGULAR MEETING AT 3:00 P.M. ON TUESDAY, SEPTEMBER 21, 2010, **IN THE BOARDROOM OF THE SAN JOAQUIN REGIONAL TRANSIT DISTRICT'S DOWNTOWN TRANSIT CENTER, 421 EAST WEBER AVENUE, STOCKTON, CALIFORNIA**

ACCESSIBLE PUBLIC MEETINGS: The San Joaquin Regional Transit District (RTD) will make all reasonable accommodations for persons with disabilities to participate in this meeting. Upon request to the General Manager/CEO, RTD will provide agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. Please send a written request, including your name, mailing address, phone number, and a brief description of the requested materials and/or preferred alternative format or auxiliary aid or service at least three (3) work days before the meeting. Requests should be sent to RTD, by mail at P.O. Box 201010, Stockton, CA 95201, by fax at (209) 948-8516, or by e-mail to erocha@sanjoaquinrtd.com.

1. CALL MEETING TO ORDER
2. MOMENT OF SILENCE/REFLECTION
3. PLEDGE OF ALLEGIANCE TO THE FLAG
4. ROLL CALL
5. PUBLIC COMMENT
Those wishing to address the Board of Directors should complete the CITIZEN REQUEST TO SPEAK CARD and hand it to the Clerk of the Board prior to the beginning of the meeting. All public comments shall be limited to FIVE (5) MINUTES.
6. SPECIAL PRESENTATION
 - A. EMPLOYEES OF THE MONTH
Special recognition to the Administration, Maintenance, and Transportation Employees of the Month
 - B. GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA) AWARD
Special recognition to the Finance Department for excellence in financial reporting
7. REPORTS
 - A. GENERAL MANAGER/CEO REPORT
 - B. STATE/FEDERAL LEGISLATIVE REPORT UPDATE
8. CONSENT CALENDAR
 - A. RESOLUTION: MINUTES OF THE AUGUST 17, 2010, REGULAR BOARD MEETING
Board approval of the August 17, 2010, Regular Board of Directors meeting minutes
 - B. RESOLUTION: MINUTES OF THE SEPTEMBER 2, 2010, SPECIAL BOARD MEETING
Board approval of the September 2, 2010, Special Board of Directors meeting minutes

- C. RESOLUTION: REPORTING BUSINESS AND PERSONAL ETHICS VIOLATION POLICY
Board approval of the Reporting Business and Personal Ethics Violation Policy
 - D. RESOLUTION: DISADVANTAGED BUSINESS GOALS (DBE) PLAN
Board approval of RTD's Overall DBE goal of 4.5% for FY 2011 - 2013
 - E. RESOLUTION: MEMORANDUM OF UNDERSTANDING (MOU) WITH NORWALK TRANSIT SYSTEM
Board approval authorizing an MOU for the purpose of transferring two (2) buses from Norwalk Transit Systems to San Joaquin Regional Transit District
 - F. RESOLUTION: FINANCIAL ASSISTANCE THROUGH THE FY 2010 TRANSIT SYSTEM SAFETY, SECURITY, AND DISASTER RESPONSE ACCOUNT PROGRAM
Board approval authorizing actions necessary to obtain financial assistance through the FY 2010 Transit System Safety, Security, and Disaster Response Account Program
9. ACTION ITEM
- A. RESOLUTION: AMENDMENT TO CONTRACT WITH AMERICAN LOGISTICS COMPANY LLC, (ALC)
Board approval to award and execute second amendment with ALC for Transportation Services: Stockton Metro Area ADA and General Public Dial-A-Ride
 - B. RESOLUTION: AGREEMENT WITH CITY OF STOCKTON FOR POLICE OFFICER ASSIGNMENT
Board approval to negotiate and execute an agreement with City of Stockton for police officer assignment
 - C. RESOLUTION: AWARD TO TRAPEZE U.S.A., LLC
Board approval to award a sole source contract to Trapeze ITS U.S.A., LLC for maintenance of the automatic vehicle locator system
 - D. HEARING OF NECESSITY, RE ACQUISITION OF REAL PROPERTY
Hearing of Necessity and possible adoption of a Resolution finding and determining that public use and necessity require acquisition of real property for the Regional Transportation Center
10. DISCUSSION ITEMS
- A. INSIDE RTD – SERVICE DEVELOPMENT DEPARTMENT
Provided to Board for information and discussion
11. INFORMATION ITEMS
- A. FINANCIAL STATEMENTS
August Financial Reports provided to the Board
12. QUESTIONS AND COMMENTS FROM DIRECTORS

13. CLOSED SESSION

A. LABOR NEGOTIATIONS

1. Conference with Labor Negotiator
Agency Negotiator: Donna DeMartino, General Manager/CEO
Employee Organization: Amalgamated Transit Union, Local 276

B. Conference with Real Property Negotiators, pursuant to Government Code Section 54956.8:

1. Property: Parcels known as (a) 1533 E. Lindsay St. and 1528 E. Fremont St., Stockton, CA, and (b) Parcels known as 1545 E. Miner and 1544, 1602 and 1604 E. Lindsay St., Stockton, CA

Agency Negotiator: Donna DeMartino, General Manager/CEO
Under Negotiation: Modification of terms and conditions of Sale and Purchase Agreements

14. ADJOURNMENT

NOTE: THE NEXT REGULARLY SCHEDULED BOARD MEETING WILL BE HELD ON **TUESDAY, OCTOBER 19, 2010**

DATE POSTED: September 16, 2010

Subject: Employees of the Month

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SPECIAL PRESENTATION: **RECOGNITION OF ADMINISTRATION,
MAINTENANCE, AND TRANSPORTATION
EMPLOYEES OF THE MONTH – AUGUST**

LEAD STAFF: **DONNA DeMARTINO
GENERAL MANAGER/CEO**

FINANCIAL IMPACT: **MINIMAL**

BACKGROUND:

To qualify as Employee of the Month (EOM), employees must meet the following basic requirements:

1. Has been an employee for at least six months
2. Has not been selected EOM for the previous six months
3. Has a perfect attendance record for the month
4. Does not have any disciplinary action pending or in effect

RTD selects EOMs based on the following criteria:

1. Takes initiative and accepts and carries out additional responsibilities beyond regular job assignments
2. Provides exceptional internal and external customer service by being courteous and helpful
3. Projects a positive image and has a helpful and cooperative attitude
4. Exemplifies trustworthy and ethical behavior
5. Promotes a positive work environment
6. Comes to work on time, on a daily basis

The Administrative EOMs are selected as follows:

1. Employees are nominated at a monthly meeting by a member of the management team.
2. The nominee is selected as the EOM when they receive at least a 2/3 majority of the votes cast by members of the management team.

Maintenance and Transportation EOMs are selected by a majority of their respective supervisors.

There may be months where no Administrative, Maintenance, or Transportation EOMs are selected.

Every EOM receives:

- EOM watch
- RTD coffee tumbler
- Certificate and acceptance photograph
- Priority parking for a month

Subject: Employees of the Month

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RTD recognizes employees of the month by posting their photographs at each RTD facility in frames designed for EOM recognition and through a feature article with photographs in the employee newsletter, "As the Wheels Turn."

The EOM program provides that RTD selects the Employee of the Year (EOY) from the previous 12 EOMs. RTD offers each EOY the opportunity to represent their department/division at one of the conferences of the American Public Transportation Association (APTA).

DISCUSSION:

The Employees of the Month from Administration, Maintenance, and Transportation will be introduced and given special recognition.

AUGUST

Administration: Employee and Labor Relations Specialist Ramona Steele

Maintenance: Utility Worker Santokh Singh

Transportation: Bus Operator LaShonda Nelson

Subject: Government Finance Officers Association
(GFOA) Award

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SPECIAL PRESENTATION: **RECOGNITION TO THE FINANCE DEPARTMENT FOR
ACHIEVEMENT OF EXCELLENCE IN FINANCIAL
REPORTING**

LEAD STAFF: **GLORIA SALAZAR
ASSISTANT GENERAL MANAGER/CFO**

FINANCIAL IMPACT: **NONE**

BACKGROUND:

An Award of Financial Reporting Achievement is awarded to the individual(s), department, or agency designated by the government as primarily responsible for preparing an award-winning Comprehensive Annual Financial Report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government agency and its management.

DISCUSSION:

The CAFR is judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to reach the CAFR. The Certificate of Achievement of Excellence in Financial Reporting is awarded by the Government Finance Officers Association of the United States and Canada (GFOA). The GFOA is a nonprofit professional association serving approximately 15,000 government finance professionals.

In late July, the GFOA informed RTD that it once again achieved the Award of Financial Report Achievement for its comprehensive annual CAFR. This is the seventh year in a row that RTD has received this prestigious award.

Subject: General Manager/CEO Report

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LEGISLATIVE UPDATES:

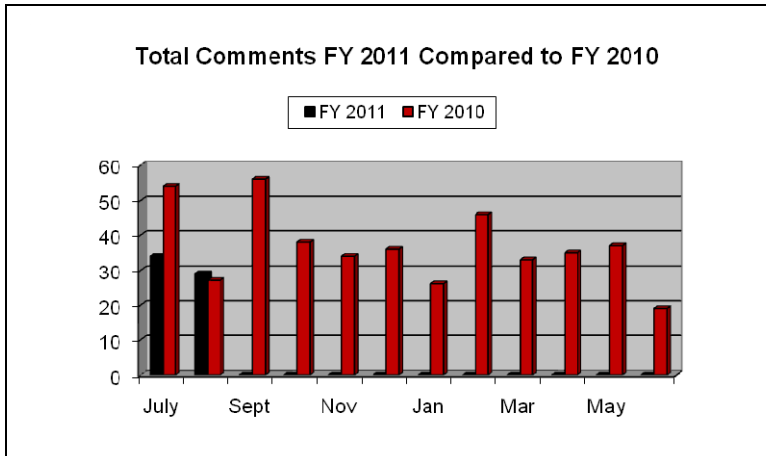
The State and Federal Legislative report from Jordan & Associates is attached (7B).

PROJECT STATUS, REPORTS, OR UPDATES:Police Activities – Report:

Officer Miramontes worked 15 days; Officer Thurlow worked 13 days; Officer Matthews worked 18 days; other police officers worked 9 days in August. Their production statistics are listed below:

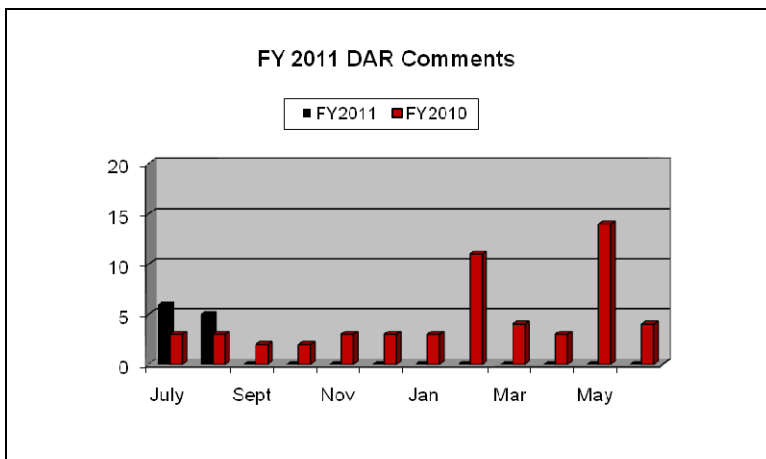
Type of Report Filed	Quantity	Type of Report Filed	Quantity
Felony Arrests	1	Misdemeanor Arrests	2
Warrants Arrests	6	Intoxication Arrests	3
Other Arrests	0	Moving Citations	7
Parking Citations	5	SMC Citations	16
Other Citations	1	Vehicles Towed	1
Calls for Service	87	Weapons Seized	2
Field Interviews	43	Abandoned Autos	0
PC 640 Citations	103		

SEPTEMBER 2010 – CUSTOMER COMMENT UPDATE



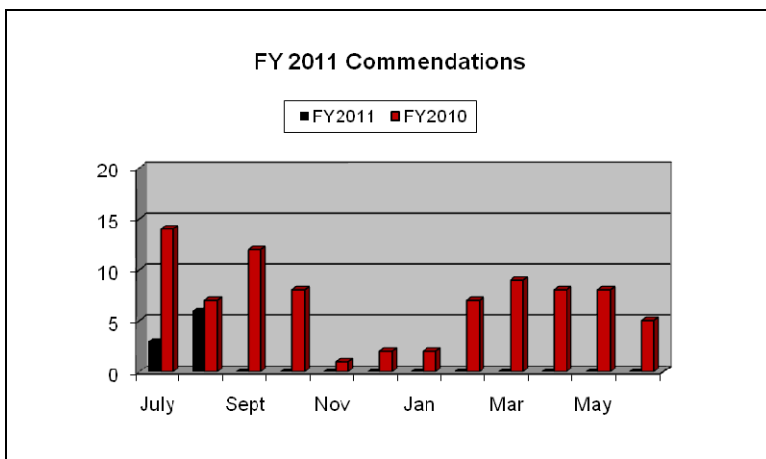
For the month of August 2010, RTD received a total of 29 comments. This is an increase of two from the same period last fiscal year and a decrease of five from last month.

Figure 1 reflects the comments filed during FY 2011 as compared to FY 2010.



There were five comments filed by Dial-A-Ride passengers for the month of August 2010. This is an increase of two from the same period last fiscal year and a decrease of one from last month.

The graph reflects the Dial-A-Ride comments filed during FY 2011 as compared to FY 2010.



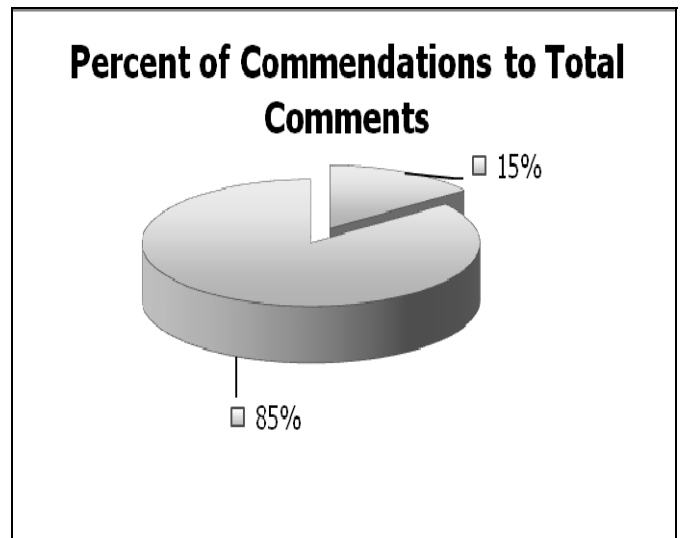
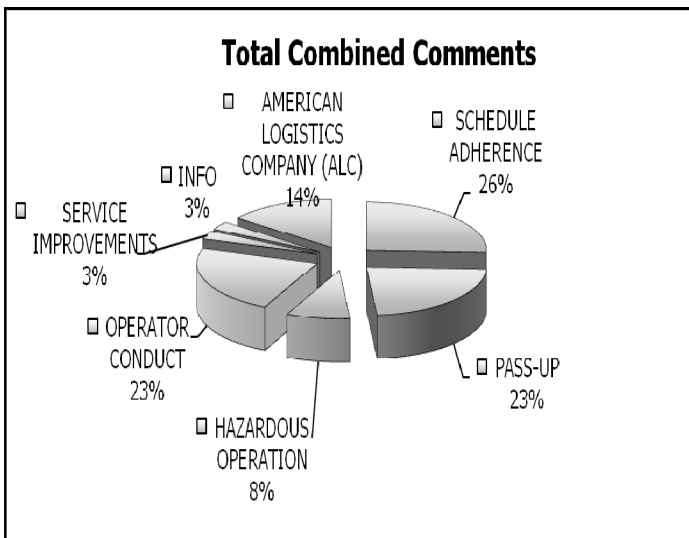
There were six commendations filed by passengers during the month of August 2010. This is a decrease of one from the same period last fiscal year and an increase of three from last month.

