



BOARD OF DIRECTORS REGULAR MEETING OF SEPT. 13, 2013 8:30 AM

MISSION STATEMENT: "To provide a public transportation service that enhances personal mobility and creates a sustainable transportation option in Santa Cruz County through a cost-effective, reliable, accessible, safe, clean and courteous transit service."

THE BOARD MEETING AGENDA PACKET CAN BE FOUND ONLINE AT WWW.SCMTD.COM AND IS AVAILABLE FOR INSPECTION AT SANTA CRUZ METRO'S ADMINISTRATIVE **OFFICES LOCATED AT 110 VERNON STREET, SANTA CRUZ, CALIFORNIA**

> Director Margarita Alejo **Director Hilary Bryant** Director Dene Bustichi, Vice Chair Director Daniel Dodge, Chair **Director Zach Friend Director Ron Graves** Director Michelle Hinkle **Director Deborah Lane** Director John Leopold **Director Bruce McPherson Director Lynn Robinson Ex-Officio Director Donna Blitzer**

City of Watsonville **City of Santa Cruz** City of Scotts Valley City of Watsonville **County of Santa Cruz City of Capitola County of Santa Cruz County of Santa Cruz County of Santa Cruz County of Santa Cruz City of Santa Cruz UC Santa Cruz**

Leslie R. White, General Manager Leslyn K. Syren, District Counsel

TITLE 6 - INTERPRETATION SERVICES / TÍTULO 6 - SERVICIOS DE TRADUCCIÓN

Spanish language interpretation and Spanish language copies of the agenda packet are available on an asneeded basis. Please make advance arrangements with Tony Tapiz, Administrative Services Coordinator at 831-426-6080. Interpretación en español y traducciones en español del paquete de la agenda están disponibles sobre una base como-necesaria. Por favor, hacer arreglos por adelantado con Tony Tapiz, Coordinador de Servicios Administrativos al numero 831-426-6080.

AMERICANS WITH DISABILITIES ACT

The Board of Directors meets in an accessible facility. Any person who requires an accommodation or an auxiliary aid or service to participate in the meeting, or to access the agenda and the agenda packet (including a Spanish language copy of the agenda packet), should contact Tony Tapiz, Administrative Services Coordinator, at 831-426-6080 as soon as possible in advance of the Board of Directors meeting. Hearing impaired individuals should call 711 for assistance in contacting Santa Cruz METRO regarding special requirements to participate in the Board meeting. For information regarding this agenda or interpretation services, please call Santa Cruz METRO at 831-426-6080.



BOARD OF DIRECTORS REGULAR MEETING OF SEPTEMBER 13, 2013

<u>MEETING LOCATION:</u> <u>SANTA CRUZ METRO – ADMIN OFFICE</u> <u>110 VERNON STREET</u> <u>SANTA CRUZ, CA</u>

8:30 A.M.

NOTE: THE BOARD CHAIR MAY TAKE ITEMS OUT OF ORDER

SECTION I: OPEN SESSION

- 1. CALL TO ORDER
- 2. ROLL CALL
- 3. ANNOUNCEMENTS

4. COMMUNICATIONS TO THE BOARD OF DIRECTORS

This time is set aside for Directors and members of the general public to address any item not on the Agenda which is within the subject matter jurisdiction of the Board. No action or discussion shall be taken on any item presented except that any Director may respond to statements made or questions asked, or may ask questions for clarification. All matters of an administrative nature will be referred to staff. All matters relating to Santa Cruz METRO will be noted in the minutes and may be scheduled for discussion at a future meeting or referred to staff for clarification and report. Any Director may place matters brought up under Oral and Written Communications on a future agenda. In accordance with District Resolution 69-2-1, speakers appearing at a Board meeting shall be limited to three minutes in his or her presentation. Any person addressing the Board may submit written statements, petitions or other documents to complement his or her presentation. When addressing the Board, the individual may, but is not required to, provide his/her name and address in an audible tone for the record.

5. LABOR ORGANIZATION COMMUNICATIONS

6. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

CONSENT AGENDA

All items appearing on the Consent Agenda are recommended actions which are considered to be routine and will be acted upon as one motion. All items removed will be considered later in the agenda. The Board Chair will allow public input prior to the approval of the Consent Agenda items.

7-1. NOTIFICATION OF ACTION TAKEN IN CLOSED SESSION

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BOARD OF DIRECTORS REGULAR MEETING OF SEPTEMBER 13, 2013

CONSENT AGENDA - CONTINUED

- 7-2. RATIFY THE SIXTH AMENDMENT FOR A THREE YEAR EXTENSION OF THE MEMORANDUM OF UNDERSTANDING FOR THE HIGHWAY 17 CONSOLIDATED TRANSIT SERVICE
- 7-3. CONSIDERATION OF A SECURITY SERVICES GUARANTY AGREEMENT WITH FIRST ALARM SECURITY AND PATROL, INC. WHEREBY SANTA CRUZ METRO WOULD ENTER INTO THE COOPERATIVE SECURITY PATROL PROGRAM AS GUARANTOR

REGULAR AGENDA

- 8. CONSIDERATION OF ESTABLISHING THE NEW POSITION OF SECURITY AND RISK ADMINISTRATOR; CONSIDERATION OF RECLASSIFYING THE CLAIMS INVESTIGATOR II INCUMBENT TO THE NEW POSITION OF SECURITY AND RISK ADMINISTRATOR Presented by Leslyn K. Syren, District Counsel
- 9. CONSIDERATION OF RECEIVING INFORMATION REGARDING THE DEVELOPMENT OF A POLICY/STRATEGYBY THE AMERICAN PUBLIC TRANSPORTATION ASSOCIATION FOR THE ENACTMENT OF A NEW FEDERAL TRANSPORTATION AUTHORIZATION BILL BY THE UNITED STATES CONGRESS Presented by Leslie R. White, General Manager
- 10. CONSIDERATION OF THE ACTIONS TAKING PLACE TO RESOLVE THE CONFLICTS BETWEEN THE PUBLIC EMPLOYEES PENSION REFORM ACT AND SECTION 13-C OF THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED, THAT HAVE RESULTED IN THE SEQUESTRATION OF FEDERAL FUNDS BY THE UNITED STATES DEPARTMENT OF LABOR, INCLUDING \$5.5 MILLION IN SANTA CRUZ METRO OPERATING FUNDS

Presented by Leslie R. White, General Manager

- 11. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT FOR THE PURCHASE OF A TICKET VENDING MACHINE FOR INSTALLATION IN THE SAN LORENZO VALLEY HIGH SCHOOL, OR CLOSE PROXIMITY, AND AMENDING THE SANTA CRUZ METRO 2013/2014 CAPITAL BUDGET TO REFLECT SUCH PURCHASE Presented by Leslie R. White, General Manager
- 12. UPDATE ON THE 2013 SHORT RANGE TRANSIT PLAN INCLUDING A PRESENTATION ON EXISTING CONDITIONS AND INITIAL FINDINGS Presented by Erich Friedrich, Senior Transit Planner
- **13. ORAL REPORT OF THE RECRUITMENT TASK FORCE** Presented by Daniel Dodge, Chair



REGULAR AGENDA - CONTINUED

- 14. REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION Presented by Leslyn K. Syren, District Counsel
- 15. COMMUNICATIONS REGARDING CLOSED SESSION
- 16. ORAL ANNOUNCEMENT

The next regularly scheduled Board meeting will be held Friday, September 27, 2013 at 9:00 a.m. at the Watsonville City Council Chambers, 275 Main Street, Watsonville, California.

SECTION II: CLOSED SESSION - Immediately following Open Session

1. CONFERENCE WITH LEGAL COUNSEL – EXISITING LITIGATION (Pursuant to Government Code Section 54956.9)

Lisa Dombrose v. Santa Cruz Metropolitan Transit District; Superior Court Case No. 174909

2. CONFERENCE WITH LEGAL COUNSEL – EXISITING LITIGATION (Pursuant to Government Code Section 54956.9)

Milton Litvin v. Santa Cruz Metropolitan Transit District; Superior Court Case No. 175879

SECTION III: RECONVENE TO OPEN SESSION

- 17. REPORT OF CLOSED SESSION: District Counsel
- **18. ADJOURNMENT**

Adjourn to the next Board of Directors meeting.

Pursuant to Section 54954.2(a)(1) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day. The agenda packet and materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the Santa Cruz METRO Administrative Office (110 Vernon Street, Santa Cruz) during normal business hours. Such documents are also available on the Santa Cruz METRO website at www.scmtd.com subject to staff's ability to post the document before the meeting.

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

NOTICE OF ACTION TAKEN IN CLOSED SESSION MEMORANDUM

TO: Board of Directors

FROM: Leslyn K. Syren, District Counsel

SUBJECT: Notification Of Action Taken In Closed Session Regarding The Following Claims: Juanita Archibeque v. Santa Cruz Metropolitan Transit District (Before the Worker's Compensation Appeals Board)

1. Settlement with Juanita Archibeque; Juanita Archibeque v. Santa Cruz Metropolitan Transit District, et al; Case #s ADJ5821107; ADJ8011862

On June 14, 2013, the Board of Directors authorized Santa Cruz METRO's attorneys to settle this workers' compensation claim with a Compromise and Release in the sum of \$65,000.00 less \$25,351.08 for permanent disability already paid to the claimant.

Pursuant to this direction, a fully executed Compromise and Release was submitted to the Workers' Compensation Appeals Board (WCAB) and an Order Approving Compromise and Release was signed by the Workers' Compensation Administrative Law Judge on August 14, 2013.

The following directors authorized the settlement: Directors Alejo, Bryant, Bustichi, Dodge, Graves, Hinkle, Lane, Leopold, McPherson and Robinson. Director Friend was absent.

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

DATE: September 13, 2013

TO: Board of Directors

FROM: Angela Aitken, Finance Manager

SUBJECT: RATIFY THE SIXTH AMENDMENT FOR A THREE YEAR EXTENSION OF THE MEMORANDUM OF UNDERSTANDING FOR THE HIGHWAY 17 CONSOLIDATED TRANSIT SERVICE

I. RECOMMENDED ACTION

That the Board of Directors ratify the Sixth Amendment for a three year extension of the Memorandum of Understanding (MOU) for the Highway 17 Consolidated Transit Service.

II. SUMMARY OF ISSUES

- On April 26, 2004 Santa Cruz METRO established a memorandum of understanding for Highway 17 consolidated transit service with the Caltrans, the Capitol Corridor Joint Powers Authority (CCJPA), and the Santa Clara Valley Transportation Authority (VTA)
- The MOU will expire on September 30, 2013
- Since the revenue amounts from the MOU are listed in the Final FY14 Budget presented to the Board on June 28, 2013, staff is informing the Board of Directors of the execution of the Sixth Amendment to the MOU for Highway 17 consolidated transit service to extend the MOU for an additional three years.

III. DISCUSSION

On April 26, 2004, an MOU was entered into by Sana Cruz METRO, Caltrans, CCJPA and VTA for the purpose of consolidating the Santa Cruz METRO/VTA Highway Express 17 Service with the Amtrak Thruway service and having Santa Cruz METRO operate this consolidated service. This consolidated service has been referred to as the Santa Cruz METRO/VTA Highway 17 Express/Amtrak Thruway Service, which is considered by the parties to be a combination local commuter and intercity train connector service. The MOU fixed the terms and conditions thereby.

