

**NOTICE OF REGULAR MEETING**  
**OF THE**  
**TECHNICAL REVIEW BOARD**

City of Atwater  
Atwater Community Center – Jesse Frago Room  
760 Bellevue Road  
Atwater, CA 95301

(209) 723-3153

**WEDNESDAY, DECEMBER 10, 2008 12:00 P.M.**

**1. INTRODUCTION**

**MEMBERS OF THE PUBLIC MAY ADDRESS ANY ITEM ON THE AGENDA DURING CONSIDERATION OF THAT ITEM.**

**2. ORAL COMMUNICATION**

**PERSONS WISHING TO ADDRESS AGENDA ITEMS OR COMMENT ON ANY ITEM NOT ON THE AGENDA MAY DO SO AT THIS TIME. COMMENTS ARE LIMITED TO THREE MINUTES PER PERSON. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.**

**FOR ITEMS NOT ON THE AGENDA, NO ACTION WILL BE TAKEN AT THIS TIME. IF IT REQUIRES ACTION, IT WILL BE REFERRED TO STAFF AND/OR PLACED ON THE NEXT AGENDA.**

**COPIES OF STAFF REPORTS OR OTHER WRITTEN DOCUMENTATION RELATING TO ITEMS OF BUSINESS REFERRED TO ON THE AGENDA ARE ON FILE IN THE OFFICE OF MERCED COUNTY ASSOCIATION OF GOVERNMENTS. PERSONS WITH QUESTIONS CONCERNING AGENDA ITEMS MAY CALL MCAG TO MAKE INQUIRY REGARDING THE NATURE OF THE ITEM DESCRIBED ON THE AGENDA.**

**ITEM**

**STAFF**

- \* **3. Minutes of the November 13, 2008 Technical Review Board meeting**

**MERCED COUNTY REGIONAL WASTE  
MANAGEMENT AUTHORITY BOARD**

*There are no Merced County Regional Waste Management Authority Board items this month.*

**TRANSIT JOINT POWERS AUTHORITY FOR  
MERCED COUNTY**

- # **4. Minutes of the November 20, 2008 Transit Joint Powers Authority for Merced County meeting**

For information only.

- \* # **5. Authorize the Realignment of Deviated Route TSA-10 (Gustine-Stevinson-Hilmar-Turlock) into a New Route 6 to serve only Hilmar and Turlock Effective January 2, 2009**

Larry Shankland

Recommend the Transit Joint Powers Authority for Merced County authorize the realignment of deviated Roust TSA-10 (Gustine-Stevinson-Hilmar-Turlock) into new Route 6 to serve only Hilmar and Turlock effective January 2, 2009.

**MCAG GOVERNING BOARD**

**6. Information/Discussion Only**

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#
- a. Minutes of the November 20, 2008 Governing Board meeting
  - b. Status of Regional Road Projects for Merced County
  - c. Neighborhood Stabilization Program Assistance
  - d. Public Notice – Atwater-Merced Expressway Flyer
  - e. Save the Date: San Joaquin Valley Blueprint Summit – January 26, 2009
  - f. Letter of September 30, 2008 from the Department of Transportation

**7. Caltrans Report**

John Gedney

- |     |  |             |
|-----|--|-------------|
| #   | <p><b>8. San Joaquin Valley Blueprint – Valleywide Scenario Recommendation (BRAC)</b></p> <p>For information and discussion.</p>   | Rich Green  |
| #   | <p><b>9. Regional Transportation Plan Amendment</b></p> <p>For review and comment by December 26, 2008.</p>  | Matt Fell   |
| #   | <p><b>10. Draft Amendment No. 3 to the 2009 Interim Federal Transportation Improvement Program</b></p> <p>For review and comment.</p>  | Matt Fell   |
| * # | <p><b>11. Abandoned Vehicle Abatement (AVA) Program</b></p> <p>Recommend the MCAG Governing Board approve the Final Abandoned Vehicle Abatement Plan and instruct staff to submit it to the State Controller’s Office.</p> | Marjie Kirn |
| +   | <p><b>12. Oral Report – San Joaquin Valley Express Transit Study</b></p> <p><b>13. Oral Report - Jurisdictions</b></p>   | Jesse Brown |

\* Action

# Attachment

+ Enclosure

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*The next Technical Review Board meeting will be held on Wednesday, January 14, 2009 at 12:00 p.m. at the City of Gustine, 6832 3<sup>rd</sup> Ave, Gustine, CA*

## TECHNICAL REVIEW BOARD MEETING

November 13, 2008

### MINUTES

The regular meeting of the Technical Review Board, held at the City of Dos Palos, 1546 Golden Gate Avenue, Dos Palos, California, was called to order at 12:21 P.M.

#### **MEMBERS PRESENT**

Darrell Fonseca, City of Dos Palos  
Steve Rath, City of Los Banos  
Dee Tatum, County of Merced  
Richard Warne, City of Livingston

#### **MEMBERS ABSENT**

Bill Cahill, City of Merced  
Greg Wellman, City of Atwater  
Margaret Silveira, City of Gustine

#### **OTHERS PRESENT**

Jesse Brown, MCAG staff  
Paul Fillebrown, Merced County Public Works  
John Gedney, Caltrans  
Joy Gort, MCAG staff  
Larnold Jones, Merced County Transit – “The Bus”  
Marjie Kirn, MCAG staff  
Larry Shankland, Merced County Transit - “The Bus”

#### **2. Oral Communication**

Larry Shankland from Merced County Transit – “The Bus” distributed a handout pertaining to State Budget issues regarding transportation funding elimination.

#### **3. Minutes of the October 8, 2008 Technical Review Board meeting**

Dee Tatum moved to approve the minutes of the October 8, 2008 Technical Review Board meeting.

Seconded by Steve Rath.

**MOTION CARRIED UNANIMOUSLY.**

### **MERCED COUNTY REGIONAL WASTE MANAGEMENT AUTHORITY BOARD**

*There were no Merced County Regional Waste Management Authority Board items this month.*

**TRANSIT JOINT POWERS AUTHORITY FOR MERCED COUNTY**

**4. Minutes of the October 16, 2008 Transit Joint Powers Authority for Merced County meeting**

So noted.

**5. Consider Setting a Public Hearing for January 15, 2009 at 3:00 p.m. to Review and Possibly Adopt Fare Increases for “The Bus” – Merced County Transit**

Dee Tatum moved to recommend the Transit Joint Powers Authority for Merced County set a Public Hearing at the regularly scheduled meeting of the TJPAMC on Thursday, January 15, 2009 at 3:00 p.m. to consider the proposed fare and pass price increases for Carless Commute, Fixed Route, and Dial-A-Ride services of “The Bus” – Merced County Transit.

Seconded by Richard Warne.

**MOTION CARRIED UNANIMOUSLY.**

**At this time, Larry Shankland requested an emergency item be added to the agenda.**

Dee Tatum moved to add item 5a. STA Fund Eliminated FY 08/09 to the agenda as an emergency item.

Seconded by Steve Rath.

**MOTION CARRIED UNANIMOUSLY.**

**5a. STA Fund Eliminated FY 08/09**

Larry Shankland added this item to the agenda as he felt immediate action needed to be taken. Larry stated that the Governor is proposing to eliminate the State Transit Assistance Fund for the remainder of the 2008-2009 fiscal year. This represents an additional \$750,000 in lost revenues for the Merced County Transit budget for the 2008-2009 fiscal year.

Dee Tatum moved to recommend the Transit Joint Powers Authority for Merced County direct staff to suspend Saturday services effective December 31, 2008 with additional actions to be determined after the proposed fare increase hearing to be scheduled for January 15, 2009.

Seconded by Steve Rath.

**MOTION CARRIED UNANIMOUSLY.**

**MCAG GOVERNING BOARD**

**6. Information /Discussion Only**

- a. Minutes of the October 16, 2008 Governing Board meeting
- b. TRB Meeting Calendar for 2009

c. Ag-Chem Container Recycling

So noted.

**7. Caltrans Report**

No report was given this month.

**8. Auditing Services – Request for Proposals**

Steve Rath moved to recommend the MCAG Governing Board direct staff to prepare and release a Request for Proposals for auditing services for the Merced County Association of Governments.

Seconded by Dee Tatum.

**MOTION CARRIED UNANIMOUSLY.**

**9. Governing Board Meetings on Television**

Dee Tatum moved to recommend the MCAG Governing Board approve the proposed contracts with the County of Merced and the Merced Community Action Network to provide filming services.

Seconded by Steve Rath.