The graph reflects the commendations filed during FY 2011 as compared to FY 2010.

CUSTOMER COMMENTS SUMMARY - AUGUST 2010

NATURE OF CONTACT		COMMENTS
EMPLOYEE COMMENDATION	1	Supervisors deliver all commendations to the employee at a meeting with peers present, place a copy of the commendation in the employee's personnel file, and give a copy to the employee commended. RTD also publishes employee commendations in the monthly newsletter.
OPERATOR COMMENDATION	5	
TOTAL COMMENDATIONS	6	
SCHEDULE ADHERENCE	9	RTD staff invalidated five comments alleging schedule adherence problems; video review and route tracings showed that the routes arrived and departed on time. RTD staff investigated four comments alleging schedule adherence problems with Commuter routes. Staff confirmed delay problems experienced on the dates reported and immediately contacted the customers involved and apologized for the problems. In the weeks prior to the start date of the new contract for County services, RTD experienced extremely high operator absences. The high level of absenteeism necessitated the combining of some routes which did create delays for our customers on some days.
PASS-UP	8	RTD staff invalidated seven comments alleging pass-ups after video review showed that the routes arrived and departed on time with no potential customers at or near the indicated bus stops. Staff counseled the operators involved and reminded them to survey all bus stops prior to departing to ensure that no potential customers are left behind, then followed up with the customers accordingly. The remaining comment alleged a customer pass-up on the southbound Route 80 at Fremont Street near Center Street; staff confirmed this report and took appropriate documented corrective action including supervisor counseling and instruction, and follow up ride checks.
HAZARDOUS OPERATION	3	RTD staff validated three comments alleging unsafe coach operation of County routes, then followed with documented corrective action including supervisor counseling and instruction, and re-training. Staff will continue monitoring these operators through field reviews and random ride checks. Staff contacted the customers involved, thanked them for providing this important information, and advised them of our follow up action.
OPERATOR CONDUCT	8	RTD staff invalidated five comments of inappropriate operator conduct after thorough investigation including video reviews, operator interviews, and customer contact. The videos showed these operators acted courteously and followed proper operating procedures. Staff investigated one comment alleging that a Metro Hopper operator acted rudely towards a customer on two different dates. There is no video on onboard these coaches. However, staff documented appropriate corrective action, including supervisor counseling and instruction. MV management staff will continue monitoring this operator through ride checks and supervisor field reviews. Staff investigated one comment alleging that the Route 55 operator purposely left a customer at the DTC while departing. Staff reviewed the video and found that the customer was not at the bus stop prior to the scheduled departure time. A supervisor reminded the operator to continue to carefully scan all bus stops prior to departing to ensure that no customers are left behind. Staff investigated the remaining comment alleging that the Route 51 operator ignored a customer who asked a service related question. A supervisor instructed the operator of the responsibility to answer all RTD related inquiries. A supervisor contacted the customer and apologized for the incident; staff will continue monitoring this operator through supervisor ride checks and random field reviews.
SERVICE IMPROVEMENTS	1	RTD staff received a comment suggesting that County Intercity routes operate on more frequent schedules. Staff thanked the customer for the comment and forwarded the comment to Service Development staff.
INFO	1	RTD staff received one comment alleging that a customer information representative provided invalid information for the Route 61. The recorded phone call showed the error and staff took documented corrective action to avoid future problems of this type. Supervisor will continue monitoring this employee through random phone call monitoring and scheduled phone call reviews. A customer service supervisor contacted the customer, thanked them for making us aware, and apologized for the problem.

AMERICAN LOGISTICS COMPANY (ALC)	5	RTD staff received five comments regarding ALC. Staff contacted the customers involved and apologized for the problems described then immediately contacted ALC to resolve these reports. ALC documented appropriate corrective action and will continue monitoring this contracted operator through random field reviews, and follow up customer contact. RTD management staff will continue monitoring ALC comments received and immediately follow up with the customers involved. Staff meets regularly with ALC management to resolve reported issues and concerns.
TOTAL DOCUMENTED COMMENTS	35	



COMMITTEES/MEETINGS:

San Joaquin Council of Governments (SJCOG) Social Services Transportation Advisory Committee (SSTAC): On August 4, 2010, Planning Manager Nathaniel Atherstone attended. Agenda items included: Nomination/Election FY 2010 – 2011 Officers, SSTAC Work Program and Meeting Dates FY 2010 – 2011, SSTAC Membership Composition and Attendance Ideas, FY 2011 – 2012 Unmet Transit Needs Process Kickoff, State Transit Assistance, 5316 JARC, 5317 New Freedom Updates, and Google Transit Presentation.

San Joaquin Council of Governments (SJCOG) Technical Advisory Committee (TAC): On August 12, 2010, Planning Manager Nathaniel Atherstone attended. Agenda items included: 2009 – 2010 Revised Local Transportation Fund (LTF) Revenue Estimate and Apportionment Schedule, Congestion Management Program: Draft Regional Deficiency Plan and Travel Demand Management Plans, 2010 Measure K Renewal Strategic Plan Update, Delivery Plan for CMAQ, RSTP, ARRA, Federal Earmarks, and STIP Projects, American Recovery and Reinvestment Act (ARRA) Project Delivery Update, Project Initiation Document (PID) 3-Year Strategic Plan and FY 2010 – 2011 Work Plan, Report for BRT III – Livability Award, 2009 Federal Transportation Improvement Program Amendment #34, and Initiation of FY 2011 – 2012 Unmet Transit Needs Process.

SJCOG Citizens Advisory Committee (CAC): On August 18, 2010, Service Development Manager Nate Knodt attended. Agenda items included: Triennial Performance Audit of the San Joaquin Council of Governments FY ended June 30, 2007, 2008, and 2009, 2009 - 2010 Revised Local Transportation Fund Revenue Estimate and Apportionment Schedule, 2010 Measure K Renewal Strategic Plan Update, Congestion Management Program: Draft Regional Deficiency Plan and Travel Demand Management Plans, CAC Membership Re-Structure, Report for BRT III – Livability Award, and Initiation of FY 2011 – 2012 Unmet Transit Needs Process.

Subject: General Manager/CEO Report

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211 Coalition Meeting: On August 18, 2010, Mobility Specialist Julie Bristow attended. Agenda items included a review of applications for a lead agency and partners, a break out session for work groups, and a discussion of work plan timelines.

SJCOG Interagency Transit Committee (ITC): On August 18, 2010, Director of Operations Laurie Brown, Marketing and Communications Manager Paul Rapp, and Planning Manager Nathaniel Atherstone attended. Agenda items included: Proposed FY 2010 – 2011 Work Plan, FY 2009 – 2010 Local Transportation Fund Estimate, Transportation Development Act Article Eligibility, Measure K Renewal Update, FY 2011 – 2012 Unmet Transit Needs Kickoff, and Stuff the Bus Follow Up

SJCOG Board of Directors: On August 26, 2010, Chair Gary S. Giovanetti and Planning Manager Nathaniel Atherstone attended. Agenda items included: 2009 – 2010 Revised Local Transportation Fund (LTF) Revenue and Apportionment Schedule, 2009 Federal Transportation Improvement Program (FTIP) Amendment #34, Apex Strategies, Inc. for Consultant Services in Support of the 2010 Measure K Renewal Strategic Plan Update, Measure K Annual Report Consultant, Congestion Management Program: Draft Regional Deficiency and Travel Demand Management Plans and Public Hearing, Triennial Performance Audit of the San Joaquin Council of Governments FY ended June 30, 2007, 2008, and 2009, Citizens Advisory Committee (CAC) Membership Changes, California Air Resource Board (CARB) Draft Greenhouse Gas Emission Reduction Targets, 2010 Measure K Renewal Strategic Plan Update, Joint Submission of State of California Strategic Growth Council Proposition 84 Planning Grant Application, and San Joaquin County Regional Blueprint Vision Overview Booklet.

SJCOG Technical Advisory Committee (TAC): On September 9, 2010, Planning Manager Nathaniel Atherstone attended. Agenda items included: Transportation Demand Management (TDM) Department Annual Report, Update of Federal Aid and State Transportation Improvement Program Project Delivery Policies, Delivery Plan for CMAQ, RSTP, ARRA, Federal Earmarks, and STIP Projects, 2010 Measure K Renewal Strategic Plan Update, and State of California Strategic Growth Council Sustainable Communities Planning Grant (Prop 84) Applications/Awards.

California Transit Association Executive Committee Meeting: On September 14, 2010, Assistant General Manager/CFO Gloria Salazar attended. Agenda items included: Transit Revenue Protection and Enhancement, Transportation Legislative and Regulatory Issues, Association Management, Treasurer's Report, Executive Committee Meeting Minutes, Committee Reports Matrix, and Strategic Plan.

United Way Campaign Kick-Off: On Tuesday, September 14, 2010, Marketing Manager Paul Rapp and Sr. Administrative Assistant Ericka Rocha attended the annual United Way Kick-Off Luncheon at the University of the Pacific's Spanos Center. Coordinating RTD's 2010-2011 campaign will be the RTD Administrative Team. I will provide further updates to the Board as we begin our campaign.

California Transit Association 45th Annual Fall Conference and Expo: On September 14 – 15, 2010, Chair Gary S. Giovanetti, Assistant General Manager/CFO Gloria Salazar, Planning Manager Nathaniel Atherstone, and Mobility Manager Ashish John attended. This year's theme was: Transit: Taking Initiative. Attendees learned to understand efforts to achieve stable transit funding, explore new business models, look at options for restructuring services, and gain insight of what other agencies are doing to reduce costs while improving customer service. In addition, the EXPO showcased nearly 100 booths displaying a wide variety of the latest products, services, and several of the industry's latest buses.

Subject: General Manager/CEO Report

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OTHER:

Mobility Outreach: During the month of August Mobility staff provided information about RTD's fixed route service and travel training program at several community events, programs, and residential facilities.

- August 2 Employment Extravaganza "Modernize Yourself for Today's Job Market" (Human Services Agency)
- August 3 National Night Out (Weston Ranch)
- August 4 CalWorks Workshop
- August 20 Picnic with the Ports
- August 24 California Mentors
- August 27 Delta Plaza Senior Apartments
- August 30 The Courtyard at Venetian Terrace

The Record's Literacy & Book Fair - Family Day at the Park Event: On Saturday, September 18, 2010 Office Assistant II Judith Spiro and Office Assistant II Savannah Marrufo staffed RTD's booth at this year's "The Record's Literacy & Book Fair - Family Day at the Park" event held at CSU Stanislaus University Park. Staff members educated the public on "how to read a bus schedule" and provided fun-filled activities for families, such as "make your own RTD bus," and "color-a-trolley."

RTD staff handed out hundreds of RTD Metro Express bus cutouts (which were very popular with kids and adults alike), trolley coloring pages, crayon sets, and RTD promotional pencils. While the children enjoyed working on the activities, staff presented information to the adults regarding the upcoming Metro Express Airport Way Corridor expansion and also addressed their route-specific questions. RTD staff reports that this annual event continues to be worthwhile for RTD to provide children, our future passengers, early exposure to RTD and our services. These types of events reinforce RTD's positive image to our community.

Unmet Transit Needs – Public Hearings: RTD has scheduled nine (9) public hearings during the month of October, 2010 to solicit comments on Unmet Transit Needs and the proposed January 2011 service changes. RTD staff will conduct a public hearing at the October Board of Directors meeting. Attached is a list of locations, dates, and times of the planned public hearings.

As in the past, individuals will not need to attend a public hearing to make comments as a part of the public hearing process. RTD will accept comments by phone, fax, e-mail, mail, or in person at the RTD's administrative offices.



NOTICE OF PUBLIC HEARING

SAN JOAQUIN RTD TO HOLD PUBLIC HEARINGS: PROPOSED JANUARY 2011 SERVICE CHANGES INCLUDING THE AIRPORT WAY CORRIDOR, AND UNMET TRANSIT NEEDS

San Joaquin Regional Transit District (RTD) has scheduled nine (9) public hearings to invite public comments on the proposed January 2011 Service Changes including the Airport Way Corridor, and Unmet Transit Needs. The public is invited to express any comments or concerns at each of the following Public Hearing locations and times:

Tuesday, October 12, 2010 5:30 p.m.	Margaret K. Troke Library 502 W. Ben Holt Drive Stockton, CA 95207 Served by Routes 23, 40, 63
Tuesday, October 12, 2010 6:00 pm	Mokelumne Rural Fire Department 13157 E. Brandt Road Lockeford, CA 95237 Not currently served by RTD
Wednesday, October 13, 2010 5:00 p.m.	Thornton Public Library 26341 N. Thornton Road Thornton, CA 95686 Not currently served by RTD
Thursday, October 14, 2010 5:30 pm	Manteca Public Library McFall Room 320 W. Center Street Manteca, CA 95336 Served by Routes 27
Monday, October 18, 2010 6:00 pm	San Joaquin RTD Boardroom 421 E. Weber Avenue Stockton, CA 95202 Served by Routes 40, 23, 51, 52, 53, 54, 55, 60, 61, 75, 76, 77, 80, 81, 83, 90, 91, and Metro Hopper Routes 4, 5, and 7
Monday, October 18, 2010 6:00 pm	F & M Bank 18836 East Main Street (E. Hwy 26) Linden, CA 95236 Not currently served by RTD
Tuesday, October 19, 2010 3:00 p.m.	San Joaquin RTD Board of Directors Meeting Boardroom 421 E. Weber Avenue Stockton, CA 95202 Served by Routes 40, 23, 51, 52, 53, 54, 55, 60, 61, 75, 76, 77, 80, 81, 83, 90, 91, and Metro Hopper Routes 4, 5, and 7
Tuesday, October 19, 2010 6:00 p.m.	Delta College, Mountain House Campus 2073 S. Central Parkway, Room 103 Mountain House, CA 95391 Not currently served by RTD
Thursday, October 21, 2010 6:00 pm	Tracy Multi Modal Transit Center 50 E. 6 th Street, Room 103 Tracy, CA 95376 Served by Routes 26 and 90

All persons submitting comments should include their name and contact information. Persons who are unable to attend a public hearing are encouraged to register comments by e-mail to comments@SanJoaquinRTD.com; phone at (209) 948-5566, x512; fax at (209) 948-8516; in person at the Downtown Transit Center, 421 E. Weber Ave., Stockton, CA; or mail to San Joaquin RTD c/o Planning Department, P.O. Box 201010, Stockton, CA, 95201. Comments must be received by 5:00 p.m. on Friday, October 22, 2010, to be incorporated into the public hearing record.