The Fifth Amendment to the MOU will expire on September 30, 2013. A Sixth Amendment, creating a three-year extension of the MOU, has been discussed with all parties involved. Since the revenue amounts from the MOU are listed in the Final FY14 Budget presented to the Board on June 28, 2013, staff is informing the Board of Directors of the execution of the Sixth Amendment to the MOU for Highway 17 consolidated transit service to extend the MOU for an additional three years.

September 13, 2013 Board of Directors Page 2

IV. FINANCIAL CONSIDERATIONS

Funding for the operation of the Highway 17 Express service is contained in the Santa Cruz METRO operating budget.

V. ATTACHMENTS

Attachment A: Sixth Amendment to Memorandum of Understanding for Highway 17 Consolidated Transit Service

Date Prepared: September 4, 2013

SIXTH AMENDMENT TO MEMORANDUM OF UNDERSTANDING FOR HIGHWAY 17 CONSOLIDATED TRANSIT SERVICE

This Sixth Amendment to Memorandum of Understanding, is effective on October 1, 2013, by and between the Santa Cruz Metropolitan Transit District, a political subdivision of the State of California, ("METRO"), the California Department of Transportation, Division of Rail, (Caltrans), the Capitol Corridor Joint Powers Authority, (CCJPA), and the Santa Clara Valley Transportation Authority, (VTA), together collectively referred to as The Parties, who agree as follows:

I. <u>RECITALS</u>

- A. On April 26, 2004, the Parties entered into a MOU providing for consolidation of METRO/VTA Highway Express 17 commuter service with Amtrak Thruway intercity train connector service, such consolidated service to be operated by METRO.
- B. On July 1, 2005 the Parties entered into a First Amendment to the MOU amending METRO's hourly service rate and estimated annual operating costs.
- C. On April 25, 2007 a Second Amendment to the MOU was executed extending the term of the MOU for 30 days, to May 25, 2007.
- D. On May 25, 2007 a Third Amendment to the MOU was executed extending the term of the MOU to September 30, 2007.
- E. On October 1, 2007 a Fourth Amendment to the MOU was executed extending the term of the MOU to September 30, 2010 and to revise certain sections mainly related to the compensation provided by CCJPA and Caltrans. The sections amended in the Fourth Amendment to the MOU were as follows: 2.05, 2.07, 3.01, 3.02(a), 3.02(b), 3.04, 5.01, 6.05(a) and 6.05(b).
- F. On October 1, 2010 a Fifth Amendment to the MOU was executed extending the term of the MOU to September 30, 2013, to revise Sections 3.02(a), (b), and 5.01 and to revise Exhibit B &C to reflect current schedules and costs.
- G. The Parties now desire to amend the MOU as follows:
 - (a) Section 3.02(a) to reflect the current hourly rate;
 - (b) Section 5.01 to extend the MOU to September 30, 2016; and
 - (c) Revise Exhibits B & C (Attached) to conform with the current schedule and cost estimate.

II. AMENDMENTS TO MOU

Now therefore, the MOU is amended as follows:

- 1. Section 3.02(a) Hourly Rate and Annual Operating Costs, is amended to read:
 - (a) Commencing October 1, 2013 the hourly service rate used to calculate costs shall be \$ 74.02 and shall be adjusted on October 1st of each year thereafter in accordance with the formula set forth in Section 3.02(b)(1) and (2) of the MOU. Caltrans/CCJPA will direct Amtrak to issue a purchase order in favor of METRO in accordance with the terms and conditions of this MOU in order to facilitate the compensation due to METRO pursuant to this MOU. METRO will transmit to Amtrak within 10 working days after the close of each month of operation all tickets collected and the invoice for the preceding month.
- 2. Section 5.01 is amended to read:

The term of this MOU is from April 26, 2004 through September 30, 2016.

3. Revised Exhibits B and C are hereby amended and are attached hereto and incorporated herein as though fully set forth herein.

III. EFFECTIVENESS OF MOU

Except as set forth in this Amendment to MOU, all provisions of the MOU as amended, shall remain unchanged and in full force and effect.

IV. AUTHORITY

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

IN WITNESS THEREOF, this Sixth Amendment is executed by the Santa Cruz Metropolitan Transit District, the California Department of Transportation, the Capitol Corridor Joint Powers Authority and the Santa Clara Valley Transportation Authority, the day and year first hereinabove written.

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT:

BY:

LESLIE R. WHITE General Manager

Approved as to form:

BY: LESLYNK. SYREN

District Counsel

CALIFORNIA DEPARTMENT OF TRANSPORTATION (Caltrans)

FOR BY:

WILLIAM D. BRONTE Chief Division of Rail

CAPITOL CORRIDOR JOINT POWERS AUTHORITY (CCJPA)

BY: **DAVID**KUTROSKY Managing Director

SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)

Servin 6/2=/15 BY: MICHAEL T. BURNS

General Manager

Approved as to form:

BY:

Robert Fabela General Counsel Valley Transportation Authority (VTA)

ATTACHMENTS:

Exhibit B: Highway 17/Amtrak Thruway schedule and routing for modified and expanded service; also includes fare rate information.

Exhibit C: Highway 17 Cost estimate.

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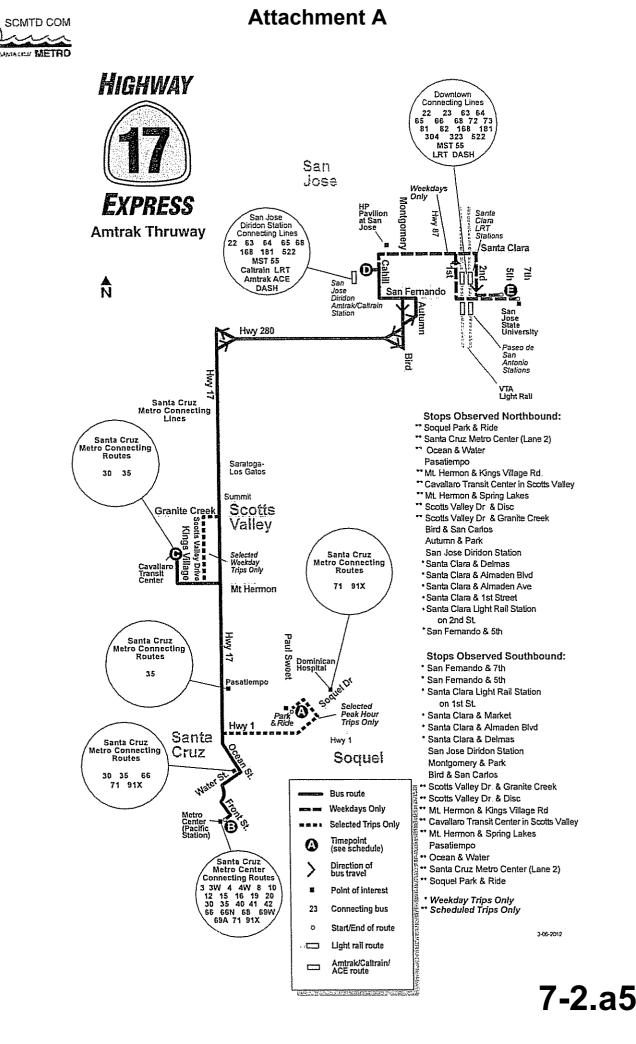


EXHIBIT B

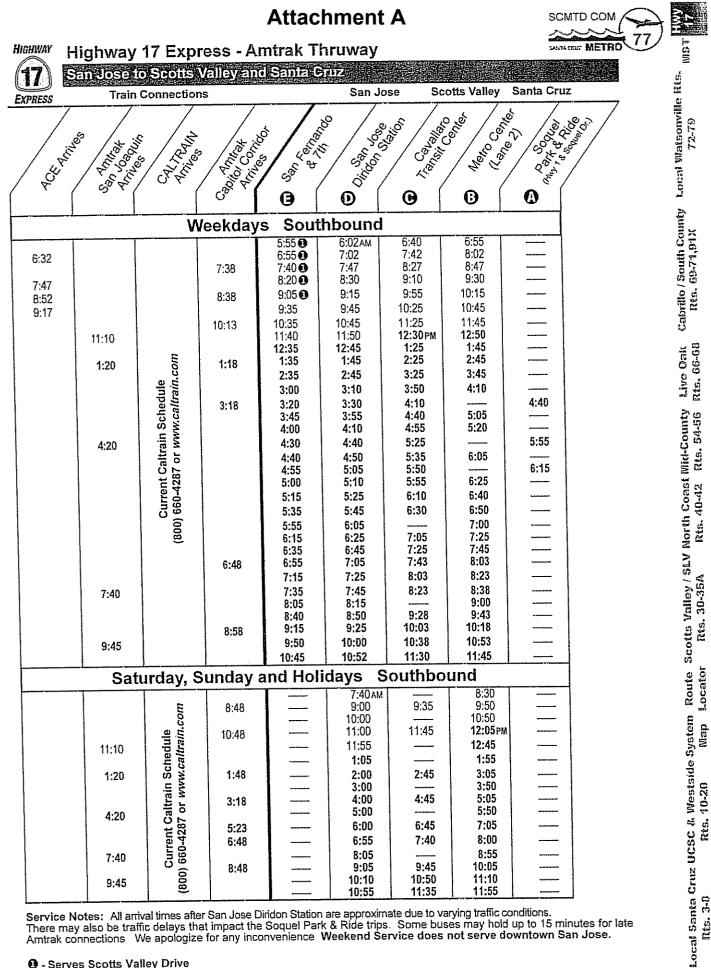
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There may also be traffic delays that impact the Soquel Park & Ride trips. Some buses may hold up to 15 minutes for late Amtrak connections We apologize for any inconvenience Weekend Service does not serve downtown San Jose.

Serves Scotts Valley Drive
 Holiday Schedule on: Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day after Thanksgiving, The serves Day, and New Year's Day



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Service Notes: All arrival times after Cavallaro Transit Center in Scotts Valley are approximate due to varying traffic conditions. There may also be traffic delays that impact the Soquel Park & Ride trips. Some buses may hold up to 15 minutes for late Amtrak connections. We apologize for any inconvenience Weekend Service does not serve downtown San Jose.