**MOTION CARRIED UNANIMOUSLY.**

**10. Caltrans Community-Based Transportation Planning Grant Award Acceptance as Sub-Recipient for the City of Gustine**

Steve Rath moved to recommend the MCAG Governing Board accept the grant award as the Sub-Recipient, with the City of Gustine being responsible for the local match as stated in their original City Resolution No. 2008-2058, and designate the Executive Director to sign any documents related to the grant award and grant agreement.

Seconded by Dee Tatum.

**MOTION CARRIED UNANIMOUSLY.**

**11. Merced County Regional Bicycle Transportation Plan**

This item was taken off of the agenda.

**12. Unmet Transit Needs – FY 08/09**

Richard Warne moved to recommend the MCAG Governing Board adopt Resolution 2008/11-20-02 with a finding of fact for FY 2008/09 that there are no unmet transit needs reasonable to meet.

Seconded by Dee Tatum.

**MOTION CARRIED UNANIMOUSLY.**

**13. Revised 2008/09 State Transit Assistance (STA) Funds Apportionment Schedule**

Steve Rath moved to recommend the MCAG Governing Board approve:

- a. The revised State Transit Assistance schedule for Fiscal Year 2008/09; and
- b. Adopt Resolution 2008/11-20-03 approving the revised STA claim from Merced County.

Seconded by Dee Tatum.

**MOTION CARRIED UNANIMOUSLY.**

**14. Anna M. Fuentes Memorial Scholarship**

Steve Rath moved to recommend the MCAG Governing Board approve the actions and policies cited in the Anna M. Fuentes Scholarship Program to include establishment of a 501(c)(3) not for profit corporation with the MCAG Governing Board serving as the corporate Board of Directors, establishment of an account in a local financial institution, and adoption of the scholarship criteria, evaluation and selection process, and contribution policy.

Seconded by Richard Warne.

**MOTION CARRIED UNANIMOUSLY.**

**15. Oral Report - Jurisdictions**

So noted.

**THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 1:19 P.M.**

## **TRANSIT JOINT POWERS AUTHORITY FOR MERCED COUNTY**

**November 20, 2008**

### **MINUTES**

The regular meeting of the **MERCED COUNTY ASSOCIATION OF GOVERNMENTS TRANSIT JOINT POWERS AUTHORITY FOR MERCED COUNTY** held on Thursday, November 20, 2008, at the County of Merced, Board of Supervisors Chambers, 2222 M Street, Merced, California, was called to order by Chair Oliveira at 3:01 P.M.

#### **DIRECTORS PRESENT**

Tommy Jones  
Deidre Kelsey  
Johnny Mays  
Mike Nelson  
Jerald O'Banion  
Joe Oliveira  
John Pedrozo  
Bill Spriggs

#### **MEMBERS ABSENT**

Kathleen Crookham  
Joan Faul  
Gurpal Samra

#### **OTHERS PRESENT**

Ken Baxter, Caltrans District 10  
Margaret Garcia Brickman, Citizen  
Jesse Brown, MCAG staff  
Mario Cordova, Merced College  
Chris Grilesey, Merced College Student  
Robert Haden, Legal Counsel  
Daniell Hill, Citizen  
Larnold Jones, Merced County Transit – “The Bus”  
Janet Kasper, “The Bus”  
Chris Kilby, Merced College  
Marjie Kirn, MCAG staff  
Robin Lamas, MCAG staff  
Brenda Latham, Merced College  
Cheryl Oliveira, Citizen  
Larry Shankland, Merced County Transit – “The Bus”  
Patrick Wey, Citizen

**4. Minutes of the October 16, 2008 Transit Joint Powers Authority for Merced County meeting**

Director O'Banion moved to approve the minutes of the October 16, 2008 Transit Joint Powers Authority for Merced County meeting.

Seconded by Director Spriggs.

**MOTION CARRIED UNANIMOUSLY.**

**5. Consider Setting a Public Hearing for January 15, 2009 at 3:00 p.m. to Review and Possibly Adopt Fare Increases for "The Bus" – Merced County Transit**

Larry Shankland gave a review of the need to set a public hearing to review and possibly adopt fare increases for "The Bus" – Merced County Transit due to the budget shortfall. The purpose of the public hearing is to hear comments in regards to the fare increases.

Director Kelsey moved to approve setting a public hearing at the regularly scheduled meeting of the TJPAMC on Thursday, January 15, 2009 at 3:00 p.m. to consider the proposed fare and pass price increases for Carless Commute, Fixed Route, and Dial-A-Ride services of "The Bus" – Merced County Transit.

Seconded by Director Faul.

**MOTION CARRIED UNANIMOUSLY.**

**6. State Transit Assistance (STA) Fund Eliminated FY 08/09**

Larry Shankland gave a review of the State Transit Assistance Fund and the proposing by the Governor to eliminate the remaining State Transit Assistance Funds for the remainder of the 2008-2009 fiscal year. This cut would represent an additional \$750,000 in lost revenues for the Merced County Transit budget for the 2008-2009 fiscal year. Staff is recommending the suspension of Saturday service effective December 1, 2008 through June 30, 2009 with consideration of re-implementation of the service as revenues stabilize. Increasing fares to help meet the shortfall are scheduled for public hearing consideration in January.

A number of persons in the audience spoke in support of continuing Saturday service.

Director O'Banion moved to direct staff to suspend Saturday service effective January 1, 2009 and directed staff to send this item back to the Transit subcommittee to have them review service alternatives based on suggestions given at the Governing Board meeting and return the item for possible reconsideration of actions at the December Governing Board meeting.

Seconded by Director Kelsey.

**MOTION CARRIED UNANIMOUSLY.**

**THERE BEING NO FURTHER BUSINESS OF THE TRANSIT JOINT POWERS  
AUTHORITY FOR MERCED COUNTY, THAT PORTION OF THE MEETING WAS  
ADJOURNED AT 4:05 P.M.**

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/ s /

Robin Lamas

Administrative Assistant II



**DEPARTMENT OF PUBLIC WORKS  
Transportation Division**

**Paul A. Fillebrown**  
*Director*

880 Thornton Road  
Merced, CA 95340  
(209) 385-7600  
(209) 725-3655 Fax  
[www.co.merced.ca.us](http://www.co.merced.ca.us)

Equal Opportunity Employer

**ITEM 5**

**DATE: DECEMBER 3, 2008**

**TO: TRANSIT JOINT POWERS AUTHORITY FOR MERCED COUNTY**

**FROM: LARRY SHANKLAND, TRANSPORTATION MANAGER**

**SUBJECT: AUTHORIZE THE REALIGNMENT OF DEVIATED ROUTE TSA-10  
(GUSTINE-STEVINSON-HILMAR-TURLOCK) INTO A NEW  
ROUTE 6 TO SERVE ONLY HILMAR AND TURLOCK EFFECTIVE  
JANUARY 2, 2009**

**MEMORANDUM**

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**BACKGROUND**

Deviated route TSA-10 (see attachment 1) operates between Gustine, Stevinson, Hilmar and Turlock with three round trips per day from 8:00 A.M. to 4:00 P.M. on a Monday through Friday basis. The route is approximately 27 miles long one-way. Implemented on January 2, 2008 to ameliorate the closure of Bus Route 20, TSA-10 has not had much success. The route is simply too long with too many wasted miles between communities.

Shown on Attachment 2 are the operations statistics for TSA-10 for the six-month period between 1/2/08 and 6/30/08. Ridership is a dismal one passenger per hour. On most days the seniors living in Hilmar going to the CHERISH nutrition site are the only riders. Staff believes that TSA-10 could serve more people at a lesser cost if the route operated between Hilmar and Turlock only.

**DISCUSSION**

No one is riding TSA-10 between Gustine and Hilmar. This segment of the route is about 18 miles long one-way. On an annual basis this part of TSA-10's mileage is 27,324 miles and serving zero passengers. That's unacceptable.

Staff is proposing to re-align TSA-10 and renaming it Route 6 per attachment 3 to serve Hilmar and Turlock along with the timetable shown on Attachment 4. The schedule allows the route to maintain its Dial-A-Ride service for the Hilmar CHERISH seniors. Gustine and Stevinson would continue to be served with Dial-A-Ride. By re-aligning the route, I believe ridership will increase and fuel savings will be about \$20,493/year.

Currently, demand from the Hilmar area is for service to civic (banking), medical (Emanuel Hospital and doctors offices) and shopping (Wal-Mart) centers in Turlock. The new route alignment provides this service.

Connections between the Turlock bus service (the BLST) and Stanislaus County's Start Service would be made at Turlock's downtown transfer point located at Del's Lane and Hawkeye Avenue. Connections to Merced County Transit Route 7 (Turlock-Delhi-Livingston-Winton-Atwater-Merced) would be made at the Fulkerth shopping center in Turlock.