Subject: State/Federal Legislative Report

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INFORMATION ITEM: STATE/FEDERAL LEGISLATIVE REPORT UPDATE**LEAD STAFF: DONNA DeMARTINO
GENERAL MANAGER/CEO****FINANCIAL IMPACT: TBD****STATE LEGISLATIVE UPDATE*****State Budget Still Stalled***

On August 31, 2010, the State Senate and Assembly both voted on Democrat and Republican versions of the state budget. Unfortunately, neither Chamber was able to come up with enough votes to approve either budget. Democrats voted for their version and Republicans voted for their version.

The vote came on the final day of the 2009 – 2010 legislative session and nearly two months after the start of the 2010 – 2011 fiscal year, which began on July 1, 2010. This marks the 19th time in the last 25 years that a state budget has not been in place at the start of the fiscal year. Currently, the state faces a \$19.1 billion deficit.

What this means to RTD: *The state budget for 2010 – 2011 still needs to be cut, or the state needs to find additional revenue sources. Additionally, RTD is likely to see delays in state payments now that the new budget year has begun without an approved budget.*

State Transportation Improvement Program (STIP) Report

On August 13, 2010, the California Transportation Commission released the *2010 Report of STIP Balances County and Interregional Shares*. San Joaquin County's STIP share balances through the end of June 2010 are as follows:

- Total share amount, \$116,121,000; amount programmed, \$104,542,000; unprogrammed balance, \$11,579,000; balance advanced \$0.

San Joaquin County's STIP share programmed amounts through the end of June 2010 are as follows:

- Highway and road projects, \$86,332,000; transit projects, \$13,887,000; enhancement projects, \$4,323,000.

RTD is listed with one Transportation Enhancement project: Airport Way BRT II corridor enhancement, \$124,000. To view the report visit:
http://www.catc.ca.gov/programs/STIP/2010_Orange_Book.pdf

What this means to RTD: *This report shows the STIP balances throughout the state. This includes funding directed to San Joaquin County and RTD.*

FEDERAL LEGISLATIVE UPDATE

Obama Proposes \$50 Billion Investment in Transportation Infrastructure

On September 6, 2010, President Obama announced his new proposal to invest \$50 billion in Transportation Infrastructure. The proposal would build upon the American Recovery and Reinvestment Act (ARRA) and would provide funding for highways; bus and rail systems, including high-speed rail and public transit systems; and airport runways and the nation's air-traffic control system.

The proposal includes both an upfront investment and a long-term framework. Included in the upfront investment are the following components:

- Roads
- Rail
- Runway & Next Gen
- Infrastructure Bank

Included in the long-term investment are the following components:

- Infrastructure Bank
- High Speed Rail
- Streamlining, modernizing, and prioritizing
- Safety, environmental sustainability, economic competitiveness, and livability

Further, the proposed long-term investment would change the way investments are made in transportation infrastructure. House Transportation and Infrastructure (T&I) Chairman James Oberstar (D-Minn.) is in support of the administration's proposal. The White House fact sheet on the infrastructure proposal is available at: <http://www.whitehouse.gov/the-press-office/2010/09/06/president-obama-announce-plan-renew-and-expand-america-s-roads-railways->.

What this means to RTD: *The new proposal would provide an influx of funding to transportation infrastructure, including transit. While specific details are not yet available, it is likely that this plan would overhaul the way in which federal transportation dollars are distributed. Further, it is possible that this plan could be coupled with the next Surface Transportation Reauthorization Bill.*

Environmental Protection Agency (EPA) Project Air Quality Impacts of Proposed Transportation Plans or Projects

On August 13, 2010, the EPA issued a proposal that would reduce the need to change transportation conformity rules every time National Ambient Air Quality Standards (NAAQS) are revised (75 Fed. Reg. 49,435).

Transportation conformity is a Clean Air Act requirement that ensures that federally-supported highway and transit projects are consistent with state air quality implementation plans.

Specifically, the proposed rule restructures two sections of the conformity rule (40 CFR 93.109 and 93.119) so that the existing rule requirements would clearly apply to areas designated nonattainment for future new or revised NAAQS, thus reducing the need to amend the transportation conformity rule merely to reference specific new NAAQS.

Additionally, the proposed rule would require that when the attainment year of a NAAQS has passed or has not yet been established, a near-term year would be analyzed when using the budget test. EPA has worked closely with the U.S. Department of Transportation (DOT) to develop this proposed rule.

To view the proposed rule visit:

<http://www.epa.gov/otaq/stateresources/transconf/regs/420f10001.htm>. EPA is taking comments on the proposed rule through Sept. 13, 2010. Comments should be identified with Docket ID No. EPA-HQ-OAR-2009-0128 and be submitted at: <http://www.regulations.gov>.

What this means to RTD: *Because RTD is in an area designated as nonattainment it will need to follow new or revised NAAQS as they would automatically apply to transportation conformity rules.*

13th Annual Transportation & Infrastructure Summit Highlights Need for Transportation Investment

On August 10, 2010, House Transportation and Infrastructure (T&I) Chairman James Oberstar (D-Minn.) said in prepared remarks that "The status quo is unsustainable," when addressing the 13th Annual Transportation & Infrastructure Summit. Oberstar through his prepared statement went on discussing the need to invest in transportation citing:

- A 2008 National Surface Transportation Policy and Revenue Study Commission report that recommended an annual investment of between \$225 billion and \$340 billion to address all U.S. surface transportation needs and put the system in "a state of good repair."
- The National Surface Transportation Infrastructure Financing Commission warned in 2009 that the United States currently needs to spend \$200 billion per year to maintain its transportation infrastructure, and that if that gap in funding remains, it will reach \$2.3 trillion by 2035.

What this means to RTD: *Several reports have stated that transportation infrastructure needs a large investment. The House T&I Committee Chairman understands this need and does not want to continue with the status quo. The T&I Committee is charged with drafting the transportation reauthorization bill.*

Presidential Climate Action Project Report Supports Transit

On August 5, 2010, the Presidential Climate Action Project issued *Plan B: Near-Term Presidential Actions for Energy & Environmental Leadership*. The report focuses on policies to

prevent climate change and outlines steps that the administration can take to address this issue.

Included in the report is a section titled "Reinvent Transportation Policy" that states that, "Federal law currently offers greater incentives for states and localities to build roads than to develop mass transit and other low-carbon mobility options. The incentive structure should be reversed to favor public transportation, telecommuting, transit-oriented urban development and other efforts to reduce vehicle miles traveled."

To view the report visit: http://www.climateactionproject.com/plan2010/PCAP-Report_August2010.pdf

What this means to RTD: *It is a good sign for public transit that the Presidential Climate Action Project points out that climate change policy should include greater incentives to develop mass transit.*

Accessibility Guidelines for Transportation Vehicles NPRM

On July 26, 2010, the Architectural and Transportation Barriers Compliance Board (Access Board) published a Notice of Proposed Rule Making (NPRM) on the Americans with Disabilities Act (ADA) Accessibility Guidelines for Transportation Vehicles. The Access Board is proposing to revise and update its accessibility guidelines for buses, over-the-road buses, and vans. The guidelines apply to the acquisition of new, used, and remanufactured transportation vehicles, and the remanufacture of existing transportation vehicles to the extent required by regulations issued by the DOT pursuant to the ADA.

To view the guidelines visit: <http://frwebgate2.access.gpo.gov/cgi-bin/PDFgate.cgi?WAISdocID=1yGEQn/8/2/0&WAIAction=retrieve>. Please let us know if you are interested in submitting comments. Comments are due by November 23, 2010.

What this means to RTD: *RTD should review these guidelines to see if they will impact any planned acquisition of vehicles. Should RTD wish to comment on the proposed rule, they should do so by November 23, 2010.*

New Livable Communities Grant Program Approved by Senate

On August 3, 2010, the Senate Banking Committee approved the Livable Communities Act (S. 1619). This legislation authorizes \$2.855 billion in federal funding to support the planning and construction of livable communities. S.1619 would only authorize funding and funding would need to still be appropriated to these programs through the annual appropriations process.

What this means to RTD: *Should this legislation become law, and should funding be appropriated to this program, this would likely be an excellent grant for RTD to pursue. The legislation further showcases the current congress and the administration's emphasis on livability.*

California Required to Improve Highway-Rail Grade Crossing Safety

The Federal Railroad Administration (FRA) issued a final rule that will require the ten states with the most highway-rail grade crossing collisions to develop action plans to reduce the number of accidents. The ten states include: Alabama, California, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Ohio, and Texas. Specific areas of focus include highway-rail grade crossing closures or grade separations, and crossings that have experienced multiple accidents or are at high risk for such accidents.

What this means to RTD: FRA has identified the State of California as a state with a high number of highway-rail grade crossing accidents. The state will need to develop an action plan to reduce these accidents. RTD may be required to work with the Council of Governments or the State given the proximity of High Speed Rail.

Bus and Bus Facilities Livability Program Announcement of Project Selections

The Federal Transit Administration (FTA) announced the awarding of \$162 million in Bus and Bus Facilities program funds for projects that support DOT's Livability Initiative. A total of 281 applicants requested \$2.1 billion, indicating significant demand for funds. The Livability Bus program makes funds available to public transit providers to finance capital projects to replace, rehabilitate, and purchase buses and related equipment and to construct bus related facilities. This could include programs of bus and bus-related projects for assistance to subrecipients that are public agencies, private companies engaged in public transportation, or private non-profit organizations. Attached is the federal register notice listing the awardees.

What this means to RTD: RTD has been awarded \$5,227,161 through this funding opportunity.

Transportation Reauthorization Bill Update

Last year, Chairman Oberstar (D-Minn.) of the House Transportation and Infrastructure (T&I) Committee introduced a \$500 billion, six-year bill to fund surface transportation priorities. The bill was approved by the Highways and Transit Subcommittee last summer, but has been stalled in Congress ever since. With no action expected on the legislation before the end of the 111th Congress, the legislation will need to be reintroduced in the 112th Congress.

According to reports, Rep. John L. Mica (R-Fla.), the Ranking Republican on the House Transportation and Infrastructure (T&I) Committee, has been presenting himself as a chairman-in-waiting as he anticipates control of the House to switch back to republicans after the November midterm election. He has been discussing his vision of a new surface transportation bill which he calls "Plan B." Mica, referring to the upcoming election said, "There's going to be a conservative wave coming. You'll have many more conservative Republicans, and the remaining Democrats will be conservative. A lot can happen. I do know we'll have more votes."

Subject: State/Federal Legislative Report

Page 6 of 7

According to reports, Mica would like to include the following in his plan:

- Replacing the per-gallon tax that funds highway and transit projects with a percentage sales tax on gasoline
- Leveraging tax revenue with public-private partnerships and large-scale bonding
- Expanding the DOT's Transportation Infrastructure Finance and Innovation Act program, which awards grants, loan guarantees and lines of credit for transportation projects of national and regional significance
- Speeding up the approval and permitting process for infrastructure projects

While Mica has been busy with his plans for a reauthorization bill, Transportation Secretary Ray LaHood has reiterated the administration's opposition to raising the per-gallon tax on gasoline. LaHood has discussed a combination of financing methods that can be used as an alternative to raising the gas tax, including:

- Road tolls
- Leveraging private-sector dollars
- Infrastructure investment fund

In addition to Mica's push for moving a reauthorization bill, transportation groups have begun their own campaigns to press Congress to complete work on a reauthorization bill. Both the Americans for Transportation Mobility and the Transportation Construction Coalition have kicked off a campaign to influence voters to push for their representatives to finish the bill. The campaign "ultimately will be a nationwide effort to educate folks about how passing a federal transportation bill will help local road conditions, safety, commuting and transit services," said Brian Turmail, a spokesman for the Associated General Contractors.

Meanwhile, Associated Equipment Distributors and the Association of Equipment Manufacturers are also pushing for passage of a reauthorization bill by asking congressional candidates to sign a pledge to make transportation and infrastructure investment a top priority next year. So far, 35 House candidates have signed on to the pledge.

What this means to RTD: *It is not likely that a transportation reauthorization bill will be passed in the 111th Congress. There is a big push to move forward on this legislation once the 112th Congress begins. RTD should be prepared to resubmit congressionally-directed funding requests at the start of the 112th Congress.*

Lame-Duck Session Scheduled

At this time, the Senate is in recess until September 13, 2010. They will then have four weeks before leaving October 8, 2010 to campaign for the November 2, 2010 midterm elections. Because this schedule leaves little time for work on must-pass legislation, Senate Majority

Leader Harry Reid (D-Nev.) announced he will reconvene the Senate the week of November 15, 2010 for a lame-duck session. House Democrats have not yet said whether they will have a lame-duck session.

What this means to RTD: *Work on major legislation will continue past the November elections. It is likely that appropriations work may not be completed prior to the November elections.*

93 Percent of Stimulus-Funded Transportation Projects under Way

The House has reported that almost 93 percent of ARRA-funded bridge and highway projects nationwide are now under contract. As of July 31, 2010, \$35.1 billion of the \$38 billion that ARRA provided for highways, transit, and wastewater projects has been put out for bids. Nationwide, work has begun on 89.5 percent of ARRA highway and bridge infrastructure projects.

What this means to RTD: *Almost all of the ARRA funding has been distributed to date and there is little funding left for grant opportunities through ARRA.*

High-Speed Passenger Rail Funding

The FRA announced that it received 20 applications for high-speed rail corridor development programs from 10 states totaling \$7.8 billion, and 57 applications for smaller, individual projects within rail corridors that are ready to begin construction from 18 states totaling \$700 million. Recipients of this funding will be announced in the fall of 2010.

Additionally, FRA announced high-speed rail awards for both Colorado and Vermont. Colorado has received \$400,000 and Vermont \$500,000 under the FRA High-Speed Intercity Passenger Rail (HSIPR) grant program funded from FY 2009 appropriations. To date, FRA has released more than \$183 million for the HSIPR program.