• Serves Scotts Valley Drive Holiday Schedule on: Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day after Thanksgiving 1 interes Day, and New Year's Day



Local Sunta Cruz UCSC & Westside System Route Scotts Valley / SLV North Coast Mid-County Live Oak Cabrillo / South County Local Watsouville RE. Rts. 3-8 Rts. 40-40 Wap Locator Rts. 30-35A Rts. 40-42 Rts. 54-56 Rts. 66-68 Rts. 69-71,01X 72-79 72-79

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Youth (through and including age 17)	\$2	\$6	\$15	\$32	\$48	\$27	\$5	\$10	\$42	\$113
Discount Fare (See page 6 for Eligibility)	\$1	\$3	\$7.50	\$16	\$32	\$13.50	\$2.50	\$10	\$42	\$113
Child (less than 46 inches tall) A limit of three children can ride free with a fare-paying passenger All buses have this height	Free	N/A	N/A	N/A	N/A	N/A	Free	N/A	N/A	N/A
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School Term & Holiday Calendar

School Term Calendar	Holiday Calendar						
UCSC Service Routes: 10*, 12, 15, 16*, 19*, 20*	Holiday	Date	Regular Service	Amtrak Hwy 17 Express	School Term Service	METRO ParaCruz	
Operates Weekdays: Except On: Jan 07 - Mar 22, 2013	Memorial Day	May 27, 2013	NOT Operating	Weekend Schedule		Operating	
Apr 01 - Jun 13, 2013 May 27 San Lorenzo Valley Service	Independence. Day	Jul 04, 2013	NOT Operating	Weekend Schedule	-	Operating	
Routes: 33,34,35* Operates Weekdays: Except On:	Labor Day	Sep 02, 2013	NOT Operating	Weekend Schedule	-	Operating	
Jan 07 - Jun 13, 2013 Mar 15, (Apr 01 - Apr 05), May 27	Veterans Day	Nov 11, 2013	Weekday Schedule	Weekday Schedule		Operating	
* Only trips of this route marked "ST" adhere to this calendar For an updated Service Calendar, go to:	Thanksgiving Day	Nov 28, 2013	NOT Operating	Weekend Schedule	-	NOT Operating	
http://scmtd.com/routes/service-calendar	Day After Thanksgiving	Nov 29, 2013	Weekend Schedule	Weekend Schedule		Operating	
	Christmas Eve	Dec 24, 2013	Weekday Schedule	Weekday Schedule		Operating	
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	New Year's Day	Jan 01, 2014	NOT Operating	Weekend Schedule		NOT Operating	

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EXHIBIT C

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Highway 17 Express Cost Estimate

Cost Per Hour (as of October 1, 2013) (will be April CPI)	\$74.02
Weekday Hours (Spring Bid March - June 2012)	107.17
# of Weekdays	254
Annual Weekday Hours	27,221.18
Weekend/Holiday Hours (Spring Bid March - June 2012) # of Weekend Days Annual Weekend/Holiday Hours	40.36 111 4,479.96
Total Annual Hours	31,701.14
Projected Annual Cost for Service	\$2,346,518

Cost Distribution Estimate

Highway 17 Fares	68.70%	\$1,612,042	- Projected FY14 budget as if 05/24/13
Caltrans/CCJPA	5.74%	\$134,673	
Wi-Fi (Capitol Corridor)	0.19%	\$4,500	
San Jose State	0.85%	\$20,000	
VTA	12.26%	\$287,652	
Santa Cruz METRO	12.26%	\$287,652	
Projected Annual Revenue	100%	\$2,346,518	

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

- **DATE:** September 13, 2013
- **TO:** Board of Directors
- **FROM:** Ciro Aguirre, Operations Manager

SUBJECT: CONSIDERATION OF A SECURITY SERVICES GUARANTY AGREEMENT WITH FIRST ALARM SECURITY AND PATROL, INC. WHEREBY SANTA CRUZ METRO WOULD ENTER INTO THE COOPERATIVE SECURITY PATROL PROGRAM AS GUARANTOR

I. RECOMMENDED ACTION

Authorize the General Manager to execute a Security Services Guaranty Agreement with First Alarm Security and Patrol, Inc. whereby Santa Cruz METRO would enter into the Cooperative Security Patrol program as Guarantor.

II. SUMMARY OF ISSUES

- In February 2013, Santa Cruz METRO's Operations department temporarily relocated to a facility on Dubois Street, within the Harvey West Business District.
- As businesses in this area have had ongoing security issues, the Harvey West Business Association has sought to incorporate a Security Patrol Officer to provide nighttime patrols, a period of time not otherwise covered by security.
- First Alarm Security and Patrol, Inc. has extended a Cooperative Security Patrol program for nighttime coverage at a discounted rate to the businesses surrounding the Harvey West Business Park, but is having issues with funding due to lack of subscribership by business owners within the Harvey West Business District.
- At a Harvey West Business Association meeting held on March 26, 2013, Santa Cruz METRO proposed to the Harvey West Business Association, and to First Alarm Security and Patrol, that it would be willing to subsidize 50% of the cost for providing the nighttime Patrol Officer the Harvey West Business Association was seeking.
- Staff is requesting that the Board of Directors authorize Santa Cruz METRO to enter into the Cooperative Security Patrol program as Guarantor, as this would ensure the continued success of the Cooperative Security Patrol program and, by extension, enhanced security for the Harvey West Business Association and Santa Cruz METRO's temporary Operations facility.

III. DISCUSSION

In February of this year, Santa Cruz METRO's Operations department temporarily relocated to a facility on Dubois Street, situated within the Harvey West Business District, to facilitate an accelerated construction schedule for the Judy K. Souza Operations Facility. There are security concerns in this section of the Harvey West neighborhood due to its proximity to Harvey West Park and the previous Board of Directors Board Meeting of September 13, 2013 Page 2

access the public had through this property to Pogonip. The Harvey West Business Association ("HWBA") has sought to incorporate a Security Patrol Officer to provide nighttime patrols for all the businesses in the Harvey West Business District to enhance overall security.

First Alarm Security and Patrol, Inc. ("FASP") has been working with the HWBA to extend a Cooperative Security Patrol ("CSP") program for enhanced nighttime security at a discounted rate to the businesses surrounding the Harvey West Business Park. The CSP program is structured so that each participating business contributes a portion of the total monthly cost of this security coverage. The program is only economically feasible for business owners and FASP if a majority of businesses within the Harvey West Business District subscribe to the program, which is not currently the case.

At a HWBA meeting held on March 26, 2013, shortly after the Operations department had temporarily relocated to the Harvey West Business District, Santa Cruz METRO realized the issue that the HWBA was having with funding the CSP program. Santa Cruz METRO proposed to the HWBA and FASP that it would cover 50% of the cost for the CSP program. Santa Cruz METRO viewed this as an opportunity to assist the HWBA, and to economically augment security patrols for the Operations Division.

Santa Cruz METRO would subscribe to the CSP program as a Guarantor, whereby it would pay 50% of the cost for the CSP program, set at a cap of \$3,171.27 per month regardless of a lack of participation in the CSP program by other business owners. In the event more business owners became subscribers in the CSP program, each subscriber's monthly contribution, including Santa Cruz METRO's, would be reduced by an equal amount.

Staff recommends that Santa Cruz METRO enter into the CSP program as Guarantor by executing the Security Services Guaranty Agreement with FASP. Staff further recommends that the Board of Directors authorize the General Manager to execute the Security Services Guaranty Agreement on behalf of Santa Cruz METRO, which would be in effect for the period of time the Santa Cruz METRO Operations Division resides within the Harvey West Business District while the Judy K. Souza Operations facility is being constructed. Ciro Aguirre, Manager of Operations, will serve as the Contract Administrator and will ensure contract compliance.

IV. FINANCIAL CONSIDERATIONS

Funds to support this contract are included in the Operations 3200 FY14 Security Services budget.

V. ATTACHMENTS

Attachment A: Security Services Guaranty Agreement with First Alarm Security and Patrol, Inc.

First Alarm Security & Patrol, Inc.

Security Services Guaranty Agreement

This Agreement (hereinafter "Guaranty") is entered into by and between the undersigned, Santa Cruz Metropolitan Transportation District ("Santa Cruz METRO"), in the capacity of guarantor ("Guarantor"), and First Alarm Security & Patrol, Inc. ("FASP").

WITNESSETH

WHEREAS, FASP has extended a Cooperative Security Patrol program to the businesses surrounding the Harvey West Business Park, located in Santa Cruz, California at a discounted rate; and

WHEREAS, the Cooperative Security Patrol program is structured such that each participating business contributes a portion of the total monthly fee toward security coverage, seven (7) days a week, eight (8) hours per day; and

WHEREAS, in order to achieve the above security coverage, a majority of private businesses located within the Harvey West Business District must subscribe to the program with FASP; and

WHEREAS, a majority of the businesses located within the Harvey West Business District have not yet subscribed; and

WHEREAS, Guarantor (Santa Cruz METRO) maintains facilities directly adjacent to the private service area at 165 Dubois Street and several adjoining parcels for purposes of a temporary Operations and Parking Facilities; and

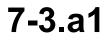
WHEREAS, Guarantor has experienced significant improvement in the security of its Dubois Street property located within the Harvey West Business District by reason of the Cooperative Security Patrol program paid for by its private business neighbors; and

WHEREAS, Guarantor has a vested interest in the continued success of this Cooperative Security Patrol program in order to ensure its own smooth operation;

NOW, THEREFORE, in consideration of the enhanced security benefits to the Harvey West Business District:

- 1. Guarantor hereby agrees to pay 50% of the parties' total monthly costs of \$6,342.54 for the Cooperative Security Patrol program in order to achieve security coverage seven (7) days a week, eight (8) hours per day.
 - a. Guarantor's financial contribution shall not exceed \$3,171.27 per month during its participation under this agreement regardless of a lack of participation by other business owners in this program.
 - b. In the event that more than nine (9) business owners in the Harvey West Business Park begin participating under the Cooperative Security Patrol program, then all subscribers' rates, including Guarantor's, shall be adjusted downward by dividing the amount of the monthly contribution(s) from the new subscriber(s) evenly between all subscribers. Attached hereto as Attachment A is a copy of the current subscribers as of the date of entry into this Agreement.
- 2. This Guaranty is intended to be conditional, and shall continue only so long as Santa Cruz METRO occupies the 165 Dubois Street property.
- 3. FASP will continue to strenuously market area businesses in order to add subscribers.
- 4. FASP and Guarantor agree that either party may revoke this Agreement at any time with 30 days written notice. Notice shall be provided via e-mail with a copy mailed via U. S. Postal Service to the following:

Ciro Aguirre, Operations Manager Santa Cruz METRO 165 Dubois Street Santa Cruz, CA 95060 caguirre@scmtd.com



sackerly@firstsecurityservices.com

Shea Ackerly, Branch Manager First Alarm Security & Patrol 1111 Estates Drive Aptos, CA 95003

- 5. Neither this Agreement, nor the guarantee of payment, shall be enforceable by any third party and represents the agreement of solely FASP and Santa Cruz METRO. This Agreement is not intended to inure to the benefit of any third party.
- 6. FASP agrees and shall indemnify, defend and hold harmless Guarantor (Santa Cruz METRO), its employees and agents from and against all costs, damages, liabilities, obligations, expenses, including attorney's fees, and claims arising from or in connection to the services FASP provides to the business owners within the Harvey West Business District, with respect to claims brought by any party other than the parties to this Agreement and arising and related to this Agreement.
- 7. This writing is intended by the parties as a final and full expression of their agreement and as a complete and exclusive statement of the terms thereof. This Agreement can only be modified by signed mutual written consent by the parties or their duly authorized agents.

This Guaranty shall be governed by the laws of the State of California, and Santa Cruz, California courts shall have jurisdiction to adjudicate all matters concerning this Guaranty.

Executed on the _____ day of September, 2013, and effective as of July 24, 2013.

Santa Cruz Metropolitan Transit District (Guarantor)

First Alarm Security & Patrol, Inc.

By: _____ Leslie R. White, General Manager

by:_____ Cal Horton, its President

Approved as to Form:

By: _____ Leslyn Syren Santa Cruz METRO Counsel

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

- **DATE:** September 13, 2013
- **TO:** Board of Directors
- **FROM:** Leslyn K. Syren, District Counsel Robyn Slater, Human Resources Manager

SUBJECT: CONSIDERATION OF ESTABLISHING THE POSITION OF SECURITY AND RISK ADMINISTRATOR AND RECLASSIFYING THE CLAIMS INVESTIGATOR II INCUMBENT INTO THE NEW POSITION

I. RECOMMENDED ACTION

Approve the Job Description for the position of Security and Risk Administrator, and authorize the General Manager to approve the reclassification of the Claims Investigator II incumbent into the new position of Security and Risk Administrator, reporting to the District Counsel.