### **REQUESTED ACTION**

Recommend the Transit Joint Powers Authority for Merced County authorize the realignment of deviated Route TSA-10 (Gustine-Stevinson-Hilmar-Turlock) into new Route 6 to serve only Hilmar and Turlock effective January 2, 2009.

Attachments: TSA-10 "The Westside Shuttle"  
TSA-10 Gustine-Hilmar Operations Statistics  
Route #6 – Hilmar / Turlock  
The Bus – Merced County Transit Route 6 Hilmar-Turlock










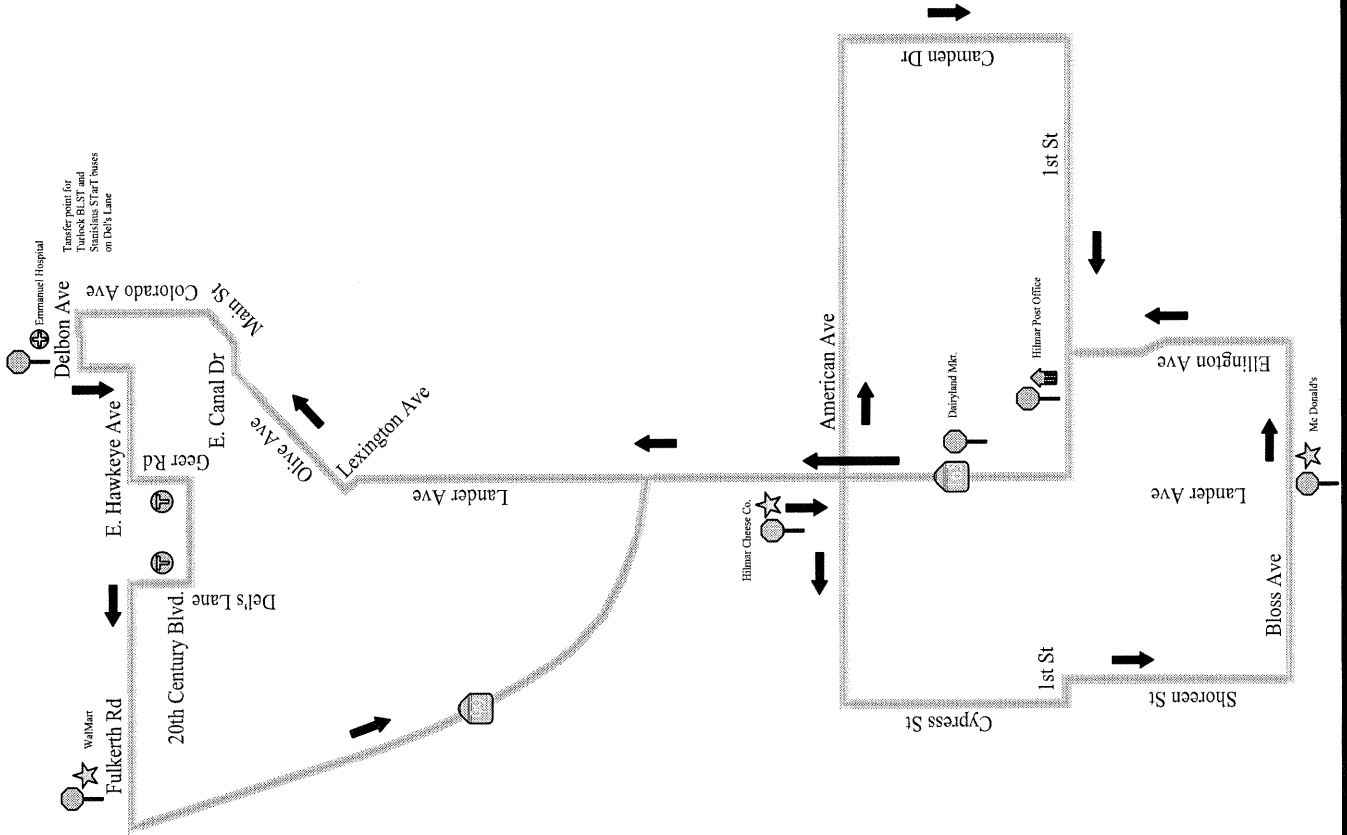
TSA-10 Gustine-Hilmar  
Operations Statistics  
Jan.1, 2008 through July 30, 2008  
preliminary unaudited

**Attachment 2**

| STATISTIC                    |              |
|------------------------------|--------------|
| TOTAL RIDERSHIP              | 928          |
| FREE RIDERS                  | 52           |
| FARE PAYING RIDERSHIP        | 876          |
| TOTAL OPER. COST             | \$ 75,183.21 |
| TOTAL FAREBOX REV            | \$ 1,295.38  |
| NET OPERATION COST           | \$ 73,887.83 |
| TOTAL VEH. SERV. HOURS       | 928.97       |
| TOTAL VEH. SERV. MILES       | 20,925       |
| PASSENGERS PER HR.           | 1.00         |
| TOTAL COST PER HR.           | \$ 80.93     |
| TOTAL COST PER MILE          | \$ 3.59      |
| TOTAL COST PER PASS.         | \$ 81.02     |
| NET COST(subsidy) Per HR     | \$ 79.54     |
| NET COST(subsidy)Per Mile    | \$ 3.53      |
| NET COST (subsidy) per PASS. | \$ 79.62     |
| Total Fare Revenue per HR    | \$ 1.39      |
| Total Fare Revenue per Mile  | \$ 0.06      |
| Average Fare per Passenger   | \$ 1.48      |
| FAREBOX RECOVERY RATIO       | 1.72%        |

# Route # 6 - Hilmar / Turlock

-  Bus Stop
-  Shopping Center/Restaurant
-  Government
-  Park
-  Hospital
-  School
-  Transfer Point



The Bus -Merced County Transit  
Route 6  
Hilmar-Turlock

Monday through Fridays

Attachment 4

**READ Across ----->**

| Hilmar<br>Lander &<br>American | Hilmar<br>McDonalds<br>Bloss &<br>Lander | Hilmar<br>Post Office<br>First St.<br>( 2nd loop) | Hilmar<br>Dairyland<br>Market<br>( 2nd loop) | Turlock<br>Emmanuel<br>Hospital<br>Bus Stop | Turlock<br>Dels's Ln<br>& Hawkeye<br>(BLST)** | Turlock<br>WalMart<br>Fulkerth<br>Avenue | Hilmar<br>Cheese<br>Company | Hilmar<br>Lander &<br>American |
|--------------------------------|--|---|--|---|---|--|-----------------------------|--------------------------------|
| 7:00 AM                        | 7:05 AM                                  | 7:10 AM   | 7:12 AM                                      | 7:30 AM                                     | 7:35 AM                                       | 7:40 AM                                  | 7:50 AM                     | 7:55 AM                        |
| 7:55 AM                        | 8:00 AM                                  | 8:05 AM   | 8:07 AM                                      | 8:25 AM                                     | 8:30 AM                                       | 8:35 AM                                  | 8:45 AM                     | 8:50 AM                        |
| 9:05 AM                        | 9:10 AM                                  | 9:15 AM   | 9:17 AM                                      | 9:35 AM                                     | 9:40 AM                                       | 9:45 AM                                  | 9:55 AM                     | 10:00 AM                       |

\*\* = Transfer Point for City of Turlock and Stanislaus County Transit Services

*Between 10:00 am and 1:00 pm Route 6 operates Dial-A-Ride service for the Hilmar area.  
Drivers lunch is between 11:30 AM & 12:15 PM.  
Regular Afternoon Fixed Route service resumes as follows:*

| Hilmar<br>Lander &<br>American | Hilmar<br>McDonalds<br>Bloss &<br>Lander | Hilmar<br>Post Office<br>First St.<br>( 2nd loop) | Hilmar<br>Dairyland<br>Market<br>( 2nd loop) | Turlock<br>Emmanuel<br>Hospital<br>Bus Stop | Turlock<br>Dels's Ln<br>& Hawkeye<br>(BLST)** | Turlock<br>WalMart<br>Fulkerth<br>Avenue | Hilmar<br>Cheese<br>Company | Hilmar<br>Lander &<br>American |
|--------------------------------|--|---|--|---|---|--|-----------------------------|--------------------------------|
| 1:00 PM                        | 1:05 PM                                  | 1:10 PM   | 1:12 PM                                      | 1:30 PM                                     | 1:35 PM                                       | 1:40 PM                                  | 1:50 PM                     | 1:55 PM                        |
| 1:55 PM                        | 2:00 PM                                  | 2:05 PM   | 2:07 PM                                      | 2:25 PM                                     | 2:30 PM                                       | 2:35 PM                                  | 2:45 PM                     | 2:50 PM                        |
| 3:00 PM                        | 3:05 PM                                  | 3:10 PM   | 3:12 PM                                      | 3:30 PM                                     | 3:35 PM                                       | 3:40 PM                                  | 3:45 PM                     | 3:50 PM                        |
| 3:50 PM                        | 3:55 PM                                  | 4:00 PM   | 4:02 PM                                      | 4:20 PM                                     | 4:25 PM                                       | 4:30 PM                                  | 4:40 PM                     | 4:45 PM                        |
| 4:45 PM                        | 4:50 PM                                  | 4:55 PM   | 4:57 PM                                      | 5:15 PM                                     | 5:20 PM                                       | 5:25 PM                                  | 5:35 PM                     | 5:40 PM                        |