What this means to RTD: *The administration has made high-speed rail a priority. With California's ambitious high-speed rail plans, RTD will want to stay abreast of how funding will impact local projects as RTD may have the opportunity to link to high-speed rail.*

Background: Title 49 of the United States Code (U.S.C.) authorizes the Secretary of Transportation (Secretary) to promulgate regulations governing the registration of for-hire motor carriers of regulated commodities (49 U.S.C. 13902), surface transportation freight forwarders (49 U.S.C. 13903), and property brokers (49 U.S.C. 13904).

Under 49 U.S.C. 13905, each registration is effective from the date specified and remains in effect for such period as the Secretary determines appropriate by regulation. Section 13905(c) grants the Secretary the authority to amend or revoke a registration at the registrant's request. On complaint, or on the Secretary's own initiative, the Secretary may also suspend, amend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder for willful failure to comply with the regulations, an order of the Secretary, or a condition of its registration.

Form OCE-46 is used by transportation entities to voluntarily apply for revocation of their registration authority in whole or in part. FMCSA uses the form to seek information concerning the registrant's docket number, name and address, and the reasons for the revocation request. This ICR is being revised due to an increase in the estimated number of annual respondents from 3,250 to 3,700.

Public Comments Invited: You are asked to comment on any aspect of this revised information collection request, including: (1) The necessity and usefulness of the information collection for FMCSA to meet its goal in reducing truck crashes; (2) the accuracy of the estimated burdens; (3) ways to enhance the quality, usefulness, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued on: August 17, 2010.

Kelly Leone,

Director, Information Technology.

[FR Doc. 2010-21008 Filed 8-23-10; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. EP 699]

Assessment of Mediation and Arbitration Procedures

AGENCY: Surface Transportation Board (Board), DOT.

ACTION: Notice and request for comments.

SUMMARY: The Board seeks comments on matters relating to the use of mediation and arbitration as effective means of resolving disputes that are subject to the Board's jurisdiction. Depending upon the Board's assessment of the comments received, the Board may propose revisions to its current rules or propose new rules in order to encourage the use of mediation and arbitration in the resolution of disputes. If so, the proposed changes or new rules would be published and made available for review and comment in a subsequent notice.

DATES: Comments are due on October 25, 2010.

ADDRESSES: Comments may be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E-FILING link on the Board's Web site, at <http://www.stb.dot.gov>. Any person submitting a filing in the traditional paper format should send an original and 10 copies to: Surface Transportation Board, Attn: Docket No. EP 699, 395 E Street, SW., Washington, DC 20423-0001. Copies of written comments will be available for viewing and self-copying at the Board's Public Docket Room, Room 131, and will be posted to the Board's Web site.

FOR FURTHER INFORMATION CONTACT: Julia Farr at 202-245-0359. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: The Board favors private sector resolutions of disputes as an alternative to its formal processes where possible. To that end, the Board has rules in place that allow for mediation and arbitration of matters subject to its jurisdiction. The Board's mediation rules are set forth at 49 CFR 1109.1, 1109.4, 1111.2, 1111.9, and 1111.10. Its arbitration rules are set forth at 49 CFR 1108, 1109.1, 1109.2, and 1115.8.

The Board seeks input regarding measures it can implement to encourage greater use of mediation and arbitration

procedures, including changes to the Board's existing rules and establishment of new rules. The Board also seeks input regarding possible changes to its rules to permit the use of Board-facilitated mediation procedures without the filing of a formal complaint. In addition to being reviewed by the Board, the Railroad-Shipper Transportation Advisory Council (RSTAC) will review the comments and prepare a report to the Board reflecting the input of its members on this issue.¹

Based upon the comments from interested persons and RSTAC's input, the Board will decide whether to issue a Notice of Proposed Rulemaking (NPRM) at a later date. We will invite comment on the NPRM before issuance of any final rule.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Comments as described above are due by October 25, 2010.

2. This decision is effective on its date of service.

Decided: August 18, 2010.

By the Board, Chairman Elliott, Vice Chairman Mulvey, and Commissioner Nottingham.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2010-20924 Filed 8-23-10; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Bus and Bus Facilities Discretionary Program Funds

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Bus and Bus Facilities Livability program announcement of project selections.

SUMMARY: The U.S. Department of Transportation's (DOT) Federal Transit Administration (FTA) announces the selection of projects funded with Bus and Bus Facilities program funds in support of DOT's Livability Initiative, which was announced in the Bus

¹ RSTAC is an advisory board established by Federal law to advise the U.S. Congress, the U.S. Department of Transportation, and the Board on issues related to rail freight, with particular attention to issues of importance to small shippers and railroads. By statute, RSTAC members are appointed by the Board's chairman. Representatives of rail customers, Class I railroads, and small railroads sit on RSTAC. The Board's members and the U.S. Secretary of Transportation are RSTAC *ex officio*, nonvoting members. (49 U.S.C. 726.)

Livability Initiative notice of funding availability on December 8, 2009. The Livability Bus program makes funds available to public transit providers to finance capital projects to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities, including programs of bus and bus-related projects for assistance to subrecipients that are public agencies, private companies engaged in public transportation, or private non-profit organizations.

FOR FURTHER INFORMATION CONTACT:

Successful and unsuccessful applicants should contact the appropriate FTA Regional office (Appendix) for specific information regarding applying for the funds or proposal specific questions. For general program information on the Bus and Bus Facilities program, contact Kimberly Sledge, Office of Program Management, at (202) 366-2053, *e-mail*: kimberly.sledge@dot.gov, or Henrika Buchanan-Smith, Office of Program

Management, at (202) 366-2053, *e-mail*: henrika.buchanan-smith@dot.gov.

SUPPLEMENTARY INFORMATION: A total of \$162,685,618 was available for FTA's Bus and Bus Facilities Livability Initiative. A total of 281 applicants requested \$2.1 billion, indicating significant demand for funds. Project proposals were evaluated based on the criteria detailed in the December 8, 2009 Notice of Funding Availability. The projects selected and shown in Table 1 will provide mobility choices, improve economic competitiveness, support existing communities, create partnership and enhance the value of communities and neighborhoods.

Grantees selected for competitive discretionary funding should work with their FTA regional office to finalize the application in FTA's Transportation Electronic Award Management system, (TEAM) so that funds can be obligated expeditiously. Funds must be used for the purposes specified in the competitive application. A discretionary

project identification number has been assigned to each project for tracking purposes and must be used in the TEAM application. Selected projects have pre-award authority as of July 8, 2010.

Post-award reporting requirements include submission of the Financial Federal Report and Milestone reports in TEAM as appropriate (see FTA.C.5010.1D).

The grantee must comply with all applicable Federal statutes, regulations, executive orders, FTA circulars, and other Federal administrative requirements in carrying out the project supported by the FTA grant. Funds allocated in this announcement must be obligated in a grant by September 30, 2012.

Issued in Washington, DC, this 18th day of August, 2010.

Peter Rogoff,
Administrator.

Appendix

FTA REGIONAL AND METROPOLITAN OFFICES

Mary E. Mello, Deputy Regional Administrator, Region 1—Boston, Kendall Square, 55 Broadway, Suite 920, Cambridge, MA 02142-1093, Tel. 617-494-2055.

States served: Connecticut, Maine, Massachusetts, New Hampshire, Rhode, Island, and Vermont.

Brigid Hynes-Cherin, Regional Administrator, Region 2—New York, One Bowling Green, Room 429, New York, NY 10004-1415, Tel. 212-668-2170.

States served: New Jersey, New York.

New York Metropolitan Office, Region 2—New York, One Bowling Green, Room 428, New York, NY 10004-1415, Tel. 212-668-2202.

Letitia Thompson, Regional Administrator, Region 3—Philadelphia, 1760 Market Street, Suite 500, Philadelphia, PA 19103-4124, Tel. 215-656-7100.

States served: Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and District of Columbia.

Philadelphia Metropolitan Office, Region 3—Philadelphia, 1760 Market Street, Suite 500, Philadelphia, PA 19103-4124, Tel. 215-656-7070.

Washington, DC Metropolitan Office, 1990 K Street, NW., Room 510, Washington, DC 20006, Tel. 202-219-3562.

Yvette Taylor, Regional Administrator, Region 4—Atlanta, 230 Peachtree Street, NW., Suite 800, Atlanta, GA 30303, Tel. 404-865-5600.

States served: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and Virgin Islands.

Marisol Simon, Regional Administrator, Region 5—Chicago, 200 West Adams Street, Suite 320, Chicago, IL 60606, Tel. 312-353-2789.

States served: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

Chicago Metropolitan Office, Region 5—Chicago, 200 West Adams Street, Suite 320, Chicago, IL 60606, Tel. 312-353-2789.

Robert C. Patrick, Regional Administrator, Region 6—Ft. Worth, 819 Taylor Street, Room 8A36, Ft. Worth, TX 76102, Tel. 817-978-0550.

States served: Arkansas, Louisiana, Oklahoma, New Mexico and Texas.

Mokhtee Ahmad, Regional Administrator, Region 7—Kansas City, MO, 901 Locust Street, Room 404, Kansas City, MO 64106, Tel. 816-329-3920.

States served: Iowa, Kansas, Missouri, and Nebraska.

Terry Rosapep, Regional Administrator, Region 8—Denver, 12300 West Dakota Ave., Suite 310, Lakewood, CO 80228-2583, Tel. 720-963-3300.

States served: Colorado, Montana, North Dakota, South Dakota, Utah, and, Wyoming.

Leslie T. Rogers, Regional Administrator, Region 9—San Francisco, 201 Mission Street, Room 1650, San Francisco, CA 94105-1926, Tel. 415-744-3133.

States served: American Samoa, Arizona, California, Guam, Hawaii, Nevada, and the Northern Mariana Islands.

Los Angeles Metropolitan Office, Region 9—Los Angeles, 888 S. Figueroa Street, Suite 1850, Los Angeles, CA 90017-1850, Tel. 213-202-3952.

Rick Krochalis, Regional Administrator, Region 10—Seattle, Jackson Federal Building, 915 Second Avenue, Suite 3142, Seattle, WA 98174-1002, Tel. 206-220-7954.

States served: Alaska, Idaho, Oregon, and Washington.

Table 1

BUS LIVABILITY PROJECT SELECTIONS

State	Project ID	Recipient	Project Description	Allocation
AZ	D2010-BLIV-09001	City of Phoenix	11th St Pedestrian Improvement Project	\$2,400,000
CA	D2010-BLIV-06001	Orange County Transportation Authority	Anaheim Regional Transportation Intermodal Center	\$5,000,000
CA	D2010-BLIV-09002	San Francisco Municipal Transportation Agency	Phelan Loop Bus Facility Project	\$6,822,106
CA	D2010-BLIV-09003	San Joaquin Regional Transit District	Metro Express: Hammer Lane Corridor Bus Rapid Transit (BRT) project	\$5,227,161
CA	D2010-BLIV-09004	Union City Transit	East Plaza Transit Loop Road	\$1,909,974
CO	D2010-BLIV-05003	Colorado Department of Transportation	South Central COG Transit Center	\$152,500
CO	D2010-BLIV-09005	Colorado Department of Transportation	Montrose/ All Points Transit Buses	\$160,000
CO	D2010-BLIV-09006	RTD - Denver	Mall Shuttle for 16 th Street Mall	\$5,200,000
CT	D2010-BLIV-06002	Stamford, CT	Stamford Urban Transitway Project	\$16,000,000
CT	D2010-BLIV-09007	Greater Hartford Transit District	Storrs Center Intermodal Transportation Hub and Transit Pathway	\$4,940,000
FL	D2010-BLIV-06003	Broward County Transportation Department	Broward Boulevard Livable Mobility Plan	\$8,034,017
FL	D2010-BLIV-09008	LYNX - Orlando	Urban Trail Project	\$1,233,132
IA	D2010-BLIV-09009	Des Moines Area Regional Transit Authority	Sustainable Multi-Modal Transit Hub	\$6,500,000
ID	D2010-BLIV-09010	Shoshone-Bannock Tribes Department of Transportation	Bus Garage	\$125,000
IL	D2010-BLIV-05001	Chicago Transit Authority	Jeffery BRT Pilot Corridor	\$11,000,000
KY	D2010-BLIV-09011	KY Transportation Cabinet	Transit Hub Downtown Revitalization Project	\$5,043,760
MA	D2010-BLIV-09012	Massachusetts Bay Transportation Authority	Boston Bike Share Project	\$3,003,051
MA	D2010-BLIV-09013	Pioneer Valley Transit Authority	Interactive Passenger Information System	\$745,689
MD	D2010-BLIV-04002	Maryland Transit Administration	City of Baltimore, Westport Transit Oriented Development	\$516,000
MD	D2010-BLIV-09014	Maryland Transit Administration	South County Circulator Project	\$4,126,227
MD	D2010-BLIV-09015	Maryland Transit Administration	Howard Street Livable Communities Project	\$260,000
MN	D2010-BLIV-09016	Metropolitan Council	Transit Signal Priority & RTS	\$1,248,000
MO	D2010-BLIV-08002	City of Joplin Metro Area Public transit System	ITS Enhancements	\$244,032
MO	D2010-BLIV-08003	Kansas City Area TA	Bus Stop & Access Improvement Program	\$250,000
MO	D2010-BLIV-08004	Kansas City Area TA	JCT Maintenance Facility Improvement	\$374,150
MT	D2010-BLIV-08005	Montana Department of Transportation	Missoula Transfer Center Renovation	\$119,000
NC	D2010-BLIV-06004	City of Asheville	Fleet Replacement	\$428,000
NH	D2010-BLIV-09017	Manchester Transit Authority	Health Care Circulator Project	\$300,000

State	Project ID	Recipient	Project Description	Allocation
NM	D2010-BLIV-09018	City of Albuquerque Transit Department	Montaño Intermodal Center	\$6,722,800
NV	D2010-BLIV-09019	Regional Transportation Commission of Southern Nevada	UNLV Transit Center	\$2,763,200
NY	D2010-BLIV-04001	NYC DOT	Bus Rapid Transit Facility Project -34th Street, Manhattan	\$18,379,510
NY	D2010-BLIV-08001	Central New York Regional Transportation Authority	Transfer Hub Project	\$8,500,000
OH	D2010-BLIV-09020	Stark Area Regional Transit Authority	Mahoning Transit Corridor	\$2,774,400
OK	D2010-BLIV-09021	Choctaw Nation of Oklahoma	Bus Purchase	\$132,000
OR	D2010-BLIV-09022	Lane Transit District	Gateway Park and Ride Project	\$2,000,000
OR	D2010-BLIV-09023	Trimet	Hybrid Bus Project	\$2,000,000
PA	D2010-BLIV-05004	SEPTA	Wayne Junction Intermodal Facility Rehabilitation Project	\$3,980,000
PA	D2010-BLIV-09027	Pennsylvania Department of Transportation	Transportation Technology Project	\$5,000,000
RI	D2010-BLIV-03001	Rhode Island Public Transit Authority	Customer Service Enhancements	\$700,000
SC	D2010-BLIV-05002	South Carolina DOT	Multi-use trail, pedestrian connectors, buses, shelters, signage	\$3,100,000
TX	D2010-BLIV-06005	City of Brownsville	Brownville Multimodal Terminal	\$3,871,909
UT	D2010-BLIV-05005	Utah Transit Authority	Provo Intermodal Center	\$5,000,000
UT	D2010-BLIV-09025	Utah Transit Authority	3900 South TRAX light rail station TOD	\$400,000
VA	D2010-BLIV-09026	GRTC Transit System - Richmond, VA	Bus Replacement Program	\$420,000
WA	D2010-BLIV-06006	Skagit Transit	Chuckanut Park and Ride Facility	\$2,800,000
WA	D2010-BLIV-09024	City of Seattle	Seattle Intermodal Hub Improvement Projects	\$2,400,000
WI	D2010-BLIV-05006	City of Racine, Wisconsin	Bus Shelter Construction and Improvements	\$380,000

Total \$162,685,618

[FR Doc. 2010-20952 Filed 8-23-10; 8:45 am]

BILLING CODE 4910-57-C

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Delays in Processing of Special Permits Applications

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications delayed more than 180 days.