II. SUMMARY OF ISSUES

- On May 10, 2013, the Board of Directors authorized the General Manager to meet with Service Employees International Union (SEIU), Local 521, to discuss adding to the Claims Investigator II position the additional duties being performed by the incumbent, Liseth Guizar.
- The Human Resources Department performed a job analysis of the duties performed by Liseth Guizar and has determined that the current job description, Claims Investigator II, fails to reflect the full scope of duties being performed by the incumbent.
- The Human Resources Department, in consultation with the District Counsel and General Manager, recommends the creation of a new job description for "Security and Risk Administrator" which captures the full scope of duties being performed by Ms. Guizar and creates additional duties which are necessary for the growth and development of security and citation enforcement authority within Santa Cruz METRO's transit system and its transit facilities.
- Liseth Guizar has the capacity to perform, and has performed, many of the duties contained in the new job description. It is the desire of Santa Cruz METRO to create a new management position to encompass these duties and to reclassify Liseth Guizar to the position of Risk and Security Administrator.
- SEIU, Local 521, has been consulted regarding this reclassification request and has no opposition the recommendations. In addition, this action does not abolish the SEA positions of Claims Investigator I or II from Santa Cruz METRO's authorized classifications and may be filled at a later time upon Board authorization.

Board of Directors Board Meeting of September 13, 2013 Page 2

III. DISCUSSION

Liseth Guizar has been employed by Santa Cruz METRO since August of 2005. During her employment with Santa Cruz METRO, Ms. Guizar has received special training on transit security and completed her Bachelor's degree in Criminal Justice from California State University Sacramento.

During this time, Ms. Guizar has taken on additional responsibilities related to transit security, including, the drafting of POST orders for transit security officers, presentation of emergency plan and the coordination of efforts with local police agencies. Ms. Guizar oversees the day to day problems related to the security functions at Santa Cruz METRO. These duties are not reflected in her current job description, and were assigned based on the skill and ability of Ms. Guizar. Many of the tasks undertaken were previously performed by management level staff, but due to budget cuts, retirements and a general shortage of staff, Ms. Guizar has assisted with these duties.

In addition, Ms. Guizar has taken on greater responsibilities for the District's Risk Management program, including the establishment of claims reserves for all claims, the investigation of occurrences and the negotiation to resolution of a majority of claims filed with Santa Cruz METRO. Audits of Santa Cruz METRO's Risk Management system have been favorable.

Finally, as many of the Directors are aware, Ms. Guizar has performed many of the duties of the District's public information officer and events coordinator. These activities include many high profile events, in which coordination with outside agencies requires exceptional communication and organizational skills.

A classification study was conducted by the Human Resources Department of Ms. Guizar's duties which determined that the duties performed by this individual have morphed over time. The study results include the creation of the new proposed management classification "Security and Risk Administrator" reporting to the District Counsel. It is the intent of Santa Cruz METRO to use this position to continue improvements to the Santa Cruz METRO security programs. These will include efforts to create authority and training which may allow Santa Cruz METRO security guards and authorized employees to issue infraction and misdemeanor citations for the violation of transit related crimes or District Regulations. This will require additional legislative authority and the creation and approval by the Board of a Prohibited Acts Ordinance.

Congress passed MAP-21 in June of 2012, reauthorizing public transportation funding programs for federal fiscal years 2013 and 2014. Much of the emphasis of this new legislation is the establishment of funding for increased transit security, including, crime prevention and security. Additional grant funding will be sought for many of the programs Santa Cruz METRO is pursuing in this area. The creation of this new position will provide the FTA with the assurance that Santa Cruz METRO has the staffing and internal knowledge base to implement such programs.

To address the issues discussed above, staff recommends that the Board of Directors establish a management level Security and Risk Administrator position, assign the duties to the incumbent in the Claims Investigator II position to the new management position pursuant to the reclassification study.

Board of Directors Board Meeting of September 13, 2013 Page 3

IV. FINANCIAL CONSIDERATIONS

The adoption of the recommendations contained in this report will require an additional \$10,556.00 in salary costs in the METRO FY 13/14 Operating Budget (9/28-6/30/14).

V. ATTACHMENTS

Attachment A – Proposed Job Description for Security and Risk Administrator



SECURITY AND RISK ADMINISTRATOR

DEFINITION

With minimal supervision from the District Counsel, the Security and Risk Administrator is responsible for the security and risk administration function of the Santa Cruz Metropolitan Transit District (Santa Cruz METRO). The security administration function includes organizing, directing, and coordinating the Santa Cruz METRO's security services, enforces Santa Cruz METRO rules and regulations at Santa Cruz METRO facilities and fleet, conducts system risk assessments, coordinating emergency response protocols, providing reports and updates to General Manager and/or District Counsel regarding security related issues serves as the Public Information Officer for Santa Cruz METRO. The administration of claims includes the investigation of claims, gathering and compiling information, documents and other evidence; recommending suggested reserves for claims as well as settlement amounts for routine liability claims; analyzing claims in accordance with established procedures; pursuing property recovery activities; and assisting District Counsel in case preparation. Other duties as assigned.

EXAMPLES OF DUTIES

- Develops and monitors programs to ensure the personal safety of transit passengers and Santa Cruz METRO employees, the protection of Santa Cruz METRO property against theft and vandalism, and the control of keys and access cards;
- Develops, implements, and evaluates policies, programs, and procedures to ensure that security activities are in accordance with Santa Cruz METRO goals;
- Assures adherence to security programs and re-evaluates existing programs;
- Provides input to management on policy related to security and emergency management;
- Coordinates national and local crisis management and incident response protocols;
- Performs as Public Information Officer during emergency situations;
- Reviews accidents, conducts investigations, and provides accident determinations;
- Coordinates aspects of litigation claims filed against the Santa Cruz METRO by interfacing with attorneys/passengers, serving as the Santa Cruz METRO 's representative at designated court proceedings, and reviewing and preparing discovery documents;
- Researches passenger complaints/inquiries as assigned;
- Administers accident claims, interfacing with the public and agency personnel on accident claims;
- Prepares and files restraining order documentation;
- Recommends final settlements;
- Oversees risk management record keeping procedures including surveillance recordings retention;
- Maintains a risk management information system, such as vehicle and accident databases;

- Prepares or directs the preparation of various reports, correspondence, and other documents and records;
- Conducts surveillance as requested;
- Oversees, directs and monitors contracts of contracted security services;
- Participates in the development and administration of the department annual budget;
- Keeps abreast of current developments in the field of risk management and insurance and incorporates any necessary changes into Santa Cruz METRO 's policies affecting the comprehensive insurance and risk management programs;
- May supervise or direct the work of other Santa Cruz METRO employees and/or contractors;
- May represent Santa Cruz METRO on transit industry boards and commissions;

EMPLOYMENT STANDARDS

Knowledge of:

- Applicable local, State and Federal laws and regulations governing public transportation systems and property and liability claims.
- Investigation methods, techniques, and settlement negotiations.
- Interviewing principles and techniques.
- Procedures and techniques of evidence collection, methods of legal and factual research and discovery techniques.
- Principles, practices, and techniques involved in directing security protection for buildings, grounds, and a public transit system.
- Safe work methods and safety regulations pertaining to hazardous materials at an accident/incident site.

Ability to:

- Understand and apply laws and administrative policies and procedures in the evaluation of routine property and liability insurance claims.
- Investigate and recommend settlement of routine property and liability claims.
- Investigate accident, scenes, analyze events and draw sound conclusions.
- Prepare and present comprehensive documents, charts, reports and correspondence.
- Serve on-call 24 hours/day, as needed.
- Operate security video surveillance systems.
- Effectively and tactfully communicate in English in both oral and written forms and speak Spanish.
- Interview witnesses in English and Spanish on the telephone and in person.
- Safely perform job duties in the field under various climatic conditions.
- Establish and maintain cooperative working relationships with the public, Santa Cruz METRO employees and others.
- Ability to speak before and facilitate discussions with large, diverse groups of people.
- Organize community outreach and special events.

Training and Experience

Any combination of training and experience equivalent to:

- Four years experience performing property and liability claims investigation. Two years experience in public outreach and/or project management required.
- Bachelors Degree in Criminal Justice, law, or related field is desirable.

Physical Requirements:

Frequently required to sit, stand, walk, grip and use fingers. May drive, stoop, kneel, and carry up to 20 pounds at varying frequencies, daily to monthly. Occasional exposure to noise and toxic materials such as fumes, dust, gasoline and other roadside hazards. Works both inside and outside. Eyesight requirements for computer work and claims investigations.

Special Requirements:

- Oral and written fluency in Spanish desirable.
- Possession of a valid California Driver's License and a safe driving record

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

- **DATE:** September 13, 2013
- **TO:** Board of Directors
- FROM: Leslie R. White, General Manager

SUBJECT: CONSIDERATION OF RECEIVING INFORMATION REGARDING THE DEVELOPMENT OF A POLICY/STRATEGYBY THE AMERICAN PUBLIC TRANSPORTATION ASSOCIATION FOR THE ENACTMENTOF A NEW FEDERAL TRANSPORTATION AUTHORIZATION BILL BY THE UNITED STATES CONGRESS.

I. RECOMMENDED ACTION

That the Board of Directors receive information regarding the progress of developing a comprehensive policy and strategy to advocate for the enactment of a new federal transportation authorization bill.

II. SUMMARY OF ISSUES

- Federal funding for public transit projects results from authorizing legislation which establishes the structure and levels of funding on a multi-year basis.
- The American Public Transportation Association (APTA) has been an active advocate for federal funding for public transit projects since 1975.
- The foundation for the distribution of federal transit capital funds has been a formula of 40% New Rail Starts, 40% Rail Modernization, and 20% Bus and Bus Facilities that was in place since 1980.
- The passage and enactment of MAP 21 in 2012 modified the structure of capital funding to 95% Rail and 5% bus and Bus Facilities with the Bus funds being distributed on a formula that moved the majority of funds to the large transit systems.
- The APTA Authorization Task Force has been working on a policy position paper that would be used to advocate for a new authorization bill.
- Unfortunately, the Members of the Task Force developed a proposed position paper that would perpetuate the loss of bus funding for small and medium sized transit systems. The proposed position paper created a significant amount of dissension in the transit industry.
- I was asked to join the APTA Authorization Task Force and develop a revised funding advocacy proposal that could be supported by all of the transit systems.

- In July and August I consulted with a number of transit system representatives in order to develop a revised proposal. I have attached the revised funding proposal to this report.
- On August 28, 2013 the APTA Authorization Task Force met in Chicago and adopted the revised proposal with a phase-in provision. The APTA Legislative Committee will act on the revised funding proposal at the Annual Meeting in Chicago at the end of September.
- This report is provided for information, no action is required.

III. DISCUSSION

The basis for federal funding for transit projects is a multi-year authorization bill. This legislation contains both the structure and funding level for the transit program. The current authorization bill, entitled MAP 21, will expire on September 30, 2014. The Chair of the Committee that will lead the Congressional effort to enact a replacement is Senator Barbara Boxer. Senator Boxer indicated earlier this year that she intended to begin hearings on the authorization issue after the August recess this year. However, the Syrian issue debate is likely to result in a postponement of a transportation bill. However, the necessity of developing a unified transit advocacy still exists.