\*\*= Transfer Point for City of Turlock and Stanislaus County Transit Services

*End of daily service on Route 6 is as follows: Please note that the Post Office and Dairyland stops are first loop times on the last pass through Hilmar.*

| Hilmar<br>Lander &<br>American | Hilmar<br>McDonalds<br>Bloss &<br>Lander | Hilmar<br>Post Office<br>First St.<br>( 1st loop) | Hilmar<br>Dairyland<br>Market<br>( 1st loop) |
|--------------------------------|--|---|--|
| 5:40 PM                        | 5:45 PM                                  | 5:47 PM   | 5:50 PM                                      |

*After stopping at Dairyland Market @ 5:50 PM Route 6 makes final stops on American Ave. at the Mobile Home Parks before returning to the Bus Yard.*

## **MCAG GOVERNING BOARD**

**November 20, 2008**

### **MINUTES**

The regular meeting of the **MERCED COUNTY ASSOCIATION OF GOVERNMENTS GOVERNING BOARD** held on Thursday, November 20, 2008, at the County of Merced, Board of Supervisors Chambers, 2222 M Street, Merced, California, was called to order by Chair Oliveira at 4:05 P.M.

#### **DIRECTORS PRESENT**

Tommy Jones  
Deidre Kelsey  
Johnny Mays  
Mike Nelson  
Jerald O'Banion  
Joe Oliveira  
John Pedrozo  
Bill Spriggs

#### **MEMBERS ABSENT**

Kathleen Crookham  
Joan Faul  
Gurpal Samra

#### **OTHERS PRESENT**

Ken Baxter, Caltrans District 10  
Margaret Garcia Brickman, Citizen  
Jesse Brown, MCAG staff  
Mario Cordova, Merced College  
Chris Grilesey, Merced College Student  
Robert Haden, Legal Counsel  
Danniell Hill, Citizen  
Larnold Jones, Merced County Transit – “The Bus”  
Janet Kasper, “The Bus”  
Chris Kilby, Merced College  
Marjie Kirn, MCAG staff  
Robin Lamas, MCAG staff  
Brenda Latham, Merced College  
Cheryl Oliveira, Citizen  
Larry Shankland, Merced County Transit – “The Bus”  
Patrick Wey, Citizen

**7. Consent Agenda**

- a. Minutes of the October 16, 2008 Governing Board meeting
- b. Auditing Services – Request for Proposals
- c. Governing Board Meetings on Television
- d. Caltrans Community-Based Transportation Planning Grant Award Acceptance as Sub-Recipient for the City of Gustine
- e. 1<sup>st</sup> Quarter Warrant Register – 1<sup>st</sup> Quarter Report July 2008 – September 2008

Director O'Banion moved to approve the Consent Agenda.  
Seconded by Director Jones.

**MOTION CARRIED UNANIMOUSLY.**

**8. Information Only**

- a. Governing Board Meeting Calendar for 2009
- b. Minutes of the November 13, 2008 Technical Review Board meeting (handed out at the meeting)
- c. Ag-Chem Container Recycling

So noted.

**9. Oral Report – San Joaquin Valley Housing Trust**

Director Kelsey gave an in depth review of the San Joaquin Valley Housing Trust program.

**10. Oral Report - Caltrans**

Ken Baxter gave a brief report from Caltrans.

**11. Unmet Transit Needs – FY 08/09**

Marjie Kirn gave a review of the unmet transit needs and process for FY 2008/09. There were 13 unmet transit needs that were identified through the public hearing process. Each of the 13 needs identified were measured against the Board adopted definition of “reasonable to meet” and were found by staff as not reasonable to meet.

The Social Services Technical Advisory Committee reviewed the needs identified and felt the “extended hours for evening (college students) need” reasonable to meet. The SSTAC stated that if consistent, ongoing communication occurred with “The Bus” and Merced College, then this need could be reasonable to meet.

A number of persons from the audience spoke in support of extending the evening hours for bus service for the college students.

Director Mays moved to adopt Resolution 2008/11-20-02 with a finding of fact for FY 2008/09 that there are no unmet transit needs reasonable to meet.

Seconded by Director Jones.

**MOTION CARRIED UNANIMOUSLY.**

**12. Revised 2008/09 State Transit Assistance (STA) Funds Apportionment Schedule**

Director O'Banion moved to approve:

- a. The revised State Transit Assistance schedule for Fiscal Year 2008/09; and
- b. Adopt Resolution 2008/11-20-03 approving the revised STA claim from Merced County.

Seconded by Director Jones.

**MOTION CARRIED UNANIMOUSLY.**

**13. Anna M. Fuentes Memorial Scholarship**

Director O'Banion moved to approve the actions and policies cited in the Anna M. Fuentes Scholarship Program to include establishment of a 501(c)(3) not for profit corporation with the MCAG Governing Board serving as the corporate Board of Directors, establishment of an account in a local financial institution, and adoption of the scholarship criteria, evaluation and selection process, and contribution policy.

Seconded by Director Pedrozo.

**MOTION CARRIED UNANIMOUSLY.**

**14. Representatives to the San Joaquin Valley COG Directors Policy Council and to the California Partnership for the San Joaquin Valley**

Director O'Banion moved to reconfirm Director Nelson and Director Spriggs to serve on the San Joaquin Valley COG Directors Policy Council and for Director Nelson to submit an application for the California Partnership for the San Joaquin Valley.

Seconded by Director Pedrozo.

**MOTION CARRIED UNANIMOUSLY.**

The selection of the alternate representative for the San Joaquin Valley COG Directors Policy Council and the additional two local elected officials to submit applications for the California Partnership for the San Joaquin Valley will be brought back to the December Governing Board meeting.

**15. Executive Directors Report**

So noted.

**16. Directors Report**

So noted.

**Director Spriggs requested today's meeting be adjourned in memory of Joe Rivero.**

**THERE BEING NO FURTHER BUSINESS OF THE MCAG GOVERNING BOARD  
THE MEETING WAS ADJOURNED AT 4:56 P.M.**

\_\_\_\_\_/s/\_\_\_\_\_  
Robin Lamas  
Administrative Assistant II

**MEMORANDUM**

**DATE: DECEMBER 3, 2008**

**TO: TECHNICAL REVIEW BOARD**

**FROM: TY PHIMMASONE, PLANNER**

**RE: STATUS OF REGIONAL ROAD PROJECTS FOR MERCED COUNTY**

To report on the progress of regional road projects, MCAG staff would like to provide detailed briefings from the recent month's Project Development Team (PDT) meetings and short summaries from Caltrans' 2008-2009 Fiscal Year First Quarter Progress Report on State Transportation Improvement Program (STIP) projects.

MCAG staff has also updated the online Regional Roads Projects Chart, which shows the status of projects in terms of phases of development, and has also posted the recent Caltrans Quarterly Report. Both updates can be located at <http://www.mcagov.org/programs/trans/status.html>.

**ATWATER-MERCED EXPRESSWAY**

After modifying the Atwater-Merced Expressway (AME) proposed Alignment 1B to resolve the conflict with the Atwater Elementary School District school site, the revised Draft Environmental Impact Report (EIR) was re-circulated for a 45-day review period in November 2008. Following the review period, there will be a public hearing in December 2008. The certification of the Final EIR and the approval of the preferred alternative are expected in February 2009. Following the selection of the preferred alignment, the jurisdictions (Cities of Atwater and Merced, and the County of Merced) could incorporate the preferred alignment into their respective general plans in order to preserve the project's right-of-way. Funds have not been identified for Right-of-way and Construction.

***BRADLEY OVERHEAD REPLACEMENT AND WIDENING***

***Design***

Caltrans staff has reworked design (by widening column separations) to accommodate (BNSF) Railroad's clearance request.

Final Design (100% PS&E) was submitted to the Caltrans Headquarters Office Engineer for review in late October.