SUMMARY: In accordance with the requirements of 49 U.S.C. 5117(c),

PHMSA is publishing the following list of special permit applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

FOR FURTHER INFORMATION CONTACT: Delmer F. Billings, Director, Office of Hazardous Materials Special Permits and Approvals, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-30, 1200 New Jersey Avenue, Southeast, Washington, DC 20590-0001, (202) 366-4535.

Key to "Reason for Delay"

1. Awaiting additional information from applicant.

2. Extensive public comment under review.

3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis.

4. Staff review delayed by other priority issues or volume of special permit applications.

Meaning of Application Number Suffixes

N—New application.

M—Modification request.

PM—Party to application with modification request.

Issued in Washington, DC, on August 18, 2010.

Donald Burger,

Chief, Special Permits and Approvals Branch.

MINUTES OF THE REGULAR MEETING OF THE
BOARD OF DIRECTORS OF THE
SAN JOAQUIN REGIONAL TRANSIT DISTRICT
TUESDAY, AUGUST 17, 2010

The Board of Directors of the San Joaquin Regional Transit District (RTD) held its regular meeting at 3:00 p.m. on Tuesday, August 17, 2010, **IN THE BOARDROOM OF RTD'S DOWNTOWN TRANSIT CENTER, 421 E. WEBER AVENUE, STOCKTON, CALIFORNIA**

1. CALL MEETING TO ORDER Chair Giovanetti called the meeting to order at 3:00 p.m.
2. MOMENT OF SILENCE/REFLECTION
3. PLEDGE OF ALLEGIANCE TO THE FLAG
4. ROLL CALL Present: Duane Isetti Absent: D. David Smith
Joni Bauer
Gary S. Giovanetti
Les J. Fong

Staff Present

Gloria Salazar, General Manager/CFO
Laurrie Brown, Director of Operations
Al Hoslett, Legal Counsel
Lorena Herrera, Office Assistant II

Employees and Members of the Public Who Indicated They Were Present

James Young Jesse Lopez

5. PUBLIC COMMENT

James Young commented on the appearance of the bus stops located at the Mall Transfer Station and Delta College.

Jesse Lopez commented on the Route 81.

6. SPECIAL PRESENTATION

A. COMMENDATIONS

The Stockton Unified School District and Stockton Police Department gave special recognition to Office Assistant II Lorena Herrera, Office Assistant II Savannah Marrufo, IT Specialist Darin Hew, IT Specialist Shawn Caliouette, and Bus Operator Bertha Stewart for assisting Officer Matthews in recovering the master keys to the city's parking meters. Their team work saved the City of Stockton and All Phase Security over \$60,000--the cost to re-key the parking meters.

B. SPECIAL RECOGNITION
Special presentation for Safety Award of Merit – Pacific Region was given to Bus Operator Vickie Kelley.

C. EMPLOYEES OF THE MONTH
Special recognition was given to Procurement Specialist Ross Aguas, Administration Employee of the Month for July; Utility Segismundo Ventura, Maintenance Employee of the Month for May; Bus Operator Stacey Williams, Transportation Employee of the Month for July. Mechanic A Mark Thompson, July's Maintenance Employee of the Month, could not be present but will be recognized at a future meeting.

Employee Labor and Relations Specialist Ramona Steele and Risk Management Analyst Nancy Enriquez received the Team Award.

7. REPORTS

A. GENERAL MANAGER/CEO REPORT

The Assistant General Manager/CFO Gloria Salazar provided the following information:

- RTD and the Union signed the consolidated retirement plan.
- Internal Safety Campaign will be presented by Risk Management Analyst Nancy Enriquez.

B. Legislative Report – Due to the state of California beginning the 2010-11 fiscal year without a spending plan, RTD may see a delay in the receipt of funds from the state. RTD submitted two grant applications for the State of Good Repair, one for operations technology and another for the Regional Transportation Center.

8. CONSENT CALENDAR

A. RESOLUTION: MINUTES OF THE JULY 8, 2010 SPECIAL BOARD MEETING
Resolution No. 5262: Board approval of the July 8, 2010 Special Board of Directors meeting minutes

B. RESOLUTION: TRANSPORTATION DEVELOPMENT ACT (TDA) CLAIM
Resolution No. 5263: Board approval to authorize the filing of the Local Transportation Fund (LTF) Claim for FY 2011

Resolution No. 5264: Board approval to authorize the filing of the State Transit Assistance (STA) Claim for FY 2011

C. RESOLUTION: REVISED TRAVEL POLICY
Resolution No. 5265: Board approval of the revised Travel Policy

ACTION: MOTION: VICE CHAIR ISETTI SECOND: DIRECTOR BAUER

Roll Call:

AYES: Directors – Giovanetti, Bauer, Isetti, Fong

NAYES: None

ABSTAIN: None

ABSENT: Director Smith

9. ACTION ITEMS

- A. RESOLUTION: RESPONSE TO GRAND JURY REPORT, CASE No. 0909I
Resolution No. 5266: Board approval, approving the response to the final Grand Jury Report, Case No. 0909I

Chair Gary S. Giovanetti commented on the positive outcome of the Grand Jury report.

ACTION: MOTION: DIRECTOR FONG SECOND: VICE CHAIR ISETTI

Roll Call:

AYES: Directors – Giovanetti, Bauer, Isetti, Fong

NAYES: None

ABSTAIN: None

ABSENT: Director Smith

10. DISCUSSION ITEMS

- A. QUARTERLY CONTRACTS
Procurement Contracts Manager Sharon Miller provided an update on the contracts awarded for the period of April 1, 2010 through June 30, 2010.

Chair Gary S. Giovanetti commented on the report.

- B. RTD'S INTERNAL SAFETY CAMPAIGN
Risk Management Analyst Nancy Enriguez provided an update on RTD's Safety Campaign "Safety Starts With Me."

Marketing and Communications Manager Paul Rapp presented a video as part of the "Safety Starts With Me" campaign.

Vice Chair Duane Isetti thanked RTD staff for their proactive approach to safety.

- C. INSIDE RTD – FACILITIES DEPARTMENT
Superintendent Mark Fairbanks and Superintendent Norman Tuitavuki provided a PowerPoint presentation on the Facilities Department functions. Presentation topics included Facilities Staff, Bus Stops, and Environmental Compliance.

11. INFORMATION ITEMS

- A. "TELLING OUR STORY CAMPAIGN"
Marketing and Communications Manager Paul Rapp presented a video as part of

a series for the "Telling Our Story Campaign."

B. RIDERSHIP STATISTICS

Service Development Manager Nate Knodt provided a presentation on ridership statistics.

Vice Chair Isetti inquired if there has been an increase in farebox recovery.

C. MOBILITY MANAGEMENT UPDATE

Mobility Manager Jean Foletta presented information on Mobility Management. Director of Operations Laurrie Brown thanked Jean Foletta for her achievements in the Mobility Department at RTD. She also announced that Jean Foletta will be leaving RTD for a promotional opportunity in Stanislaus County. Jean Foletta will be available to provide support to RTD if needed. Director Les Fong congratulated Jean Foletta on the contract with UCP for coordinated services.

The Board of Directors and Assistant General Manager/CFO Gloria Salazar thanked Jean Foletta for her contributions to RTD.

D. FINANCIAL STATEMENTS

Finance Manager Virginia Alcayde provided an update on the July Financial Reports.

12. QUESTIONS AND COMMENTS FROM THE DIRECTORS

Director Giovanetti provided an update on items discussed at the APTA Board Support Seminar in Eugene, Oregon. He emphasized the importance of having crisis management protocol in place.

Director of Operations Laurrie Brown provided an update of the transition of County Services to MV.

13. CLOSED SESSION

RTD Legal Counsel announced that the Board would recess to Closed Session pursuant to Government Code section 549.56 to discuss Real Property Negotiations in connection with the real property commonly known as 2731 Myrtle Street, Stockton, California.

When the Directors returned from Closed Session, RTD Legal Counsel reported that no action had been taken in Closed Session.

14. ADJOURNMENT

Chair Giovanetti adjourned the meeting at 4:55 p.m.

RESOLUTION NO. _____
DATED: SEPTEMBER 21, 2010

RESOLUTION APPROVING THE BOARD MINUTES OF THE
REGULAR MEETING OF AUGUST 17, 2010

RESOLVED AND ORDERED by the Board of Directors of the San Joaquin Regional Transit District that the minutes of the regular meeting of August 17, 2010, be approved.

MINUTES OF THE SPECIAL MEETING OF THE
BOARD OF DIRECTORS OF THE
SAN JOAQUIN REGIONAL TRANSIT DISTRICT
THURSDAY, SEPTEMBER 2, 2010

The Board of Directors of the San Joaquin Regional Transit District (RTD) held its special meeting at 3:30 p.m. on Thursday, September 2, 2010, **IN THE BOARDROOM OF RTD'S DOWNTOWN TRANSIT CENTER, 421 E. WEBER AVENUE, STOCKTON, CALIFORNIA**

1. MOMENT OF SILENCE/REFLECTION Moment of silence/reflection held.
2. PLEDGE OF ALLEGIANCE TO THE FLAG Pledge of Allegiance to the Flag held.
3. ROLL CALL Present: Gary S. Giovanetti Absent: Joni Bauer
Duane Isetti
D. David Smith
Les J. Fong

Staff Present

Gloria Salazar, Assistant General Manager/CFO
Al Hoslett, Legal Counsel
Ericka Rocha, Senior Administrative Assistant
Lorena Herrera, Office Assistant II

Employees and Members of the Public Who Indicated They Were Present

Vince Contino
Jesse Lopez
Amir Mustafa

4. PUBLIC COMMENT

Vince Contino commented on the MV contract.

Jesse Lopez commented about his positive experience on the route 73.

Amir Mustafa commented on the MV contract.

5. RESOLUTION: CONTRACT TO DIEDE CONSTRUCTION, INC.

Resolution No. 5267: Board approval to award a contract to Diede Construction, Inc. for the construction of the BRT II Airport Corridor Improvements

ACTION: MOTION: VICE CHAIR ISETTI SECOND: DIRECTOR SMITH

Roll Call:

AYES: Directors – Giovanetti, Isetti, Smith, Fong

NAYES: None

ABSTAIN: None

ABSENT: Director Bauer

6. QUESTIONS AND COMMENTS FROM DIRECTORS

Director Smith commented on the RTD newspaper insert.

Director Isetti inquired if the newspaper insert was a part of the budget.

Assistant General Manager/CFO Gloria Salazar commented that RTD had saved money on the newspaper inserts. She mentioned that the inserts would also be distributed in Tracy and Manteca for a total of 37,996 copies distributed.

Chair Giovanetti suggested placing copies of RTD's newspaper insert in the DTC lobby.

7. CLOSED SESSION:

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: 1 case

8. ADJOURNMENT

Chair Giovanetti adjourned the meeting at 4:00 p.m.

RESOLUTION NO. _____
DATED: SEPTEMBER 21, 2010

RESOLUTION APPROVING THE BOARD MINUTES OF THE
SPECIAL MEETING OF SEPTEMBER 2, 2010

RESOLVED AND ORDERED by the Board of Directors of the San Joaquin Regional Transit District that the minutes of the special meeting of September 2, 2010, be approved.

Subject: Reporting Business and Personal Ethics Violation Policy

Page 1 of 1

STAFF RECOMMENDATION: APPROVE REPORTING BUSINESS AND PERSONAL ETHICS VIOLATION POLICY

**LEAD STAFF: GLORIA SALAZAR
ASSISTANT GENERAL MANAGER/CFO**

FINANCIAL IMPACT: NONE

BACKGROUND:

Our external auditors, Mann, Urrutia, Nelson, CPAs and Associates, LLP recommended that RTD adopts a whistleblower policy that defines the procedures and responsibilities of the employees and RTD.

DISCUSSION:

RTD's strategic plan clearly promotes an environment of respect, integrity, loyalty, and communication, among others. In order to achieve this objective, RTD requires that all directors and employees observe a high standard of business and professional ethics in the conduct of their duties and responsibilities. In the same token, it is also the responsibility of the same parties to report ethics violation or suspected violations without fear of retribution.

The attached proposed policy delineates the procedures and responsibilities for reporting business and personal ethics violation.

RESOLUTION NO. ____
DATED: SEPTEMBER 21, 2010

RESOLUTION APPROVING REPORTING BUSINESS AND
PERSONAL ETHICS VIOLATION POLICY

BE IT RESOLVED AND ORDERED by the Board of Directors of the San Joaquin RTD that the Reporting Business and Personal Ethics Violation Policy is hereby approved.

STAFF RECOMMENDATION: **APPROVE RTD'S OVERALL DBE GOAL OF 4.5% FOR FY 2011 – 2013**

LEAD STAFF: **SHARON MILLER, PROCUREMENT MANAGER – CONTRACTS AND DISADVANTAGED BUSINESS ENTERPRISE LIAISON OFFICER (DBELO)**

FINANCIAL IMPACT: **NONE**

BACKGROUND:

Effective March 5, 2010, the Department of Transportation (DOT) Disadvantaged Business Enterprise (DBE) program rules were amended to change how often recipients are required to make goal submissions documenting the methodology and process used to establish the annual overall goal to be implemented each fiscal year. Under the new rules, DBE goal submissions will be made at three-year intervals. All recipients will no longer submit for approval of their annual DBE goal methodology and process on September 1 of each year.

RTD will submit the 4.5% triennial goal for FYs 2011 - 2013. The next required submission will be August 1, 2013.

DISCUSSION:

RTD estimates the overall goal for DBE participation in DOT assisted contracts for FY 2011 - 2013 to be 4.5%. The budgeting and statistical breakdown used to derive this dollar amount can be found in Appendix A of this report. This goal does not include Federal Transit Administration (FTA) funds to be used for the purchase of transit vehicles.