The passage and enactment of MAP 21 in 2012 modified the structure of capital funding to 95% Rail and 5% bus and Bus Facilities with the Bus funds being distributed on a formula that moved the majority of funds to the large transit systems. The Members of the Task Force developed a proposed position paper that would perpetuate the loss of bus funding for small and medium sized transit systems. The proposed position paper created a significant amount of dissension in the transit industry. After the position paper was issued I was asked to join the APTA Authorization Task Force and develop a revised funding advocacy proposal that could be supported by all of the transit systems.

The APTA Authorization Task Force met in Chicago and adopted the revised proposal with a phase-in provision. The APTA Legislative Committee will act on the revised funding proposal at the Annual Meeting in Chicago at the end of September.

IV. FINANCIAL CONSIDERATIONS

The potential financial impact of the funding proposal to Santa Cruz METRO is not known at this time. However, the availability of competitive bus funds should be significantly beneficial.

V. ATTACHMENTS

Attachment A: Section 5339 Funding Proposal

Authorization Proposal— Bus and Bus facilities Section 5339 Modifications

The following modifications to Section 5339 of MAP 21 are proposed to be included in the position of the American Public Transportation Association (APTA) regarding bus funding for a new Authorization Bill.

Overarching Principles

- Restoration of the bus capital funding to the pre-MAP 21 level of \$984 million is <u>the</u> top priority of APTA.
- Revising the program structure to provide that 50% of the Bus and Bus Facilities funds are distributed by formula and 50% of the funds are distributed through a competitive, discretionary program.

Clarifying Principles

- Revising the program structure so that the formula funds are distributed using the current 5307 formula and that the discretionary funds are awarded using criteria developed by APTA in collaboration with the Federal Transit Administration.
- Revising the program to limit individual system Bus and Bus Facilities discretionary grant awards to no more than 4% of the discretionary bus funding amount.
- Revising the program to provide that funds made available under this section shall be apportioned or granted directly to the transit systems located in Urbanized Areas larger than 50,000 in population.
- Funds under the program to be available for 4 years plus year of appropriation. Funds cannot be transferred from the formula program to the discretionary program or vice versa.
- Funds under the program may not be used for operating expenses or preventive maintenance.
- Bus replacement grant approvals should be processed by FTA on an expedited basis.
- The program should be structured to provide 100% of the incremental cost of purchasing alternate fuel (other than clean diesel) buses.

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

- **DATE:** September 13, 2013
- **TO:** Board of Directors
- **FROM:** Leslie R. White, General Manager
- SUBJECT: CONSIDERATION OF THE ACTIONS TAKING PLACE TO RESOLVE THE CONFLICTS BETWEEN THE PUBLIC EMPLOYEES PENSION REFORM ACT AND SECTION 13-C OF THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED, THAT HAVE RESULTED IN THE SEQUESTRATION OF FEDERAL FUNDS BY THE INITED STATES DEPARTMENT OF LABOR, INCLUDING \$5.5 MILLION IN SANTA CRUZ METRO OPERATING FUNDS.

I. RECOMMENDED ACTION

That the Board of Directors receive information regarding the actions that are being taken in the California State Legislature, the Governor's Office and the US Department of Labor regarding reconciling the issues related to the enactment of the Public Employees Pension Reform Act and the impact on labor protection findings required under Section 13-C of the Urban Mass Transportation Act of 1964, as amended.

II. SUMMARY OF ISSUES

- The Urban Mass Transportation Act of 1964, as amended, contains a provision in Section 13-C that requires that the US Department of Labor certify that collective bargaining protection measure are in place prior to the US Department of Transportation issues approval of any funding grants for transit projects.
- The 13-C Labor Protection requirements have been included in all transportation financing authorization legislation since 1964, including the recently enacted MAP 21 legislation.
- In 2012 the California State Legislature passed AB 340 (Public Employee Pension Reform Act) which substantially modified the pension program provisions for public employees, including transit workers. This legislation was signed by Governor Brown and took effect for all public employees hired after January 1, 2013.
- In response to the implementation of the Public Employee Pension Reform Act (PEPRA) the unions representing transit workers filed objections with the US Department of Labor asserting that the implementation of the PEPRA violated the collective bargaining process protected under the provisions of Section of 13-C.
- The Department of Labor found that a legitimate question had been raised by the unions representing transit workers. The Department of Labor then placed "holds" on grants to transit systems in California where the unions had questioned the issue.

Board of Directors Board Meeting of September 13, 2013 Page 2

- Included in the held funds of approximately \$1.6 billion in transit funds is \$5.5 million in METRO operating funds.
- Ongoing discussions have taken place over the past few months with the Governor's Office, Members of the Legislature, and the Department of Labor. Assembly Member Luis Alejo authored and introduced AB 160 that provided an exemption to PEPRA for transit workers.
- Over the Labor Day weekend an agreement was developed that gained the support of the Department of Labor, the Governor's Office, and the Legislature. The agreement required an enactment of a temporary exemption of transit workers from the PEPRA (AB 1222) and the implementation of a process to litigate the issue in federal court, along with the release of most of the held transit funds.
- The components of the Labor Day Agreement are currently being implemented.

III. DISCUSSION

Prior to 1960 the majority of public transit systems in the United States were operated by private companies. The majority of these privately operated transit systems were unionized and had been since the 1930's. In the 1960's the private companies began to abandon service areas and entire cities due to falling ridership and lower revenues. In order to maintain public transit services many cities began to acquire private transit systems. Initially the US Model Cities Program provided limited capital assistance to cities to help them buy out private transit company assets. In 1963 and 1964 the Congress enacted the Urban Mass Transportation Assistance Act to expand financial assistance available to cities for the acquisition of private transit companies. As a part of the Congressional debate regarding the transit funding bill it was pointed out that, while the private companies were unionized, the cities in many states were prohibited by state law from engaging in collective bargaining with unions. The unions objected to using federal funds to facilitate acquisitions that would eliminate their collective bargaining rights. As a result a section was added to the legislation requiring that the Department of Labor certify that provisions were in place to preserve collective bargaining rights prior to allowing any funding grant be made to local agencies for transit projects. This provision is included in Section 13-C of the Act.

In 2012 the California State Legislature passed AB 340 which provided for changes in the pension programs for public employees, including transit workers. This legislation, when signed by the Governor, became the Public Employees Pension Reform Act (PEPRA). The PEPRA effected public employees hired after January 1, 2013. With the enactment of the PEPRA the unions that represent transit system workers began to challenge the certification of grant applications by the US Department of Labor. As a result of the challenges the Department of Labor began to place "holds" on applications for funds for transit projects. In 2013 the total funds being held amounted to approximately \$1 billion with a project total of funds at risk of \$1.6 billion. Included in the federal funds being held is \$5.5 million in Santa Cruz METRO operating funds.

Board of Directors Board Meeting of September 13, 2013 Page 3

Discussions have taken place over the past few months with the Governor's Office, Members of the Legislature, and the Department of Labor. Assembly Member Luis Alejo authored and introduced AB 160 that provided an exemption to PEPRA for transit workers. During the Labor Day weekend an agreement was developed that has gained the support of the Department of Labor, the Governor's Office, and the Legislature. The agreement required an enactment of a temporary exemption of transit workers from the PEPRA (AB 1222) and the implementation of a process to litigate the issue in federal court, along with the release of most of the held transit funds.

The Sacramento Regional Transit District has been notified that funds that it has applied for have been decertified based upon the PEPRA/13-C conflict. The Sacramento RT will file suit in federal court challenging the Department of Labor action. Assembly Member Richard Bloom has revised AB 1222 to incorporate most of the provisions of Assembly Member Alejo's AB 160. The change is that the PEPRA exemption would be for 2 years and would be subject to the outcome of the federal lawsuit. AB 1222 passed the Senate on September 6, 2013 and is before the Assembly. When passed and enacted into law the Department of Labor will release the remainder of transit funds being held. A summary of the Labor Day agreement is attached to this Staff Report.

IV. FINANCIAL CONSIDERATIONS

The dispute regarding the compatibility of PEPRA and 13-C has resulted in \$5.5 million in Santa Cruz METRO operating funds being held by the US Department of Labor.

V. ATTACHMENTS

Attachment A: Summary of AB 1222

AB 1222 (Bloom/Dickinson) Protecting Federal Transit Funding Fact Sheet

PURPOSE

Recently, the US Department of Labor (US DOL) notified the Sacramento Regional Transit District that it is refusing to certify millions of dollars in transit grants to the district because it asserts that the provisions of the California Public Employee Pension Reform Act of 2013 (PEPRA) are incompatible with federal labor law.

If this situation is not addressed by the end of this legislative year, September 13, 2013, the US DOL could begin notifying other transit authorities across the state that they will also be decertified and no longer be able to receive federal grants for projects.

Decertification would result in the state losing up to \$1.6 billion this year in federal grant funding for transit projects which could threaten thousands of jobs throughout the state.

SUMMARY

AB 1222 creates a one year exemption from PEPRA (January 1 2015) for Transit employees covered under the federal law. This will allow the the agencies whose grants are decertified an opportunity to maintain PEPRA through the court. If the court determines PEPRA is in compliance with the Section 13(c) of the Federal Transit Act then the 1 year exemption will sunset. If the court says PEPRA is not in compliance then the exemption will be permanent. The one year exemption should allow other transit districts to receive federal funds while the litigation is proceeding.

Also the bill authorizes the Department of Finance to provide up to \$26 million in loans to transit agencies that have grants decertified by the US DOL.

EXISTING LAW

Exisiting Federal law requires, under Section 13(c) of the Federal Transit Law, that employee protections, commonly referred to as "protective arrangements" or "Section 13(c) arrangements" must be certified by the Department of Labor and in place, before Federal transit funds can be released to a mass transit provider. As a general rule, Section 13(c) protects transit employees who may be affected by Federal transit funding.

Section 13(c) requires, among other things, the continuation of collective bargaining rights, and protection of transit employees' wages, working conditions, pension benefits, seniority, vacation, sick and personal leave, travel passes, and other conditions of employment.

Exisiting State law, AB 340 establishes comprehensive public employee pension reform through enactment of PEPRA that apply to all public employers and public pension plans on and after January 1, 2013, excluding the University of California and charter cities and counties that do not participate in a retirement system governed by state statute.

Among other things, PEPRA requires new public retirement system members to have lower retirement formulas and higher retirement ages. Be subject to at least a three-year final compensation period, requires new members to pay at least 1/2 of the annual normal cost of their benefit plans, and limits the amount of compensation that a public employee may have counted towards their retirement benefit.

Office of Assemblymember Richard Bloom AB 1222 - Fact Sheet Contact: Guy Strahl (916) 319-2968 Page 1

10.a1

BACKGROUND

PEPRA modified the retirement benefits for most new public employees first hired after January 1, 2013. Several public transit unions objected to US DOL that their collective bargaining rights were impaired by PEPRA and is, therefore, inconsistent with the provisions of 13(c) in federal transit law. To date the US DOL has declined advance federal transit funds to transit agencies state wide based on the objections of several unions.

SUPPORT

OPPOSITION

None on File

Version: 9/5/2013

Office of Assemblymember Richard Bloom AB 1222 - Fact Sheet Contact: Guy Strahl (916) 319-2050 Page 2

10.a2

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

- **DATE:** September 13, 2013
- **TO:** Board of Directors
- **FROM:** Leslie R. White
- SUBJECT: CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT FOR THE PURCHASE OF A TICKET VENDING MACHING FOR INSTALLATION IN THE SAN LORENZO VALLEY HIGH SCHOOL, OR CLOSE PROXIMITY, AND AMENDING THE SANTA CRUZ METRO CAPITAL BUDGET TO REFLECT PURCHASE AND INSTALLATION COSTS.