Final Design underwent required Estimates Certification to check cost figures. Given the current lower bids on projects, the project cost estimates came in lower than previously

estimated, and these savings would be used to offset cost overrun for Right-of-Way (R/W) and Design (PS&E).

### Right-of-Way

Railroad Agreement expected to be done in February 2009.

Right-of-way (R/W) work is in progress. The Right-of-Way Certification (#3: in process of obtaining rights to project properties) is expected in March 2009, at which time the project will be Ready to List (RTL: process of verifying project finances, agreements, certifications for readiness to move forward to construction).

Ready to advertise for construction when Right-of-Way Certification changed over from type #3 to type #2 following Caltrans acquiring rights to occupy and use all project R/W.

### Construction

Federal Transportation Improvement Program (FTIP) Amendment to program Construction Phase funding should be done in March 2009.

Following the Right-of-Way Certification changeover to type #2 in late June 2009, Caltrans could advertise for construction.

With this project construction commencing in possibly September 2009, completion of the Bradley Overhead could be late Spring 2012.

### Schedule

| Task   | Date        |
|--|-------------|
| Railroad Agreement   | Feb. 2009   |
| Right-of-Way Certification #3;<br>Ready to List (RTL)          | March 2009  |
| FTIP Amendment (Construction)                                  | March 2009  |
| Change Right-of-Way Cert. #3 to Cert. #2;<br>Advertise Project | June 2009   |
| Commence Construction  | Sept. 2009  |
| Complete Construction  | Spring 2012 |

## **CAMPUS PARKWAY**

### Phase 1: Highway 99 to Childs Avenue

Right-of-way has been purchased. With the California Transportation Commission's (CTC) project allocation of \$12 million at their August meeting, construction will begin in March 2009 with completion in November 2009.

Phases 2 and 3: Childs Avenue to Yosemite Avenue

Right-of-way acquisition is in progress. Funding for construction still needs to be worked out.

**HIGHWAY 59 WIDENING: 16<sup>TH</sup> STREET/OLIVE AVENUE**

California Transportation Commission (CTC) staff recommended moving funding for Design and Right-of-way phases out to FY 2011-2012.

**HIGHWAY 99: PLAINSBURG ROAD FREEWAY (PROP 1B FUNDED)**

Design and Right-of-way work in progress. By guideline, Prop 1B projects must begin construction by December 31, 2012. Thus far, Caltrans expects to advertise this project for construction in October 2010.

**HIGHWAY 99: ARBOLEDA DRIVE FREEWAY (PROP 1B FUNDED)**

Design and Right-of-way work in progress. By guideline, Prop 1B projects must begin construction by December 31, 2012. Thus far, Caltrans expects to advertise this project for construction in February 2010.

**HIGHWAY 99: ATWATER FREEWAY**

Construction began in May 2008, and is 35% complete. Caltrans expects completion of construction in Spring 2011.

**HIGHWAY 99: APLEGATE INTERCHANGE**

The Project Study Report (PSR) commenced in April 2008, and is expected to be completed in October 2009.

**HIGHWAYS 99/165 IMPROVEMENTS PROJECT STUDY REPORT (PSR)**

Progress

The project studies will move forward with using existing (General Plan) population projections to predict future traffic congestion.

Will look at alternative growth projections' (Accelerated Growth) impacts later on in the process when reviewing improvement alternatives.

Imminent concurrence from Caltrans for Traffic Modeling approach.

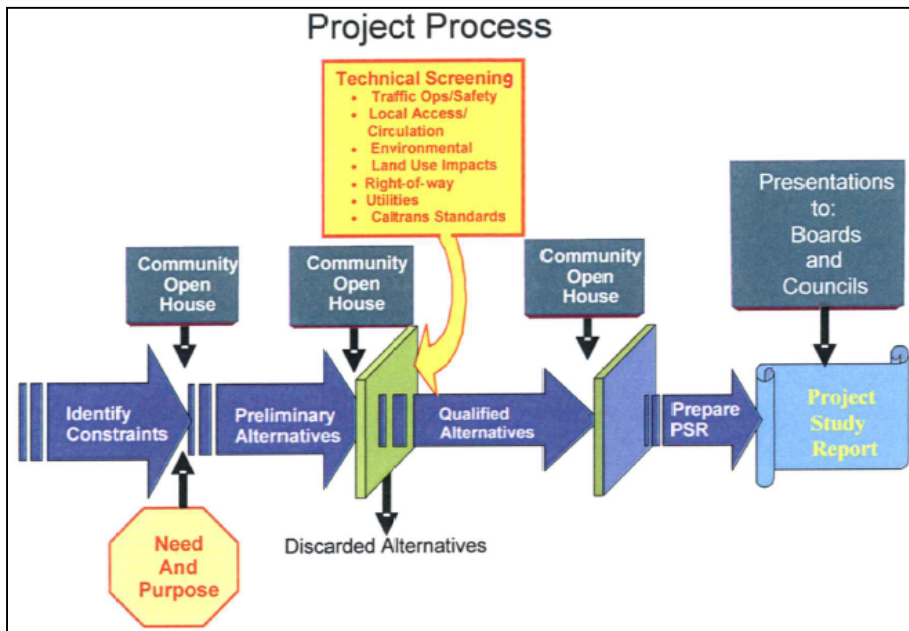
Following Caltrans' acceptance, Omni Means (PSR consultant) will draft the Traffic Analysis and Deficiencies paper, the Purpose and Need Statement and the Selection Criteria for PDT circulation.

Short- and Long-Term Schedules  
(approximations)

| Short-Term Schedule   |           |
|---|-----------|
| Task  | Date      |
| Official Caltrans acceptance of <b>Traffic Modeling</b> approach                  | Jan. 2009 |
| <b>Traffic Analysis and Deficiencies</b> paper (Forecasting “No Build” condition) | Jan. 2009 |
| Circulate Draft <b>Purpose and Need Statement</b> to PDT members                  | Jan. 2009 |
| Circulate Draft <b>Selection Criteria</b> to PDT members                          | Jan. 2009 |
| Present <b>Purpose and Need</b> milestone to PSR Citizen Advisory Committee       | Feb. 2009 |
| Present <b>Purpose and Need</b> milestone to PSR Policy Advisory Committee        | Feb. 2009 |

| Long-Term Schedule                         |           |
|--|-----------|
| Project Task                               | Date      |
| Problem Identification (Purpose & Need)    | Mar. 2009 |
| Initial Alternative Development            | Aug. 2009 |
| Preliminary Project Alternatives Screening | Aug. 2009 |
| Prepare Detailed Studies and Evaluations   | Nov. 2009 |
| Preliminary Environ. Assessment Report     | Nov. 2009 |
| Prepare Draft and Final Reports            | May 2010  |

Project Process Diagram



**HIGHWAY 99: LIVINGSTON SOUTH (STAGE 2)**

Completed and accepted in March 2008.

**HIGHWAY 99: LIVINGSTON NORTH (MERCED MEDIAN WIDENING)**

Environmental studies, which are jointly funded by the City of Livingston and Caltrans, are being conducted. The target date for completion of environmental work is April 2010. Construction is not expected until Fall 2013.

## **HIGHWAY 99: MISSION AVENUE INTERCHANGE**

Completed and accepted in April 2008.

## **LOS BANOS BYPASS**

### Environmental

Caltrans staff will put together the Supplemental Environmental Document (ED) and the Supplemental Project Report (PR) – March 2009.

City will conduct environmental work for properties, which the City will acquire for its wastewater treatment expansion project, with some lands to be excavated for borrow (specifically 4 feet will be excavated: 1 foot of rich topsoil to be stockpiled, 3 feet of fill/borrow materials) to be used for the Los Banos Bypass – March 2009.

Submit Supplemental ED and PR with approved programming (FTIP and Regional Transportation Plan Amendment) documents to Federal Highway Administration (FHWA) to secure Record of Decision (ROD) – possibly September 2009.

### Design

Caltrans will perform “Type Selection” (select appropriate bridge structure to span San Luis Canal) of single bridge structure for Phase I to determine more detailed cost estimates and if more environmental analysis will be required. Also for inclusion in Supplemental ED and PR.

### Right-of-Way

Following the City’s environmental work on properties, the City expects to bond their Wastewater Treatment Plant in Spring 2009 in order to have funds to acquire lands useful for the city’s plant expansion and for Phase I of this project.

City of Los Banos staff has included the Los Banos Bypass alignment in the DRAFT General Plan. City staff anticipates adoption of the General Plan in the next few months.

County of Merced staff will present the General Plan amendment with the Los Banos Bypass alignment to the Board of Supervisors (BOS) in December 2008 with expected adoption in March 2009. County staff will also put forth for adoption the official Plan Lines Ordinance to preserve the project Right-of-Way.