Approved FTA funding to date for FY 2011 - 2013 will be provided by 49 CFR § 5307, 49 CFR § 5309, 49 CFR § 5310, 49 CFR § 5311, 49 CFR § 5316, and 49 CFR § 5317 in the amount of \$15,539,587.00.

Project Contracts	\$ 6,109,827.00
Routine Capital	\$ 9,429,760.00

Four project contracts with federal funding have been identified to have subcontracting opportunities. The federal funding portion of the four projects is \$3,324,031.00.

METHOD:

The amount of the adjusted Annual Anticipated DBE Participation Level (AADPL) and methodology are presented herein, in accordance with Title 49 of the code of Federal Regulations, Part 26, and the State of California, DOT DBE Program Plan.

RTD has established an adjusted DBE goal of 4.5% for FYs 2011 - 2013, beginning on July 1, 2010, and ending on June 30, 2013.

1. RTD determined applicability for the annual DBE goal and that RTD will award amounts over \$250,000 in FTA funds in FYs 2011 - 2013.
2. RTD determined the list of projects that are federally funded and their dollar amounts. NAICS Codes (North American Industry Classification System) and/or Licenses were determined for each project including those projects without subcontracting opportunities.
3. RTD developed a base figure for the relative availability of DBEs by using the Caltrans Certified DBE database (www.dot.ca.gov) to determine the total number of ready DBE firms in Sacramento, San Joaquin and Stanislaus Counties divided by the total number of all firms from the County Census (www.factfinder.census.gov) for the types of contract RTD anticipates to award.
4. RTD used weighting to develop a base figure:

DBE Participation:	2008	0% (less than 1%)
	2009	1%
	2010	11%

Weighted Percentage + Median 2008 - 2010 / 2 = DBE Goal for FY 2011 - 2013

$$5 + 4 / 2 = 4.5\% \text{ Overall DBE Goal for FY 2011 - 2013}$$

Of the 4.5% overall goal, RTD is anticipating a race conscious goal of 3% and a race neutral goal of 1.5%.

RESOLUTION NO. ____
DATED: SEPTEMBER 21, 2010

RESOLUTION APPROVING RTD'S OVERALL DBE GOAL OF 4.5% FOR FYs 2011 - 2013

WHEREAS, the Department of Transportation Disadvantaged Business Enterprise (DBE) program rules were amended to change how often recipients are required to make goal submissions; and,

WHEREAS, under the new rules, DBE goal submissions will be made at three-year intervals; and,

WHEREAS, RTD determined applicability for the annual DBE goal and that RTD will award amounts over \$250,000 in FTA funds in FYs 2011 - 2013; and,

WHEREAS, RTD determined the list of projects that are federally funded and their dollar amounts using NAICS Codes (North American Industry Classification System) and/or Licenses for each project including those projects without subcontracting opportunities; and

WHEREAS, RTD developed a base figure for the relative availability of DBEs by using the Caltrans Certified DBE database (www.dot.ca.gov) to determine the total number of ready DBE firms in Sacramento, San Joaquin and Stanislaus Counties divided by the total number of all firms from the County Census (www.factfinder.census.gov) for the types of contract RTD anticipates to award; and,

WHEREAS, RTD used weighting to develop a base figure.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Directors of the San Joaquin RTD as follows:

- 1) THAT, staff is hereby authorized and directed to administer the proposed adjusted overall participation goal of 4.5%.

Subject: Memorandum of Understanding with
Norwalk Transit Systems

Page 1 of 1

STAFF RECOMMENDATION: **APPROVE RESOLUTION TO AUTHORIZE THE GENERAL MANAGER/CEO TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH NORWALK TRANSIT SYSTEMS (NTS) FOR THE PURPOSE OF THE TRANSFER OF TWO BUSES TO SAN JOAQUIN REGIONAL TRANSIT DISTRICT (RTD)**

LEAD STAFF: **GEORGE LORENTE
GRANTS SPECIALIST**

FINANCIAL IMPACT: **NONE**

BACKGROUND:

RTD was approached by Norwalk Transit Systems (NTS) in Southern California to negotiate the transfer of two used diesel-electric hybrid buses to RTD at no cost. RTD staff has actively moved forward with these discussions with staff from NTS regarding the transfer. NTS must release these vehicles as a result of the California Air Resources Board (CARB) no longer permitting the use of the diesel vehicles within the Southern California air district; as a result, NTS may not operate the vehicles within their service area. RTD has adopted the diesel-electric hybrid option as the preferred path for our fleet. The two hybrid buses and associated spare parts/components will replace two diesel buses that have met their useful life, moving RTD closer to an all-hybrid fleet on its fixed route service.

RTD and NTS have informed the FTA of the intent for this transaction. FTA representatives have stated that they will be agreeable to approving the transfer, provided both agencies submit the required documentation including: a written request to transfer/receive vehicles; a board resolution and/or memorandum of understanding between the agencies; and an updated rolling stock report.

DISCUSSION:

FTA permits a "Grantee-to-Grantee-Transfer of Rolling Stock" under FTA Circular 5010.1D (page IV-27) for vehicles that have not met their useful life. Under this Circular, no FTA funds may be used to release or acquire the vehicles in transition. There will be no exchange of funds between the two agencies, federal or local, for this transaction. Prior to the transfer of vehicles, both agencies must provide the aforementioned documentation to FTA and receive approval from the FTA.

RTD staff requests the Board to authorize the RTD General Manager/CEO or designee to execute an MOU between RTD and NTS, and take any necessary actions to facilitate the transfer of these buses to RTD.

RESOLUTION NO. _____
DATED: SEPTEMBER 21, 2010

RESOLUTION TO AUTHORIZE THE GENERAL MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH NORWALK TRANSIT SYSTEMS (NTS) FOR THE PURPOSE OF THE TRANSFER OF TWO BUSES TO SAN JOAQUIN REGIONAL TRANSIT DISTRICT (RTD)

WHEREAS, FTA permits a "Grantee-to-Grantee-Transfer of Rolling Stock" under FTA Circular 5010.1D (page IV-27) for vehicles that have not met their useful life provided there is no exchange of Federal Transit Administration (FTA) funds.

WHEREAS, the following two vehicles will be transferred from NTS to RTD:

1. Type: 2003 Gillig Diesel Hybrid 40 Ft Low Floor Bus
VIN #: 15GGD191731073944
Remaining Federal Interest: \$206,682
2. Type: 2004 Gillig Diesel Hybrid 40 Ft Low Floor Bus
VIN #: 15GGD191741073945
Remaining Federal Interest: \$208,213

WHEREAS, there is a need for RTD to operate the aforementioned vehicles in revenue service.

WHEREAS, the vehicles will be maintained in accordance and in compliance with FTA requirements and will be included in RTD's equipment inventory records.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Directors of the San Joaquin Regional Transit District that:

1. The General Manager/CEO or designee is hereby authorized to enter into a MOU with Norwalk Transit Systems for the purpose of the transfer of two buses to San Joaquin Regional Transit District.
2. The General Manager/CEO or designee take any necessary action with FTA in regards to the approval of the transfer and to facilitate the physical transfer of buses.

Subject: Financial Assistance through the FY2010 Transit System
Safety, Security, and Disaster Response Account Program

Page 1 of 1

STAFF RECOMMENDATION: **APPROVE RESOLUTION AUTHORIZING THE
NECESSARY ACTIONS TO OBTAIN FINANCIAL
ASSISTANCE THROUGH THE FY 2010 TRANSIT
SYSTEM SAFETY, SECURITY, AND DISASTER
RESPONSE ACCOUNT PROGRAM**

LEAD STAFF: **GEORGE LORENTE
GRANTS SPECIALIST**

FINANCIAL IMPACT: **\$409,764**

BACKGROUND:

Within the adoption of Proposition 1B in 2008, funding was set aside for the Transit System Safety Security and Disaster Response Account Program (TSSSDRA). In order to be eligible for these funds, RTD must solicit project approval through the California Emergency Management Agency (Cal EMA). RTD has submitted a request for TSSSDRA project approval and has received notice of project eligibility from Cal EMA.

Cal EMA has approved funding under the California Transit Security Grant Program (CTSGP), California Transit Assistance Fund (CTAF) for Grant # 6261-0002, FIPS # 077-91080. Cal EMA determined that the project submitted by the San Joaquin Regional Transit District (RTD), the Business Continuity and Disaster Recovery Project (Regional IT-Operations), meets the program guidelines and is eligible for Proposition 1B funding in the total amount of \$409,764.

DISCUSSION:

In order to finalize the application process for the Business Continuity and Disaster Recovery Project (Regional IT-Operations), RTD will submit all applicable and required documentation.

This resolution authorizes the RTD General Manager/CEO to execute for and behalf of the named applicant, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining financial assistance provided by the California Emergency Management Agency (Cal EMA).

RESOLUTION NO. _____
DATED: SEPTEMBER 21, 2010

RESOLUTION AUTHORIZING THE NECESSARY ACTIONS TO OBTAIN FINANCIAL ASSISTANCE
THROUGH THE FY 2010 TRANSIT SYSTEM SAFETY, SECURITY, AND DISASTER RESPONSE
ACCOUNT PROGRAM

WHEREAS, The Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006, approved by the voters as Proposition 1B at the November 07, 2006, general election, authorizes the issuance of general obligation bonds for specified purposes, including grants for transit system safety, security and disaster response projects.

WHEREAS, the Senate Bill 88 (SB 88) was signed by the Governor and chaptered into law on August 24, 2007. SB 88 implements the provisions of the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006.

WHEREAS, in September 2009, the Governor signed legislation creating the California Emergency Management Agency (Cal EMA), which merged the Governor's Office of Emergency Services and Office of Homeland Security into a single, streamlined cabinet-level agency.

WHEREAS, the California Transit Security Grant Program (CTSGP), California Transit Assistance Fund (CTAF) is administered by the California Emergency Management Agency (Cal EMA).

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Directors of the San Joaquin Regional Transit District that:

1. The General Manager/CEO or designee is hereby authorized to execute for and behalf of the named applicant, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining financial assistance provided by the California Emergency Management Agency (Cal EMA).

Subject: Amendment to American Logistics Company, LLC

Page 1 of 2

STAFF RECOMMENDATION: AUTHORIZE THE GENERAL MANAGER/CEO TO AWARD AND EXECUTE A SECOND AMENDMENT WITH AMERICAN LOGISTICS COMPANY, LLC, FOR TRANSPORTATION SERVICES: STOCKTON METRO AREA ADA AND GENERAL PUBLIC DIAL-A-RIDE IN AN AMOUNT NOT TO EXCEED \$1,623,837.86 FOR A CONTRACT TOTAL NOT TO EXCEED \$3,998,837.86

LEAD STAFF: SHARON MILLER, PROCUREMENT MANAGER - CONTRACTS

FINANCIAL IMPACT: \$ 1,623,837.86

BACKGROUND:

On October 1, 2009, San Joaquin Regional Transit District (RTD) and American Logistics Company, LLC (ALC) entered into a contract not to exceed \$2,375,000.00 whereby ALC would provide transportation services for RTD's overflow of Stockton Metro Area (SMA) American with Disabilities Act (ADA) and General Public (GP) Dial-A-Ride.

RTD has negotiated with ALC to take over the entire SMA ADA and GP Dial-A-Ride service due to the fact that RTD is no longer contracted to provide these services and can identify a cost savings with ALC.

DISCUSSION:

In addition to the transporting of customers on the SMA ADA and GP Dial-A-Ride, ALC will provide the following:

1. ALC shall review customer complaints and service issues and prepare appropriate responses.
 - ALC shall contact clients that have submitted complaints.
 - ALC shall provide corrective action taken for incident.
 - ALC shall take steps to prevent future incidents of this nature.
2. ALC shall take over reservations for SMA ADA, GP Dial-A-Ride, and Hopper service.
 - ALC staff shall coordinate with RTD staff and MV staff as needed regarding Hopper service.
 - ALC shall visit with staff to keep open communications.
3. ALC shall revamp RTD placards in the window of ALC vehicles per request of RTD's General Manager/CEO.

Subject: Amendment to American Logistics Company, LLC

Page 2 of 2

4. ALC shall reduce the cost to RTD of \$49.50 GP Dial-A-Ride trips by \$2.00 retroactively beginning July 1, 2010.
5. On a daily basis, ALC staff shall enter all data related to the subject services in TransTrack for RTD dashboards.
6. As of August 1, 2010, ALC shall be responsible for booking all ADA and GP qualified trips through ALC's reservation line at a cost to RTD of \$2.00 per booking provided.

RESOLUTION NO. _____
DATED: SEPTEMBER 21, 2010

RESOLUTION AUTHORIZING THE AWARD AND EXECUTION OF A SECOND AMENDMENT FOR COUNTY TRANSPORTATION SERVICES: STOCKTON METRO AREA ADA AND GENERAL PUBLIC DIAL-A-RIDE WITH AMERICAN LOGISTICS, LLC.

WHEREAS, San Joaquin Regional Transit District (RTD) and American Logistics Company, LLC (ALC) entered into a contract not to exceed \$2,375,000.00; and,

WHEREAS, RTD has negotiated with ALC to take over the entire SMA ADA and GP Dial-A-Ride service due to the fact that RTD is no longer contracted to provide these services and can identify a cost savings with ALC; and,

WHEREAS, RTD Procurement Procedures require that the Board of Directors approve all amendments to contracts which exceed twenty percent (20%) of the original contract price, for any single amendment; and,

WHEREAS, In addition to the transporting of customers on the SMA ADA and GP Dial-A-Ride, ALC has agreed to provide support services; and,

NOW, THEREFORE, BE IT RESOLVED AND ORDERD by the Board of Directors of the San Joaquin RTD as follows:

- 1) That a Second Amendment be and hereby is awarded to American Logistics, LLC for County Transportation Services in an amount not to exceed \$1,623,837.86 for a contract total not to exceed \$ 3,998,837.86.
- 2) That the Chair of the Board and the General Manager/CEO be, and they hereby are, authorized and directed to award and execute a Second Amendment with American Logistics, LLC for County Transportation Services, in an amount not to exceed \$1,623,837.86 for a contract total not to exceed \$ 3,998,837.86, in accordance with Contract S-2009-032.
- 3) That the General Manager/CEO is hereby authorized and directed to execute such other agreements and amendments to this agreement, and to take such other actions as may be necessary or appropriate to carry out the intent and purpose of this resolution.

Subject: Agreement with City of Stockton for
Police Officer Assignment

Page 1 of 1

STAFF RECOMMENDATION: **NEGOTIATE AND EXECUTE AN AGREEMENT WITH
CITY OF STOCKTON FOR POLICE OFFICER
ASSIGNMENT**

LEAD STAFF: **SHARON MILLER
PROCUREMENT MANAGER - CONTRACTS**

FINANCIAL IMPACT: **\$1,400,000.00**

BACKGROUND:

On October 1, 2005, City of Stockton and San Joaquin Regional Transit District (RTD) entered into a five-year Agreement for Police Officer Assignment. The current Agreement ends September 30, 2010. Upon successful negotiations, RTD intends to enter into a new five-year agreement.