I. RECOMMENDED ACTION

That the Board of Directors authorize the General Manager to execute a contract with GFI for the purchase of a ticket vending machine to be installed at or near the San Lorenzo Valley High School and to amend the Capital Budget to reflect the cost of the purchase and installation.

II. SUMMARY OF ISSUES

- Santa Cruz METRO implemented a smart card system to achieve quicker passenger boarding times and to provide a method for passengers who could not afford a full monthly pass to have access to the discounts that other passengers receive.
- As a part of the implementation of the smart card system METRO installed Ticket Vending Machines (TVM) at the Santa Cruz Metro Center, Capitola Mall, and the Watsonville Transit Center. These machines have been well utilized.
- Subsequently, METRO has added Ticket Vending Machines at Cabrillo College and the Scotts Valley Transit Center leaving the San Lorenzo Valley area as the only service area without easy access to a TVM.
- The addition of a TVM to the San Lorenzo Valley Area is intended to improve passenger boarding times and ease congestion near the San Lorenzo Valley High School.
- METRO staff members have been meeting with Supervisor Bruce McPherson and staff, and staff members of the San Lorenzo School District to determine the best location for a TVM. The delivery time for a TVM is approximately 6 months.
- Staff recommends that, while location discussions are not concluded, the Board authorize the General Manager to enter into a purchase contract so that, once a location is agreed upon, the machine will be here for installation.

Board of Directors Board Meeting of September 13, 2013 Page 2

• The estimated cost for the TVM is \$80,000. Staff recommends that in addition to authorizing the General Manager to execute a purchase agreement for a TVM, the Board also amend the METRO Capital Budget in the amount of \$80,000 for the acquisition.

III. DISCUSSION

In order to achieve a more equitable fare collection system METRO implemented a smart card system using funds from the federal ARRA program to purchase the basic system. In addition to the improvement in equity in the fare collection system, the use of smart cards decreases the time necessary to board passengers and improves running times.

The initial smart card system included the installation of Ticket Vending Machines (TVM) in the Santa Cruz Metro Center, the Capitola Mall, and the Watsonville Transit Center. Subsequently TVM's have been installed at Cabrillo College and the Scotts Valley Transit Center.

In order to improve running times, decrease boarding times, and improve access in the San Lorenzo Valley METRO staff members have been meeting with Supervisor Bruce McPherson and his staff, as well as representatives of the San Lorenzo Valley School District. The purpose of these meetings had been to determine the best location for a TVM so that it would have the greatest impact on convincing METRO riders to switch from cash to the smart cards. The discussions regarding location have not been concluded. However, the delivery time for a TVM from time of order is approximately 6 months. Therefore, staff is recommending that the General Manager be authorized to place an order in the amount of \$80,000 for the acquisition of a TVM. Additionally staff is recommending that the METRO Capital Budget be amended to reflect the TVM purchase.

Ordering the TVM now will minimize the wait time for installation once an agreed upon location in the San Lorenzo Valley is identified.

IV. FINANCIAL CONSIDERATIONS

The acquisition of a TVM for the San Lorenzo Valley would require approximately \$80,000 from the METRO Capital Budget.

V. ATTACHMENTS

None

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

- **DATE:** September 13, 2013
- **TO:** Board of Directors
- **FROM:** Erich R. Friedrich, Senior Transportation Planner
- SUBJECT: UPDATE ON THE 2013 SHORT RANGE TRANSIT PLAN INCLUDING A PRESENTATION ON EXISTING CONDITIONS AND INITIAL FINDINGS

I. RECOMMENDED ACTION

That the Board of Directors receives an update on the Short Range Transit Plan and provide feedback on the Existing Conditions and Initial Findings.

II. SUMMARY OF ISSUES

- Santa Cruz METRO awarded a contract with Nelson\Nygaard on April 26, 2013 to draft the 2013 Short Range Transit Plan.
- The 2013 Short Range Transit Plan is a document that will guide Santa Cruz METRO in service and capital improvements over a five year horizon.
- Public Outreach and Data collection for the Short Range Transit Plan was conducted from late spring through the summer of this year. The Short Range Transit Plan also leverages data collection efforts from previous studies and plans.
- Existing conditions are reported from a thorough review of the various data collection efforts and have three basic elements:
 - Demographics
 - System Performance
 - Passenger Survey Results
- Initial findings and a Draft Service Plan were created based on the Existing Conditions. A presentation on the existing conditions and Initial Findings with draft Service Plans is attached to this staff report.
- Additional outreach to stakeholders and stakeholder groups will be coming in early October. Remaining elements of the Short Range Transit Plan are currently being drafted and will be presented in draft form in mid November.

III. DISCUSSION

Santa Cruz METRO's last Short Range Transit Plan (SRTP) expired at the end of 2012 and based on state law must have a current up to date SRTP in order to purchase buses starting in

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2014. In order to draft a new SRTP, Santa Cruz METRO awarded a contract with the planning firm Nelson\Nygaard on April 26, 2013 to draft the 2013 SRTP.

The 2013 Short Range Transit Plan is a planning document focused on transit ser vice and capital improvements over a five year horizon. This document will guide Santa Cruz METRO in regards to service changes, capital projects, fleet management, public outreach and communication, as well as other elements like financial and legislative forecasting, and policy revisions and recommendations.

Once the contract with Nelson\Nygaard was awarded, Santa Cruz METRO staff and staff began work on collecting data and performing public outreach to guide the elements of the SRTP. Public involvement and data collection included:

- Onboard rider surveys
- Ridecheck data collection along mainline routes
- Stakeholder interviews including interviews with several board members
- Public workshops throughout the county
- "Drop in" interviews with Santa Cruz METRO Bus Operators and Transit Supervisors
- Planning Meetings with members of Santa Cruz METRO's Service Planning and Review Committee

The team from Nelson/Nygaard has also leveraged other planning documents such as the Watsonville Transit Planning Study (2011) and the Regional Transportation Commission's On Board Transit Study (2012) as data sources for the SRTP. Finally the team has reviewed other planning documents such as the new general plans from the Cities of Santa Cruz and Watsonville, the County's ongoing Transit Corridors Study, and the 2012 Regional Transportation Plan.

Existing Conditions based on the extensive data collection effort and public participation were reported to Santa Cruz METRO staff in mid August. Details of the Existing Conditions are summarized by Santa Cruz METRO staff in three parts: Demographics of ridership, system performance with global figures and individual route statistics, and results of the passenger survey. **Attachment A** is a detailed presentation of this information.

Initial Findings based on the Existing Conditions and data collection lead the team at Nelson\Nygaard to submit a draft Service Plan with recommendations for new and revised service policies and recommendations for specific service changes. The highlights include:

Policies and Practices:

- Establishing a Transit-Emphasis Corridors Policy
- Establish a Performance Standers and Service Review Policy
- Establish Route Deviation Standard

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- Revise Bus Stop Spacing Standards
- Study headways based scheduling for School Term UCSC Service
- Address the need for better and more abundant transit data

Draft Service Plans:

- Realignments of Local Santa Cruz service
- Reschedule UCSC School Term service
- Reallocate Mid-County service to establish better weekend service
- Realign Cabrillo/South County service to better utilize Soquel

Attachment A is a detailed presentation of the Draft Service Plan.

While the SRTP project is well underway, there are many elements still being developed. Additional outreach to stakeholders and stakeholder groups focusing on the Draft Service Plan as well as the Capital Improvement Plan and the Marketing Plan will be held in early October. After edits and incorporating comments, the entire SRTP will be presented in draft form by mid November. The SRTP is on schedule to be recommended for adoption by mid December.

IV. FINANCIAL CONSIDERATIONS

The SRTP is funded out of Santa Cruz METRO's general fund. The Draft Service Plans were designed to be "cost/revenue neutral" over the five year planning horizon. However, specific financial planning is still in development.

V. ATTACHMENTS

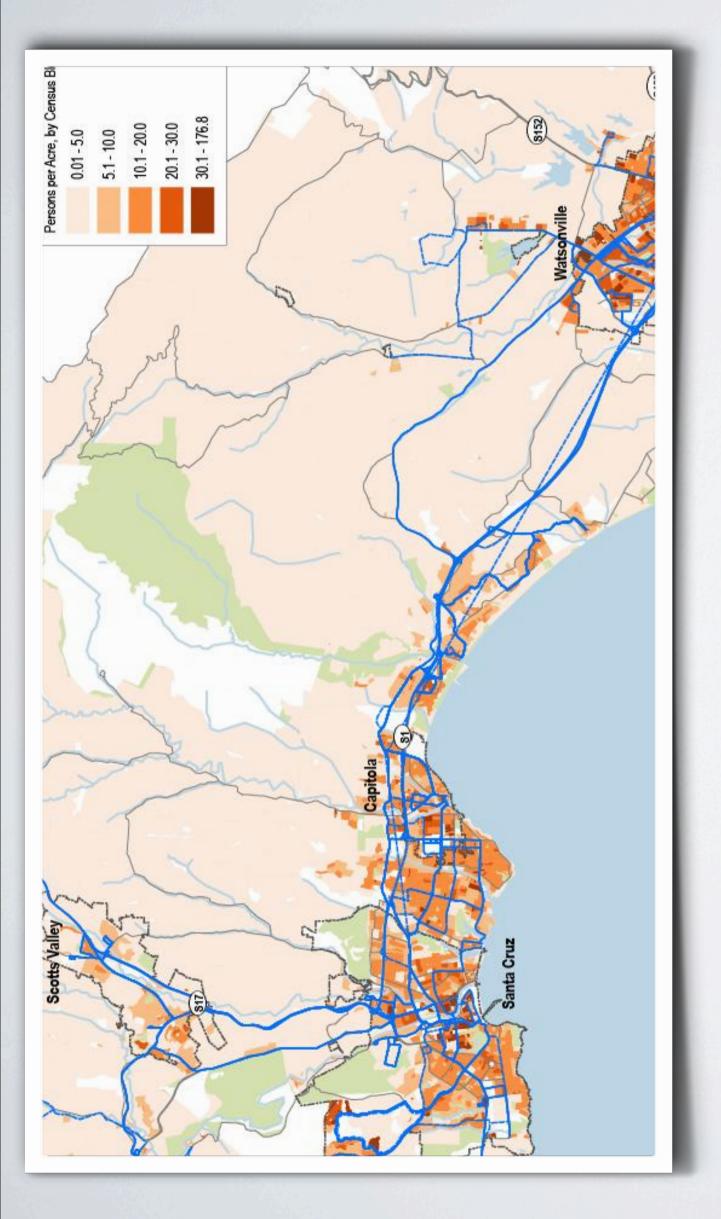
Attachment A: Presentation: Short Range Transit Plan – Existing Conditions and Initial Findings

Prepared By:	Erich R. Friedrich, Senior Transportation Planner
Date Prepared:	September 3, 2013