### Roles/Responsibilities

#### **City of Los Banos**

Perform additional environmental work (some Caltrans studies could be utilized) for the properties to be acquired.

Hire Right-of-Way (R/W) consultant to acquire R/W, hopefully without the need for condemnation, with needed lands dedicated to Caltrans for the project.

Work collaboratively with Caltrans on geodetic surveys (include taking coring samples) to look at soils and topography for excavating/stockpiling the precious topsoil and for examining the strength (“R-value”) grade.

Draft up City-MCAG agreement for usage of \$2.3 Million Regional Transportation Fee (RTIF) funds for acquisition of Phase 1 R/W.

**Caltrans**

Perform Engineering for project R/W.

Work on Environmental Mitigation.

Work on Railroad Agreement.

Work on Utility Relocation.

Work on Reevaluating Cultural Studies for import borrow sites (between Santa Fe and San Luis Canal).

Work on Air Quality Hot-Spot Analysis.

Prepare Supplemental Project Report and Environmental Document.

Prepare Designs for Segments I and II.

MOU and CO-OP Agreement will have Caltrans relinquish State-owned parcels to the City of Los Banos, as partial exchange for City-initiated acquisition of Los Banos Bypass project R/W. City will provide more current fair-market appraisals of these to-be-relinquished properties.

**MCAG**

Make decision(s) to program available funding for project development phases.

Administer the RTIF being collected for the project.

Make decision(s) of RTIF allocations for the project.

Work with local and state agencies to finance and deliver project.

**COUNTY OF MERCED**

Adopt General Plan with Los Banos Bypass.

Adopt Plan Lines Ordinance to preserve project R/W.

Participate and assist with their experience and expertise as needed.

**REQUESTED ACTION**

For information only.

**MEMORANDUM**

**DATE: DECEMBER 3, 2008**

**TO: TECHNICAL REVIEW BOARD**

**FROM: CHRISTINA SMITH, GRANT MANAGER**

**RE: NEIGHBORHOOD STABILIZATION PROGRAM ASSISTANCE**

**BACKGROUND**

In response to the drastic increase in foreclosures and the impact of the sub prime lending environment on housing, Congress authorized the Neighborhood Stabilization Program (NSP) under Title III of the Housing and Economic Recovery Act of 2008. The program will allow jurisdictions to buy foreclosed homes from lenders at a discount, provide for rehabilitation if needed, and sell to low, moderate, and middle-income at or below market rate. U.S. Department of Housing and Urban Development (HUD) identified the allocations to the states and some local jurisdictions. Unfortunately, Merced County and the cities in the County did not receive any of the direct allocations from HUD. However, the State of California received \$145 million in NSP funds. After holding three public hearings, the State posted their calculation method and allocation plan, which is called an Amendment, on their website as required by HUD.

If and when HUD accepts the State of California’s Amendment, the local jurisdictions could apply for funds in the following amounts.

| <b>Jurisdiction</b>  | <b>Calculated State Allocation Amount</b> |
|----------------------|---|
| City of Los Banos    | \$ 1,676,491                              |
| City of Merced       | \$ 1,425,208                              |
| County of Merced     | \$ 2,189,300                              |
| * City of Atwater    | \$ 724,333                                |
| * City of Dos Palos  | \$ 157,331                                |
| * City of Gustine    | \$ 128,332                                |
| * City of Livingston | \$ 201,907                                |

\* Must file joint application with County to receive funds

The City of Los Banos and the City of Merced will each be applying for the funds separately. Merced County and the other jurisdictions have agreed to submit a joint application for their funds. At this time the State has not issued the Notice of Funds Available (NOFA) and application to apply for the funds. It is anticipated that the NOFA and application will be released early in 2009.

**REQUESTED ACTION**

For information and discussion only.

**MEMORANDUM**

**DATE: DECEMBER 3, 2008**

**TO: TECHNICAL REVIEW BOARD**

**FROM: RICHARD GREEN, GIS PROGRAM MANAGER**

**RE: SAN JOAQUIN VALLEY BLUEPRINT - VALLEYWIDE SCENARIO  
RECOMMENDATION (BRAC)**

**BACKGROUND**

The San Joaquin Valley Blueprint Planning process has been and is an evolving process. The Blueprint has always been promoted as a “bottoms up” approach to developing a regional strategy. Each Council of Governments (COG) has created a scenario that replicates the growth trends from the past 10 years out to 2050. Each COG, working with the local jurisdictions in their county, also submitted an alternative Blueprint Scenario to the valley wide effort that was combined to create a new scenario called the Locally Combined Scenario (Scenario B) and is described below. The Locally Combined Scenario was use as the basis for developing a valley wide Hybrid scenario described below as Scenario C.

The Blueprint Regional Advisory Committee is a diverse group of individuals representing each of the eight county interests as well as regional interests. They are an advisory group and cannot invalidate the recommendations made at the county level. Their input is one of the many recommendations that will be passed on to the Regional Policy Council for an action in March of 2009.

The San Joaquin Valley Summit, schedule for January 26, 2009, is an opportunity for Valley residents to join together to discuss the Valley Wide Scenarios and make recommendations to the Regional Policy Council.

**Discussion**

The following is a brief description of the San Joaquin Valley scenarios:

**Scenario A- Recent Trends (Base Case)**

The Recent Trends scenario is an effort to portray a continuation of development patterns from the recent past forward into the future. Each county has defined its own starting point and development trends. Protections for Agriculture and Environmental space are implemented county by county. It is a glimpse of what the San Joaquin Valley might look like if we do not change our current planning and development practices.

## Scenario B- Locally Combined Scenario

The Locally Combined Scenario is an assembly of scenarios created by each county to represent a desired new direction for the future. This scenario, like the Recent Trends, has unique inputs and target densities for each county, though some environmental and agricultural protections do span all of the counties. The density targets were developed working closely with the local planners in each area and have been vetted through a local planning process prior to being submitted to the Valley level. Scenario B showed a reduction of land consumed compared to Scenario A. It also showed less agricultural and environmental impacts. There is a projected 10% reduction in vehicle miles traveled. Overall Scenario B performed better than the Scenario A in all the performance measure categories.

## Scenario C- Valley Wide Hybrid

The Valley Wide Hybrid scenario was modified from Scenario B based on discussions and recommendations from the Blueprint Regional Advisory Committee. This scenario includes more compact growth with greater emphasis on growth in metro areas. There was more emphasis on regional transit nodes and high-speed rail. This scenario placed an even greater emphasis on limiting growth on agricultural lands and environmentally sensitive areas including cores and corridors. Given that Scenario C consumes less land for new growth than Scenario B, on a valley wide basis Scenario C performed better than Scenario B in all the performance measure categories that were evaluated.

These three scenarios were presented to the Blueprint Regional Advisory Committee at their November 7, 2008 meeting. In addition to the scenarios, the results of the performance measure were also presented. The BRAC recommended that the Policy Council endorse Scenario C for the San Joaquin Valley Blueprint.

The Blueprint is an evolving process. Since the November 7<sup>th</sup> meeting there have been suggestions that we may want to consider another scenario that uses the density goals of Scenario B and includes the regional components of Scenario C.

Attached for your information are the following charts:

1. San Joaquin Valley Scenario Development Schedule
2. Scenario Descriptions indicating percentage of densities by community size for Scenarios A, B, and C
3. Total acres of new growth for all types of development by Scenario
4. Performance Measure results for all three scenarios

## **REQUESTED ACTION**

For information and discussion.

Attachment: Valley-wide Scenario schedule, maps and charts

**MEMORANDUM**

**DATE: DECEMBER 3, 2008**

**TO: TECHNICAL REVIEW BOARD**

**FROM: MATT FELL, SENIOR PLANNER**

**RE: REGIONAL TRANSPORTATION PLAN AMENDMENT**

The Regional Transportation Plan (RTP) is the long-term transportation-planning document for Merced County. Major updates are made every 3-4 years, and minor updates are made as needed. The last update was adopted in May 2007.

Due to new federal requirements regarding financial documentation, it has become necessary to amend the RTP. This is a minor amendment, which provides more recent and more specific information, as follows:

1. Revised revenue and expenditure estimates in the Financial Element, specifically to comply with the new “Year of Expenditure” requirement;
2. More details in “Table 14: Regionally Funded Projects” on page 42, including expected year of construction and escalated cost estimates; and
3. Details on a segmenting/phasing approach for construction of the Los Banos Bypass project.

The proposed amendment to the RTP includes updated funding tables, minor project description corrections and project year of construction edits. The information is supplementary and will not result in any additional environmental impacts that have not been previously addressed in the adopted Merced County RTP EIR.