DISCUSSION:

Under the new agreement, City of Stockton agrees to assign to RTD a minimum of two (2) officers ("Police Officers"). From time to time during the term of this agreement, RTD may request the assignment of more than two (2) Police Officers at rates to be agreed upon by City of Stockton and RTD.

The Police Officers assigned to RTD:

- Will provide high-visibility foot/bicycle patrol and vehicle security protection services for RTD passengers and employees including, but not limited to, patrolling at all RTD bus facilities, especially the Downtown Transit Center, within RTD buses and at RTD bus stops (e.g. handling disturbances)
- Shall issue citations for fare evasion, issue citations or make arrests for other crimes, write reports as directed by RTD, and other related duties
- Shall assist RTD in supervising the towing of vehicles parked at RTD bus stops, or at park-and-ride facilities pursuant to City of Stockton ordinances and provisions of the California Vehicle Code, including Section 22651.3 (removal of vehicles from off-street public parking facilities), Section 22652 (spaces marked for disabled persons), and Section 22654 (authorized moving of a vehicle)
- May pursue a criminal suspect if they witness a crime in progress. RTD assigned Police Officers would only minimally handle other calls for service outside RTD duties (e.g. a crime in progress is occurring a block away not related to RTD, the assigned RTD Police Officer will only standby for a few minutes until another Police Officer arrives to handle the matter).

RESOLUTION NO. _____
DATED: SEPTEMBER 21, 2010

RESOLUTION AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN AGREEMENT FOR
POLICE OFFICER ASSIGNMENT WITH CITY OF STOCKTON

WHEREAS, On October 1, 2005, City of Stockton and San Joaquin Regional Transit District (RTD) entered into a five year Agreement for Police Officer Assignment; and,

WHEREAS, upon successful negotiations, RTD intends to enter into a new five-year agreement; and,

WHEREAS, under the new agreement, City of Stockton agrees to assign to RTD a minimum of two Police Officers;

WHEREAS, the Police Officers assigned to RTD will provide high-visibility foot/bicycle patrol and vehicle security protection services for RTD passengers and employees

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Directors of the San Joaquin RTD as follows:

- 1) That an Agreement be and hereby is to be negotiated and executed with City of Stockton for Police Officer Assignment in an amount not to exceed \$1,400,000.00.
- 2) That the Chair of the Board and the General Manager/CEO be, and they hereby are, authorized and directed to negotiate and execute the Agreement with City of Stockton for Police Officer Assignment, in an amount not to exceed \$1,400,000.00.
- 3) That the Chair of the Board and the General Manager/CEO, acting individually, are hereby authorized and directed to execute such other agreements and amendments to this agreement, and to take such other actions as may be necessary or appropriate to carry out the intent and purpose of this resolution.

Subject: Award to Trapeze ITS U.S.A., LLC

Page 1 of 1

STAFF RECOMMENDATION: **AWARD A CONTRACT TO TRAPEZE ITS U.S.A., LLC FOR MAINTENANCE OF THE AUTOMATIC VEHICLE LOCATOR SYSTEM FOR THREE YEARS, WITH TWO POSSIBLE ONE-YEAR OPTIONS**

LEAD STAFF: **KIAUNA NORMAN
SENIOR CONTRACTS SPECIALIST**

FINANCIAL IMPACT: **\$834,986.00
OPERATING**

BACKGROUND:

On July 10, 2007, the RTD Board of Directors awarded a three-year contract to Siemens VDO to maintain RTD's existing Automatic Vehicle Locator System. In 2008, during the term of the contract, this division of the company was sold to Continental Automotive Systems US, Inc. On November 3, 2009, Continental announced it sold its Public Transit Solutions business segment to Constellation Software Inc., which operates under the name Trapeze ITS U.S.A., LLC a part of the Trapeze Group that provides other software and hardware maintenance support to RTD.

This sole source request is over the General Manager/CEO's purchasing threshold and therefore must be approved by the RTD Board of Directors.

DISCUSSION:

RTD implemented the Siemens, now Trapeze ITS, TransitMaster system integrating computer-aided dispatching, automatic vehicle location, and geographic positioning systems (GPS) with voice and data communications. The system is used to keep track of RTD's buses and support vehicles and controls critical communications between the RTD Communications Center and its employees deployed throughout the service area. Data from the system is used to ascertain on-time performance for specific routes and actual ridership at any bus stop.

Due to the complex and proprietary nature of the system software, RTD does not have the ability to retain the services of another vendor for this service, nor does it have the internal expertise to maintain the software. With the maintenance contract, RTD will be eligible to receive software updates that enhance functionality. It would be infeasible to go through a competitive process. To replace the system would be very costly, requiring the removal and replacement of the GPS on the entire fleet as well as retraining both the operators and the dispatchers. No other company will support the current dispatch and bus GPS system.

RESOLUTION NO. _____
DATED: SEPTEMBER 21, 2010

RESOLUTION TO AWARD A CONTRACT FOR MAINTENANCE OF THE AUTOMATIC VEHICLE
LOCATOR SYSTEM FOR THREE YEARS, WITH TWO POSSIBLE ONE-YEAR OPTIONS, TO
TRAPEZE ITS U.S.A., LLC

WHEREAS, on July 10, 2007, the RTD Board of Directors awarded a three-year contract to Siemens VDO to maintain RTD's existing Automatic Vehicle Locator System; and

WHEREAS, in 2008, during the term of the contract, this division of the company was sold to Continental Automotive Systems US, Inc.; and

WHEREAS, on November 3, 2009, Continental announced it sold its Public Transit Solutions business segment to Constellation Software Inc. which operates under the name Trapeze ITS U.S.A., LLC a part of the Trapeze Group that provides other software and hardware maintenance support to RTD; and

WHEREAS, this sole source request is over the General Manager/CEO's purchasing threshold and therefore must be approved by the RTD Board of Directors; and

WHEREAS, the system is used to keep track of RTD's buses and support vehicles and controls critical communications between the RTD Communications Center and its employees deployed throughout the service area; and

WHEREAS, due to the complex and proprietary nature of the system software, RTD does not have the ability to retain the services of another vendor for this service, nor does it have the internal expertise to maintain the software; and

WHEREAS, staff recommends that the RTD Board of Directors approve a three-year, with two possible one-year options, fixed price contract with Trapeze ITS U.S.A., LLC for maintenance of the Automatic Vehicle Locator System.

NOW, THEREFORE, BE IT RESOLVED AND ORDERD by the Board of Directors of the San Joaquin RTD as follows:

- 1) That a contract in the amount of \$834,986.00, including options, be awarded to Trapeze ITS U.S.A., LLC for maintenance of the Automatic Vehicle Locator System.
- 2) That the Chair of the Board and the General Manager/CEO be, and they hereby are, authorized and directed to finalize and execute a contract for maintenance of the Automatic Vehicle Locator System with Trapeze ITS U.S.A., LLC in the amount of \$834,986.00, including options.

STAFF RECOMMENDATION: **RESOLUTION FINDING AND DETERMINING THAT THE PUBLIC USE AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN REAL PROPERTY FOR THE REGIONAL TRANSPORTATION CENTER PROJECT AND DIRECTING ACQUISITION OF SAID REAL PROPERTY BY EMINENT DOMAIN (2731 E. MYRTLE STREET, STOCKTON, CALIFORNIA - SAN JOAQUIN COUNTY ASSESSOR'S PARCEL NO. 157-020-02)**

LEAD STAFF: **DONNA DeMARTINO,
GENERAL MANAGER/CEO**

FINANCIAL IMPACT: **ADOPTION OF THE RECOMMENDED RESOLUTION WILL AUTHORIZE A DEPOSIT OF \$1,624,125.00**

BACKGROUND:

The San Joaquin Regional Transit District (RTD) is planning to develop a Regional Transportation Center (RTC) for the principal purpose of bringing together all of RTD's transportation and maintenance operations at one convenient location. On September 16, 2008, the Board of Directors passed and adopted Resolution No. 5109 approving the development of the RTC located on Myrtle Street, in Stockton. As proposed, the new center requires the full-take acquisition of five parcels. Presently, four of the properties have been acquired. An offer in conformance with California Government Code Section 7267.2 has been made to the owner of the fifth parcel, DSS-2731 MYRTLE LLC, located at 2731 E. Myrtle Street. Negotiations with the property owner to acquire the needed real property on a voluntary basis have been unsuccessful. RTD is authorized to acquire the necessary property and exercise the power of eminent domain pursuant to, and in accordance with, Article I, Section 19 of the California Constitution, California Eminent Domain Law. The Board of Directors is being asked to consider the adoption of a resolution which, if approved, will constitute a Resolution of Necessity and will authorize RTD's legal counsel to initiate eminent domain proceedings to acquire the real property at 2731 E. Myrtle Street.

DISCUSSION:

RTD serves the residents of San Joaquin County (a service area of 1,426 square miles) and connects County area commuters with Sacramento and the Bay Area. Presently, RTD's maintenance and operations functions are conducted in two Stockton locations: the "Metro" facility located at 1533 E. Lindsay Street and the "County" facility, at 120 N. Filbert Street, adjacent to CA State Highway 4 - the "Crosstown Freeway". The Metro facility has served RTD's administrative, maintenance, and bus storage needs for nearly 30 years. It was originally designed for 66 buses and is now aging and overcrowded. RTD operates its Intercity Commuter, Countywide "Hopper," and Dial-A-Ride services from the County facility, a converted "warehouse grocery" building purchased in 2005 that currently accommodates only the maintenance and administrative functions of those specific services. RTD's County services are all of those primarily outside the Stockton Metropolitan Area. Because of the

Subject: Hearing of Necessity – Regional Transportation Center

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lack of infrastructure at this converted facility, the buses assigned there need to return nightly to the Metro facility for washing and refueling, which can only be performed one bus at a time.

Some of the existing operational and facility problems encountered at RTD's Metro facility include:

- Complaints from residential neighbors concerning noise and late night operations
- Inefficient refueling island that can accommodate only 1 of RTD's 160+ vehicles at a time
- Inadequate maintenance amenities
- Inability to expand as a result of fuel tank locations and substandard electrical system
- Bus yard access difficulties
- Non-functioning air conditioning units
- Need for replacement elevator

In 2004, a feasibility study performed for RTD by Transmetric, Inc. confirmed that it would be much more cost-effective to establish a single, centralized bus yard system rather than operating separate Metro and County facilities. That study considered several alternatives and locations including expansion of the Metro facility, acquisition of land in other locations for a combined facility, and operating the existing Metro Facility in conjunction with a satellite facility. The study concluded that the existing Metro Facility and a satellite system would be more costly than obtaining a single centralized 250-bus yard system. As opposed to RTD continuing to operate and maintain its fleet from both the County and Metro facilities, a single facility would centralize facilities for more efficient operations, provide the lowest cost maintenance solution for bus operations, provide good freeway access for buses and non-revenue vehicles, minimize "deadhead" and other operational costs, minimize impacts on the environment and on the Metro facility neighbors, and provide increased capacity for a fleet of 250+ buses.

In 2006, RTD requested Gannett Fleming, Inc. to provide preliminary conceptual planning to determine the approximate size of land needed for a new consolidated operations and maintenance facility and the number of parcels adjacent to the existing County facility necessary to assemble a site that could accommodate a new Regional Transportation Center. In the resulting analysis, it was determined that RTD would need to acquire additional acreage covering five additional parcels of land that would provide an approximate area of 17.5 acres. Although the physical layout of some of the proposed improvements in this 2006 conceptual planning document have shifted somewhat in present day plans, the basic size requirement has not changed.

The proposed Regional Transportation Center involves the design and construction of a new 100,000 sq. ft. facility that will consist of three major components: bus fuel and wash lanes, heavy maintenance shops, and a three-story administration building.

One of the benefits of this project is that it would provide more efficient public transportation service to San Joaquin County. RTD is working with state and regional partners to decrease single occupancy vehicles in the Central Valley in order to reduce traffic congestion in the region. Efficient movement of goods from the Port of Stockton to the Port of Oakland is critical to California's economy, and improving traffic congestion in San Joaquin County would

improve corridor mobility between these two ports. Conditions at the current RTD Metro Facility lead to unnecessary delays in serving the community. This project will also help address San Joaquin Valley's air quality problems (the area is currently designated as nonattainment for certain federal air quality standards), by providing improved access to public transit. RTDs ongoing commitment to improving the quality of the San Joaquin County community has led RTD to be a leader in hybrid bus technology. The RTC will provide RTD with the necessary resources to continue to lead the way in advanced energy efficient bus technology. Efficient public transportation is essential in efforts to evacuate the general public from threatened areas and locate and transport the most vulnerable citizens in a region. The RTC will position RTD so that it will be able to act quickly and efficiently to access large population centers in the event of an emergency. Additionally, the proposed project will allow for better care of RTD vehicles, which will in turn be better for RTD riders. Also, RTD has an existing commitment to perform maintenance on social service agency vehicles. The new facility will allow RTD to continue that commitment and will help RTD to provide reliable cost effective maintenance for its community transportation partners. Construction of a new combined centralized facility would allow RTD to dispose of the aging, inefficient Metro facility. The new facility would also allow RTD to avoid or reduce certain building maintenance expenses at the existing County facility. For instance, busses are currently breaking down certain areas of concrete flooring that are presently being patched but will need replacement within a short period of time.

The site selected for the RTC includes the existing RTD County facility at Filbert and Myrtle Streets in Stockton and the five parcels (2731, 2825, 2841, 2849, and 3023 E. Myrtle Street) immediately adjacent to and east of the existing facility (see attached Assessor's Parcel Map). This location provides RTD with easy, direct access to and from the Crosstown Freeway, via Filbert Street. This site meets all of the criteria determined to be important for such a facility. Its location adjacent to and including the existing County facility is a key factor in that the existing facility can be incorporated with the adjacent properties to form the much needed single transportation facility in a centralized location next to a major transportation corridor. Utilizing land already owned by RTD will reduce the amount of land needed elsewhere to accomplish a similar function. In this manner, RTD's acquisition of the five parcels would result in the greatest public good and least private injury when compared to available alternatives. On September 16, 2008, the Board of Directors of the San Joaquin Regional Transit District passed and adopted Resolution No. 5109, a resolution approving the development of a RTC at this location.