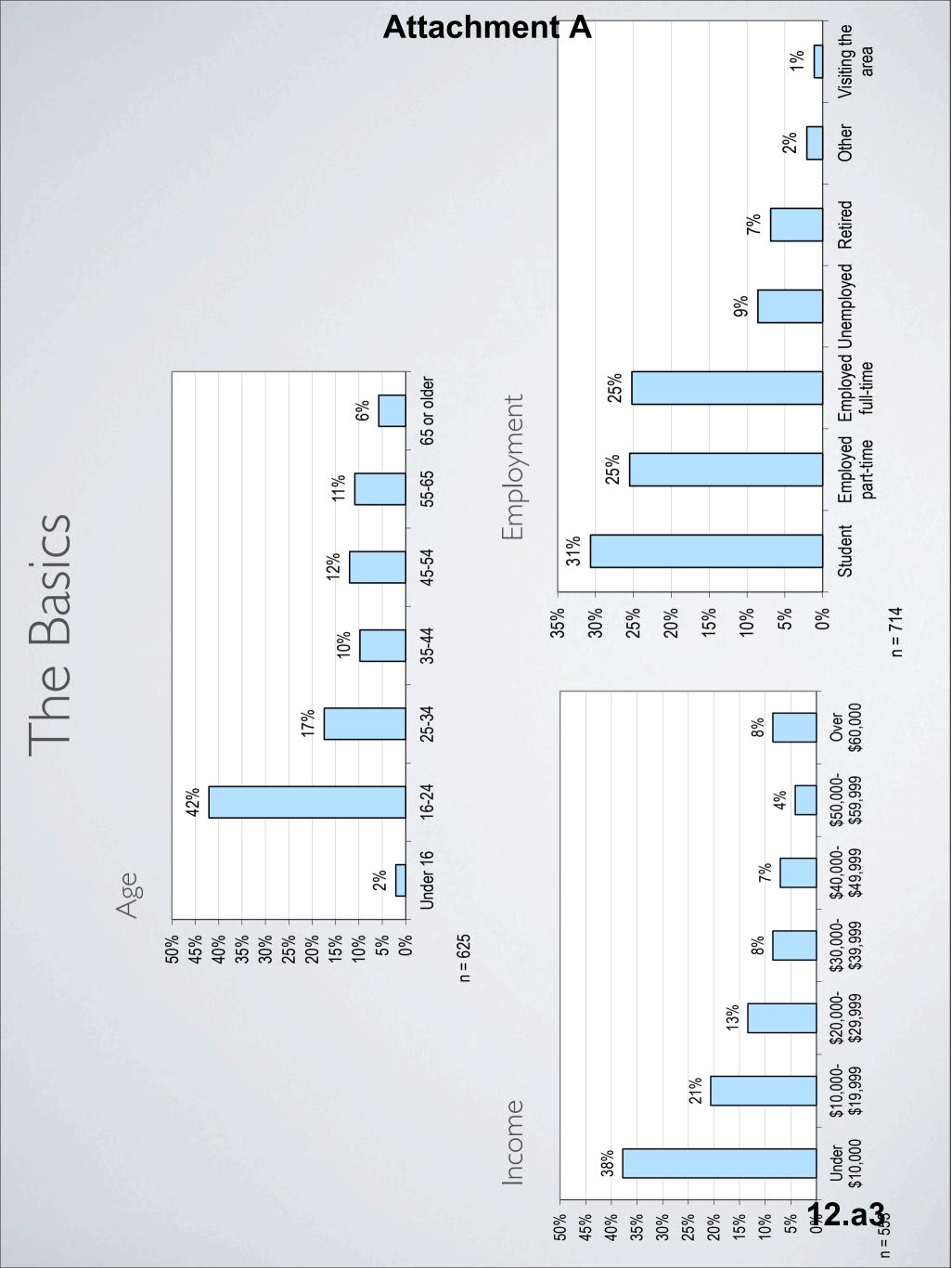
SANTA CRUZ

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DEMOGRAPHICS Who are we serving?

12.a2

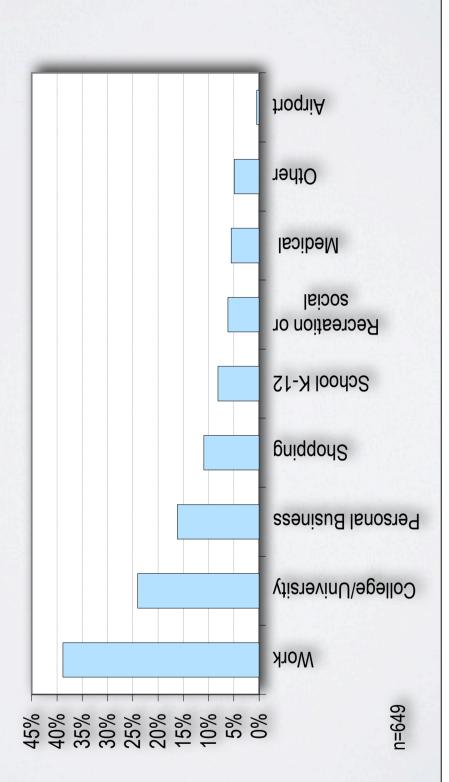


Accessing Transit

Trip Planning







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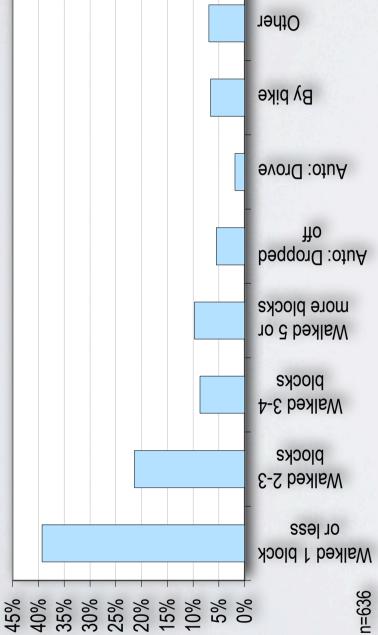
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To Bus Stop

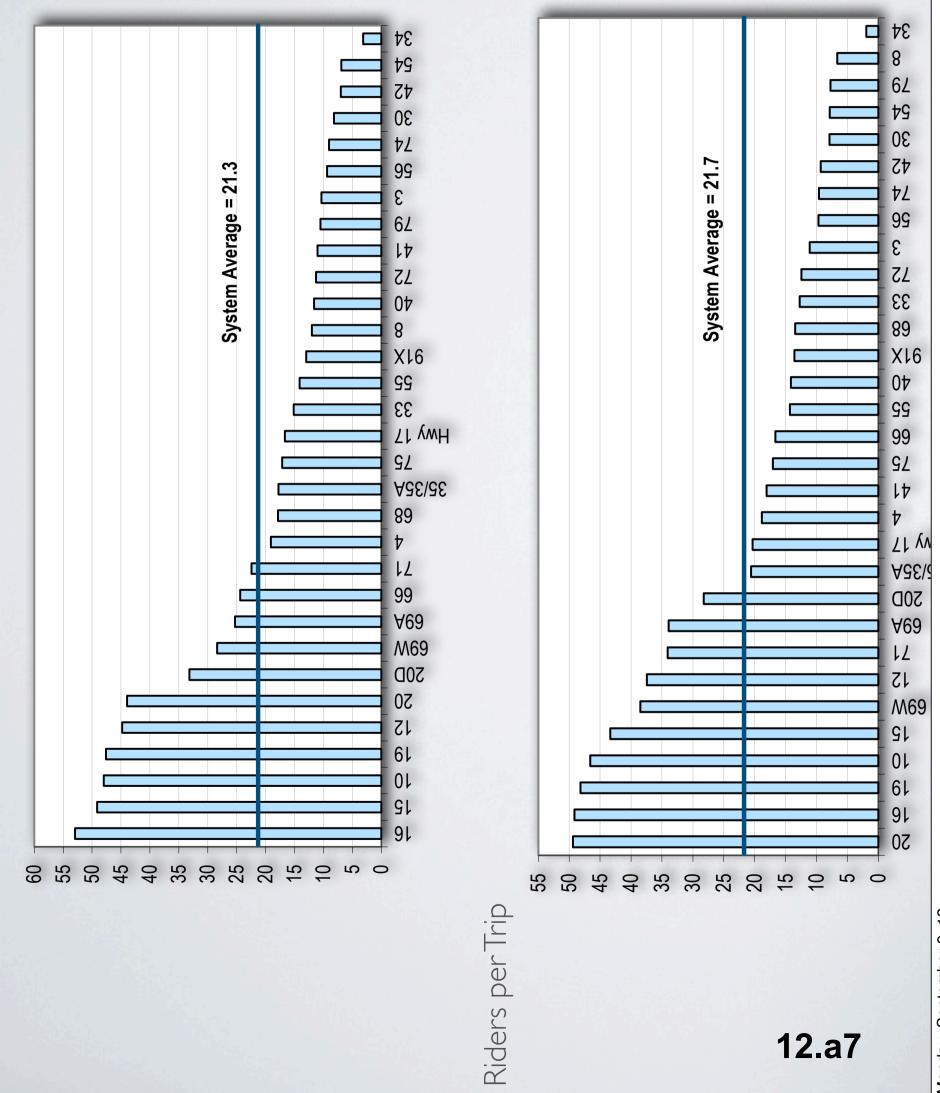
Accessing Transit











Riders per Revenue Hour

ON-TIME PERFORMANCE

System Wide:

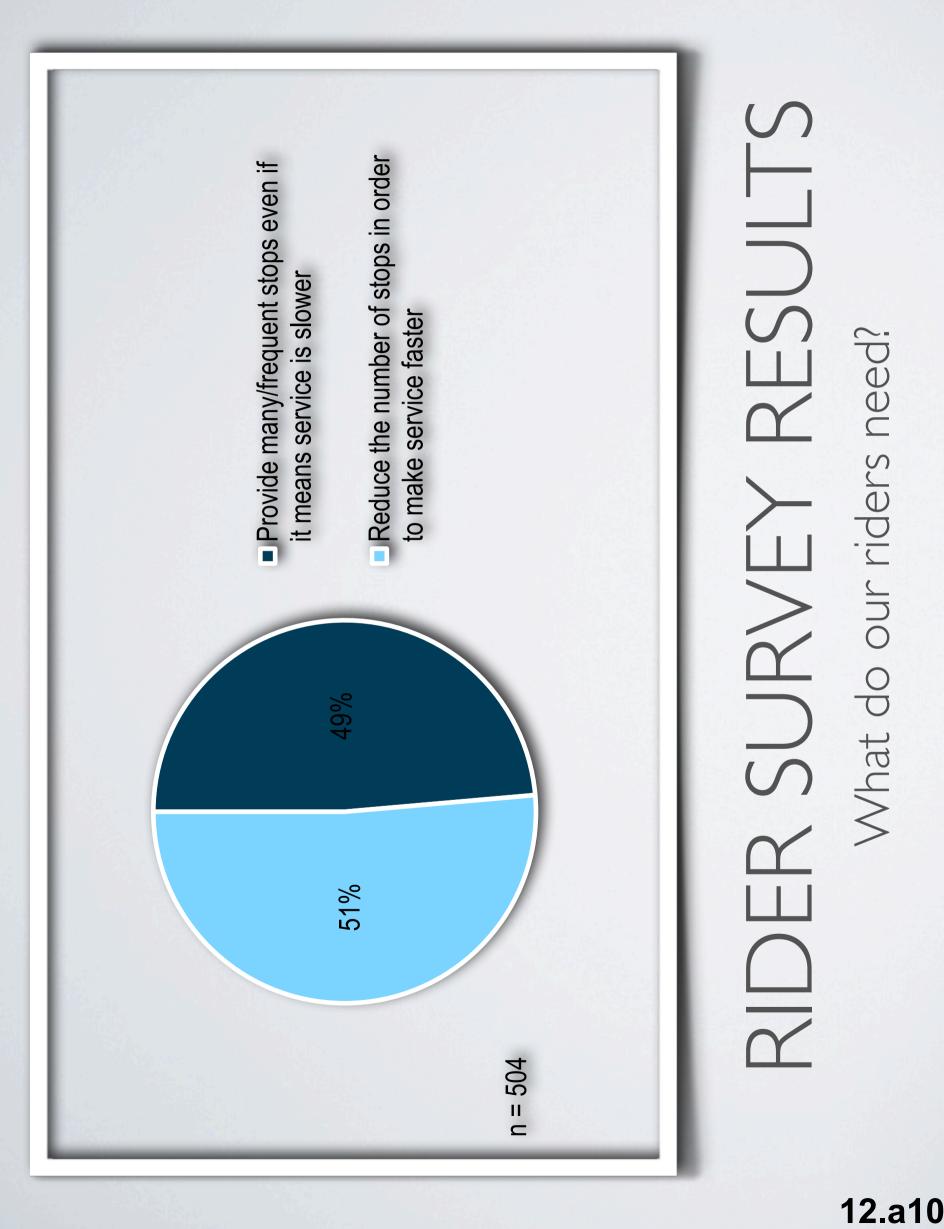
- 70% on time
 - 8% early
- |4% |ate (>5-|0min)
 - 8% missed(>10min)