A Draft Air Quality Conformity Analysis has been undertaken on the proposed amendment. The Analysis contains the documentation to support a finding that the 2007 RTP Amendment #2 meets the air quality conformity requirements for ozone and particulate matter.

A 30-day public review and comment period commences on November 26, 2008 and will conclude on December 26, 2008. The draft documents will be available for review at the Merced County Association of Governments office, located at 369 W. 18th Street in Merced and on our website at [www.mcagov.org](http://www.mcagov.org).

A public hearing on these documents will be held on December 18, 2008 at 3:00 p.m. at the City of Merced, City Hall, Council Chambers, 678 W 18<sup>th</sup> Street, Merced.

Please provide any comments you may have on any of these documents by December 26, 2008.

**REQUESTED ACTION**

For review and comment by December 26, 2008.

Attachments: Revised pages (cover, 42, 89-98) of the 2007 Regional Transportation Plan

## **ITEM 10**

### **MEMORANDUM**

**DATE: DECEMBER 3, 2008**

**TO: TECHNICAL REVIEW BOARD**

**FROM: TERRI LEWIS, ASSOCIATE PLANNER**

**RE: DRAFT AMENDMENT NO. 3 TO THE 2009 INTERIM FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM**

### **BACKGROUND**

Merced County Association of Governments (MCAG) is proposing a formal amendment Type No. 5 (relies on a new air quality emissions analysis) and at the same time adds Type 3 (Air Quality Conformity Exempt projects) to the approved 2009 Interim Federal Transportation Improvement Program (Interim FTIP).

The eight San Joaquin Valley (SJV) Council of Governments (COGs) Directors have directed staff to process Amendment No. 3 to the 2009 Interim FTIP to make the 2009 Interim FTIP as complete of a whole programming document as possible.

In July 2008, when the 2009 Interim FTIP document was processed, the SJV COGs did not have an opportunity to include regionally significant projects that required a new air quality conformity analysis because EPA had not approved the PM-10 Maintenance Plan. Subsequent to the adoption of the 2009 Interim FTIP being approved, EPA has approved the PM-10 Maintenance Plan, therefore, SJV COGs now have the necessary emissions budgets to process a new air quality conformity analysis and make the Interim FTIP programming document as whole as possible.

The 2009 Interim FTIP and any subsequent amendment is the programming document that identifies four years (FY 08/09, FY 09/10, FY 10/11, and FY 11/12) of federal, state and local funding sources for transportation projects in Merced County.

The Draft Amendment No. 3 to the 2009 Interim FTIP contains the following changes:

1. Adds regionally significant projects and/or project phases that could not be included in the 2009 Interim FTIP without an air quality conformity analysis:
  - Widening Existing Hwy 59;
  - Los Banos Bypass (project now segmented);

- SR99 Freeway Widening – Livingston to Stanislaus County line;  
SR99 Widening Buchanan Hollow to Miles Creek with Arboleda Interchange;  
SR99 Widening Buchanan Hollow to Madera County line with Plainsburg Interchange;  
Atwater/Merced Expressway;  
Campus Parkway (projected segmented);  
Bradley Overhead;  
SR165 & SR99 PA/ED includes the Project Study Report (PSR);
2. Adds the new G Street Railroad Undercrossing Prop 1B funded project (exempt from Air Quality Conformity Analysis);
  3. Modifies the 2008 SHOPP program Lump Sums (exempt from Air Quality Conformity Analysis):
    - a. Adds two new SHOPP Collision Reduction Lump Sum programs to coincide with the Caltrans October 08 listing;
    - b. Modifies the SHOPP Bridge Preservation Lump Sum program with the Caltrans October 08 listing;
    - c. Modifies the SHOPP Mobility Lump Sum program to coincide with the Caltrans October 08 listing;
    - d. Modifies the SHOPP Roadway Preservation Lump Sum program to coincide with the Caltrans October 08 listing;
  4. Modifies the Caltrans Highway Bridge Program (HBP) Local Lump Sum program (exempt from Air Quality Conformity Analysis) to coincide with the 12/27/07 Caltrans listing;
  5. Adds two Federal Safe Routes to Schools (SRTS) (air quality exempt projects) for the City of Livingston in FY10/11 and the City of Los Banos in FY11/12;
  6. Adds two State Safe Routes to Schools (SR2S) (air quality exempt projects) for the City of Merced Schools, and Merced County;
  7. Adds the Hilmar Bike/Pedestrian Bicycle Transportation Account (air quality exempt) project;
  8. Adds the YARTS FTA-5320 FY08/09 (air quality exempt) grant award;
  9. Adds the YARTS State Planning and Research grant (air quality exempt) funding for a Short Range Transit Plan;
  10. Reduces the Merced County Transit CNG bus purchase (air quality exempt) total by \$75,000; and
  11. Technical correction to the CMAQ FY11/12 apportionment to \$2,622,000.

These projects and/or project phases are consistent with the 2007 Regional Transportation Plan (RTP) or Amendment #2 to the 2007 RTP.

Both the 2007 RTP documents and the Air Quality Conformity Analysis can also be viewed on the Merced County Association of Governments website at [www.mcagov.org](http://www.mcagov.org).

In addition, the projects and/or project phases contained in Amendment No. 3 do not interfere with the timely implementation of any approved Transportation Control Measures (TCMs).

A public review and comment period is open for 30-days commencing on November 26, 2008 and ending on December 26, 2008. A public hearing will be held on December 18, 2008 at 3:00 p.m. at the City of Dos Palos, Council Chambers, Dos Palos. The public has until 5:00 p.m. on December 26, 2008 to submit any comments to MCAG.

**REQUESTED ACTION**

For review and comment.

Attachments: CTIPS report by project  
Updated Financial Summary

**MEMORANDUM**

**DATE: DECEMBER 3, 2008**

**TO: TECHNICAL REVIEW BOARD**

**FROM: TY PHIMMASONE, PLANNER**

**RE: ABANDONED VEHICLE ABATEMENT (A.V.A.) PROGRAM**

**BACKGROUND**

Section 22710 of the California Vehicle Code (VC) allows counties to form a Service Authority for the “abatement, removal, or the disposal as a public nuisance of any abandoned, wrecked, dismantled, or inoperative vehicle ... from private or public property”. Section 22710 allows for the imposition of a one-dollar (\$1.00) vehicle registration fee.

Based on expressed interest in the Abandoned Vehicle Abatement (AVA) Program in Merced County, staff has worked on the tasks required to establish this program.

Formation of the Service Authority, imposition of the one-dollar registration fee, and adoption of the Plan required a two-thirds vote by the Board of Supervisors, a vote in favor by the majority of the cities having a majority of the incorporated population, and adopted ordinances by each participating jurisdiction. All of the above-mentioned tasks have been completed.

Since MCAG was designated the Service Authority for Merced County, this item has been brought back to the MCAG Governing Board for its final approval prior to it being submitted to the State Controller’s Office.

**DISBURSEMENT OF FUNDS**

In accordance with Section 22710(d)(6) VC, funds generated via the vehicle registration fee will be disbursed quarterly with 50% of those funds being allocated to a jurisdiction based on the percentage of vehicles abated by that jurisdiction out of the total number of abandoned vehicles abated by all jurisdictions. The remaining 50% will be disbursed based on “population and geographic area,” with 40% being distributed based on population and 10% being shared evenly by all participating agencies.

## **MILESTONES**

The following milestones must be met in order for the establishment of an Abandoned Vehicle Abatement Program in Merced County for the 2008-2009 fiscal year.

### **Milestones**

### **Due Date**

- |   |               |
|---|---------------|
| 1. Abandoned Vehicle Abatement Plan approval by CHP   | Nov. 21, 2008 |
| 2. Submittal of AVA Plan to State Controller's Office | Jan 1, 2009   |

## **REQUESTED ACTION**

Recommend the MCAG Governing Board approve the Final Abandoned Vehicle Abatement Plan and instruct staff to submit it to the State Controller's Office.

Attachments: Final Abandoned Vehicle Abatement Plan  
Official Approval of AVA Plan Letter from California Highway Patrol

MERCED COUNTY ABANDONED VEHICLE  
SERVICE AUTHORITY PLAN  
July 2008

1. SERVICE AUTHORITY:

Section 22710 of the California Vehicle Code (VC) provides for the establishment of a Service Authority for the abatement of abandoned vehicles. The parties to this Agreement are Merced County and the cities of Atwater, Dos Palos, Gustine, Livingston, Los Banos and Merced. These jurisdictions have elected to create and participate in the Merced County Abandoned Vehicle Abatement Service Authority as provided herein.