RTD has acquired all of the adjacent parcels needed for this project except for the subject parcel at 2731 E. Myrtle Street (see attached Assessor's Parcel Map). The property at 2731 E. Myrtle Street is located between the existing County facility and the other properties already acquired for the project. All of these parcels, including the subject property in its entirety, are necessary to provide a site of sufficient size and configuration for the construction of the proposed RTC. Alternatives to acquiring the subject property include scaling back the RTC to provide fewer facilities and functions at this location. This would require locating certain aspects of the project at a satellite location and would require the existing County facility to be physically separated from the new facility to be built on the properties already acquired to the east of the subject property. This alternative would result in inefficient and/or more costly operations than might be expected from a new facility housing all of the necessary functions in one location. Another alternative would be to build the entire RTC at another location. This would mean disposing of the existing RTD owned

Subject: Hearing of Necessity – Regional Transportation Center

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County facility, the metro facility, and the four properties recently acquired for a project at this location. It would mean acquiring more private property than that needed at the proposed location. It would result in significant delays and loss of expenditures made in the planning effort for a facility at the currently proposed location, and there would be no assurance that a satisfactory property could be found in an acceptable location offering the numerous amenities of the proposed site.

On March 6, 2010, in conformance with California Government Code Section 7267.2, and pursuant to Federal requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, RTD made an offer to the owner of the property at 2731 E. Myrtle Street on the basis of an approved appraisal of fair market value. The amount of just compensation established by RTD for acquisition of the subject real property and the amount of RTD's offer to the property owner, DSS-2731 MYRTLE LLC, was \$1,624,125.00. Since that time RTD has been attempting to acquire this property through voluntary acquisition. While the amount of compensation is not at issue in a Hearing of Necessity, it should be noted that the property owner rejected RTD's offer and has recently made a counteroffer of \$2,373,000.00.

The alternative to voluntary acquisition is to consider whether the facts and circumstances support the exercise of RTD's power of eminent domain, and that is the purpose of this hearing. The California Code of Civil Procedure requires that the landowner be given a reasonable opportunity to respond and to appear and be heard at RTD's hearing to consider adoption of a resolution of necessity on the following matters:

1. Whether the public interest and necessity require the project;
2. Whether the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. Whether the property sought to be acquired is necessary for the project; and
4. All matters stated in the draft resolution of necessity attached hereto, including the offer provided under Government Code section 7267.2, but not including any matters related to the amount of probable just compensation.

RTD is authorized to acquire the necessary property and exercise the power of eminent domain pursuant to, and in accordance with, Article I, Section 19 of the California Constitution, California Eminent Domain Law. In order for RTD to acquire the subject property with the use of Eminent Domain, it is necessary per Public Utilities Code Section 50162 that consent be received from the legislative body of the affected city. On September 29, 2009, the City Council of the City of Stockton adopted Resolution No. 09-0326, which established its consent for acquisition of the subject property in this manner.

Environmental Clearance: On June 27, 2008, San Joaquin Regional Transit District filed a Notice of Determination of Exemption finding and determining that the planned maintenance facility is not subject to Division 13 of the Public Resources Code beginning at Section 21000 and commonly known as the California Environmental Quality Act ("CEQA"). The determination was based upon the applicable statutory exemptions within Section 21080 (b) (10), (11), (13) of the Public Resources Code. In addition, it was determined that under the

Subject: Hearing of Necessity – Regional Transportation Center

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National Environmental Policy Act (NEPA), the project qualified as a categorical exclusion under the provisions of 23 CFR part 771.117(d)(8).

Notification: California Code of Civil Procedure Section 1245.235 requires a notice of hearing by mail be sent at least 15 days prior to the hearing to each person whose property is to be considered for acquisition by eminent domain as identified on the Assessor's tax rolls. Such notice was sent to DSS-2731 MYRTLE LLC on September 1, 2010. The owner's attorney, Aaron S. McKinney, Esq., with the firm of Brown, Hall, Shore and McKinley, responded via a letter dated September 7, 2010 requesting that the owner be allowed to appear and be heard on this matter.

In order to adopt a Resolution of Necessity, it is required that two-thirds of the San Joaquin Regional Transit District vote affirmatively.

The attached resolution, if adopted, would make the required findings that the RTC is necessary, that the subject property is necessary for the project and that acquisition of the subject property would create the greatest public good and least private injury. Adoption of the attached resolution will also authorize RTD's legal counsel to file an action in eminent domain to acquire the subject parcel and a deposit in the amount of RTD's offer will be placed on deposit with either the Superior Court or the State Treasurer's Condemnation Fund.

157-02

THIS MAP FOR
ASSESSMENT USE ONLY

EAST STOCKTON RENEWAL SUBDIVISION, UNIT NO. 1



HIGHEST A.P.N. USED	YEAR	PAR.	PAR.	PAR.
	89-97	07		
	93-97	08		
	04-04	10		

NO. 4

CITY OF STOCKTON
Assessor's Map Bk. 157 Pg. 02
County of San Joaquin, Calif.

NOTE: Assessor's Parcel Numbers Shown in Circles
Assessor's Block Numbers Shown in Ellipses

R. M. Bk. 17 Pg. 018

97-98

RESOLUTION NO. _____
DATED: SEPTEMBER 21, 2010

RESOLUTION FINDING AND DETERMINING THAT THE PUBLIC USE AND
NECESSITY REQUIRE THE ACQUISITION OF CERTAIN REAL PROPERTY FOR THE
REGIONAL TRANSPORTATION CENTER PROJECT AND DIRECTING ACQUISITION
OF SAID REAL PROPERTY BY EMINENT DOMAIN (2731 E. MYRTLE STREET,
STOCKTON, CALIFORNIA - SAN JOAQUIN COUNTY ASSESSOR'S PARCEL NO. 157-
020-02)

WHEREAS, the San Joaquin Regional Transit District ("RTD") intends to implement a Regional Transportation Center (the "Project") for the principal purposes of providing a single, centralized operations and maintenance facility in order to provide for more efficient operations and the lowest cost maintenance solution for bus operations, and otherwise furthering the public health, safety, and welfare together with constructing related improvements and, in connection therewith, intends to acquire certain real property. The Project is for a public use, which is a function of RTD; and,

WHEREAS, it is desirable and necessary for RTD to acquire certain property, more particularly described in Exhibit A, attached hereto and made a part hereof by this reference, for the Project and the construction thereof, and,

WHEREAS, the property to be acquired consists of the fee interest in a parcel (APN 157-020-02), and improvements thereon, located at 2731 E. Myrtle Street, in the City of Stockton, County of San Joaquin, State of California; and,

WHEREAS, RTD is authorized to acquire the subject property and exercise the power of eminent domain pursuant to, and in accordance with, Article 1, Section 19 of the California Constitution, California Eminent Domain Law at Code of Civil Procedure Section 1230.010 et seq., and the California Public Utilities Code, Section 50162; and,

WHEREAS, RTD filed a Notice of Determination of Exemption on June 27, 2008 finding and determining that the Project is not subject to the California Environmental Quality Act ("CEQA"), based upon the applicable statutory exemptions within Section 21080 (b) (10), (11), (13) of the Public Resources Code. In addition, it was determined that the Project qualifies as a categorical exclusion under the National Environmental Policy Act (NEPA) under the provisions of 23 CFR part 771.117(d)(8); and,

WHEREAS, On September 16, 2008, the Board of Directors of the San Joaquin Regional Transit District passed and adopted Resolution No. 5109, a resolution approving the development of a Regional Transportation Center at this location; and,

WHEREAS, On March 6, 2010, in conformance with California Government Code Section 7267.2, RTD made an offer to the owner of the property at 2731 E. Myrtle Street on the basis of an approved appraisal of fair market value and said offer was made pursuant to Federal requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended; and,

WHEREAS, pursuant to Public Utilities Code Section 50162, RTD has requested and obtained the consent of the City Council of the City of Stockton to proceed to acquire the subject property by eminent domain as evidenced by City of Stockton Resolution No. 09-0326 adopted on September 29, 2009; and,

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure, notice has been duly given to the owner(s) of the above-described property, all of whom have been given a reasonable opportunity to appear and be heard before the Board of Directors at the time and place set forth in said notice, regarding the matters specified therein; and,

WHEREAS, the owner's attorney, Aaron S. McKinney, Esq., with the firm of Brown, Hall, Shore and McKinley, responded via a letter dated September 7, 2010, requesting that the owner be allowed to appear and be heard on this matter; and,

WHEREAS, a hearing on the subject Resolution of Necessity was conducted and all interested persons were given an opportunity to be heard.

NOW, THEREFORE, based on the evidence presented, the Board of Directors of the SAN JOAQUIN REGIONAL TRANSIT DISTRICT finds, determines, and resolves each of the following:

1. The above recitals are true and correct.
2. The public interest and necessity require the proposed Project.
3. The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
4. The property described in Exhibit A is necessary for the proposed Project.
5. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, was made to the owner(s) of record, which offer and statement were in a format and contained the information required by Government Code section 7267.2, and said offer was made pursuant to Federal requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.
6. RTD obtained the consent of the City Council of the City of Stockton to proceed to acquire the subject property by eminent domain pursuant to Public Utilities Code Section 50162.
7. RTD filed a Notice of Determination of Exemption finding and determining that the planned maintenance facility is not subject to the California Environmental Quality Act ("CEQA") based upon the applicable statutory exemptions within Section 21080 (b) (10), (11), (13) of the Public Resources Code, and that a determination was made that the Project qualifies as a categorical exclusion under the National Environmental Policy Act (NEPA) under the provisions of 23 CFR part 771.117(d)(8).

8. All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the property described herein have been complied with by RTD.
9. Counsel for RTD or said counsel's duly authorized designee, including private counsel as co-counsel, is hereby authorized and directed to institute and conduct to conclusion on RTD's behalf, eminent domain proceedings to acquire in RTD's name, the property described in Exhibit A and to take such actions that counsel deems advisable or necessary in connection therewith, and may deposit the probable amount of compensation and obtain an order for prejudgment possession of the subject property.

BE IT FURTHER RESOLVED that the Treasurer of the San Joaquin Regional Transit District is authorized and directed to draw a check, in the amount specified in the written summary of just compensation, for deposit as required by law for RTD to obtain a prejudgment order of possession.

EXHIBIT A
LEGAL DESCRIPTION OF
REAL PROPERTY TO BE
ACQUIRED BY
SAN JOAQUIN REGIONAL TRANSIT DISTRICT

The land referred to is situated in the County of San Joaquin, City of Stockton, State of California, and is described as follows:

Parcel 14, as shown upon Map entitled, "Tract No. 655, East Stockton Renewal Subdivision Unit No. 1", Filed for Record June 12, 1963 in Volume 17 of Maps and Plats, Page 18, San Joaquin County Records.

EXCEPT THEREFROM the Easterly 151.605 feet of said Parcel 14.

Street Address: 2731 E. Myrtle Street
 Stockton, California

APN: 157-020-02

Donna DeMartino, the duly appointed, qualified and acting Secretary of the San Joaquin Regional Transit District, does hereby certify that the foregoing Resolution _____ is a full, true and correct copy of the Resolution passed and adopted at a Regular Meeting of the Board of Directors of said District held on September 21, 2010, at which meeting a quorum was present; said resolution has not been amended or rescinded and the same is now in full force and effect.

Dated: _____, 2010

Donna DeMartino, Secretary

Subject: Inside RTD – Service Development Department

Page 1 of 1

DISCUSSION ITEM: INSIDE RTD – SERVICE DEVELOPMENT DEPARTMENT

**LEAD STAFF: NATE KNOTT
 SERVICE DEVELOPMENT MANAGER
 JULIANN FLORES
 TRANSPORTATION SUPERINTENDENT**

FINANCIAL IMPACT: NONE

DISCUSSION:

Staff will provide a presentation on the Service Development Department functions.

San Joaquin RTD

FINANCIAL REPORT

**August 31, 2010
FISCAL YEAR 2011**

San Joaquin RTD

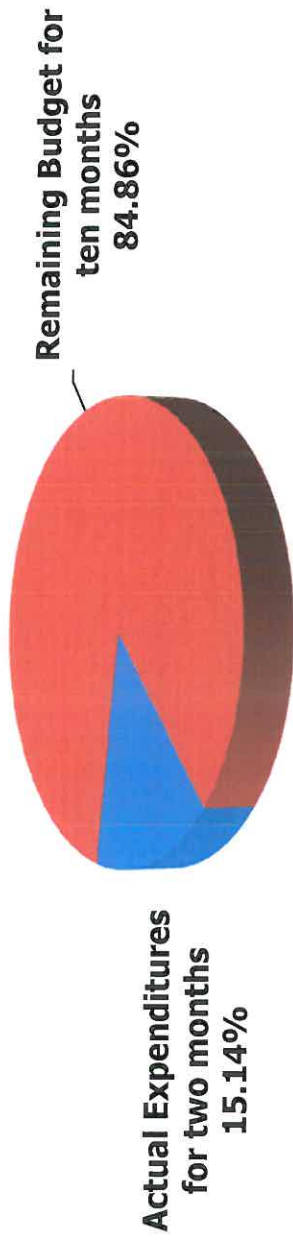
August 31, 2010

Revenue and Expense Summary 1
Graph (Total YTD Expenses vs. Annual Budget) 2
Graph (YTD Expenses Composition) 2

**San Joaquin RTD
Revenue & Expense Summary
Year to Date Comparison to Budget
August 31, 2010
(16.67 % of Fiscal Year)**

	Annual Budget	Year to Date Actual	Budget Balance	% of Actual YTD to Annual Budget
REVENUES				
PASSENGER FARES & SPECIAL FARES	\$ 4,788,212	\$ 752,534	\$ 4,035,678	15.72%
NON-TRANSPORTATION REVENUES	153,019	11,562	141,457	7.56%
FEDERAL GRANTS (5307)	5,002,136	-	5,002,136	0.00%
OTHER FEDERAL GRANTS	842,447	-	842,447	0.00%
PROPERTY TAXES	706,000	-	706,000	0.00%
TDA - STA	1,600,000	-	1,600,000	0.00%
TDA - LTF	9,951,625	-	9,951,625	0.00%
MEASURE K	6,781,650	-	6,781,650	0.00%
TOTAL REVENUES	\$ 29,825,089	\$ 764,096	\$ 29,060,993	2.56%
EXPENSES				
WAGES AND FRINGE BENEFITS	\$ 20,442,905	\$ 3,410,159	\$ 17,032,747	16.68%
SERVICES	2,878,941	240,610	2,638,332	8.36%
MATERIALS & SUPPLIES	3,111,217	490,485	2,620,732	15.77%
UTILITIES	812,700	86,863	725,837	10.69%
INSURANCE	955,842	157,094	798,749	16.44%
TAXES	286,862	25,252	261,610	8.80%
PURCHASED TRANSPORTATION	622,000	48,260	573,740	7.76%
MISCELLANEOUS EXPENSES	714,622	55,932	658,689	7.83%
TOTAL EXPENSES	\$ 29,825,089	\$ 4,514,654	\$ 25,310,435	15.14%
EXCESS OF REVENUE OVER EXPENSES	(0)	(3,750,558)		

Total YTD Expenses as of August 31, 2010 (16.67% of Fiscal Year)



FY2011 Expenses as of August 31, 2010 (\$ 4,514,654)