Mainline Routes:

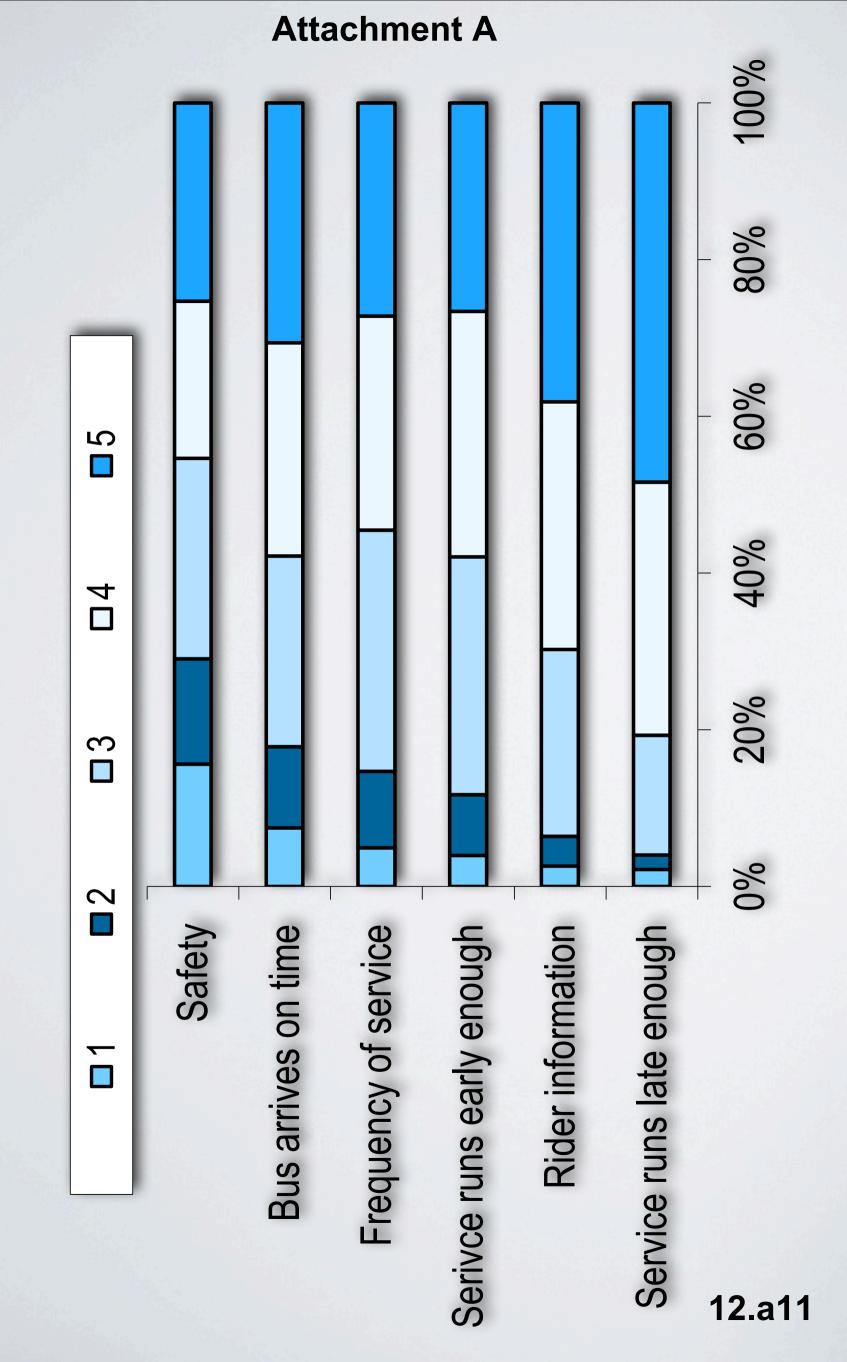
- Route 66: 91% on time
 - Route 68: 70% on time
- Route 69A/W: 62% on time
 - Route 71: 50% on time
- Route 91X: 67% on time



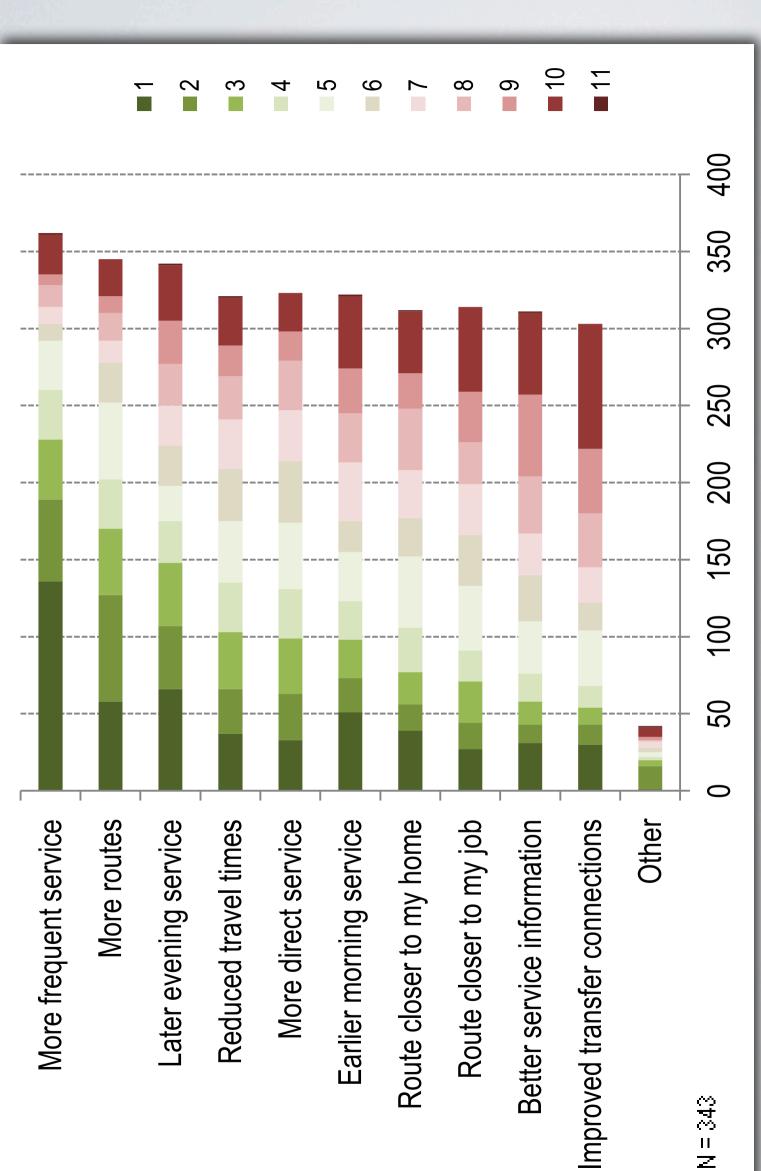
The recession and service fluctuations have greatly impacted everall performance.







PRIORITIES FOR IMPROVEMENTS





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DATA

Santa Cruz METRO has limited Data:

- Lack of GPS system cannot monitor on-time performance
- Using farebox data for ridership isn't always accurate
- No boarding / alighting data per stop
- Lack of regularly performed ridership surveys

The SRTP will address strategies to address these needs the Capital Element of the plan

SERVICE POLICIES

Santa Cruz METRO has a need to adopt a set of service planning policies to guide the agency.

Four Elements:

- Transit-Emphasis Corridors
- Performance Standards and Review
- Route Deviation Standards
- Bus Stop Spacing Standards •15.a12



UCSC:

- Standardize and operate Routes 15 and 16 every fifteen minutes
 - Increase the number of "short" Route 15 and 16
- Pursue alternative scheduling practices Headways based schedules
 - Exchange Route 12 for Route 68

Local Santa Cruz:

- Conduct a performance review on Route 3
 - Realign Routes 4 and 8

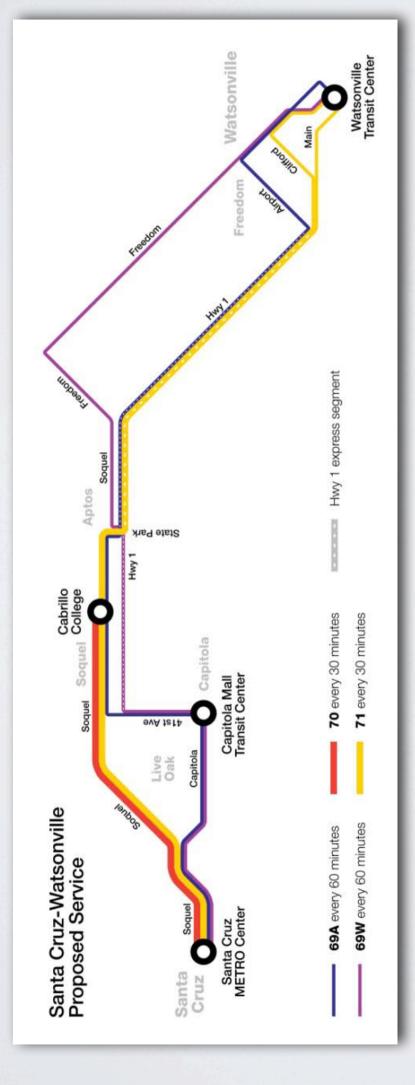
Mid-County:

- Reallocated the Route 54 to establish weekend service of Route 55 Reallocate the Route 54 to add additional trip of Route 56



Cabrillo / South County:

- Realign Route 71 to incorporate the Transit-Emphasis Corridors (Soquel Ave, Main St.)
 - South of State Park Dr. realign Route 71 and Route 69W
 - Reallocate Route 91X to restore the Route 70



Realign The Highway 17 Express to use Soquel and Ocean St. to access Hwy 17 Realign Route 35/35A to use Soquel and Ocean St. to access Hwy 17 Highway 17 & SLV:

Establishes Ocean Street as a Transit-Emphasis Corridor

NEXT STEPS

Remaining Elements of the SRTP:

- Financial Plan
- Capital/Fleet Plan
 - Marketing Study
- Implementation Plan

Next round of Stakeholder Interviews and Committee Presentations in early/mid October. First presentation of the Full Draft SRTP is scheduled for mid Under 12.a18