2. PURPOSE:

The purpose of this Agreement is to establish a Service Authority for the abatement of abandoned vehicles in Merced County pursuant to Section 22710 VC.

3. EFFECTIVE DATE:

This Agreement becomes effective upon its approval by the county Board of Supervisors by two-thirds vote, and a majority of the cities having a majority of the incorporated population within the county.

4. BOARD OF DIRECTORS:

The Directors of the Merced County Association of Governments Governing Board shall serve as the Board of Directors of the Service Authority.

5. RESOLUTIONS:

Copies of each participating city's and the county's resolution providing for the establishment of the Service Authority including imposition of the one dollar (\$1.00) registration fee, pursuant to the requirements of Sections 22710(a) and 9250.7(a) VC, are on file with the Authority, the California Highway Patrol (CHP), and the State Controller (SC).

6. ESTIMATE OF THE NUMBER OF ABANDONED VEHICLES:

As required by Section 22710(d)(2) VC, it is estimated that there are in excess of **4,000** abandoned vehicles located throughout Merced County. This figure is based on actual and estimated abandoned vehicle counts supplied by Authority participants.

7. ORDINANCES:

Each of the participating agencies have ordinances in place establishing procedures for the abatement, removal, and disposal, as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles, or parts thereof, from private or public property, including highways, in accordance with the requirements of Sections 22660 and 22661 VC. This includes ordinances

developed for cost recovery pursuant to Sections 25845 or 38773.5 of the Government Code (GC), or assumption of the Service Authority, of costs associated with the enforcement of the ordinance.

8. DISPOSAL AND ENFORCEMENT STRATEGY:

Each of the participating agencies have abandoned vehicle abatement processing formats or Standard Operating Procedures in place for the enforcement of Sections 22523(a)(b) VC. Statutory authority for the removal of abandoned vehicles is Section 22669 VC, as well as local ordinances adopted for the removal and disposal as public nuisances of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property.

In accordance with Sections 22671 and 22851.3 VC, each member may maintain a contractual agreement with a licensed auto dismantler and/or qualified tow company for the removal and disposal of abandoned vehicles and may employ such contractors for the abatement, removal, and disposal as public nuisances of: abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property. Abated vehicles or parts thereof shall be disposed of by removal to a dismantler or to a scrap yard for processing as scrap, unless the vehicle qualifies for restoration pursuant to Section 5004 VC.

9. COST RECOVERY STRATEGY:

- a. General: Participating agencies shall utilize the provisions of Section 22523 VC to effect partial recovery of costs incurred in the removal of an abandoned vehicle. Additionally, member cities have enacted ordinances relative to recovery in accordance with Sections 25845 or 38773.5 GC.
- b. Funding System: It is the intent of the abandoned vehicle abatement participants to recover the cost of abandoned vehicle abatement activities from the Service Authority.
  1. Definition of Costs Recoverable from the Authority: These costs include program administration, vehicle removal, and disposal pursuant to Sections 22710(c)(1) and 22710(c)(2) VC.
  2. Cost Accounting and Recovery Required: Each abandoned vehicle abatement participant will maintain records of the costs incurred while participating in the Abandoned Vehicle Abatement Program and shall attempt recovery of those costs.
  3. Audit. On or before January 1, 2010, and biennially thereafter, the Authority shall have a financial audit of the Authority conducted by a qualified independent third party to ensure that funds are being spent in compliance with Sections 9250.7 and 22710 VC.

4. Disbursement of Funds:

a. The money received by an Authority pursuant to Section 9250.7 VC shall be distributed to the cities and the county for their use in accordance with Section 22710(d)(6) VC.

b. The funds will be disbursed quarterly, as received, and based on the following formula: 50% of funds will be allotted to an agency based on the percentage of the number of vehicles abated by the agency, out of the total number of abandoned vehicles abated by all member agencies. Per Section 22710 VC, the remaining 50% is to be distributed based on population and geographic area as determined by the Authority. As per this Authority, distribution will be as follows: 40% of the total funds collected will be distributed per capita with the remaining 10% to be shared evenly by all seven participating agencies.

c. In the event a particular jurisdiction does not claim the full amount of its quarterly allotment, the “surplus funds” may be accumulated for the remainder of the fiscal year in which they were received. “Surplus funds” are those funds allotted to a jurisdiction in a fiscal quarter of the same fiscal year but are not claimed for that quarter.

d. Surplus funds must be encumbered within 45 days of the close of the fiscal year in which the funds were received. Failure to do so will result in those funds being redistributed to other members of the Authority having spent more funds on eligible activities than they were allotted. Funds will be redistributed based on the percentage of vehicles abated by an agency, out of the total number of abandoned vehicles abated by all member agencies having spent more on eligible activities than they received.

e. Jurisdictions that have encumbered surplus funds will have 18 months to expend the encumbered funds. Failure to do so will result in those funds being redistributed to other members of the Authority having spent more funds on eligible activities than they received from the Authority. The redistribution will be based on the percentage of vehicles abated by the agency out of the total number of abandoned vehicles abated by all agencies having spent more funds on eligible activities than they received from the Authority.

f. The quarterly disbursement of funds to each participating jurisdiction shall be based on the fiscal year beginning in July. Each member agency will be required to submit a quarterly report to the Authority within 30 days after the end of the quarter. (Reports will be submitted during the months of January, April, July, and October.)

Additionally, member agencies will also be required to submit an annual report to the Authority within 45 days after the end of the fiscal year.

Failure by an agency to submit its quarterly report in a timely manner may result in a delay in the allocations to ALL agencies. A late annual report may result in

the Authority's annual report to the State Controller's Office being late, thus suspending the collection of the one-dollar (\$1.00) vehicle registration fee for an entire year.

Both the quarterly and annual reports will contain the following information:

1. The total expenditures by the jurisdiction for the previous period.
  2. The total number of vehicles abated during the previous period.
  3. The number of notices to abate issued to vehicles during the previous period.
  4. The number of vehicles disposed pursuant to an ordinance adopted pursuant to Section 22710 during the previous period.
  5. The total expenditures by the jurisdiction for towing and storage of abandoned vehicles during the previous period.
  6. Costs recovered by the jurisdiction under Section 22850.5 of the Vehicle Code or Sections 25845 or 38773.5 of the Government Code.
  - h. The treasurer of the Authority is the Merced County Treasurer and their office will receive any funds distributed to the Authority by the SCO. The funds shall be disbursed, including interest thereon, less any expenses resulting from contractual agreements to conduct audits, to each member jurisdiction as authorized by the board and by the terms of this Plan. The disbursements will be made by the Merced County Auditor-Controller from claims submitted by the Authority. The Service Authority's administrator shall report all receipts and disbursements to the Authority on a quarterly basis.
  - i. Any funds not expended or encumbered within 90 days of the close of the fiscal year in which the funds were received and the amount of those funds exceeds the amount expended by the Authority for the abatement of abandoned in the previous fiscal year, the one dollar (\$1.00) registration fee shall be suspended for one year, commencing the following January 1 in accordance with Section 9250.7(b) VC and with terms of this Plan.
5. Debts and Liabilities. The debts, liabilities, and obligations of the Authority shall not be the debts, liabilities, and obligations of any member jurisdictions.

10. REPORTING REQUIREMENTS:

Service Authority, established pursuant to the provisions of Sections 9250.7 and 22710 VC, submit on an annual basis data relative to the operation of its Abandoned Vehicle Abatement Program. The SCO has prepared Annual Status Report forms (Annex A) for the reporting requirements of the Service Authorities and jurisdictions. An Authority shall submit their reports on these forms to the SCO. These annual fiscal year-end reports shall contain the required reporting information to satisfy the Legislature's intent of

appropriate fiscal controls. These annual fiscal year-end reports shall be submitted on or before October 31st of each year to ensure ongoing funding from the SCO and meet the mandated legislative requirements. Should the Authority fail to submit the report by October 31 of each year, collection of the one dollar (\$1.00) shall be suspended for one year commencing on July 1 following the Controller's determination. The report will contain the following information:

- a. The total revenues received by the Authority for the previous fiscal year.
- b. The total expenditures by the Authority for the previous fiscal year.
- c. The total number of vehicles abated during the previous fiscal year.
- d. The average cost of abatement during the previous fiscal year.
- e. Any additional, unexpected fee revenues for the Authority for the previous fiscal year.
- f. The number of notices to abate issued to vehicles during the previous fiscal year.
- g. The number of vehicles disposed pursuant to an ordinance adopted pursuant to Section 22710 during the previous fiscal year.
- h. The total expenditures by the Authority for towing and storage of abandoned vehicles during the previous fiscal year.

